Whereas, in 2018—

(1) more than 114,000 children 19 years of age and younger were treated in an emergency room due to unintended pediatric poisoning; and

(2) more than 90 percent of those incidents occurred in the home, most often with blood pressure medications, acetaminophen, laundry packets, bleach, or sedatives or anti-anxiety medication;

Whereas 70,237 cases of death due to drug overdose were reported in the United States in 2017, and the majority of those cases, approximately 68 percent, involved an opioid;

Whereas the most common medications that adults call the poison help line about are analgesics, antipsychotics, antidepressants, and cardiovascular medications;

Whereas pain medications—

(1) lead the list of the most common substances implicated in adult poison exposures; and

(2) are the single most frequent cause of pediatric fatalities reported to the AAPCC;

Whereas poison control centers issue guidance and provide support to individuals, including individuals who experience medication and dosing errors;

Whereas more than 60 percent of therapeutic errors involve individuals 20 years of age or older, with more than ½ of those involving patients older than 50 years of age, and common errors include drug interactions, incorrect dosing route, incorrect timing of doses, and double doses;

Whereas normal, curious children younger than 6 years of age—

(1) are in stages of growth and development in which they are constantly exploring and investigating the world around them; and

(2) are often unable to read or recognize warning labels;

Whereas the AAPCC—

(1) engages in community outreach by educating the public on poison safety and poisoning prevention; and

(2) provides educational resources, materials, and guidelines to educate the public on poisoning prevention;

Whereas individuals can reach a poison control center from anywhere in the United States by calling the poison help line at 1-800-222-1222;

Whereas, despite regulations of the Consumer Product Safety Commission requiring that a child-resistant package be designed or constructed to be significantly difficult for children under 5 years of age to open, or obtain a harmful amount of the contents, within a reasonable time, children can still get into child-resistant packages; and

Whereas, each year during National Poison Prevention Week, the Federal Government assesses the progress made by the Federal Government in saving lives and reaffirms the national commitment of the Federal Government to preventing injuries and deaths from poisoning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the week of March 15 through March 21, 2020, as ''National Poison Prevention Week'';

(2) expresses gratitude for the people who operate or support poison control centers in their local communities;

(3) supports efforts and resources to provide poison prevention guidance or emergency assistance in response to poisonings; and

(4) encourages—

(A) the people of the United States to educate their communities and families about poison safety and poisoning prevention; and

(B) health care providers to practice and promote poison safety and poisoning prevention.

SENATE RESOLUTION 547—ENCOURAGING THE PRESIDENT TO USE AUTHORITIES PROVIDED BY THE DEFENSE PRODUCTION ACT OF 1950 TO SCALE UP THE NATIONAL RESPONSE TO THE CORONAVIRUS CRISIS

Mr. MARKEY (for himself, Mr. JONES, Ms. WARREN, Mr. BROWN, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mr. BOOKER, Mr. BENNET, Ms. DUCKWORTH, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. PETERS, Mr. CARPER, and Ms. SMITH) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 547

Whereas more than 3,800 people in the United States have already tested positive for the novel coronavirus across 49 States, the District of Columbia, and 3 territories, with experts believing the number is already much higher;

Whereas the Centers for Disease Control and Prevention have projected that between 160,000,000 and 214,000,000 people could be infected by the novel coronavirus in the United States over the course of the pandemic;

Whereas the United States health care sector is facing severe shortages of critical supplies for coronavirus testing and treatment, including personal protective equipment for staff and infected patients, N95 respirators, sanitizing materials, ventilators, and test kit supplies;

Whereas the Strategic National Stockpile contains only a fraction of the supplies that the Department of Health and Human Services estimates will be necessary to respond to the coronavirus crisis, with the stockpile currently holding less than 0.3 percent of the amount of respirators estimated to be necessary;

Whereas the President has the existing authority under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) to take immediate action to mobilize United States industry for emergency preparedness activities conducted pursuant to title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), which has been previously used to respond to public health hazards; and

Whereas the President issued a national emergency declaration relating to the novel coronavirus under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) on March 13, 2020: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to use existing authorities under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) to massively and quickly ramp up production in the United States of medical supplies, including personal protective equipment, needed to respond to the ongoing public health emergency driven by the spread of the novel coronavirus;

(2) urges the President to prioritize the use of those authorities to produce and secure additional personal protective equipment, test kit supplies, respirators, ventilators, and sanitizing materials for use within the health care sector in the United States;

(3) supports the use of authorities under title I of the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.) to allocate and control the distribution of medical materials needed for testing and treating the novel coronavirus, including by directing suppliers to prioritize and accept government contracts to restock the Strategic National Stockpile where necessary;

(4) supports the use of authorities under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to provide financial incentives to manufacturers and suppliers of critical medical equipment, including loans, loan guarantees, direct purchases, and purchase commitments; and

(5) supports the use of authorities under title VII of the Defense Production Act of 1950 (50 U.S.C. 4551 et seq.) to establish voluntary agreements between the Federal Government and private industry that would allow for the temporary coordination of production of necessary and scarce medical supplies.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1556. Mr. PAUL proposed an amendment to the bill H.R. 6201, making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes.

SA 1557. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 6201, supra; which was ordered to lie on the table.

SA 1558. Mr. JOHNSON (for himself, Mr. TOOMEY, Mr. BRAUN, Mr. SCOTT of Florida, Mr. LEE, Mrs. BLACKBURN, Mr. COTTON, Mr. CRUZ, Mrs. LOEFFLER, Mr. PERDUE, Mr. SASSE, and Mr. BARRASSO) proposed an amendment to the bill H.R. 6201, supra.

SA 1559. Mrs. MURRAY (for herself, Mrs. GILLIBRAND, and Ms. HARRIS) proposed an amendment to the bill H.R. 6201, supra.

SA 1560. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 6201, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1556. Mr. PAUL proposed an amendment to the bill H.R. 6201, making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. SOCIAL SECURITY NUMBER REQUIREMENT FOR CHILD TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 24(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) SOCIAL SECURITY NUMBER REQUIRED.—No credit shall be allowed under this section to a taxpayer with respect to any qualifying child unless the taxpayer includes the social security number of such child on the return of tax for the taxable year. For purposes of the preceding sentence, the term 'social security number' means a social security number issued to an individual by the Social Security Administration, but only if the social security number is issued—

''(A) to a citizen of the United States or pursuant to subclause (I) (or that portion of subclause (III) that relates to subclause (I)) of section 205(c)(2)(B)(i) of the Social Security Act, and

''(B) before the due date for such return.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (h) of section 24 of such Code is amended—

(A) by striking ''paragraph (7)'' in paragraph (4)(C) and inserting ''subsection (e)(1)'',

(B) by striking paragraph (7), and

(C) by striking ''(2) through (7)'' in paragraph (1) and inserting ''(2) through (6)''.

