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H. R. 932

To allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2015

Ms. DELAURO (for herself, Ms. MATSUI, Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. LANGEVIN, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. CLARK of Massachusetts, Ms. TSONGAS, Ms. WILSON of Florida, Ms. SPEIER, Mr. SCHIFF, Mr. DEUTCH, Mr. SCOTT of Virginia, Mr. POCAN, Mr. RANGEL, Mr. YARMUTH, Mr. NADLER, Ms. LEE, Mr. PALLONE, Mr. GRIJALVA, Mrs. LOWEY, Ms. MOORE, Mr. LEVIN, Mr. GUTIÉRREZ, Ms. EDWARDS, Ms. SCHAKOWSKY, Ms. BROWNLEY of California, Ms. ESTY, Mr. KILMER, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mrs. CAROLYN B. MALONEY of New York, Mr. TAKANO, Mr. CAPUANO, Ms. TITUS, Mr. GARAMENDI, Ms. PINGREE, Ms. PELOSI, Ms. KUSTER, Mr. COURTNEY, Mr. BLUMENAUER, Ms. DELBENE, Mrs. BUSTOS, Mr. PAYNE, Mr. KENNEDY, Mr. CARSON of Indiana, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. ISRAEL, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. POLIS, Mr. RYAN of Ohio, Mr. SWALWELL of California, Ms. VELÁZQUEZ, Ms. SLAUGHTER, Ms. FRANKEL of Florida, Ms. HAHN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. CHU of California, Mrs. DINGELL, Ms. KAPTUR, Ms. MENG, Mr. HONDA, Ms. FUDGE, Ms. BROWN of Florida, Mr. BEN RAY LUJÁN of New Mexico, Mr. LEWIS, Mr. FATTAH, Mr. GENE GREEN of Texas, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on House Administration and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthy Families Act”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) Working Americans need time to meet their
8 own health care needs and to care for family mem-
9 bers. The absence of paid sick time has forced
10 Americans to make untenable choices between need-
11 ed income and jobs on the one hand and caring for
12 their own and their family’s health on the other. It
13 is in the national interest to ensure that all Ameri-
14 cans can care for their own health and the health of
15 their families while prospering at work.

16 (2) Nearly 40 percent of the private sector
17 workforce, and 11 percent of the public sector work-
18 force, lacks paid sick time. Another 4,000,000 theo-
19 retically have access to sick time, but have not been
20 on the job long enough to use it. Millions more lack
21 sick time they can use to care for a sick child or ill
22 family member.

23 (3) A 2012 study published by BioMed Central
24 Public Health of results of the National Health

1 Interview Survey found that lack of paid sick leave
2 is a barrier to receiving cancer screenings and pre-
3 ventive care.

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

8 (5) A 2012 study published in the American
9 Journal of Public Health found that a lack of work-
10 place policies like paid sick days contributed to an
11 additional 5,000,000 cases of influenza-like illness
12 during the H1N1 pandemic of 2009.

13 (6) A 2011 study by the Institute for Women's
14 Policy Research found that a universal paid sick
15 days policy would reduce preventable visits to the
16 emergency room and result in cost savings of
17 \$1,100,000,000 per year, including \$500,000,000 in
18 savings for public health insurance like Medicaid.

19 (7) A 2009 study by the Center for Economic
20 and Policy Research found that, of 22 countries with
21 comparable economies, the United States was 1 of
22 only 3 countries that did not provide any paid time
23 off for workers with short-term illnesses.

24 (8) The American Productivity Audit completed
25 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.

(9) 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.

(10)(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, 70 percent lack paid sick time;

(ii) for workers in the next 2 quartiles, 36 and 27 percent, respectively, lack paid sick time; and

(iii) even for workers in the highest quartile, 13 percent lack paid sick time.

1 (C) For public sector workers—

2 (i) for workers in the lowest quartile of
3 earners, 26 percent lack paid sick time;

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

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

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

17 (12) Without paid sick days that can be used to ad-
18 dress the effects of domestic violence, these victims are
19 in grave danger of losing their jobs. One survey found that
20 96 percent of employed domestic violence victims experi-
21 enced problems at work related to the violence. The Gov-
22 ernment Accountability Office similarly found that 24 to
23 52 percent of victims report losing a job due, at least in
24 part, to domestic violence. The loss of employment can be

1 particularly devastating for victims of domestic violence,
2 who often need economic security to ensure safety.

3 (13) The Centers for Disease Control and Prevention
4 has estimated that domestic violence costs over
5 \$700,000,000 annually due to the victims' lost produc-
6 tivity in employment.

7 (14) Efforts to assist abused employees result in posi-
8 tive outcomes for employers as well as employees because
9 employers can retain workers who might otherwise be
10 compelled to leave.

