

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO THE COMMITTEE PRINT RELATING TO  
UNIVERSAL PAID FAMILY AND MEDICAL  
LEAVE**

**OFFERED BY M**     .

Strike the text of the committee print and insert the following:

1 **Subtitle A—Universal Paid Family**  
2 **and Medical Leave**

3 **SEC. 130001. PAID FAMILY AND MEDICAL LEAVE.**

4 The Social Security Act (42 U.S.C. 301 et seq.) is  
5 amended by adding at the end the following:

6 **“TITLE XXII—PAID FAMILY AND**  
7 **MEDICAL LEAVE BENEFITS**

8 **“SEC. 2201. TABLE OF CONTENTS.**

9 “The table of contents for this title is as follows:

“Sec. 2201. Table of contents.

“Sec. 2202. Paid family and medical leave benefit eligibility.

“Sec. 2203. Benefit amount.

“Sec. 2204. Benefit determination and payment.

“Sec. 2205. Appeals.

“Sec. 2206. Stewardship.

“Sec. 2207. Funding for benefit payments, grants, and program administration.

“Sec. 2208. Funding for outreach, public education, and research.

“Sec. 2209. Funding for State administration option for legacy States.

“Sec. 2210. Reimbursement option for employer-sponsored paid leave benefits.

“Sec. 2211. Funding for small business assistance.

“Sec. 2212. Definitions.

1 **“SEC. 2202. PAID FAMILY AND MEDICAL LEAVE BENEFIT**  
2 **ELIGIBILITY.**

3 “(a) ENTITLEMENT.—Every individual who—

4 “(1) has filed an application for a paid family  
5 and medical leave benefit in accordance with section  
6 2204(a);

7 “(2) has, or anticipates having, at least 4  
8 caregiving hours in a week ending at any time dur-  
9 ing the period that begins 90 days before the date  
10 on which such application is filed or not later than  
11 180 days after such date; and

12 “(3) has wages or self-employment income at  
13 any time during the period—

14 “(A) beginning with the most recent cal-  
15 endar quarter that ends at least 4 months prior  
16 to the beginning of the individual’s benefit pe-  
17 riod specified in subsection (b); and

18 “(B) ending with the month before the  
19 month in which such benefit period begins,  
20 shall be entitled to such a benefit for each month during  
21 such benefit period, except as otherwise provided in this  
22 section.

23 “(b) BENEFIT PERIOD.—

24 “(1) IN GENERAL.—Except as provided in para-  
25 graph (2), the benefit period specified in this sub-  
26 section is the period beginning with the month in

1 which ends the 1st week in which the individual has  
2 at least 4 caregiving hours and otherwise meets the  
3 criteria specified in paragraphs (1), (2), and (3) of  
4 subsection (a) and ending with the month in which  
5 ends the 52nd week ending during such period.

6 “(2) RETROACTIVE BENEFITS.—In the case of  
7 an application for benefits under this section with  
8 respect to an individual who has at least 4  
9 caregiving hours in a week at any time during the  
10 period that begins 90 days before the date on which  
11 such application is filed, the benefit period specified  
12 in this subsection is the period beginning with the  
13 later of—

14 “(A) the month in which ends the 1st week  
15 in which the individual has at least 4 caregiving  
16 hours; or

17 “(B) the 1st month that begins during  
18 such 90-day period,  
19 and ending with the month in which ends the 52nd  
20 week ending during such period.

21 “(3) LIMITATION.—Notwithstanding para-  
22 graphs (1) and (2), no benefit period under this title  
23 may begin with any month beginning prior to July  
24 2023.

25 “(c) CAREGIVING HOURS.—

1           “(1) CAREGIVING HOUR DEFINED.—For pur-  
2           poses of this title, the term ‘caregiving hour’ means  
3           a 1-hour period during which the individual engaged  
4           in qualified caregiving (determined on the basis of  
5           information filed with the Secretary pursuant to  
6           subsection (c) of section 2204).

7           “(2) QUALIFIED CAREGIVING.—

8           “(A) IN GENERAL.—For purposes of this  
9           subsection, the term ‘qualified caregiving’  
10          means any activity engaged in by an individual  
11          in lieu of work, other than for monetary com-  
12          pensation, for any reason described in para-  
13          graph (1) or (3) of section 102(a) of the Family  
14          and Medical Leave Act of 1993 (29 U.S.C.  
15          2612(a)), except that for purposes of this para-  
16          graph such section shall be applied—

17                 “(i) by treating such individual as the  
18                 employee referred to in such paragraph;

19                 “(ii) as if paragraph (1)(C) were  
20                 amended to read as follows:

21                 ““(C)(i) In order to care for a qualified  
22                 family member of the employee, if such quali-  
23                 fied family member has a serious health condi-  
24                 tion.

1           “(ii) For purposes of clause (i), the term  
2           “qualified family member” means, with respect  
3           to an employee—

4           “(I) a spouse (including a domestic  
5           partner in a civil union or other registered  
6           domestic partnership recognized by a  
7           State) and a spouse’s parent;

8           “(II) a child and a child’s spouse;

9           “(III) a parent and a parent’s  
10          spouse;

11          “(IV) a sibling and a sibling’s  
12          spouse;

13          “(V) a grandparent, a grandchild, or  
14          a spouse of a grandparent or grandchild;  
15          and

16          “(VI) any other individual who is re-  
17          lated by blood or affinity and whose asso-  
18          ciation with the employee is equivalent of  
19          a family relationship (as determined under  
20          regulations issued by the Secretary of the  
21          Treasury).’; and

22          “(iii) by treating the criterion in para-  
23          graph (1)(D) that an individual is ‘unable  
24          to perform the functions of the position of  
25          such employee’ because of a serious health

1 condition as a criterion that the individual  
2 is unable to satisfy the requirements need-  
3 ed to continue receiving the wages or self-  
4 employment income described in subsection  
5 (a)(3) with respect to the individual be-  
6 cause of such serious health condition;

7 “(iv) as if paragraph (1)(E) were  
8 amended to read as follows:

9 “(E) Because of any qualifying exigency  
10 (as the Secretary shall, by regulation, deter-  
11 mine) arising out of the fact that a qualified  
12 family member of the employee (as defined in  
13 subparagraph (C)(ii)) is on covered active duty  
14 (or has been notified of an impending call or  
15 order to covered active duty) in the Armed  
16 Forces.’; and

17 “(v) as if paragraph (1) were amend-  
18 ed by adding at the end the following:

19 “(G) Because of the death of a spouse,  
20 parent, or child of the employee.’.

21 “(vi) as if paragraph (3) were amend-  
22 ed by striking ‘the spouse, son, daughter,  
23 parent, or next of kin’ and inserting ‘a  
24 qualified family member of the employee  
25 (as defined in subparagraph (C)(ii))’.

1           “(B) NO MONETARY COMPENSATION PER-  
2           MITTED.—For purposes of subparagraph (A),  
3           an activity shall be considered to be engaged in  
4           by an individual for monetary compensation if  
5           the individual received any form of wage com-  
6           pensation from an employer, including paid va-  
7           cation, paid sick leave, and any other form of  
8           accrued paid time off (but not including any  
9           such form of accrued paid time off or any non-  
10          accrued paid family and medical leave benefits  
11          sponsored by an employer to the extent that the  
12          sum of such accrued or non-accrued paid leave  
13          and any paid family and medical leave benefits  
14          under section 2202 does not exceed 100 percent  
15          of the individual’s regular rate of pay (as deter-  
16          mined under section 7(e) of the Fair Labor  
17          Standards Act of 1938)), for the time during  
18          which the individual was so engaged.

19          “(C) TREATMENT OF INDIVIDUALS ELIGI-  
20          BLE FOR EMPLOYER SPONSORED PAID FAMILY  
21          AND MEDICAL LEAVE BENEFITS.—For purposes  
22          of subparagraph (A), an activity engaged in by  
23          an individual shall not be considered to be en-  
24          gaged in in lieu of work if, for the time during  
25          which the individual was so engaged, the indi-

1           vidual would be eligible for paid family and  
2           medical leave benefits under a program spon-  
3           sored by an employer who receives a grant with  
4           respect to such program under section 2210.

5           “(D) TREATMENT OF INDIVIDUALS EM-  
6           PLOYED IN LEGACY STATES.—For purposes of  
7           subparagraph (A), an activity engaged in by an  
8           individual shall not be considered to be engaged  
9           in in lieu of work if the time during which the  
10          individual was so engaged constitutes leave  
11          from employment for which the individual  
12          would be eligible to receive paid family or med-  
13          ical leave benefits under the law of a legacy  
14          State (as defined in section 2209(b)).

15          “(d) TREATMENT OF BEREAVEMENT LEAVE.—In the  
16          case of an activity engaged in by an individual in lieu of  
17          work for a reason described in paragraph (1)(G) of section  
18          102(a) of the Family and Medical Leave Act of 1993 (as  
19          such section is applied for purposes of paragraph (2) of  
20          subsection (c)), the total number of caregiving hours at-  
21          tributable to such activity, for each death described in  
22          such paragraph (1)(G), that may be credited under section  
23          2203(c) to weeks during the individual’s benefit period  
24          may not exceed  $\frac{3}{5}$  of the number of hours in the individ-



1 ual's regular workweek (within the meaning of section  
2 2203(d)).

3       “(e) NO CAREGIVING HOURS IN INDIVIDUAL’S WEEK  
4 OF DEATH.—No caregiving hours of an individual may be  
5 credited under section 2203(c) to the week during which  
6 the individual dies.

7       “(f) DISQUALIFICATION FOLLOWING CERTAIN CON-  
8 VICTIONS.—An individual who has been found to have  
9 used false statements or representation to secure benefits  
10 under this title shall be ineligible for benefits under this  
11 title for a 5-year period following the date of such finding.

12 **“SEC. 2203. BENEFIT AMOUNT.**

13       “(a) IN GENERAL.—The amount of the benefit to  
14 which an individual is entitled under section 2202 for a  
15 month shall be an amount equal to the sum of the weekly  
16 benefit amounts for each week ending during such month.  
17 The weekly benefit amount of an individual for a week  
18 shall be equal to the product of the individual’s weekly  
19 benefit rate (as determined under subsection (b)) multi-  
20 plied by a fraction—

21               “(1) the numerator of which is the number of  
22 caregiving hours of the individual credited to such  
23 week (as determined in subsection (c)); and

1           “(2) the denominator of which is the number of  
2           hours in a regular workweek of the individual (as de-  
3           termined in subsection (d)).

