

118TH CONGRESS
1ST SESSION

S. 3137

To allow Americans to receive paid leave time to process and address their own health needs and the health needs of their partners during the period following a pregnancy loss, an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, a failed adoption arrangement, a failed surrogacy arrangement, or a diagnosis or event that impacts pregnancy or fertility, to support related research and education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2023

Ms. DUCKWORTH (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. CASEY, Mr. FETTERMAN, Mrs. GILLIBRAND, Ms. HIRONO, Mr. MERKLEY, Mr. PADILLA, Ms. SMITH, Ms. WARREN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To allow Americans to receive paid leave time to process and address their own health needs and the health needs of their partners during the period following a pregnancy loss, an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, a failed adoption arrangement, a failed surrogacy arrangement, or a diagnosis or event that impacts pregnancy or fertility, to support related research and education, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Support Through Loss
 5 Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to allow individuals in the United States to
 9 receive supplementary paid leave time to process and
 10 address their own health needs and the health needs
 11 of their partners during the period following a preg-
 12 nancy loss, an unsuccessful round of intrauterine in-
 13 semination or of an assisted reproductive technology
 14 procedure, a failed adoption arrangement, a failed
 15 surrogacy arrangement, or a diagnosis or event that
 16 impacts pregnancy or fertility; and

17 (2) to support related research or education.

18 **TITLE I—PAID LEAVE**
 19 **FOLLOWING A PREGNANCY LOSS**

20 **SEC. 101. DEFINITIONS.**

21 In this title:

22 (1) **ASSISTED REPRODUCTIVE TECHNOLOGY**
 23 **PROCEDURE.**—The term “assisted reproductive tech-
 24 nology procedure” has the meaning given the term
 25 “assisted reproductive technology” in section 8 of

1 the Fertility Clinic Success Rate and Certification
2 Act of 1992 (42 U.S.C. 263a-7).

3 (2) COMMERCE.—The terms “commerce” and
4 “industry or activity affecting commerce” mean any
5 activity, business, or industry in commerce or in
6 which a labor dispute would hinder or obstruct com-
7 merce or the free flow of commerce, and include
8 “commerce” and any “industry affecting com-
9 merce”, as defined in paragraphs (1) and (3) of sec-
10 tion 501 of the Labor Management Relations Act,
11 1947 (29 U.S.C. 142 (1) and (3)).

12 (3) DOMESTIC PARTNER.—The term “domestic
13 partner”, used with respect to an unmarried em-
14 ployee, includes—

15 (A) the person recognized as the domestic
16 partner of the employee under any domestic
17 partnership or civil union law of a State or po-
18 litical subdivision of a State; and

19 (B) an unmarried, adult person who is in
20 a committed, personal relationship with the em-
21 ployee, who is not a domestic partner as de-
22 scribed in subparagraph (A) to or in such a re-
23 lationship with any other person, and who is
24 designated to the employee’s employer by such
25 employee as that employee’s domestic partner.

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

3 (A)(i) an employee, as defined in section
4 3(e) of the Fair Labor Standards Act of 1938
5 (29 U.S.C. 203(e)), who is not covered under
6 any other provision of this paragraph, except
7 that a reference in such section to an employer
8 shall be considered to be a reference to an em-
9 ployer described in clauses (i)(I) and (ii) of
10 paragraph (5)(A); or

11 (ii) an employee of the Government Ac-
12 countability Office;

13 (B) a State employee described in section
14 304(a) of the Government Employee Rights Act
15 of 1991 (42 U.S.C. 2000e–16c(a));

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

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

22 (E) a Federal officer or employee covered
23 under subchapter V of chapter 63 of title 5,
24 United States Code (without regard to the limi-

1 tation in section 6381(1)(B) of that title), who
2 is not covered under subparagraph (D).

3 (5) EMPLOYER.—

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

6 (i)(I) a covered employer who is not
7 described in any other subclause of this
8 clause;

9 (II) an entity employing a State em-
10 ployee described in section 304(a) of the
11 Government Employee Rights Act of 1991;

12 (III) an employing office, as defined
13 in section 101 of the Congressional Ac-
14 countability Act of 1995;

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

18 (V) an employing agency covered
19 under subchapter V of chapter 63 of title
20 5, United States Code; and

21 (ii) engaged in commerce (including
22 government), or an industry or activity af-
23 fecting commerce (including government).

