

119TH CONGRESS
1ST SESSION

H. R. 5390

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2025

Ms. DELAURO (for herself, Mr. FIGURES, Ms. SEWELL, Ms. ANSARI, Mr. HUFFMAN, Mr. THOMPSON of California, Mr. BERA, Ms. MATSUI, Mr. GARAMENDI, Mr. DESAULNIER, Ms. PELOSI, Ms. SIMON, Mr. SWALWELL, Mr. MULLIN, Mr. KHANNA, Ms. LOFGREN, Mr. PANETTA, Mr. COSTA, Mr. CARBAJAL, Mr. RUIZ, Ms. BROWNLEY, Mr. WHITESIDES, Ms. CHU, Ms. RIVAS, Ms. FRIEDMAN, Mr. CISNEROS, Mr. SHERMAN, Mr. AGUILAR, Mr. GOMEZ, Mrs. TORRES of California, Mr. LIEU, Ms. KAMLAGER-DOVE, Ms. SÁNCHEZ, Mr. TAKANO, Mr. GARCIA of California, Ms. WATERS, Ms. BARRAGÁN, Mr. TRAN, Mr. MIN, Mr. LEVIN, Ms. JACOBS, Mr. VARGAS, Ms. DEGETTE, Mr. NEGUSE, Mr. CROW, Ms. PETTERSEN, Mr. LARSON of Connecticut, Mr. COURTNEY, Mr. HIMES, Mrs. HAYES, Ms. NORTON, Ms. MCBRIDE, Mr. SOTO, Mr. FROST, Ms. CASTOR of Florida, Mrs. CHERFILUS-McCORMICK, Ms. LOIS FRANKEL of Florida, Mr. MOSKOWITZ, Ms. WILSON of Florida, Ms. WASSERMAN SCHULTZ, Mr. BISHOP, Mr. JOHNSON of Georgia, Ms. WILLIAMS of Georgia, Mrs. MCBATH, Mr. DAVID SCOTT of Georgia, Mr. CASE, Ms. TOKUDA, Mr. JACKSON of Illinois, Ms. KELLY of Illinois, Mrs. RAMIREZ, Mr. GARCÍA of Illinois, Mr. QUIGLEY, Mr. CASTEN, Mr. DAVIS of Illinois, Mr. KRISHNAMOORTHY, Ms. SCHAKOWSKY, Mr. SCHNEIDER, Mr. FOSTER, Ms. BUDZINSKI, Ms. UNDERWOOD, Mr. SORENSEN, Mr. MRVAN, Mr. CARSON, Mr. MCGARVEY, Mr. CARTER of Louisiana, Mr. FIELDS, Mr. MCGOVERN, Mrs. TRAHAN, Mr. MOULTON, Ms. PRESSLEY, Mr. LYNCH, Mr. KEATING, Mr. OLSZEWSKI, Ms. ELFRETH, Mr. IVEY, Mr. HOYER, Mrs. MCCLAIN DELANEY, Mr. MFUME, Mr. RASKIN, Ms. PINGREE, Ms. SCHOLTEN, Mrs. DINGELL, Ms. McDONALD RIVET, Ms. STEVENS, Ms. TLAIB, Mr. THANEDAR, Ms. CRAIG, Ms. MORRISON, Ms. MCCOLLUM, Ms. OMAR, Mr. BELL, Mr. CLEAVER, Mr. THOMPSON of Mississippi, Ms. ROSS, Mrs. FOUSHEE, Ms. ADAMS, Ms. GOODLANDER, Mr. NORCROSS, Mr. CONAWAY, Mr. GOTTHEIMER, Mr. PALLONE, Mr. MENENDEZ, Mrs. MCIVER, Ms. SHERRILL, Mrs. WATSON COLEMAN, Ms. STANSBURY, Ms. LEGER FERNANDEZ, Ms. TITUS, Mr. HORSFORD, Ms. MENG, Ms. VELÁZQUEZ, Ms. CLARKE of New York, Mr. GOLDMAN of New York, Mr. NADLER, Mr. ESPAILLAT, Ms. OCASIO-CORTEZ, Mr.

TORRES of New York, Mr. LATIMER, Mr. RILEY of New York, Mr. TONKO, Mr. MANNION, Mr. MORELLE, Mr. KENNEDY of New York, Mr. LANDSMAN, Mrs. BEATTY, Ms. KAPTUR, Ms. BROWN, Mrs. SYKES, Ms. BONAMICI, Ms. DEXTER, Ms. HOYLE of Oregon, Ms. BYNUM, Ms. SALINAS, Mr. BOYLE of Pennsylvania, Mr. EVANS of Pennsylvania, Ms. DEAN of Pennsylvania, Ms. SCANLON, Ms. HOULAHAN, Ms. LEE of Pennsylvania, Mr. DELUZIO, Mr. HERNÁNDEZ, Mr. AMO, Mr. MAGAZINER, Mr. CLYBURN, Mr. COHEN, Mrs. FLETCHER, Mr. GREEN of Texas, Ms. ESCOBAR, Mr. CASTRO of Texas, Ms. GARCIA of Texas, Ms. CROCKETT, Ms. JOHNSON of Texas, Mr. VEASEY, Mr. VICENTE GONZALEZ of Texas, Mr. CASAR, Mr. DOGGETT, Ms. MCCLELLAN, Mr. BEYER, Mr. SUBRAMANYAM, Mr. WALKINSHAW, Ms. PLASKETT, Ms. BALINT, Ms. DELBENE, Mr. LARSEN of Washington, Ms. RANDALL, Ms. JAYAPAL, Mr. SMITH of Washington, Ms. STRICKLAND, Mr. POCAN, Ms. MOORE of Wisconsin, and Mr. LICCARDO) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CAREGIVING HOUR.—

9 (A) IN GENERAL.—The term “caregiving
 10 hour” means, with respect to an individual, a 1-
 11 hour period during which the individual en-
 12 gaged in qualified caregiving.

