

118TH CONGRESS
1ST SESSION

H. R. 3481

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

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Ms. DELAURO (for herself, Ms. KUSTER, Ms. MCCOLLUM, Mrs. WATSON COLEMAN, Mr. SCHNEIDER, Mr. BOYLE of Pennsylvania, Mr. HIGGINS of New York, Ms. PETTERSEN, Ms. PINGREE, Mr. DELUZIO, Mr. DAVIS of Illinois, Mr. PHILLIPS, Ms. TITUS, Mr. NORCROSS, Mr. EVANS, Mr. BLUMENAUER, Ms. NORTON, Ms. SLOTKIN, Mr. CLEAVER, Mr. SWALWELL, Mr. MRVAN, Mr. CONNOLLY, Ms. OMAR, Mr. BOWMAN, Mr. RASKIN, Mr. MOSKOWITZ, Ms. WEXTON, Mr. NADLER, Ms. TOKUDA, Mr. NEGUSE, Mr. MORELLE, Mr. GOTTHEIMER, Ms. CASTOR of Florida, Mr. MULLIN, Mr. MFUME, Ms. UNDERWOOD, Ms. BLUNT ROCHESTER, Ms. LOIS FRANKEL of Florida, Mrs. MCBATH, Mr. POCAN, Ms. SCANLON, Mr. MCGARVEY, Ms. BARRAGÁN, Ms. WILLIAMS of Georgia, Ms. BUDZINSKI, Mr. TONKO, Ms. JAYAPAL, Mr. MENENDEZ, Mr. PETERS, Mrs. CHERFILUS-MCCORMICK, Mr. LYNCH, Mr. CÁRDENAS, Mr. NICKEL, Ms. LOFGREN, and Ms. STRICKLAND) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act, the following definitions apply:

6 (1) CAREGIVING DAY.—

7 (A) IN GENERAL.—The term “caregiving
8 day” means, with respect to an individual, a
9 calendar day in which the individual engaged in
10 qualified caregiving.

11 (B) LIMITATIONS.—An individual may not
12 exceed—

13 (i) with respect to any month, 20
14 caregiving days; or

15 (ii) with respect to any benefit period,
16 60 caregiving days.

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

19 (3) DEPUTY COMMISSIONER.—The term “Dep-
20 uty Commissioner” means the Deputy Commissioner
21 who heads the Office of Paid Family and Medical
22 Leave established under section 3(a).

23 (4) ELIGIBLE INDIVIDUAL.—The term “eligible
24 individual” means an individual who is entitled to a
25 benefit under section 4 for a particular month, upon
26 filing an application for such benefit for such month.

1 (5) QUALIFIED CAREGIVING.—

2 (A) IN GENERAL.—The term “qualified
3 caregiving” means any activity engaged in by
4 an individual, other than regular employment,
5 for a qualifying reason.

6 (B) QUALIFYING REASON.—

7 (i) IN GENERAL.—For purposes of
8 subparagraph (A), the term “qualifying
9 reason” means any of the following rea-
10 sons for taking leave:

11 (I) Any reason for which an eligi-
12 ble employee would be entitled to
13 leave under subparagraph (A), (B), or
14 (E) of paragraph (1) of section 102(a)
15 of the Family and Medical Leave Act
16 of 1993 (29 U.S.C. 2612(a)).

17 (II) In order to care for a quali-
18 fied family member of the individual,
19 if such qualified family member has a
20 serious health condition.

21 (III) Because of a serious health
22 condition that makes the individual
23 unable to perform the services re-
24 quired under the terms of their reg-
25 ular employment.

