

COMMITTEE PRINT

(Providing for reconciliation pursuant to S. Con. Res. 14, the
Concurrent Resolution on the Budget for Fiscal Year 2022)

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 administra-
tion.

“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.

10 **“SEC. 2202. PAID FAMILY AND MEDICAL LEAVE BENEFIT**

11 **ELIGIBILITY.**

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

1 “(1) has filed an application for a paid family
2 and medical leave benefit in accordance with section
3 2204(a);

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

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

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

15 “(B) ending with the month before the
16 month in which such benefit period begins,

17 shall be entitled to such a benefit for each month during
18 such benefit period, except as otherwise provided in this
19 section.

20 “(b) BENEFIT PERIOD.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), the benefit period specified in this sub-
23 section is the period beginning with the month in
24 which ends the 1st week in which the individual has
25 at least 4 caregiving hours and otherwise meets the

1 criteria specified in paragraphs (1), (2), and (3) of
2 subsection (a) and ending with the month in which
3 ends the 52nd week ending during such period.

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

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

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

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

23 “(c) CAREGIVING HOURS.—

24 “(1) CAREGIVING HOUR DEFINED.—For pur-
25 poses of this title, the term ‘caregiving hour’ means

1 a 1-hour period during which the individual engaged
2 in qualified caregiving (determined on the basis of
3 information filed with the Secretary pursuant to
4 subsection (c) of section 2204).

5 “(2) QUALIFIED CAREGIVING.—

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

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

17 “(ii) as if paragraph (1)(C) were
18 amended to read as follows:

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

23 ““(ii) For purposes of clause (i), the term
24 “qualified family member” means, with respect
25 to an employee—

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

5 “(II) a child and a child’s spouse;

6 “(III) a parent and a parent’s
7 spouse;

8 “(IV) a sibling and a sibling’s
9 spouse;

10 “(V) a grandparent, a grandchild, or
11 a spouse of a grandparent or grandchild;
12 and

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

19 “(iii) by treating the criterion in para-
20 graph (1)(D) that an individual is ‘unable
21 to perform the functions of the position of
22 such employee’ because of a serious health
23 condition as a criterion that the individual
24 is unable to satisfy the requirements need-
25 ed to continue receiving the wages or self-

1 employment income described in subsection
2 (a)(3) with respect to the individual be-
3 cause of such serious health condition;

4 “(iv) as if paragraph (1)(E) were
5 amended to read as follows:

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

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

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

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

23 “(B) NO MONETARY COMPENSATION PER-
24 MITTED.—For purposes of subparagraph (A),
25 an activity shall be considered to be engaged in

1 by an individual for monetary compensation if
2 the individual received any form of wage com-
3 pensation from an employer, including paid va-
4 cation, paid sick leave, and any other form of
5 accrued paid time off (but not including any
6 such form of accrued paid time off or any non-
7 accrued paid family and medical leave benefits
8 sponsored by an employer to the extent that the
9 sum of such accrued or non-accrued paid leave
10 and any paid family and medical leave benefits
11 under section 2202 does not exceed 100 percent
12 of the individual's regular rate of pay (as deter-
13 mined under section 7(e) of the Fair Labor
14 Standards Act of 1938)), for the time during
15 which the individual was so engaged.

16 “(C) TREATMENT OF INDIVIDUALS ELIGI-
17 BLE FOR EMPLOYER SPONSORED PAID FAMILY
18 AND MEDICAL LEAVE BENEFITS.—For purposes
19 of subparagraph (A), an activity engaged in by
20 an individual shall not be considered to be en-
21 gaged in in lieu of work if, for the time during
22 which the individual was so engaged, the indi-
23 vidual would be eligible for paid family and
24 medical leave benefits under a program spon-

1 sored by an employer who receives a grant with
2 respect to such program under section 2210.

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

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

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

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

10 **“SEC. 2203. BENEFIT AMOUNT.**

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

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

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

25 “(b) WEEKLY BENEFIT RATE.—

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

4 “(A) 85 percent of the individual’s average
5 weekly earnings to the extent that such earn-
6 ings do not exceed the amount established for
7 purposes of this clause by paragraph (2);

8 “(B) 75 percent of the individual’s average
9 weekly earnings to the extent that such earn-
10 ings exceed the amount established for purposes
11 of subparagraph (A) but do not exceed the
12 amount established for purposes of this clause
13 by paragraph (2);

14 “(C) 55 percent of the individual’s average
15 weekly earnings to the extent that such earn-
16 ings exceed the amount established for purposes
17 of subparagraph (B) but do not exceed the
18 amount established for purposes of this clause
19 by paragraph (2);

20 “(D) 25 percent of the individual’s average
21 weekly earnings to the extent that such earn-
22 ings exceed the amount established for purposes
23 of subparagraph (C) but do not exceed the
24 amount established for purposes of this clause
25 by paragraph (2); and

1 “(E) 5 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 (D) but do not exceed the
5 amount established for purposes of this clause
6 by paragraph (2).

