

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Ms. DUCKWORTH (for herself, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Support Through Loss  
3 Act”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are—

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

15 (2) to support related research or education.

16 **TITLE I—PAID LEAVE**  
17 **FOLLOWING A PREGNANCY LOSS**

18 **SEC. 101. DEFINITIONS.**

19 In this title:

20 (1) **ASSISTED REPRODUCTIVE TECHNOLOGY**  
21 **PROCEDURE.**—The term “assisted reproductive tech-  
22 nology procedure” has the meaning given the term  
23 “assisted reproductive technology” in section 8 of  
24 the Fertility Clinic Success Rate and Certification  
25 Act of 1992 (42 U.S.C. 263a–7).

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

4           (A) the person recognized as the domestic  
5 partner of the employee under any domestic  
6 partnership or civil union law of a State or po-  
7 litical subdivision of a State; and

8           (B) an unmarried, adult person who is in  
9 a committed, personal relationship with the em-  
10 ployee, who is not a domestic partner as de-  
11 scribed in subparagraph (A) to or in such a re-  
12 lationship with any other person, and who is  
13 designated to the employee’s employer by such  
14 employee as that employee’s domestic partner.

15           (3) EMPLOYEE.—The term “employee” means  
16 an individual who is—

17           (A)(i) an employee, as defined in section  
18 3(e) of the Fair Labor Standards Act of 1938  
19 (29 U.S.C. 203(e)), who is not covered under  
20 subparagraph (E), except that a reference in  
21 such section to an employer shall be considered  
22 to be a reference to an employer described in  
23 clauses (i)(I) and (ii) of paragraph (4)(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, other  
10 than an applicant for employment; or

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

14 (4) EMPLOYER.—

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

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

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

23 (III) an employing office, as defined  
24 in section 101 of the Congressional Ac-  
25 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) 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 5  
17 or more employees for each working  
18 day during each of 20 or more cal-  
19 endar workweeks in the current or  
20 preceding year;

21 (II) includes—

22 (aa) any person who acts,  
23 directly or indirectly, in the inter-  
24 est of an employer to any of the  
25 employees of such employer; and

1 (bb) any successor in inter-  
2 est of an employer;

3 (III) includes any “public agen-  
4 cy”, as defined in section 3(x) of the  
5 Fair Labor Standards Act of 1938  
6 (29 U.S.C. 203(x)); and

7 (IV) includes the Government  
8 Accountability Office.

9 (ii) PUBLIC AGENCY.—For purposes  
10 of clause (i)(III), a public agency shall be  
11 considered to be a person engaged in com-  
12 merce or in an industry or activity affect-  
13 ing commerce.

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

16 (I) COMMERCE.—The terms  
17 “commerce” and “industry or activity  
18 affecting commerce” mean any activ-  
19 ity, business, or industry in commerce  
20 or in which a labor dispute would  
21 hinder or obstruct commerce or the  
22 free flow of commerce, and include  
23 “commerce” and any “industry affect-  
24 ing commerce”, as defined in para-  
25 graphs (1) and (3) of section 501 of

1 the Labor Management Relations Act,  
2 1947 (29 U.S.C. 142 (1) and (3)).

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

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

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

16 (5) EMPLOYMENT BENEFITS.—The term “em-  
17 ployment benefits” means all benefits provided or  
18 made available to employees by an employer, includ-  
19 ing group life insurance, health insurance, disability  
20 insurance, sick leave, annual leave, educational bene-  
21 fits, and pensions, regardless of whether such bene-  
22 fits are provided by a practice or written policy of  
23 an employer or through an “employee benefit plan”,  
24 as defined in section 3(3) of the Employee Retire-

1       ment Income Security Act of 1974 (29 U.S.C.  
2       1002(3)).

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

8           (7) SECRETARY.—The term “Secretary” means  
9       the Secretary of Labor.