1 (IV) In order to, as a result of
2 domestic violence, sexual assault, or
3 stalking—

4 (aa) seek medical attention
5 for the employee or the employ-
6 ee’s child, parent, spouse, domes-
7 tic partner, or any other indi-
8 vidual related by blood or affinity
9 whose close association with the
10 employee is the equivalent of a
11 family relationship, to recover
12 from physical or psychological in-
13 jury or disability caused by do-
14 mestic violence, sexual assault, or
15 stalking;

16 (bb) obtain or assist a re-
17 lated person described in item
18 (aa) in obtaining services from a
19 victim services organization;

20 (cc) obtain or assist a re-
21 lated person described in item
22 (aa) in obtaining psychological or
23 other counseling;

24 (dd) seek relocation; or

1 (ee) take legal action, in-
2 cluding preparing for or partici-
3 pating in any civil or criminal
4 legal proceeding related to or re-
5 sulting from domestic violence,
6 sexual assault, or stalking.

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

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

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

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

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

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

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

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

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

15 (iii) OTHER DEFINITIONS.—For pur-
16 poses of clause (i)(IV):

17 (I) CHILD.—The term “child”
18 means, regardless of age, a biological,
19 foster, or adopted child, a stepchild, a
20 child of a domestic partner, a legal
21 ward, or a child of a person standing
22 in loco parentis.

23 (II) DOMESTIC PARTNER.—

24 (aa) IN GENERAL.—The
25 term “domestic partner”, with

1 respect to an individual, means
2 another individual with whom the
3 individual is in a committed rela-
4 tionship.

5 (bb) COMMITTED RELATION-
6 SHIP DEFINED.—The term “com-
7 mitted relationship” means a re-
8 lationship between 2 individuals,
9 each at least 18 years of age, in
10 which each individual is the other
11 individual’s sole domestic partner
12 and both individuals share re-
13 sponsibility for a significant
14 measure of each other’s common
15 welfare. The term includes any
16 such relationship between 2 indi-
17 viduals, including individuals of
18 the same sex, that is granted
19 legal recognition by a State or
20 political subdivision of a State as
21 a marriage or analogous relation-
22 ship, including a civil union or
23 domestic partnership.

24 (III) DOMESTIC VIOLENCE.—The
25 term “domestic violence” has the

1 meaning given the term in section
2 40002(a) of the Violence Against
3 Women Act of 1994 (34 U.S.C.
4 12291(a)), except that the reference
5 in such section to the term “jurisdic-
6 tion receiving grant monies” shall be
7 deemed to mean the jurisdiction in
8 which the victim lives or the jurisdic-
9 tion in which the employer involved is
10 located. Such term also includes “dat-
11 ing violence”, as that term is defined
12 in such section.

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

21 (V) SEXUAL ASSAULT.—The
22 term “sexual assault” has the mean-
23 ing given the term in section 40002(a)
24 of the Violence Against Women Act of
25 1994 (34 U.S.C. 12291(a)).

1 (VI) SPOUSE.—The term
2 “spouse”, with respect to an em-
3 ployee, has the meaning given such
4 term by the marriage laws of the
5 State in which the marriage was cele-
6 brated.

7 (VII) STALKING.—The term
8 “stalking” has the meaning given the
9 term in section 40002(a) of the Vio-
10 lence Against Women Act of 1994 (34
11 U.S.C. 12291(a)).

12 (VIII) VICTIM SERVICES ORGANI-
13 ZATION.—The term “victim services
14 organization” means a nonprofit, non-
15 governmental organization that pro-
16 vides assistance to victims of domestic
17 violence, sexual assault, or stalking or
18 advocates for such victims, including a
19 rape crisis center, an organization
20 carrying out a domestic violence, sex-
21 ual assault, or stalking prevention or
22 treatment program, an organization
23 operating a shelter or providing coun-
24 seling services, or a legal services or-
25 ganization or other organization pro-

1 viding assistance through the legal
2 process.

3 (C) TREATMENT OF INDIVIDUALS COV-
4 ERED BY LEGACY STATE COMPREHENSIVE PAID
5 LEAVE PROGRAM.—

6 (i) IN GENERAL.—For purposes of
7 subparagraph (A), an activity engaged in
8 by an individual shall not be considered as
9 other than regular employment if, for the
10 time during which the individual was so
11 engaged, the individual is taking leave
12 from covered employment under the law of
13 a legacy State (as defined in section 4(c)).