7 “(2) AMOUNTS ESTABLISHED.—

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

15 “(B) WAGE INDEXING.—For individuals
16 whose benefit period under this title begins in
17 any calendar year after 2024, each of the
18 amounts so established shall equal the cor-
19 responding amount established for the calendar
20 year preceding such calendar year, or, if larger,
21 the product of the corresponding amount estab-
22 lished with respect to the calendar year 2024
23 and the quotient obtained by dividing—

24 “(i) the national average wage index
25 (as defined in section 2212) for the second

1 calendar year preceding such calendar
2 year, by

3 “(ii) the national average wage index
4 (as so defined) for 2022.

5 “(C) ROUNDING.—Each amount estab-
6 lished under subparagraph (B) for any calendar
7 year shall be rounded to the nearest \$1, except
8 that any amount so established which is a mul-
9 tiple of \$0.50 but not of \$1 shall be rounded to
10 the next higher \$1.

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

15 “(A) the total of the wages and self-em-
16 ployment income received by the individual dur-
17 ing the most recent 8-calendar quarter period
18 that ends at least 4 months prior to the begin-
19 ning of the individual’s benefit period; by

20 “(B) 104.

21 “(4) EVIDENCE OF EARNINGS.—For purposes
22 of determining the wages and self-employment in-
23 come of an individual with respect to an application
24 for benefits under section 2202, the Secretary shall
25 make such determination on the basis of wage data

1 provided to the Secretary from the National Direc-
2 tory of New Hires pursuant to section 453(j)(5) and
3 self-employment income data provided by the Sec-
4 retary, except that the Secretary shall also consider
5 any more recent or additional evidence of wages or
6 self-employment income the individual chooses to ad-
7 ditionally submit.

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

13 “(1) such number may not exceed the number
14 of hours in a regular workweek of the individual (as
15 determined in subsection (d));

16 “(2) no caregiving hours may be credited to a
17 week in which fewer than 4 caregiving hours of the
18 individual occur;

19 “(3) no caregiving hours of the individual may
20 be credited to the individual’s waiting period, con-
21 sisting of the first week during an individual’s ben-
22 efit period in which at least 4 caregiving hours occur
23 (regardless of whether the individual received paid
24 vacation, paid sick leave, and any other form of ac-
25 crued paid time off from the individual’s employer

1 during such week in accordance with section
2 2202(e)(2)(B)); and

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

8 “(d) NUMBER OF HOURS IN A REGULAR WORK-
9 WEEK.—For purposes of this section, the number of hours
10 in a regular workweek of an individual shall be the number
11 of hours that the individual regularly works in a week for
12 all employers (or regularly worked in the case of an indi-
13 vidual no longer employed), as determined under guidance
14 to be issued by the Secretary.

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

16 “(a) IN GENERAL.—An individual seeking benefits
17 under section 2202 shall file an application with the Sec-
18 retary containing the information described in subsection
19 (b) and such other information as the Secretary may re-
20 quire. Any information contained in an application for
21 benefits under section 2202, or in a periodic benefit claim
22 report filed with respect to such benefits, shall be pre-
23 sumed to be true and accurate, unless the Secretary dem-
24 onstrates by a preponderance of the evidence that informa-
25 tion contained in the application or periodic benefit claim

1 report is false, except that the Secretary shall establish
2 procedures to validate the identity of the individual filing
3 the application.

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

7 “(1) an attestation that the individual has, or
8 anticipates having, at least 4 caregiving hours in a
9 week ending at any time during the period that be-
10 gins 90 days before the date on which such applica-
11 tion is filed or not later than 180 days after such
12 date;

13 “(2) except as otherwise provided in this sub-
14 section, a certification, issued by a relevant authority
15 determined under regulations issued by the Sec-
16 retary, that contains such information as the Sec-
17 retary shall specify in such regulations as necessary
18 to affirm the circumstances giving rise to the need
19 for such caregiving hours, which shall be no more
20 than the information that is required to be stated
21 under section 103(b) of the Family and Medical
22 Leave Act of 1993 (29 U.S.C. 2613(b));

23 “(3) an attestation from the individual that no-
24 tice of the individual’s need to be absent from work
25 during such caregiving hours has been provided, not

1 later than 7 days after such need arises, to the indi-
2 vidual’s employer (except in cases of hardship or
3 other extenuating circumstances or if the individual
4 does not have (or no longer has) an employer);

