

117TH CONGRESS
1ST SESSION

H. R. 4576

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 HOUSE OF REPRESENTATIVES

JULY 20, 2021

Ms. PRESSLEY (for herself, Ms. NORTON, Ms. BUSH, Mr. BOWMAN, Ms. SCHAKOWSKY, Ms. OCASIO-CORTEZ, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

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

17 (2) to support related research or education.

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

20 **SEC. 101. DEFINITIONS.**

21 In this title:

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

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

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

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

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

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

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

1 (ii) an employee of the Government Ac-
2 countability Office;

3 (B) a State employee described in section
4 304(a) of the Government Employee Rights Act
5 of 1991 (42 U.S.C. 2000e–16c(a));

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

10 (D) a covered employee, as defined in sec-
11 tion 411(e) of title 3, United States Code, other
12 than an applicant for employment; or

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

16 (4) EMPLOYER.—

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

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

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

1 (III) an employing office, as defined
2 in section 101 of the Congressional Ac-
3 countability Act of 1995;

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

7 (V) an employing agency covered
8 under subchapter V of chapter 63 of title
9 5, United States Code; and

10 (ii) engaged in commerce (including
11 government), or an industry or activity af-
12 fecting commerce (including government),
13 as defined in subparagraph (B)(iii).

14 (B) COVERED EMPLOYER.—

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

17 (I) means any person engaged in
18 commerce or in any industry or activ-
19 ity affecting commerce who employs 5
20 or more employees for each working
21 day during each of 20 or more cal-
22 endar workweeks in the current or
23 preceding year;

24 (II) includes—

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

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

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

11 (IV) includes the Government
12 Accountability Office.

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

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

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

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

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

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

17 (C) PREDECESSORS.—Any reference in
18 this paragraph to an employer shall include a
19 reference to any predecessor of such employer.

20 (5) EMPLOYMENT BENEFITS.—The term “em-
21 ployment benefits” means all benefits provided or
22 made available to employees by an employer, includ-
23 ing group life insurance, health insurance, disability
24 insurance, sick leave, annual leave, educational bene-
25 fits, and pensions, regardless of whether such bene-

1 fits are provided by a practice or written policy of
2 an employer or through an “employee benefit plan”,
3 as defined in section 3(3) of the Employee Retirement
4 Income Security Act of 1974 (29 U.S.C.
5 1002(3)).

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

11 (7) SECRETARY.—The term “Secretary” means
12 the Secretary of Labor.

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

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

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

1 **SEC. 102. PAID LEAVE TIME.**

2 (a) GRANTING LEAVE TIME.—

3 (1) IN GENERAL.—An employer shall grant to
4 each employee employed by the employer, 24 hours
5 of paid leave time on the employee’s first workday
6 of each calendar year. The employee shall use the
7 paid leave time as needed during that calendar year
8 for reasons described in subsection (b).

9 (2) CARRYOVER.—Paid leave time granted
10 under this section shall not carry over from 1 year
11 to the next.

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

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

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

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

10 (1) An absence resulting from—

11 (A) a pregnancy loss;

12 (B) an unsuccessful round of intrauterine
13 insemination or of an assisted reproductive
14 technology procedure;

15 (C) a failed adoption match or an adoption
16 that is not finalized because it is contested by
17 another party;

18 (D) a failed surrogacy arrangement; or

19 (E) a diagnosis or event that impacts preg-
20 nancy or fertility.

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

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

4 (1) include the expected duration of the period
5 of such time; and

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

8 **SEC. 103. NOTICE REQUIREMENT.**

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

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

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

21 (3) information that describes—

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

24 (B) how the employee can contact the Sec-
25 retary (or other appropriate authority as de-

1 scribed in section 105) if any of the rights are
2 violated.

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

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

8 (2) in employee handbooks.

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

13 **SEC. 104. PROHIBITED ACTS.**

14 (a) INTERFERENCE WITH RIGHTS.—

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

19 (A) discharging or discriminating against
20 (including retaliating against) any individual,
21 including a job applicant, for exercising, or at-
22 tempting to exercise, any right provided under
23 this title;

24 (B) using the taking of paid leave time or
25 unpaid leave time under this title as a negative

1 factor in an employment action, such as hiring,
2 promotion, reducing hours or number of shifts,
3 or a disciplinary action; or

4 (C) counting the paid leave time or unpaid
5 leave time under a no-fault attendance policy or
6 any other absence control policy.

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

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

17 (1) has filed an action, or has instituted or
18 caused to be instituted any proceeding, under or re-
19 lated to this title;

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

23 (3) has testified, or is about to testify, in any
24 inquiry or proceeding relating to any right provided
25 under this title.