11 **SEC. 3. PURPOSES.**

12 The purposes of this Act are—

13 (1) to ensure that working Americans can ad-
14 dress their own health needs and the health needs
15 of their families by requiring employers to permit
16 employees to earn up to 56 hours of paid sick time
17 including paid time for family care;

18 (2) to diminish public and private health care
19 costs by enabling workers to seek early and routine
20 medical care for themselves and their family mem-
21 bers;

22 (3) to assist employees who are, or whose fam-
23 ily members are, victims of domestic violence, sexual
24 assault, or stalking, by providing the employees with
25 paid time away from work to allow the victims to re-

1 ceive treatment and to take the necessary steps to
2 ensure their protection;

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

7 (5) to accomplish the purposes described in
8 paragraphs (1) through (4) in a manner that is fea-
9 sible for employers; and

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

15 (A) to accomplish the purposes described
16 in paragraphs (1) through (4) in a manner that
17 minimizes the potential for employment dis-
18 crimination on the basis of sex by ensuring gen-
19 erally that paid sick time is available for eligible
20 medical reasons on a gender-neutral basis; and

21 (B) to promote the goal of equal employ-
22 ment opportunity for women and men.

23 **SEC. 4. DEFINITIONS.**

24 In this Act:

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

5 (A) under 18 years of age; or

6 (B) 18 years of age or older and incapable
7 of self-care because of a mental or physical disability.
8

9 (2) DOMESTIC PARTNER.—

10 (A) IN GENERAL.—The term “domestic
11 partner”, with respect to an individual, means
12 another individual with whom the individual is
13 in a committed relationship.

14 (B) COMMITTED RELATIONSHIP DEFINED.—The term “committed relationship”
15 means a relationship between two individuals,
16 each at least 18 years of age, in which each individual
17 is the other individual’s sole domestic
18 partner and both individuals share responsibility for a significant measure of each other’s
19 common welfare. The term includes any such
20 relationship between two individuals, including
21 individuals of the same sex, that is granted
22 legal recognition by a State or political subdivision
23 of a State as a marriage or analogous relationship.
24
25

1 tionship, including a civil union or domestic
2 partnership.

3 (3) DOMESTIC VIOLENCE.—The term “domestic
4 violence” has the meaning given the term in section
5 40002(a) of the Violence Against Women Act of
6 1994 (42 U.S.C. 13925(a)), except that the ref-
7 erence in such section to the term “jurisdiction re-
8 ceiving grant monies” shall be deemed to mean the
9 jurisdiction in which the victim lives or the jurisdic-
10 tion in which the employer involved is located. Such
11 term also includes dating violence, as that term is
12 defined in such section.

13 (4) EMPLOYEE.—The term “employee” means
14 an individual who is—

15 (A)(i) an employee, as defined in section
16 3(e) of the Fair Labor Standards Act of 1938
17 (29 U.S.C. 203(e)), who is not covered under
18 subparagraph (E), including such an employee
19 of the Library of Congress, except that a ref-
20 erence in such section to an employer shall be
21 considered to be a reference to an employer de-
22 scribed in clauses (i)(I) and (ii) of paragraph
23 (5)(A); or

24 (ii) an employee of the Government Ac-
25 countability Office;

1 (B) a State employee described in section
2 304(a) of the Government Employee Rights Act
3 of 1991 (42 U.S.C. 2000e–16c(a));

4 (C) a covered employee, as defined in sec-
5 tion 101 of the Congressional Accountability
6 Act of 1995 (2 U.S.C. 1301), other than an ap-
7 plicant for employment;

8 (D) a covered employee, as defined in sec-
9 tion 411(c) of title 3, United States Code; or

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

13 (5) EMPLOYER.—

14 (A) IN GENERAL.—The term “employer”
15 means a person who is—

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

19 (II) an entity employing a State em-
20 ployee described in section 304(a) of the
21 Government Employee Rights Act of 1991;

22 (III) an employing office, as defined
23 in section 101 of the Congressional Ac-
24 countability Act of 1995;

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

4 (V) an employing agency covered
5 under subchapter V of chapter 63 of title
6 5, United States Code; and

7 (ii) is engaged in commerce (including
8 government), or an industry or activity af-
9 fecting commerce (including government),
10 as defined in subparagraph (B)(iii).

11 (B) COVERED EMPLOYER.—

12 (i) IN GENERAL.—In subparagraph
13 (A)(i)(I), the term “covered employer”—

14 (I) means any person engaged in
15 commerce or in any industry or activ-
16 ity affecting commerce who employs
17 15 or more employees for each work-
18 ing day during each of 20 or more
19 calendar workweeks in the current or
20 preceding year;

21 (II) means a smaller employer, as
22 defined in subparagraph (C), to which
23 the special rule in paragraph (3) of
24 section 5(a) applies;

25 (III) includes—

1 (aa) any person who acts,
2 directly or indirectly, in the inter-
3 est of an employer to any of the
4 employees of such employer; and

5 (bb) any successor in inter-
6 est of an employer;

7 (IV) includes any “public agen-
8 cy”, as defined in section 3(x) of the
9 Fair Labor Standards Act of 1938
10 (29 U.S.C. 203(x)); and

11 (V) includes the Government Ac-
12 countability Office and the Library of
13 Congress.

