

107TH CONGRESS
2D SESSION

H. R. 4008

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

MARCH 19, 2002

Mrs. THURMAN (for herself and Mr. ANDREWS) 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 2002”.

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

7 (a) **LEAVE REQUIREMENT.**—Section 102(a) of the
8 Family and Medical Leave Act of 1993 (29 U.S.C.

1 2612(a)) and section 6382(a)(1) of title 5, United States
2 Code, are each amended by adding at the end the following
3 new subparagraph:

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

6 “(i) tests used to determine whether
7 the eligible employee is medically suitable
8 for live organ donation;

9 “(ii) physical, psychological, and social
10 evaluations of the live donor;

11 “(iii) pretransplant outpatient serv-
12 ices;

13 “(iv) postoperative inpatient and out-
14 patient transplantation services;

15 “(v) travel in connection with tests,
16 evaluations, and services described in
17 clauses (i) through (iv); and

18 “(vi) recuperation consistent with the
19 type of transplant performed.”.

20 (b) CERTIFICATION.—

21 (1) NON-FEDERAL EMPLOYEES.—The Family
22 and Medical Leave Act of 1993 (29 U.S.C. 2611 et
23 seq.) is further amended by striking “section
24 102(a)(1)(D)” and inserting “subparagraph (D) or
25 (E) of section 102(a)(1)” in the following sections:

1 (A) Section 103(b)(4)(B) (29 U.S.C.
2 2613(b)(4)(B)).

3 (B) Section 104(c)(3)(A)(ii) (29 U.S.C.
4 2614(c)(3)(A)(ii)).

5 (2) FEDERAL EMPLOYEES.—Section
6 6383(b)(4)(B) of title 5, United States Code is
7 amended by striking “section 6382(a)(1)(D)” and
8 inserting “subparagraph (D) or (E) of section
9 6382(a)(1)”.

10 (c) CONFORMING AMENDMENTS.—

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

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

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

18 (ii) section 102(e)(2) (29 U.S.C.
19 2612(e)(2));

20 (iii) section 103(c)(1) (29 U.S.C.
21 2613(c)(1));

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

24 (v) section 108(c)(1) (29 U.S.C.
25 2618(c)(1));

1 (B) by inserting “(including living organ
2 donation)” after “planned medical treatment”
3 in—

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

6 (ii) section 103(b)(5) (29 U.S.C.
7 2613(b)(5)); and

8 (iii) section 108(c)(1) (29 U.S.C.
9 2618(c)(1)), in the matter preceding sub-
10 paragraph (A); and

11 (C) in section 104(a)(4) (29 U.S.C.
12 2614(a)(4)), by striking “section 102(a)(1)(D)”
13 and inserting “subparagraph (D) or (E) of sec-
14 tion 102(a)(1)”.

15 (2) FEDERAL EMPLOYEES.—Title 5, United
16 States Code, 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 6382(b)(2) and (e)(2); and

20 (ii) section 6383(a);

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

23 (C) in section 6833(b)(5), by inserting
24 “(including living organ donation)” after
25 “planned medical treatment”; and

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

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