5 “(4) pay stubs or such other evidence as the in-
6 dividual may provide demonstrating the individual’s
7 wages or self-employment income during the period
8 described in section 2202(a)(3), except that the Sec-
9 retary may waive this requirement in any case in
10 which such evidence is otherwise available to the
11 Secretary;

12 “(5) an attestation from the individual stating
13 the number of hours in a regular workweek of the
14 individual (within the meaning of section 2203(d));
15 and

16 “(6) an attestation from the individual stating
17 that the leave from employment with respect to
18 which the individual is filing such application is not
19 employment for which the individual has received—

20 “(A) a notice from a State pursuant to
21 subsection (b)(2)(B) of section 2209 stating
22 that such employment would be eligible for paid
23 family and medical leave benefits under a State
24 legacy program described in such section; or

1 “(B) a notice from the individual’s em-
2 ployer pursuant to subsection (c)(2)(D) of sec-
3 tion 2210 stating that such employment would
4 be eligible for paid family and medical leave
5 benefits under an employer-sponsored program
6 described in such section.

7 In the case of an individual who applies for a paid family
8 and medical leave benefit in the anticipation of caregiving
9 hours occurring after the date of application, the certifi-
10 cation described in paragraph (2), the attestation de-
11 scribed in paragraph (3), and the evidence described in
12 paragraph (4) may be provided after the 1st week in which
13 at least 4 such caregiving hours occur.

14 “(c) PERIODIC BENEFIT CLAIM REPORT.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), not later than 60 days (or such longer pe-
17 riod as may be provided in any case in which the
18 Secretary determines that good cause exists for an
19 extension) after the end of each month during the
20 benefit period of an individual entitled to benefits
21 under section 2202, the individual shall file a peri-
22 odic benefit claim report with the Secretary. Such
23 periodic benefit claim report shall specify the
24 caregiving hours of the individual that occurred dur-
25 ing each week that ended in such month and shall

1 include such other information as the Secretary may
2 require. No periodic benefit claim report shall be re-
3 quired with respect to any week in which fewer than
4 4 caregiving hours occurred.

5 “(2) RETROACTIVE APPLICATIONS.—In the case
6 of an application filed by an individual for a paid
7 family and medical leave benefit with a benefit pe-
8 riod that begins, in accordance with section
9 2202(b)(2), with a month that ends before the date
10 on which such application is filed, the individual may
11 include with such application the information de-
12 scribed in the second sentence of paragraph (1) with
13 respect to each week in the benefit period that ends
14 before such date.

15 “(d) DETERMINATIONS AND NOTICE REQUIRE-
16 MENTS.—

17 “(1) INITIAL APPLICATION.—

18 “(A) IN GENERAL.—The Secretary shall
19 determine the initial eligibility of an individual
20 applying for benefits under this title in accord-
21 ance with section 2202.

22 “(B) NOTICES.—To ensure payment of
23 benefits in the correct amount and that bene-
24 ficiaries are aware of the right to appeal a ben-
25 efit determination of the Secretary—

1 “(i) not later than 15 days after each
2 application for benefits from an individual
3 under this title is filed, the Secretary shall
4 provide notice to the individual of—

5 “(I) the initial determination of
6 eligibility for such benefits;

7 “(II)(aa) the calendar quarter
8 that begins the period described in
9 section 2203(a)(3) with respect to the
10 individual, the 8 calendar quarters
11 used to compute the individual’s aver-
12 age weekly earnings under section
13 2203(b)(3), and the wages and self-
14 employment income received by the
15 individual during each of those 8
16 quarters as recorded by the Secretary;
17 and

18 “(bb) the individual’s right under
19 section 2203(b)(4) to submit more re-
20 cent or additional evidence of such
21 wages or self-employment income, in-
22 cluding a statement that eligibility
23 could change or benefits could in-
24 crease if such additional evidence re-

1 sults in more recent or higher average
2 weekly earnings;

3 “(III) the estimated weekly ben-
4 efit amount for a week to which 4
5 caregiving hours of the individual are
6 credited;

7 “(IV) the estimated weekly ben-
8 efit amount for a week to which a
9 number of caregiving hours are cred-
10 ited equal to the number of hours in
11 a regular workweek of the individual
12 (as determined in subsection
13 2203(d));

14 “(V) the number of caregiving
15 hours credited to weeks ending prior
16 to the date of such application;

17 “(VI) the beginning and ending
18 dates of the individual’s benefit pe-
19 riod; and

20 “(VII) the individual’s right to
21 appeal such initial determination in
22 accordance with the provisions of sec-
23 tion 2205; and

24 “(ii) in any case in which an indi-
25 vidual submits additional information with

1 respect to such an application, the Sec-
2 retary shall provide an updated notice to
3 the individual containing the same infor-
4 mation provided in the notice described in
5 clause (i), including a specific indication of
6 any such information that has been up-
7 dated as a result of the additional informa-
8 tion submitted by the individual.

