

119TH CONGRESS
1ST SESSION

S. _____

To provide paid family and medical leave benefits to certain individuals,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. GILLIBRAND (for herself, Mr. WYDEN, Ms. ALSOBROOKS, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Ms. BLUNT ROCHESTER, Mr. BOOKER, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Mr. FETTERMAN, Mr. GALLEGO, Ms. HASSAN, Mr. HEINRICH, Ms. HIRONO, Mr. KIM, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PADILLA, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mr. SCHIFF, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SLOTKIN, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNOCK, Ms. WARREN, Mr. WELCH, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide paid family and medical leave benefits to certain
individuals, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Family and Medical
5 Insurance Leave Act” or the “FAMILY Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CAREGIVING HOUR.—

4 (A) IN GENERAL.—The term “caregiving
5 hour” means, with respect to an individual, a 1-
6 hour period during which the individual en-
7 gaged in qualified caregiving.

8 (B) LIMITATIONS.—With respect to any
9 benefit period, an individual may not exceed a
10 number of caregiving hours equal to 12 times
11 the number of hours in a regular workweek of
12 the individual (as determined under subpara-
13 graph (C)).

14 (C) NUMBER OF HOURS IN A REGULAR
15 WORKWEEK.—For purposes of this Act, the
16 number of hours in a regular workweek of an
17 individual shall be the number of hours that the
18 individual regularly works in a week for all em-
19 ployers or as a self-employed individual (or reg-
20 ularly worked in the case of an individual who
21 is no longer working or whose total weekly
22 hours of work have been reduced) during the
23 month before the individual’s benefit period be-
24 gins (or prior to such month, if applicable in
25 the case of an individual who is no longer work-

1 ing or whose total weekly hours of work have
2 been reduced).

3 (2) COMMISSIONER.—The term “Commis-
4 sioner” means the Commissioner of Social Security.

5 (3) DEPUTY COMMISSIONER.—The term “Dep-
6 uty Commissioner” means the Deputy Commissioner
7 who heads the Office of Paid Family and Medical
8 Leave established under section 3(a).

9 (4) ELIGIBLE INDIVIDUAL.—The term “eligible
10 individual” means an individual who is entitled to a
11 benefit under section 4 for a particular month, upon
12 filing an application for such benefit for such month.

13 (5) NATIONAL AVERAGE WAGE INDEX.—The
14 term “national average wage index” has the mean-
15 ing given such term in section 209(k)(1) of the So-
16 cial Security Act (42 U.S.C. 409(k)(1)).

17 (6) QUALIFIED CAREGIVING.—

18 (A) IN GENERAL.—The term “qualified
19 caregiving” means any activity engaged in by
20 an individual, other than regular employment,
21 for a qualifying reason.

22 (B) QUALIFYING REASON.—

23 (i) IN GENERAL.—For purposes of
24 subparagraph (A), the term “qualifying

1 reason” means any of the following rea-
2 sons for taking leave:

3 (I) Any reason for which an eligi-
4 ble employee would be entitled to
5 leave under subparagraph (A), (B), or
6 (E) of paragraph (1) of section 102(a)
7 of the Family and Medical Leave Act
8 of 1993 (29 U.S.C. 2612(a)).

9 (II) In order to care for a quali-
10 fied family member of the individual,
11 if such qualified family member has a
12 serious health condition.

13 (III) Because of a serious health
14 condition that makes the individual
15 unable to perform the services re-
16 quired under the terms of their reg-
17 ular employment.

18 (IV) Because the individual, or a
19 qualified family member, is a victim of
20 family violence or a qualifying act of
21 violence, if the leave is for the indi-
22 vidual to do any of the following or to
23 assist the individual’s qualified family
24 member to, as a result of such vio-
25 lence, do any of the following:

1 (aa) Seek, receive, or secure
2 counseling.

3 (bb) Seek or secure tem-
4 porary or permanent relocation
5 or take steps to secure an exist-
6 ing home.

7 (cc) Seek, receive, or follow
8 up on assistance from a victim
9 services organization or agency
10 providing services to victims.

11 (dd) Seek legal assistance or
12 attend legal proceedings, includ-
13 ing preparation for or participa-
14 tion in any related administra-
15 tive, civil, or criminal legal pro-
16 ceedings or other related activi-
17 ties.

18 (ee) Seek medical attention
19 for physical or psychological in-
20 jury or disability caused or ag-
21 gravated by the qualifying act of
22 violence.

23 (ff) Enroll in a new school
24 or care arrangement.

1 (gg) Take other steps nec-
2 essary to protect or restore their
3 physical, mental, emotional, spir-
4 itual, and economic well-being or
5 the well-being of a qualified fam-
6 ily member recovering from a
7 qualifying act of violence.

8 (ii) QUALIFIED FAMILY MEMBER; SE-
9 RIOUS HEALTH CONDITION.—In this sub-
10 paragraph:

11 (I) QUALIFIED FAMILY MEM-
12 BER.—The term “qualified family
13 member” means, with respect to an
14 individual—

15 (aa) a spouse (including a
16 domestic partner in a civil union
17 or other registered domestic part-
18 nership recognized by a State) or
19 a parent of such spouse;

20 (bb) a child (regardless of
21 age) or a child’s spouse;

22 (cc) a parent or a parent’s
23 spouse;

24 (dd) a sibling or a sibling’s
25 spouse;

1 (ee) a grandparent, a grand-
2 child, or a spouse of a grand-
3 parent or grandchild; and

4 (ff) any other individual who
5 is related by blood or affinity and
6 whose association with the em-
7 ployee is equivalent of a family
8 relationship.

9 (II) SERIOUS HEALTH CONDI-
10 TION.—The term “serious health con-
11 dition” has the meaning given such
12 term in section 101(11) of the Family
13 and Medical Leave Act of 1993 (29
14 U.S.C. 2611(11)).