1 (c) CONSTRUCTION.—Nothing in this section shall be
2 construed to state or imply that the scope of the activities
3 prohibited by section 105 of the Family and Medical Leave
4 Act of 1993 (29 U.S.C. 2615) or the Civil Rights Act of
5 1964 (42 U.S.C. 2000a et seq.) is less than the scope of
6 the activities prohibited by this section or is otherwise al-
7 tered by the activities prohibited by this section.

8 **SEC. 105. ENFORCEMENT AUTHORITY.**

9 (a) IN GENERAL.—

10 (1) DEFINITION.—In this subsection—

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

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

17 (2) INVESTIGATIVE AUTHORITY.—

18 (A) IN GENERAL.—To ensure compliance
19 with the provisions of this title, or any regula-
20 tion or order issued under this title, the Sec-
21 retary shall have, subject to subparagraph (C),
22 the investigative authority provided under sec-
23 tion 11(a) of the Fair Labor Standards Act of
24 1938 (29 U.S.C. 211(a)), with respect to em-

1 employers, employees, and other individuals af-
2 fected.

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

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

21 (D) SUBPOENA AUTHORITY.—For the pur-
22 poses of any investigation provided for in this
23 paragraph, the Secretary shall have the sub-
24 poena authority provided for under section 9 of

1 the Fair Labor Standards Act of 1938 (29
2 U.S.C. 209).

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

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

12 (i) the employees or individuals; or
13 (ii) the employees or individuals and
14 others similarly situated.

15 (B) LIABILITY.—Any employer who vio-
16 lates section 104 (including a violation relating
17 to rights provided under section 102) shall be
18 liable to any employee or individual affected—

19 (i) for damages equal to—
20 (I) the amount of—
21 (aa) any wages, salary, em-
22 ployment benefits, or other com-
23 pensation denied or lost by rea-
24 son of the violation; or

- 1 (bb) in a case in which
2 wages, salary, employment bene-
3 fits, or other compensation have
4 not been denied or lost, any ac-
5 tual monetary losses sustained as
6 a direct result of the violation up
7 to a sum equal to 24 hours of
8 wages or salary for the employee
9 or individual;
- 10 (II) the interest on the amount
11 described in subclause (I) calculated
12 at the prevailing rate; and
- 13 (III) an additional amount as liq-
14 uidated damages; and
- 15 (ii) for such equitable relief as may be
16 appropriate, including employment, rein-
17 statement, and promotion.
- 18 (C) FEES AND COSTS.—The court in an
19 action under this paragraph shall, in addition to
20 any judgment awarded to the plaintiff, allow a
21 reasonable attorney’s fee, reasonable expert wit-
22 ness fees, and other costs of the action to be
23 paid by the defendant.
- 24 (4) ACTION BY THE SECRETARY.—

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

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

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

24 (5) LIMITATION.—

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

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

14 (C) COMMENCEMENT.—In determining
15 when an action is commenced under paragraph
16 (3), (4), or (6) for the purposes of this para-
17 graph, it shall be considered to be commenced
18 on the date when the complaint is filed.

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

23 (A) to restrain violations of section 104
24 (including a violation relating to rights provided
25 under section 102), including the restraint of

1 any withholding of payment of wages, salary,
2 employment benefits, or other compensation,
3 plus interest, found by the court to be due to
4 employees or individuals eligible under this title;
5 or

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

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

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

19 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
20 COUNTABILITY ACT OF 1995.—The powers, remedies, and
21 procedures provided in the Congressional Accountability
22 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
23 fined in section 101 of that Act (2 U.S.C. 1301)), or any
24 person, alleging a violation of section 202(a)(1) of that
25 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,

1 and procedures this title provides to that Board, or any
2 person, alleging an unlawful employment practice in viola-
3 tion of this title against an employee described in section
4 101(3)(C).

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

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

1 (e) REMEDIES FOR STATE EMPLOYEES.—

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

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

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

24 (4) DEFINITION OF PROGRAM OR ACTIVITY.—In
25 this subsection, the term “program or activity” has

1 the meaning given the term in section 606 of the
2 Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

3 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS FOR EDU-**
4 **CATION AND OUTREACH.**

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

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

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

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

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

22 (a) MORE PROTECTIVE.—Nothing in this title shall
23 be construed to diminish the obligation of an employer to
24 comply with any contract, collective bargaining agreement,
25 or any employment benefit program or plan that provides

1 greater paid leave or other leave rights to employees or
2 individuals than the rights established under this title.

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

7 **SEC. 109. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
8 **POLICIES.**

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

13 **SEC. 110. REGULATIONS.**

14 (a) IN GENERAL.—

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

23 (2) GOVERNMENT ACCOUNTABILITY OFFICE.—

24 The Comptroller General of the United States shall
25 prescribe the regulations with respect to employees

1 of the Government Accountability Office and the Li-
2 brary of Congress, respectively, and other individuals
3 affected by the Comptroller General of the United
4 States.