14 (ii) UNEMPLOYED.—In the case of an
15 individual who is no longer employed, such
16 individual shall be treated, for purposes of
17 clause (i), as taking leave from covered
18 employment under the law of a legacy
19 State (as so defined) with respect to the
20 portion of the time during which the indi-
21 vidual was engaged in an activity for a
22 qualifying reason corresponding to the
23 share of the individual's workweek that
24 was in covered employment under the law
25 of a legacy State (as so defined).

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

5 (7) SELF-EMPLOYMENT INCOME.—The term
6 “self-employment income” has the same meaning as
7 such term in section 211(b) of such Act (42 U.S.C.
8 411(b)).

9 (8) STATE.—The term “State” means any
10 State of the United States or the District of Colum-
11 bia or any territory or possession of the United
12 States.

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

19 (A) compensation, as defined in section
20 3231(e) of such Code for purposes of the Rail-
21 road Retirement Tax Act; and

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

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

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

7 (b) RESPONSIBILITIES OF DEPUTY COMMIS-
8 SIONER.—The Commissioner, acting through the Deputy
9 Commissioner, shall be responsible for—

10 (1) hiring personnel and making employment
11 decisions with regard to such personnel;

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

14 (3) entering into cooperative agreements with
15 other agencies and departments to ensure the effi-
16 ciency of the administration of the program;

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

19 (5) determining benefit amounts for each
20 month of such eligibility and making timely pay-
21 ments of such benefits to entitled individuals in ac-
22 cordance with such section;

23 (6) establishing and maintaining a system of
24 records relating to the administration of such sec-
25 tion;

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

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

10 (9) annually providing employers a notice in-
11 forming employees of the availability of such bene-
12 fits;

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

19 (11) tailoring culturally and linguistically com-
20 petent education and outreach toward increasing uti-
21 lization rates of benefits under such section.

22 (c) AVAILABILITY OF DATA.—Notwithstanding any
23 other provision of law, the Commissioner shall make avail-
24 able to the Deputy Commissioner such data as the Com-
25 missioner determines necessary to enable the Deputy

1 Commissioner to effectively carry out the responsibilities
2 described in subsection (b).

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

4 **PAYMENTS.**

5 (a) IN GENERAL.—

6 (1) REQUIREMENTS.—Every individual who—

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

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

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

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

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

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

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

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

11 (A) if the benefit period begins in calendar
12 year 2024, \$2,000; and

13 (B) if the benefit period begins in any cal-
14 endar year after 2024, an amount equal to the
15 greater of—

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

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

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

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

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

1 endar year preceding such cal-
2 endar year; divided by

3 (bb) the national average
4 wage index for 2022.

5 (b) BENEFIT AMOUNT.—

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

10 (A) the lesser of—

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

14 (ii) the maximum benefit amount de-
15 termined under paragraph (3); and

16 (B) the minimum benefit amount deter-
17 mined under paragraph (3),
18 multiplied by the quotient (not greater than 1) ob-
19 tained by dividing the number of caregiving days of
20 the individual in such month by 20.

21 (2) MONTHLY BENEFIT RATE.—

22 (A) IN GENERAL.—For purposes of this
23 subsection, the monthly benefit rate of an indi-
24 vidual shall be an amount equal to the sum
25 of—

1 (i) 85 percent of the individual's aver-
2 age monthly earnings to the extent that
3 such earnings do not exceed the amount
4 established for purposes of this clause by
5 subparagraph (B);

6 (ii) 69 percent of the individual's av-
7 erage monthly earnings to the extent that
8 such earnings exceed the amount estab-
9 lished for purposes of clause (i) but do not
10 exceed the amount established for purposes
11 of this clause by subparagraph (B); and

12 (iii) 50 percent of the individual's av-
13 erage monthly earnings to the extent that
14 such earnings exceed the amount estab-
15 lished for purposes of clause (ii) but do not
16 exceed the amount established for purposes
17 of this clause by subparagraph (B).