24 (B) COVERED EMPLOYER.—

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

3 (I) means any person engaged in
4 commerce or in any industry or activ-
5 ity affecting commerce who employs 5
6 or more employees for each working
7 day during each of 20 or more cal-
8 endar workweeks in the current or
9 preceding year;

10 (II) includes—

11 (aa) any person who acts,
12 directly or indirectly, in the inter-
13 est of an employer covered by
14 this clause to any of the employ-
15 ees of such employer; and

16 (bb) any successor in inter-
17 est of an employer;

18 (III) includes any public agency;

19 and

20 (IV) includes the Government
21 Accountability Office.

22 (ii) PUBLIC AGENCY.—For purposes
23 of clause (i)(III), a public agency shall be
24 considered to be a person engaged in com-

1 merce or in an industry or activity affect-
2 ing commerce.

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

5 (I) EMPLOYEE.—The term “em-
6 ployee” has the meaning given such
7 term in section 3(e) of the Fair Labor
8 Standards Act of 1938 (29 U.S.C.
9 203(e)).

10 (II) PERSON.—The term “per-
11 son” has the meaning given such term
12 in section 3(a) of the Fair Labor
13 Standards Act of 1938 (29 U.S.C.
14 203(a)).

15 (III) PUBLIC AGENCY.—The
16 term “public agency” has the meaning
17 given such term in section 3(x) of the
18 Fair Labor Standards Act of 1938
19 (29 U.S.C. 203(x)).

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

23 (6) EMPLOYMENT BENEFITS.—The term “em-
24 ployment benefits” means all benefits provided or
25 made available to employees by an employer, includ-

1 ing group life insurance, health insurance, disability
2 insurance, sick leave, annual leave, educational bene-
3 fits, and pensions, regardless of whether such bene-
4 fits are provided by a practice or written policy of
5 an employer or through an “employee benefit plan”,
6 as defined in section 3(3) of the Employee Retirement
7 Income Security Act of 1974 (29 U.S.C.
8 1002(3)).

9 (7) PAID LEAVE TIME.—The term “paid leave
10 time” means an increment of compensated leave that
11 can be granted to an employee for use during an ab-
12 sence from employment for any reason described in
13 section 102(b).

14 (8) SECRETARY.—The term “Secretary” means
15 the Secretary of Labor.

16 (9) SPOUSE.—The term “spouse”, with respect
17 to an employee, has the meaning given such term by
18 the marriage laws of the State in which the mar-
19 riage was celebrated.

20 (10) STATE.—The term “State” has the mean-
21 ing given the term in section 3 of the Fair Labor
22 Standards Act of 1938 (29 U.S.C. 203).

23 (11) UNPAID LEAVE TIME.—The term “unpaid
24 leave time” means the leave granted and used in the
25 same manner and under the same conditions as paid

1 leave time for the purposes of this title, except that
2 no compensation shall be paid.

3 **SEC. 102. PAID LEAVE TIME.**

4 (a) GRANTING LEAVE TIME.—

5 (1) IN GENERAL.—An employer shall grant to
6 each employee employed by the employer, not less
7 than 56 hours of paid leave time on the employee's
8 first workday of each calendar year. The employee
9 may use the paid leave time as needed during that
10 calendar year for reasons described in subsection
11 (b).

12 (2) CARRYOVER.—Paid leave time granted
13 under paragraph (1) shall not carry over from 1
14 year to the next.

15 (3) EMPLOYERS WITH EXISTING POLICIES.—
16 Any employer with a paid leave policy who makes
17 available an amount of paid leave that is sufficient
18 to meet the requirements of this section and that is
19 made available for all stated reasons and under all
20 stated conditions that are the same as the reasons
21 and conditions outlined in subsection (b) shall not be
22 required to grant an employee additional paid leave
23 time under this section.

24 (4) CONSTRUCTION.—Nothing in this section
25 shall be construed as requiring financial or other re-

1 imbursement to an employee from an employer upon
2 the employee's termination, resignation, retirement,
3 or other separation from employment for granted
4 paid leave time that has not been used.

