amendment No. 72 proposed to H.R. 933, supra.

AMENDMENT NO. 126

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 126 intended to be proposed to H.R. 933, amend the title to read: ''An Act making consolidated appropriations and further continuing appropriations for the fiscal year ending September 30, 2013.''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHATZ:

S. 618. A bill to require the Secretary of the Interior to conduct certain special resource studies; to the Committee on Energy and Natural Resources.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pacific Islands Parks Act of 2013''.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Interior.

SEC. 3. SPECIAL RESOURCE STUDIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study of each of the following sites:

(A) The Ka'u Coast on the island of Hawaii, Hawaii.

(B) The northern coast of Maui, Hawaii.

(C) The southeastern coast of Kauai, Hawaii.

(D) Historic sites on Midway Atoll.

(E) On request of the Governor of the Commonwealth of the Northern Mariana Islands, the island of Rota in the Commonwealth of the Northern Mariana Islands.

(2) CONTENTS.—In conducting each study required under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the site and the area surrounding the site;

(B) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the site by Federal, State, or local governmental entities or private and nonprofit organizations;

(D) consult with any interested Federal, State, or local governmental entities, private and nonprofit organizations, or individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under the study.

(b) UPDATES.—

(1) IN GENERAL.—The Secretary shall update the study authorized by section 326(b)(3)(N) of the National Park Service Studies Act of 1999 (as enacted in title III of Appendix C of Public Law 106–113; 113 Stat. 1501A-195) relating to World War II sites in the Republic of Palau.

(2) CONTENTS.—In updating the study described in paragraph (1), the Secretary shall—

(A) determine whether conditions have changed to justify designating the site as a unit of the National Park System;

(B) consider other alternatives for preservation, protection, and interpretation of the site by Federal, State, or local governmental entities or private and nonprofit organizations;

(C) consult with any interested Federal, State, or local governmental entities, private and nonprofit organizations, or individuals; and

(D) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under the study.

(c) APPLICABLE LAW.—The studies and updates to the study required under section shall be conducted in accordance with section 8 of the National Park System General Authorities Act (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the studies and updates to the study under this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of each study and updates to the study; and

(2) any conclusions and recommendations of the Secretary based on the results described in paragraph (1).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as are necessary.

By Mr. PAUL (for himself and Mr. LEAHY):

S. 619. A bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I join with Senator PAUL to introduce the Justice Safety Valve Act of 2013, which will start to take on the problem of the ever-increasing Federal prison population and spiraling costs that spend more and more of our justice budget on keeping people in prison, thereby reducing opportunities to do more to keep our communities safe. This bill will combat injustice in Federal sentencing and the waste of taxpayer dollars by allowing judges appropriate discretion in sentencing.

As a former prosecutor, I understand that criminals must be held accountable and that long sentences are sometimes necessary to keep violent criminals off the street and deter those who would commit violent crime. I have come to believe, however, that mandatory minimum sentences do more harm than good. As Justice Kennedy said, ''In too many cases, mandatory minimum sentences are unwise and unjust.''

Currently a ''safety valve'' provision allows low-level drug offenders to avoid mandatory minimum penalties if certain conditions are met. The bill we introduce today would extend that safety valve to all Federal crimes subject to mandatory minimum penalties, allowing a judge to impose a sentence other than a statutorily designated mandatory sentence in cases in which key factors are present. The judge would be required to provide notice to the parties and to state in writing the reasons justifying the alternative sentence.

The United States has a mass incarceration problem. Between 1970 and 2010, the number of people incarcerated grew by 700 percent. Although the United States has only 5 percent of the world's population, we incarcerate almost a quarter of its prisoners. At the end of 2011, 2.2 million people were in jail or prison in the United States. That means we incarcerate roughly 1 in every 100 adults.

As of last week, the Federal prison population was over 217,000. Almost half of those men and women are imprisoned on drug charges. Compare this with 1980, when the Federal prison population was just 25,000. Since 2000 alone, the Federal prison population has increased by 55 percent.

As more and more people are incarcerated for longer and longer, the resulting costs have placed an enormous strain on the Justice Department's budget and have at the same time severely limited the ability to enact policies that prevent crimes effectively and efficiently. At a time when our economy has been struggling to recover from the worst recession in the last 75 years and our budget is limited, we must look at the wasteful spending that occurs with overincarceration.

At the federal level, over the last 5 years, our prison budget has grown by nearly $2 billion. In 2007, we spent approximately $5.1 billion on Federal prisons. Last year, the Federal Bureau of Prisons requested more than $6.8 billion. That means less money for Federal law enforcement, less aid to State and local law enforcement, and less funding for crime prevention programs and prisoner reentry programs. In short, we have less to spend on the kinds of programs that evidence has shown work best to keep crime rates down. Building more prisons and locking people up for longer and longer—especially nonviolent offenders—is not the best use of taxpayer money and is, in fact, an ineffective means of keeping our communities safe.

The proliferation of Federal mandatory minimum sentences is not the only factor driving the increase in incarceration rates, but it is an important factor. The number of mandatory minimum penalties in the Federal code nearly doubled from 1991 to 2011. Even those defendants not subject to mandatory minimums have seen their penalties increase as a result of mandatory penalties being incorporated into the U.S. sentencing guidelines.

In addition to driving up our prison population, mandatory minimum penalties can lead to terribly unjust results in individual cases. This is why a large majority of judges oppose mandatory minimum sentences. In a 2010 survey by the U.S. Sentencing Commission of more than 600 Federal district court judges, nearly 70 percent agreed that the existing safety valve provision should be extended to all Federal offenses. That is what our bill does.

Judges, who hand down sentences and can see close up when they are appropriate and just, overwhelmingly oppose mandatory minimum sentences.

Congress has too often moved in the wrong direction by imposing new mandatory minimum sentences unsupported by evidence while failing to reauthorize crucial programs like the Second Chance Act to rehabilitate prisoners who will be released to rejoin our communities. Our reliance on mandatory minimums has been a great mistake. I am not convinced it has reduced crime, but I am convinced it has imprisoned people, particularly nonviolent offenders, for far longer than is just or beneficial. It is time for us to let judges go back to acting as judges and making decisions based on the individual facts before them. A one-size-fits-all approach to sentencing does not make us safer.