(2) Section 6213(g)(2)(I) of such Code is amended by striking ''TIN'' and inserting ''social security number''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. _____. TRANSFER AUTHORITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may transfer, as necessary and without limitation, amounts from any account in the Treasury to any other account in the Treasury being used for the purpose of combating, addressing, or ameliorating the coronavirus pandemic.

(b) CONGRESSIONAL NOTIFICATION.—The President shall submit to Congress, on each of the following dates, a notification detailing each transfer made under subsection (a) during the time period preceding the notification:

(1) July 1, 2020.

(2) October 1, 2020.

(3) January 1, 2021.

(c) EXPIRATION.—The transfer authority in subsection (a) shall expire on December 31, 2020.

SEC. _____. TERMINATION OF UNITED STATES MILITARY OPERATIONS AND RECONSTRUCTION ACTIVITIES IN AFGHANISTAN.

(a) TERMINATION.—Military operations of the United States Armed Forces and reconstruction activities of the United States Government in Afghanistan are hereby terminated.

(b) DEADLINE FOR COMPLETE CESSATION.—Not later than December 31, 2020—

(1) all United States Armed Forces shall be removed from Afghanistan; and

(2) all reconstruction activities of the United States Government in Afghanistan shall be wound up.

(c) PROHIBITION ON USE OF FUNDS.—Appropriated funds may not be obligated or expended in connection with military operations and reconstruction activities described in subsection (a) after December 31, 2020.

SA 1557. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 6201, making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

TITLE _____

DEPARTMENT OF ENERGY

SPR PETROLEUM ACCOUNT

For an additional amount for the SPR Petroleum Account established under section 167(a) of the Energy Policy and Conservation Act (42 U.S.C. 6247(a)), $3,000,000,000, to be derived by transfer from the amounts provided by section 129(a) of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3578), to remain available until September 30, 2020.

SA 1558. Mr. JOHNSON (for himself, Mr. TOOMEY, Mr. BRAUN, Mr. SCOTT of Florida, Mr. LEE, Mrs. BLACKBURN, Mr. COTTON, Mr. CRUZ, Mrs. LOEFFLER, Mr. PERDUE, Mr. SASSE, and Mr. BARRASSO) proposed an amendment to the bill H.R. 6201, making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes; as follows:

Strike divisions C, E, and G.

At the end of division D, add the following:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is the intention of Congress and the administration to provide immediate financial support to workers who will be idled and lose pay and benefits because of COVID-19;

(2) Federally mandated sick pay and paid family leave will prompt some employers who cannot afford this mandate to preemptively terminate the employment of workers they no longer have work for due to circumstances surrounding COVID-19;

(3) even without that negative incentive, the COVID-19 will cause many Americans to lose their jobs, and not be eligible for Federally mandated sick pay or family and medical leave, so the only income support will be unemployment insurance; and

(4) it would be more efficient to administer this Federal financial support for workers using only one, rather than two or more programs.

SEC. ___. TEMPORARY EMERGENCY FEDERAL CORONAVIRUS UNEMPLOYMENT INSURANCE BENEFIT PROGRAM.

(a) IN GENERAL.—In order to receive the credit against the Federal Unemployment Tax Act (26 U.S.C. 23), States shall provide temporary emergency Federal coronavirus unemployment insurance benefits to any individual who has worked for pay at any time in the last 30 days and who for any calendar day is not able to engage in employment due to any of the following reasons:

(1) The individual is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

(2) The individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

(3) The individual is experiencing symptoms of COVID-19 and seeking medical diagnosis;

(4) The individual is caring for an individual who is subject to an order as described in paragraph (1) or has been advised as described in paragraph (2);

(5) The individual is caring for a son or daughter under the age of 18 years of such individual if the school or place of care of the son or daughter has been closed, or the child care provider of such son of daughter is unavailable, due to COVID-19 precautions.

(6) The individual is subject to a temporary lay-off under section 604.5(a)(3) of title 20, Code of Federal Regulations, due to COVID-19.

(b) WAITING PERIOD.—States shall not require any waiting period in order to receive benefits for those individuals described in subsection (a).

(c) BENEFITS.—

(1) IN GENERAL.—States shall pay benefits to those individuals described in subsection (a) on a weekly basis for each calendar day an individual is not able to engage in employment for up to 14 weeks.

(2) CALCULATION.—

(A) AMOUNT.—The weekly benefit shall be the lesser of—

(i) two-thirds of the individual's average weekly earnings; or

(ii) $1,000.

(B) DETERMINATIONS.—The amount of an individual's average weekly earnings shall be determined by the State.

(d) RETROACTIVE APPLICATION.—States shall make temporary emergency Federal coronavirus unemployment insurance benefits under this section retroactively available to March 1, 2020.

(e) WORK REQUIREMENTS.—Individuals receiving temporary emergency Federal coronavirus unemployment insurance benefits under this section shall not be required to search for work.

(f) FEDERAL REIMBURSEMENTS.—The Federal government shall—

(1) reimburse States for the full cost of complying with the requirements under this section that are above and beyond the benefits currently provided under each State's current unemployment insurance law for benefits paid under this program; and

(2) reimburse any employer who employs fewer than 500 employees and who voluntarily provides paid leave to an employee for the reasons described in subsection (a) an amount equal to two-thirds of the actual payment made up to $1,000 per week and not to exceed $10,000 per employee.

(g) NATIONAL UNEMPLOYMENT RATE.—For purposes of calculating the National unemployment rate, the Bureau of Labor Statistics of the Department of Labor shall not include workers obtaining temporary emergency Federal coronavirus unemployment insurance benefits.

(h) REGULATORY AUTHORITIES.—

(1) LABOR.—The Secretary of Labor (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section.

(2) TREASURY.—The Secretary of Treasury (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purpose of this section.

(i) SUNSET.—The temporary emergency Federal coronavirus unemployment insurance benefit program under this section shall expire on the earlier of the date of the termination of the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) or December 31, 2020.

SA 1559. Mrs. MURRAY (for herself, Mrs. GILLIBRAND, and Ms. HARRIS) proposed an amendment to the bill H.R. 6201, making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes; as follows:

At the appropriate place, insert the following:

DIVISION ____—PAID SICK TIME AND PAID LEAVE

SECTION __001. SHORT TITLE.

This division may be cited as the ''Providing Americans Insured Days of Leave Act of 2020''.

TITLE I—GENERAL PROVISIONS

SEC. __101. ADJUSTMENT TO THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT.

Notwithstanding any other provision of this Act, divisions, C, E, and G shall have no force or effect.

TITLE II—IMMEDIATE REIMBURSEMENT OF EMPLOYERS FOR PAID SICK DAYS AND PAID LEAVE FOR PUBLIC HEALTH EMERGENCIES

SEC. __201. IMMEDIATE REIMBURSEMENT OF EMPLOYERS FOR PAID SICK DAYS AND PAID LEAVE FOR PUBLIC HEALTH EMERGENCIES.