9 “(2) MONTHLY BENEFIT DETERMINATIONS.—

10 “(A) IN GENERAL.—On the basis of the in-
11 formation filed with the Secretary pursuant to
12 subsection (c), the Secretary shall determine,
13 with respect to an individual for each week end-
14 ing in a month, the number of caregiving hours
15 to be credited to such week in accordance with
16 section 2203(c).

17 “(B) NOTICES.—To ensure payment of
18 benefits in the correct amount and that bene-
19 ficiaries are aware of the right to appeal a ben-
20 efit determination of the Secretary, not later
21 than 15 days after each periodic benefit claim
22 report from an individual is filed (or after filing
23 of initial application for retroactive benefits),
24 the Secretary shall provide notice to the indi-
25 vidual specifying—

1 “(i) whether payment will be made to
2 the individual for each week to which such
3 periodic benefit claim report pertains and
4 the amount of such payment;

5 “(ii) if the Secretary determines that
6 payment will not be made for a week or
7 that payment will be made based on a
8 number of caregiving hours credited to the
9 week inconsistent with the number of
10 caregiving hours specified for such week in
11 such periodic benefit claim report (or ini-
12 tial application), the reasons for such de-
13 termination; and

14 “(iii) the individual’s right to appeal
15 such determination in accordance with the
16 provisions of section 2205.

17 “(3) CHANGING CIRCUMSTANCES.—The Sec-
18 retary shall issue regulations to establish a process
19 under which an individual may notify the Secretary
20 if more than one type of circumstance gives rise to
21 the need for caregiving hours during the individual’s
22 benefit period. Such caregiving hours shall be cred-
23 ited to weeks within the benefit period in accordance
24 with section 2203(c) regardless of circumstance.

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

6 “(e) CERTIFICATION OF PAYMENT.—Not later than
7 15 days after the making of a determination under sub-
8 section (d)(2)(A) with respect to the number of caregiving
9 hours of an individual to be credited to weeks ending in
10 a month, the Secretary shall certify payment to such indi-
11 vidual of the amount of the paid family and medical leave
12 benefit for such month.

13 “(f) EXPEDITED BENEFIT PAYMENT IN CASES OF
14 MISSING PAYMENT.—The Secretary shall establish and
15 put into effect procedures under which expedited payment
16 of benefits under this title will be made to an individual
17 to whom a benefit payment was due for a month but was
18 not received by the individual.

19 “(g) SUBMISSION OF REQUIRED INFORMATION.—

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

1 “(2) BY ANY PERSON.—Any person may submit
2 applicable paid leave information with respect to an
3 individual, including, as applicable, the individual’s
4 representative, the individual’s employer, or any rel-
5 evant authority identified under subsection (b)(2).
6 The Secretary shall promptly notify an individual
7 whenever any other person submits such information
8 on the individual’s behalf.

9 “(3) NOTICE OF RECEIPT.—The Secretary shall
10 provide prompt notice of receipt of all applicable
11 paid leave information submitted with respect to an
12 individual.

13 “(4) DEFINITION OF APPLICABLE PAID LEAVE
14 INFORMATION.—For purposes of this subsection, the
15 term ‘applicable paid leave information’ means, with
16 respect to an individual, any information submitted
17 to the Secretary with respect to the paid family and
18 medical leave benefits of the individual, including
19 any initial application, periodic benefit claim report,
20 appeal, and any other information submitted in sup-
21 port of such application, report, or appeal.

22 **“SEC. 2205. APPEALS.**

23 “(a) IN GENERAL.—An individual shall have the
24 right—

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

3 “(A) paid family and medical leave benefits
4 under section 2202; and

5 “(B) paid family and medical leave bene-
6 fits under an employer-sponsored program de-
7 scribed in section 2210 whose initial appeal
8 pursuant to subsection (b)(1)(F)(iii) of such
9 section results in a determination unfavorable
10 to the individual; and

11 “(2) to appeal any final decision of the Sec-
12 retary by a civil action brought in the district court
13 of the United States for the judicial district in which
14 the plaintiff resides, or in which the principal place
15 of business of the plaintiff sits, or, if the plaintiff
16 does not reside or such principal place of business
17 does not sit within any such judicial district, in the
18 United States District Court for the District of Co-
19 lumbia.