10          (8) SPOUSE.—The term “spouse”, with respect  
11       to an employee, has the meaning given such term by  
12       the marriage laws of the State in which the mar-  
13       riage was celebrated.

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

17          (10) UNPAID LEAVE TIME.—The term “unpaid  
18       leave time” means the leave granted and used in the  
19       same manner and under the same conditions as paid  
20       leave time for the purposes of this title, except that  
21       no compensation shall be paid.

22 **SEC. 102. PAID LEAVE TIME.**

23       (a) GRANTING LEAVE TIME.—

24           (1) IN GENERAL.—An employer shall grant to  
25       each employee employed by the employer, 24 hours



1 of paid leave time on the employee's first workday  
2 of each calendar year. The employee shall use the  
3 paid leave time as needed during that calendar year  
4 for reasons described in subsection (b).

5 (2) CARRYOVER.—Paid leave time granted  
6 under this section shall not carry over from 1 year  
7 to the next.

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

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

23 (5) PROHIBITION.—An employer may not re-  
24 quire, as a condition of providing paid leave time  
25 under this title, that the employee involved search

1 for or find a replacement employee to cover the  
2 hours during which the employee is using paid leave  
3 time.

4 (b) USES.—Paid leave time granted under this sec-  
5 tion may be used by an employee for either of the fol-  
6 lowing:

7 (1) An absence resulting from—

8 (A) a pregnancy loss;

9 (B) an unsuccessful round of intrauterine  
10 insemination or of an assisted reproductive  
11 technology procedure;

12 (C) a failed adoption match or an adoption  
13 that is not finalized because it is contested by  
14 another party;

15 (D) a failed surrogacy arrangement; or

16 (E) a diagnosis or event that impacts preg-  
17 nancy or fertility.

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

21 (c) PROCEDURES.—Paid leave time shall be provided  
22 upon the oral or written request of an employee. Such re-  
23 quest shall—

24 (1) include the expected duration of the period  
25 of such time; and

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

3 **SEC. 103. NOTICE REQUIREMENT.**

4           (a) IN GENERAL.—Each employer shall notify each  
5           employee and include in any employee handbook the infor-  
6           mation described in paragraphs (1) through (3). Each em-  
7           ployer shall post and keep posted a notice, to be prepared  
8           or approved in accordance with procedures specified in  
9           regulations prescribed under section 110, setting forth ex-  
10          cerpts from, or summaries of, the pertinent provisions of  
11          this title including—

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

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

16                 (3) information that describes—

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

19                         (B) how the employee can contact the Sec-  
20                         retary (or other appropriate authority as de-  
21                         scribed in section 105) if any of the rights are  
22                         violated.

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

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

4           (2) in employee handbooks.

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

9           **SEC. 104. PROHIBITED ACTS.**

10          (a) INTERFERENCE WITH RIGHTS.—

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

15           (A) discharging or discriminating against  
16           (including retaliating against) any individual,  
17           including a job applicant, for exercising, or at-  
18           tempting to exercise, any right provided under  
19           this title;

20           (B) using the taking of paid leave time or  
21           unpaid leave time under this title as a negative  
22           factor in an employment action, such as hiring,  
23           promotion, reducing hours or number of shifts,  
24           or a disciplinary action; or

1 (C) counting the paid leave time or unpaid  
2 leave time under a no-fault attendance policy or  
3 any other absence control policy.

4 (2) DISCRIMINATION.—It shall be unlawful for  
5 any employer to discharge or in any other manner  
6 discriminate against (including retaliating against)  
7 any individual, including a job applicant, for oppos-  
8 ing any practice made unlawful by this title.