15 (iii) TREATMENT OF INDIVIDUALS
16 COVERED BY LEGACY STATE COMPREHEN-
17 SIVE PAID LEAVE PROGRAM.—

18 (I) IN GENERAL.—For purposes
19 of subparagraph (A), an activity en-
20 gaged in by an individual shall not be
21 considered as other than regular em-
22 ployment if, for the time during which
23 the individual was so engaged, the in-
24 dividual is taking leave from covered

1 employment under the law of a legacy
2 State (as defined in section 4(c)).

3 (II) UNEMPLOYED.—In the case
4 of an individual who is no longer em-
5 ployed, such individual shall be treat-
6 ed, for purposes of clause (i), as tak-
7 ing leave from covered employment
8 under the law of a legacy State (as so
9 defined) with respect to the portion of
10 the time during which the individual
11 was engaged in an activity for a quali-
12 fying reason corresponding to the
13 share of the individual’s workweek
14 that was in covered employment under
15 the law of a legacy State (as so de-
16 fined).

17 (C) OTHER DEFINITIONS.—For purposes
18 of this paragraph:

19 (i) CHILD.—The term “child” means,
20 regardless of age, a biological, foster, or
21 adopted child, a stepchild, a child of a do-
22 mestic partner, a legal ward, or a child of
23 a person standing in loco parentis.

24 (ii) DOMESTIC PARTNER.—

1 (I) IN GENERAL.—The term “do-
2 mestic partner”, with respect to an in-
3 dividual, means another individual
4 with whom the individual is in a com-
5 mitted relationship.

6 (II) COMMITTED RELATIONSHIP
7 DEFINED.—The term “committed re-
8 lationship” means a relationship be-
9 tween 2 individuals, each at least 18
10 years of age, in which each individual
11 is the other individual’s sole domestic
12 partner and both individuals share re-
13 sponsibility for a significant measure
14 of each other’s common welfare. The
15 term includes any such relationship
16 between 2 individuals, including indi-
17 viduals of the same sex, that is grant-
18 ed legal recognition by a State or po-
19 litical subdivision of a State as a mar-
20 riage or analogous relationship, in-
21 cluding a civil union or domestic part-
22 nership.

23 (iii) DATING VIOLENCE.—The term
24 “dating violence” has the meaning given
25 the term in section 40002(a) of the Vio-

1 lence Against Women Act of 1994 (34
2 U.S.C. 12291(a)).

3 (iv) DOMESTIC VIOLENCE.—The term
4 “domestic violence” has the meaning given
5 the term in section 40002(a) of the Vio-
6 lence Against Women Act of 1994 (34
7 U.S.C. 12291(a)), except that the ref-
8 erence in such section to the term “juris-
9 diction receiving grant funding” shall be
10 deemed to mean the jurisdiction in which
11 the victim lives or the jurisdiction in which
12 the employer involved is located.

13 (v) PARENT.—The term “parent”
14 means a biological, foster, or adoptive par-
15 ent of an employee, a stepparent of an em-
16 ployee, parent-in-law, parent of a domestic
17 partner, or a legal guardian or other per-
18 son who stood in loco parentis to an em-
19 ployee when the employee was a child.

20 (vi) QUALIFYING ACT OF VIOLENCE.—
21 The term “qualifying act of violence”
22 means an act, conduct, or pattern of con-
23 duct that could constitute any of the fol-
24 lowing:

25 (I) Dating violence.

11

1 (II) Domestic violence.

2 (III) Family violence.

3 (IV) Sexual assault.

4 (V) Sex trafficking.

5 (VI) Stalking.

6 (VII) Other forms of gender-
7 based violence or harassment.

8 (VIII) An act, conduct, or pat-
9 tern of conduct—

10 (aa) in which an individual
11 causes or threatens to cause bod-
12 ily injury or death to another in-
13 dividual;

14 (bb) in which an individual
15 exhibits, draws, brandishes, or
16 uses a firearm, or other dan-
17 gerous weapon, with respect to
18 another individual; or

19 (cc) in which an individual
20 uses, or makes a reasonably per-
21 ceived or actual threat to use,
22 force against another individual
23 to cause bodily injury or death.

24 (vii) SEXUAL ASSAULT.—The term
25 “sexual assault” has the meaning given the

1 term in section 40002(a) of the Violence
2 Against Women Act of 1994 (34 U.S.C.
3 12291(a)).

4 (viii) SEX TRAFFICKING.—The term
5 “sex trafficking” has the meaning given
6 the term in section 40002(a) of the Vio-
7 lence Against Women Act of 1994 (34
8 U.S.C. 12291(a)).

9 (ix) SPOUSE.—The term “spouse”,
10 with respect to an employee, has the mean-
11 ing given such term by the marriage laws
12 of the State in which the marriage was
13 celebrated.

14 (x) STALKING.—The term “stalking”
15 has the meaning given the term in section
16 40002(a) of the Violence Against Women
17 Act of 1994 (34 U.S.C. 12291(a)).

18 (xi) VICTIM SERVICES ORGANIZA-
19 TION.—The term “victim services organi-
20 zation” means a nonprofit, nongovern-
21 mental organization that provides assist-
22 ance to victims of qualifying acts of vio-
23 lence or advocates for such victims, includ-
24 ing—

25 (I) a rape crisis center;

1 (II) an organization carrying out
2 a prevention or treatment program for
3 qualifying acts of violence;

4 (III) an organization operating a
5 shelter or providing counseling serv-
6 ices; and

7 (IV) a legal services organization
8 or other organization providing assist-
9 ance through the legal process.

10 (7) SELF-EMPLOYMENT INCOME.—The term
11 “self-employment income” has the same meaning as
12 such term in section 211(b) of such Act (42 U.S.C.
13 411(b)).

14 (8) STATE.—The term “State” means any
15 State of the United States or the District of Colum-
16 bia or any territory or possession of the United
17 States.

18 (9) WAGES.—The term “wages” has the mean-
19 ing given such term in section 3121(a) of the Inter-
20 nal Revenue Code of 1986 for purposes of the taxes
21 imposed by sections 3101(b) and 3111(b) of such
22 Code (without regard to section 3121(u)(2)(C) of
23 such Code), except that such term also includes—

1 (A) compensation, as defined in section
2 3231(e) of such Code for purposes of the Rail-
3 road Retirement Tax Act; and

4 (B) unemployment compensation, as de-
5 fined in section 85(b) of such Code.