20 “(b) PROCEDURES.—The Secretary shall establish
21 procedures for appeals of such determinations that ensure
22 that appeals will be heard in a timely manner by a deci-
23 sionmaker who is different from the initial decisionmaker
24 using procedures that are similar to the procedures used
25 for appeals of determinations under the Medicare Low-In-

1 come Subsidy program described under section 1860D-
2 14(a)(3)(B)(iv)(II).

3 “(c) AUTHORITY TO ISSUE AND ENFORCE SUB-
4 POENAS.—

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

17 “(2) SERVICE; WITNESSES.—Subpoenas of the
18 Secretary shall be served by anyone authorized by
19 the Secretary—

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

22 “(B) by registered mail or by certified mail
23 addressed to such individual at his last dwelling
24 place or principal place of business.

1 A verified return by the individual serving the sub-
2 poena setting forth the manner of service, or, in the
3 case of service by registered mail or by certified
4 mail, the return post-office receipt therefor signed by
5 the individual so served, shall be proof of service.
6 Witnesses so subpoenaed shall be paid the same fees
7 and mileage as are paid witnesses in the district
8 courts of the United States.

9 “(3) CONTUMACY OR REFUSAL TO OBEY A SUB-
10 POENA.—

11 “(A) IN GENERAL.—In case of contumacy
12 by, or refusal to obey a subpoena duly served
13 upon, any person, any district court of the
14 United States for the judicial district in which
15 the person charged with contumacy or refusal
16 to obey is found or resides or transacts busi-
17 ness, upon application by the Secretary, shall
18 have jurisdiction to issue an order requiring
19 such person to appear and give testimony, or to
20 appear and produce evidence, or both. Any fail-
21 ure to obey such order of the court may be pun-
22 ished by the court as contempt thereof.

23 “(B) TREATMENT OF EMPLOYERS.—In the
24 case of contumacy by, or refusal to obey a sub-
25 poena duly served upon, any employer, the Sec-

1 retary shall impose such penalties against the
2 employer as the Secretary determines may
3 apply pursuant to section 2210(f).

4 **“SEC. 2206. STEWARDSHIP.**

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

12 “(b) UNDERPAYMENTS AND OVERPAYMENTS.—

13 “(1) IN GENERAL.—Whenever the Secretary de-
14 termines that more or less than the correct amount
15 of payment has been made to any individual under
16 this title, the Secretary shall promptly notify the in-
17 dividual of such determination and inform the indi-
18 vidual of the right to appeal such determination in
19 accordance with the provisions of section 2205.
20 Proper adjustment or recovery shall be made, under
21 regulations prescribed by the Secretary, as follows:

22 “(A) UNDERPAYMENTS.—With respect to
23 payment to an individual of less than the cor-
24 rect amount, the Secretary shall promptly pay

1 the balance of the amount due to such under-
2 paid individual.

3 “(B) OVERPAYMENTS.—

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

19 “(ii) LIMITATION ON RECOVERY.—

20 “(I) AMOUNT SPECIFIED.—The
21 amount specified in this clause with
22 respect to a weekly benefit amount of
23 an individual for a week is an amount
24 equal to the weekly benefit amount
25 that would be determined for the indi-

1 vidual for such week under section
2 2203(a) if the individual’s weekly ben-
3 efit rate (as determined under section
4 2203(b)) were equal to the applicable
5 dollar amount as determined under
6 subclause (II).

7 “(II) APPLICABLE DOLLAR
8 AMOUNT.—For purposes of subclause
9 (I), the applicable dollar amount is—

10 “(aa) with respect to a
11 weekly benefit amount deter-
12 mined for a week ending in a
13 month in or before calendar year
14 2024, \$315; and

15 “(bb) with respect to a
16 weekly benefit amount deter-
17 mined for a week ending in a
18 month in any calendar year after
19 2024, the corresponding amount
20 established with respect to a
21 weekly benefit amount deter-
22 mined for a week ending in a
23 month in the calendar year pre-
24 ceding such calendar year or, if
25 larger, the product of the cor-

1 responding amount specified in
2 item (aa) with respect to a week-
3 ly benefit amount determined for
4 a week ending in a month in cal-
5 endar year 2024 multiplied by
6 the quotient obtained by divid-
7 ing—

8 “(AA) the national av-
9 erage wage index (as defined
10 in section 2212) for the sec-
11 ond calendar year preceding
12 such calendar year, by

13 “(BB) the national av-
14 erage wage index (as so de-
15 fined) for 2022.

16 “(2) WAIVER OF CERTAIN OVERPAYMENTS.—In
17 any case in which more than the correct amount of
18 payment has been made, there shall be no adjust-
19 ment of payments to, or recovery by the United
20 States from, any individual who was without fault in
21 connection with the overpayment if such adjustment
22 or recovery would defeat the purpose of this title or
23 would be against equity and good conscience, or
24 would impede efficient or effective administration of

1 this title, as determined by the Secretary under pro-
2 cedures to be established by the Secretary.