14 (ii) PUBLIC AGENCY.—For purposes
15 of clause (i)(IV), a public agency shall be
16 considered to be a person engaged in com-
17 merce or in an industry or activity affect-
18 ing commerce.

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

21 (I) COMMERCE.—The terms
22 “commerce” and “industry or activity
23 affecting commerce” mean any activ-
24 ity, business, or industry in commerce
25 or in which a labor dispute would

1 hinder or obstruct commerce or the
2 free flow of commerce, and include
3 “commerce” and any “industry affect-
4 ing commerce”, as defined in para-
5 graphs (1) and (3) of section 501 of
6 the Labor Management Relations Act,
7 1947 (29 U.S.C. 142 (1) and (3)).

8 (II) EMPLOYEE.—The term “em-
9 ployee” has the same meaning given
10 such term in section 3(e) of the Fair
11 Labor Standards Act of 1938 (29
12 U.S.C. 203(e)).

13 (III) PERSON.—The term “per-
14 son” has the same meaning given
15 such term in section 3(a) of the Fair
16 Labor Standards Act of 1938 (29
17 U.S.C. 203(a)).

18 (C) SMALLER EMPLOYER.—The term
19 “smaller employer” means any person engaged
20 in commerce or in any industry or activity af-
21 fecting commerce who employs fewer than 15
22 employees for each working day during each of
23 20 or more calendar workweeks in the pre-
24 ceding year.

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

4 (6) EMPLOYMENT BENEFITS.—The term “em-
5 ployment benefits” means all benefits provided or
6 made available to employees by an employer, includ-
7 ing group life insurance, health insurance, disability
8 insurance, sick leave, annual leave, educational bene-
9 fits, and pensions, regardless of whether such bene-
10 fits are provided by a practice or written policy of
11 an employer or through an “employee benefit plan”,
12 as defined in section 3(3) of the Employee Retirement
13 Income Security Act of 1974 (29 U.S.C.
14 1002(3)).

15 (7) HEALTH CARE PROVIDER.—The term
16 “health care provider” means a provider who—

17 (A)(i) is a doctor of medicine or osteopathy
18 who is authorized to practice medicine or sur-
19 gery (as appropriate) by the State in which the
20 doctor practices; or

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

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

4 (8) PAID SICK TIME.—The term “paid sick
5 time” means an increment of compensated leave that
6 can be earned by an employee for use during an ab-
7 sence from employment for any of the reasons de-
8 scribed in paragraphs (1) through (4) of section
9 5(b).

10 (9) PARENT.—The term “parent” means a bio-
11 logical, foster, or adoptive parent of an employee, a
12 stepparent of an employee, parent-in-law, parent of
13 a domestic partner, or a legal guardian or other per-
14 son who stood in loco parentis to an employee when
15 the employee was a child.

16 (10) SECRETARY.—The term “Secretary”
17 means the Secretary of Labor.

18 (11) SEXUAL ASSAULT.—The term “sexual as-
19 sault” has the meaning given the term in section
20 40002(a) of the Violence Against Women Act of
21 1994 (42 U.S.C. 13925(a)).

22 (12) SPOUSE.—The term “spouse”, with re-
23 spect to an employee, has the meaning given such
24 term by the marriage laws of the State in which the
25 marriage was celebrated.

1 (13) STALKING.—The term “stalking” has the
2 meaning given the term in section 40002(a) of the
3 Violence Against Women Act of 1994 (42 U.S.C.
4 13925(a)).

5 (14) STATE.—The term “State” has the mean-
6 ing given the term in section 3 of the Fair Labor
7 Standards Act of 1938 (29 U.S.C. 203).

8 (15) UNPAID SICK TIME.—The term “unpaid
9 sick time” means the leave earned and used in the
10 same manner and under the same conditions as paid
11 sick time for the purposes of this Act, except that
12 no compensation shall be paid.

13 (16) VICTIM SERVICES ORGANIZATION.—The
14 term “victim services organization” means a non-
15 profit, nongovernmental organization that provides
16 assistance to victims of domestic violence, sexual as-
17 sault, or stalking or advocates for such victims, in-
18 cluding a rape crisis center, an organization carrying
19 out a domestic violence, sexual assault, or stalking
20 prevention or treatment program, an organization
21 operating a shelter or providing counseling services,
22 or a legal services organization or other organization
23 providing assistance through the legal process.

24 **SEC. 5. EARNED PAID SICK TIME.**

25 (a) EARNING OF PAID SICK TIME.—

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

9 (2) EXEMPT EMPLOYEES.—

10 (A) IN GENERAL.—Except as provided in
11 paragraph (4), for purposes of this section, an
12 employee who is exempt from overtime require-
13 ments under section 13(a)(1) of the Fair Labor
14 Standards Act of 1938 (29 U.S.C. 213(a)(1))
15 shall be assumed to work 40 hours in each
16 workweek.