4           “(b) WEEKLY BENEFIT RATE.—

5           “(1) IN GENERAL.—For purposes of this sec-  
6           tion, an individual’s weekly benefit rate shall be an  
7           amount equal to the sum of—

8                   “(A) 85 percent of the individual’s average  
9                   weekly earnings to the extent that such earn-  
10                  ings do not exceed the amount established for  
11                  purposes of this subparagraph by paragraph  
12                  (2);

13                   “(B) 75 percent of the individual’s average  
14                   weekly earnings to the extent that such earn-  
15                   ings exceed the amount established for purposes  
16                   of subparagraph (A) but do not exceed the  
17                   amount established for purposes of this sub-  
18                   paragraph by paragraph (2);

19                   “(C) 55 percent of the individual’s average  
20                   weekly earnings to the extent that such earn-  
21                   ings exceed the amount established for purposes  
22                   of subparagraph (B) but do not exceed the  
23                   amount established for purposes of this sub-  
24                   paragraph by paragraph (2);

1           “(D) 25 percent of the individual’s average  
2 weekly earnings to the extent that such earn-  
3 ings exceed the amount established for purposes  
4 of subparagraph (C) but do not exceed the  
5 amount established for purposes of this sub-  
6 paragraph by paragraph (2); and

7           “(E) 5 percent of the individual’s average  
8 weekly earnings to the extent that such earn-  
9 ings exceed the amount established for purposes  
10 of subparagraph (D) but do not exceed the  
11 amount established for purposes of this sub-  
12 paragraph by paragraph (2).

13           “(2) AMOUNTS ESTABLISHED.—

14           “(A) INITIAL AMOUNTS.—For individuals  
15 whose benefit period under this title begins in  
16 or before calendar year 2024, the amount es-  
17 tablished for purposes of subparagraphs (A),  
18 (B), (C), (D), and (E) of paragraph (1) shall  
19 be  $\frac{1}{52}$  of \$15,080, \$34,248, \$72,000,  
20 \$100,000, and \$250,000, respectively.

21           “(B) WAGE INDEXING.—For individuals  
22 whose benefit period under this title begins in  
23 any calendar year after 2024, each of the  
24 amounts so established shall equal the cor-  
25 responding amount established for the calendar

1 year preceding such calendar year, or, if larger,  
2 the product of the corresponding amount estab-  
3 lished with respect to the calendar year 2024  
4 and the quotient obtained by dividing—

5 “(i) the national average wage index  
6 (as defined in section 2212) for the second  
7 calendar year preceding such calendar  
8 year, by

9 “(ii) the national average wage index  
10 (as so defined) for 2022.

11 “(C) ROUNDING.—Each amount estab-  
12 lished under subparagraph (B) for any calendar  
13 year shall be rounded to the nearest \$1, except  
14 that any amount so established which is a mul-  
15 tiple of \$0.50 but not of \$1 shall be rounded to  
16 the next higher \$1.

17 “(3) AVERAGE WEEKLY EARNINGS.—For pur-  
18 poses of this subsection, an individual’s average  
19 weekly earnings, as calculated by the Secretary, shall  
20 be equal to the quotient obtained by dividing—

21 “(A) the total of the wages and self-em-  
22 ployment income received by the individual dur-  
23 ing the most recent 8-calendar quarter period  
24 that ends at least 4 months prior to the begin-  
25 ning of the individual’s benefit period; by

1 “(B) 104.

2 “(4) EVIDENCE OF EARNINGS.—For purposes  
3 of determining the wages and self-employment in-  
4 come of an individual with respect to an application  
5 for benefits under section 2202, the Secretary shall  
6 make such determination on the basis of wage data  
7 provided to the Secretary from the National Direc-  
8 tory of New Hires pursuant to section 453(j)(5) and  
9 self-employment income data provided by the Sec-  
10 retary, except that the Secretary shall also consider  
11 any more recent or additional evidence of wages or  
12 self-employment income the individual chooses to ad-  
13 ditionally submit.

14 “(c) CREDITING OF CAREGIVING HOURS TO A  
15 WEEK.—The number of caregiving hours of an individual  
16 credited to a week as determined under this subsection  
17 shall equal the number of caregiving hours of the indi-  
18 vidual occurring during such week, except that—

19 “(1) such number may not exceed the number  
20 of hours in a regular workweek of the individual (as  
21 determined in subsection (d));

22 “(2) no caregiving hours may be credited to a  
23 week in which fewer than 4 caregiving hours of the  
24 individual occur;

1           “(3) no caregiving hours of the individual may  
2           be credited to the individual’s waiting period, con-  
3           sisting of the first week during an individual’s ben-  
4           efit period in which at least 4 caregiving hours occur  
5           (regardless of whether the individual received paid  
6           vacation, paid sick leave, or any other form of ac-  
7           crued paid time off from the individual’s employer  
8           during such week in accordance with section  
9           2202(c)(2)(B)); and

10           “(4) the total number of caregiving hours cred-  
11           ited to weeks during the individual’s benefit period  
12           may not exceed the product of 12 multiplied by the  
13           number of hours in a regular workweek of the indi-  
14           vidual (as so determined).

15           “(d) NUMBER OF HOURS IN A REGULAR WORK-  
16 WEEK.—For purposes of this section, the number of hours  
17 in a regular workweek of an individual shall be the number  
18 of hours that the individual regularly works in a week for  
19 all employers (or regularly worked in the case of an indi-  
20 vidual no longer employed), as determined under guidance  
21 to be issued by the Secretary.

22 **“SEC. 2204. BENEFIT DETERMINATION AND PAYMENT.**

23           “(a) IN GENERAL.—An individual seeking benefits  
24 under section 2202 shall file an application with the Sec-  
25 retary containing the information described in subsection

1 (b) and such other information as the Secretary may re-  
2 quire. Any information contained in an application for  
3 benefits under section 2202, or in a periodic benefit claim  
4 report filed with respect to such benefits, shall be pre-  
5 sumed to be true and accurate, unless the Secretary dem-  
6 onstrates by a preponderance of the evidence that informa-  
7 tion contained in the application or periodic benefit claim  
8 report is false, except that the Secretary shall establish  
9 procedures to validate the identity of the individual filing  
10 the application.

11 “(b) REQUIRED CONTENTS OF INITIAL APPLICA-  
12 TION.—An application for a paid family and medical leave  
13 benefit filed by an individual shall include—

14 “(1) an attestation that the individual has, or  
15 anticipates having, at least 4 caregiving hours in a  
16 week ending at any time during the period that be-  
17 gins 90 days before the date on which such applica-  
18 tion is filed or not later than 180 days after such  
19 date;

20 “(2) except as otherwise provided in this sub-  
21 section, a certification, issued by a relevant authority  
22 determined under regulations issued by the Sec-  
23 retary, that contains such information as the Sec-  
24 retary shall specify in such regulations as necessary  
25 to affirm the circumstances giving rise to the need

1 for such caregiving hours, which shall be no more  
2 than the information that is required to be stated  
3 under section 103(b) of the Family and Medical  
4 Leave Act of 1993 (29 U.S.C. 2613(b));

5 “(3) an attestation from the individual that no-  
6 tice of the individual’s need to be absent from work  
7 during such caregiving hours has been provided, not  
8 later than 7 days after such need arises, to the indi-  
9 vidual’s employer (except in cases of hardship or  
10 other extenuating circumstances or if the individual  
11 does not have (or no longer has) an employer);

12 “(4) pay stubs or such other evidence as the in-  
13 dividual may provide demonstrating the individual’s  
14 wages or self-employment income during the period  
15 described in section 2202(a)(3), except that the Sec-  
16 retary may waive this requirement in any case in  
17 which such evidence is otherwise available to the  
18 Secretary;

19 “(5) an attestation from the individual stating  
20 the number of hours in a regular workweek of the  
21 individual (within the meaning of section 2203(d));  
22 and

23 “(6) an attestation from the individual stating  
24 that the leave from employment with respect to



1 which the individual is filing such application is not  
2 employment for which the individual has received—

3 “(A) a notice from a State pursuant to  
4 subsection (b)(2)(B) of section 2209 stating  
5 that such employment would be eligible for paid  
6 family and medical leave benefits under a State  
7 legacy program described in such section; or

8 “(B) a notice from the individual’s em-  
9 ployer pursuant to subsection (b)(1)(F)(iv) of  
10 section 2210 stating that such employment  
11 would be eligible for paid family and medical  
12 leave benefits under an employer-sponsored pro-  
13 gram described in such section.

14 In the case of an individual who applies for a paid family  
15 and medical leave benefit in the anticipation of caregiving  
16 hours occurring after the date of application, the certifi-  
17 cation described in paragraph (2), the attestation de-  
18 scribed in paragraph (3), and the evidence described in  
19 paragraph (4) may be provided after the 1st week in which  
20 at least 4 such caregiving hours occur.

21 “(c) PERIODIC BENEFIT CLAIM REPORT.—

22 “(1) IN GENERAL.—Except as provided in para-  
23 graph (2), not later than 60 days (or such longer pe-  
24 riod as may be provided in any case in which the  
25 Secretary determines that good cause exists for an

1 extension) after the end of each month during the  
2 benefit period of an individual entitled to benefits  
3 under section 2202, the individual shall file a peri-  
4 odic benefit claim report with the Secretary. Such  
5 periodic benefit claim report shall specify the  
6 caregiving hours of the individual that occurred dur-  
7 ing each week that ended in such month and shall  
8 include such other information as the Secretary may  
9 require. No periodic benefit claim report shall be re-  
10 quired with respect to any week in which fewer than  
11 4 caregiving hours occurred.

12 “(2) RETROACTIVE APPLICATIONS.—In the case  
13 of an application filed by an individual for a paid  
14 family and medical leave benefit with a benefit pe-  
15 riod that begins, in accordance with section  
16 2202(b)(2), with a month that ends before the date  
17 on which such application is filed, the individual may  
18 include with such application the information de-  
19 scribed in the second sentence of paragraph (1) with  
20 respect to each week in the benefit period that ends  
21 before such date.

22 “(d) DETERMINATIONS AND NOTICE REQUIRE-  
23 MENTS.—

24 “(1) INITIAL APPLICATION.—

1           “(A) IN GENERAL.—The Secretary shall  
2 determine the initial eligibility of an individual  
3 applying for benefits under this title in accord-  
4 ance with section 2202.