This is a bipartisan issue. Sentencing reform works. States, including very conservative States such as Texas, that have implemented sentencing reform have saved money and seen their crime rates drop.

I thank Senator PAUL for his dedication to this cause and for working with me on this legislation. I hope other Senators will join us in advancing this legislation and ensuring that taxpayer dollars are used more efficiently to better prevent crime rather than simply building more prisons.

By Mr. CORNYN:

S. 620. A bill to withhold the salary of the Director of OMB upon failure to submit the President's budget to Congress as required by section 1105 of title 31, United States Code; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise to introduce the No Budget No OMB Pay Act of 2013.

The No Budget No OMB Pay Act of 2013 will prohibit paying the salaries of the OMB Director, the Deputy Director of OMB, and the Deputy Director for Management of OMB for any period of time that the President is late in meeting his statutory requirement of submitting a budget by the first Monday of February.

As many of my colleagues know, it has been over 1,400 days since the Senate has passed a budget. It is certainly progress that the Majority has decided to finally put forward a budget and that the Senate will be able to debate and amend a budget—a budget that raises taxes by $1.5 trillion, increases Washington spending by 62 percent, and fails to balance the budget anytime in the next ten years.

Unfortunately, for the first time in recent memory, Congress is acting before receiving the President's budget. According to a recent headline in the March 11, 2013 edition of the National Journal this is unprecedented and is a break from a 92-year tradition of having the President exercise leadership in the budget process.

Current law requires the President to send his budget by the first Monday of February. But President Obama has ignored this requirement. In fact, he has missed the statutory deadline four out of five times. This year he was required to issue his budget proposal on February 4, 2013. But he missed this deadline. So while the Senate is finally acting, it has been 44 days since the President has failed to live up to his commitment.

We know that for Congress to get paid, it must live up to its responsibilities and pass a budget. The OMB Director and other high-level OMB officials also have obligations to meet. After all, these officials are responsible for putting together the President's budget. Both the executive and legislative branch share responsibility when it comes to the federal budget. But without Presidential leadership Washington spending will remain out of control. Taxpayers deserve better. They deserve accountability.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Budget, No OMB Pay Act of 2013''.

SEC. 2. DETERMINATION OF COMPLIANCE WITH STATUTORY REQUIREMENT TO SUBMIT THE PRESIDENT'S BUDGET.

Not later than 3 days after the President's budget is due, the Inspector General of the Office of Personnel Management shall—

(1) make an annual determination of whether the Director of the Office of Management and Budget (OMB) and the President are in compliance with section 1105 of title 31, United States Code; and

(2) provide a written notification of such determination to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate and the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives.

SEC. 3. NO PAY UPON FAILURE TO TIMELY SUBMIT THE PRESIDENT'S BUDGET TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of the Director of OMB, Deputy Director of OMB, and the Deputy Director for Management of OMB during any period of noncompliance determined by the Inspector General of the Office of Personnel Management under section 2.

(b) NO RETROACTIVE PAY.—The Director of OMB, Deputy Director of OMB, and the Deputy Director for Management of OMB may not receive pay for any period of noncompliance determined by the Inspector General of the Office of Personnel Management under section 2 at any time after the end of that period.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect upon the date of enactment of this Act.

By Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. CASEY, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. MURPHY, Ms. WARREN, Mr. LEVIN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. COWAN):

S. 631. A bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, 10 years ago, Senator Ted Kennedy first introduced the Healthy Families Act. This landmark legislation addressed a problem that so many working families struggle with each and every day—how do I balance my job responsibilities with my health and the health of my family? The Healthy Families Act sought to make that difficult juggling act a little bit easier by ensuring that hardworking people have access to paid sick days. At the time, supporters of the bill, myself included, argued that families were under increasing strain, with rising costs, stagnant wages, and disappearing job security. We argued that families were forced to make impossible choices between their jobs and their families. We pledged that working families deserved better.

Today, a decade later, the circumstances facing working families are even more challenging: Americans are still struggling to get by. Wages are still stagnant, job security is even more tenuous, and too many workers struggle with whether to give up a paycheck or put their jobs at risk whenever a child has an asthma attack or an elderly parent comes down with the flu. Ten years later, working families still deserve better.

Today, 10 years later, almost 40 percent of American workers, including ⅔ of low-wage workers, don't have the ability to earn even a single paid sick day. For these workers, missing work due to an illness, injury, or doctor's appointment can mean putting their job and their family's financial security in jeopardy. As a consequence, many of these workers have no choice but to report to work sick or send their children to school or day care sick—which puts public health in jeopardy as well.

Health officials urge people with contagious illnesses to stay home from work to avoid spreading disease. But workers in industries with the most intensive contact with the public, such as food service and hospitality, are the least likely to have paid sick days. In 2010, three-quarters of food service workers lacked paid sick days. So not surprisingly, nearly two-thirds of restaurant workers have reported cooking or serving food while sick. Similarly, most personal care and service jobs, like child care workers and elder care workers, work with vulnerable populations but are unable to take a sick day without risking their jobs or paychecks. This has clear implications for

public health. In fact, a recent study found that a lack of workplace policies including paid sick days contributed to an additional 5 million cases of influenza-like illness during the H1N1 outbreak in 2009.

It doesn't have to be this way. We can give working people the tools they need to protect their families' health and economic well-being while also safeguarding the public health.

This is why Congresswoman ROSA DELAURO and I are reintroducing the Healthy Families Act, which would allow U.S. workers to earn up to seven paid sick days per year to recover from short-term illness, care for a sick family member, seek routine medical care, or seek help if they are victims of domestic violence. This important legislation will provide much-needed security for hardworking families struggling to balance the obligations of work and family. It will improve public health and decrease health costs by preventing the spread of disease and giving employees better options for obtaining preventive care and treatment. It will also help victims of domestic violence to protect their families and their futures.