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

11 (b) USES.—Paid leave time granted under subsection
12 (a)(1) may be used by an employee for any of the fol-
13 lowing:

14 (1) An absence resulting from—

15 (A) a pregnancy loss;

16 (B) an unsuccessful round of intrauterine
17 insemination or of an assisted reproductive
18 technology procedure;

19 (C) a failed adoption match or an adoption
20 that is not finalized because it is contested by
21 another party;

22 (D) a failed surrogacy arrangement; or

23 (E) a diagnosis or event that impacts preg-
24 nancy or fertility.

1 (2) An absence to care for a spouse or domestic
2 partner who experiences a circumstance described in
3 paragraph (1).

4 (c) PROCEDURES.—Paid leave time granted under
5 subsection (a)(1) shall be provided upon the oral or writ-
6 ten request of an employee. Such request shall—

7 (1) include the expected duration of the period
8 of such time; and

9 (2) be provided as soon as practicable after the
10 employee is aware of the need for such period.

11 **SEC. 103. NOTICE REQUIREMENT.**

12 (a) IN GENERAL.—Each employer shall notify each
13 employee and include in any employee handbook the infor-
14 mation described in paragraphs (1) through (3). Each em-
15 ployer shall post and keep posted a notice, to be prepared
16 or approved in accordance with procedures specified in
17 regulations prescribed under section 110, setting forth ex-
18 cerpts from, or summaries of, the pertinent provisions of
19 this title, including—

20 (1) information describing paid leave time avail-
21 able to employees under this title;

22 (2) information pertaining to the filing of an
23 action under this title; and

24 (3) information that describes—

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

3 (B) how the employee can contact the Sec-
4 retary (or other appropriate authority as de-
5 scribed in section 105) if any of the rights are
6 violated.

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

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

12 (2) in employee handbooks.

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

17 **SEC. 104. PROHIBITED ACTS.**

18 (a) INTERFERENCE WITH RIGHTS.—

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

23 (A) discharging or discriminating against
24 (including retaliating against) any individual,
25 including a job applicant, for exercising, or at-

1 tempting to exercise, any right provided under
2 this title;

3 (B) using the taking of paid leave time or
4 unpaid leave time under this title as a negative
5 factor in an employment action, such as hiring,
6 promotion, reducing hours or number of shifts,
7 or a disciplinary action; or

8 (C) counting the paid leave time or unpaid
9 leave time under a no-fault attendance policy or
10 any other absence control policy.

11 (2) DISCRIMINATION.—It shall be unlawful for
12 any employer to discharge or in any other manner
13 discriminate against (including retaliating against)
14 any individual, including a job applicant, for oppos-
15 ing any practice made unlawful by this title.

16 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
17 IES.—It shall be unlawful for any person to discharge or
18 in any other manner discriminate against (including retali-
19 ating against) any individual, including a job applicant,
20 because such individual—

21 (1) has filed an action, or has instituted or
22 caused to be instituted any proceeding, under or re-
23 lated to this title;

1 (2) has given, or is about to give, any informa-
2 tion in connection with any inquiry or proceeding re-
3 lating to any right provided under this title; or

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

7 (c) CONSTRUCTION.—Nothing in this section shall be
8 construed to state or imply that the scope of the activities
9 prohibited by section 105 of the Family and Medical Leave
10 Act of 1993 (29 U.S.C. 2615) or the Civil Rights Act of
11 1964 (42 U.S.C. 2000a et seq.) is less than the scope of
12 the activities prohibited by this section or is otherwise al-
13 tered by the activities prohibited by this section.

14 **SEC. 105. ENFORCEMENT AUTHORITY.**

15 (a) IN GENERAL.—

16 (1) DEFINITION.—In this subsection—

17 (A) the term “employee” means an em-
18 ployee described in subparagraph (A) or (B) of
19 section 101(4); and

20 (B) the term “employer” means an em-
21 ployer described in subclause (I) or (II) of sec-
22 tion 101(5)(A)(i).

23 (2) INVESTIGATIVE AUTHORITY.—

24 (A) IN GENERAL.—To ensure compliance
25 with the provisions of this title, or any regula-

1 tion or order issued under this title, the Sec-
2 retary shall have, subject to subparagraph (C),
3 the investigative authority provided under sec-
4 tion 11(a) of the Fair Labor Standards Act of
5 1938 (29 U.S.C. 211(a)), with respect to em-
6 ployers, employees, and other individuals af-
7 fected.