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

11 “(c) PENALTIES AND OTHER PROCEDURES.—

12 “(1) IN GENERAL.—Whoever—

13 “(A) knowingly and willfully makes or
14 causes to be made any false statement or rep-
15 resentation of a material fact in any application
16 for any benefit under this title,

17 “(B) at any time knowingly and willfully
18 makes or causes to be made any false statement
19 or representation of a material fact for use in
20 determining rights to any such benefit,

21 “(C) having knowledge of the occurrence of
22 any event affecting (A) his initial or continued
23 right to any such benefit, or (B) the initial or
24 continued right to any such benefit of any other
25 individual in whose behalf he has applied for or

1 is receiving such benefit, conceals or fails to dis-
2 close such event with an intent fraudulently to
3 secure such benefit either in a greater amount
4 or quantity than is due or when no such benefit
5 is authorized,

6 “(D) having made application to receive
7 any such benefit for the use and benefit of an-
8 other and having received it, knowingly and
9 willfully converts such benefit or any part there-
10 of to a use other than for the use and benefit
11 of such other person, or

12 “(E) conspires to commit any offense de-
13 scribed in any of subparagraphs (A) through
14 (C),

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

17 “(2) EXCLUSION FROM PARTICIPATION.—

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

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

1 “(i) IN GENERAL.—An exclusion
2 under this paragraph shall be effective at
3 such time, for such period, and upon such
4 reasonable notice to the public and to the
5 individual excluded as may be specified in
6 regulations consistent with clause (ii).

7 “(ii) EFFECTIVE DATE.—Such an ex-
8 clusion shall be effective with respect to
9 services furnished to any individual on or
10 after the effective date of the exclusion.
11 Nothing in this paragraph may be con-
12 strued to preclude consideration of any
13 medical evidence derived from services pro-
14 vided by a health care provider before the
15 effective date of the exclusion of the health
16 care provider under this paragraph.

17 “(iii) PERIOD OF EXCLUSION.—

18 “(I) IN GENERAL.—The Sec-
19 retary shall specify, in the notice of
20 exclusion under clause (i), the period
21 of the exclusion.

22 “(II) PREVIOUS OFFENSE.—In
23 the case of the exclusion of a person
24 or entity under subparagraph (A) who

1 has previously been subject to an ex-
2 clusion under such subparagraph—

3 “(aa) if the person or entity
4 has previously been subject to
5 such an exclusion only once, the
6 period of exclusion shall be not
7 less than 10 years; and

8 “(bb) if the person or entity
9 has previously been subject to
10 such an exclusion more than
11 once, the exclusion shall be per-
12 manent.

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

15 “(i) promptly notify the appropriate
16 State or local agency or authority having
17 responsibility for the licensing or certifi-
18 cation of a person or entity excluded from
19 participation under this section of the fact
20 and circumstances of the exclusion;

21 “(ii) request that appropriate inves-
22 tigations be made and sanctions invoked in
23 accordance with applicable State law and
24 policy; and

1 “(iii) request that the State or local
2 agency or authority keep the Secretary
3 fully and currently informed with respect
4 to any actions taken in response to the re-
5 quest.

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

14 “(E) APPLICATION FOR TERMINATION OF
15 EXCLUSION.—

16 “(i) IN GENERAL.—An individual ex-
17 cluded from participation under this para-
18 graph may apply to the Secretary, in the
19 manner specified by the Secretary in regu-
20 lations and at the end of the period of ex-
21 clusion provided under subparagraph
22 (B)(iii) and at such other times as the Sec-
23 retary may provide, for termination of the
24 exclusion effected under this paragraph.

1 “(ii) CRITERIA FOR TERMINATION.—

2 The Secretary may terminate the exclusion
3 if the Secretary determines, on the basis of
4 the conduct of the applicant which oc-
5 curred after the date of the notice of exclu-
6 sion or which was unknown to the Sec-
7 retary at the time of the exclusion, that—

8 “(I) there is no basis under sub-
9 paragraph (A) for a continuation of
10 the exclusion; and

11 “(II) there are reasonable assur-
12 ances that the types of actions which
13 formed the basis for the original ex-
14 clusion have not recurred and will not
15 recur.

16 “(F) AVAILABILITY OF RECORDS OF EX-
17 CLUDED PERSONS AND ENTITIES.—Nothing in
18 this section shall be construed to have the effect
19 of limiting access by any applicant or bene-
20 ficiary under this title or the Secretary to
21 records maintained by any person or entity in
22 connection with services provided to the appli-
23 cant or beneficiary prior to the exclusion of
24 such person or entity under this paragraph.

