

109TH CONGRESS
1ST SESSION

H. R. 1993

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2005

Mr. HINOJOSA (for himself, Mr. EHLERS, Mr. LYNCH, Mr. PAYNE, Mr. KILDEE, Mr. HINCHEY, Mr. HOLT, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mr. MENENDEZ, Mr. DINGELL, Mr. OWENS, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. MEEHAN, Mr. RANGEL, Ms. KAPTUR, and Mr. TIERNEY) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Living Organ Donor
5 Job Security Act of 2005”.

1 **SEC. 2. LEAVE FOR LIVING ORGAN DONATION.**

2 (a) LEAVE REQUIREMENT.—Section 102(a)(1) of the
3 Family and Medical Leave Act of 1993 (29 U.S.C.
4 2612(a)) and section 6382(a)(1) of title 5, United States
5 Code, are each amended by adding at the end the following
6 new subparagraph:

7 “(E) In order to provide a living organ do-
8 nation, including time spent for—

9 “(i) tests used to determine whether
10 the eligible employee is medically suitable
11 for live organ donation;

12 “(ii) physical, psychological, and social
13 evaluations of the live donor;

14 “(iii) pretransplant outpatient serv-
15 ices;

16 “(iv) postoperative inpatient and out-
17 patient transplantation services;

18 “(v) travel in connection with tests,
19 evaluations, and services described in
20 clauses (i) through (iv); and

21 “(vi) recuperation consistent with the
22 type of transplant performed.”.

23 (b) CERTIFICATION.—

24 (1) NON-FEDERAL EMPLOYEES.—The Family
25 and Medical Leave Act of 1993 (29 U.S.C. 2611 et
26 seq.) is further amended by striking “section

1 102(a)(1)(D)” and inserting “subparagraph (D) or
2 (E) of section 102(a)(1)” in the following sections,
3 respectively:

4 (A) Section 103(b)(4)(B) (29 U.S.C.
5 2613(b)(4)(B)).

6 (B) Section 104(c)(3)(A)(ii) (29 U.S.C.
7 2614(c)(3)(A)(ii)).

8 (2) FEDERAL EMPLOYEES.—Section
9 6383(b)(4)(B) of title 5, United States Code is
10 amended by striking “section 6382(a)(1)(D)” and
11 inserting “subparagraph (D) or (E) of section
12 6382(a)(1)”.

13 (c) CONFORMING AMENDMENTS.—

14 (1) NON-FEDERAL EMPLOYEES.—The Family
15 and Medical Leave Act of 1993 (29 U.S.C. 2611 et
16 seq.) is further amended—

17 (A) by striking “(C) or (D)” each place it
18 appears and inserting “(C), (D), or (E)” in—

19 (i) section 102(b)(1) and (2) (29
20 U.S.C. 2612(b)(1) and (2));

21 (ii) section 102(e)(2) (29 U.S.C.
22 2612(e)(2));

23 (iii) section 103(c)(1) (29 U.S.C.
24 2613(c)(1));

1 (iv) section 104(c)(2)(B)(i) (29
2 U.S.C. 2614(c)(2)(B)(i)); and

3 (v) section 108(c)(1) (29 U.S.C.
4 2618(c)(1));

5 (B) by inserting “(including living organ
6 donation)” after “planned medical treatment”
7 in—

8 (i) section 102(b)(2) and (e)(2) (29
9 U.S.C. 2612(b)(2) and (e)(2));

10 (ii) section 103(b)(5) (29 U.S.C.
11 2613(b)(5)); and

12 (iii) section 108(c)(1) (29 U.S.C.
13 2618(c)(1)), in the matter preceding sub-
14 paragraph (A); and

15 (C) in section 104(a)(4) (29 U.S.C.
16 2614(a)(4)), by striking “section 102(a)(1)(D)”
17 and inserting “subparagraph (D) or (E) of sec-
18 tion 102(a)(1)”.

19 (2) FEDERAL EMPLOYEES.—Title 5, United
20 States Code, is further amended—

21 (A) by striking “(C) or (D)” each place it
22 appears and inserting “(C), (D), or (E)” in—

23 (i) section 6382(b)(2) and (e)(2); and

24 (ii) section 6383(a);

1 (B) in section 6382(d), by striking “or
2 (D)” and inserting “(D), or (E)”;

3 (C) in section 6383(b)(5), by inserting
4 “(including living organ donation)” after
5 “planned medical treatment”; and

6 (D) in section 6384(d), by striking “sec-
7 tion 6382(a)(1)(D)” and inserting “subpara-
8 graph (D) or (E) of section 6382(a)(1)”.

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