1 (B) LIMITATIONS.—An individual may not
2 exceed with respect to any benefit period, a
3 number of caregiving hours equal to 12 times
4 the number of hours in a regular workweek of
5 the individual (as determined under subpara-
6 graph (C)).

7 (C) NUMBER OF HOURS IN A REGULAR
8 WORKWEEK.—For purposes of this Act, the
9 number of hours in a regular workweek of an
10 individual shall be the number of hours that the
11 individual regularly works in a week for all em-
12 ployers or as a self-employed individual (or reg-
13 ularly worked in the case of an individual who
14 is no longer working or whose total weekly
15 hours of work have been reduced) during the
16 month before the individual’s benefit period be-
17 gins (or prior to such month, if applicable in
18 the case of an individual who is no longer work-
19 ing or whose total weekly hours of work have
20 been reduced).

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

23 (3) DEPUTY COMMISSIONER.—The term “Dep-
24 uty Commissioner” means the Deputy Commissioner

1 who heads the Office of Paid Family and Medical
2 Leave established under section 3(a).

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

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

11 (6) QUALIFIED CAREGIVING.—

12 (A) IN GENERAL.—The term “qualified
13 caregiving” means any activity engaged in by
14 an individual, other than regular employment,
15 for a qualifying reason.

16 (B) QUALIFYING REASON.—

17 (i) IN GENERAL.—For purposes of
18 subparagraph (A), the term “qualifying
19 reason” means any of the following rea-
20 sons for taking leave:

21 (I) Any reason for which an eligi-
22 ble employee would be entitled to
23 leave under subparagraph (A), (B), or
24 (E) of paragraph (1) of section 102(a)

1 of the Family and Medical Leave Act
2 of 1993 (29 U.S.C. 2612(a)).

3 (II) In order to care for a quali-
4 fied family member of the individual,
5 if such qualified family member has a
6 serious health condition.

7 (III) Because of a serious health
8 condition that makes the individual
9 unable to perform the services re-
10 quired under the terms of their reg-
11 ular employment.

12 (IV) Because the individual, or a
13 qualified family member, is a victim of
14 a qualifying act of violence, if the
15 leave is for the individual to do any of
16 the following or to assist the individ-
17 ual's qualified family member to, as a
18 result of such violence, do any of the
19 following:

20 (aa) Seek, receive, or secure
21 counseling.

22 (bb) Seek or secure tem-
23 porary or permanent relocation
24 or take steps to secure an exist-
25 ing home.

1 (cc) Seek, receive, or follow
2 up on assistance from a victim
3 services organization or agency
4 providing services to victims.

5 (dd) Seek legal assistance or
6 attend legal proceedings, includ-
7 ing preparation for or participa-
8 tion in any related administra-
9 tive, civil, or criminal legal pro-
10 ceedings or other related activi-
11 ties.

12 (ee) Seek medical attention
13 for physical or psychological in-
14 jury or disability caused or ag-
15 gravated by the qualifying act of
16 violence.

17 (ff) Enroll in a new school
18 or care arrangement.

19 (gg) Take other steps nec-
20 essary to protect or restore their
21 physical, mental, emotional, spir-
22 itual, and economic well-being or
23 the well-being of a qualified fam-
24 ily member recovering from a
25 qualifying act of violence.

1 (ii) QUALIFIED FAMILY MEMBER; SE-
2 RIOUS HEALTH CONDITION.—In this sub-
3 paragraph:

4 (I) QUALIFIED FAMILY MEM-
5 BER.—The term “qualified family
6 member” means, with respect to an
7 individual—

8 (aa) a spouse (including a
9 domestic partner in a civil union
10 or other registered domestic part-
11 nership recognized by a State) or
12 a parent of such spouse;

13 (bb) a child (regardless of
14 age) or a child’s spouse;

15 (cc) a parent or a parent’s
16 spouse;

17 (dd) a sibling or a sibling’s
18 spouse;

19 (ee) a grandparent, a grand-
20 child, or a spouse of a grand-
21 parent or grandchild; and

22 (ff) any other individual who
23 is related by blood or affinity and
24 whose association with the em-

1 ployee is equivalent of a family
2 relationship.

3 (II) SERIOUS HEALTH CONDI-
4 TION.—The term “serious health con-
5 dition” has the meaning given such
6 term in section 101(11) of the Family
7 and Medical Leave Act of 1993 (29
8 U.S.C. 2611(11)).

9 (iii) TREATMENT OF INDIVIDUALS
10 COVERED BY LEGACY STATE COMPREHEN-
11 SIVE PAID LEAVE PROGRAM.—

12 (I) IN GENERAL.—For purposes
13 of subparagraph (A), an activity en-
14 gaged in by an individual shall not be
15 considered as other than regular em-
16 ployment if, for the time during which
17 the individual was so engaged, the in-
18 dividual is taking leave from covered
19 employment under the law of a legacy
20 State (as defined in section 4(c)).

21 (II) UNEMPLOYED.—In the case
22 of an individual who is no longer em-
23 ployed, such individual shall be treat-
24 ed, for purposes of clause (i), as tak-
25 ing leave from covered employment

1 under the law of a legacy State (as so
2 defined) with respect to the portion of
3 the time during which the individual
4 was engaged in an activity for a quali-
5 fying reason corresponding to the
6 share of the individual's workweek
7 that was in covered employment under
8 the law of a legacy State (as so de-
9 fined).