5           “(B) NOTICES.—To ensure payment of  
6 benefits in the correct amount and that bene-  
7 ficiaries are aware of the right to appeal a ben-  
8 efit determination of the Secretary—

9           “(i) not later than 15 days after each  
10 application for benefits from an individual  
11 under this title is filed, the Secretary shall  
12 provide notice to the individual of—

13           “(I) the initial determination of  
14 eligibility for such benefits;

15           “(II)(aa) the calendar quarter  
16 that begins the period described in  
17 section 2202(a)(3) with respect to the  
18 individual, the 8 calendar quarters  
19 used to compute the individual’s aver-  
20 age weekly earnings under section  
21 2203(b)(3), and the wages and self-  
22 employment income received by the  
23 individual during each of those 8  
24 quarters as recorded by the Secretary;  
25 and

1                   “(bb) the individual’s right under  
2                   section 2203(b)(4) to submit more re-  
3                   cent or additional evidence of such  
4                   wages or self-employment income, in-  
5                   cluding a statement that eligibility  
6                   could change or benefits could in-  
7                   crease if such additional evidence re-  
8                   sults in more recent or higher average  
9                   weekly earnings;

10                   “(III) the estimated weekly ben-  
11                   efit amount for a week to which 4  
12                   caregiving hours of the individual are  
13                   credited;

14                   “(IV) the estimated weekly ben-  
15                   efit amount for a week to which a  
16                   number of caregiving hours are cred-  
17                   ited equal to the number of hours in  
18                   a regular workweek of the individual  
19                   (as determined in subsection  
20                   2203(d));

21                   “(V) the number of caregiving  
22                   hours credited to weeks ending prior  
23                   to the date of such application;

1                   “(VI) the beginning and ending  
2                   dates of the individual’s benefit pe-  
3                   riod; and

4                   “(VII) the individual’s right to  
5                   appeal such initial determination in  
6                   accordance with the provisions of sec-  
7                   tion 2205; and

8                   “(ii) in any case in which an indi-  
9                   vidual submits additional information with  
10                  respect to such an application, the Sec-  
11                  retary shall provide an updated notice to  
12                  the individual containing the same infor-  
13                  mation provided in the notice described in  
14                  clause (i), including a specific indication of  
15                  any such information that has been up-  
16                  dated as a result of the additional informa-  
17                  tion submitted by the individual.

18                  “(2) MONTHLY BENEFIT DETERMINATIONS.—

19                  “(A) IN GENERAL.—On the basis of the in-  
20                  formation filed with the Secretary pursuant to  
21                  subsection (c), the Secretary shall determine,  
22                  with respect to an individual for each week end-  
23                  ing in a month, the number of caregiving hours  
24                  to be credited to such week in accordance with  
25                  section 2203(e).

1           “(B) NOTICES.—To ensure payment of  
2           benefits in the correct amount and that bene-  
3           ficiaries are aware of the right to appeal a ben-  
4           efit determination of the Secretary, not later  
5           than 15 days after each periodic benefit claim  
6           report from an individual is filed (or after filing  
7           of initial application for retroactive benefits),  
8           the Secretary shall provide notice to the indi-  
9           vidual specifying—

10                   “(i) whether payment will be made to  
11                   the individual for each week to which such  
12                   periodic benefit claim report pertains and  
13                   the amount of such payment;

14                   “(ii) if the Secretary determines that  
15                   payment will not be made for a week or  
16                   that payment will be made based on a  
17                   number of caregiving hours credited to the  
18                   week inconsistent with the number of  
19                   caregiving hours specified for such week in  
20                   such periodic benefit claim report (or ini-  
21                   tial application), the reasons for such de-  
22                   termination; and

23                   “(iii) the individual’s right to appeal  
24                   such determination in accordance with the  
25                   provisions of section 2205.

1           “(3) CHANGING CIRCUMSTANCES.—The Sec-  
2           retary shall issue regulations to establish a process  
3           under which an individual may notify the Secretary  
4           if more than one type of circumstance gives rise to  
5           the need for caregiving hours during the individual’s  
6           benefit period. Such caregiving hours shall be cred-  
7           ited to weeks within the benefit period in accordance  
8           with section 2203(c) regardless of circumstance.

9           “(4) ACCESSIBILITY OF NOTICES.—The Sec-  
10          retary shall take such actions as are necessary to en-  
11          sure that any notice to one or more individuals  
12          issued pursuant to this title by the Secretary is writ-  
13          ten in simple and clear language.

14          “(e) CERTIFICATION OF PAYMENT.—Not later than  
15          15 days after the making of a determination under sub-  
16          section (d)(2)(A) with respect to the number of caregiving  
17          hours of an individual to be credited to weeks ending in  
18          a month, the Secretary shall certify payment to such indi-  
19          vidual of the amount of the paid family and medical leave  
20          benefit for such month.

21          “(f) EXPEDITED BENEFIT PAYMENT IN CASES OF  
22          MISSING PAYMENT.—The Secretary shall establish and  
23          put into effect procedures under which expedited payment  
24          of benefits under this title will be made to an individual

1 to whom a benefit payment was due for a month but was  
2 not received by the individual.

3 “(g) SUBMISSION OF REQUIRED INFORMATION.—

4 “(1) BY PHONE, MAIL, OR ELECTRONIC  
5 MEANS.—To ensure full access to benefits by all eli-  
6 gible individuals, applicable paid leave information  
7 with respect to an individual may be submitted to  
8 the Secretary by phone, mail, or electronic means.

9 “(2) BY ANY PERSON.—Any person may submit  
10 applicable paid leave information with respect to an  
11 individual, including, as applicable, the individual’s  
12 representative, the individual’s employer, or any rel-  
13 evant authority identified under subsection (b)(2).  
14 The Secretary shall promptly notify an individual  
15 whenever any other person submits such information  
16 on the individual’s behalf.

17 “(3) NOTICE OF RECEIPT.—The Secretary shall  
18 provide prompt notice of receipt of all applicable  
19 paid leave information submitted with respect to an  
20 individual.

21 “(4) DEFINITION OF APPLICABLE PAID LEAVE  
22 INFORMATION.—For purposes of this subsection, the  
23 term ‘applicable paid leave information’ means, with  
24 respect to an individual, any information submitted  
25 to the Secretary with respect to the paid family and



1 medical leave benefits of the individual, including  
2 any initial application, periodic benefit claim report,  
3 appeal, and any other information submitted in sup-  
4 port of such application, report, or appeal.

5 **“SEC. 2205. APPEALS.**

6 “(a) IN GENERAL.—An individual shall have the  
7 right—

8 “(1) to appeal to the Secretary any determina-  
9 tion made with respect to—

10 “(A) paid family and medical leave benefits  
11 under section 2202; and

12 “(B) paid family and medical leave bene-  
13 fits under an employer-sponsored program de-  
14 scribed in section 2210 whose initial appeal  
15 pursuant to subsection (b)(1)(F)(iii)(I) of such  
16 section results in a determination unfavorable  
17 to the individual; and

18 “(2) to appeal any final decision of the Sec-  
19 retary by a civil action brought in the district court  
20 of the United States for the judicial district in which  
21 the plaintiff resides, or in which the principal place  
22 of business of the plaintiff sits, or, if the plaintiff  
23 does not reside or such principal place of business  
24 does not sit within any such judicial district, in the

1 United States District Court for the District of Co-  
2 lumbia.

3 “(b) PROCEDURES.—The Secretary shall establish  
4 procedures for appeals of such determinations that ensure  
5 that appeals will be heard in a timely manner by a deci-  
6 sionmaker who is different from the initial decisionmaker  
7 using procedures that are similar to the procedures used  
8 for appeals of determinations under the Medicare Low-In-  
9 come Subsidy program described under section 1860D-  
10 14(a)(3)(B)(iv)(II).

11 “(c) AUTHORITY TO ISSUE AND ENFORCE SUB-  
12 POENAS.—

13 “(1) IN GENERAL.—For the purpose of any  
14 hearing, investigation, or other proceeding author-  
15 ized or directed under this title, the Secretary shall  
16 have power to issue subpoenas requiring the attend-  
17 ance and testimony of witnesses and the production  
18 of any evidence that relates to any matter under in-  
19 vestigation or in question before the Secretary. Such  
20 attendance of witnesses and production of evidence  
21 at the designated place of such hearing, investiga-  
22 tion, or other proceeding may be required from any  
23 place in the United States or in any Territory or  
24 possession thereof.

1           “(2) SERVICE; WITNESSES.—Subpoenas of the  
2           Secretary shall be served by anyone authorized by  
3           the Secretary—

4                   “(A) by delivering a copy thereof to the in-  
5                   dividual named therein; or

6                   “(B) by registered mail or by certified mail  
7                   addressed to such individual at his last dwelling  
8                   place or principal place of business.

9           A verified return by the individual serving the sub-  
10          poena setting forth the manner of service, or, in the  
11          case of service by registered mail or by certified  
12          mail, the return post-office receipt therefor signed by  
13          the individual so served, shall be proof of service.  
14          Witnesses so subpoenaed shall be paid the same fees  
15          and mileage as are paid witnesses in the district  
16          courts of the United States.

17          “(3) CONTUMACY OR REFUSAL TO OBEY A SUB-  
18          POENA.—

19                   “(A) IN GENERAL.—In case of contumacy  
20                   by, or refusal to obey a subpoena duly served  
21                   upon, any person, any district court of the  
22                   United States for the judicial district in which  
23                   the person charged with contumacy or refusal  
24                   to obey is found or resides or transacts busi-  
25                   ness, upon application by the Secretary, shall

1           have jurisdiction to issue an order requiring  
2           such person to appear and give testimony, or to  
3           appear and produce evidence, or both. Any fail-  
4           ure to obey such order of the court may be pun-  
5           ished by the court as contempt thereof.

6                   “(B) TREATMENT OF EMPLOYERS.—In the  
7           case of contumacy by, or refusal to obey a sub-  
8           poena duly served upon, any employer, the Sec-  
9           retary shall impose such penalties against the  
10          employer as the Secretary determines may  
11          apply pursuant to section 2210(f).

12 **“SEC. 2206. STEWARDSHIP.**

13           “(a) PROMOTING EQUITY.—The Secretary shall con-  
14          duct a robust program to analyze and prevent disparities  
15          on the basis of race, color, ethnicity, religion, sex, sexual  
16          orientation, gender identity, disability, age, national ori-  
17          gin, family composition, or living arrangements with re-  
18          spect to the benefits provided under this title and individ-  
19          uals’ access to such benefits.

20           “(b) UNDERPAYMENTS AND OVERPAYMENTS.—

21                   “(1) IN GENERAL.—Whenever the Secretary de-  
22          termines that more or less than the correct amount  
23          of payment has been made to any individual under  
24          this title, the Secretary shall promptly notify the in-  
25          dividual of such determination and inform the indi-

1       vidual of the right to appeal such determination in  
2       accordance with the provisions of section 2205.  
3       Proper adjustment or recovery shall be made, under  
4       regulations prescribed by the Secretary, as follows:

5               “(A) UNDERPAYMENTS.—With respect to  
6       payment to an individual of less than the cor-  
7       rect amount, the Secretary shall promptly pay  
8       the balance of the amount due to such under-  
9       paid individual.