(a) DEFINITIONS.—In this title, the terms ''covered individual'', ''employer'', ''paid sick time'', and ''Secretary'' have the meanings given the terms in section __301.

(b) GENERAL AUTHORITY.—

(1) REIMBURSEMENT.—An employer of a covered individual who uses paid sick time or emergency paid leave under title III during 2020 or 2021 shall be reimbursed by the Secretary of the Treasury out of the Treasury of the United States for the wages paid to the covered individual for the period during which the covered individual used the paid sick time or emergency paid leave.

(2) PROCESS.—

(A) INFORMATION.—To be eligible to receive such reimbursement, the employer shall submit to the Secretary of Labor an affidavit

that attests that the employer provided such paid sick time or emergency paid leave, and related records showing the period of and wages associated with the paid sick time or emergency paid leave.

(B) DETERMINATION.—The Secretary shall review the information in the affidavit and records and come to a determination regarding the validity of such information within 5 business days after receipt. If the Secretary does not make a determination within the 5-business-day period, on the sixth business day after receipt of such information the Secretary shall be deemed to have determined the information to be valid.

(C) REIMBURSEMENT.—Upon the Secretary's determination that the information is valid and that the employer provided an amount of such paid sick time or emergency paid leave to a covered individual, the Secretary shall transmit the determination, affidavit, and records to the Secretary of the Treasury, and the Secretary of the Treasury shall provide timely reimbursement out of the Treasury of the United States. The Secretary of the Treasury shall provide that reimbursement not later than 2 business days after receipt of the determination from the Secretary of Labor.

(c) FRAUD.—The Secretary of Labor and the Secretary of the Treasury shall both have authority to investigate fraud under this section and to seek recovery of fraudulently obtained funds and related penalties in any court of competent jurisdiction.

TITLE III—PAID SICK DAYS AND PAID LEAVE FOR PUBLIC HEALTH EMERGENCIES

SEC. __301. DEFINITIONS.

In this title:

(1) CHILD.—The term ''child'' means a biological, foster, or adopted child, a stepchild, a child of a domestic partner, a legal ward, or a child of a person standing in loco parentis.

(2) COVERED INDIVIDUAL.—The term ''covered individual'' means an individual who is—

(A) an employee; or

(B) an individual performing any services or labor for remuneration for an employer, regardless of whether the individual is classified as an independent contractor by the employer.

(3) DOMESTIC PARTNER.—

(A) IN GENERAL.—The term ''domestic partner'', with respect to an individual, means another individual with whom the individual is in a committed relationship.

(B) COMMITTED RELATIONSHIP DEFINED.—The term ''committed relationship'' means a relationship between 2 individuals, each at least 18 years of age, in which each individual is the other individual's sole domestic partner and both individuals share responsibility for a significant measure of each other's common welfare. The term includes any such relationship between 2 individuals, including individuals of the same sex, that is granted legal recognition by a State or political subdivision of a State as a marriage or analogous relationship, including a civil union or domestic partnership.

(4) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)), except that the reference in such section to the term ''jurisdiction receiving grant monies'' shall be deemed to mean the jurisdiction in which the victim lives or the jurisdiction in which the employer involved is located. Such term also includes dating violence, as that term is defined in such section.

(5) EMPLOYEE.—The term ''employee'' means an individual who is—

(A)(i) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under subparagraph (E), except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (6)(A); or

(ii) an employee of the Government Accountability Office;

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

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(D) a covered employee, as defined in section 411(c) of title 3, United States Code; or

(E) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code, or any other individual occupying a position in the civil service (as that term is defined in section 2102(1) of title 5, United States Code).

(6) EMPLOYER.—

(A) IN GENERAL.—The term ''employer'' means a person who is—

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

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

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

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

(ii) engaged in commerce (including government), or an industry or activity affecting commerce (including government), as defined in subparagraph (B)(iii).

(B) COVERED EMPLOYER.—

(i) IN GENERAL.—In subparagraph (A)(i)(I), the term ''covered employer''—

(I) means any person engaged in commerce or in any industry or activity affecting commerce who employs 1 or more employees;

(II) includes—

(aa) any person who acts directly or indirectly in the interest of (within the meaning of section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)) an employer in relation to any of the employees of such employer; and

(bb) any successor in interest of an employer;

(III) includes any ''public agency'', as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)); and

(IV) includes the Government Accountability Office.

(ii) PUBLIC AGENCY.—For purposes of subclause (III) or (IV) of clause (i), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

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

(I) COMMERCE.—The terms ''commerce'' and ''industry or activity affecting commerce'' mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include ''commerce'' and any ''industry affecting commerce'', as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(II) EMPLOYEE.—The term ''employee'' has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(III) PERSON.—The term ''person'' has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

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

(7) EMPLOYMENT BENEFITS.—The term ''employment benefits'' means all benefits provided or made available to covered individuals by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an ''employee benefit plan'', as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(8) FLSA TERMS.—The terms ''employ'' and ''State'' have the meanings given the terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(9) HEALTH CARE PROVIDER.—The term ''health care provider'' means a provider who—

(A)(i) is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) is any other person determined by the Secretary to be capable of providing health care services; and

(B) is not employed by an employer for whom the provider issues certification under this title.

(10) PAID SICK TIME.—The term ''paid sick time'' means an increment of compensated leave that—

(A) can be—

(i) earned by a covered individual for use during an absence from employment or work for a reason described in any paragraph of section __302(b); or

(ii) provided by an employer during a public health emergency for use during an absence from employment or work for a reason described in any paragraph of section __302(b); and

(B) is compensated at a rate that is not less than the greatest of—

(i) the covered individual's regular rate of pay;

(ii) the minimum wage rate provided for in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); or

(iii) the minimum wage rate provided for in the applicable State or local law for the State or locality in which the covered individual is employed or works.

(11) PARENT.—The term ''parent'' means a biological, foster, or adoptive parent of a covered individual, a stepparent of a covered individual, a parent-in-law of a covered individual, a parent of a domestic partner of a covered individual, or a legal guardian or other person who stood in loco parentis to a covered individual when the covered individual was a child.

(12) PUBLIC HEALTH EMERGENCY.—The term ''public health emergency'' means—

(A) a public health emergency—

(i) declared by the Secretary of Health and Human Services for a jurisdiction, or by a State or local public health official with authority to declare such an emergency for the State or jurisdiction within the State; and

(ii) due to a public health condition that is—

(I) emergent and acute;

(II) not a longstanding, chronic public health condition; and

(B) an emergency with respect to coronavirus, as defined in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123), declared by a Federal, State, or local public official.