6 **SEC. 3. OFFICE OF PAID FAMILY AND MEDICAL LEAVE.**

7 (a) ESTABLISHMENT OF OFFICE.—There is estab-
8 lished within the Social Security Administration an office
9 to be known as the Office of Paid Family and Medical
10 Leave. The Office shall be headed by a Deputy Commis-
11 sioner who shall be appointed by the Commissioner.

12 (b) RESPONSIBILITIES OF DEPUTY COMMIS-
13 SIONER.—The Commissioner, acting through the Deputy
14 Commissioner, shall be responsible for—

15 (1) hiring personnel and making employment
16 decisions with regard to such personnel;

17 (2) issuing such regulations as may be nec-
18 essary to carry out the purposes of this Act;

19 (3) entering into cooperative agreements with
20 other agencies and departments to ensure the effi-
21 ciency of the administration of the program;

22 (4) determining eligibility for family and med-
23 ical leave insurance benefits under section 4;

24 (5) determining benefit amounts for each
25 month of such eligibility and making timely pay-

1 ments of such benefits to entitled individuals in ac-
2 cordance with such section;

3 (6) establishing and maintaining a system of
4 records relating to the administration of such sec-
5 tion;

6 (7) preventing fraud and abuse relating to such
7 benefits;

8 (8) providing information on request regarding
9 eligibility requirements, the claims process, benefit
10 amounts, maximum benefits payable, notice require-
11 ments, nondiscrimination rights, confidentiality, co-
12 ordination of leave under this Act and other laws,
13 collective bargaining agreements, and employer poli-
14 cies;

15 (9) annually providing employers a notice to in-
16 form employees of the availability of such benefits;

17 (10) annually making available to the public a
18 report that includes the number of individuals who
19 received such benefits, the purposes for which such
20 benefits were received, and an analysis of utilization
21 rates of such benefits by gender, race, ethnicity, and
22 income levels; and

23 (11) tailoring culturally and linguistically com-
24 petent education and outreach toward increasing uti-
25 lization rates of benefits under such section.

1 (c) AVAILABILITY OF DATA.—Notwithstanding any
2 other provision of law, the Commissioner shall make avail-
3 able to the Deputy Commissioner such data as the Com-
4 missioner determines necessary to enable the Deputy
5 Commissioner to effectively carry out the responsibilities
6 described in subsection (b).

7 (d) DATASHARING.—The Commissioner and the
8 heads of Federal agencies shall make good faith efforts
9 to enter into datasharing agreements to enable the Deputy
10 Commissioner to effectively carry out the responsibilities
11 described in subsection (b).

12 (e) REPORT TO CONGRESS.—Not later than 12
13 months after the date of enactment of this Act, the Com-
14 missioner shall submit to Congress a report including in-
15 formation on the following:

16 (1) Databases maintained by Federal agencies
17 that contain information necessary to carry out the
18 purposes of this Act, including information on any
19 congressional action needed to permit the Commis-
20 sioner to access such databases for such purposes.

21 (2) The feasibility of expediting the review of
22 applications under paragraph (1) of section 4(f) and
23 the payment of monthly benefit payments under
24 paragraph (2) of such section, including the effects

1 of establishing shorter time frames for such reviews
2 and payment in statute.

3 **SEC. 4. FAMILY AND MEDICAL LEAVE INSURANCE BENEFIT**

4 **PAYMENTS.**

5 (a) IN GENERAL.—

6 (1) REQUIREMENTS.—Every individual who—

7 (A) has filed an application for a family
8 and medical leave insurance benefit in accord-
9 ance with subsection (d);

10 (B) was engaged in qualified caregiving, or
11 anticipates being so engaged, during the period
12 that begins 90 days before the date on which
13 such application is filed and ends 30 days after
14 such date;

15 (C) has wages or self-employment income
16 at any time during the period—

17 (i) beginning with the most recent cal-
18 endar quarter that ends at least 4 months
19 prior to the beginning of the individual's
20 benefit period specified in subsection (c);
21 and

22 (ii) ending with the month before the
23 month in which such benefit period begins;
24 and

1 (D) has at least the specified amount of
2 wages and self-employment income during the
3 most recent 8-calendar quarter period that ends
4 at least 4 months prior to the beginning of the
5 individual's benefit period specified in sub-
6 section (c),

7 shall be entitled to such a benefit for each month in
8 such benefit period.

9 (2) SPECIFIED AMOUNT.—For purposes of
10 paragraph (1)(D), the specified amount shall be—

11 (A) if the benefit period begins in calendar
12 year 2026, \$2,000; and

13 (B) if the benefit period begins in any cal-
14 endar year after 2026, an amount equal to the
15 greater of—

16 (i) the specified amount applicable for
17 the preceding calendar year; or

18 (ii) an amount equal to the product
19 of—

20 (I) \$2,000; multiplied by

21 (II) an amount equal to the
22 quotient of—

23 (aa) the national average
24 wage index for the second cal-

1 endar year preceding such cal-
2 endar year; divided by
3 (bb) the national average
4 wage index for 2024.

5 (b) BENEFIT AMOUNT.—

6 (1) IN GENERAL.—Except as otherwise pro-
7 vided in this subsection, the benefit amount to which
8 an individual is entitled under this section for a
9 month shall be an amount equal to the product of—

10 (A) the greater of—

11 (i) the lesser of—

12 (I) an amount equal to the
13 monthly benefit rate determined
14 under paragraph (2); and

15 (II) the maximum benefit
16 amount determined under paragraph
17 (3); and

18 (ii) the minimum benefit amount de-
19 termined under paragraph (3); and

20 (B) the quotient (not greater than 1) ob-
21 tained by dividing the number of caregiving
22 hours of the individual in such month by the
23 product of—

24 (i) the number of hours in a regular
25 workweek of the individuals; and

1 (ii) the number of workweeks (includ-
2 ing partial workweeks) in such month.