10              “(B) OVERPAYMENTS.—

11               “(i) IN GENERAL.—With respect to  
12       payment to an individual of more than the  
13       correct amount, the Secretary shall de-  
14       crease any payment for a month under this  
15       title to which such overpaid individual is  
16       entitled (except that the weekly benefit  
17       amounts for each week ending during such  
18       month as determined under section  
19       2203(a) may not be decreased below the  
20       amount specified in clause (ii) with respect  
21       to such weekly benefit amounts of the indi-  
22       vidual), or shall require such overpaid indi-  
23       vidual to refund the amount in excess of  
24       the correct amount, or shall apply any  
25       combination of the foregoing.

1 “(ii) LIMITATION ON RECOVERY.—

2 “(I) AMOUNT SPECIFIED.—The  
3 amount specified in this clause with  
4 respect to a weekly benefit amount of  
5 an individual for a week is an amount  
6 equal to the weekly benefit amount  
7 that would be determined for the indi-  
8 vidual for such week under section  
9 2203(a) if the individual’s weekly ben-  
10 efit rate (as determined under section  
11 2203(b)) were equal to the applicable  
12 dollar amount as determined under  
13 subclause (II).

14 “(II) APPLICABLE DOLLAR  
15 AMOUNT.—For purposes of subclause  
16 (I), the applicable dollar amount is—

17 “(aa) with respect to a  
18 weekly benefit amount deter-  
19 mined for a week ending in a  
20 month in or before calendar year  
21 2024, \$315; and

22 “(bb) with respect to a  
23 weekly benefit amount deter-  
24 mined for a week ending in a  
25 month in any calendar year after

1 2024, the corresponding amount  
2 established with respect to a  
3 weekly benefit amount deter-  
4 mined for a week ending in a  
5 month in the calendar year pre-  
6 ceding such calendar year or, if  
7 larger, the product of the cor-  
8 responding amount specified in  
9 item (aa) with respect to a week-  
10 ly benefit amount determined for  
11 a week ending in a month in cal-  
12 endar year 2024 multiplied by  
13 the quotient obtained by divid-  
14 ing—

15 “(AA) the national av-  
16 erage wage index (as defined  
17 in section 2212) for the sec-  
18 ond calendar year preceding  
19 such calendar year, by

20 “(BB) the national av-  
21 erage wage index (as so de-  
22 fined) for 2022.

23 “(2) WAIVER OF CERTAIN OVERPAYMENTS.—In  
24 any case in which more than the correct amount of  
25 payment has been made, there shall be no adjust-

1       ment of payments to, or recovery by the United  
2       States from, any individual who was without fault in  
3       connection with the overpayment if such adjustment  
4       or recovery would defeat the purpose of this title or  
5       would be against equity and good conscience, or  
6       would impede efficient or effective administration of  
7       this title, as determined by the Secretary under pro-  
8       cedures to be established by the Secretary.

9           “(3) LIABILITY OF CERTIFYING OR DISBURSING  
10       OFFICER.—No certifying or disbursing officer shall  
11       be held liable for any amount certified or paid by  
12       him to any individual where the adjustment or re-  
13       covery of such amount is waived under paragraph  
14       (2), or where adjustment under paragraph (1) is not  
15       completed prior to the death of the individual  
16       against whose benefits deductions are authorized.

17       “(c) PENALTIES AND OTHER PROCEDURES.—

18           “(1) IN GENERAL.—Whoever—

19               “(A) knowingly and willfully makes or  
20       causes to be made any false statement or rep-  
21       resentation of a material fact in any application  
22       for any benefit under this title,

23               “(B) at any time knowingly and willfully  
24       makes or causes to be made any false statement



1 or representation of a material fact for use in  
2 determining rights to any such benefit,

3 “(C) having knowledge of the occurrence of  
4 any event affecting (A) his initial or continued  
5 right to any such benefit, or (B) the initial or  
6 continued right to any such benefit of any other  
7 individual in whose behalf he has applied for or  
8 is receiving such benefit, conceals or fails to dis-  
9 close such event with an intent fraudulently to  
10 secure such benefit either in a greater amount  
11 or quantity than is due or when no such benefit  
12 is authorized,

13 “(D) having made application to receive  
14 any such benefit for the use and benefit of an-  
15 other and having received it, knowingly and  
16 willfully converts such benefit or any part there-  
17 of to a use other than for the use and benefit  
18 of such other person, or

19 “(E) conspires to commit any offense de-  
20 scribed in any of subparagraphs (A) through  
21 (C),

22 shall be fined under title 18, United States Code,  
23 imprisoned not more than 5 years, or both.

24 “(2) EXCLUSION FROM PARTICIPATION.—

1           “(A) IN GENERAL.—No person or entity  
2 who is convicted of a violation of paragraph (1)  
3 may represent, or submit evidence on behalf of,  
4 an individual applying for, or receiving, benefits  
5 under this title.

6           “(B) NOTICE, EFFECTIVE DATE, AND PE-  
7 RIOD OF EXCLUSION.—

8           “(i) IN GENERAL.—An exclusion  
9 under this paragraph shall be effective at  
10 such time, for such period, and upon such  
11 reasonable notice to the public and to the  
12 individual excluded as may be specified in  
13 regulations consistent with clause (ii).

14           “(ii) EFFECTIVE DATE.—Such an ex-  
15 clusion shall be effective with respect to  
16 services furnished to any individual on or  
17 after the effective date of the exclusion.  
18 Nothing in this paragraph may be con-  
19 strued to preclude consideration of any  
20 medical evidence derived from services pro-  
21 vided by a health care provider before the  
22 effective date of the exclusion of the health  
23 care provider under this paragraph.

24           “(iii) PERIOD OF EXCLUSION.—

1                   “(I) IN GENERAL.—The Sec-  
2                   retary shall specify, in the notice of  
3                   exclusion under clause (i), the period  
4                   of the exclusion.

5                   “(II) PREVIOUS OFFENSE.—In  
6                   the case of the exclusion of a person  
7                   or entity under subparagraph (A) who  
8                   has previously been subject to an ex-  
9                   clusion under such subparagraph—

10                   “(aa) if the person or entity  
11                   has previously been subject to  
12                   such an exclusion only once, the  
13                   period of exclusion shall be not  
14                   less than 10 years; and

15                   “(bb) if the person or entity  
16                   has previously been subject to  
17                   such an exclusion more than  
18                   once, the exclusion shall be per-  
19                   manent.

20                   “(C) NOTICE TO STATE LICENSING AGEN-  
21                   CIES.—The Secretary shall—

22                   “(i) promptly notify the appropriate  
23                   State or local agency or authority having  
24                   responsibility for the licensing or certifi-  
25                   cation of a person or entity excluded from

1 participation under this section of the fact  
2 and circumstances of the exclusion;

3 “(ii) request that appropriate inves-  
4 tigations be made and sanctions invoked in  
5 accordance with applicable State law and  
6 policy; and

7 “(iii) request that the State or local  
8 agency or authority keep the Secretary  
9 fully and currently informed with respect  
10 to any actions taken in response to the re-  
11 quest.

12 “(D) NOTICE, HEARING, AND JUDICIAL  
13 REVIEW.—Any person or entity who is excluded  
14 (or directed to be excluded) from participation  
15 under this section is entitled to reasonable no-  
16 tice and opportunity for a hearing by the Sec-  
17 retary and to judicial review of such final agen-  
18 cy decision to the same extent as is provided in  
19 section 2205.

20 “(E) APPLICATION FOR TERMINATION OF  
21 EXCLUSION.—

22 “(i) IN GENERAL.—An individual ex-  
23 cluded from participation under this para-  
24 graph may apply to the Secretary, in the  
25 manner specified by the Secretary in regu-

1                   lations and at the end of the period of ex-  
2                   clusion provided under subparagraph  
3                   (B)(iii) and at such other times as the Sec-  
4                   retary may provide, for termination of the  
5                   exclusion effected under this paragraph.

6                   “(ii) CRITERIA FOR TERMINATION.—  
7                   The Secretary may terminate the exclusion  
8                   if the Secretary determines, on the basis of  
9                   the conduct of the applicant which oc-  
10                  curred after the date of the notice of exclu-  
11                  sion or which was unknown to the Sec-  
12                  retary at the time of the exclusion, that—

13                   “(I) there is no basis under sub-  
14                   paragraph (A) for a continuation of  
15                   the exclusion; and

16                   “(II) there are reasonable assur-  
17                   ances that the types of actions which  
18                   formed the basis for the original ex-  
19                   clusion have not recurred and will not  
20                   recur.

21                   “(F) AVAILABILITY OF RECORDS OF EX-  
22                   CLUDED PERSONS AND ENTITIES.—Nothing in  
23                   this section shall be construed to have the effect  
24                   of limiting access by any applicant or bene-  
25                   ficiary under this title or the Secretary to

1 records maintained by any person or entity in  
2 connection with services provided to the appli-  
3 cant or beneficiary prior to the exclusion of  
4 such person or entity under this paragraph.

5 “(G) REPORTING REQUIREMENT.—Any  
6 person or entity participating in, or seeking to  
7 participate in, the program under this title shall  
8 inform the Secretary, in such form and manner  
9 as the Secretary shall prescribe by regulation,  
10 whether such person or entity has been con-  
11 victed of a violation under paragraph (1).

12 “(d) REDETERMINATION OF ENTITLEMENT.—

13 “(1) IN GENERAL.—

14 “(A) PROCEDURES.—The Secretary shall  
15 immediately redetermine the entitlement of in-  
16 dividuals to paid family and medical leave ben-  
17 efit benefits under this title if there is reason  
18 to believe that fraud or similar fault was in-  
19 volved in the application of the individual for  
20 such benefits, unless a United States attorney,  
21 or equivalent State prosecutor, with jurisdiction  
22 over potential or actual related criminal cases,  
23 certifies, in writing, that there is a substantial  
24 risk that such action by the Secretary with re-  
25 gard to beneficiaries in a particular investiga-

1           tion would jeopardize the criminal prosecution  
2           of a person involved in a suspected fraud.

3           “(B) DISREGARD OF CERTAIN EVI-  
4           DENCE.—When redetermining the entitlement,  
5           or making an initial determination of entitle-  
6           ment, of an individual under this title, the Sec-  
7           retary shall disregard any evidence if there is  
8           reason to believe that fraud or similar fault was  
9           involved in the providing of such evidence.