8 (B) OBLIGATION TO KEEP AND PRESERVE
9 RECORDS.—An employer shall make, keep, and
10 preserve records pertaining to compliance with
11 this title in accordance with section 11(c) of the
12 Fair Labor Standards Act of 1938 (29 U.S.C.
13 211(c)) and in accordance with regulations pre-
14 scribed by the Secretary.

15 (C) REQUIRED SUBMISSIONS GENERALLY
16 LIMITED TO AN ANNUAL BASIS.—The Secretary
17 shall not require, under the authority of this
18 paragraph, an employer to submit to the Sec-
19 retary any books or records more than once
20 during any 12-month period, unless the Sec-
21 retary has reasonable cause to believe there
22 may exist a violation of this title or any regula-
23 tion or order issued pursuant to this title, or is
24 investigating a charge pursuant to paragraph
25 (4).

1 (D) SUBPOENA AUTHORITY.—For the pur-
2 poses of any investigation provided for in this
3 paragraph, the Secretary shall have the sub-
4 poena authority provided for under section 9 of
5 the Fair Labor Standards Act of 1938 (29
6 U.S.C. 209).

7 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-
8 UALS.—

9 (A) RIGHT OF ACTION.—An action to re-
10 cover the damages or equitable relief prescribed
11 in subparagraph (B) may be maintained
12 against any employer in any Federal or State
13 court of competent jurisdiction by an employee
14 or individual or a representative for and on be-
15 half of—

16 (i) the employee or individual; or

17 (ii) the employee or individual and
18 others similarly situated.

19 (B) LIABILITY.—Any employer who vio-
20 lates section 104 (including a violation relating
21 to rights provided under section 102) shall be
22 liable to any employee or individual affected—

23 (i) for damages equal to—

24 (I) the amount of—

1 (aa) any wages, salary, em-
2 ployment benefits, or other com-
3 pensation denied or lost by rea-
4 son of the violation; or

5 (bb) in a case in which
6 wages, salary, employment bene-
7 fits, or other compensation have
8 not been denied or lost, any ac-
9 tual monetary losses sustained as
10 a direct result of the violation up
11 to a sum equal to 56 hours of
12 wages or salary for the employee
13 or individual;

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

17 (III) an additional amount as liq-
18 uidated damages; and

19 (ii) for such equitable relief as may be
20 appropriate, including employment, rein-
21 statement, and promotion.

22 (C) FEES AND COSTS.—The court in an
23 action under this paragraph shall, in addition to
24 any judgment awarded to the plaintiff, allow a
25 reasonable attorney's fee, reasonable expert wit-

1 ness fees, and other costs of the action to be
2 paid by the defendant.

3 (4) ACTION BY THE SECRETARY.—

4 (A) ADMINISTRATIVE ACTION.—The Sec-
5 retary shall receive, investigate, and attempt to
6 resolve complaints of violations of section 104
7 (including a violation relating to rights provided
8 under section 102) in the same manner that the
9 Secretary receives, investigates, and attempts to
10 resolve complaints of violations of sections 6
11 and 7 of the Fair Labor Standards Act of 1938
12 (29 U.S.C. 206 and 207).

13 (B) CIVIL ACTION.—The Secretary may
14 bring an action in any court of competent juris-
15 diction to recover the damages described in
16 paragraph (3)(B)(i).

17 (C) SUMS RECOVERED.—Any sums recov-
18 ered by the Secretary pursuant to subparagraph
19 (B) shall be held in a special deposit account
20 and shall be paid, on order of the Secretary, di-
21 rectly to each employee or individual affected.
22 Any such sums not paid to an employee or indi-
23 vidual affected because of inability to do so
24 within a period of 3 years shall be deposited

1 into the Treasury of the United States as mis-
2 cellaneous receipts.

3 (5) LIMITATION.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), an action may be brought
6 under paragraph (3), (4), or (6) not later than
7 2 years after the date of the last event consti-
8 tuting the alleged violation for which the action
9 is brought.

10 (B) WILLFUL VIOLATION.—In the case of
11 an action brought for a willful violation of sec-
12 tion 104 (including a willful violation relating to
13 rights provided under section 102), such action
14 may be brought not later than 3 years after the
15 date of the last event constituting the alleged
16 violation for which such action is brought.