Providing paid sick days to workers will be good for working people and their families, and good for our businesses and our economy as well. Allowing workers to attend to their own health or their families' health fosters good will and loyalty toward employers, and boosts morale and productivity in the workplace. In fact, 70 percent of lost productivity due to illness is not attributed to absent workers but rather to ''presenteeism,'' the practice of employees working while sick, infecting their colleagues, and being less productive themselves. Businesses whose workers have paid sick days will also benefit from reduced turnover—and its high associated costs—when workers can hold on to their jobs. Paid sick days can also help reduce occupational injuries. In fact, a recent study found that workers with access to paid sick leave were 28 percent less likely than workers without paid sick leave to suffer nonfatal occupational injuries. Employers themselves are beginning to recognize the positive effects of paid sick days. Five years after paid sick days were implemented in San Francisco, ⅔ of employers surveyed said they were ''supportive'' of paid sick days, while one third said they were ''very supportive.''

Ensuring that workers have paid sick days will also reduce health care costs, by helping ensure that workers get timely care including preventive care, before medical issues become acute. A 2011 study shows that a universal paid sick days policy would reduce preventable visits to the emergency room and result in cost savings of $1.1 billion per year, including $500 million in savings for public health insurance like Medicaid. And a 2012 study showed that workers with paid sick leave were more likely to get cancer screenings, including a mammogram, Pap test, or endoscopy, and they were more likely to have visited a doctor in the previous year than workers without paid sick leave.

One more very important benefit; paid sick days will allow workers peace of mind and financial security. They won't face a lost paycheck or a lengthy job search each time they become ill. They won't face reduced income and have to cut back on their spending on food, medicine, and other necessities bought in their local communities. Working people will have the security of knowing that if illness strikes, they will be able to tend to their families without losing their jobs or their paychecks.

I thank my colleagues who are joining me today as original cosponsors of this critically important legislation, and I encourage all Senators to join us in supporting the Healthy Families Act. This bill is no less important today than it was when it was first introduced by my friend, the late Senator Ted Kennedy, a decade ago. Knowing that 10 years have gone by and workers around the country have still not secured paid sick days should not discourage us. It should strengthen our resolve to see this basic right afforded to all working Americans and their families.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Healthy Families Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Working Americans need time to meet their own health care needs and to care for family members, including their children, spouse, domestic partner, parents (including parents-in-law), and other children and adults for whom they are caregivers.

(2) Health care needs include preventive health care, diagnostic procedures, medical treatment, and recovery in response to short- and long-term illnesses and injuries.

(3) Providing employees time off to meet health care needs ensures that they will be healthier in the long run. Preventive care helps avoid illnesses and injuries and routine medical care helps detect illnesses early and shorten their duration. A 2012 study published by BioMed Central Public Health of results of the National Health Interview Survey found that lack of paid sick leave is a barrier to receiving cancer screenings and preventive care. Workers with paid sick leave were more likely to have a mammogram, Pap test, or endoscopy, and were more likely to have visited a doctor in the previous year, than workers without paid sick leave, even when the results were adjusted for sociodemographic factors.

(4) When parents are available to care for their children who become sick, children recover faster, more serious illnesses are prevented, and children's overall mental and physical health improve. In a 2009 study published in the American Journal of Public Health, 81 percent of parents of a child with special health care needs reported that taking leave from work to be with their child had a ''good'' or ''very good'' effect on their child's physical health. Similarly, 85 percent of parents of such a child found that taking such leave had a ''good'' or ''very good'' effect on their child's emotional health.

(5) When parents cannot afford to miss work and must send children with contagious illnesses to child care centers or schools, infection can spread rapidly through child care centers and schools.

(6) Providing paid sick time improves public health by reducing infectious disease. Policies that make it easier for sick adults and children to be isolated at home reduce the spread of infectious disease. A 2012 study published in the American Journal of Public Health found that a lack of workplace policies like paid sick days contributed to an additional 5,000,000 cases of influenza-like illness during the H1N1 pandemic of 2009.

(7) Routine medical care reduces medical costs by detecting and treating illness and injury early, decreasing the need for emergency care. These savings benefit public and private payers of health insurance, including private businesses. A 2011 study by the Institute for Women's Policy Research found that a universal paid sick days policy would reduce preventable visits to the emergency room and result in cost savings of $1,100,000,000 per year, including $500,000,000 in savings for public health insurance like Medicaid.

(8) The provision of individual and family sick time by large and small businesses, both here in the United States and elsewhere, demonstrates that policy solutions are both feasible and affordable in a competitive economy. A 2009 study by the Center for Economic and Policy Research found that, of 22 countries with comparable economies, the United States was 1 of only 3 countries that did not provide any paid time off for workers with short-term illnesses.

(9) Measures that ensure that employees are in good health and do not need to worry about unmet family health problems help businesses by promoting productivity and reducing employee turnover.

(10) The American Productivity Audit completed in 2003 found that lost productivity due to illness costs $226,000,000,000 annually, and that 71 percent of that cost stems from presenteeism, the practice of employees coming to work despite illness. Studies in the Journal of Occupational and Environmental Medicine, the Employee Benefit News, and the Harvard Business Review show that presenteeism is a larger productivity drain than either absenteeism or short-term disability.

(11) Working while sick also increases a worker's probability of suffering an injury on the job. A 2012 study published by the American Journal of Public Health found that workers with access to paid sick leave were 28 percent less likely than workers without paid sick leave to suffer nonfatal occupational injuries.

(12) The absence of paid sick time has forced Americans to make untenable choices between needed income and jobs on the one hand and caring for their own and their family's health on the other.

(13) Nearly 40 percent of the private sector workforce, and 25 percent of the public sector workforce, lacks paid sick time. Another 4,000,000 theoretically have access to sick time, but have not been on the job long enough to use it. Millions more lack sick time they can use to care for a sick child or ill family member.

(14)(A) Workers' access to paid sick time varies dramatically by wage level.

