

By Mr. CARDIN (for himself and Mr. BURR):

S. Res. 602. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month 2010; considered and agreed to.

By Mr. SPECTER (for himself, Mr. LUGAR, Mr. LEAHY, Mr. BURR, Mr. BAYH, Mr. PRYOR, Mr. BURRIS, Mrs. LINCOLN, Mr. DORGAN, Mrs. GILLIBRAND, Mr. DURBIN, Mr. BOND, Mrs. MCCASKILL, Mr. BENNETT, Mr. CASEY, Mr. COCHRAN, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. CANTWELL, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, and Mr. COBURN):

S. Res. 603. A resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as "Citizen Diplomacy Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 1643

At the request of Ms. SNOWE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1643, a bill to amend the Internal Revenue Code of 1986 to allow a credit for the conversion of heating using oil fuel to using natural gas or biomass feedstocks, and for other purposes.

S. 3034

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3669

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3669, a bill to increase criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. RES. 579

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

AMENDMENT NO. 4567

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4567 proposed to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3680. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Family and Medical Leave Inclusion Act. This is a bill—previously introduced in the House of Representatives on a bipartisan basis—that would extend the important protections of the Family and Medical Leave Act to same-sex couples in America. Under current law, it is impossible for many employees to be with their partners during times of medical need.

The late Senator Edward Kennedy once said, "It is wrong for our civil laws to deny any American the basic right to be part of a family, to have loved ones with whom to build a future and share life's joys and tears, and to be free from the stain of bigotry and discrimination."

America has a rich history of embracing those once discriminated against and making them part of our nation's family. All Americans—regardless of their background—are deserving of dignity and respect.

In 1993, Congress passed the Family and Medical Leave Act to, among other things, protect American workers facing either a personal health crisis, or that of a close family member.

Thanks to the FMLA, those people in the workforce who suffer a serious illness or significant injury are able to take time to heal, recover, follow their doctors' orders, and return to their jobs strong, healthy, and ready to be productive again. Most importantly, they know that they will still have jobs to return to, because those are protected by the law.

Likewise, workers who learn the terrible news that a child, a parent, or a spouse is sick or injured, and in need of help from a loved one, can provide that care and support knowing that their jobs are not in jeopardy for doing so.

In passing the FMLA, Congress followed the lead of many large and small businesses which had already recognized and addressed this need. These companies had put in place systems that gave their employees time to heal themselves or their family members, and ensured that those employees would return to work as soon as they could. In standing by their employees in a time of need, these companies accomplished three laudable goals: they eased the burden of those employees in crisis, they reassured the rest of their employees that they too would be covered should they find themselves in need of that protection, and they ensured the return of these skilled and trusted employees, sparing business the expense and effort of recruiting and training new people. It was a win-win strategy.

The FMLA took that model and its benefits and brought the majority of

the American workforce under the same protections.

Today, once again, we have the opportunity to learn from a number of forward-thinking, pioneering businesses—big and small and across the United States—who have taken it upon themselves to improve on the protections provided by law. While respecting the spirit and purpose of the FMLA, these companies have simply recognized the changing nature of the modern American family.

According to the Human Rights Campaign—a leading civil rights organization that strongly supports the Family and Medical Leave Inclusion Act—461 major American corporations, nine states, and the District of Columbia now extend FMLA benefits to include leave on behalf of a same-sex partner.

In 1993, the FMLA was narrowly tailored to apply only to those caring for a very close family member. The idea was to capture that inner circle of people, where the family member assuming the caretaker role would be one of very few, if not the only person, who could do so. That idea is still valid, and that idea has not changed.

What has changed are the people who might be in that inner circle. The nuclear American family has grown—sometimes by design, and sometimes by necessity. More and more, that inner circle of close family might include a grandparent or grandchild, siblings, or same-sex domestic partners in loving and committed relationships.

As the law stands right now, too many of these people are left outside of the protections of the FMLA.

Earlier this summer, the U.S. Department of Labor issued guidance clarifying that an individual serving as a parent, but who may not have a legal or biological relationship to a child, is eligible to take FMLA leave to care for that child or attend to a birth or adoption. As Labor Secretary Hilda Solis noted, "No one who intends to raise a child should be denied the opportunity to be present when that child is born simply because the state or an employer fails to recognize his or her relationship with the biological parent. . . . The Labor Department's action today sends a clear message to workers and employers alike: All families, including LGBT families, are protected by the FMLA."

I applaud the Labor Department and the Obama Administration for sending this important message, but unfortunately, the FMLA statute still does not allow an employee to take leave to care for a same-sex partner. We must act to truly make these important protections available to all families.

At times like these, when we as a nation are experiencing a difficult employment market, those with good jobs know the value of those jobs and are working as hard as they can to keep them. Those people should never have to weigh the value of their employment security against family duties to care for a loved one.