

112TH CONGRESS
1ST SESSION

H. R. 2364

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Mrs. MALONEY (for herself, Mr. POLIS, Mr. TOWNS, Mr. GEORGE MILLER of California, Mr. STARK, Mr. FRANK of Massachusetts, Ms. NORTON, Mrs. DAVIS of California, Mr. CONNOLLY of Virginia, Mr. ISRAEL, Ms. WILSON of Florida, Mr. OLVER, Mr. SHERMAN, Mrs. CAPPES, Mr. SERRANO, Mr. NADLER, Mr. ENGEL, Ms. MOORE, Ms. LEE of California, Ms. CHU, and Mr. JACKSON of Illinois) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on House Administration and Oversight and Government Reform, 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 permit leave to care for a domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Family and Medical
3 Leave Inclusion Act”.

4 **SEC. 2. LEAVE TO CARE FOR A DOMESTIC PARTNER, PAR-**
5 **ENT-IN-LAW, ADULT CHILD, SIBLING, OR**
6 **GRANDPARENT.**

7 (a) DEFINITIONS.—

8 (1) INCLUSION OF GRANDPARENTS, GRAND-
9 CHILDREN, PARENTS-IN-LAW, SIBLINGS, AND DO-
10 MESTIC PARTNERS.—Section 101 of such Act is fur-
11 ther amended by adding at the end the following:

12 “(20) DOMESTIC PARTNER.—The term ‘domes-
13 tic partner’ means—

14 “(A) the person recognized as the domestic
15 partner of the employee under any domestic
16 partner registry or civil union laws of the State
17 or political subdivision of a State where the em-
18 ployee resides, or who is lawfully married to the
19 employee under the laws of the State where the
20 employee resides; or

21 “(B) in the case of an unmarried employee
22 who lives in a State where a person cannot
23 marry a person of the same sex under the laws
24 of the State, an unmarried adult person of the
25 same sex as the employee who is in a com-
26 mitted, personal relationship with the employee,

1 is not a domestic partner to any other person,
2 and who is designated to the employer by such
3 employee as that employee's domestic partner.

4 “(21) GRANDCHILD.—The term ‘grandchild’
5 means the son or daughter of an employee's son or
6 daughter.

7 “(22) GRANDPARENT.—The term ‘grandparent’
8 means a parent of a parent of an employee.

9 “(23) PARENT-IN-LAW.—The term ‘parent-in-
10 law’ means a parent of the spouse or domestic part-
11 ner of an employee.

12 “(24) SIBLING.—The term ‘sibling’ means any
13 person who is a son or daughter of an employee's
14 parent.

15 “(25) SON-IN-LAW AND DAUGHTER-IN-LAW.—
16 The terms ‘son-in-law’ and ‘daughter-in-law’, used
17 with respect to an employee, means any person who
18 is a spouse or domestic partner of a son or daughter
19 of the employee.”.

20 (2) INCLUSION OF ADULT CHILDREN AND CHIL-
21 DREN OF A DOMESTIC PARTNER.—Section 101(12)
22 of such Act (29 U.S.C. 2611(12)) is amended—

23 (A) by inserting “a child of an individual's
24 domestic partner,” after “a legal ward,”; and

1 (B) by striking “who is—” and all that
2 follows and inserting “and includes an adult
3 child”.

4 (b) LEAVE REQUIREMENT.—Section 102 of the Fam-
5 ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is
6 amended—

7 (1) in subsection (a)(1)(C), by striking “spouse,
8 or a son, daughter, or parent of the employee, if
9 such spouse, son, daughter, or parent” and inserting
10 “spouse or domestic partner, or a son, daughter,
11 parent, parent-in-law, grandparent, grandchild, or
12 sibling, of the employee if such spouse, domestic
13 partner, son, daughter, parent, parent-in-law, grand-
14 parent, grandchild, or sibling”;

15 (2) in subsection (a)(1)(E), by striking “spouse,
16 or a son, daughter, or parent” and inserting “spouse
17 or domestic partner, or a son, daughter, parent, par-
18 ent-in-law, grandchild, or sibling”;

19 (3) in subsection (a)(3), by striking “spouse,
20 son, daughter, parent,” and inserting “spouse or do-
21 mestic partner, son, daughter, son-in-law, daughter-
22 in-law, parent, parent-in-law, grandparent, or sib-
23 ling,”;

24 (4) in subsection (e)(2)(A), by striking “spouse,
25 parent,” and inserting “spouse or domestic partner,

1 parent, parent-in-law, grandparent, grandchild, sib-
2 ling,”;

3 (5) in subsection (e)(3), by striking “spouse, or
4 a son, daughter, or parent,” and inserting “spouse
5 or domestic partner, or a son, daughter, parent, par-
6 ent-in-law, grandchild, or sibling,”; and

7 (6) in subsection (f)—

8 (A) in the matter preceding subparagraph
9 (A), by inserting “or domestic partners” after
10 “husband and wife”; and

11 (B) in subparagraph (B), by inserting “or
12 parent-in-law” after “parent”.