18 (B) AMOUNTS ESTABLISHED.—

19 (i) INITIAL AMOUNTS.—For individ-
20 uals whose benefit period begins in cal-
21 endar year 2024, the amount established
22 for purposes of clauses (i), (ii), and (iii) of
23 subparagraph (A) shall be \$1,257, \$3,500,
24 and \$6,200, respectively.

1 (ii) WAGE INDEXING.—For individ-
2 uals whose benefit period begins in any
3 calendar year after 2024, each of the
4 amounts so established shall equal the cor-
5 responding amount established for the cal-
6 endar year preceding such calendar year,
7 or, if larger, the product of the cor-
8 responding amount established with re-
9 spect to the calendar year 2024 and the
10 quotient obtained by dividing—

11 (I) the national average wage
12 index for the second calendar year
13 preceding such calendar year, by

14 (II) the national average wage
15 index for calendar year 2022.

16 (iii) ROUNDING.—Each amount estab-
17 lished under clause (ii) for any calendar
18 year shall be rounded to the nearest \$1,
19 except that any amount so established
20 which is a multiple of \$0.50 but not of \$1
21 shall be rounded to the next higher \$1.

22 (C) AVERAGE MONTHLY EARNINGS.—For
23 purposes of this subsection, the average month-
24 ly earnings of an individual shall be an amount
25 equal to $\frac{1}{12}$ of the wages and self-employment

1 income of the individual for the calendar year
2 in which such wages and self-employment in-
3 come are the highest among the most recent 3
4 calendar years.

5 (3) MAXIMUM AND MINIMUM BENEFIT
6 AMOUNTS.—

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

14 (B) WAGE INDEXING.—For individuals
15 who initially become eligible for family and
16 medical leave insurance benefits in any calendar
17 year after such first full calendar year the max-
18 imum benefit amount and the minimum benefit
19 amount shall be, respectively, the product of the
20 corresponding amount determined with respect
21 to the first calendar year under subparagraph
22 (A) and the quotient obtained by dividing—

23 (i) the national average wage index
24 for the second calendar year preceding the

1 calendar year for which the determination
2 is made, by

3 (ii) the national average wage index
4 for the second calendar year preceding the
5 first full calendar year after the date of en-
6 actment of this Act.

7 (4) REDUCTION IN BENEFIT AMOUNT ON AC-
8 COUNT OF RECEIPT OF CERTAIN BENEFITS.—A ben-
9 efit under this section for a month shall be reduced
10 by the amount, if any, in certain benefits (as deter-
11 mined under regulations issued by the Commis-
12 sioner) as may be otherwise received by an indi-
13 vidual. For purposes of the preceding sentence, cer-
14 tain benefits include—

15 (A) periodic benefits on account of such in-
16 dividual's total or partial disability under a
17 workmen's compensation law or plan of the
18 United States or a State; and

19 (B) periodic benefits on account of an indi-
20 vidual's employment status under an unemploy-
21 ment law or plan of the United States or a
22 State.

23 (5) COORDINATION OF BENEFIT AMOUNT WITH
24 CERTAIN STATE BENEFITS.—A benefit received
25 under this section shall be coordinated, in a manner

1 determined by regulations issued by the Commis-
2 sioner, with the periodic benefits received from tem-
3 porary disability insurance or family leave insurance
4 programs under any law or plan of a State, a polit-
5 ical subdivision (as that term is used in section
6 218(b)(2) of the Social Security Act (42 U.S.C.
7 418(b)(2))), or an instrumentality of two or more
8 States (as that term is used in section 218(g) of
9 such Act (42 U.S.C. 418(g))).

10 (c) BENEFIT PERIOD.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), the benefit period specified in this sub-
13 section is the 12-month period that begins on the
14 1st day of the 1st month in which the individual—

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

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

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

1 ceding the date on which such application is sub-
2 mitted, the benefit period specified in this subsection
3 shall begin on the later of—

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

7 (B) the 1st day of the 1st month that be-
8 gins during such 90-day period,
9 and shall end on the date that is 365 days after the
10 1st day of the benefit period.