9 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-  
10 IES.—It shall be unlawful for any person to discharge or  
11 in any other manner discriminate against (including retali-  
12 ating against) any individual, including a job applicant,  
13 because such individual—

14 (1) has filed an action, or has instituted or  
15 caused to be instituted any proceeding, under or re-  
16 lated to this title;

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

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

23 (c) CONSTRUCTION.—Nothing in this section shall be  
24 construed to state or imply that the scope of the activities  
25 prohibited by section 105 of the Family and Medical Leave

1 Act of 1993 (29 U.S.C. 2615) or the Civil Rights Act of  
2 1964 (42 U.S.C. 2000a et seq.) is less than the scope of  
3 the activities prohibited by this section or is otherwise al-  
4 tered by the activities prohibited by this section.

5 **SEC. 105. ENFORCEMENT AUTHORITY.**

6 (a) IN GENERAL.—

7 (1) DEFINITION.—In this subsection—

8 (A) the term “employee” means an em-  
9 ployee described in subparagraph (A) or (B) of  
10 section 101(3); and

11 (B) the term “employer” means an em-  
12 ployer described in subclause (I) or (II) of sec-  
13 tion 101(4)(A)(i).

14 (2) INVESTIGATIVE AUTHORITY.—

15 (A) IN GENERAL.—To ensure compliance  
16 with the provisions of this title, or any regula-  
17 tion or order issued under this title, the Sec-  
18 retary shall have, subject to subparagraph (C),  
19 the investigative authority provided under sec-  
20 tion 11(a) of the Fair Labor Standards Act of  
21 1938 (29 U.S.C. 211(a)), with respect to em-  
22 ployers, employees, and other individuals af-  
23 fected.

24 (B) OBLIGATION TO KEEP AND PRESERVE  
25 RECORDS.—An employer shall make, keep, and

1 preserve records pertaining to compliance with  
2 this title in accordance with section 11(c) of the  
3 Fair Labor Standards Act of 1938 (29 U.S.C.  
4 211(c)) and in accordance with regulations pre-  
5 scribed by the Secretary.

6 (C) REQUIRED SUBMISSIONS GENERALLY  
7 LIMITED TO AN ANNUAL BASIS.—The Secretary  
8 shall not require, under the authority of this  
9 paragraph, an employer to submit to the Sec-  
10 retary any books or records more than once  
11 during any 12-month period, unless the Sec-  
12 retary has reasonable cause to believe there  
13 may exist a violation of this title or any regula-  
14 tion or order issued pursuant to this title, or is  
15 investigating a charge pursuant to paragraph  
16 (4).

17 (D) SUBPOENA AUTHORITY.—For the pur-  
18 poses of any investigation provided for in this  
19 paragraph, the Secretary shall have the sub-  
20 poena authority provided for under section 9 of  
21 the Fair Labor Standards Act of 1938 (29  
22 U.S.C. 209).

23 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-  
24 UALS.—

1 (A) RIGHT OF ACTION.—An action to re-  
2 cover the damages or equitable relief prescribed  
3 in subparagraph (B) may be maintained  
4 against any employer in any Federal or State  
5 court of competent jurisdiction by one or more  
6 employees or individuals or their representative  
7 for and on behalf of—

8 (i) the employees or individuals; or

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

11 (B) LIABILITY.—Any employer who vio-  
12 lates section 104 (including a violation relating  
13 to rights provided under section 102) shall be  
14 liable to any employee or individual affected—

15 (i) for damages equal to—

16 (I) the amount of—

17 (aa) any wages, salary, em-  
18 ployment benefits, or other com-  
19 pensation denied or lost by rea-  
20 son of the violation; or

21 (bb) in a case in which  
22 wages, salary, employment bene-  
23 fits, or other compensation have  
24 not been denied or lost, any ac-  
25 tual monetary losses sustained as



1 a direct result of the violation up  
2 to a sum equal to 24 hours of  
3 wages or salary for the employee  
4 or individual;

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

8 (III) an additional amount as liq-  
9 uidated damages; and

10 (ii) for such equitable relief as may be  
11 appropriate, including employment, rein-  
12 statement, and promotion.