5 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
6 COUNTABILITY ACT OF 1995.—

7 (1) AUTHORITY.—Not later than 90 days after
8 the Secretary prescribes regulations under sub-
9 section (a), the Board of Directors of the Office of
10 Compliance shall prescribe (in accordance with sec-
11 tion 304 of the Congressional Accountability Act of
12 1995 (2 U.S.C. 1384)) such regulations as are nec-
13 essary to carry out this title with respect to employ-
14 ees described in section 101(3)(C) and other individ-
15 uals affected by employers described in section
16 101(4)(A)(i)(III).

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

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

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

5 (1) AUTHORITY.—Not later than 90 days after
6 the Secretary prescribes regulations under sub-
7 section (a), the President (or the designee of the
8 President) shall prescribe such regulations as are
9 necessary to carry out this title with respect to em-
10 ployees described in section 101(3)(D) and other in-
11 dividuals affected by employers described in section
12 101(4)(A)(i)(IV).

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

23 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
24 5, UNITED STATES CODE.—

1 (1) **AUTHORITY.**—Not later than 90 days after
2 the Secretary prescribes regulations under sub-
3 section (a), the Director of the Office of Personnel
4 Management shall prescribe such regulations as are
5 necessary to carry out this title with respect to em-
6 ployees described in section 101(3)(E) and other in-
7 dividuals affected by employers described in section
8 101(4)(A)(i)(V).

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

19 **SEC. 111. EFFECTIVE DATES.**

20 (a) **EFFECTIVE DATE.**—This title, other than section
21 110, shall take effect 6 months after the date of issuance
22 of regulations under section 110(a)(1).

23 (b) **COLLECTIVE BARGAINING AGREEMENTS.**—In the
24 case of a collective bargaining agreement in effect on the

1 effective date prescribed by subsection (a), this title shall
2 take effect on the earlier of—

3 (1) the date of the termination of such agree-
4 ment; or

5 (2) the date that occurs 18 months after the
6 date of issuance of regulations under section
7 110(a)(1).

8 **TITLE II—RESEARCH AND** 9 **EDUCATION**

10 **SEC. 201. PREGNANCY LOSS PUBLIC EDUCATION PRO-** 11 **GRAM.**

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

17 (1) awareness of pregnancy loss, and the inci-
18 dence and prevalence of pregnancy loss among preg-
19 nant people; and

20 (2) the accessibility of the range of evidence-
21 based treatment options, as medically appropriate,
22 for pregnancy loss, including miscarriage and recur-
23 rent miscarriage, including comprehensive mental
24 health supports, necessary procedures and medica-

1 tions, and culturally responsive supports including
2 pregnancy-loss doula care.

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

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 such sums as may be necessary for each of fiscal years
15 2022 through 2025.

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

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

23 (b) ADMINISTRATION AND COORDINATION.—The Di-
24 rector of NIH, acting through the Director of the Office
25 of Research on Women’s Health, shall carry out evidence-

1 based research conducted pursuant to subsection (a), in
2 coordination with the appropriate institutes, offices, and
3 centers of the National Institutes of Health, including the
4 National Institute of Child Health and Human Develop-
5 ment, the National Institute of Environmental Health
6 Sciences, the National Institute of Mental Health, and the
7 Office on Women’s Health of the Department of Health
8 and Human Services.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$45,000,000 for each of fiscal years 2022 through 2025.

12 **SEC. 203. EDUCATION AND DISSEMINATION OF INFORMA-**
13 **TION TO PERINATAL HEALTH CARE WORK-**
14 **ERS WITH RESPECT TO PREGNANCY LOSS.**

15 (a) IN GENERAL.—The Secretary of Health and
16 Human Services, acting through the Administrator of the
17 Health Resources and Services Administration and the Di-
18 rector of the Agency for Healthcare Research and Quality
19 shall, in consultation with and in accordance with guide-
20 lines from relevant medical societies, develop and dissemi-
21 nate to perinatal health care workers, including midwives,
22 physician assistants, nurse practitioners, clinical nurse
23 specialists, and non-clinical perinatal health care workers,
24 information on pregnancy loss for the purpose of ensuring
25 that such perinatal health care workers remain informed

1 about current information (as of the date of dissemina-
2 tion) regarding pregnancy loss, including miscarriage and
3 recurrent miscarriage, and prioritizing both the physical
4 and mental health care of the patient.

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

11 **SEC. 204. DATA COLLECTION REGARDING PREGNANCY**
12 **LOSS.**

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

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