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

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

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

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

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

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

18 (e) INELIGIBILITY; DISQUALIFICATION.—

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

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

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

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

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

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

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

23 (1) ELIGIBILITY DETERMINATIONS.—

24 (A) IN GENERAL.—The Commissioner
25 shall provide notice to an individual applying

1 for benefits under this section of the initial de-
2 termination of eligibility for such benefits, and
3 the estimated benefit amount for a month in
4 which one caregiving day of the individual oc-
5 curs, as soon as practicable after the applica-
6 tion is received.

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

18 (2) BENEFIT PAYMENT DETERMINATIONS.—

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

1 than 20 days after the individual's monthly
2 benefit claim report for such month is received.
3 Such monthly report shall be filed with the
4 Commissioner not later than 15 days after the
5 end of each month.

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

1 vidual for such month to which the Commis-
2 sioner determines the individual is entitled.

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

10 (4) DEFINITION OF MONTHLY BENEFIT CLAIM
11 REPORT.—For purposes of this subsection, the term
12 “monthly benefit claim report” means, with respect
13 to an individual for a month, the individual’s report
14 to the Commissioner of the number of caregiving
15 days of the individual in such month, which shall be
16 filed no later than 15 days after the end of each
17 month.

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

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

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

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

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

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

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

15 (A) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (2) CIVIL ACTION BY AN INDIVIDUAL.—

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

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

6 (I) the amount of—

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

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

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

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

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

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

3 (i) the individual; or

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

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

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

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

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

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

7 (3) ACTION BY THE COMMISSIONER.—

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

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

21 (4) LIMITATION.—

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

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

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

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

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

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

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

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

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

6 (a) IN GENERAL.—

7 (1) PAYMENTS TO LEGACY STATES.—In each
8 calendar year beginning with calendar year 2025,
9 the Commissioner shall make a grant to each State
10 that, for the calendar year preceding such calendar
11 year, was a legacy State and that met the data shar-
12 ing requirements of subsection (e), in an amount
13 equal to the lesser of—

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

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

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

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

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

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

1 justed as appropriate in the succeeding calendar
2 year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (A) each individual's name;

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

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

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

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

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

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

1 **SEC. 6. ESTABLISHMENT OF FAMILY AND MEDICAL LEAVE**
2 **INSURANCE TRUST FUND.**

3 (a) IN GENERAL.—There is hereby created on the
4 books of the Treasury of the United States a trust fund
5 to be known as the “Federal Family and Medical Leave
6 Insurance Trust Fund”. The Federal Family and Medical
7 Leave Insurance Trust Fund shall consist of such gifts
8 and bequests as may be made as provided in section
9 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1))
10 and such amounts as may be appropriated to, or deposited
11 in, the Federal Family and Medical Leave Insurance
12 Trust Fund as provided in this section.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There is authorized to be
15 appropriated to the Federal Family and Medical
16 Leave Insurance Trust Fund out of moneys in the
17 Treasury not otherwise appropriated—

18 (A) for the first 3 fiscal years beginning
19 after the date of enactment of this Act, such
20 sums as may be necessary for the Commissioner
21 to—

22 (i) administer the office established
23 under section 3;

24 (ii) pay the benefits under section 4;

25 and

1 (iii) provide the grants under section
2 5;

3 (B) 100 percent of the taxes imposed by
4 sections 3101(c) and 3111(c) of the Internal
5 Revenue Code of 1986 with respect to wages
6 (as defined in section 3121 of such Code) re-
7 ported to the Secretary of the Treasury pursu-
8 ant to subtitle F of such Code, as determined
9 by the Secretary of the Treasury by applying
10 the applicable rate of tax under such sections to
11 such wages;

12 (C) 100 percent of the taxes imposed by
13 section 1401(c) of such Code with respect to
14 self-employment income (as defined in section
15 1402 of such Code) reported to the Secretary of
16 the Treasury on tax returns under subtitle F of
17 such Code, as determined by the Secretary of
18 the Treasury by applying the applicable rate of
19 tax under such section to such self-employment
20 income; and

21 (D) 100 percent of the taxes imposed by
22 sections 3201(c), 3211(c), and 3221(c) of such
23 Code with respect to compensation (as defined
24 in section 3231 of such Code) reported to the
25 Secretary of the Treasury on tax returns under

1 subtitle F of such Code, as determined by the
2 Secretary of the Treasury by applying the ap-
3 plicable rate of tax under such sections to such
4 compensation.