(13) QUALIFIED CAREGIVING.—

(A) IN GENERAL.—The term ''qualified caregiving'' means any activity engaged in by an individual, other than regular employment, for a reason for which an eligible employee would be entitled to leave under subparagraphs (A) through (E) of paragraph (1) of section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)).

(B) DETERMINATION OF WHETHER AN ACTIVITY CONSTITUTES QUALIFIED CAREGIVING.—For purposes of determining whether an activity engaged in by an individual constitutes qualified caregiving under subparagraph (A)—

(i) the term ''spouse'' (as used in section 102(a) of the Family and Medical Leave Act (29 U.S.C. 2612(a))) includes the individual's domestic partner; and

(ii) the term ''son or daughter'' (as used in such section) includes a son or daughter (as defined in section 101 of such Act (29 U.S.C. 2611) of the individual's domestic partner.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(15) SEXUAL ASSAULT.—The term ''sexual assault'' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

(16) SPOUSE.—The term ''spouse'', with respect to a covered individual, has the meaning given such term by the marriage laws of the State in which the marriage was celebrated.

(17) STALKING.—The term ''stalking'' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

(18) VICTIM SERVICES ORGANIZATION.—The term ''victim services organization'' means a nonprofit, nongovernmental organization that provides assistance to victims of domestic violence, sexual assault, or stalking or advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence, sexual assault, or stalking prevention or treatment program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process.

(19) WORK.—The term ''work'' means to be employed or to be engaged in providing labor or services for an employer.

SEC. _302. PAID SICK TIME AND EMERGENCY PAID LEAVE.

(a) EARNING OF PAID SICK TIME.—

(1) IN GENERAL.—

(A) EARNING.—Subject to subsection (c) and paragraph (2), an employer shall provide each covered individual employed by or working for the employer not less than 1 hour of earned paid sick time for every 30 hours worked, to be used as described in subsection (b).

(B) LIMIT.—An employer shall not be required to permit a covered individual to earn, under this subsection, more than 56 hours of paid sick time in a year, unless the employer chooses to set a higher limit.

(2) EXEMPT EMPLOYEES.—

(A) IN GENERAL.—Except as provided in paragraph (3), for purposes of this subsection, an employee who is exempt from overtime requirements under section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)) shall be assumed to work 40 hours in each workweek.

(B) SHORTER NORMAL WORKWEEK.—If the normal workweek of such an employee is less than 40 hours, the employee shall earn paid sick time under this subsection based upon that normal workweek.

(3) DATES FOR BEGINNING TO EARN PAID SICK TIME AND USE.—

(A) IN GENERAL.—Covered individuals shall begin to earn paid sick time under this subsection at the commencement of their employment or work. A covered individual shall be entitled to use the earned paid sick time beginning on the 60th calendar day following commencement of the covered individual's employment or work. After that 60th calendar day, the covered individual may use the paid sick time as the time is earned. An employer may, at the discretion of the employer, loan paid sick time to a covered individual for use by such covered individual in advance of the covered individual earning such sick time as provided in this subsection and may permit use before the 60th day of employment or work.

(B) PUBLIC HEALTH EMERGENCY.—Subparagraph (A) shall not apply with respect to additional paid sick time provided under subsection (c). In the event of a public health emergency, a covered individual may immediately use the accrued or additional paid sick time described in subsection (c), regardless of how long the covered individual has been employed by or working for an employer.

(4) CARRYOVER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), paid sick time earned under this subsection shall carry over from 1 year to the next.

(B) CONSTRUCTION.—This subsection shall not be construed to require an employer to permit a covered individual to earn more than 56 hours of earned paid sick time at a given time.

(5) EMPLOYERS WITH EXISTING POLICIES.—Any employer with a paid leave policy who makes available an amount of paid leave that is sufficient to meet the requirements of this subsection and that may be used for the same purposes and under the same conditions as the purposes and conditions outlined in subsection (b) shall not be required to permit a covered individual to earn more paid sick time under this subsection.

(6) CONSTRUCTION.—Nothing in this section shall be construed as requiring financial or other reimbursement to a covered individual from an employer upon the covered individual's termination, resignation, retirement, or other separation from employment or work for paid sick time that has not been used.

(7) REINSTATEMENT.—If a covered individual is separated from employment or work with an employer and is rehired or reengaged for work, within 12 months after that separation, by the same employer, the employer shall reinstate the covered individual's previously earned paid sick time under this subsection. The covered individual shall be entitled to use the earned paid sick time and earn more paid sick time at the recommencement of employment or work with the employer.

(8) PROHIBITION.—An employer may not require, as a condition of providing paid sick time under this title, that the covered individual involved search for or find a replacement covered individual to cover the hours during which the covered individual is using paid sick time.

(9) SCHEDULING.—A covered individual shall make a reasonable effort to schedule a period of accrued paid sick time under this subsection in a manner that does not unduly disrupt the operations of the employer.

(b) USES.—Paid sick time or emergency paid leave under this section may be used by a covered individual for any of the following:

(1) An absence resulting from a physical or mental illness, injury, or medical condition of the covered individual.

(2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the covered individual.

(3) An absence resulting from the closure of a covered individual's place of employment or work by order of a Federal or State public official with jurisdiction, or at the employer's discretion, due to a public health emergency.

(4) An absence because a Federal or State public official with jurisdiction or a health care provider has determined, or the covered individual has independently determined, that the covered individual's presence in the community may jeopardize the health of others because of the covered individual's exposure to a communicable disease during a public health emergency or the exhibition of symptoms of a communicable disease during a public health emergency, regardless of whether the covered individual has actually contracted the communicable disease.

(5) An absence for the purpose of caring for a child, a parent, a spouse, a domestic partner, or any other individual related by blood or affinity whose close association with the covered individual is the equivalent of a family relationship—

(A) who has any of the conditions or needs for diagnosis or care described in paragraph (4);

(B) who is a child, if the child's school or place of care has been closed by order of a Federal or State public official with jurisdiction or at the discretion of the school or place of care due to a public health emergency, including if a school or entity operating the place of care is physically closed but is providing education or care to the child remotely; or

(C) because a Federal or State public official with jurisdiction or a health care provider has determined that the presence in the community of the person receiving care may jeopardize the health of others because of the person's exposure to a communicable disease during a public health emergency, regardless of whether the person has actually contracted the communicable disease.

(6) An absence for the purpose of caring for a child, a parent, a spouse, a domestic partner, or any other individual related by blood or affinity whose close association with the covered individual is the equivalent of a family relationship—

(A) who has any of the conditions or needs for diagnosis or care described in paragraph (1) or (2);

(B) who is a child, if the covered individual is required to attend a school meeting or a meeting at a place where the child is receiving care necessitated by the child's health condition or disability; or

(C) who is otherwise in need of care.