10          “(2) SIMILAR FAULT DESCRIBED.—For pur-  
11          poses of paragraph (1), similar fault is involved with  
12          respect to a determination if—

13                 “(A) an incorrect or incomplete statement  
14                 that is material to the determination is know-  
15                 ingly made; or

16                 “(B) information that is material to the  
17                 determination is knowingly concealed.

18          “(3) TERMINATION OF BENEFITS.—If, after re-  
19          determining pursuant to this subsection the entitle-  
20          ment of an individual to monthly insurance benefits,  
21          the Secretary determines that there is insufficient  
22          evidence to support such entitlement, the Secretary  
23          may terminate such entitlement and may treat bene-  
24          fits paid on the basis of such insufficient evidence as  
25          overpayments.

1 **“SEC. 2207. FUNDING FOR BENEFIT PAYMENTS, GRANTS,**  
2 **AND PROGRAM ADMINISTRATION.**

3 “(a) FUNDING FOR BENEFIT PAYMENTS AND  
4 GRANTS.—

5 “(1) IN GENERAL.—There are appropriated,  
6 out of any funds in the Treasury not otherwise ap-  
7 propriated, such sums as may be necessary to pay  
8 benefits under section 2202 and for grants under  
9 sections 2209 and 2210, subject to paragraph (2).

10 “(2) LIMITATION.—In no case shall a grant  
11 under section 2209 exceed a total amount (for all  
12 applicable individuals) equivalent to the sum of ben-  
13 efits paid (including, in the case of a grant under  
14 section 2209, the full cost of administering such  
15 benefits) for each applicable individual (as described  
16 under paragraph (3)) calculated on the basis of a  
17 total number of hours of leave during the individ-  
18 ual’s benefit period equal to—

19 “(A) the product of 12 multiplied by the  
20 number of hours in a regular workweek of the  
21 individual (within the meaning of section  
22 2203(d)), minus

23 “(B) the number of caregiving hours (as  
24 defined in section 2202(c)) of such individual  
25 credited in total to months during such benefit  
26 period under this title.



1           “(3) APPLICABLE INDIVIDUAL.—For purposes  
2 of paragraph (2), an ‘applicable individual’ is an in-  
3 dividual, with respect to whom a grant under section  
4 2209 is awarded, receiving paid family or medical  
5 leave benefits for days of leave under a paid family  
6 and medical leave benefit program of a legacy State  
7 (as defined in section 2209(b)).

8           “(b) FUNDING FOR PROGRAM ADMINISTRATION.—  
9 There are appropriated, out of any funds in the Treasury  
10 not otherwise appropriated, such sums as may be nec-  
11 essary for the following purposes (including through the  
12 use of grants or contracts except where otherwise speci-  
13 fied):

14           “(1) Costs related to taking applications, re-  
15 sponding to public inquiries, assisting with problem  
16 resolution, taking requests for appeals, and the pro-  
17 vision of other necessary assistance to individuals  
18 applying for or receiving benefits under this title, in-  
19 cluding the following:

20           “(A) Costs related to staffing a national  
21 toll-free telephone number (which shall not be  
22 carried out through the use of grants or con-  
23 tracts).

24           “(B) Costs related to technology to sup-  
25 port a national toll-free telephone number and

1 to technology related to the design, construction  
2 and maintenance of an online application and  
3 customer service portal.

4 “(C) Costs related to mailed notices.

5 “(2) Costs related to determining eligibility  
6 (which shall not be carried out through the use of  
7 grants or contracts).

8 “(3) Costs related to ensuring program integ-  
9 rity and combating fraud, including by issuing regu-  
10 lations to do the following:

11 “(A) Ensure identity validation of appli-  
12 cants and beneficiaries.

13 “(B) Verify the professional credentials of  
14 relevant authorities who provide certifications  
15 pursuant to section 2204(b)(2).

16 “(C) Ensure the accuracy of any wage and  
17 self-employment income data used in the ad-  
18 ministration of this title.

19 “(D) Ensure that the attestation require-  
20 ment in section 2204(b)(3) has been satisfied  
21 for each applicant and beneficiary.

22 “(E) Ensure the accuracy of periodic ben-  
23 efit claim reports.

24 “(F) Provide for post-effectuation quality  
25 review of approved claims and quality review of

1           denied claims (which shall not be carried out  
2           through the use of grants or contracts).

3           “(4) Costs related to certification of payment of  
4           benefits (which shall not be carried out through the  
5           use of grants or contracts).

6           “(5) Costs related to appeals (which shall not  
7           be carried out through the use of grants or con-  
8           tracts).

9           “(6) Costs related to the administration by the  
10          Secretary of the legacy State grant program under  
11          section 2209 and the employer-sponsored plan grant  
12          program under section 2210.

13          “(7) Costs related to developing systems of  
14          records for purposes of administering the program  
15          under this title (which shall not be carried out  
16          through the use of grants or contracts, except that  
17          costs related to technology to support such systems  
18          of records may be carried out through the use of  
19          grants or contracts).

20          “(8) Costs related to data exchange and shar-  
21          ing, for which the Secretary shall enter into an  
22          agreement with relevant data sources including the  
23          National Directory of New Hires and shall seek to  
24          enter into agreements with States to obtain such in-  
25          formation as the Secretary may require to determine

1 eligibility and benefits payable under section 2202,  
2 administer the grants in sections 2209 and 2210,  
3 and verify such other information as the Secretary  
4 determines may be necessary in carrying out the  
5 provisions of this title.

6 “(9) Costs related to the training of employees,  
7 grantees, and contractors, including training relating  
8 to the prevention of discrimination in the adminis-  
9 tration of this title on the basis of race, color, eth-  
10 nicity, religion, sex, sexual orientation, gender iden-  
11 tity, disability, age, national origin, family composi-  
12 tion, or living arrangements.

13 “(10) Costs related to providing technical as-  
14 sistance to legacy States under section 2209 and to  
15 employers or third party administrators designated  
16 by an employer of paid leave programs under section  
17 2210.

18 “(11) Costs related to providing technical as-  
19 sistance to small business employers with respect to  
20 the requirements of the small business assistance  
21 grants in section 2211 and the process by which  
22 their employees may apply for benefits under section  
23 2202; and

24 “(12) Any other costs necessary for the effec-  
25 tive administration of this title.

1 **“SEC. 2208. FUNDING FOR OUTREACH, PUBLIC EDUCATION,**  
2 **AND RESEARCH.**

3 “(a) FUNDING FOR OUTREACH AND PUBLIC EDU-  
4 CATION.—There are appropriated, out of any funds in the  
5 Treasury not otherwise appropriated, \$150,000,000 for  
6 each of fiscal years 2022 through 2026 for the Secretary  
7 to, with respect to benefits provided by the program under  
8 this title—

9 “(1) engage in a robust program of culturally  
10 and linguistically competent education and outreach  
11 toward ensuring awareness of and access to such  
12 benefits;

13 “(2) provide information to potential bene-  
14 ficiaries regarding eligibility requirements, the  
15 claims process, benefit amounts, maximum benefits  
16 payable, notice requirements, the appeals process,  
17 and nondiscrimination rights, including specific ben-  
18 efit estimates based on the average weekly earnings  
19 of a potential beneficiary; and

20 “(3) provide employers with a model notice to  
21 be used to inform employees of the availability of  
22 such benefits.

23 “(b) FUNDING FOR RESEARCH.—There are appro-  
24 priated, out of any funds in the Treasury not otherwise  
25 appropriated, \$150,000,000 for each of fiscal years 2023  
26 through 2027 for the Secretary to—

1           “(1) develop and carry out grants for research  
2           for the purpose of ensuring full access to the bene-  
3           fits provided by the program under this title, includ-  
4           ing through the detection and prevention of dispari-  
5           ties on the basis of race, color, ethnicity, religion,  
6           sex, sexual orientation, gender identity, disability,  
7           age, national origin, income, language, job classifica-  
8           tion, family composition, or living arrangements; and

9           “(2) annually make available to the public be-  
10          ginning in fiscal year 2024 a report that includes—

11                 “(A) the number of individuals who re-  
12                 ceived such benefits;

13                 “(B) the purposes and durations for which  
14                 such benefits were received;

15                 “(C) an analysis of benefit use by occupa-  
16                 tion, industry, wage levels, employer size, and  
17                 geography;

18                 “(D) an analysis of disparities identified  
19                 by the grants for research authorized under this  
20                 subsection on the basis of race, color, ethnicity,  
21                 religion, sex, sexual orientation, gender identity,  
22                 disability, age, national origin, family composi-  
23                 tion, or living arrangements;

24                 “(E) a description of the actions by the  
25                 Secretary to prevent disparities and ensure full

1 access to the benefits provided by the program  
2 under this title;

3 “(F) a comparative analysis of paid family  
4 and medical leave benefits received by individ-  
5 uals through the program under section 2202,  
6 through a legacy State paid family and medical  
7 leave program described in section 2209, or  
8 through an employer-sponsored program de-  
9 scribed in section 2210 that takes into account  
10 the number of individuals receiving benefits, the  
11 characteristics of the benefits received, and the  
12 patterns of leave-taking under each program;

13 “(G) the number of employers who re-  
14 ceived a reimbursement grant under section  
15 2210 and the number of employees of such em-  
16 ployers who received paid family and medical  
17 leave benefits under an employer-sponsored pro-  
18 gram described in such section; and

19 “(H) the number of employers who re-  
20 ceived one or more small business assistance  
21 grants under section 2211 and the total number  
22 of such grants provided.

1 **“SEC. 2209. FUNDING FOR STATE ADMINISTRATION OPTION**  
2 **FOR LEGACY STATES.**

3 “(a) IN GENERAL.—In each calendar year beginning  
4 with 2024, the Secretary shall make a grant to each State  
5 that, for the calendar year preceding such calendar year  
6 (or, in the case of a grant under this section in 2024, for  
7 the portion of such preceding calendar year occurring  
8 after June 30), was a legacy State and that met the data  
9 sharing requirements of subsection (c), in an amount  
10 equal to the lesser of—

11 “(1) an amount, as estimated by the Secretary,  
12 in consultation with the Secretary of Labor, equal to  
13 the total amount of paid family and medical leave  
14 benefits that would have been paid under section  
15 2202 (including the full Federal cost of admin-  
16 istering such benefits) to individuals who received  
17 benefits under a State program described in sub-  
18 section (b) during the calendar year preceding such  
19 calendar year (or, in the case of a grant under this  
20 section in 2024, for the portion of such preceding  
21 calendar year occurring after June 30) if the State  
22 had not been a legacy State for such preceding cal-  
23 endar year (or, in the case of a grant under this sec-  
24 tion in 2024, for the portion of such preceding cal-  
25 endar year occurring after June 30); or



1           “(2) an amount equal to the total cost of the  
2           State paid family and medical leave program de-  
3           scribed in subsection (b) for the calendar year pre-  
4           ceding such calendar year (or, in the case of a grant  
5           under this section in 2024, for the portion of such  
6           preceding calendar year occurring after June 30),  
7           including—

8                   “(A) the total amount of paid family and  
9                   medical leave benefits that would have been  
10                  paid to individuals under such program for  
11                  leave that is exempt under such program on ac-  
12                  count of being otherwise paid under a program  
13                  provided by such individual’s employer; and

14                   “(B) the full cost to the State of admin-  
15                  istering such program.