5 (2) REPAYMENT OF INITIAL APPROPRIATION.—
6 Amounts appropriated pursuant to subparagraph
7 (A) of paragraph (1) shall be repaid to the Treasury
8 of the United States not later than 10 years after
9 the first appropriation is made pursuant to such
10 subparagraph.

11 (3) TRANSFER TO TRUST FUND.—The amounts
12 described in paragraph (2) shall be transferred from
13 time to time from the general fund in the Treasury
14 to the Federal Family and Medical Leave Insurance
15 Trust Fund, such amounts to be determined on the
16 basis of estimates by the Secretary of the Treasury
17 of the taxes, specified in such paragraph, paid to or
18 deposited into the Treasury. Proper adjustments
19 shall be made in amounts subsequently transferred
20 to the extent prior estimates were inconsistent with
21 the taxes specified in such paragraph.

22 (c) MANAGEMENT OF TRUST FUND.—The provisions
23 of subsections (c), (d), (e), (f), (i), and (m) of section 201
24 of the Social Security Act (42 U.S.C. 401) shall apply with
25 respect to the Federal Family and Medical Leave Insur-

1 ance Trust Fund in the same manner as such provisions
2 apply to the Federal Old-Age and Survivors Insurance
3 Trust Fund and the Disability Insurance Trust Fund.

4 (d) BENEFITS AND GRANTS PAID FROM TRUST
5 FUND.—Benefit payments required to be made under sec-
6 tion 4 and grants provided under section 5 shall be made
7 only from the Federal Family and Medical Leave Insur-
8 ance Trust Fund.

9 (e) ADMINISTRATION.—There are authorized to be
10 made available for expenditure, out of the Federal Family
11 and Medical Leave Insurance Trust Fund, such sums as
12 may be necessary to pay the costs of the administration
13 of sections 4 and 5, including start-up costs, technical as-
14 sistance, outreach, education, evaluation, and reporting.

15 (f) PROHIBITION.—No funds from the Social Secu-
16 rity Trust Fund or appropriated to the Social Security Ad-
17 ministration to administer Social Security programs may
18 be used for Federal Family and Medical Leave Insurance
19 benefits or administration set forth under this Act.

20 **SEC. 7. INTERNAL REVENUE CODE PROVISIONS.**

21 (a) IN GENERAL.—

22 (1) EMPLOYEE CONTRIBUTION.—Section 3101
23 of the Internal Revenue Code of 1986 is amended—

24 (A) by redesignating subsection (c) as sub-
25 section (d); and

1 (B) by inserting after subsection (b) the
2 following:

3 “(c) FAMILY AND MEDICAL LEAVE INSURANCE.—

4 “(1) IN GENERAL.—In addition to other taxes,
5 there is hereby imposed on the income of every indi-
6 vidual a tax equal to the applicable percentage of the
7 wages (as defined in section 3121(a)) received by the
8 individual with respect to employment (as defined in
9 section 3121(b)).

10 “(2) APPLICABLE PERCENTAGE.—For purposes
11 of paragraph (1), the term ‘applicable percentage’
12 means 0.2 percent in the case of wages received in
13 any calendar year.

14 “(3) APPLICATION OF TAX TO FEDERAL,
15 STATE, AND LOCAL EMPLOYMENT.—For purposes of
16 the tax imposed by paragraph (1) and the applica-
17 tion of section 3121(b) with respect to such tax,
18 rules similar to the rules under paragraphs (1) and
19 (2) of section 3121(u) shall apply (without regard to
20 paragraph (2)(C) of such section).”.