(B) For private sector workers—

(i) for workers in the lowest quartile of earners, 71 percent lack paid sick time;

(ii) for workers in the next 2 quartiles, 36 and 25 percent, respectively, lack paid sick time; and

(iii) even for workers in the highest quartile, 16 percent lack paid sick time.

(C) For public sector workers—

(i) for workers in the lowest quartile of earners, 25 percent lack paid sick time;

(ii) for workers in the next 2 quartiles, 7 percent lack paid sick time; and

(iii) for workers in the highest quartile, 2 percent lack paid sick time.

(D) In addition, millions of workers cannot use paid sick time to care for ill family members.

(15) Due to the roles of men and women in society, the primary responsibility for family caregiving often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men.

(16) An increasing number of men are also taking on caregiving obligations, and men who request paid time for caregiving purposes are often denied accommodation or penalized because of stereotypes that caregiving is only ''women's work''.

(17) Employers' reliance on persistent stereotypes about the ''proper'' roles of both men and women in the workplace and in the home continues a cycle of discrimination and fosters stereotypical views about women's commitment to work and their value as employees.

(18) Employment standards that apply to only one gender have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(19) It is in the national interest to ensure that all Americans can care for their own health and the health of their families while prospering at work.

(20) Nearly 1 in 3 American women report physical or sexual abuse by a husband or boyfriend at some point in their lives. Domestic violence also affects men. Women account for about 85 percent of the victims of domestic violence and men account for approximately 15 percent of the victims. Therefore, women disproportionately need time off to care for their health or to find solutions, such as obtaining a restraining order or finding housing, to avoid or prevent physical or sexual abuse.

(21) One study showed that 85 percent of domestic violence victims at a women's shelter who were employed missed work because of abuse. The mean number of days of paid work lost by a rape victim is 8.1 days, by a victim of physical assault is 7.2 days, and by a victim of stalking is 10.1 days. Nationwide, domestic violence victims lose almost 8,000,000 days of paid work per year.

(22) Without paid sick days that can be used to address the effects of domestic violence, these victims are in grave danger of losing their jobs. One survey found that 96 percent of employed domestic violence victims experienced problems at work related to the violence. The Government Accountability Office similarly found that 24 to 52 percent of victims report losing a job due, at least in part, to domestic violence. The loss of employment can be particularly devastating for victims of domestic violence, who often need economic security to ensure safety.

(23) The Centers for Disease Control and Prevention has estimated that domestic violence costs over $700,000,000 annually due to the victims' lost productivity in employment.

(24) Efforts to assist abused employees result in positive outcomes for employers as well as employees because employers can retain workers who might otherwise be compelled to leave.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure that all working Americans can address their own health needs and the health needs of their families by requiring employers to permit employees to earn up to 56 hours of paid sick time including paid time for family care;

(2) to diminish public and private health care costs by enabling workers to seek early and routine medical care for themselves and their family members;

(3) to assist employees who are, or whose family members are, victims of domestic violence, sexual assault, or stalking, by providing the employees with paid time away from work to allow the victims to receive treatment and to take the necessary steps to ensure their protection;

(4) to address the historical and persistent widespread pattern of employment discrimination on the basis of gender by both private and public sector employers;

(5) to accomplish the purposes described in paragraphs (1) through (4) in a manner that is feasible for employers; and

(6) consistent with the provision of the 14th Amendment to the Constitution relating to equal protection of the laws, and pursuant to Congress' power to enforce that provision under section 5 of that Amendment—

(A) to accomplish the purposes described in paragraphs (1) through (4) in a manner that minimizes the potential for employment discrimination on the basis of sex by ensuring generally that paid sick time is available for eligible medical reasons on a gender-neutral basis; and

(B) to promote the goal of equal employment opportunity for women and men.

SEC. 4. DEFINITIONS.

In this Act:

(1) CHILD.—The term ''child'' means a biological, foster, or adopted child, a stepchild, a child of a domestic partner, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) DOMESTIC PARTNER.—The term ''domestic partner'' means the person recognized as being in a relationship with an employee under any domestic partnership, civil union, or similar law of the State or political subdivision of a State in which the employee resides.

(3) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)), except that the reference in such section to the term ''jurisdiction receiving grant monies'' shall be deemed to mean the jurisdiction in which the victim lives or the jurisdiction in which the employer involved is located.

(4) EMPLOYEE.—The term ''employee'' means an individual who is—

(A)(i) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under subparagraph (E), including such an employee of the Library of Congress, except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (5)(A); or

(ii) an employee of the Government Accountability Office;

(B) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(D) a covered employee, as defined in section 411(c) of title 3, United States Code; or

(E) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code.

(5) EMPLOYER.—

(A) IN GENERAL.—The term ''employer'' means a person who is—

(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(IV) an employing office, as defined in section 411(c) of title 3, United States Code; or

(V) an employing agency covered under subchapter V of chapter 63 of title 5, United States Code; and

(ii) is engaged in commerce (including government), or an industry or activity affecting commerce (including government), as defined in subparagraph (B)(iii).

(B) COVERED EMPLOYER.—

(i) IN GENERAL.—In subparagraph (A)(i)(I), the term ''covered employer''—

(I) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(II) includes—

(aa) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(bb) any successor in interest of an employer;

(III) includes any ''public agency'', as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)); and

(IV) includes the Government Accountability Office and the Library of Congress.

(ii) PUBLIC AGENCY.—For purposes of clause (i)(III), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(iii) DEFINITIONS.—For purposes of this subparagraph:

(I) COMMERCE.—The terms ''commerce'' and ''industry or activity affecting commerce'' mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include ''commerce'' and any ''industry affecting commerce'', as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(II) EMPLOYEE.—The term ''employee'' has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(III) PERSON.—The term ''person'' has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

(6) EMPLOYMENT BENEFITS.—The term ''employment benefits'' means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an ''employee benefit plan'', as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(7) HEALTH CARE PROVIDER.—The term ''health care provider'' means a provider who—

(A)(i) is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) is any other person determined by the Secretary to be capable of providing health care services; and

(B) is not employed by an employer for whom the provider issues certification under this Act.