17 (C) COMMENCEMENT.—In determining
18 when an action is commenced under paragraph
19 (3), (4), or (6) for the purposes of this para-
20 graph, it shall be considered to be commenced
21 on the date when the complaint is filed.

22 (6) ACTION FOR INJUNCTION BY SECRETARY.—

23 The district courts of the United States shall have
24 jurisdiction, for cause shown, in an action brought
25 by the Secretary—

1 (A) to restrain violations of section 104
2 (including a violation relating to rights provided
3 under section 102), including the restraint of
4 any withholding of payment of wages, salary,
5 employment benefits, or other compensation,
6 plus interest, found by the court to be due to
7 employees or individuals eligible under this title;
8 or

9 (B) to award such other equitable relief as
10 may be appropriate, including employment, re-
11 instatement, and promotion.

12 (7) SOLICITOR OF LABOR.—The Solicitor of
13 Labor may appear for and represent the Secretary
14 on any litigation brought under paragraph (4) or
15 (6).

16 (8) GOVERNMENT ACCOUNTABILITY OFFICE.—
17 Notwithstanding any other provision of this sub-
18 section, in the case of the Government Account-
19 ability Office, the authority of the Secretary of
20 Labor under this subsection shall be exercised by the
21 Comptroller General of the United States.

22 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
23 COUNTABILITY ACT OF 1995.—The powers, remedies, and
24 procedures provided in the Congressional Accountability
25 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-

1 fined in section 101 of that Act (2 U.S.C. 1301)), or any
2 person, alleging a violation of section 202(a)(1) of that
3 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
4 and procedures this title provides to that Board, or any
5 person, alleging an unlawful employment practice in viola-
6 tion of this title against an employee described in section
7 101(4)(C).

8 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
9 3, UNITED STATES CODE.—The powers, remedies, and
10 procedures provided in chapter 5 of title 3, United States
11 Code, to the President, the Merit Systems Protection
12 Board, or any person, alleging a violation of section
13 412(a)(1) of that title, shall be the powers, remedies, and
14 procedures this title provides to the President, that Board,
15 or any person, respectively, alleging an unlawful employ-
16 ment practice in violation of this title against an employee
17 described in section 101(4)(D).

18 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
19 5, UNITED STATES CODE.—The powers, remedies, and
20 procedures provided in title 5, United States Code, to an
21 employing agency, provided in chapter 12 of that title to
22 the Merit Systems Protection Board, or provided in that
23 title to any person, alleging a violation of chapter 63 of
24 that title, shall be the powers, remedies, and procedures
25 this title provides to that agency, that Board, or any per-

1 son, respectively, alleging an unlawful employment prac-
2 tice in violation of this title against an employee described
3 in section 101(4)(E).

4 (e) REMEDIES FOR STATE EMPLOYEES.—

5 (1) WAIVER OF SOVEREIGN IMMUNITY.—A
6 State’s receipt or use of Federal financial assistance
7 for any program or activity of a State shall con-
8 stitute a waiver of sovereign immunity, under the
9 11th Amendment to the Constitution or otherwise,
10 to a suit brought by an employee of that program
11 or activity under this title for equitable, legal, or
12 other relief authorized under this title.

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

21 (3) APPLICABILITY.—With respect to a par-
22 ticular program or activity, paragraph (1) applies to
23 conduct occurring on or after the day, after the date
24 of enactment of this title, on which a State first re-

1 ceives or uses Federal financial assistance for that
2 program or activity.

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

7 **SEC. 106. EDUCATION AND OUTREACH.**

8 (a) IN GENERAL.—The Secretary may conduct a
9 public awareness campaign to educate and inform the pub-
10 lic of the requirements for paid leave time required by this
11 title.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary such sums
14 as may be necessary to carry out such campaign.

15 **SEC. 107. EFFECT ON OTHER LAWS.**

16 (a) FEDERAL AND STATE ANTIDISCRIMINATION
17 LAWS.—Nothing in this title shall be construed to modify
18 or affect any Federal or State law prohibiting discrimina-
19 tion on the basis of race, religion, color, national origin,
20 sex, age, or disability.