(7) An absence resulting from domestic violence, sexual assault, or stalking, if the time is to—

(A) seek medical attention for the covered individual or the covered individual's child, parent, spouse, domestic partner, or an individual related to the covered individual as described in paragraph (6), to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, or stalking;

(B) obtain or assist a related person described in paragraph (6) in obtaining services from a victim services organization;

(C) obtain or assist a related person described in paragraph (6) in obtaining psychological or other counseling;

(D) seek relocation; or

(E) take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic violence, sexual assault, or stalking.

(c) ADDITIONAL PAID SICK TIME FOR PUBLIC HEALTH EMERGENCY.—

(1) ADDITIONAL PAID SICK TIME.—On the date of a declaration of a public health emergency, an employer in the jurisdiction involved shall provide each covered individual

of the employer in that jurisdiction with additional paid sick time, in addition to any amount of paid sick time accrued by the covered individual under subsection (a) (including paid leave referred to in subsection (a)(5)).

(2) AMOUNT OF PAID SICK TIME.—In receiving additional paid sick time under paragraph (1), the covered individual shall receive—

(A) for a full-time salaried covered individual, a specified amount of paid sick time that is sufficient to provide the covered individual with 14 continuous days away from work without a reduction in pay; and

(B) subject to paragraph (3), for a part-time, hourly, or piece-rate covered individual, a specified amount of paid sick time equal to the number of hours that the covered individual was scheduled to work or, if not so scheduled, regularly works in a 14-day period.

(3) VARYING SCHEDULE HOURS CALCULATION.—

(A) IN GENERAL.—In the case of a part-time, hourly, or piece-rate covered individual described in paragraph (2)(B) whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the covered individual regularly works, the employer shall use the rules specified in subparagraph (B) to calculate the amount of additional paid sick time that the covered individual shall receive under paragraph (2)(B).

(B) SPECIAL CALCULATION RULES.—The employer shall calculate that amount as—

(i) subject to clause (ii), a number equal to the average number of hours that the covered individual was scheduled to work per 14-day period over the 6-month period ending on the date on which the covered individual takes such additional paid sick time, including hours for which the covered individual took leave of any type; or

(ii) if the covered individual did not work over such 6-month period, the reasonable expectation of the covered individual at the time of hiring or engagement of the average number of hours per 14-day period that the covered individual would regularly be scheduled to work.

(4) GUIDELINES.—Not later than 5 days after the date of the enactment of this Act, the Secretary of Labor shall issue guidelines to assist employers in calculating the amount of additional paid sick time that a covered individual shall receive under this subsection.

(5) USE OF LEAVE.—The additional sick time and accrued sick time described in this subsection shall be available for immediate use by the covered individual for the purposes described in any paragraph of subsection (b) beginning on the date a public health emergency is declared, regardless of how long the covered individual has been employed by or working for an employer.

(6) PERIODS.—A covered individual may take the additional sick time on the schedule that meets the covered individual's needs, consistent with subsection (b), including taking the additional sick time intermittently or on a reduced leave schedule, and an employer may not require a covered individual to take the additional sick time in a single period or on any other schedule specified by the employer.

(d) EMERGENCY PAID LEAVE FOR PUBLIC HEALTH EMERGENCY.—

(1) IN GENERAL.—During a public health emergency, an employer in the jurisdiction involved shall provide each covered individual of the employer in that jurisdiction with emergency paid leave, in addition to any amount of paid sick time accrued by the covered individual under subsection (a) (including paid leave referred to in subsection (a)(5)) and in addition to additional paid sick time under subsection (c).

(2) AMOUNT OF PAID LEAVE.—In receiving emergency paid leave under paragraph (1), the covered individual shall receive 12 weeks of such paid leave.

(3) AMOUNT OF BENEFIT.—In receiving emergency paid leave under paragraph (1), the covered individual shall be compensated at a rate that is not less than the greatest of—

(A) two-thirds of the covered individual's regular rate of pay;

(B) the minimum wage rate provided for in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); or

(C) the minimum wage rate provided for in the applicable State or local law for the State or locality in which the covered individual is employed or working.

(4) USE OF LEAVE.—The emergency paid leave described in this subsection shall be available for immediate use by the covered individual for the purposes described in any paragraph of subsection (b), and for qualified caregiving, beginning on the date a public health emergency is declared, regardless of how long the covered individual has been employed by or working for an employer.

(5) PERIODS.—A covered individual may take the emergency paid leave on the schedule that meets the covered individual's needs, consistent with subsection (b) and the definition of qualified caregiving, including taking the emergency paid leave intermittently or on a reduced leave schedule, and an employer may not require a covered individual to take the emergency paid leave in a single period or on any other schedule specified by the employer.

(6) SEQUENCING.—During a public health emergency, a covered individual may first use the additional sick time for the purposes described in any paragraph of subsection (b). The covered individual may then use the emergency paid leave during a public health emergency. A covered individual may elect to use accrued sick time before additional sick time or emergency paid leave. An employer may not require a covered individual to use accrued sick time or any other paid leave provided by the employer to the covered individual, before using additional sick time or emergency paid leave.

(7) CONSTRUCTION.—Nothing in this section shall be construed as requiring financial or other reimbursement to a covered individual from an employer upon the covered individual's termination, resignation, retirement, or other separation from employment or work for emergency paid leave that has not been used.

(8) PROHIBITION.—An employer may not require, as a condition of providing emergency paid leave under this title, that the covered individual involved search for or find a replacement covered individual to cover the hours during which the covered individual is using emergency paid leave.

(e) PROCEDURES.—

(1) IN GENERAL.—Paid sick time and emergency paid leave shall be provided upon the oral or written request of a covered individual. Such request shall—

(A) include the expected duration of the period of such time or leave;

(B) in a case in which the need for such period of time is foreseeable at least 7 days in advance of such period, be provided at least 7 days in advance of such period; and

(C) otherwise, be provided as soon as practicable after the covered individual is aware of the need for such period.

(2) CERTIFICATION IN GENERAL.—

(A) PROVISION.—

(i) IN GENERAL.—Subject to subparagraphs (C) and (D), an employer may require that a request for paid sick time under this section for a purpose described in paragraph (1), (2), or (6) of subsection (b) be supported by a certification issued by the health care provider of the covered individual or of an individual described in subsection (b)(6), as appropriate, if the period of such time covers more than 3 consecutive workdays.

(ii) TIMELINESS.—The covered individual shall provide a copy of such certification to the employer in a timely manner, not later than 30 days after the first day of the period of time. The employer shall not delay the commencement of the period of time on the basis that the employer has not yet received the certification.