(8) PAID SICK TIME.—The term ''paid sick time'' means an increment of compensated leave that can be earned by an employee for use during an absence from employment for any of the reasons described in paragraphs (1) through (4) of section 5(b).

(9) PARENT.—The term ''parent'' means a biological, foster, or adoptive parent of an employee, a stepparent of an employee, parent-in-law, parent of a domestic partner, or a legal guardian or other person who stood in loco parentis to an employee when the employee was a child.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(11) SEXUAL ASSAULT.—The term ''sexual assault'' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

(12) SPOUSE.—The term ''spouse'', with respect to an employee, has the meaning given such term by the marriage laws of the State in which the employee resides.

(13) STATE.—The term ''State'' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(14) STALKING.—The term ''stalking'' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

(15) VICTIM SERVICES ORGANIZATION.—The term ''victim services organization'' means a nonprofit, nongovernmental organization that provides assistance to victims of domestic violence, sexual assault, or stalking or advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence, sexual assault, or stalking prevention or treatment program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process.

SEC. 5. PROVISION OF PAID SICK TIME.

(a) ACCRUAL OF PAID SICK TIME.—

(1) IN GENERAL.—An employer shall permit each employee employed by the employer to earn not less than 1 hour of paid sick time for every 30 hours worked, to be used as described in subsection (b). An employer shall not be required to permit an employee to earn, under this section, more than 56 hours of paid sick time in a calendar year, unless the employer chooses to set a higher limit.

(2) EXEMPT EMPLOYEES.—

(A) IN GENERAL.—Except as provided in paragraph (3), for purposes of this section, an employee who is exempt from overtime requirements under section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)) shall be assumed to work 40 hours in each workweek.

(B) SHORTER NORMAL WORKWEEK.—If the normal workweek of such an employee is less than 40 hours, the employee shall earn paid sick time based upon that normal work week.

(3) DATES OF ACCRUAL AND USE.—Employees shall begin to earn paid sick time under this section at the commencement of their employment. An employee shall be entitled to use the earned paid sick time beginning on the 60th calendar day following commencement of the employee's employment. After that 60th calendar day, the employee may use the paid sick time as the time is earned. An employer may, at the discretion of the employer, loan paid sick time to an employee in advance of the earning of such time under this section by such employee.

(4) CARRYOVER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), paid sick time earned under this section shall carry over from 1 calendar year to the next.

(B) CONSTRUCTION.—This Act shall not be construed to require an employer to permit an employee to accrue more than 56 hours of earned paid sick time at a given time.

(5) EMPLOYERS WITH EXISTING POLICIES.—Any employer with a paid leave policy who makes available an amount of paid leave that is sufficient to meet the requirements of this section and that may be used for the same purposes and under the same conditions as the purposes and conditions outlined in subsection (b) shall not be required to permit an employee to earn additional paid sick time under this section.

(6) CONSTRUCTION.—Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for earned paid sick time that has not been used.

(7) REINSTATEMENT.—If an employee is separated from employment with an employer and is rehired, within 12 months after that separation, by the same employer, the employer shall reinstate the employee's previously earned paid sick time. The employee shall be entitled to use the earned paid sick time and earn additional paid sick time at the recommencement of employment with the employer.

(8) PROHIBITION.—An employer may not require, as a condition of providing paid sick time under this Act, that the employee involved search for or find a replacement worker to cover the hours during which the employee is using paid sick time.

(b) USES.—Paid sick time earned under this section may be used by an employee for any of the following:

(1) An absence resulting from a physical or mental illness, injury, or medical condition of the employee.

(2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the employee.

(3) An absence for the purpose of caring for a child, a parent, a spouse, a domestic partner, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, who—

(A) has any of the conditions or needs for diagnosis or care described in paragraph (1) or (2); and

(B) in the case of someone who is not a child, is otherwise in need of care.

(4) An absence resulting from domestic violence, sexual assault, or stalking, if the time is to—

(A) seek medical attention for the employee or the employee's child, parent, spouse, domestic partner, or an individual related to the employee as described in paragraph (3), to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, or stalking;

(B) obtain or assist a related person described in paragraph (3) in obtaining services from a victim services organization;

(C) obtain or assist a related person described in paragraph (3) in obtaining psychological or other counseling;

(D) seek relocation; or

(E) take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic violence, sexual assault, or stalking.

(c) SCHEDULING.—An employee shall make a reasonable effort to schedule a period of paid sick time under this Act in a manner that does not unduly disrupt the operations of the employer.

(d) PROCEDURES.—

(1) IN GENERAL.—Paid sick time shall be provided upon the oral or written request of an employee. Such request shall—

(A) include the expected duration of the period of such time;

(B) in a case in which the need for such period of time is foreseeable at least 7 days in advance of such period, be provided at least 7 days in advance of such period; and

(C) otherwise, be provided as soon as practicable after the employee is aware of the need for such period.

(2) CERTIFICATION IN GENERAL.—

(A) PROVISION.—

(i) IN GENERAL.—Subject to subparagraph (C), an employer may require that a request for paid sick time under this section for a purpose described in paragraph (1), (2), or (3) of subsection (b) be supported by a certification issued by the health care provider of the eligible employee or of an individual described in subsection (b)(3), as appropriate, if the period of such time covers more than 3 consecutive workdays.

(ii) TIMELINESS.—The employee shall provide a copy of such certification to the employer in a timely manner, not later than 30 days after the first day of the period of time. The employer shall not delay the commencement of the period of time on the basis that the employer has not yet received the certification.

(B) SUFFICIENT CERTIFICATION.—

(i) IN GENERAL.—A certification provided under subparagraph (A) shall be sufficient if it states—

(I) the date on which the period of time will be needed;

(II) the probable duration of the period of time;

(III) the appropriate medical facts within the knowledge of the health care provider regarding the condition involved, subject to clause (ii); and

(IV)(aa) for purposes of paid sick time under subsection (b)(1), a statement that absence from work is medically necessary;

(bb) for purposes of such time under subsection (b)(2), the dates on which testing for a medical diagnosis or care is expected to be given and the duration of such testing or care; and

(cc) for purposes of such time under subsection (b)(3), in the case of time to care for someone who is not a child, a statement that care is needed for an individual described in such subsection, and an estimate of the amount of time that such care is needed for such individual.