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

8 “(d) REDETERMINATION OF ENTITLEMENT.—

9 “(1) IN GENERAL.—

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

24 “(B) DISREGARD OF CERTAIN EVI-
25 DENCE.—When redetermining the entitlement,

1 or making an initial determination of entitle-
2 ment, of an individual under this title, the Sec-
3 retary shall disregard any evidence if there is
4 reason to believe that fraud or similar fault was
5 involved in the providing of such evidence.

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

9 “(A) an incorrect or incomplete statement
10 that is material to the determination is know-
11 ingly made; or

12 “(B) information that is material to the
13 determination is knowingly concealed.

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

22 **“SEC. 2207. FUNDING FOR BENEFIT PAYMENTS, GRANTS,**
23 **AND PROGRAM ADMINISTRATION.**

24 “(a) FUNDING FOR BENEFIT PAYMENTS AND
25 GRANTS.—

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

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

15 “(A) the product of 12 multiplied by the
16 number of hours in a regular workweek of the
17 individual (within the meaning of section
18 2203(d)), minus

19 “(B) the number of caregiving hours (as
20 defined in section 2202(c)) of such individual
21 credited in total to months during such benefit
22 period under this title.

23 “(3) APPLICABLE INDIVIDUAL.—For purposes
24 of paragraph (2), an ‘applicable individual’ is an in-
25 dividual, with respect to whom a grant under section

1 2209 is awarded, receiving paid family or medical
2 leave benefits for days of leave under a paid family
3 and medical leave benefit program of a legacy State
4 (as defined in section 2209(b)).

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

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

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

21 “(B) Costs related to technology to sup-
22 port a national toll-free telephone number and
23 to technology related to the design, construction
24 and maintenance of an online application and
25 customer service portal.

1 “(C) Costs related to mailed notices.

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

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

8 “(A) Ensure identity validation of appli-
9 cants and beneficiaries.

10 “(B) Verify the professional credentials of
11 relevant authorities who provide certifications
12 pursuant to section 2204(b)(2).

13 “(C) Ensure the accuracy of any wage and
14 self-employment income data used in the ad-
15 ministration of this title.

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

19 “(E) Ensure the accuracy of periodic ben-
20 efit claim reports.

21 “(F) Provide for post-effectuation quality
22 review of approved claims and quality review of
23 denied claims (which shall not be carried out
24 through the use of grants or contracts).

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

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

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

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

18 “(8) Costs related to data exchange and shar-
19 ing, for which the Secretary shall enter into an
20 agreement with relevant data sources including the
21 National Directory of New Hires and shall seek to
22 enter into agreements with States to obtain such in-
23 formation as the Secretary may require to determine
24 eligibility and benefits payable under section 2202,
25 administer the grants in sections 2209 and 2210,

1 and verify such other information as the Secretary
2 determines may be necessary in carrying out the
3 provisions of this title.

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

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

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

22 “(12) Any other costs necessary for the effec-
23 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 monthly 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); multiplied by

22 “(B) the number of employees (pro-rated
23 for part-time employees) covered under the pro-
24 gram for such calendar year (or, in the case of

1 calendar year 2023, for the portion of such cal-
2 endar year occurring after June 30); and

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

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

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

25 “(b) ELIGIBILITY; APPLICATION REQUIREMENTS.—

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

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

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

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

22 “(ii) certifies to the Secretary that the
23 employer will have in effect during such
24 calendar year a paid family and medical
25 leave benefit program that meets the re-

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

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

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

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

17 “(i) submits to the Secretary—

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

1 main in effect until the end of such
2 calendar year); and

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

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

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

23 “(F) JOB PROTECTIONS AND OTHER EM-
24 PLOYEE RIGHTS.—As a condition of the grant,
25 the employer agrees—

1 “(i) that, on return from leave under
2 the program described in subparagraph
3 (B), the individual taking such leave will—
4 “(I) be restored by the employer
5 to the position of employment held by
6 the individual when the leave com-
7 menced; or
8 “(II) be restored to an equivalent
9 position with equivalent employment
10 benefits, pay, and other terms and
11 conditions of employment;
12 “(ii) to maintain coverage for the in-
13 dividual under any ‘group health plan’ (as
14 defined in section 2212) for the duration
15 of such leave at the level and under the
16 conditions coverage would have been pro-
17 vided if the individual had continued in
18 employment continuously for the duration
19 of such leave;
20 “(iii) in any case in which an em-
21 ployee receives an adverse determination
22 from the employer (or administering enti-
23 ty) with respect to paid family and medical
24 leave benefits under the program described
25 in subparagraph (B)—

1 “(I) to provide opportunity for
2 the employee to appeal such adverse
3 determination to the employer (or ad-
4 ministering entity); and

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

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

21 “(v) not to impose any fee on any em-
22 ployee related to the receipt of paid family
23 and medical leave benefits under the pro-
24 gram described in subparagraph (B).