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

22 (3) SPECIAL RULE FOR SMALLER EMPLOY-
23 ERS.—A smaller employer may provide paid sick
24 time as provided under paragraph (1) but if such
25 smaller employer opts not to do so, the smaller em-

1 employer shall provide not fewer than 56 hours of un-
2 paid sick time to each employee per year to be used
3 for the same purposes and under the same condi-
4 tions as set out in this Act. The provision and earn-
5 ing of unpaid sick time shall be treated in all re-
6 spects the same as the provision and earning of paid
7 sick time under this Act. References in this Act to
8 paid sick time shall, with respect to smaller employ-
9 ers, be deemed to be references to unpaid sick time.

10 (4) DATES FOR BEGINNING TO EARN PAID SICK
11 TIME AND USE.—Employees shall begin to earn paid
12 sick time under this section at the commencement of
13 their employment. An employee shall be entitled to
14 use the earned paid sick time beginning on the 60th
15 calendar day following commencement of the em-
16 ployee’s employment. After that 60th calendar day,
17 the employee may use the paid sick time as the time
18 is earned. An employer may, at the discretion of the
19 employer, loan paid sick time to an employee for use
20 by such employee in advance of the employee earn-
21 ing such sick time as provided in this subsection and
22 may permit use before the 60th day of employment.

23 (5) CARRYOVER.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), paid sick time earned under

1 this section shall carry over from 1 year to the
2 next.

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

7 (6) EMPLOYERS WITH EXISTING POLICIES.—
8 Any employer with a paid leave policy who makes
9 available an amount of paid leave that is sufficient
10 to meet the requirements of this section and that
11 may be used for the same purposes and under the
12 same conditions as the purposes and conditions out-
13 lined in subsection (b) shall not be required to per-
14 mit an employee to earn additional paid sick time
15 under this section.

16 (7) CONSTRUCTION.—Nothing in this section
17 shall be construed as requiring financial or other re-
18 imbursement to an employee from an employer upon
19 the employee's termination, resignation, retirement,
20 or other separation from employment for earned
21 paid sick time that has not been used.

22 (8) REINSTATEMENT.—If an employee is sepa-
23 rated from employment with an employer and is re-
24 hired, within 12 months after that separation, by the
25 same employer, the employer shall reinstate the em-

1 employee's previously earned paid sick time. The em-
2 ployee shall be entitled to use the earned paid sick
3 time and earn additional paid sick time at the re-
4 commencement of employment with the employer.

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

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

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

15 (2) An absence resulting from obtaining profes-
16 sional medical diagnosis or care, or preventive med-
17 ical care, for the employee.

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

23 (A) has any of the conditions or needs for
24 diagnosis or care described in paragraph (1) or

25 (2);

1 (B) in the case of someone who is a child,
2 is required to attend a school meeting or a
3 meeting at a place where the child is receiving
4 care necessitated by the child's health condition
5 or disability; or

6 (C) is otherwise in need of care.

7 (4) An absence resulting from domestic vio-
8 lence, sexual assault, or stalking, if the time is to—

9 (A) seek medical attention for the em-
10 ployee or the employee's child, parent, spouse,
11 domestic partner, or an individual related to the
12 employee as described in paragraph (3), to re-
13 cover from physical or psychological injury or
14 disability caused by domestic violence, sexual
15 assault, or stalking;

16 (B) obtain or assist a related person de-
17 scribed in paragraph (3) in obtaining services
18 from a victim services organization;

19 (C) obtain or assist a related person de-
20 scribed in paragraph (3) in obtaining psycho-
21 logical or other counseling;

22 (D) seek relocation; or

23 (E) take legal action, including preparing
24 for or participating in any civil or criminal legal

1 proceeding related to or resulting from domestic
2 violence, sexual assault, or stalking.

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

7 (d) PROCEDURES.—

8 (1) IN GENERAL.—Paid sick time shall be pro-
9 vided upon the oral or written request of an em-
10 ployee. Such request shall—

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

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

17 (C) otherwise, be provided as soon as prac-
18 ticable after the employee is aware of the need
19 for such period.

20 (2) CERTIFICATION IN GENERAL.—

21 (A) PROVISION.—

22 (i) IN GENERAL.—Subject to subpara-
23 graph (C), an employer may require that a
24 request for paid sick time under this sec-
25 tion for a purpose described in paragraph

1 (1), (2), or (3) of subsection (b) be sup-
2 ported by a certification issued by the
3 health care provider of the eligible em-
4 ployee or of an individual described in sub-
5 section (b)(3), as appropriate, if the period
6 of such time covers more than 3 consecu-
7 tive workdays.