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

19 (4) ACTION BY THE SECRETARY.—

20 (A) ADMINISTRATIVE ACTION.—The Sec-  
21 retary shall receive, investigate, and attempt to  
22 resolve complaints of violations of section 104  
23 (including a violation relating to rights provided  
24 under section 102) in the same manner that the  
25 Secretary receives, investigates, and attempts to

1 resolve complaints of violations of sections 6  
2 and 7 of the Fair Labor Standards Act of 1938  
3 (29 U.S.C. 206 and 207).

4 (B) CIVIL ACTION.—The Secretary may  
5 bring an action in any court of competent juris-  
6 diction to recover the damages described in  
7 paragraph (3)(B)(i).

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

18 (5) LIMITATION.—

19 (A) IN GENERAL.—Except as provided in  
20 subparagraph (B), an action may be brought  
21 under paragraph (3), (4), or (6) not later than  
22 2 years after the date of the last event consti-  
23 tuting the alleged violation for which the action  
24 is brought.

1           (B) WILLFUL VIOLATION.—In the case of  
2           an action brought for a willful violation of sec-  
3           tion 104 (including a willful violation relating to  
4           rights provided under section 102), such action  
5           may be brought within 3 years of the date of  
6           the last event constituting the alleged violation  
7           for which such action is brought.

8           (C) COMMENCEMENT.—In determining  
9           when an action is commenced under paragraph  
10          (3), (4), or (6) for the purposes of this para-  
11          graph, it shall be considered to be commenced  
12          on the date when the complaint is filed.

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

17                 (A) to restrain violations of section 104  
18                 (including a violation relating to rights provided  
19                 under section 102), including the restraint of  
20                 any withholding of payment of wages, salary,  
21                 employment benefits, or other compensation,  
22                 plus interest, found by the court to be due to  
23                 employees or individuals eligible under this title;  
24                 or

1 (B) to award such other equitable relief as  
2 may be appropriate, including employment, re-  
3 instatement, and promotion.

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

8 (8) GOVERNMENT ACCOUNTABILITY OFFICE.—  
9 Notwithstanding any other provision of this sub-  
10 section, in the case of the Government Account-  
11 ability Office, the authority of the Secretary of  
12 Labor under this subsection shall be exercised by the  
13 Comptroller General of the United States.

14 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-  
15 COUNTABILITY ACT OF 1995.—The powers, remedies, and  
16 procedures provided in the Congressional Accountability  
17 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-  
18 fined in section 101 of that Act (2 U.S.C. 1301)), or any  
19 person, alleging a violation of section 202(a)(1) of that  
20 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,  
21 and procedures this title provides to that Board, or any  
22 person, alleging an unlawful employment practice in viola-  
23 tion of this title against an employee described in section  
24 101(3)(C).

1           (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE  
2 3, UNITED STATES CODE.—The powers, remedies, and  
3 procedures provided in chapter 5 of title 3, United States  
4 Code, to the President, the Merit Systems Protection  
5 Board, or any person, alleging a violation of section  
6 412(a)(1) of that title, shall be the powers, remedies, and  
7 procedures this title provides to the President, that Board,  
8 or any person, respectively, alleging an unlawful employ-  
9 ment practice in violation of this title against an employee  
10 described in section 101(3)(D).

11           (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE  
12 5, UNITED STATES CODE.—The powers, remedies, and  
13 procedures provided in title 5, United States Code, to an  
14 employing agency, provided in chapter 12 of that title to  
15 the Merit Systems Protection Board, or provided in that  
16 title to any person, alleging a violation of chapter 63 of  
17 that title, shall be the powers, remedies, and procedures  
18 this title provides to that agency, that Board, or any per-  
19 son, respectively, alleging an unlawful employment prac-  
20 tice in violation of this title against an employee described  
21 in section 101(3)(E).