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

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

8 “(ii) will notify an employee in any
9 case in which the employee is provided re-
10 imbursable benefits; and

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

15 “(H) SPECIAL CONDITIONS IN THE CASE
16 OF CERTAIN EMPLOYERS.—

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

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

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

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

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

21 “(2) TIMING OF APPLICATION.—

22 “(A) CERTIFICATION.—The certification
23 deadline specified in this subparagraph for a
24 calendar year is—

1 “(i) for calendar year 2023, March
2 31, 2023; and

3 “(ii) for any calendar year after 2023,
4 90 days before the beginning of such cal-
5 endar year,

6 or, if later, the date that is 90 days before a
7 plan described in paragraph (1)(B) first goes
8 into effect.

9 “(B) SUBMISSION OF DOCUMENTATION.—
10 The submission deadline specified in this sub-
11 paragraph for a calendar year is—

12 “(i) for calendar year 2023, May 15,
13 2023; and

14 “(ii) for any calendar year after 2023,
15 45 days before the beginning of such cal-
16 endar year,

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

20 “(c) EMPLOYER PROGRAM REQUIREMENTS.—

21 “(1) IN GENERAL.—A paid family and medical
22 leave benefit program shall not be considered to
23 meet the requirements of this subsection unless such
24 program consists of a written employer policy that
25 provides for the payment, through one or more em-

1 ployee benefit plans, of family and medical leave
2 benefits, which may be guaranteed through an in-
3 surer and which may be administered by an insurer
4 or by another third-party entity, that includes each
5 element in the model template described in para-
6 graph (2), and that provides for each of the fol-
7 lowing:

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

13 “(B) Each of the job protections and other
14 employee rights described in subsection
15 (b)(1)(F).

16 “(C) Each of the assurances described in
17 subsection (b)(1)(G).

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

20 “(2) MODEL TEMPLATE.—Not later than July
21 1, 2022, the Secretary shall make available to eligi-
22 ble employers a model template of a written policy
23 providing paid family and medical leave benefits—

24 “(A) at a wage replacement rate that is at
25 least as great as the wage replacement rate that

1 an employee would receive under the program
2 under this title (without regard to section
3 2202(c)(2)(C));

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

9 “(C) for all of the reasons for which an in-
10 dividual would be considered to be engaged in
11 qualified caregiving under section
12 2202(c)(2)(A), regardless of any pre-existing
13 medical conditions;

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

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

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

20 “(G) for which applications must be proc-
21 essed and notifications provided at least as
22 quickly as is provided under section 2204 for
23 benefits provided under section 2202(a); and

24 “(H) for which any information contained
25 in an application for such benefits shall be pre-

1 sumed to be true and accurate, unless the em-
2 ployer (or administering entity) demonstrates
3 by a preponderance of the evidence that infor-
4 mation contained in the application is false;

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

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

19 “(1) INSURED EMPLOYERS.—A grant paid
20 under this section for a calendar year to an eligible
21 employer described in subsection (a)(1) shall be paid
22 by the Secretary not later than 30 days after the be-
23 ginning of such calendar year, except that in the
24 case of a grant under this section for calendar year

1 2023, such grant shall be paid by the Secretary not
2 later than August 1, 2023.

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

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

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

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

21 “(e) INFORMATION SUBMISSION.—As a condition of
22 receiving a grant under subsection (a) for a calendar year,
23 an employer shall provide the Secretary with information,
24 at such times and in such manner as determined by the
25 Secretary, concerning individuals who received a paid

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

13 “(f) ENFORCEMENT.—

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

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

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

1 Secretary may disqualify such entity from admin-
2 istering employer-sponsored programs receiving sub-
3 sequent grants under this section.

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

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

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

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

19 “(b) SMALL BUSINESS ASSISTANCE GRANTS.—The
20 Secretary shall make a grant to each eligible employer (as
21 defined in subsection (g)) who employs a covered indi-
22 vidual (as so defined) if such eligible employer satisfies
23 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 from the em-
6 ployer, submit an application to the Secretary in
7 such manner as the Secretary shall provide;

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

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

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

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

23 “(4) agree to maintain coverage for the indi-
24 vidual under any ‘group health plan’ (as defined in
25 section 2212) for the duration of such qualified leave

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

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

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

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

22 “(1) receive more than 1 grant under this sec-
23 tion with respect to the same covered individual in
24 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)”.