8 (ii) TIMELINESS.—The employee shall
9 provide a copy of such certification to the
10 employer in a timely manner, not later
11 than 30 days after the first day of the pe-
12 riod of time. The employer shall not delay
13 the commencement of the period of time on
14 the basis that the employer has not yet re-
15 ceived the certification.

16 (B) SUFFICIENT CERTIFICATION.—

17 (i) IN GENERAL.—A certification pro-
18 vided under subparagraph (A) shall be suf-
19 ficient if it states—

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

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

24 (III) the appropriate medical
25 facts within the knowledge of the

1 health care provider regarding the
2 condition involved, subject to clause
3 (ii); and

4 (IV)(aa) for purposes of paid sick
5 time under subsection (b)(1), a state-
6 ment that absence from work is medi-
7 cally necessary;

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

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

21 (ii) LIMITATION.—In issuing a certifi-
22 cation under subparagraph (A), a health
23 care provider shall make reasonable efforts
24 to limit the medical facts described in
25 clause (i)(III) that are disclosed in the cer-

1 tification to the minimum necessary to es-
2 tablish a need for the employee to utilize
3 paid sick time.

4 (C) REGULATIONS.—Regulations pre-
5 scribed under section 14 shall specify the man-
6 ner in which an employee who does not have
7 health insurance shall provide a certification for
8 purposes of this paragraph.

9 (D) CONFIDENTIALITY AND NONDISCLO-
10 SURE.—

11 (i) PROTECTED HEALTH INFORMA-
12 TION.—Nothing in this Act shall be con-
13 strued to require a health care provider to
14 disclose information in violation of section
15 1177 of the Social Security Act (42 U.S.C.
16 1320d–6) or the regulations promulgated
17 pursuant to section 264(c) of the Health
18 Insurance Portability and Accountability
19 Act of 1996 (42 U.S.C. 1320d–2 note).

20 (ii) HEALTH INFORMATION
21 RECORDS.—If an employer possesses
22 health information about an employee or
23 an employee’s child, parent, spouse, domes-
24 tic partner, or an individual related to the

1 employee as described in subsection (b)(3),
2 such information shall—

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

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

8 (III) not be disclosed except to
9 the affected employee or with the per-
10 mission of the affected employee.

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

13 (A) IN GENERAL.—An employer may re-
14 quire that a request for paid sick time under
15 this section for a purpose described in sub-
16 section (b)(4) be supported by any 1 of the fol-
17 lowing forms of documentation, but the em-
18 ployer may not specify the particular form of
19 documentation to be provided:

20 (i) A police report indicating that the
21 employee, or a member of the employee's
22 family described in subsection (b)(4), was
23 a victim of domestic violence, sexual as-
24 sault, or stalking.

1 (ii) A court order protecting or sepa-
2 rating the employee or a member of the
3 employee's family described in subsection
4 (b)(4) from the perpetrator of an act of
5 domestic violence, sexual assault, or stalk-
6 ing, or other evidence from the court or
7 prosecuting attorney that the employee or
8 a member of the employee's family de-
9 scribed in subsection (b)(4) has appeared
10 in court or is scheduled to appear in court
11 in a proceeding related to domestic vio-
12 lence, sexual assault, or stalking.

13 (iii) Other documentation signed by
14 an employee or volunteer working for a vic-
15 tim services organization, an attorney, a
16 police officer, a medical professional, a so-
17 cial worker, an antiviolence counselor, or a
18 member of the clergy, affirming that the
19 employee or a member of the employee's
20 family described in subsection (b)(4) is a
21 victim of domestic violence, sexual assault,
22 or stalking.

23 (B) REQUIREMENTS.—The requirements
24 of paragraph (2) shall apply to certifications
25 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. NOTICE REQUIREMENT.

(a) IN GENERAL.—Each employer shall notify each employee and include in any employee handbook the information described in paragraphs (1) through (4). Each em-

1 ployer shall post and keep posted a notice, to be prepared
2 or approved in accordance with procedures specified in
3 regulations prescribed under section 14, setting forth ex-
4 cerpts from, or summaries of, the pertinent provisions of
5 this Act including—

6 (1) information describing paid sick time avail-
7 able to employees under this Act;

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

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

13 (4) information that describes—

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

16 (B) how the employee can contact the Sec-
17 retary (or other appropriate authority as de-
18 scribed in section 8) if any of the rights are vio-
19 lated.

20 (b) LOCATION.—The notice described under sub-
21 section (a) shall be posted—

22 (1) in conspicuous places on the premises of the
23 employer, where notices to employees (including ap-
24 plicants) are customarily posted; or

25 (2) in employee handbooks.