21 (2) EMPLOYER CONTRIBUTION.—Section 3111
22 of such Code is amended—

23 (A) by redesignating subsection (c) as sub-
24 section (d); and

1 (B) by inserting after subsection (b) the
2 following:

3 “(c) FAMILY AND MEDICAL LEAVE INSURANCE.—

4 “(1) IN GENERAL.—In addition to other taxes,
5 there is hereby imposed on every employer an excise
6 tax, with respect to having individuals in his employ,
7 equal to the applicable percentage of the wages (as
8 defined in section 3121(a)) paid by the employer
9 with respect to employment (as defined in section
10 3121(b)).

11 “(2) APPLICABLE PERCENTAGE.—For purposes
12 of paragraph (1), the term ‘applicable percentage’
13 means 0.2 percent in the case of wages paid in any
14 calendar year.

15 “(3) APPLICATION OF TAX TO FEDERAL,
16 STATE, AND LOCAL EMPLOYMENT.—For purposes of
17 the tax imposed by paragraph (1) and the applica-
18 tion of section 3121(b) with respect to such tax,
19 rules similar to the rules under paragraphs (1) and
20 (2) of section 3121(u) shall apply (without regard to
21 paragraph (2)(C) of such section).”.

22 (3) SELF-EMPLOYMENT INCOME CONTRIBU-
23 TION.—

24 (A) IN GENERAL.—Section 1401 of such
25 Code is amended—

1 (i) by redesignating subsection (c) as
2 subsection (d); and

3 (ii) by inserting after subsection (b)
4 the following:

5 “(c) FAMILY AND MEDICAL LEAVE INSURANCE.—

6 “(1) IN GENERAL.—In addition to other taxes,
7 there is hereby imposed for each taxable year, on the
8 self-employment income of every individual, a tax
9 equal to the applicable percentage of the amount of
10 the self-employment income for such taxable year.

11 “(2) APPLICABLE PERCENTAGE.—For purposes
12 of paragraph (1), the term ‘applicable percentage’
13 means 0.4 percent in the case of self-employment in-
14 come in any taxable year.”.

15 (B) EXCLUSION OF CERTAIN NET EARN-
16 INGS FROM SELF-EMPLOYMENT.—Section
17 1402(b)(1) of such Code is amended by striking
18 “tax imposed by section 1401(a)” and inserting
19 “taxes imposed by subsections (a) and (c) of
20 section 1401”.

21 (b) RAILROAD RETIREMENT TAX ACT.—

22 (1) EMPLOYEE CONTRIBUTION.—Section 3201
23 of such Code is amended—

24 (A) by redesignating subsection (c) as sub-
25 section (d); and

1 (B) by inserting after subsection (b) the
2 following:

3 “(c) FAMILY AND MEDICAL LEAVE INSURANCE.—

4 “(1) IN GENERAL.—In addition to other taxes,
5 there is hereby imposed on the income of each em-
6 ployee a tax equal to the applicable percentage of
7 the compensation received during any calendar year
8 by such employee for services rendered by such em-
9 ployee.

10 “(2) APPLICABLE PERCENTAGE.—For purposes
11 of paragraph (1), the term ‘applicable percentage’
12 means 0.2 percent in the case of compensation re-
13 ceived in any calendar year.”.

14 (2) EMPLOYEE REPRESENTATIVE CONTRIBU-
15 TION.—Section 3211 of such Code is amended—

16 (A) by redesignating subsection (c) as sub-
17 section (d); and

18 (B) by inserting after subsection (b) the
19 following:

20 “(c) FAMILY AND MEDICAL LEAVE INSURANCE.—

21 “(1) IN GENERAL.—In addition to other taxes,
22 there is hereby imposed on the income of each em-
23 ployee representative a tax equal to the applicable
24 percentage of the compensation received during any

1 calendar year by such employee representative for
2 services rendered by such employee representative.

3 “(2) APPLICABLE PERCENTAGE.—For purposes
4 of paragraph (1), the term ‘applicable percentage’
5 means 0.2 percent in the case of compensation re-
6 ceived in any calendar year.”.