22           (e) REMEDIES FOR STATE EMPLOYEES.—

23           (1) WAIVER OF SOVEREIGN IMMUNITY.—A  
24 State's receipt or use of Federal financial assistance  
25 for any program or activity of a State shall con-

1       stitute a waiver of sovereign immunity, under the  
2       11th Amendment to the Constitution or otherwise,  
3       to a suit brought by an employee of that program  
4       or activity under this title for equitable, legal, or  
5       other relief authorized under this title.

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

14          (3) APPLICABILITY.—With respect to a par-  
15      ticular program or activity, paragraph (1) applies to  
16      conduct occurring on or after the day, after the date  
17      of enactment of this title, on which a State first re-  
18      ceives or uses Federal financial assistance for that  
19      program or activity.

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

1 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS FOR EDU-**  
2 **CATION AND OUTREACH.**

3       There is authorized to be appropriated to the Sec-  
4 retary of Labor such sums as may be necessary in order  
5 that the Secretary may conduct a public awareness cam-  
6 paign to educate and inform the public of the require-  
7 ments for paid leave time required by this title.

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

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

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

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

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

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

5 **SEC. 109. ENCOURAGEMENT OF MORE GENEROUS LEAVE**  
6 **POLICIES.**

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

11 **SEC. 110. REGULATIONS.**

12 (a) IN GENERAL.—

13 (1) AUTHORITY.—Except as provided in para-  
14 graph (2), not later than 180 days after the date of  
15 enactment of this title, the Secretary shall prescribe  
16 such regulations as are necessary to carry out this  
17 title with respect to employees described in subpara-  
18 graph (A) or (B) of section 101(3) and other indi-  
19 viduals affected by employers described in subclause  
20 (I) or (II) of section 101(4)(A)(i).

21 (2) GOVERNMENT ACCOUNTABILITY OFFICE.—

22 The Comptroller General of the United States shall  
23 prescribe the regulations with respect to employees  
24 of the Government Accountability Office and the Li-  
25 brary of Congress, respectively, and other individuals



1 affected by the Comptroller General of the United  
2 States.

3 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-  
4 COUNTABILITY ACT OF 1995.—

5 (1) AUTHORITY.—Not later than 90 days after  
6 the Secretary prescribes regulations under sub-  
7 section (a), the Board of Directors of the Office of  
8 Compliance shall prescribe (in accordance with sec-  
9 tion 304 of the Congressional Accountability Act of  
10 1995 (2 U.S.C. 1384)) such regulations as are nec-  
11 essary to carry out this title with respect to employ-  
12 ees described in section 101(3)(C) and other individ-  
13 uals affected by employers described in section  
14 101(4)(A)(i)(III).

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

1 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE  
2 3, UNITED STATES CODE.—

3 (1) AUTHORITY.—Not later than 90 days after  
4 the Secretary prescribes regulations under sub-  
5 section (a), the President (or the designee of the  
6 President) shall prescribe such regulations as are  
7 necessary to carry out this title with respect to em-  
8 ployees described in section 101(3)(D) and other in-  
9 dividuals affected by employers described in section  
10 101(4)(A)(i)(IV).

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

21 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE  
22 5, UNITED STATES CODE.—

23 (1) AUTHORITY.—Not later than 90 days after  
24 the Secretary prescribes regulations under sub-  
25 section (a), the Director of the Office of Personnel

1 Management shall prescribe such regulations as are  
2 necessary to carry out this title with respect to em-  
3 ployees described in section 101(3)(E) and other in-  
4 dividuals affected by employers described in section  
5 101(4)(A)(i)(V).

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

16 **SEC. 111. EFFECTIVE DATES.**

17 (a) EFFECTIVE DATE.—This title, other than section  
18 110, shall take effect 6 months after the date of issuance  
19 of regulations under section 110(a)(1).

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

24 (1) the date of the termination of such agree-  
25 ment; or

1           (2) the date that occurs 18 months after the  
2           date of issuance of regulations under section  
3           110(a)(1).