21 (b) FEDERAL, STATE, AND LOCAL LAWS.—Nothing
22 in this title shall be construed to supersede (including pre-
23 empting) any provision of any Federal, State, or local law
24 that provides greater paid or unpaid family or medical
25 leave rights than the rights established under this title.

1 **SEC. 108. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

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

8 (b) LESS PROTECTIVE.—The rights established for
9 employees under this title shall not be diminished by any
10 contract, collective bargaining agreement, or any employ-
11 ment benefit program or plan.

12 **SEC. 109. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
13 **POLICIES.**

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

18 **SEC. 110. REGULATIONS.**

19 (a) IN GENERAL.—

20 (1) AUTHORITY.—Except as provided in para-
21 graph (2), not later than 180 days after the date of
22 enactment of this title, the Secretary shall prescribe
23 such regulations as are necessary to carry out this
24 title with respect to employees described in subpara-
25 graph (A) or (B) of section 101(4) and other indi-

1 viduals affected by employers described in subclause
2 (I) or (II) of section 101(5)(A)(i).

3 (2) GOVERNMENT ACCOUNTABILITY OFFICE.—

4 The Comptroller General of the United States shall
5 prescribe the regulations with respect to employees
6 of the Government Accountability Office and the Li-
7 brary of Congress, respectively, and other individuals
8 affected by the Comptroller General of the United
9 States.

10 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
11 COUNTABILITY ACT OF 1995.—

12 (1) AUTHORITY.—Not later than 90 days after
13 the Secretary prescribes regulations under sub-
14 section (a), the Board of Directors of the Office of
15 Compliance shall prescribe (in accordance with sec-
16 tion 304 of the Congressional Accountability Act of
17 1995 (2 U.S.C. 1384)) such regulations as are nec-
18 essary to carry out this title with respect to employ-
19 ees described in section 101(4)(C) and other individ-
20 uals affected by employers described in section
21 101(5)(A)(i)(III).

22 (2) AGENCY REGULATIONS.—The regulations
23 prescribed under paragraph (1) shall be the same as
24 substantive regulations promulgated by the Sec-
25 retary to carry out this title except insofar as the

1 Board may determine, for good cause shown and
2 stated together with the regulations prescribed
3 under paragraph (1), that a modification of such
4 regulations would be more effective for the imple-
5 mentation of the rights and protections involved
6 under this section.

7 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
8 3, UNITED STATES CODE.—

9 (1) AUTHORITY.—Not later than 90 days after
10 the Secretary prescribes regulations under sub-
11 section (a), the President (or the designee of the
12 President) shall prescribe such regulations as are
13 necessary to carry out this title with respect to em-
14 ployees described in section 101(4)(D) and other in-
15 dividuals affected by employers described in section
16 101(5)(A)(i)(IV).

17 (2) AGENCY REGULATIONS.—The regulations
18 prescribed under paragraph (1) shall be the same as
19 substantive regulations promulgated by the Sec-
20 retary to carry out this title except insofar as the
21 President (or designee) may determine, for good
22 cause shown and stated together with the regula-
23 tions prescribed under paragraph (1), that a modi-
24 fication of such regulations would be more effective

1 for the implementation of the rights and protections
2 involved under this section.

3 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
4 5, UNITED STATES CODE.—

5 (1) AUTHORITY.—Not later than 90 days after
6 the Secretary prescribes regulations under sub-
7 section (a), the Director of the Office of Personnel
8 Management shall prescribe such regulations as are
9 necessary to carry out this title with respect to em-
10 ployees described in section 101(4)(E) and other in-
11 dividuals affected by employers described in section
12 101(5)(A)(i)(V).

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 title except insofar as the
17 Director 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.

1 **SEC. 111. EFFECTIVE DATES.**

2 (a) EFFECTIVE DATE.—This title, other than section
3 110, shall take effect 6 months after the date of issuance
4 of regulations under section 110(a)(1).

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

9 (1) the date of the termination of such agree-
10 ment; or

11 (2) the date that occurs 18 months after the
12 date of issuance of regulations under section
13 110(a)(1).