10 (C) OTHER DEFINITIONS.—For purposes
11 of this paragraph:

12 (i) CHILD.—The term “child” means,
13 regardless of age, a biological, foster, or
14 adopted child, a stepchild, a child of a do-
15 mestic partner, a legal ward, or a child of
16 a person standing in loco parentis.

17 (ii) DOMESTIC PARTNER.—

18 (I) IN GENERAL.—The term “do-
19 mestic partner”, with respect to an in-
20 dividual, means another individual
21 with whom the individual is in a com-
22 mitted relationship.

23 (II) COMMITTED RELATIONSHIP
24 DEFINED.—The term “committed re-
25 lationship” means a relationship be-

1 tween 2 individuals, each at least 18
2 years of age, in which each individual
3 is the other individual’s sole domestic
4 partner and both individuals share re-
5 sponsibility for a significant measure
6 of each other’s common welfare. The
7 term includes any such relationship
8 between 2 individuals, including indi-
9 viduals of the same sex, that is grant-
10 ed legal recognition by a State or po-
11 litical subdivision of a State as a mar-
12 riage or analogous relationship, in-
13 cluding a civil union or domestic part-
14 nership.

15 (iii) DATING VIOLENCE.—The term
16 “dating violence” has the meaning given
17 the term in section 40002(a) of the Vio-
18 lence Against Women Act of 1994 (34
19 U.S.C. 12291(a)).

20 (iv) DOMESTIC VIOLENCE.—The term
21 “domestic violence” has the meaning given
22 the term in section 40002(a) of the Vio-
23 lence Against Women Act of 1994 (34
24 U.S.C. 12291(a)), except that the ref-
25 erence in such section to the term “juris-

1 diction receiving grant funding” shall be
2 deemed to mean the jurisdiction in which
3 the victim lives or the jurisdiction in which
4 the employer involved is located.

5 (v) PARENT.—The term “parent”
6 means a biological, foster, or adoptive par-
7 ent of an employee, a stepparent of an em-
8 ployee, parent-in-law, parent of a domestic
9 partner, or a legal guardian or other per-
10 son who stood in loco parentis to an em-
11 ployee when the employee was a child.

12 (vi) QUALIFYING ACT OF VIOLENCE.—
13 The term “qualifying act of violence”
14 means an act, conduct, or pattern of con-
15 duct that could constitute any of the fol-
16 lowing:

17 (I) dating violence;

18 (II) domestic violence;

19 (III) family violence;

20 (IV) sexual assault;

21 (V) sex trafficking;

22 (VI) stalking;

23 (VII) other forms of gender

24 based violence or harassment; or

1 (VIII) an act, conduct, or pattern
2 of conduct—

3 (aa) in which an individual
4 causes or threatens to cause bod-
5 ily injury or death to another in-
6 dividual;

7 (bb) in which an individual
8 exhibits, draws, brandishes, or
9 uses a firearm, or other dan-
10 gerous weapon, with respect to
11 another individual; or

12 (cc) in which an individual
13 uses, or makes a reasonably per-
14 ceived or actual threat to use,
15 force against another individual
16 to cause bodily injury or death.

17 (vii) SEXUAL ASSAULT.—The term
18 “sexual assault” has the meaning given the
19 term in section 40002(a) of the Violence
20 Against Women Act of 1994 (34 U.S.C.
21 12291(a)).

22 (viii) SEX TRAFFICKING.—The term
23 “sex trafficking” has the meaning given
24 the term in section 40002(a) of the Vio-

1 lence Against Women Act of 1994 (34
2 U.S.C. 12291(a)).

3 (ix) SPOUSE.—The term “spouse”,
4 with respect to an employee, has the mean-
5 ing given such term by the marriage laws
6 of the State in which the marriage was
7 celebrated.

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

12 (xi) VICTIM SERVICES ORGANIZA-
13 TION.—The term “victim services organi-
14 zation” means a nonprofit, nongovern-
15 mental organization that provides assist-
16 ance to victims of a qualifying act of vio-
17 lence or advocates for such victims, includ-
18 ing a rape crisis center, an organization
19 carrying out a qualifying act of violence
20 prevention or treatment program, an orga-
21 nization operating a shelter or providing
22 counseling services, or a legal services or-
23 ganization or other organization providing
24 assistance through the legal process.

1 (7) SELF-EMPLOYMENT INCOME.—The term
 2 “self-employment income” has the same meaning as
 3 such term in section 211(b) of such Act (42 U.S.C.
 4 411(b)).

5 (8) STATE.—The term “State” means any
 6 State of the United States or the District of Colum-
 7 bia or any territory or possession of the United
 8 States.