3 (2) MONTHLY BENEFIT RATE.—

4 (A) IN GENERAL.—For purposes of this
5 subsection, the monthly benefit rate of an indi-
6 vidual shall be an amount equal to the sum
7 of—

8 (i) 85 percent of the individual's aver-
9 age monthly earnings to the extent that
10 such earnings do not exceed the amount
11 established for purposes of this clause by
12 subparagraph (B);

13 (ii) 69 percent of the individual's av-
14 erage monthly earnings to the extent that
15 such earnings exceed the amount estab-
16 lished for purposes of clause (i) but do not
17 exceed the amount established for purposes
18 of this clause by subparagraph (B); and

19 (iii) 50 percent of the individual's av-
20 erage monthly earnings to the extent that
21 such earnings exceed the amount estab-
22 lished for purposes of clause (ii) but do not
23 exceed the amount established for purposes
24 of this clause by subparagraph (B).

25 (B) AMOUNTS ESTABLISHED.—

1 (i) INITIAL AMOUNTS.—For individ-
2 uals whose benefit period begins in cal-
3 endar year 2026, the amount established
4 for purposes of clauses (i), (ii), and (iii) of
5 subparagraph (A) shall be \$1,257, \$3,500,
6 and \$6,200, respectively.

7 (ii) WAGE INDEXING.—For individ-
8 uals whose benefit period begins in any
9 calendar year after 2026, each of the
10 amounts so established shall equal the cor-
11 responding amount established for the cal-
12 endar year preceding such calendar year,
13 or, if larger, the product of the cor-
14 responding amount established with re-
15 spect to the calendar year 2026 and the
16 quotient obtained by dividing—

17 (I) the national average wage
18 index for the second calendar year
19 preceding such calendar year, by

20 (II) the national average wage
21 index for calendar year 2024.

22 (iii) ROUNDING.—Each amount estab-
23 lished under clause (ii) for any calendar
24 year shall be rounded to the nearest \$1,
25 except that any amount so established

1 which is a multiple of \$0.50 but not of \$1
2 shall be rounded to the next higher \$1.

3 (C) AVERAGE MONTHLY EARNINGS.—For
4 purposes of this subsection, the average month-
5 ly earnings of an individual shall be an amount
6 equal to $\frac{1}{12}$ of the wages and self-employment
7 income of the individual for the calendar year
8 in which such wages and self-employment in-
9 come are the highest among the most recent 3
10 calendar years.

11 (3) MAXIMUM AND MINIMUM BENEFIT
12 AMOUNTS.—

13 (A) IN GENERAL.—For individuals who
14 initially become eligible for family and medical
15 leave insurance benefits in the first full cal-
16 endar year after the date of enactment of this
17 Act, the maximum monthly benefit amount and
18 the minimum monthly benefit amount shall be
19 \$4,000 and \$580, respectively.

20 (B) WAGE INDEXING.—For individuals
21 who initially become eligible for family and
22 medical leave insurance benefits in any calendar
23 year after such first full calendar year the max-
24 imum benefit amount and the minimum benefit
25 amount shall be, respectively, the product of the

1 corresponding amount determined with respect
2 to the first calendar year under subparagraph
3 (A) and the quotient obtained by dividing—

4 (i) the national average wage index
5 for the second calendar year preceding the
6 calendar year for which the determination
7 is made, by

8 (ii) the national average wage index
9 for the second calendar year preceding the
10 first full calendar year after the date of en-
11 actment of this Act.

12 (4) MINIMUM CAREGIVING HOURS.—In a case
13 in which the number of caregiving hours of an indi-
14 vidual for a month is less than 4, the individual shall
15 be deemed to have zero caregiving hours for such
16 month.

17 (5) REDUCTION IN BENEFIT AMOUNT ON AC-
18 COUNT OF RECEIPT OF CERTAIN BENEFITS.—A ben-
19 efit under this section for a month shall be reduced
20 by the amount, if any, in certain benefits (as deter-
21 mined under regulations issued by the Commis-
22 sioner) as may be otherwise received by an indi-
23 vidual. For purposes of the preceding sentence, cer-
24 tain benefits include—

1 (A) periodic benefits on account of such in-
2 dividual's total or partial disability under a
3 workmen's compensation law or plan of the
4 United States or a State; and

5 (B) periodic benefits on account of an indi-
6 vidual's employment status under an unemploy-
7 ment law or plan of the United States or a
8 State.

9 (c) BENEFIT PERIOD.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), the benefit period specified in this sub-
12 section is the 12-month period that begins on the
13 1st day of the 1st month in which the individual—

14 (A) meets the criteria specified in subpara-
15 graphs (A) and (B) of subsection (a)(1); and

16 (B) would meet the criteria specified in
17 subparagraphs (C) and (D) of such subsection
18 if such subparagraphs were applied by sub-
19 stituting such 12-month period for each ref-
20 erence to the individual's benefit period.

21 (2) RETROACTIVE BENEFITS.—In the case of
22 an application for benefits under this section for
23 qualified caregiving in which the individual was en-
24 gaged at any time during the 90-day period pre-
25 ceding the date on which such application is sub-

1 mitted, the benefit period specified in this subsection
2 shall begin on the later of—

3 (A) the 1st day of the 1st month in which
4 the individual engaged in such qualified
5 caregiving; or

6 (B) the 1st day of the 1st month that be-
7 gins during such 90-day period,
8 and shall end on the date that is 365 days after the
9 1st day of the benefit period.