16 In any case in which, during any calendar year, the Sec-  
17 retary has reason to believe that a State will be a legacy  
18 State and meet the data sharing requirements of sub-  
19 section (c) for such calendar year, the Secretary may make  
20 estimated payments during such calendar year of the  
21 grant which would be paid to such State in the succeeding  
22 calendar year, to be adjusted as appropriate in the suc-  
23 ceeding calendar year.

24           “(b) LEGACY STATE.—For purposes of this section,  
25 the term ‘legacy State’ for a calendar year means a State

1 that the Secretary, in consultation with the Secretary of  
2 Labor, determines—

3 “(1) has enacted, not later than the date of en-  
4 actment of this title, a State law that provides paid  
5 family and medical leave benefits; and

6 “(2) for any calendar year that begins on or  
7 after the date that is 3 years after the date of enact-  
8 ment of this title, has in effect, throughout such cal-  
9 endar year, a State program enacted into law—

10 “(A) that provides paid family and medical  
11 leave benefits—

12 “(i) for at least 12 full workweeks of  
13 leave during each 12-month period to at  
14 least all of those individuals in the State  
15 who would be eligible for paid family and  
16 medical leave benefits under section 2202  
17 (without regard to section 2202(c)(2)(D))  
18 during any part of such calendar year, pro-  
19 vided that such State program—

20 “(I) shall provide paid family and  
21 medical leave benefits for leave from  
22 employment by the State or any polit-  
23 ical subdivision thereof, except that  
24 any State or local employees subject  
25 to a collective bargaining agreement

1                   may be excluded from such coverage  
2                   with the agreement of 90 percent of  
3                   the employees covered by the collective  
4                   bargaining agreement; and

5                   “(II) may provide such benefits  
6                   for leave from Federal employment;  
7                   and

8                   “(ii) at a wage replacement rate that  
9                   is at least equivalent to the wage replace-  
10                  ment rate under the program under this  
11                  title (without regard to section  
12                  2202(c)(2)(D)); and

13                  “(B) that provides an annual notice to  
14                  each individual whose employment would be eli-  
15                  gible for such benefits under the State program.

16                  “(c) DATA SHARING.—As a condition of receiving a  
17                  grant under subsection (a) in a calendar year, a State  
18                  shall enter into an agreement with the Secretary under  
19                  which the State shall provide the Secretary—

20                  “(1) with information, to be provided periodi-  
21                  cally as determined by the Secretary, concerning in-  
22                  dividuals who received a paid leave benefit under a  
23                  State program described in subsection (b), including  
24                  each individual’s name, information to establish the  
25                  individual’s identity, dates for which such paid leave

1 benefits were paid, the amount of such paid leave  
2 benefit, and, to the extent available, such other in-  
3 formation concerning such individuals as the Sec-  
4 retary may require for the purpose of carrying out  
5 this section and section 2202(c)(2)(D);

6 “(2) not later than July 1 of such calendar  
7 year, the amount described in subsection (a)(2) for  
8 the calendar year preceding such calendar year; and

9 “(3) such other information as the Secretary  
10 determines may be necessary in carrying out the  
11 provisions of this title, including for the purposes of  
12 promoting equity as described under section 2206(a)  
13 and for research described under section 2208(b).

14 “(d) FUNDING FOR TRANSITIONAL COSTS FOR LEG-  
15 ACY STATES.—

16 “(1) IN GENERAL.—There are appropriated to  
17 the Secretary, out of any funds in the Treasury not  
18 otherwise appropriated, such sums as necessary for  
19 grants in accordance with this subsection.

20 “(2) TRANSITION GRANTS.—The Secretary  
21 shall make a grant under this subsection to each  
22 State that—

23 “(A) is a legacy State for the calendar  
24 year in which occurs the date of enactment of  
25 this title;

1           “(B) certifies to the Secretary that the  
2           State intends to remain a legacy State and  
3           meet the data sharing requirements of sub-  
4           section (c) at least through the first calendar  
5           year that begins on or after the date that is 3  
6           years after the date of enactment of this title;  
7           and

8           “(C) agrees to repay the full amount of  
9           such grant if the State fails to remain a legacy  
10          State and meet the data sharing requirements  
11          of subsection (c) as certified in subparagraph  
12          (B).

13          “(3) AMOUNT OF GRANT.—The amount of a  
14          grant provided to a State under this subsection shall  
15          be equal to  $\frac{1}{2}$  of the sum of the State’s expenditures  
16          from the date of enactment of this title through the  
17          calendar year described in paragraph (2)(B) on—

18                 “(A) the costs of creating new information  
19                 technology systems as needed to implement the  
20                 data sharing requirements of subsection (c) (in-  
21                 cluding staffing costs related to such systems);  
22                 and

23                 “(B) other necessary costs incurred by the  
24                 State to meet the requirements of subsection  
25                 (b)(2)(A)(ii).

1           “(4) ESTIMATED ADVANCE PAYMENTS.—The  
2           Secretary may make estimated payments of a grant  
3           provided to a State under this subsection for any  
4           calendar year, to be adjusted as appropriate in the  
5           succeeding calendar year.

6   **“SEC. 2210. REIMBURSEMENT OPTION FOR EMPLOYER-**  
7                           **SPONSORED PAID LEAVE BENEFITS.**

8           “(a) IN GENERAL.—For each calendar year begin-  
9           ning with 2023, the Secretary shall make a grant to each  
10          employer that is an eligible employer for such calendar  
11          year in an amount equal to—

12                   “(1) in the case of an eligible employer spon-  
13                   soring a paid family and medical leave benefit pro-  
14                   gram with respect to which benefits are awarded and  
15                   paid under a contract with an insurer, an amount  
16                   equal to 90 percent of the product of—

17                           “(A) the projected national average cost  
18                           per employee of providing paid family and med-  
19                           ical leave benefits as determined by the Sec-  
20                           retary for such calendar year under subsection  
21                           (c)(3) (or, in the case of calendar year 2023,  $\frac{1}{2}$   
22                           of such projected national average cost); multi-  
23                           plied by

24                           “(B) the number of employees (pro-rated  
25                           for part-time employees) covered under the pro-

1           gram for such calendar year (or, in the case of  
2           calendar year 2023, for the portion of such cal-  
3           endar year occurring after June 30); and

4           “(2) in the case of an eligible employer spon-  
5           soring a self-insured paid family and medical leave  
6           benefit program with respect to which benefits are  
7           awarded and paid directly by the employer (or by a  
8           third party administrator on behalf of the employer),  
9           an amount equal to 90 percent of—

10           “(A) the amount of benefits paid under the  
11           program for such calendar year to individuals  
12           for up to 12 weeks of leave per individual (or,  
13           in the case of calendar year 2023, for the por-  
14           tion of such calendar year occurring after June  
15           30); or

16           “(B) if lesser, the product of the national  
17           average weekly benefit amount paid under sec-  
18           tion 2203(a) during such calendar year (or, in  
19           the case of calendar year 2023, during the por-  
20           tion of such calendar year occurring after June  
21           30) multiplied by the number of weeks of leave  
22           (up to 12 per individual) paid by the employer  
23           for all individuals under the program for the  
24           calendar year (or such portion in the case of  
25           calendar year 2023).

1 “(b) ELIGIBILITY; APPLICATION REQUIREMENTS.—

2 “(1) IN GENERAL.—For purposes of subsection  
3 (a), an eligible employer for a calendar year is an  
4 employer (other than the Federal Government or the  
5 government of any State (or political subdivision  
6 thereof) that is a legacy State for such calendar year  
7 under section 2209) that satisfies all of the following  
8 requirements:

9 “(A) NON-LEGACY STATE EMPLOYEES.—

10 The employer has one or more employees dur-  
11 ing such calendar year whose employment with  
12 such employer would not be eligible for paid  
13 family or medical leave benefits under the law  
14 of any legacy State (as defined in section  
15 2209(b)) for such calendar year.

16 “(B) APPLICATION; SUBMISSION OF RE-  
17 QUIRED INFORMATION.—Not later than the cer-  
18 tification deadline specified in paragraph (2)(A)  
19 for such calendar year, the employer—

20 “(i) notifies the Secretary that the  
21 employer intends to seek a grant under  
22 this section for such calendar year;

23 “(ii) certifies to the Secretary that the  
24 employer will have in effect during such  
25 calendar year a paid family and medical



1 leave benefit program that meets the re-  
2 quirements of subsection (c) and, not later  
3 than the submission deadline specified in  
4 paragraph (2)(B) for such calendar year,  
5 provides all documentation relating to such  
6 program as the Secretary may request; and

7 “(iii) pays an application fee of  
8 \$1,000 (or \$200 in the case of a renewed  
9 application).

10 “(C) APPROVAL BY THE SECRETARY.—The  
11 paid family and medical leave benefit program  
12 referred to in subparagraph (B) is subsequently  
13 approved by the Secretary as meeting all appli-  
14 cable requirements.

15 “(D) INFORMATION SUBMISSION REQUIRE-  
16 MENT.—At the time of application for such  
17 grant for each calendar year, the employer—

18 “(i) submits to the Secretary—

19 “(I) an attestation that the paid  
20 family and medical leave benefit pro-  
21 gram referred to in subparagraph (B)  
22 will remain in effect during the whole  
23 of such calendar year (or, in the case  
24 of a program not in effect at the be-  
25 ginning of such calendar year, an at-

1                   testation that such program will re-  
2                   main in effect until the end of such  
3                   calendar year); and

4                   “(II) with respect to each em-  
5                   ployee of the employer covered by the  
6                   program for such calendar year, the  
7                   employee’s name, information to es-  
8                   tablish the employee’s identity, and in  
9                   the case of a part-time employee (for  
10                  purposes of determining the number  
11                  of employees (pro-rated for part-time  
12                  employees) covered under the program  
13                  for such calendar year under sub-  
14                  section (a)(1)(B)), the number of  
15                  hours the employee regularly works in  
16                  a week; and

17                  “(ii) agrees to submit information to  
18                  the Secretary as described in subsection  
19                  (e).