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

15 (A) compensation, as defined in section
 16 3231(e) of such Code for purposes of the Rail-
 17 road Retirement Tax Act; and

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

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

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

1 (b) RESPONSIBILITIES OF DEPUTY COMMIS-
2 SIONER.—The Commissioner, acting through the Deputy
3 Commissioner, shall be responsible for—

4 (1) hiring personnel and making employment
5 decisions with regard to such personnel;

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

8 (3) entering into cooperative agreements with
9 other agencies and departments to ensure the effi-
10 ciency of the administration of the program;

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

13 (5) determining benefit amounts for each
14 month of such eligibility and making timely pay-
15 ments of such benefits to entitled individuals in ac-
16 cordance with such section;

17 (6) establishing and maintaining a system of
18 records relating to the administration of such sec-
19 tion;

20 (7) preventing fraud and abuse relating to such
21 benefits;

22 (8) providing information on request regarding
23 eligibility requirements, the claims process, benefit
24 amounts, maximum benefits payable, notice require-
25 ments, nondiscrimination rights, confidentiality, co-

1 ordination of leave under this Act and other laws,
2 collective bargaining agreements, and employer poli-
3 cies;

4 (9) annually providing employers a notice to in-
5 form employees of the availability of such benefits;

6 (10) annually making available to the public a
7 report that includes the number of individuals who
8 received such benefits, the purposes for which such
9 benefits were received, and an analysis of utilization
10 rates of such benefits by gender, race, ethnicity, and
11 income levels; and

12 (11) tailoring culturally and linguistically com-
13 petent education and outreach toward increasing uti-
14 lization rates of benefits under such section.

15 (c) AVAILABILITY OF DATA.—Notwithstanding any
16 other provision of law, the Commissioner shall make avail-
17 able to the Deputy Commissioner such data as the Com-
18 missioner determines necessary to enable the Deputy
19 Commissioner to effectively carry out the responsibilities
20 described in subsection (b).

21 (d) DATASHARING.—The Commissioner and the
22 heads of Federal agencies shall make good faith efforts
23 to enter into datasharing agreements to enable the Deputy
24 Commissioner to effectively carry out the responsibilities
25 described in subsection (b).

1 (e) REPORT TO CONGRESS.—Not later than 12
2 months after the date of enactment of this Act, the Com-
3 missioner shall submit to Congress a report including in-
4 formation on the following:

5 (1) Databases maintained by Federal agencies
6 that contain information necessary to carry out the
7 purposes of this Act, including information on any
8 congressional action needed to permit the Commis-
9 sioner to access such databases for such purposes.

10 (2) The feasibility of expediting the review of
11 applications under paragraph (1) of section 4(f) and
12 the payment of monthly benefit payments under
13 paragraph (2) of such section, including the effects
14 of establishing shorter time frames for such reviews
15 and payment in statute.

16 **SEC. 4. FAMILY AND MEDICAL LEAVE INSURANCE BENEFIT**
17 **PAYMENTS.**

18 (a) IN GENERAL.—

19 (1) REQUIREMENTS.—Every individual who—

20 (A) has filed an application for a family
21 and medical leave insurance benefit in accord-
22 ance with subsection (d);

23 (B) was engaged in qualified caregiving, or
24 anticipates being so engaged, during the period
25 that begins 90 days before the date on which

1 such application is filed and ends 30 days after
2 such date;

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

5 (i) beginning with the most recent cal-
6 endar quarter that ends at least 4 months
7 prior to the beginning of the individual's
8 benefit period specified in subsection (c);
9 and

10 (ii) ending with the month before the
11 month in which such benefit period begins;
12 and

13 (D) has at least the specified amount of
14 wages and self-employment income during the
15 most recent 8-calendar quarter period that ends
16 at least 4 months prior to the beginning of the
17 individual's benefit period specified in sub-
18 section (c),

19 shall be entitled to such a benefit for each month in
20 such benefit period.

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

23 (A) if the benefit period begins in calendar
24 year 2026, \$2,000; and

1 (B) if the benefit period begins in any cal-
2 endar year after 2026, an amount equal to the
3 greater of—

4 (i) the specified amount applicable for
5 the preceding calendar year; or

6 (ii) an amount equal to the product
7 of—

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

9 (II) an amount equal to the
10 quotient of—

11 (aa) the national average
12 wage index for the second cal-
13 endar year preceding such cal-
14 endar year; divided by

15 (bb) the national average
16 wage index for 2024.

17 (b) BENEFIT AMOUNT.—

18 (1) IN GENERAL.—Except as otherwise pro-
19 vided in this subsection, the benefit amount to which
20 an individual is entitled under this section for a
21 month shall be an amount equal to the product of—

22 (A) the greater of—

23 (i) the lesser of—

1 (I) an amount equal to the
 2 monthly benefit rate determined
 3 under paragraph (2); and

4 (II) the maximum benefit
 5 amount determined under paragraph
 6 (3); and

7 (ii) the minimum benefit amount de-
 8 termined under paragraph (3); and

9 (B) the quotient (not greater than 1) ob-
 10 tained by dividing the number of caregiving
 11 hours of the individual in such month by the
 12 product of—

13 (i) the number of hours in a regular
 14 workweek of the individuals; and

15 (ii) the number of workweeks (includ-
 16 ing partial workweeks) in such month.

17 (2) MONTHLY BENEFIT RATE.—

18 (A) IN GENERAL.—For purposes of this
 19 subsection, the monthly benefit rate of an indi-
 20 vidual shall be an amount equal to the sum
 21 of—

22 (i) 85 percent of the individual's aver-
 23 age monthly earnings to the extent that
 24 such earnings do not exceed the amount

1 established for purposes of this clause by
2 subparagraph (B);

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

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

15 (B) AMOUNTS ESTABLISHED.—

16 (i) INITIAL AMOUNTS.—For individ-
17 uals whose benefit period begins in cal-
18 endar year 2026, the amount established
19 for purposes of clauses (i), (ii), and (iii) of
20 subparagraph (A) shall be \$1,257, \$3,500,
21 and \$6,200, respectively.

22 (ii) WAGE INDEXING.—For individ-
23 uals whose benefit period begins in any
24 calendar year after 2026, each of the
25 amounts so established shall equal the cor-

1 responding amount established for the cal-
2 endar year preceding such calendar year,
3 or, if larger, the product of the cor-
4 responding amount established with re-
5 spect to the calendar year 2026 and the
6 quotient obtained by dividing—

7 (I) the national average wage
8 index for the second calendar year
9 preceding such calendar year, by

10 (II) the national average wage
11 index for calendar year 2024.