10 (d) APPLICATION.—An application for a family and
11 medical leave insurance benefit shall include—

12 (1) a statement that the individual was engaged
13 in qualified caregiving, or anticipates being so en-
14 gaged, during the period that begins 90 days before
15 the date on which the application is submitted or
16 within 30 days after such date;

17 (2) if the qualified caregiving described in the
18 statement in paragraph (1) is engaged in by the in-
19 dividual because of a serious health condition (as de-
20 fined in subclause (II) of section 2(5)(B)(ii)) of the
21 individual or a qualified family member (as defined
22 in subclause (I) of such section) of the individual, a
23 certification, issued by the health care provider
24 treating such serious health condition, that affirms
25 the information specified in paragraph (1) and con-

1 tains such information as the Commissioner shall
2 specify in regulations, which shall be no more than
3 the information that is required to be stated under
4 section 103(b) of the Family and Medical Leave Act
5 of 1993 (29 U.S.C. 2613(b));

6 (3) if such qualified caregiving is engaged in by
7 the individual for any other qualifying reason (as de-
8 fined in section 2(5)(B)(i)), a certification, issued by
9 a relevant authority determined under regulations
10 issued by the Commissioner, that affirms the cir-
11 cumstances giving rise to such reason; and

12 (4) an attestation from the applicant that his or
13 her employer has been provided with written notice
14 of the individual's intention to take family or med-
15 ical leave, if the individual has an employer, or to
16 the Commissioner in all other cases.

17 (e) INELIGIBILITY; DISQUALIFICATION.—

18 (1) INELIGIBILITY FOR BENEFIT.—An indi-
19 vidual shall be ineligible for a benefit under this sec-
20 tion for any month for which the individual is enti-
21 tled to—

22 (A) disability insurance benefits under sec-
23 tion 223 of the Social Security Act (42 U.S.C.
24 423) or a similar permanent disability program
25 under any law or plan of a State or political

1 subdivision or instrumentality of a State (as
2 such terms are used in section 218 of the Social
3 Security Act (42 U.S.C. 418));

4 (B) monthly insurance benefits under sec-
5 tion 202 of such Act (42 U.S.C. 402) based on
6 such individual's disability (as defined in sec-
7 tion 223(d) of such Act (42 U.S.C. 423(d))); or

8 (C) benefits under title XVI of such Act
9 (42 U.S.C. 1381 et seq.) based on such individ-
10 ual's status as a disabled individual (as deter-
11 mined under section 1614 of such Act (42
12 U.S.C. 1382c)).

13 (2) DISQUALIFICATION.—An individual who has
14 been convicted of a violation under section 208 of
15 the Social Security Act (42 U.S.C. 408) or who has
16 been found to have used false statements to secure
17 benefits under this section, shall be ineligible for
18 benefits under this section for a 1-year period fol-
19 lowing the date of such conviction.

20 (f) REVIEW OF ELIGIBILITY AND BENEFIT PAYMENT
21 DETERMINATIONS.—

22 (1) ELIGIBILITY DETERMINATIONS.—

23 (A) IN GENERAL.—The Commissioner
24 shall provide notice to an individual applying
25 for benefits under this section of the initial de-

1 termination of eligibility for such benefits, and
2 the estimated benefit amount for a month in
3 which four caregiving hours of the individual
4 occur, as soon as practicable after the applica-
5 tion is received.

6 (B) REVIEW.—An individual may request
7 review of an initial adverse determination with
8 respect to such application at any time before
9 the end of the 20-day period that begins on the
10 date notice of such determination is received,
11 except that such 20-day period may be extended
12 for good cause. As soon as practicable after the
13 individual requests review of the determination,
14 the Commissioner shall provide notice to the in-
15 dividual of a final determination of eligibility
16 for benefits under this section.

17 (2) BENEFIT PAYMENT DETERMINATIONS.—

18 (A) IN GENERAL.—The Commissioner
19 shall make any monthly benefit payment to an
20 individual claiming benefits for a month under
21 this section, or provide notice of the reason
22 such payment will not be made if the Commis-
23 sioner determines that the individual is not en-
24 titled to payment for such month, not later
25 than 20 days after the individual's monthly

1 benefit claim report for such month is received.
2 Such monthly report shall be filed with the
3 Commissioner not later than 15 days after the
4 end of each month.

5 (B) REVIEW.—If the Commissioner deter-
6 mines that payment will not be made to an in-
7 dividual for a month, or if the Commissioner
8 determines that payment shall be made based
9 on a number of caregiving hours in the month
10 inconsistent with the number of caregiving
11 hours in the monthly benefit claim report of the
12 individual for such month, the individual may
13 request review of such determination at any
14 time before the end of the 20-day period that
15 begins on the date notice of such determination
16 is received, except that such 20-day period may
17 be extended for good cause. Not later than 20
18 days after the individual requests review of the
19 determination, the Commissioner shall provide
20 notice to the individual of a final determination
21 of payment for such month, and shall make
22 payment to the individual of any additional
23 amount not included in the initial payment to
24 the individual for such month to which the

1 Commissioner determines the individual is enti-
2 tled.

3 (3) BURDEN OF PROOF.—An application for
4 benefits under this section and a monthly benefit
5 claim report of an individual shall each be presumed
6 to be true and accurate, unless the Commissioner
7 demonstrates by a preponderance of the evidence
8 that information contained in the application is
9 false.

10 (4) DEFINITION OF MONTHLY BENEFIT CLAIM
11 REPORT.—For purposes of this subsection, the term
12 “monthly benefit claim report” means, with respect
13 to an individual for a month, the individual’s report
14 to the Commissioner of the number of caregiving
15 hours of the individual in such month, which shall
16 be filed not later than 15 days after the end of each
17 month.

18 (5) REVIEW.—All final determinations of the
19 Commissioner under this subsection shall be review-
20 able according to the procedures set out in section
21 205 of the Social Security Act (42 U.S.C. 405).

22 (g) RELATIONSHIP WITH STATE LAW; EMPLOYER
23 BENEFITS.—

24 (1) IN GENERAL.—This section does not pre-
25 empt or supersede any provision of State or local

1 law that authorizes a State or local municipality to
2 provide paid family and medical leave benefits simi-
3 lar to the benefits provided under this section.

4 (2) GREATER BENEFITS ALLOWED.—Nothing
5 in this Act shall be construed to diminish the obliga-
6 tion of an employer to comply with any contract, col-
7 lective bargaining agreement, or any employment
8 benefit program or plan that provides greater paid
9 leave or other leave rights to employees than the
10 rights established under this Act.