20                  “(E) MAINTENANCE OF RECORDS.—The  
21                  employer agrees to retain all records relating to  
22                  the employer’s paid family and medical leave  
23                  benefit program for not less than 3 years.

1                   “(F) JOB PROTECTIONS AND OTHER EM-  
2                   PLOYEE RIGHTS.—As a condition of the grant,  
3                   the employer agrees—

4                   “(i) that, on return from leave under  
5                   the program described in subparagraph  
6                   (B), the individual taking such leave will—

7                   “(I) be restored by the employer  
8                   to the position of employment held by  
9                   the individual when the leave com-  
10                  menced; or

11                  “(II) be restored to an equivalent  
12                  position with equivalent employment  
13                  benefits, pay, and other terms and  
14                  conditions of employment;

15                  “(ii) to maintain coverage for the in-  
16                  dividual under any ‘group health plan’ (as  
17                  defined in section 2212) for the duration  
18                  of such leave at the level and under the  
19                  conditions coverage would have been pro-  
20                  vided if the individual had continued in  
21                  employment continuously for the duration  
22                  of such leave;

23                  “(iii) in any case in which an em-  
24                  ployee receives an adverse determination  
25                  from the employer (or administering enti-

1 ty) with respect to paid family and medical  
2 leave benefits under the program described  
3 in subparagraph (B)—

4 “(I) to provide opportunity for  
5 the employee to appeal such adverse  
6 determination to the employer (or ad-  
7 ministering entity); and

8 “(II) in any case in which the  
9 employee elects to appeal the results  
10 of such initial appeal to the Secretary  
11 pursuant to section 2205(a)(1)(B)  
12 and the final decision of the Secretary  
13 is in the employee’s favor, to provide  
14 for the payment of such paid family  
15 and medical leave benefits in addition  
16 to the costs to the Secretary of such  
17 secondary appeal;

18 “(iv) to provide annual notice to all  
19 employees of the availability of paid family  
20 and medical leave benefits under the pro-  
21 gram described in subparagraph (B) and  
22 of the right to appeal any adverse deter-  
23 mination with respect to such benefits; and

24 “(v) not to impose any fee on any em-  
25 ployee related to the receipt of paid family

1 and medical leave benefits under the pro-  
2 gram described in subparagraph (B).

3 “(G) ADDITIONAL ASSURANCES.—The em-  
4 ployer provides assurances that the employer  
5 (or administering entity)—

6 “(i) will not interfere with, restrain,  
7 or deny the exercise of, or the attempt to  
8 exercise, any right provided under such  
9 policy;

10 “(ii) will notify an employee in any  
11 case in which the employee is provided re-  
12 imburseable benefits; and

13 “(iii) will not discharge, or in any  
14 other manner discriminate against, any in-  
15 dividual for opposing any practice prohib-  
16 ited by such policy.

17 “(H) SPECIAL CONDITIONS IN THE CASE  
18 OF CERTAIN EMPLOYERS.—

19 “(i) SELF-INSURED PRIVATE EMPLOY-  
20 ERS.—In the case of a paid family and  
21 medical leave benefit program of an em-  
22 ployer (other than a State or political sub-  
23 division thereof) with respect to which ben-  
24 efits are awarded and paid directly by the

1 employer (or by a third party adminis-  
2 trator on behalf of the employer)—

3 “(I) such employer employs at  
4 least 50 employees described in sub-  
5 paragraph (A);

6 “(II) such benefits are guaran-  
7 teed by a surety bond held by the em-  
8 ployer; and

9 “(III) such employer (or admin-  
10 istering entity) holds funds in a dedi-  
11 cated account for such benefits not  
12 used for any other business purpose.

13 “(ii) SELF-INSURED STATE AND  
14 LOCAL EMPLOYERS.—In the case of a paid  
15 family and medical leave benefit program  
16 of an employer that is a State (or political  
17 subdivision thereof) with respect to which  
18 benefits are awarded and paid directly by  
19 the employer (or by a third party adminis-  
20 trator on behalf of the employer), such  
21 benefits are negotiated pursuant to a col-  
22 lective bargaining agreement.

23 “(2) TIMING OF APPLICATION.—

1           “(A) CERTIFICATION.—The certification  
2           deadline specified in this subparagraph for a  
3           calendar year is—

4                   “(i) for calendar year 2023, March  
5                   31, 2023; and

6                   “(ii) for any calendar year after 2023,  
7                   90 days before the beginning of such cal-  
8                   endar year,  
9           or, if later, the date that is 90 days before a  
10          plan described in paragraph (1)(B) first goes  
11          into effect.

12          “(B) SUBMISSION OF DOCUMENTATION.—  
13          The submission deadline specified in this sub-  
14          paragraph for a calendar year is—

15                   “(i) for calendar year 2023, May 15,  
16                   2023; and

17                   “(ii) for any calendar year after 2023,  
18                   45 days before the beginning of such cal-  
19                   endar year,

20          or, if later, the date that is 45 days before a  
21          plan described in paragraph (1)(B) first goes  
22          into effect.

23          “(c) EMPLOYER PROGRAM REQUIREMENTS.—

24                   “(1) IN GENERAL.—A paid family and medical  
25          leave benefit program shall not be considered to

1 meet the requirements of this subsection unless such  
2 program consists of a written employer policy that  
3 provides for the payment, through one or more em-  
4 ployee benefit plans, of family and medical leave  
5 benefits, which may be guaranteed through an in-  
6 surer and which may be administered by an insurer  
7 or by another third-party entity, that includes each  
8 element in the model template described in para-  
9 graph (2), and that provides for each of the fol-  
10 lowing:

11 “(A) The provision of such benefits to all  
12 employees described in subsection (b)(1)(A), re-  
13 gardless of length of service, job type, member-  
14 ship in a labor organization, seniority status, or  
15 any other employee classification.

16 “(B) Each of the job protections and other  
17 employee rights described in subsection  
18 (b)(1)(F).

19 “(C) Each of the assurances described in  
20 subsection (b)(1)(G).

21 “(D) Submission of information to the  
22 Secretary as described in subsection (e).

23 “(2) MODEL TEMPLATE.—Not later than July  
24 1, 2022, the Secretary shall make available to eligi-



1 ble employers a model template of a written policy  
2 providing paid family and medical leave benefits—

3 “(A) at a wage replacement rate that is at  
4 least as great as the wage replacement rate that  
5 an employee would receive under the program  
6 under this title (without regard to section  
7 2202(c)(2)(C));

8 “(B) for a total number of weeks of paid  
9 leave that is at least as great as the total num-  
10 ber of weeks of paid leave that an employee  
11 would receive under the program under this  
12 title (without regard to such section);

13 “(C) for all of the reasons for which an in-  
14 dividual would be considered to be engaged in  
15 qualified caregiving under section  
16 2202(c)(2)(A), regardless of any pre-existing  
17 medical conditions;

18 “(D) for leave which may be taken inter-  
19 mittently or on a reduced leave schedule;

20 “(E) that does not impose any fee on any  
21 employee related to the receipt of such benefits.

22 “(F) which must be paid not less fre-  
23 quently than monthly;

24 “(G) for which applications must be proc-  
25 essed and notifications provided at least as

1 quickly as is provided under section 2204 for  
2 benefits provided under section 2202(a); and

3 “(H) for which any information contained  
4 in an application for such benefits shall be pre-  
5 sumed to be true and accurate, unless the em-  
6 ployer (or administering entity) demonstrates  
7 by a preponderance of the evidence that infor-  
8 mation contained in the application is false;

9 “(3) NATIONAL AVERAGE COST.—Not later  
10 than October 1 of the calendar year before each cal-  
11 endar year beginning with 2023, the Secretary shall  
12 determine the projected national average cost per  
13 employee for such calendar year of a paid family and  
14 medical leave benefit program that meets the re-  
15 quirements of paragraph (2) (assuming administra-  
16 tive costs no greater than the average or projected  
17 average administrative costs of providing benefits  
18 under section 2202), taking into account projected  
19 benefit levels, duration of benefits, and frequency of  
20 use of the program in such calendar year.

21 “(d) TIMING OF PAYMENT; PENALTY FOR LATE FIL-  
22 ING.—

23 “(1) INSURED EMPLOYERS.—A grant paid  
24 under this section for a calendar year to an eligible  
25 employer described in subsection (a)(1) shall be paid

1 by the Secretary not later than 30 days after the be-  
2 ginning of such calendar year, except that in the  
3 case of a grant under this section for calendar year  
4 2023, such grant shall be paid by the Secretary not  
5 later than August 1, 2023.

6 “(2) SELF-INSURED EMPLOYERS.—A grant  
7 paid under this section for a calendar year to an eli-  
8 gible employer described in subsection (a)(2) shall be  
9 paid by the Secretary not later than March 31 of the  
10 calendar year succeeding such calendar year.

11 “(3) PENALTY FOR LATE FILING.—In any case  
12 in which an eligible employer seeking a grant under  
13 this subsection for a calendar year fails to submit all  
14 required documentation by the submission deadline  
15 for such calendar year as required under subsection  
16 (b)(1)(B)(ii)—

17 “(A) the grant for such calendar year for  
18 such employer shall not be paid until 45 days  
19 after the date of payment otherwise specified in  
20 paragraph (1) or (2), as applicable; and

21 “(B) the amount of such grant shall be re-  
22 duced by 2 percent for each 7 days by which  
23 such submission deadline is exceeded.

24 “(e) INFORMATION SUBMISSION.—As a condition of  
25 receiving a grant under subsection (a) for a calendar year,

1 an employer shall provide the Secretary with information,  
2 at such times and in such manner as determined by the  
3 Secretary, concerning individuals who received a paid  
4 leave benefit under the paid family and medical leave ben-  
5 efit program of the employer, including each individual's  
6 name, information to establish the individual's identity,  
7 dates for which such paid leave benefits were paid, the  
8 amount of such paid leave benefit, and, to the extent avail-  
9 able, such other information concerning such individuals  
10 as the Secretary may require for the purpose of carrying  
11 out this section and section 2202(c)(2)(C), and for other-  
12 wise carrying out the provisions of this title, including for  
13 the purposes of promoting equity as described under sec-  
14 tion 2206(a) and for research described under section  
15 2208(b).

16 “(f) ENFORCEMENT.—

17 “(1) IN GENERAL.—The Secretary shall con-  
18 duct periodic reviews of employers receiving grants  
19 under this section (and of entities administering  
20 such grants). The Secretary may withdraw approval  
21 of the paid family and medical leave benefit program  
22 of an employer in any case in which the Secretary  
23 finds that the employer (or administering entity) has  
24 violated any requirement of this section, and may  
25 disqualify an employer (or administering entity)

1 from receiving (or administering) subsequent grants  
2 under this section in the case of repeated violations.