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

18 (C) AVERAGE MONTHLY EARNINGS.—For
19 purposes of this subsection, the average month-
20 ly earnings of an individual shall be an amount
21 equal to $\frac{1}{12}$ of the wages and self-employment
22 income of the individual for the calendar year
23 in which such wages and self-employment in-
24 come are the highest among the most recent 3
25 calendar years.

1 (3) MAXIMUM AND MINIMUM BENEFIT
2 AMOUNTS.—

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

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

19 (i) the national average wage index
20 for the second calendar year preceding the
21 calendar year for which the determination
22 is made, by

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

1 first full calendar year after the date of en-
2 actment of this Act.

3 (4) MINIMUM CAREGIVING HOURS.—In a case
4 in which the number of caregiving hours of an indi-
5 vidual for a month is less than 4, the individual shall
6 be deemed to have zero caregiving hours for such
7 month.

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

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

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

24 (c) BENEFIT PERIOD.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the benefit period specified in this sub-
3 section is the 12-month period that begins on the
4 1st day of the 1st month in which the individual—

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

7 (B) would meet the criteria specified in
8 subparagraphs (C) and (D) of such subsection
9 if such subparagraphs were applied by sub-
10 stituting such 12-month period for each ref-
11 erence to the individual's benefit period.

12 (2) RETROACTIVE BENEFITS.—In the case of
13 an application for benefits under this section for
14 qualified caregiving in which the individual was en-
15 gaged at any time during the 90-day period pre-
16 ceding the date on which such application is sub-
17 mitted, the benefit period specified in this subsection
18 shall begin on the later of—

19 (A) the 1st day of the 1st month in which
20 the individual engaged in such qualified
21 caregiving; or

22 (B) the 1st day of the 1st month that be-
23 gins during such 90-day period,
24 and shall end on the date that is 365 days after the
25 1st day of the benefit period.

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

3 (1) a statement that the individual was engaged
4 in qualified caregiving, or anticipates being so en-
5 gaged, during the period that begins 90 days before
6 the date on which the application is submitted or
7 within 30 days after such date;

8 (2) if the qualified caregiving described in the
9 statement in paragraph (1) is engaged in by the in-
10 dividual because of a serious health condition (as de-
11 fined in subclause (II) of section 2(5)(B)(ii)) of the
12 individual or a qualified family member (as defined
13 in subclause (I) of such section) of the individual, a
14 certification, issued by the health care provider
15 treating such serious health condition, that affirms
16 the information specified in paragraph (1) and con-
17 tains such information as the Commissioner shall
18 specify in regulations, which shall be no more than
19 the information that is required to be stated under
20 section 103(b) of the Family and Medical Leave Act
21 of 1993 (29 U.S.C. 2613(b));

22 (3) if such qualified caregiving is engaged in by
23 the individual for any other qualifying reason (as de-
24 fined in section 2(5)(B)(i)), a certification, issued by
25 a relevant authority determined under regulations

1 issued by the Commissioner, that affirms the cir-
2 cumstances giving rise to such reason; and

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

8 (e) INELIGIBILITY; DISQUALIFICATION.—

9 (1) INELIGIBILITY FOR BENEFIT.—An indi-
10 vidual shall be ineligible for a benefit under this sec-
11 tion for any month for which the individual is enti-
12 tled to—

13 (A) disability insurance benefits under sec-
14 tion 223 of the Social Security Act (42 U.S.C.
15 423) or a similar permanent disability program
16 under any law or plan of a State or political
17 subdivision or instrumentality of a State (as
18 such terms are used in section 218 of the Social
19 Security Act (42 U.S.C. 418));

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

24 (C) benefits under title XVI of such Act
25 (42 U.S.C. 1381 et seq.) based on such individ-

1 ual's status as a disabled individual (as deter-
2 mined under section 1614 of such Act (42
3 U.S.C. 1382c)).

4 (2) DISQUALIFICATION.—An individual who has
5 been convicted of a violation under section 208 of
6 the Social Security Act (42 U.S.C. 408) or who has
7 been found to have used false statements to secure
8 benefits under this section, shall be ineligible for
9 benefits under this section for a 1-year period fol-
10 lowing the date of such conviction.

11 (f) REVIEW OF ELIGIBILITY AND BENEFIT PAYMENT
12 DETERMINATIONS.—

13 (1) ELIGIBILITY DETERMINATIONS.—

14 (A) IN GENERAL.—The Commissioner
15 shall provide notice to an individual applying
16 for benefits under this section of the initial de-
17 termination of eligibility for such benefits, and
18 the estimated benefit amount for a month in
19 which four caregiving hours of the individual
20 occur, as soon as practicable after the applica-
21 tion is received.

22 (B) REVIEW.—An individual may request
23 review of an initial adverse determination with
24 respect to such application at any time before
25 the end of the 20-day period that begins on the

1 date notice of such determination is received,
2 except that such 20-day period may be extended
3 for good cause. As soon as practicable after the
4 individual requests review of the determination,
5 the Commissioner shall provide notice to the in-
6 dividual of a final determination of eligibility
7 for benefits under this section.

