

117TH CONGRESS
1ST SESSION

S. 2390

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

JULY 20, 2021

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 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,*

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

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

TITLE II—RESEARCH AND EDUCATION

SEC. 201. PREGNANCY LOSS PUBLIC EDUCATION PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information regarding pregnancy loss, including information on—

(1) awareness of pregnancy loss, and the incidence and prevalence of pregnancy loss among pregnant people; and

(2) the accessibility of the range of evidence-based treatment options, as medically appropriate, for pregnancy loss, including miscarriage and recurrent miscarriage, including comprehensive mental health supports, necessary procedures and medications, and culturally responsive supports including pregnancy-loss doula care.

(b) DISSEMINATION OF INFORMATION.—In carrying out subsection (a), the Secretary may disseminate information 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.

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