3 “(2) PENALTIES RELATING TO APPEALS.—In  
4 any case in which the Secretary determines that a  
5 pattern exists with respect to an employer (or ad-  
6 ministering entity) in which the employer (or admin-  
7 istering entity) has incorrectly denied claims for paid  
8 leave benefits under the employer-sponsored pro-  
9 gram and such claims have subsequently been ap-  
10 proved by the Secretary pursuant to an appeal de-  
11 scribed in section 2205(a)(1)(B), the Secretary may  
12 impose such penalties on the employer (or admin-  
13 istering entity) as the Secretary deems appropriate,  
14 which may include a reduction in, or disqualification  
15 from receiving (or administering), subsequent grants  
16 under this section.

17 “(3) PENALTIES ON ADMINISTERING ENTI-  
18 TIES.—In the case of a third-party entity admin-  
19 istering a paid family and medical leave benefit pro-  
20 gram of an employer, such entity shall notify such  
21 employer in any case in which a penalty is imposed  
22 under this subsection on the administering entity  
23 not later than 30 days after the date on which such  
24 penalty has been imposed. In any case in which the  
25 Secretary determines that a pattern of misconduct

1 exists with respect to an entity administering bene-  
2 fits under this section for multiple employers, the  
3 Secretary may disqualify such entity from admin-  
4 istering employer-sponsored programs receiving sub-  
5 sequent grants under this section.

6 “(4) EMPLOYER AND ADMINISTRATOR AP-  
7 PEALS.—An employer (or administering entity) with  
8 respect to which a penalty is imposed under this  
9 subsection may appeal such decision to the Secretary  
10 only if such appeal is filed with the Secretary not  
11 later than 60 days after the date of such decision.

12 “(g) GREATER BENEFITS PERMITTED.—Nothing in  
13 this section shall be construed to prohibit an eligible em-  
14 ployer from providing paid family and medical leave bene-  
15 fits that exceed the requirements described in this section.

16 **“SEC. 2211. FUNDING FOR SMALL BUSINESS ASSISTANCE.**

17 “(a) IN GENERAL.—There are appropriated, out of  
18 any funds in the Treasury not otherwise appropriated,  
19 such sums as may be necessary for grants in accordance  
20 with this section.

21 “(b) SMALL BUSINESS ASSISTANCE GRANTS.—The  
22 Secretary shall make a grant to each eligible employer (as  
23 defined in subsection (g)) who employs a covered indi-  
24 vidual (as so defined) if such eligible employer satisfies  
25 the requirements of subsection (c).

1       “(c) GRANT REQUIREMENTS.—An eligible employer  
2 seeking a grant under this section with respect to a cov-  
3 ered individual described in subsection (b) shall—

4           “(1) not later than 90 days after such indi-  
5 vidual returns from qualified leave (as defined in  
6 subsection (g)) from the employer, submit an appli-  
7 cation to the Secretary in such manner as the Sec-  
8 retary shall provide;

9           “(2) attest to the Secretary that the employer  
10 reasonably expects to, during the period in which  
11 such individual is taking such qualified leave, incur  
12 costs attributable to replacing the labor of such indi-  
13 vidual during such period in excess of the wages that  
14 would be paid to the individual during such period  
15 if such leave were not taken;

16           “(3) agree that, on return from such qualified  
17 leave, the individual will—

18           “(A) be restored by the employer to the  
19 position of employment held by the individual  
20 when the leave commenced; or

21           “(B) be restored to an equivalent position  
22 with equivalent employment benefits, pay, and  
23 other terms and conditions of employment;

24           “(4) agree to maintain coverage for the indi-  
25 vidual under any ‘group health plan’ (as defined in

1 section 2212) for the duration of such qualified leave  
2 at the level and under the conditions coverage would  
3 have been provided if the individual had continued in  
4 employment continuously for the duration of such  
5 leave;

6 “(5) upon the award of such grant, notify the  
7 individual of their rights under paragraphs (3) and  
8 (4).

9 “(d) AMOUNT OF GRANT.—The amount of a grant  
10 to an eligible employer with respect to a covered individual  
11 shall be an amount equal to the product of 2.5 multiplied  
12 by the average weekly wage of the State in which the indi-  
13 vidual’s worksite is located for the most recent calendar  
14 year. For purposes of this subsection, the average weekly  
15 wage of a State for a calendar year shall be determined  
16 and annually published by the Secretary on the basis of  
17 data prepared by the Bureau of Labor Statistics that is  
18 based on a quarterly census of employers in the State of  
19 wages paid for unemployment insurance-covered employ-  
20 ment.

21 “(e) LIMITATIONS.—In no case may an eligible em-  
22 ployer—

23 “(1) receive more than 1 grant under this sec-  
24 tion with respect to the same covered individual in  
25 a single calendar year; or



1           “(2) receive more than 10 total grants under  
2 this section in a single calendar year.

3           “(f) ENFORCEMENT.—In any case in which—

4           “(1) an employer’s attestation with respect to  
5 costs incurred made pursuant to subsection (c)(2) is  
6 not made in good faith; or

7           “(2) an employer who receives a grant under  
8 this section with respect to a covered individual fails  
9 to satisfy the requirements of paragraph (3) or (4)  
10 of subsection (c) with respect to such individual,  
11 the Secretary may require the employer to repay the full  
12 amount of such grant (including any applicable interest)  
13 and may permanently prohibit the employer from applying  
14 for any subsequent grants under this section.

15           “(g) DEFINITIONS.—For purposes of this section—

16           “(1) COVERED INDIVIDUAL.—For purposes of  
17 this section, the term ‘covered individual’ means an  
18 individual employed by an eligible employer who  
19 takes 4 or more weeks of leave from such employer,  
20 or anticipates taking 4 or more weeks, during the in-  
21 dividual’s benefit period for which the individual re-  
22 ceives paid family and medical leave benefits—

23                   “(A) under section 2202(a);

24                   “(B) under the law of a legacy State (as  
25 defined in section 2209(b)); or

1           “(C) under an eligible employer-sponsored  
2           plan under section 2210,  
3           but only if the eligible employer has received no  
4           other State or Federal grant intended to cover the  
5           costs described in subsection (c)(2) with respect to  
6           such individual.

7           “(2) ELIGIBLE EMPLOYER.—The term ‘eligible  
8           employer’ means any person (other than a govern-  
9           mental agency) who regularly employs at least 1 and  
10          not more than 50 employees.

11          “(3) QUALIFIED LEAVE.—The term ‘qualified  
12          leave’ means leave taken by an individual with re-  
13          spect to which the individual is eligible for paid fam-  
14          ily and medical leave benefits under section 2202,  
15          under the law of a legacy State (as defined in sec-  
16          tion 2209(b)), or under an eligible employer-spon-  
17          sored plan under section 2210.

18       **“SEC. 2212. DEFINITIONS.**

19          “For purposes of this title the following definitions  
20       apply:

21          “(1) GROUP HEALTH PLAN.—The term ‘group  
22          health plan’ has the meaning given such term in sec-  
23          tion 5000(b)(1) of the Internal Revenue Code of  
24          1986.

1           “(2) NATIONAL AVERAGE WAGE INDEX.—The  
2 term ‘national average wage index’ has the meaning  
3 given such term in section 209(k)(1).

4           “(3) SECRETARY.—The term ‘Secretary’ means  
5 the Secretary of the Treasury.

6           “(4) SELF-EMPLOYMENT INCOME.—The term  
7 ‘self-employment income’ has the meaning given the  
8 term in section 1402(b) of the Internal Revenue  
9 Code of 1986 for purposes of the taxes imposed by  
10 section 1401(b) of such Code. For purposes of sec-  
11 tion 2202(a) and 2203(b)(3), the Secretary shall de-  
12 termine rules for the crediting of self-employment  
13 income to calendar quarters, under which—

14           “(A) in the case of a taxable year which is  
15 a calendar year, self-employment income shall  
16 be credited equally to each quarter of such cal-  
17 endar year; and

18           “(B) in the case of any other taxable year,  
19 such income shall be credited equally to the cal-  
20 endar quarter in which such taxable year ends  
21 and to each of the next three or fewer preceding  
22 quarters any part of which is in such taxable  
23 year.

24           “(5) STATE.—The term ‘State’ means any  
25 State of the United States or the District of Colum-

1       bia or any territory or possession of the United  
2       States.

3               “(6) WAGES.—The term ‘wages’ has the mean-  
4       ing given such term in section 3121(a) of the Inter-  
5       nal Revenue Code of 1986 for purposes of the taxes  
6       imposed by sections 3101(b) and 3111(b) of such  
7       Code, except that such term also includes—

8                       “(A) compensation, as defined in section  
9                       3231(e) of such Code for purposes of the Rail-  
10                      road Retirement Tax Act; and

11                     “(B) unemployment compensation, as de-  
12                     fined in section 85(b) of such Code.

13               “(7) WEEK.—The term ‘week’ means a 7-day  
14       period beginning on a Sunday.”.

15   **SEC. 130002. ACCESS TO WAGE INFORMATION FROM THE**  
16                           **NATIONAL DIRECTORY OF NEW HIRES FOR**  
17                           **THE PURPOSE OF ADMINISTERING PAID**  
18                           **LEAVE.**

19       (a) IN GENERAL.—Section 453(j) of the Social Secu-  
20       rity Act (42 U.S.C. 653(j)) is amended—

21               (1) by redesignating paragraphs (5) through  
22               (11) as paragraphs (6) through (12), respectively;  
23               and

24               (2) by adding after paragraph (4) the following:

1           “(5) PROVISION OF NEW HIRE INFORMATION  
2           FOR PURPOSES OF FAMILY AND MEDICAL LEAVE  
3           PROGRAM.—

4           “(A) IN GENERAL.—The National Direc-  
5           tory of New Hires shall provide the Secretary  
6           of the Treasury with all information in the Na-  
7           tional Directory relating to wages paid to indi-  
8           viduals.

9           “(B) USE AND MAINTENANCE OF INFOR-  
10           MATION BY THE SECRETARY OF THE TREAS-  
11           URY.—The Secretary of the Treasury may use  
12           information provided under this paragraph only  
13           for purposes of administering the paid family  
14           and medical leave benefit program under title  
15           XXII, and shall maintain such information in  
16           the records of the Secretary of the Treasury for  
17           such time as the Secretary of the Treasury  
18           deems necessary for the administration of such  
19           program.”.

20           (b)           CONFORMING           AMENDMENT.—Section  
21           453(i)(2)(C) of such Act (42 U.S.C. 653(i)(2)(C)) is  
22           amended by striking “(j)(5)” and inserting “(j)(6)”.