11 (h) EMPLOYMENT AND BENEFITS PROTECTION AND
12 ENFORCEMENT.—

13 (1) EMPLOYMENT AND BENEFITS PROTEC-
14 TION.—

15 (A) IN GENERAL.—

16 (i) PROHIBITED ACTS.—It shall be
17 unlawful for any person to interfere with,
18 restrain, deny, or retaliate against an indi-
19 vidual because of the exercise of, or the at-
20 tempt to exercise, any right provided under
21 this section, including through—

22 (I) discharging or in any other
23 manner discriminating against (in-
24 cluding retaliating against) an indi-
25 vidual because the individual has ap-

1 plied for, indicated an intent to apply
2 for, or received family and medical
3 leave insurance benefits; or

4 (II) using the application for or
5 the receipt of such benefits as a nega-
6 tive factor in an employment action.

7 (ii) RESTORATION TO POSITION.—It
8 shall be interference with the right of an
9 individual for purposes of clause (i) for an
10 employer of the individual to, upon the
11 conclusion of any leave for which the indi-
12 vidual received a family and medical leave
13 insurance benefit under this section, fail
14 to—

15 (I) restore the individual to the
16 position of employment held by the in-
17 dividual when the leave commenced;
18 or

19 (II) restore the individual to an
20 equivalent position with equivalent
21 employment benefits, pay, and other
22 terms and conditions of employment.

23 (iii) MAINTENANCE OF HEALTH BEN-
24 EFITS.—It shall be interference with the
25 right of an individual for purposes of

1 clause (i) for an employer of the individual
2 to fail to maintain, for the duration of any
3 leave for which the individual received a
4 family and medical leave insurance benefit
5 under this section, coverage of the indi-
6 vidual under any group health plan (as de-
7 fined in section 5000(b)(1) of the Internal
8 Revenue Code of 1986) at the level and
9 under the conditions coverage would have
10 been provided if the individual had contin-
11 ued in employment continuously for the
12 duration of such leave.

13 (B) OPPOSING UNLAWFUL PRACTICES.—It
14 shall be unlawful for any employer to discharge
15 or in any other manner discriminate against
16 any individual for opposing any practice made
17 unlawful by this subsection.

18 (C) INTERFERENCE WITH PROCEEDINGS
19 OR INQUIRIES.—It shall be unlawful for any
20 person to discharge or in any other manner dis-
21 criminate against any individual because such
22 individual—

23 (i) has filed any charge, or has insti-
24 tuted or caused to be instituted any pro-

1 ceeding, under or related to this sub-
2 section;

3 (ii) has given, or is about to give, any
4 information in connection with any inquiry
5 or proceeding relating to any right pro-
6 vided under this section; or

7 (iii) has testified, or is about to tes-
8 tify, in any inquiry or proceeding relating
9 to any right provided under this section.

10 (D) REBUTTABLE PRESUMPTION OF RE-
11 TALIACTION.—Any adverse action (including any
12 action described in subparagraph (C) or (D))
13 taken against an employee within 12 months of
14 the employee taking any leave for which the in-
15 dividual received a family and medical leave in-
16 surance benefit under this section shall estab-
17 lish a rebuttable presumption that the action of
18 the employer is retaliating against such em-
19 ployee in violation of subparagraph (A)(i).

20 (E) NON-APPLICATION FOR NEW HIRES.—
21 Clauses (ii) and (iii) of subparagraph (A) shall
22 not apply to any individual during the 90-day
23 period beginning with the day the individual be-
24 gins work for an employer.

25 (2) CIVIL ACTION BY AN INDIVIDUAL.—

1 (A) LIABILITY.—Any person who violates
2 paragraph (1) shall be liable to any individual
3 employed by such person who is affected by the
4 violation—

5 (i) for damages equal to the sum of—

6 (I) the amount of—

7 (aa) any wages, salary, em-
8 ployment benefits, or other com-
9 pensation denied or lost to such
10 individual by reason of the viola-
11 tion; or

12 (bb) in a case in which
13 wages, salary, employment bene-
14 fits, or other compensation have
15 not been denied or lost to the in-
16 dividual, any actual monetary
17 losses sustained by the individual
18 as a direct result of the violation,
19 such as the cost of providing
20 care, up to a sum equal to 60
21 calendar days of wages or salary
22 for the individual;

23 (II) the interest on the amount
24 described in subclause (I) calculated
25 at the prevailing rate; and

1 (III) an additional amount as liq-
2 uidated damages equal to the sum of
3 the amount described in subclause (I)
4 and the interest described in sub-
5 clause (II), except that if a person
6 who has violated paragraph (1) proves
7 to the satisfaction of the court that
8 the act or omission which violated
9 paragraph (1) was in good faith and
10 that the person had reasonable
11 grounds for believing that the act or
12 omission was not a violation of para-
13 graph (1), such court may, in the dis-
14 cretion of the court, reduce the
15 amount of the liability to the amount
16 and interest determined under sub-
17 clauses (I) and (II), respectively; and
18 (ii) for such equitable relief as may be
19 appropriate, including employment, rein-
20 statement, and promotion.

21 (B) RIGHT OF ACTION.—An action to re-
22 cover the damages or equitable relief prescribed
23 in subparagraph (A) may be maintained against
24 any person in any Federal or State court of

1 competent jurisdiction by any individual for and
2 on behalf of—

3 (i) the individual; or

4 (ii) the individual and other individ-
5 uals similarly situated.

6 (C) FEES AND COSTS.—The court in such
7 an action shall, in addition to any judgment
8 awarded to the plaintiff, allow a reasonable at-
9 torney’s fee, reasonable expert witness fees, and
10 other costs of the action to be paid by the de-
11 fendant.