8 (2) BENEFIT PAYMENT DETERMINATIONS.—

9 (A) IN GENERAL.—The Commissioner
10 shall make any monthly benefit payment to an
11 individual claiming benefits for a month under
12 this section, or provide notice of the reason
13 such payment will not be made if the Commis-
14 sioner determines that the individual is not en-
15 titled to payment for such month, not later
16 than 20 days after the individual's monthly
17 benefit claim report for such month is received.
18 Such monthly report shall be filed with the
19 Commissioner not later than 15 days after the
20 end of each month.

21 (B) REVIEW.—If the Commissioner deter-
22 mines that payment will not be made to an in-
23 dividual for a month, or if the Commissioner
24 determines that payment shall be made based
25 on a number of caregiving hours in the month

1 inconsistent with the number of caregiving
2 hours in the monthly benefit claim report of the
3 individual for such month, the individual may
4 request review of such determination at any
5 time before the end of the 20-day period that
6 begins on the date notice of such determination
7 is received, except that such 20-day period may
8 be extended for good cause. Not later than 20
9 days after the individual requests review of the
10 determination, the Commissioner shall provide
11 notice to the individual of a final determination
12 of payment for such month, and shall make
13 payment to the individual of any additional
14 amount not included in the initial payment to
15 the individual for such month to which the
16 Commissioner determines the individual is enti-
17 tled.

18 (3) BURDEN OF PROOF.—An application for
19 benefits under this section and a monthly benefit
20 claim report of an individual shall each be presumed
21 to be true and accurate, unless the Commissioner
22 demonstrates by a preponderance of the evidence
23 that information contained in the application is
24 false.

1 (4) DEFINITION OF MONTHLY BENEFIT CLAIM
2 REPORT.—For purposes of this subsection, the term
3 “monthly benefit claim report” means, with respect
4 to an individual for a month, the individual’s report
5 to the Commissioner of the number of caregiving
6 hours of the individual in such month, which shall
7 be filed not later than 15 days after the end of each
8 month.

9 (5) REVIEW.—All final determinations of the
10 Commissioner under this subsection shall be review-
11 able according to the procedures set out in section
12 205 of the Social Security Act (42 U.S.C. 405).

13 (g) RELATIONSHIP WITH STATE LAW; EMPLOYER
14 BENEFITS.—

15 (1) IN GENERAL.—This section does not pre-
16 empt or supersede any provision of State or local
17 law that authorizes a State or local municipality to
18 provide paid family and medical leave benefits simi-
19 lar to the benefits provided under this section.

20 (2) GREATER BENEFITS ALLOWED.—Nothing
21 in this Act shall be construed to diminish the obliga-
22 tion of an employer to comply with any contract, col-
23 lective bargaining agreement, or any employment
24 benefit program or plan that provides greater paid

1 leave or other leave rights to employees than the
2 rights established under this Act.

3 (h) EMPLOYMENT AND BENEFITS PROTECTION AND
4 ENFORCEMENT.—

5 (1) EMPLOYMENT AND BENEFITS PROTEC-
6 TION.—

7 (A) IN GENERAL.—

8 (i) PROHIBITED ACTS.—It shall be
9 unlawful for any person to interfere with,
10 restrain, deny, or retaliate against an indi-
11 vidual because of the exercise of, or the at-
12 tempt to exercise, any right provided under
13 this section, including through—

14 (I) discharging or in any other
15 manner discriminating against (in-
16 cluding retaliating against) an indi-
17 vidual because the individual has ap-
18 plied for, indicated an intent to apply
19 for, or received family and medical
20 leave insurance benefits; or

21 (II) using the application for or
22 the receipt of such benefits as a nega-
23 tive factor in an employment action.

24 (ii) RESTORATION TO POSITION.—It
25 shall be interference with the right of an

1 individual for purposes of clause (i) for an
2 employer of the individual to, upon the
3 conclusion of any leave for which the indi-
4 vidual received a family and medical leave
5 insurance benefit under this section, fail
6 to—

7 (I) restore the individual to the
8 position of employment held by the in-
9 dividual when the leave commenced;
10 or

11 (II) restore the individual to an
12 equivalent position with equivalent
13 employment benefits, pay, and other
14 terms and conditions of employment.

15 (iii) MAINTENANCE OF HEALTH BEN-
16 EFITS.—It shall be interference with the
17 right of an individual for purposes of
18 clause (i) for an employer of the individual
19 to fail to maintain, for the duration of any
20 leave for which the individual received a
21 family and medical leave insurance benefit
22 under this section, coverage of the indi-
23 vidual under any group health plan (as de-
24 fined in section 5000(b)(1) of the Internal
25 Revenue Code of 1986) at the level and

1 under the conditions coverage would have
2 been provided if the individual had contin-
3 ued in employment continuously for the
4 duration of such leave.

5 (B) OPPOSING UNLAWFUL PRACTICES.—It
6 shall be unlawful for any employer to discharge
7 or in any other manner discriminate against
8 any individual for opposing any practice made
9 unlawful by this subsection.

10 (C) INTERFERENCE WITH PROCEEDINGS
11 OR INQUIRIES.—It shall be unlawful for any
12 person to discharge or in any other manner dis-
13 criminate against any individual because such
14 individual—

15 (i) has filed any charge, or has insti-
16 tuted or caused to be instituted any pro-
17 ceeding, under or related to this sub-
18 section;

19 (ii) has given, or is about to give, any
20 information in connection with any inquiry
21 or proceeding relating to any right pro-
22 vided under this section; or

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

1 (D) REBUTTABLE PRESUMPTION OF RE-
2 TALIACTION.—Any adverse action (including any
3 action described in subparagraph (C) or (D))
4 taken against an employee within 12 months of
5 the employee taking any leave for which the in-
6 dividual received a family and medical leave in-
7 surance benefit under this section shall estab-
8 lish a rebuttable presumption that the action of
9 the employer is retaliating against such em-
10 ployee in violation of subparagraph (A)(i).