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

5 **SEC. 7. PROHIBITED ACTS.**

6 (a) INTERFERENCE WITH RIGHTS.—

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

11 (A) discharging or discriminating against
 12 (including retaliating against) any individual,
 13 including a job applicant, for exercising, or at-
 14 tempting to exercise, any right provided under
 15 this Act;

16 (B) using the taking of paid sick time or
 17 unpaid sick time under this Act as a negative
 18 factor in an employment action, such as hiring,
 19 promotion, reducing hours or number of shifts,
 20 or a disciplinary action; or

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

24 (2) DISCRIMINATION.—It shall be unlawful for
 25 any employer to discharge or in any other manner

1 discriminate against (including retaliating against)
 2 any individual, including a job applicant, for oppos-
 3 ing any practice made unlawful by this Act.

4 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
 5 IES.—It shall be unlawful for any person to discharge or
 6 in any other manner discriminate against (including retali-
 7 ating against) any individual, including a job applicant,
 8 because such individual—

9 (1) has filed an action, or has instituted or
 10 caused to be instituted any proceeding, under or re-
 11 lated to this Act;

12 (2) has given, or is about to give, any informa-
 13 tion in connection with any inquiry or proceeding re-
 14 lating to any right provided under this Act; or

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

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

23 **SEC. 8. ENFORCEMENT AUTHORITY.**

24 (a) IN GENERAL.—

25 (1) DEFINITION.—In this subsection—

1 (A) the term “employee” means an em-
2 ployee described in subparagraph (A) or (B) of
3 section 4(4); and

4 (B) the term “employer” means an em-
5 ployer described in subclause (I) or (II) of sec-
6 tion 4(5)(A)(i).

7 (2) INVESTIGATIVE AUTHORITY.—

8 (A) IN GENERAL.—To ensure compliance
9 with the provisions of this Act, or any regula-
10 tion or order issued under this Act, the Sec-
11 retary shall have, subject to subparagraph (C),
12 the investigative authority provided under sec-
13 tion 11(a) of the Fair Labor Standards Act of
14 1938 (29 U.S.C. 211(a)), with respect to em-
15 ployers, employees, and other individuals af-
16 fected.

17 (B) OBLIGATION TO KEEP AND PRESERVE
18 RECORDS.—An employer shall make, keep, and
19 preserve records pertaining to compliance with
20 this Act in accordance with section 11(c) of the
21 Fair Labor Standards Act of 1938 (29 U.S.C.
22 211(c)) and in accordance with regulations pre-
23 scribed by the Secretary.

24 (C) REQUIRED SUBMISSIONS GENERALLY
25 LIMITED TO AN ANNUAL BASIS.—The Secretary

1 shall not require, under the authority of this
2 paragraph, an employer to submit to the Sec-
3 retary any books or records more than once
4 during any 12-month period, unless the Sec-
5 retary has reasonable cause to believe there
6 may exist a violation of this Act or any regula-
7 tion or order issued pursuant to this Act, or is
8 investigating a charge pursuant to paragraph
9 (4).

10 (D) SUBPOENA AUTHORITY.—For the pur-
11 poses of any investigation provided for in this
12 paragraph, the Secretary shall have the sub-
13 poena authority provided for under section 9 of
14 the Fair Labor Standards Act of 1938 (29
15 U.S.C. 209).

16 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-
17 UALS.—

18 (A) RIGHT OF ACTION.—An action to re-
19 cover the damages or equitable relief prescribed
20 in subparagraph (B) may be maintained
21 against any employer in any Federal or State
22 court of competent jurisdiction by one or more
23 employees or individuals or their representative
24 for and on behalf of—

25 (i) the employees or individuals; or

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

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

7 (i) for damages equal to—

8 (I) the amount of—

9 (aa) any wages, salary, em-
10 ployment benefits, or other com-
11 pensation denied or lost by rea-
12 son of the violation; or

13 (bb) in a case in which
14 wages, salary, employment bene-
15 fits, or other compensation have
16 not been denied or lost, any ac-
17 tual monetary losses sustained as
18 a direct result of the violation up
19 to a sum equal to 56 hours of
20 wages or salary for the employee
21 or individual;

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

1 (III) an additional amount as liq-
2 uidated damages; and

3 (ii) for such equitable relief as may be
4 appropriate, including employment, rein-
5 statement, and promotion.

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

12 (4) ACTION BY THE SECRETARY.—

13 (A) ADMINISTRATIVE ACTION.—The Sec-
14 retary shall receive, investigate, and attempt to
15 resolve complaints of violations of section 7 (in-
16 cluding a violation relating to rights provided
17 under section 5) in the same manner that the
18 Secretary receives, investigates, and attempts to
19 resolve complaints of violations of sections 6
20 and 7 of the Fair Labor Standards Act of 1938
21 (29 U.S.C. 206 and 207).

22 (B) CIVIL ACTION.—The Secretary may
23 bring an action in any court of competent juris-
24 diction to recover the damages described in
25 paragraph (3)(B)(i).