12 (D) LIMITATIONS.—The right provided by
13 subparagraph (B) to bring an action by or on
14 behalf of any individual shall terminate—

15 (i) on the filing of a complaint by the
16 Commissioner in an action under para-
17 graph (5) in which restraint is sought of
18 any further delay in the payment of the
19 amount described in subparagraph (A)(I)
20 to such individual by the person respon-
21 sible under subparagraph (A) for the pay-
22 ment; or

23 (ii) on the filing of a complaint by the
24 Commissioner in an action under para-
25 graph (3) in which a recovery is sought of

1 the damages described in subparagraph
2 (A)(I) owing to an individual by a person
3 liable under subparagraph (A),
4 unless the action described in clause (i) or (ii)
5 is dismissed without prejudice on motion of the
6 Commissioner.

7 (3) ACTION BY THE COMMISSIONER.—

8 (A) CIVIL ACTION.—The Commissioner
9 may bring an action in any court of competent
10 jurisdiction to recover the damages described in
11 paragraph (2)(A)(I).

12 (B) SUMS RECOVERED.—Any sums recov-
13 ered by the Commissioner pursuant to subpara-
14 graph (A) shall be held in a special deposit ac-
15 count and shall be paid, on order of the Com-
16 missioner, directly to each individual affected.
17 Any such sums not paid to an individual be-
18 cause of inability to do so within a period of 3
19 years shall be deposited into the Federal Family
20 and Medical Leave Insurance Trust Fund.

21 (4) LIMITATION.—

22 (A) IN GENERAL.—An action may be
23 brought under this subsection not later than 3
24 years after the date of the last event consti-

1 tuting the alleged violation for which the action
2 is brought.

3 (B) COMMENCEMENT.—An action brought
4 by the Commissioner under this subsection shall
5 be considered to be commenced on the date
6 when the complaint is filed.

7 (5) ACTION FOR INJUNCTION BY COMMIS-
8 SIONER.—The district courts of the United States
9 shall have jurisdiction, for cause shown, in an action
10 brought by the Commissioner—

11 (A) to restrain violations of paragraph (1),
12 including the restraint of any withholding of
13 payment of wages, salary, employment benefits,
14 or other compensation, plus interest, found by
15 the court to be due to an individual; or

16 (B) to award such other equitable relief as
17 may be appropriate, including employment, re-
18 instatement, and promotion.

19 (i) APPLICABILITY OF CERTAIN SOCIAL SECURITY
20 ACT PROVISIONS.—The provisions of sections 204, 205,
21 206, and 208 of the Social Security Act shall apply to
22 benefit payments authorized by and paid out pursuant to
23 this section in the same way that such provisions apply
24 to benefit payments authorized by and paid out pursuant
25 to title II of such Act.

1 (j) EFFECTIVE DATE FOR APPLICATIONS.—Applica-
2 tions described in this section may be filed beginning 18
3 months after the date of enactment of this Act.

4 **SEC. 5. FUNDING FOR STATE ADMINISTRATION OPTION**
5 **FOR LEGACY STATES.**

6 (a) IN GENERAL.—

7 (1) PAYMENTS TO LEGACY STATES.—In each
8 calendar year beginning with calendar year 2027,
9 the Commissioner shall make a grant to each State
10 that, for the calendar year preceding such calendar
11 year, was a legacy State and that met the data shar-
12 ing requirements of subsection (e), in an amount
13 equal to the lesser of—

14 (A) an amount, as estimated by the Com-
15 missioner, equal to the total amount of com-
16 prehensive paid leave benefits that would have
17 been paid under section 4 (including the costs
18 to the Commissioner to administer such bene-
19 fits, not to exceed (for purposes of estimating
20 such total amount under this subparagraph) 7
21 percent of the total amount of such benefits
22 paid) to individuals who received paid family
23 and medical leave benefits under a State law
24 described in paragraph (1) or (3) of subsection
25 (b) during the calendar year preceding such cal-

1 endar year if the State had not been a legacy
2 State for such preceding calendar year; or

3 (B) an amount equal to the total cost of
4 paid family and medical leave benefits under a
5 State law described in paragraph (1) or (3) of
6 subsection (b) for the calendar year preceding
7 such calendar year, including—

8 (i) any paid family and medical leave
9 benefits provided by an employer (whether
10 directly, under a contract with an insurer,
11 or provided through a multiemployer plan)
12 as described in subsection (d); and

13 (ii) the full cost to the State of ad-
14 ministering such law (except that such cost
15 may not exceed 7 percent of the total
16 amount of paid family and medical leave
17 benefits paid under such State law).

18 (2) ESTIMATED PAYMENTS.—In any case in
19 which, during any calendar year, the Commissioner
20 has reason to believe that a State will be a legacy
21 State and meet the data sharing requirements of
22 subsection (e) for such calendar year, the Commis-
23 sioner may make estimated payments during such
24 calendar year of the grant which would be paid to
25 such State in the succeeding calendar year, to be ad-

1 justed as appropriate in the succeeding calendar
2 year.

3 (b) LEGACY STATE.—For purposes of this section,
4 the term “legacy State” for a calendar year means a State
5 with respect to which the Commissioner determines that—

6 (1) the State has enacted, not later than the
7 date of enactment of this Act, a State law that pro-
8 vides paid family and medical leave benefits;

9 (2) for any calendar year that begins before the
10 date that is 3 years after the date of enactment of
11 this Act, the State certifies to the Commissioner
12 that the State intends to remain a legacy State and
13 meet the data sharing requirements of subsection (e)
14 at least through the first calendar year that begins
15 on or after such date; and

16 (3) for any calendar year that begins on or
17 after such date, a State law of the State provides for
18 a State program to remain in effect throughout such
19 calendar year that provides comprehensive paid fam-
20 ily and medical leave benefits (which may be paid di-
21 rectly by the State or, if permitted under such State
22 law, by an employer pursuant to such State law)—

23 (A) for at least 12 full workweeks of leave
24 during each 12-month period to at least all of
25 those individuals in the State who would be eli-

1 gible for comprehensive paid leave benefits
2 under section 4 (without regard to section
3 2(5)(C)), except that the State shall provide
4 such benefits for leave from employment by the
5 State or any political subdivision thereof, and
6 may elect to provide such benefits for leave
7 from any other governmental employment; and

8 (B) at a wage replacement rate that is at
9 least equivalent to the wage replacement rate
10 under the comprehensive paid leave benefit pro-
11 gram under section 4 (without regard to section
12 2(5)(C)).