11 (E) NON-APPLICATION FOR NEW HIRES.—
12 Clauses (ii) and (iii) of subparagraph (A) shall
13 not apply to any individual during the 90-day
14 period beginning with the day the individual be-
15 gins work for an employer.

16 (2) CIVIL ACTION BY AN INDIVIDUAL.—

17 (A) LIABILITY.—Any person who violates
18 paragraph (1) shall be liable to any individual
19 employed by such person who is affected by the
20 violation—

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

22 (I) the amount of—

23 (aa) any wages, salary, em-
24 ployment benefits, or other com-
25 pensation denied or lost to such

1 individual by reason of the viola-
2 tion; or

3 (bb) in a case in which
4 wages, salary, employment bene-
5 fits, or other compensation have
6 not been denied or lost to the in-
7 dividual, any actual monetary
8 losses sustained by the individual
9 as a direct result of the violation,
10 such as the cost of providing
11 care, up to a sum equal to 60
12 calendar days of wages or salary
13 for the 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 equal to the sum of
19 the amount described in subclause (I)
20 and the interest described in sub-
21 clause (II), except that if a person
22 who has violated paragraph (1) proves
23 to the satisfaction of the court that
24 the act or omission which violated
25 paragraph (1) was in good faith and

1 that the person had reasonable
2 grounds for believing that the act or
3 omission was not a violation of para-
4 graph (1), such court may, in the dis-
5 cretion of the court, reduce the
6 amount of the liability to the amount
7 and interest determined under sub-
8 clauses (I) and (II), respectively; and
9 (ii) for such equitable relief as may be
10 appropriate, including employment, rein-
11 statement, and promotion.

12 (B) RIGHT OF ACTION.—An action to re-
13 cover the damages or equitable relief prescribed
14 in subparagraph (A) may be maintained against
15 any person in any Federal or State court of
16 competent jurisdiction by any individual for and
17 on behalf of—

18 (i) the individual; or
19 (ii) the individual and other individ-
20 uals similarly situated.

21 (C) FEES AND COSTS.—The court in such
22 an action shall, in addition to any judgment
23 awarded to the plaintiff, allow a reasonable at-
24 torney's fee, reasonable expert witness fees, and

1 other costs of the action to be paid by the de-
2 fendant.

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

6 (i) on the filing of a complaint by the
7 Commissioner in an action under para-
8 graph (5) in which restraint is sought of
9 any further delay in the payment of the
10 amount described in subparagraph (A)(I)
11 to such individual by the person respon-
12 sible under subparagraph (A) for the pay-
13 ment; or

14 (ii) on the filing of a complaint by the
15 Commissioner in an action under para-
16 graph (3) in which a recovery is sought of
17 the damages described in subparagraph
18 (A)(I) owing to an individual by a person
19 liable under subparagraph (A),

20 unless the action described in clause (i) or (ii)
21 is dismissed without prejudice on motion of the
22 Commissioner.

23 (3) ACTION BY THE COMMISSIONER.—

24 (A) CIVIL ACTION.—The Commissioner
25 may bring an action in any court of competent

jurisdiction to recover the damages described in paragraph (2)(A)(I).

(B) SUMS RECOVERED.—Any sums recovered by the Commissioner pursuant to subparagraph (A) shall be held in a special deposit account and shall be paid, on order of the Commissioner, directly to each individual affected. Any such sums not paid to an individual because of inability to do so within a period of 3 years shall be deposited into the Federal Family and Medical Leave Insurance Trust Fund.

(4) LIMITATION.—

(A) IN GENERAL.—An action may be brought under this subsection not later than 3 years after the date of the last event constituting the alleged violation for which the action is brought.

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

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

1 (A) to restrain violations of paragraph (1),
 2 including the restraint of any withholding of
 3 payment of wages, salary, employment benefits,
 4 or other compensation, plus interest, found by
 5 the court to be due to an individual; or

6 (B) to award such other equitable relief as
 7 may be appropriate, including employment, re-
 8 instatement, and promotion.

9 (i) **APPLICABILITY OF CERTAIN SOCIAL SECURITY**
 10 **ACT PROVISIONS.**—The provisions of sections 204, 205,
 11 206, and 208 of the Social Security Act shall apply to
 12 benefit payments authorized by and paid out pursuant to
 13 this section in the same way that such provisions apply
 14 to benefit payments authorized by and paid out pursuant
 15 to title II of such Act.

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

19 **SEC. 5. FUNDING FOR STATE ADMINISTRATION OPTION**
 20 **FOR LEGACY STATES.**

21 (a) **IN GENERAL.**—

22 (1) **PAYMENTS TO LEGACY STATES.**—In each
 23 calendar year beginning with calendar year 2027,
 24 the Commissioner shall make a grant to each State
 25 that, for the calendar year preceding such calendar

1 year, was a legacy State and that met the data shar-
2 ing requirements of subsection (e), in an amount
3 equal to the lesser of—

4 (A) an amount, as estimated by the Com-
5 missioner, equal to the total amount of com-
6 prehensive paid leave benefits that would have
7 been paid under section 4 (including the costs
8 to the Commissioner to administer such bene-
9 fits, not to exceed (for purposes of estimating
10 such total amount under this subparagraph) 7
11 percent of the total amount of such benefits
12 paid) to individuals who received paid family
13 and medical leave benefits under a State law
14 described in paragraph (1) or (3) of subsection
15 (b) during the calendar year preceding such cal-
16 endar year if the State had not been a legacy
17 State for such preceding calendar year; or

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

23 (i) any paid family and medical leave
24 benefits provided by an employer (whether
25 directly, under a contract with an insurer,

1 or provided through a multiemployer plan)
2 as described in subsection (d); and

3 (ii) the full cost to the State of ad-
4 ministering such law (except that such cost
5 may not exceed 7 percent of the total
6 amount of paid family and medical leave
7 benefits paid under such State law).