7 (3) EMPLOYER CONTRIBUTION.—Section 3221
8 of such Code is amended—

9 (A) by redesignating subsection (c) as sub-
10 section (d); and

11 (B) by inserting after subsection (b) the
12 following:

13 “(c) FAMILY AND MEDICAL LEAVE INSURANCE.—

14 “(1) IN GENERAL.—In addition to other taxes,
15 there is hereby imposed on every employer an excise
16 tax, with respect to having individuals in his employ,
17 equal to the applicable percentage of the compensa-
18 tion paid during any calendar year by such employer
19 for services rendered to such employer.

20 “(2) APPLICABLE PERCENTAGE.—For purposes
21 of paragraph (1), the term ‘applicable percentage’
22 means 0.2 percent in the case of compensation paid
23 in any calendar year.”.

24 (c) CONFORMING AMENDMENTS.—

1 (1) Section 6413(c) of the Internal Revenue
2 Code of 1986 is amended—

3 (A) in paragraph (1)—

4 (i) by inserting “, section 3101(c),”
5 after “by section 3101(a)”; and

6 (ii) by striking “both” and inserting
7 “each”; and

8 (B) in paragraph (2), by inserting “or
9 3101(c)” after “3101(a)” each place it appears.

10 (2) Section 15(a) of the Railroad Retirement
11 Act of 1974 (45 U.S.C. 231n(a)) is amended by in-
12 serting “(other than sections 3201(c), 3211(c), and
13 3221(c))” before the period at the end.

14 (d) **EFFECTIVE DATE.**—The amendments made by
15 this section shall take effect 120 days after the date of
16 the enactment of this Act.

17 **SEC. 8. REGULATIONS.**

18 The Commissioner, in consultation with the Secretary
19 of Labor, shall prescribe regulations necessary to carry out
20 this Act. In developing such regulations, the Commissioner
21 shall consider the input from a volunteer advisory body
22 comprised of not more than 15 individuals, including ex-
23 perts in the relevant subject matter and officials charged
24 with implementing State paid family and medical leave in-
25 surance programs. The Commissioner shall take such pro-

1 grams into account when proposing regulations. Such indi-
2 viduals shall be appointed as follows:

3 (1) Five individuals to be appointed by the
4 President.

5 (2) Three individuals to be appointed by the
6 majority leader of the Senate.

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

9 (4) Three individuals to be appointed by the
10 Speaker of the House of Representatives.

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

13 **SEC. 9. GAO STUDY.**

14 As soon as practicable after calendar year 2024, the
15 Comptroller General shall submit to Congress a report on
16 family and medical leave insurance benefits paid under
17 section 4 for any month during the 1-year period begin-
18 ning on January 1, 2024. The report shall include the fol-
19 lowing:

20 (1) An identification of the total number of ap-
21 plications for such benefits filed for any month dur-
22 ing such 1-year period, and the average number of
23 days occurring in the period beginning on the date
24 on which such an application is received and ending

1 on the date on which the initial determination of eli-
2 gibility with respect to the application is made.

3 (2) An identification of the total number of re-
4 quests for review of an initial adverse determination
5 of eligibility for such benefits made during such 1-
6 year period, and the average number of days occur-
7 ring in the period beginning on the date on which
8 such review is requested and ending on the date on
9 which the final determination of eligibility with re-
10 spect to such review is made.

11 (3) An identification of the total number of
12 monthly benefit claim reports for such benefits filed
13 during such 1-year period, and the average number
14 of days occurring in the period beginning on the
15 date on which such a claim report is received and
16 ending on the date on which the initial determina-
17 tion of eligibility with respect to the claim report is
18 made.

19 (4) An identification of the total number of re-
20 quests for review of an initial adverse determination
21 relating to a monthly benefit claim report for such
22 benefits made during such 1-year period, and the av-
23 erage number of days occurring in the period begin-
24 ning on the date on which such review is requested
25 and ending on the date on which the final deter-

1 mination of eligibility with respect to such review is
2 made.

3 (5) An identification of any excessive delay in
4 any of the periods described in paragraphs (1)
5 through (4), and a description of the causes for such
6 delay.

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