(B) SUFFICIENT CERTIFICATION.—

(i) IN GENERAL.—A certification provided under subparagraph (A) shall be sufficient if it states—

(I) the date on which the period of time will be needed;

(II) the probable duration of the period of time;

(III) the appropriate medical facts within the knowledge of the health care provider regarding the condition involved, subject to clause (ii); and

(IV)(aa) for purposes of paid sick time under subsection (b)(1), a statement that absence from work is medically necessary;

(bb) for purposes of such time under subsection (b)(2), the dates on which testing for a medical diagnosis or care is expected to be given and the duration of such testing or care; and

(cc) for purposes of such time under subsection (b)(6), in the case of time to care for someone who is not a child, a statement that care is needed for an individual described in such subsection, and an estimate of the amount of time that such care is needed for such individual.

(ii) LIMITATION.—In issuing a certification under subparagraph (A), a health care provider shall make reasonable efforts to limit the medical facts described in clause (i)(III) that are disclosed in the certification to the minimum necessary to establish a need for the covered individual to utilize paid sick time.

(C) PUBLIC HEALTH EMERGENCIES.—No certification or other documentation may be required under this title by an employer during any public health emergency.

(D) REGULATIONS.—Regulations prescribed under section __311 shall specify the manner in which a covered individual who does not have health insurance shall provide a certification for purposes of this paragraph.

(E) CONFIDENTIALITY AND NONDISCLOSURE.—

(i) PROTECTED HEALTH INFORMATION.—Nothing in this title shall be construed to require a health care provider to disclose information in violation of section 1177 of the Social Security Act (42 U.S.C. 1320d–6) or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(ii) HEALTH INFORMATION RECORDS.—If an employer possesses health information about a covered individual or a covered individual's child, parent, spouse, domestic partner, or an individual related to the covered individual as described in subsection (b)(6), such information shall—

(I) be maintained on a separate form and in a separate file from other personnel information;

(II) be treated as a confidential medical record; and

(III) not be disclosed except to the affected covered individual or with the permission of the affected covered individual.

(3) CERTIFICATION IN THE CASE OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.—

(A) IN GENERAL.—An employer may require that a request for paid sick time for a purpose described in subsection (b)(7) be supported by any one of the following forms of documentation, but the employer may not specify the particular form of documentation to be provided:

(i) A police report indicating that the covered individual, or a member of the covered individual's family described in subsection (b)(7), was a victim of domestic violence, sexual assault, or stalking.

(ii) A court order protecting or separating the covered individual or a member of the covered individual's family described in subsection (b)(7) from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the covered individual or a member of the covered individual's family described in subsection (b)(7) has appeared in court or is scheduled to appear in court in a proceeding related to domestic violence, sexual assault, or stalking.

(iii) Other documentation signed by a covered individual or volunteer working for a victim services organization, an attorney, a police officer, a medical professional, a social worker, an antiviolence counselor, or a member of the clergy, affirming that the covered individual or a member of the covered individual's family described in subsection (b)(7) is a victim of domestic violence, sexual assault, or stalking.

(B) REQUIREMENTS.—The requirements of paragraph (2) shall apply to certifications under this paragraph, except that—

(i) subclauses (III) and (IV) of subparagraph (B)(i) and subparagraph (B)(ii) of such paragraph shall not apply;

(ii) the certification shall state the reason that the leave is required with the facts to be disclosed limited to the minimum necessary to establish a need for the covered individual to be absent from work, and the covered individual shall not be required to explain the details of the domestic violence, sexual assault, or stalking involved; and

(iii) with respect to confidentiality under subparagraph (E) of such paragraph, any information provided to the employer under this paragraph shall be confidential, except to the extent that any disclosure of such information is—

(I) requested or consented to in writing by the covered individual; or

(II) otherwise required by applicable Federal or State law.

(f) RESTORATION TO POSITION.—The provisions of section 104(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(a)) or section 6384 of title 5, United States Code, as the case may be, shall apply to a covered individual taking accrued or additional paid sick time, or emergency paid leave, under this title, and to the employer of the covered individual. Such provisions shall be enforced in accordance with this title.

(g) MAINTENANCE OF HEALTH BENEFITS.—The provisions of section 104(c)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(1)) shall apply to a covered individual taking accrued or additional paid sick time, or emergency paid leave, under this title, and to the employer of the covered individual. Such provisions shall be enforced in accordance with this title.

(h) NO EFFECT ON ELIGIBILITY FOR SUPPLEMENTAL SECURITY INCOME.—Any paid sick time or emergency paid leave provided to a covered individual under this title shall not be regarded as income or resources for any month, for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

SEC. __303. EMPLOYMENT UNDER MULTIEMPLOYER COLLECTIVE BARGAINING AGREEMENTS.

(a) EMPLOYERS.—An employer signatory to a multiemployer collective bargaining agreement may, consistent with its bargaining obligations and its collective bargaining agreement, fulfill its obligations under this title by making contributions to a multiemployer fund, plan, or program based on the hours of paid sick time, and of emergency paid leave, each of its employees is entitled to under this title while working under the multiemployer collective bargaining agreement, provided that the fund, plan, or program enables employees to secure pay from such fund, plan, or program based on the hours the employees have worked under the multiemployer collective bargaining agreement and for the amount of time and uses specified under this title.

(b) EMPLOYEES.—Employees who work under a multiemployer collective bargaining agreement into which their employers make contributions as provided in subsection (a) may secure pay from such fund, plan, or program based on hours the employees have worked under the multiemployer collective bargaining agreement for the amount of time and uses specified under this title.

SEC. __304. NOTICE REQUIREMENT.

(a) IN GENERAL.—Each employer shall notify each covered individual and include in any covered individual handbook the information described in paragraphs (1) through (4). Each employer shall post and keep posted a notice, to be prepared or approved in accordance with procedures specified in regulations prescribed under section __311, setting forth excerpts from, or summaries of, the pertinent provisions of this title including—

(1) information describing paid sick time and paid emergency leave available to covered individuals under this title;

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

(3) the details of the notice requirement for a foreseeable period of time under section __302(e)(1)(B); and

(4) information that describes—

(A) the protections that a covered individual has in exercising rights under this title; and

(B) how the covered individual can contact the Secretary (or other appropriate authority as described in section __306) if any of the rights are violated.

(b) LOCATION.—The notice described under subsection (a) shall be posted—

(1) in conspicuous places on the premises of the employer, where notices to covered individuals (including applicants) are customarily posted; or

(2) in covered individual handbooks.

(c) MODEL NOTICE.—Not later than 5 days after the date of enactment of this Act, the Secretary of Labor shall make publicly available a model notice that meets the requirements of subsection (a).

(d) VIOLATION; PENALTY.—Any employer who willfully violates the posting requirements of this section shall be subject to a civil fine in an amount not to exceed $100 for each separate offense.