(ii) LIMITATION.—In issuing a certification under subparagraph (A), a health care provider shall make reasonable efforts to limit the medical facts described in clause (i)(III) that are disclosed in the certification to the minimum necessary to establish a need for the employee to utilize paid sick time.

(C) REGULATIONS.—Regulations prescribed under section 13 shall specify the manner in which an employee who does not have health insurance shall provide a certification for purposes of this paragraph.

(D) CONFIDENTIALITY AND NONDISCLOSURE.—

(i) PROTECTED HEALTH INFORMATION.—Nothing in this Act shall be construed to require a health care provider to disclose information in violation of section 1177 of the Social Security Act (42 U.S.C. 1320d–6) or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability

and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(ii) HEALTH INFORMATION RECORDS.—If an employer possesses health information about an employee or an employee's child, parent, spouse, domestic partner, or an individual related to the employee as described in subsection (b)(3), such information shall—

(I) be maintained on a separate form and in a separate file from other personnel information;

(II) be treated as a confidential medical record; and

(III) not be disclosed except to the affected employee or with the permission of the affected employee.

(3) CERTIFICATION IN THE CASE OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.—

(A) IN GENERAL.—An employer may require that a request for paid sick time under this section for a purpose described in subsection (b)(4) be supported by 1 of the following forms of documentation:

(i) A police report indicating that the employee, or a member of the employee's family described in subsection (b)(4), was a victim of domestic violence, sexual assault, or stalking.

(ii) A court order protecting or separating the employee or a member of the employee's family described in subsection (b)(4) from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee or a member of the employee's family described in subsection (b)(4) has appeared in court or is scheduled to appear in court in a proceeding related to domestic violence, sexual assault, or stalking.

(iii) Other documentation signed by an employee or volunteer working for a victim services organization, an attorney, a police officer, a medical professional, a social worker, an antiviolence counselor, or a member of the clergy, affirming that the employee or a member of the employee's family described in subsection (b)(4) is a victim of domestic violence, sexual assault, or stalking.

(B) REQUIREMENTS.—The requirements of paragraph (2) shall apply to certifications under this paragraph, except that—

(i) subclauses (III) and (IV) of subparagraph (B)(i) and subparagraph (B)(ii) of such paragraph shall not apply;

(ii) the certification shall state the reason that the leave is required with the facts to be disclosed limited to the minimum necessary to establish a need for the employee to be absent from work, and the employee shall not be required to explain the details of the domestic violence, sexual assault, or stalking involved; and

(iii) with respect to confidentiality under subparagraph (D) of such paragraph, any information provided to the employer under this paragraph shall be confidential, except to the extent that any disclosure of such information is—

(I) requested or consented to in writing by the employee; or

(II) otherwise required by applicable Federal or State law.

SEC. 6. POSTING REQUIREMENT.

(a) IN GENERAL.—Each employer shall post and keep posted a notice, to be prepared or approved in accordance with procedures specified in regulations prescribed under section 13, setting forth excerpts from, or summaries of, the pertinent provisions of this Act including—

(1) information describing paid sick time available to employees under this Act;

(2) information pertaining to the filing of an action under this Act;

(3) the details of the notice requirement for a foreseeable period of time under section 5(d)(1)(B); and

(4) information that describes—

(A) the protections that an employee has in exercising rights under this Act; and

(B) how the employee can contact the Secretary (or other appropriate authority as described in section 8) if any of the rights are violated.

(b) LOCATION.—The notice described under subsection (a) shall be posted—

(1) in conspicuous places on the premises of the employer, where notices to employees (including applicants) are customarily posted; or

(2) in employee handbooks.

(c) VIOLATION; PENALTY.—Any employer who willfully violates the posting requirements of this section shall be subject to a civil fine in an amount not to exceed $100 for each separate offense.

SEC. 7. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this Act, including—

(A) discharging or discriminating against (including retaliating against) any individual, including a job applicant, for exercising, or attempting to exercise, any right provided under this Act;

(B) using the taking of paid sick time under this Act as a negative factor in an employment action, such as hiring, promotion, or a disciplinary action; or

(C) counting the paid sick time under a no-fault attendance policy or any other absence control policy.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, for opposing any practice made unlawful by this Act.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, because such individual—

(1) has filed an action, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed to state or imply that the scope of the activities prohibited by section 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2615) is less than the scope of the activities prohibited by this section.

SEC. 8. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection:

(A) the term ''employee'' means an employee described in subparagraph (A) or (B) of section 4(4); and

(B) the term ''employer'' means an employer described in subclause (I) or (II) of section 4(5)(A)(i).

(2) INVESTIGATIVE AUTHORITY.—

(A) IN GENERAL.—To ensure compliance with the provisions of this Act, or any regulation or order issued under this Act, the Secretary shall have, subject to subparagraph (C), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)), with respect to employers, employees, and other individuals affected.

(B) OBLIGATION TO KEEP AND PRESERVE RECORDS.—An employer shall make, keep, and preserve records pertaining to compliance with this Act in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations prescribed by the Secretary.

(C) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not require, under the authority of this paragraph, an employer to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this Act or any regulation or order issued pursuant to this Act, or is investigating a charge pursuant to paragraph (4).

(D) SUBPOENA AUTHORITY.—For the purposes of any investigation provided for in this paragraph, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

(3) CIVIL ACTION BY EMPLOYEES OR INDIVIDUALS.—

(A) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (B) may be maintained against any employer in any Federal or State court of competent jurisdiction by one or more employees or individuals or their representative for and on behalf of—

(i) the employees or individuals; or

(ii) the employees or individuals and others similarly situated.