8 (2) ESTIMATED PAYMENTS.—In any case in
9 which, during any calendar year, the Commissioner
10 has reason to believe that a State will be a legacy
11 State and meet the data sharing requirements of
12 subsection (e) for such calendar year, the Commis-
13 sioner may make estimated payments during such
14 calendar year of the grant which would be paid to
15 such State in the succeeding calendar year, to be ad-
16 justed as appropriate in the succeeding calendar
17 year.

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

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

24 (2) for any calendar year that begins before the
25 date that is 3 years after the date of enactment of

1 this Act, the State certifies to the Commissioner
2 that the State intends to remain a legacy State and
3 meet the data sharing requirements of subsection (e)
4 at least through the first calendar year that begins
5 on or after such date; and

6 (3) for any calendar year that begins on or
7 after such date, a State law of the State provides for
8 a State program to remain in effect throughout such
9 calendar year that provides comprehensive paid fam-
10 ily and medical leave benefits (which may be paid di-
11 rectly by the State or, if permitted under such State
12 law, by an employer pursuant to such State law)—

13 (A) for at least 12 full workweeks of leave
14 during each 12-month period to at least all of
15 those individuals in the State who would be eli-
16 gible for comprehensive paid leave benefits
17 under section 4 (without regard to section
18 2(5)(C)), except that the State shall provide
19 such benefits for leave from employment by the
20 State or any political subdivision thereof, and
21 may elect to provide such benefits for leave
22 from any other governmental employment; and

23 (B) at a wage replacement rate that is at
24 least equivalent to the wage replacement rate
25 under the comprehensive paid leave benefit pro-

1 gram under section 4 (without regard to section
2 2(5)(C)).

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

11 (d) EMPLOYER-PROVIDED BENEFITS IN A LEGACY
12 STATE.—

13 (1) TREATMENT FOR PURPOSES OF THIS
14 TITLE.—In the case of a State that permits paid
15 family and medical leave benefits to be provided by
16 an employer (whether directly, under a contract with
17 an insurer, or provided through a multiemployer
18 plan) pursuant to a State law described in para-
19 graph (1) or (3) of subsection (b)—

20 (A) such benefits shall be considered, for
21 all purposes under this Act, paid family and
22 medical leave benefits under the law of a legacy
23 State; and

24 (B) leave for which such benefits are paid
25 shall be considered, for all such purposes, leave

1 from covered employment under the law of a
2 legacy State.

3 (2) DISTRIBUTION OF GRANT FUNDS.—In any
4 case in which paid family and medical leave benefits
5 are provided by 1 or more employers (whether di-
6 rectly, under a contract with an insurer, or provided
7 through a multiemployer plan) in a legacy State pur-
8 suant to a State law described in paragraph (1) or
9 (3) of subsection (b), the State, upon the receipt of
10 any grant amount under subsection (a), may dis-
11 tribute an appropriate share of such grant to each
12 such employer.

13 (e) DATA SHARING.—As a condition of receiving a
14 grant under subsection (a) in a calendar year, a State
15 shall enter into an agreement with the Commissioner
16 under which the State shall provide the Commissioner—

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

22 (A) each individual's name;

23 (B) information to establish the individ-
24 ual's identity;

1 (C) dates for which such paid leave bene-
2 fits were paid;

3 (D) the amount of such paid leave benefit;
4 and

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

9 (2) not later than July 1 of such calendar year,
10 the amount needed to adjust payments as described
11 in subsection (a)(2) for the calendar year preceding
12 such calendar year; and

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

15 **SEC. 6. REGULATIONS.**

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

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

3 (2) Three individuals to be appointed by the
4 majority leader of the Senate.

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

7 (4) Three individuals to be appointed by the
8 Speaker of the House of Representatives.

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

11 **SEC. 7. GAO STUDY.**

12 (a) STUDY.—As soon as practicable after calendar
13 year 2026, and every 5 years thereafter, the Comptroller
14 General shall submit to Congress a report on family and
15 medical leave insurance benefits paid under section 4 for
16 any month during the covered period. The report shall in-
17 clude the following:

18 (1) An identification of the total number of ap-
19 plications for such benefits filed for any month dur-
20 ing the covered period, and the average number of
21 days occurring in the period beginning on the date
22 on which such an application is received and ending
23 on the date on which the initial determination of eli-
24 gibility with respect to the application is made.

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

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

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

1 (5) An identification of any excessive delay in
2 any of the periods described in paragraphs (1)
3 through (4), including—

4 (A) a description of the causes for such
5 delay; or

6 (B) information any correlation in such
7 delay to claimant demographics, industry sec-
8 tor, or qualifying reason.

9 (6) An identification of any additional data that
10 needs to be collected as part of the application proc-
11 ess for benefits to produce the report required under
12 this section.

13 (b) COVERED PERIOD.—In this section, the term
14 “covered period” means—

15 (1) with respect to the report due as soon as
16 practicable after calendar year 2026, such calendar
17 year; and

18 (2) with respect to the report due every 5 years
19 thereafter, the 5-calendar year period ending on De-
20 cember 31 of the year prior to the year in which
21 such report is due.

○