SEC. __305. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

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

(A) discharging or discriminating against (including retaliating against) any individual, including a job applicant, for exercising, or attempting to exercise, any right provided under this title;

(B) using the taking of paid sick time or emergency paid leave under this title as a negative factor in an employment action or work-related action, such as hiring, promotion, reducing hours or number of shifts, or a disciplinary action; or

(C) counting the paid sick time or emergency paid leave under a no-fault attendance policy or any other absence control policy.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, for opposing any practice made unlawful by this title.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, because such individual—

(1) has filed an action, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

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

(c) CONSTRUCTION.—Nothing in this section shall be construed to state or imply that the scope of the activities prohibited by section 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2615) is less than the scope of the activities prohibited by this section.

SEC. __306. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection—

(A) the term ''employee'' means an employee described in subparagraph (A) or (B) of section __301(5) or a corresponding covered individual; and

(B) the term ''employer'' means an employer described in subclause (I) or (II) of section __301(6)(A)(i).

(2) INVESTIGATIVE AUTHORITY.—

(A) IN GENERAL.—To ensure compliance with the provisions of this title, or any regulation or order issued under this title, the Secretary shall have, subject to subparagraph (C), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)), with respect to employers, employees, and other individuals affected.

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

(C) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not require, under the authority of this paragraph, an employer to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to paragraph (4).

(D) SUBPOENA AUTHORITY.—For the purposes of any investigation provided for in this paragraph, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

(3) CIVIL ACTION BY EMPLOYEES OR INDIVIDUALS.—

(A) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (C) may be maintained against any employer in any Federal or State court

of competent jurisdiction by one or more employees or individuals or their representative for and on behalf of—

(i) the employees or individuals; or

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

(B) NO WAIVER.—In such an action brought by one or more employees or individuals or their representative for and on behalf of the persons described in clause (i) or (ii) of subparagraph (A), to enforce the rights in this title, no court of competent jurisdiction may grant an employer's motion to compel arbitration, under chapter 1 of title 9, United States Code, or any analogous State arbitration statute, of the claims involved. An employee's right to bring an action on behalf of similarly situated employees to enforce such rights may not be subject to any private agreement that purports to require the employees to pursue claims on an individual basis.

(C) LIABILITY.—Any employer who violates section __305 (including a violation relating to rights provided under section __302) shall be liable to any employee or individual affected—

(i) for damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, or other compensation denied or lost by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost, any actual monetary losses sustained as a direct result of the violation up to a sum equal to 56 hours of wages or salary for the employee or individual, or the specified period described in subsection (c)(2) or (d)(2) of section __302, or a combination of those hours and that period, as the case may be;

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

(III) an additional amount as liquidated damages; and

(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(D) FEES AND COSTS.—The court in an action under this paragraph shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section __305 (including a violation relating to rights provided under section __302) in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (3)(C)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee or individual affected. Any such sums not paid to an employee or individual affected because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(5) LIMITATION.—

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

(B) WILLFUL VIOLATION.—In the case of an action brought for a willful violation of section __305 (including a willful violation relating to rights provided under section __302), such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

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

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

(A) to restrain violations of section __305 (including a violation relating to rights provided under section __302), including the restraint of any withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to employees or individuals eligible under this title; or

(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

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

(8) GOVERNMENT ACCOUNTABILITY OFFICE.—Notwithstanding any other provision of this subsection, in the case of the Government Accountability Office, the authority of the Secretary of Labor under this subsection shall be exercised by the Comptroller General of the United States.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) including section 401(d) of such Act (2 U.S.C. 1401(d)), to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), the corresponding Federal agency described in that section 401(d), or any person, alleging a violation of subsection (a)(1) of section 202 of that Act (2 U.S.C. 1312) shall be the powers, remedies, and procedures this title provides to that Board, the corresponding Federal agency, or any person, alleging an unlawful employment practice in violation of this title against an employee described in section __301(5)(C) or a corresponding covered individual.

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Merit Systems Protection Board, or any person, alleging a violation of section 412(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section __301(5)(D) or a corresponding covered individual.

(d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.—The powers, remedies, and procedures provided in title 5, United States Code, to an employing agency, provided in chapter 12 of that title to the Merit Systems Protection Board, or provided in that title to any person, alleging a violation of chapter 63 of that title shall be the powers, remedies, and procedures this title provides to that agency, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section __301(5)(E) or a corresponding covered individual.

(e) REMEDIES FOR STATE EMPLOYEES.—

(1) WAIVER OF SOVEREIGN IMMUNITY.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by a covered individual of that program or activity under this title for equitable, legal, or other relief authorized under this title.

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

(3) APPLICABILITY.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

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

SEC. __307. EDUCATION AND OUTREACH.

The Secretary may conduct a public awareness campaign to educate and inform the public of the requirements for paid sick time and paid emergency leave required by this title.

SEC. __308. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTIDISCRIMINATION LAWS.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, disability, sexual orientation, gender identity, marital status, familial status, or any other protected status.

(b) STATE AND LOCAL LAWS.—Nothing in this title shall be construed to supersede (including preempting) any provision of any State or local law that provides greater paid sick time or leave rights (including greater amounts of paid sick time or leave, or greater coverage of those eligible for paid sick time or leave) than the rights established under this title.

SEC. __309. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

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

(b) LESS PROTECTIVE.—The rights established for covered individuals under this title shall not be diminished by any contract, collective bargaining agreement, or any employment benefit program or plan.

SEC. __310. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

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

SEC. __311. REGULATIONS.

(a) IN GENERAL.—

(1) AUTHORITY.—Except as provided in paragraph (2) and subject to subsection (e), not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe such regulations as are necessary to carry out this title with respect to employees described in subparagraph (A) or (B) of section __301(5), corresponding covered individuals, and other individuals affected by employers described in subclause (I) or (II) of section __301(6)(A)(i).

(2) GOVERNMENT ACCOUNTABILITY OFFICE.—Subject to subsection (e), the Comptroller General of the United States shall prescribe the regulations with respect to employees of the Government Accountability Office, corresponding covered individuals, and other individuals affected by the Comptroller General of the United States.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) AUTHORITY.—Subject to subsection (e), not later than 90 days after the Secretary prescribes regulations under subsection (a), the Board of Directors of the Office of Congressional Workplace Rights shall prescribe (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)) and the corresponding Federal agency described in section 401(d) of such Act (2 U.S.C. 1401(d)) shall prescribe such regulations as are necessary to carry out this title with respect to employees described in section __301(5)(C), corresponding covered individuals, and other individuals affected by employers described in section __301(6)(A)(i)(III).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this title except insofar as the Board may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

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

(1) AUTHORITY.—Subject to subsection (e), not later than 90 days after the Secretary prescribes regulations under subsection (a), the President (or the designee of the President) shall prescribe such regulations as are necessary to carry out this title with respect to employees described in section __301(5)(D), corresponding covered individuals, and other individuals affected by employers described in section __301(6)(A)(i)(IV).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this title except insofar as the President (or designee) may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

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

(1) AUTHORITY.—Subject to subsection (e), not later than 90 days after the Secretary prescribes regulations under subsection (a), the Director of the Office of Personnel Management shall prescribe such regulations as are necessary to carry out this title with respect to employees described in section __301(5)(E), corresponding covered individuals, and other individuals affected by employers described in section __301(6)(A)(i)(V).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this title except insofar as the Director may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(e) IMMEDIATE COMPLIANCE BY EMPLOYERS.—The rights and responsibilities specified in this title shall apply to employers on the first Sunday following enactment of this Act and employers shall comply on such date, without regard to whether regulations have been prescribed under this section.