14 **TITLE II—RESEARCH AND**
15 **EDUCATION**

16 **SEC. 201. PREGNANCY LOSS PUBLIC EDUCATION PRO-**
17 **GRAM.**

18 (a) IN GENERAL.—The Secretary of Health and
19 Human Services, acting through the Director of the Cen-
20 ters for Disease Control and Prevention, shall develop and
21 disseminate to the public information regarding pregnancy
22 loss, including information on—

23 (1) awareness of pregnancy loss, and the inci-
24 dence and prevalence of pregnancy loss among preg-
25 nant people; and

1 (2) the accessibility of the range of evidence-
2 based treatment options, as medically appropriate,
3 for pregnancy loss, including miscarriage and recur-
4 rent miscarriage, including comprehensive mental
5 health supports, necessary procedures and medica-
6 tions, and culturally responsive supports including
7 pregnancy-loss doula care.

8 (b) DISSEMINATION OF INFORMATION.—In carrying
9 out subsection (a), the Secretary may disseminate infor-
10 mation to the public directly or through arrangements
11 with agencies carrying out intra-agency initiatives, non-
12 profit organizations, consumer groups, community organi-
13 zations, institutions of higher education (as defined in sec-
14 tion 101 of the Higher Education Act of 1965 (20 U.S.C.
15 1001)), or Federal, State, or local public-private partner-
16 ships.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 such sums as may be necessary for each of fiscal years
20 2023 through 2026.

21 **SEC. 202. RESEARCH WITH RESPECT TO PREGNANCY LOSS.**

22 (a) IN GENERAL.—The Director of the National In-
23 stitutes of Health (in this section referred to as the “Di-
24 rector of NIH”) shall expand and coordinate programs for
25 conducting and supporting evidence-based research with

1 respect to causes of and current and novel treatment op-
 2 tions and procedures for pregnancy loss.

3 (b) ADMINISTRATION AND COORDINATION.—The Di-
 4 rector of NIH, acting through the Director of the Office
 5 of Research on Women’s Health, shall carry out evidence-
 6 based research conducted pursuant to subsection (a), in
 7 coordination with the appropriate institutes, offices, and
 8 centers of the National Institutes of Health, including the
 9 National Institute of Child Health and Human Develop-
 10 ment, the National Institute of Environmental Health
 11 Sciences, the National Institute of Mental Health, and the
 12 Office on Women’s Health of the Department of Health
 13 and Human Services.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 15 authorized to be appropriated to carry out this section
 16 \$45,000,000 for each of fiscal years 2023 through 2026.

17 **SEC. 203. EDUCATION AND DISSEMINATION OF INFORMA-**
 18 **TION TO PERINATAL HEALTH CARE WORK-**
 19 **ERS WITH RESPECT TO PREGNANCY LOSS.**

20 (a) IN GENERAL.—The Secretary of Health and
 21 Human Services, acting through the Administrator of the
 22 Health Resources and Services Administration and the Di-
 23 rector of the Agency for Healthcare Research and Quality
 24 shall, in consultation with and in accordance with guide-
 25 lines from relevant medical societies, develop and dissemi-

1 nate to perinatal health care workers, including midwives,
 2 physician assistants, nurse practitioners, clinical nurse
 3 specialists, and non-clinical perinatal health care workers,
 4 information on pregnancy loss for the purpose of ensuring
 5 that such perinatal health care workers remain informed
 6 about current information (as of the date of dissemina-
 7 tion) regarding pregnancy loss, including miscarriage and
 8 recurrent miscarriage, and prioritizing both the physical
 9 and mental health care of the patient.

10 (b) PERINATAL HEALTH CARE WORKER.—For pur-
 11 poses of this section, the term “perinatal health care work-
 12 er” includes any doula, community health worker, peer
 13 supporter, breastfeeding and lactation educator or coun-
 14 selor, nutritionist or dietitian, childbirth educator, social
 15 worker, home visitor, language interpreter, or navigator.

16 **SEC. 204. DATA COLLECTION REGARDING PREGNANCY**
 17 **LOSS.**

18 The Secretary of Health and Human Services shall,
 19 in an manner that protects personal privacy, collect and
 20 assess data regarding pregnancy loss, including informa-
 21 tion (disaggregated by race, ethnicity, health insurance
 22 status, disability, income level, and geography) on the
 23 prevalence of, the incidence of, and knowledge about preg-
 24 nancy loss.

○