1 (C) SUMS RECOVERED.—Any sums recov-
2 ered by the Secretary pursuant to subparagraph
3 (B) shall be held in a special deposit account
4 and shall be paid, on order of the Secretary, di-
5 rectly to each employee or individual affected.
6 Any such sums not paid to an employee or indi-
7 vidual affected because of inability to do so
8 within a period of 3 years shall be deposited
9 into the Treasury of the United States as mis-
10 cellaneous receipts.

11 (5) LIMITATION.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), an action may be brought
14 under paragraph (3), (4), or (6) not later than
15 2 years after the date of the last event consti-
16 tuting the alleged violation for which the action
17 is brought.

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

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

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

10 (A) to restrain violations of section 7 (in-
11 cluding a violation relating to rights provided
12 under section 5), including the restraint of any
13 withholding of payment of wages, salary, em-
14 ployment benefits, or other compensation, plus
15 interest, found by the court to be due to em-
16 ployees or individuals eligible under this Act; or

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

20 (7) SOLICITOR OF LABOR.—The Solicitor of
21 Labor may appear for and represent the Secretary
22 on any litigation brought under paragraph (4) or
23 (6).

24 (8) GOVERNMENT ACCOUNTABILITY OFFICE
25 AND LIBRARY OF CONGRESS.—Notwithstanding any

1 other provision of this subsection, in the case of the
2 Government Accountability Office and the Library of
3 Congress, the authority of the Secretary of Labor
4 under this subsection shall be exercised respectively
5 by the Comptroller General of the United States and
6 the Librarian of Congress.

7 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
8 COUNTABILITY ACT OF 1995.—The powers, remedies, and
9 procedures provided in the Congressional Accountability
10 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
11 fined in section 101 of that Act (2 U.S.C. 1301)), or any
12 person, alleging a violation of section 202(a)(1) of that
13 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
14 and procedures this Act provides to that Board, or any
15 person, alleging an unlawful employment practice in viola-
16 tion of this Act against an employee described in section
17 4(4)(C).

18 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
19 3, UNITED STATES CODE.—The powers, remedies, and
20 procedures provided in chapter 5 of title 3, United States
21 Code, to the President, the Merit Systems Protection
22 Board, or any person, alleging a violation of section
23 412(a)(1) of that title, shall be the powers, remedies, and
24 procedures this Act provides to the President, that Board,
25 or any person, respectively, alleging an unlawful employ-

1 ment practice in violation of this Act against an employee
2 described in section 4(4)(D).

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

14 (e) REMEDIES FOR STATE EMPLOYEES.—

15 (1) WAIVER OF SOVEREIGN IMMUNITY.—A
16 State’s receipt or use of Federal financial assistance
17 for any program or activity of a State shall con-
18 stitute a waiver of sovereign immunity, under the
19 11th Amendment to the Constitution or otherwise,
20 to a suit brought by an employee of that program
21 or activity under this Act for equitable, legal, or
22 other relief authorized under this Act.

23 (2) OFFICIAL CAPACITY.—An official of a State
24 may be sued in the official capacity of the official by
25 any employee who has complied with the procedures

1 under subsection (a)(3), for injunctive relief that is
2 authorized under this Act. In such a suit the court
3 may award to the prevailing party those costs au-
4 thorized by section 722 of the Revised Statutes (42
5 U.S.C. 1988).

6 (3) APPLICABILITY.—With respect to a par-
7 ticular program or activity, paragraph (1) applies to
8 conduct occurring on or after the day, after the date
9 of enactment of this Act, on which a State first re-
10 ceives or uses Federal financial assistance for that
11 program or activity.

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

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR EDU-**
17 **CATION AND OUTREACH.**

18 There is authorized to be appropriated to the Sec-
19 retary of Labor such sums as may be necessary in order
20 that the Secretary may conduct a public awareness cam-
21 paign to educate and inform the public of the require-
22 ments for paid sick time required by this Act.

1 **SEC. 10. COLLECTION OF DATA ON PAID SICK TIME AND**
2 **FURTHER STUDY.**

3 (a) COMPILATION OF INFORMATION.—The Commis-
4 sioner of Labor Statistics shall annually compile informa-
5 tion on the following:

6 (1) The amount of paid and unpaid sick time
7 available to employees by occupation and type of em-
8 ployment establishment.

9 (2) An estimate of the average sick time used
10 by employees according to occupation and the type
11 of employment establishment.

12 (b) GAO STUDY.—Not later than 5 years after the
13 date of enactment of this Act, the Comptroller General
14 of the United States shall conduct a study to evaluate the
15 implementation of this Act. Such study shall include an
16 estimation of employees' access to paid sick time, employ-
17 ees' awareness of their rights under this Act, and employ-
18 ers' experiences complying with this Act. Such study shall
19 take into account access, awareness and experiences of
20 employees by race, ethnicity, gender, and occupation.

21 (c) REPORT.—Upon completion of the study required
22 by subsection (b), the Comptroller General of the United
23 States shall prepare and submit a report to the appro-
24 priate committees of Congress concerning the results of
25 the study and the information compiled pursuant to sub-
26 section (a).