(B) LIABILITY.—Any employer who violates section 7 (including a violation relating to rights provided under section 5) shall be liable to any employee or individual affected—

(i) for damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, or other compensation denied or lost by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost, any actual monetary losses sustained as a direct result of the violation up to a sum equal to 56 hours of wages or salary for the employee or individual;

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

(III) an additional amount as liquidated damages; and

(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(C) FEES AND COSTS.—The court in an action under this paragraph shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 7 (including a violation relating to rights provided under section 5) in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (3)(B)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee or individual affected. Any such sums not paid to an employee or individual affected because of inability to do so within a period of 3 years

shall be deposited into the Treasury of the United States as miscellaneous receipts.

(5) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under paragraph (3), (4), or (6) not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(B) WILLFUL VIOLATION.—In the case of an action brought for a willful violation of section 7 (including a willful violation relating to rights provided under section 5), such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(C) COMMENCEMENT.—In determining when an action is commenced under paragraph (3), (4), or (6) for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

(6) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(A) to restrain violations of section 7 (including a violation relating to rights provided under section 5), including the restraint of any withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to employees or individuals eligible under this Act; or

(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(7) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under paragraph (4) or (6).

(8) GOVERNMENT ACCOUNTABILITY OFFICE AND LIBRARY OF CONGRESS.—Notwithstanding any other provision of this subsection, in the case of the Government Accountability Office and the Library of Congress, the authority of the Secretary of Labor under this subsection shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 202(a)(1) of that Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies, and procedures this Act provides to that Board, or any person, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(4)(C).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Merit Systems Protection Board, or any person, alleging a violation of section 412(a)(1) of that title, shall be the powers, remedies, and procedures this Act provides to the President, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(4)(D).

(d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.—The powers, remedies, and procedures provided in title 5, United States Code, to an employing agency, provided in chapter 12 of that title to the Merit Systems Protection Board, or provided in that title to any person, alleging a violation of chapter 63 of that title, shall be the powers, remedies, and procedures this Act provides to that agency, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(4)(E).

(e) REMEDIES FOR STATE EMPLOYEES.—

(1) WAIVER OF SOVEREIGN IMMUNITY.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee of that program or activity under this Act for equitable, legal, or other relief authorized under this Act.

(2) OFFICIAL CAPACITY.—An official of a State may be sued in the official capacity of the official by any employee who has complied with the procedures under subsection (a)(3), for injunctive relief that is authorized under this Act. In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).

(3) APPLICABILITY.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(4) DEFINITION OF PROGRAM OR ACTIVITY.—In this subsection, the term ''program or activity'' has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

SEC. 9. COLLECTION OF DATA ON PAID SICK TIME AND FURTHER STUDY.

(a) COMPILATION OF INFORMATION.—Effective 90 days after the date of enactment of this Act, the Commissioner of Labor Statistics shall annually compile information on the following:

(1) The number of employees who used paid sick time.

(2) The number of hours of paid sick time used.

(3) The number of employees who used paid sick time for absences necessary due to domestic violence, sexual assault, or stalking.

(4) The demographic characteristics of employees who were eligible for and who used paid sick time.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall annually conduct a study to determine the following:

(A)(i) The number of days employees used paid sick time and the reasons for the use.

(ii) The number of employees who used the paid sick time for periods of time covering more than 3 consecutive workdays.

(B) The cost and benefits to employers of implementing the paid sick time policies.

(C) The cost to employees of providing certification to obtain the paid sick time.

(D) The benefits of the paid sick time to employees and their family members, including effects on employees' ability to care for their family members or to provide for their own health needs.

(E) Whether the paid sick time affected employees' ability to sustain an adequate income while meeting needs of the employees and their family members.

(F) Whether employers who administered paid sick time policies prior to the date of enactment of this Act were affected by the provisions of this Act.

(G) Whether other types of leave were affected by this Act.

(H) Whether paid sick time affected retention and turnover and costs of presenteeism.

(I) Whether the paid sick time increased the use of less costly preventive medical care and lowered the use of emergency room care.

(J) Whether the paid sick time reduced the number of children sent to school when the children were sick.

(2) DISAGGREGATING DATA.—The data collected under subparagraphs (A) and (D) of paragraph (1) shall be disaggregated by gender, race, disability, earnings level, age, marital status, family type, including parental status, and industry.

(3) REPORTS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report to the appropriate committees of Congress concerning the results of the study conducted pursuant to paragraph (1) and the data aggregated under paragraph (2).

(B) FOLLOWUP REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a followup report to the appropriate committees of Congress concerning the results of the study conducted pursuant to paragraph (1) and the data aggregated under paragraph (2).

SEC. 10. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTIDISCRIMINATION LAWS.—Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, disability, sexual orientation, gender identity, marital status, familial status, or any other protected status.

(b) STATE AND LOCAL LAWS.—Nothing in this Act shall be construed to supersede (including preempting) any provision of any State or local law that provides greater paid sick time or leave rights (including greater amounts of paid sick time or leave, or greater coverage of those eligible for paid sick time or leave) than the rights established under this Act.

SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act shall be construed to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that provides greater paid sick leave or other leave rights to employees or individuals than the rights established under this Act.

(b) LESS PROTECTIVE.—The rights established for employees under this Act shall not be diminished by any contract, collective bargaining agreement, or any employment benefit program or plan.

SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than policies that comply with the requirements of this Act.

SEC. 13. REGULATIONS.

(a) IN GENERAL.—

(1) AUTHORITY.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in subparagraph (A) or (B) of section 4(4) and other individuals affected by employers described in subclause (I) or (II) of section 4(5)(A)(i).