4           **TITLE II—RESEARCH AND**  
5           **EDUCATION**

6           **SEC. 201. PREGNANCY LOSS PUBLIC EDUCATION PRO-**  
7           **GRAM.**

8           (a) IN GENERAL.—The Secretary of Health and  
9           Human Services, acting through the Director of the Cen-  
10          ters for Disease Control and Prevention, shall develop and  
11          disseminate to the public information regarding pregnancy  
12          loss, including information on—

13               (1) awareness of pregnancy loss, and the inci-  
14               dence and prevalence of pregnancy loss among preg-  
15               nant people; and

16               (2) the accessibility of the range of evidence-  
17               based treatment options, as medically appropriate,  
18               for pregnancy loss, including miscarriage and recur-  
19               rent miscarriage, including comprehensive mental  
20               health supports, necessary procedures and medica-  
21               tions, and culturally responsive supports including  
22               pregnancy-loss doula care.

23           (b) DISSEMINATION OF INFORMATION.—In carrying  
24          out subsection (a), the Secretary may disseminate infor-  
25          mation to the public directly or through arrangements

1 with agencies carrying out intra-agency initiatives, non-  
2 profit organizations, consumer groups, community organi-  
3 zations, institutions of higher education (as defined in sec-  
4 tion 101 of the Higher Education Act of 1965 (20 U.S.C.  
5 1001)), or Federal, State, or local public-private partner-  
6 ships.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section  
9 such sums as may be necessary for each of fiscal years  
10 2022 through 2025.

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

12 (a) IN GENERAL.—The Director of the National In-  
13 stitutes of Health (in this section referred to as the “Di-  
14 rector of NIH”) shall expand and coordinate programs for  
15 conducting and supporting evidence-based research with  
16 respect to causes of and current and novel treatment op-  
17 tions and procedures for pregnancy loss.

18 (b) ADMINISTRATION AND COORDINATION.—The Di-  
19 rector of NIH, acting through the Director of the Office  
20 of Research on Women’s Health, shall carry out evidence-  
21 based research conducted pursuant to subsection (a), in  
22 coordination with the appropriate institutes, offices, and  
23 centers of the National Institutes of Health, including the  
24 National Institute of Child Health and Human Develop-  
25 ment, the National Institute of Environmental Health

1 Sciences, the National Institute of Mental Health, and the  
2 Office on Women’s Health of the Department of Health  
3 and Human Services.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this section  
6 \$45,000,000 for each of fiscal years 2022 through 2025.

7 **SEC. 203. EDUCATION AND DISSEMINATION OF INFORMA-**  
8 **TION TO PERINATAL HEALTH CARE WORK-**  
9 **ERS WITH RESPECT TO PREGNANCY LOSS.**

10 (a) IN GENERAL.—The Secretary of Health and  
11 Human Services, acting through the Administrator of the  
12 Health Resources and Services Administration and the Di-  
13 rector of the Agency for Healthcare Research and Quality  
14 shall, in consultation with and in accordance with guide-  
15 lines from relevant medical societies, develop and dissemi-  
16 nate to perinatal health care workers, including midwives,  
17 physician assistants, nurse practitioners, clinical nurse  
18 specialists, and non-clinical perinatal health care workers,  
19 information on pregnancy loss for the purpose of ensuring  
20 that such perinatal health care workers remain informed  
21 about current information (as of the date of dissemina-  
22 tion) regarding pregnancy loss, including miscarriage and  
23 recurrent miscarriage, and prioritizing both the physical  
24 and mental health care of the patient.

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

7 **SEC. 204. DATA COLLECTION REGARDING PREGNANCY**  
8 **LOSS.**

9 The Secretary of Health and Human Services shall,  
10 in an manner that protects personal privacy, collect and  
11 assess data regarding pregnancy loss, including informa-  
12 tion (disaggregated by race, ethnicity, health insurance  
13 status, disability, income level, and geography) on the  
14 prevalence of, the incidence of, and knowledge about preg-  
15 nancy loss.