13 (c) CERTIFICATION.—Section 103 of the Family and
14 Medical Leave Act of 1993 (29 U.S.C. 2613) is amend-
15 ed—

16 (1) in subsection (a), by striking “spouse, or
17 parent” and inserting “spouse or domestic partner,
18 parent, parent-in-law, grandparent, grandchild, or
19 sibling”;

20 (2) in subsection (b)(4)(A), by striking “spouse,
21 or parent and an estimate of the amount of time
22 that such employee is needed to care for the son,
23 daughter, spouse, or parent” and inserting “spouse
24 or domestic partner, parent, parent-in-law, grand-
25 parent, grandchild, or sibling and an estimate of the

1 amount of time that such employee is needed to care
2 for such son, daughter, spouse or domestic partner,
3 parent, parent-in-law, grandparent, or sibling”; and

4 (3) in subsection (b)(7), by striking “parent, or
5 spouse” and inserting “spouse or domestic partner,
6 parent, parent-in-law, grandparent, or sibling”.

7 (d) EMPLOYMENT AND BENEFITS PROTECTION.—
8 Section 104(c)(3) of the Family and Medical Leave Act
9 of 1993 (29 U.S.C. 2614(c)(3)) is amended—

10 (1) in subparagraph (A)(i), by striking “spouse,
11 or parent” and inserting “spouse or domestic part-
12 ner, parent, parent-in-law, grandparent, or sibling”;
13 and

14 (2) in subparagraph (C)(ii), by striking
15 “spouse, or parent” and inserting “spouse or domes-
16 tic partner, parent, parent-in-law, grandparent, or
17 sibling”.

18 **SEC. 3. FEDERAL EMPLOYEES.**

19 (a) DEFINITIONS.—

20 (1) INCLUSION OF GRANDPARENTS, PARENTS-
21 IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Sec-
22 tion 6381 of title 5, United States Code, is amend-
23 ed—

24 (A) in paragraph (11) by striking “; and”
25 and inserting a semicolon;

1 (B) in paragraph (12), by striking the pe-
2 riod and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(13) the term ‘domestic partner’ means—

5 “(A) the person recognized as the domestic
6 partner of the employee under any domestic
7 partner registry or civil union laws of the State
8 or political subdivision of a State where the em-
9 ployee resides, or who is lawfully married to the
10 employee under the laws of the State where the
11 employee resides; or

12 “(B) in the case of an unmarried employee
13 who lives in a State where a person cannot
14 marry a person of the same sex under the laws
15 of the State, an unmarried adult person of the
16 same sex as the employee who is in a com-
17 mitted, personal relationship with the employee,
18 is not a domestic partner to any other person,
19 and who is designated to the employing agency
20 by such employee as that employee’s domestic
21 partner;

22 “(14) the term ‘parent-in-law’ means a parent
23 of the spouse or domestic partner of an employee;

24 “(15) the term ‘grandchild’ means the son or
25 daughter of an employee’s son or daughter;

1 “(16) the term ‘grandparent’ means a parent of
2 a parent of an employee;

3 “(17) the term ‘sibling’ means any person who
4 is a son or daughter of an employee’s parent; and

5 “(18) the terms ‘son-in-law and daughter-in-
6 law’, used with respect to an employee, means any
7 person who is a spouse or domestic partner of a son
8 or daughter of the employee.”.

9 (2) INCLUSION OF ADULT CHILDREN AND CHIL-
10 DREN OF A DOMESTIC PARTNER.—Section 6381(6)
11 of such title is amended—

12 (A) by inserting “a child of an individual’s
13 domestic partner,” after “a legal ward,”; and

14 (B) by striking “who is—” and all that
15 follows and inserting “and includes an adult
16 child”.

17 (b) LEAVE REQUIREMENT.—Section 6382 of title 5,
18 United States Code, is amended—

19 (1) in subsection (a)(1)(C), by striking “spouse,
20 or a son, daughter, or parent of the employee, if
21 such spouse, son, daughter, or parent” and inserting
22 “spouse or domestic partner, or a son, daughter,
23 parent, parent-in-law, grandparent, grandchild, or
24 sibling, of the employee if such spouse, domestic

1 partner, son, daughter, parent, parent-in-law, grand-
2 parent, grandchild, or sibling”;

3 (2) in subsection (a)(1)(E), by striking “spouse,
4 or a son, daughter, or parent” and inserting “spouse
5 or domestic partner, or a son, daughter, parent, par-
6 ent-in-law, grandchild, or sibling”;

7 (3) in subsection (a)(3), by striking “spouse,
8 son, daughter, parent,” and inserting “spouse or do-
9 mestic partner, son, daughter, son-in-law, daughter-
10 in-law, parent, parent-in-law, grandparent, sibling,”;

11 (4) in subsection (e)(2)(A), by striking “spouse,
12 parent,” and inserting “spouse or domestic partner,
13 parent, parent-in-law, grandparent, grandchild, sib-
14 ling,”; and

15 (5) in subsection (e)(3), by striking “spouse, or
16 a son, daughter, or parent,” and inserting “spouse
17 or domestic partner, or a son, daughter, parent, par-
18 ent-in-law, grandchild, or sibling,”.

19 (c) CERTIFICATION.—Section 6383 of title 5, United
20 States Code, is amended—

21 (1) in subsection (a), by striking “spouse, or
22 parent” and inserting “spouse or domestic partner,
23 parent, parent-in-law, grandparent, grandchild, or
24 sibling”; and

1 (2) in subsection (b)(4)(A), by striking “spouse,
2 or parent, and an estimate of the amount of time
3 that such employee is needed to care for such son,
4 daughter, spouse, or parent” and inserting “spouse
5 or domestic partner, parent, parent-in-law, grand-
6 parent, grandchild, or sibling and an estimate of the
7 amount of time that such employee is needed to care
8 for such son, daughter, spouse or domestic partner,
9 parent, parent-in-law, grandparent, grandchild, or
10 sibling”.

○