SEC. __312. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this division such sums as may be necessary for fiscal years 2020 through 2022.

SEC. __313. EFFECTIVE DATES.

(a) IN GENERAL.—This division takes effect on the date of enactment of this Act.

(b) PREVIOUS DECLARATIONS.—If a public health emergency was declared before and remains in effect on the date of enactment of this Act, for purposes of this division (and in particular section __302(c) of this division) the public health emergency shall be considered to have been declared on the date of enactment of this Act, including an emergency described in section __301(12)(B).

SEC. __314. REPEAL.

This division is repealed, effective December 31, 2021.

SA 1560. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 6201, making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COVERAGE FOR ALLERGY DIAGNOSTIC TESTING SERVICES UNDER MEDICARE AND MEDICAID.

(a) FINDINGS.—Congress finds the following:

(1) Allergies, when not properly diagnosed, cannot be effectively treated.

(2) Allergies to food, inhaled particles, or other sources can cause debilitating and, in some cases, fatal reactions.

(3) Allergies can substantially compound other illnesses, including asthma, emphysema, and adult obstructive pulmonary diseases, leading to social and economic costs for families and our Nation's health care system.

(4) According to clinical guidelines from the National Institutes of Health and recommendations from peer-reviewed literature, in vitro specific IgE tests and percutaneous tests are considered equivalent as confirmatory tests in terms of their sensitivity and accuracy.

(5) Despite these recommendations, some current Medicare local coverage determinations and Medicaid coverage policies deny equal access to in vitro specific IgE tests and percutaneous tests.

(6) In vitro specific IgE tests and percutaneous tests must be equally accessible for clinicians and patients to improve health outcomes, reduce system costs, and reduce current health care disparities caused by the lack of equal coverage.

(b) MEDICAID COVERAGE FOR ALLERGY DIAGNOSTIC TESTING SERVICES.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) in section 1902(a)—

(i) in paragraph (85), by striking ''and'' at the end;

(ii) in paragraph (86), by striking the period at the end and inserting ''; and''; and

(iii) by inserting after paragraph (86) the following new paragraph:

''(87) provide, with respect to the provision of allergy diagnostic testing services (as defined in section 1905(gg)) under the State plan, for equality in the treatment of in vitro specific IgE tests and percutaneous tests with respect to—

''(A) any medical necessity or other coverage requirements established for such in vitro specific IgE and percutaneous tests;

''(B) any frequency limits established for such tests; and

''(C) any allergen unit limits established for such tests.''; and

(B) in section 1905—

(i) in subsection (r)—

(I) by redesignating paragraph (5) as paragraph (6); and

(II) by inserting after paragraph (4) the following new paragraph:

''(5) Allergy diagnostic testing services (as defined in subsection (gg)).''; and

(ii) by adding at the end the following new subsection:

''(gg) ALLERGY DIAGNOSTIC TESTING SERVICES DEFINED.—The term 'allergy diagnostic testing services' means in vitro specific IgE tests and percutaneous tests that—

''(1) have been cleared under section 501(k), classified under section 513(f)(2), or approved under section 515 of the Federal Food, Drug, and Cosmetic Act; and

''(2) are provided to individuals for the purpose of evaluating immunologic response to certain antigens.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall apply with respect to items and services provided on or after January 1, 2021.

(B) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by amendments made by this subsection, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this subsection. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(c) MEDICARE COVERAGE FOR ALLERGY DIAGNOSTIC TESTING SERVICES.—

(1) COVERAGE.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (s)(2)—

(i) in subparagraph (GG), by striking ''and'' at the end;

(ii) in subparagraph (HH), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(II) allergy diagnostic testing services (as defined in subsection (kkk));''; and

(B) by adding at the end the following new subsection:

''(kkk) ALLERGY DIAGNOSTIC TESTING SERVICES.—

''(1) IN GENERAL.—The term 'allergy diagnostic testing services' means in vitro specific IgE tests and percutaneous tests—

''(A) that have been cleared under section 501(k), classified under section 513(f)(2), or approved under section 515 of the Federal Food, Drug, and Cosmetic Act; and

''(B) which are furnished to individuals for the purpose of evaluating immunologic response to certain antigens, as determined appropriate by the practitioner ordering such test.

''(2) EQUAL ACCESS TO TESTING METHODS.—The Secretary shall ensure equality in the treatment of in vitro specific IgE tests and percutaneous tests described in paragraph (1) with respect to—

''(A) any medical necessity or other coverage requirements established for such in vitro specific IgE and percutaneous tests;

''(B) any frequency limits established for such tests; and

''(C) any allergen unit limits established for a year for such tests.''.

(2) PAYMENT.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(x) ALLERGY DIAGNOSTIC TESTING SERVICES.—For purposes of payment only, in the case of allergy diagnostic testing services (as defined in section 1861(kkk))—

''(1) in vitro specific IgE tests shall be treated as clinical diagnostic laboratory tests; and

''(2) percutaneous tests shall be treated as physicians' services.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to items and services furnished on or after January 1, 2021.

ORDERS FOR THURSDAY, MARCH 19, 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Thursday, March 19; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:59 p.m., adjourned until Thursday, March 19, 2020, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

AMTRAK BOARD OF DIRECTORS

RICK A. DEARBORN, OF OKLAHOMA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS, VICE JEFFREY R. MORELAND, TERM EXPIRED.

FEDERAL COMMUNICATIONS COMMISSION

MICHAEL P. O'RIELLY, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2019 (REAPPOINTMENT)

INTER–AMERICAN FOUNDATION

CARLOS TRUJILLO, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER–AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2024, VICE J. KELLY RYAN, TERM EXPIRED.

DEPARTMENT OF STATE

BRETT P. GIROIR, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION, VICE THOMAS FRIEDEN.

CARLOS TRUJILLO, OF FLORIDA, TO BE ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS), VICE KIMBERLY BREIER, RESIGNED.

KENNETH R. WEINSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

ADITYA BAMZAI, OF VIRGINIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2026. (REAPPOINTMENT)

THE JUDICIARY

HALA Y. JARBOU, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN, VICE ROBERT HOLMES BELL, RETIRED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on March 18, 2020 withdrawing from further Senate consideration the following nomination:

DAVID CAREY WOLL, JR., OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE NEAL J. RACKLEFF, WHICH WAS SENT TO THE SENATE ON AUGUST 1, 2019.