1 **SEC. 11. EFFECT ON OTHER LAWS.**

2 (a) FEDERAL AND STATE ANTIDISCRIMINATION
3 LAWS.—Nothing in this Act shall be construed to modify
4 or affect any Federal or State law prohibiting discrimina-
5 tion on the basis of race, religion, color, national origin,
6 sex, age, disability, sexual orientation, gender identity,
7 marital status, familial status, or any other protected sta-
8 tus.

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

16 **SEC. 12. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

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

23 (b) LESS PROTECTIVE.—The rights established for
24 employees under this Act shall not be diminished by any
25 contract, collective bargaining agreement, or any employ-
26 ment benefit program or plan.

1 **SEC. 13. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
2 **POLICIES.**

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

7 **SEC. 14. REGULATIONS.**

8 (a) IN GENERAL.—

9 (1) AUTHORITY.—Except as provided in para-
10 graph (2), not later than 180 days after the date of
11 enactment of this Act, the Secretary shall prescribe
12 such regulations as are necessary to carry out this
13 Act with respect to employees described in subpara-
14 graph (A) or (B) of section 4(4) and other individ-
15 uals affected by employers described in subclause (I)
16 or (II) of section 4(5)(A)(i).

17 (2) GOVERNMENT ACCOUNTABILITY OFFICE; LI-
18 BRARY OF CONGRESS.—The Comptroller General of
19 the United States and the Librarian of Congress
20 shall prescribe the regulations with respect to em-
21 ployees of the Government Accountability Office and
22 the Library of Congress, respectively, and other indi-
23 viduals affected by the Comptroller General of the
24 United States and the Librarian of Congress, re-
25 spectively.

1 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
2 COUNTABILITY ACT OF 1995.—

3 (1) AUTHORITY.—Not later than 90 days after
4 the Secretary prescribes regulations under sub-
5 section (a), the Board of Directors of the Office of
6 Compliance shall prescribe (in accordance with sec-
7 tion 304 of the Congressional Accountability Act of
8 1995 (2 U.S.C. 1384)) such regulations as are nec-
9 essary to carry out this Act with respect to employ-
10 ees described in section 4(4)(C) and other individ-
11 uals affected by employers described in section
12 4(5)(A)(i)(III).

13 (2) AGENCY REGULATIONS.—The regulations
14 prescribed under paragraph (1) shall be the same as
15 substantive regulations promulgated by the Sec-
16 retary to carry out this Act except insofar as the
17 Board may determine, for good cause shown and
18 stated together with the regulations prescribed
19 under paragraph (1), that a modification of such
20 regulations would be more effective for the imple-
21 mentation of the rights and protections involved
22 under this section.

23 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
24 3, UNITED STATES CODE.—

1 (1) AUTHORITY.—Not later than 90 days after
2 the Secretary prescribes regulations under sub-
3 section (a), the President (or the designee of the
4 President) shall prescribe such regulations as are
5 necessary to carry out this Act with respect to em-
6 ployees described in section 4(4)(D) and other indi-
7 viduals affected by employers described in section
8 4(5)(A)(i)(IV).

9 (2) AGENCY REGULATIONS.—The regulations
10 prescribed under paragraph (1) shall be the same as
11 substantive regulations promulgated by the Sec-
12 retary to carry out this Act except insofar as the
13 President (or designee) may determine, for good
14 cause shown and stated together with the regula-
15 tions prescribed under paragraph (1), that a modi-
16 fication of such regulations would be more effective
17 for the implementation of the rights and protections
18 involved under this section.

19 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
20 5, UNITED STATES CODE.—

21 (1) AUTHORITY.—Not later than 90 days after
22 the Secretary prescribes regulations under sub-
23 section (a), the Director of the Office of Personnel
24 Management shall prescribe such regulations as are
25 necessary to carry out this Act with respect to em-

1 ployees described in section 4(4)(E) and other indi-
2 viduals affected by employers described in section
3 4(5)(A)(i)(V).

4 (2) AGENCY REGULATIONS.—The regulations
5 prescribed under paragraph (1) shall be the same as
6 substantive regulations promulgated by the Sec-
7 retary to carry out this Act except insofar as the Di-
8 rector may determine, for good cause shown and
9 stated together with the regulations prescribed
10 under paragraph (1), that a modification of such
11 regulations would be more effective for the imple-
12 mentation of the rights and protections involved
13 under this section.

14 **SEC. 15. EFFECTIVE DATES.**

15 (a) EFFECTIVE DATE.—This Act shall take effect 6
16 months after the date of issuance of regulations under sec-
17 tion 14(a)(1).

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

22 (1) the date of the termination of such agree-
23 ment; or

1 (2) the date that occurs 18 months after the
2 date of issuance of regulations under section
3 14(a)(1).

○