(2) GOVERNMENT ACCOUNTABILITY OFFICE; LIBRARY OF CONGRESS.—The Comptroller General of the United States and the Librarian of Congress shall prescribe the regulations with respect to employees of the Government Accountability Office and the Library of Congress, respectively, and other individuals affected by the Comptroller General of the United States and the Librarian of Congress, respectively.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) AUTHORITY.—Not later than 90 days after the Secretary prescribes regulations under section 13(a), the Board of Directors of

the Office of Compliance shall prescribe (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)) such regulations as are necessary to carry out this Act with respect to employees described in section 4(4)(C) and other individuals affected by employers described in section 4(5)(A)(i)(III).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Board may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) AUTHORITY.—Not later than 90 days after the Secretary prescribes regulations under section 13(a), the President (or the designee of the President) shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(4)(D) and other individuals affected by employers described in section 4(5)(A)(i)(IV).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the President (or designee) may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.—

(1) AUTHORITY.—Not later than 90 days after the Secretary prescribes regulations under section 13(a), the Director of the Office of Personnel Management shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(4)(E) and other individuals affected by employers described in section 4(5)(A)(i)(V).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Director may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

SEC. 14. EFFECTIVE DATES.

(a) EFFECTIVE DATE.—This Act shall take effect 6 months after the date of issuance of regulations under section 13(a)(1).

(b) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by subsection (a), this Act shall take effect on the earlier of—

(1) the date of the termination of such agreement; or

(2) the date that occurs 18 months after the date of issuance of regulations under section 13(a)(1).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 82—COMMEMORATING THE 30TH ANNIVERSARY OF THE PROPOSAL FOR THE STRATEGIC DEFENSE INITIATIVE

Mr. BEGICH (for himself, Mr. SESSIONS, and Ms. AYOTTE) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 82

Whereas on March 23, 1983, President Ronald Reagan delivered a televised address to the Nation on the nuclear and ballistic missile threat to the United States and appealed to the people of the United States to support the development of new technologies to counter this threat;

Whereas March 23, 2013, marks the 30th anniversary of this landmark address;

Whereas President Reagan believed that United States security is based on being prepared and willing to meet all threats;

Whereas President Reagan envisioned a defensive, non-nuclear capability to intercept and destroy strategic nuclear missiles before they reached the United States and our allies;

Whereas President Reagan envisioned these defenses to significantly reduce any incentive an adversary may have to threaten or attack the United States and our allies;

Whereas the proposal for these defenses, together with the defenses themselves, have come to be known as the ''Strategic Defense Initiative'';

Whereas President Reagan's vision has been inspired through the efforts of dedicated Americans and allies who have championed the pursuit of deterrence and protection to overcome immense technical hurdles in developing ballistic missile defense technologies and systems to protect the United States, our allies, and our vital interests overseas;

Whereas on January 15, 1991, soldiers from the 11th Air Defense Artillery brigade changed modern warfare forever when they successfully intercepted an Al Hussein Missile launched from Iraq towards Dhahran, Saudi Arabia;

Whereas missile defense was used in combat and was successful during Operation Desert Storm and Operation Iraqi Freedom in defending the United States Armed Forces and the forces of our allies;

Whereas the United States has achieved 58 successful missile defense intercept tests since 2001;

Whereas the capability of United States missile defenses were first successfully put on alert in response to a July 2006 missile launch by North Korea, and later put on alert for all subsequent missile launches by North Korea (including its last launch in December 2013), and was successfully demonstrated on February 21, 2008, when a Standard Missile–3 interceptor launched from the U.S.S. Lake Erie intercepted and destroyed a disabled satellite of the National Reconnaissance Office;

Whereas ballistic missile defense technology continues to be developed, tested, and operationally deployed by the United States, 21 allies and friends of the United States, and the North Atlantic Treaty Organization (NATO);

Whereas the Missile Defense Agency and the United States Armed Forces stand ever vigilant to deter aggression and preserve the peace;

Whereas the Missile Defense Agency epicenter for test, integration, and fielding United States rocket technology, located in Huntsville, Alabama, is responsible for guiding the programs essential to the overall success of the Missile Defense Agency mission;

Whereas the United States Ballistic Missile Defense System is intended to lead any potential adversary to conclude that the risks of attacking the United States or our allies, or our troops in theater, far outweigh potential gains;

Whereas the AEGIS Ballistic Missile Defense System functions as a key, proven component of the integrated United States Ballistic Missile Defense System and as the foundation of sea-based ballistic missile defense for the United States, Japan, Norway, the Republic of Korea, Spain, and the North Atlantic Treaty Organization;

Whereas the United States Army Air Defense Artillery Missile Defense Systems function as a key, proven component of the integrated United States Ballistic Missile Defense System and as the foundation of land-based ballistic missile defense for Bahrain, Germany, Israel, Japan, Kuwait, the Netherlands, Qatar, the Republic of Korea, Saudi Arabia, Taiwan, Turkey, the United Arab Emirates, and the North Atlantic Treaty Organization;

Whereas the AEGIS Ballistic Missile Defense System and the United States Army Air Defense Artillery Missile Defense Systems effectively serve to deter aggression and devalue the missiles of those who would threaten the peace and security of the United States and our allies;

Whereas the Ground-Based Midcourse Defense System and its effective interceptor missiles currently deployed at Fort Greely, Alaska, and Vandenberg Air Force Base, California, together with the Missile Defense Integration and Operations Center in Colorado Springs, Colorado, function as key components of the integrated United States Ballistic Missile Defense System;

Whereas the Ballistic Missile Defense Review of 2010 concluded the Ground-Based Midcourse Defense System is the only system currently capable of protecting the United States from an intercontinental ballistic missile;

Whereas the dedicated members of the Alaska National Guard in the 49th Missile Battalion at Fort Greely, Alaska, stand ready on a daily basis to defend and protect the Nation; and

Whereas the integrated ballistic missile defense system is a key element of the national defense of the United States and a vital capability to deter aggression and preserve freedom and peace: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the vision and efforts of President Ronald Reagan to promote peace and security;

(2) recognizes and expresses support for the refusal of the people of the United States to accept United States vulnerability to a ballistic missile attack on the homeland or overseas; and

(3) commemorates the 30th anniversary of the address of President Reagan to the Nation on national security and the Strategic Defense Initiative.

SENATE RESOLUTION 83—SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

Mr. CASEY (for himself, Ms. COLLINS, Mr. BROWN, Ms. LANDRIEU, and Mr. BLUMENTHAL) submitted the following resolution; which was referred to the