13 (c) COVERED EMPLOYMENT UNDER THE LAW OF A
14 LEGACY STATE.—For purposes of this Act, the term “cov-
15 ered employment under the law of a legacy State” means
16 employment (or self-employment) with respect to which an
17 individual would be eligible to receive paid family and med-
18 ical benefits under the State law of a State, as described
19 in paragraph (1) or (3) of subsection (b), during any pe-
20 riod during which such State is a legacy State.

21 (d) EMPLOYER-PROVIDED BENEFITS IN A LEGACY
22 STATE.—

23 (1) TREATMENT FOR PURPOSES OF THIS
24 TITLE.—In the case of a State that permits paid
25 family and medical leave benefits to be provided by

1 an employer (whether directly, under a contract with
2 an insurer, or provided through a multiemployer
3 plan) pursuant to a State law described in para-
4 graph (1) or (3) of subsection (b)—

5 (A) such benefits shall be considered, for
6 all purposes under this Act, paid family and
7 medical leave benefits under the law of a legacy
8 State; and

9 (B) leave for which such benefits are paid
10 shall be considered, for all such purposes, leave
11 from covered employment under the law of a
12 legacy State.

13 (2) DISTRIBUTION OF GRANT FUNDS.—In any
14 case in which paid family and medical leave benefits
15 are provided by 1 or more employers (whether di-
16 rectly, under a contract with an insurer, or provided
17 through a multiemployer plan) in a legacy State pur-
18 suant to a State law described in paragraph (1) or
19 (3) of subsection (b), the State, upon the receipt of
20 any grant amount under subsection (a), may dis-
21 tribute an appropriate share of such grant to each
22 such employer.

23 (e) DATA SHARING.—As a condition of receiving a
24 grant under subsection (a) in a calendar year, a State

1 shall enter into an agreement with the Commissioner
2 under which the State shall provide the Commissioner—

3 (1) with information, to be provided periodically
4 as determined by the Commissioner, concerning indi-
5 viduals who received a paid leave benefit under a
6 State law described in paragraph (1) or (3) of sub-
7 section (b), including—

8 (A) each individual's name;

9 (B) information to establish the individ-
10 ual's identity;

11 (C) dates for which such paid leave bene-
12 fits were paid;

13 (D) the amount of such paid leave benefit;
14 and

15 (E) to the extent available, such other in-
16 formation concerning such individuals as nec-
17 essary for the purpose of carrying out this sec-
18 tion and section 2(5)(C);

19 (2) not later than July 1 of such calendar year,
20 the amount needed to adjust payments as described
21 in subsection (a)(2) for the calendar year preceding
22 such calendar year; and

23 (3) such other information as needed to deter-
24 mine compliance with grant requirements.

1 **SEC. 6. REGULATIONS.**

2 The Commissioner, in consultation with the Secretary
3 of Labor, shall prescribe regulations necessary to carry out
4 this Act. In developing such regulations, the Commissioner
5 shall consider the input from a volunteer advisory body
6 comprised of not more than 15 individuals, including ex-
7 perts in the relevant subject matter and officials charged
8 with implementing State paid family and medical leave in-
9 surance programs. The Commissioner shall take such pro-
10 grams into account when proposing regulations. Such indi-
11 viduals shall be appointed as follows:

12 (1) Five individuals to be appointed by the
13 President.

14 (2) Three individuals to be appointed by the
15 majority leader of the Senate.

16 (3) Two individuals to be appointed by the mi-
17 nority leader of the Senate.

18 (4) Three individuals to be appointed by the
19 Speaker of the House of Representatives.

20 (5) Two individuals to be appointed by the mi-
21 nority leader of the House of Representatives.

22 **SEC. 7. GAO STUDY.**

23 (a) STUDY.—As soon as practicable after calendar
24 year 2026, and every 5 years thereafter, the Comptroller
25 General shall submit to Congress a report on family and
26 medical leave insurance benefits paid under section 4 for

1 any month during the covered period. The report shall in-
2 clude the following:

3 (1) An identification of the total number of ap-
4 plications for such benefits filed for any month dur-
5 ing the covered period, and the average number of
6 days occurring in the period beginning on the date
7 on which such an application is received and ending
8 on the date on which the initial determination of eli-
9 gibility with respect to the application is made.

10 (2) An identification of the total number of re-
11 quests for review of an initial adverse determination
12 of eligibility for such benefits made during the cov-
13 ered period, and the average number of days occur-
14 ring in the period beginning on the date on which
15 such review is requested and ending on the date on
16 which the final determination of eligibility with re-
17 spect to such review is made.

18 (3) An identification of the total number of
19 monthly benefit claim reports for such benefits filed
20 during the covered period, and the average number
21 of days occurring in the period beginning on the
22 date on which such a claim report is received and
23 ending on the date on which the initial determina-
24 tion of eligibility with respect to the claim report is
25 made.

1 (4) An identification of the total number of re-
2 quests for review of an initial adverse determination
3 relating to a monthly benefit claim report for such
4 benefits made during the covered period, and the av-
5 erage number of days occurring in the period begin-
6 ning on the date on which such review is requested
7 and ending on the date on which the final deter-
8 mination of eligibility with respect to such review is
9 made.

10 (5) An identification of any excessive delay in
11 any of the periods described in paragraphs (1)
12 through (4), including—

13 (A) a description of the causes for such
14 delay;

15 (B) information any correlation in such
16 delay to claimant demographics, industry sec-
17 tor, or qualifying reason.

18 (6) An identification of any additional data that
19 needs to be collected as part of the application proc-
20 ess for benefits to produce the report required under
21 this section.

22 (b) COVERED PERIOD.—In this section, the term
23 “covered period” means—

1 (1) with respect to the report due as soon as
2 practicable after calendar year 2026, such calendar
3 year; and

4 (2) with respect to the report due every 5 years
5 thereafter, the 5-calendar year period ending on De-
6 cember 31 of the year prior to the year in which
7 such report is due.