

days by the employer with respect to whom leave is requested under section 2612(a)(1)(F) of this title.”

Subsec. (a)(1)(A)(ii). Pub. L. 116-136, §19008(2), added cl. (ii) related to special rule regarding eligible employees.

Subsec. (a)(3). Pub. L. 116-136, §3611(1), substituted “553(d)(3)” for “553(d)(A)” in introductory provisions.

Subsec. (a)(3)(C). Pub. L. 116-136, §3611(7), added subpar. (C).

Subsec. (a)(4). Pub. L. 116-136, §3604(a), added par. (4).

Subsec. (b)(2)(B)(ii). Pub. L. 116-136, §3601, added cl. (ii) and struck out former cl. (ii). Prior to amendment, text read as follows: “In no event shall such paid leave exceed \$200 per day and \$10,000 in the aggregate.”

Subsec. (c). Pub. L. 116-136, §3611(3), substituted “subsection (a)(2)(A)” for “subsection (a)(2)(A)(iii)”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 116-127, div. C, §3106, Mar. 18, 2020, 134 Stat. 192, provided that: “This Act [div. C of Pub. L. 116-127, enacting this section, amending section 2612 of this title, and enacting provisions set out as notes under this section] shall take effect not later than 15 days after the date of enactment of this Act [Mar. 18, 2020].”

##### EMPLOYMENT UNDER MULTI-EMPLOYER BARGAINING AGREEMENTS

Pub. L. 116-127, div. C, §3103, Mar. 18, 2020, 134 Stat. 192, provided that:

“(a) EMPLOYERS.—An employer signatory to a multi-employer collective bargaining agreement may, consistent with its bargaining obligations and its collective bargaining agreement, fulfill its obligations under section 110(b)(2) of title I of the Family and Medical Leave Act of 1993 [29 U.S.C. 2620(b)(2)], as added by the Families First Coronavirus Response Act [Pub. L. 116-127], by making contributions to a multiemployer fund, plan, or program based on the paid leave each of its employees is entitled to under such section 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 hours they have worked under the multiemployer collective bargaining agreement for paid leave taken under section 102(a)(1)(F) of title I of the Family and Medical Leave Act of 1993 [29 U.S.C. 2612(a)(1)(F)], as added by the Families First Coronavirus Response Act.

“(b) EMPLOYEES.—Employees who work under a multi-employer 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 they have worked under the multi-employer collective bargaining agreement for paid leave taken under section 102(a)(1)(F) of title I of the Family and Medical Leave Act of 1993, as added by the Families First Coronavirus Response Act.”

##### SPECIAL RULE FOR CERTAIN EMPLOYERS

Pub. L. 116-127, div. C, §3104, Mar. 18, 2020, 134 Stat. 192, as amended by Pub. L. 116-136, div. A, title III, §3611(4), Mar. 27, 2020, 134 Stat. 414, provided that: “An employer under section 110(a)(1)(B) of the Family and Medical Leave Act of 1993 [29 U.S.C. 2620(a)(1)(B)] shall not be subject to section 107(a) of such Act [29 U.S.C. 2617(a)] for a violation of section 102(a)(1)(F) of such Act [29 U.S.C. 2612(a)(1)(F)] if the employer does not meet the definition of employer set forth in section 101(4)(A)(i) of such Act [29 U.S.C. 2611(4)(A)(i)].”

##### SPECIAL RULE FOR HEALTH CARE PROVIDERS AND EMERGENCY RESPONDERS

Pub. L. 116-127, div. C, §3105, Mar. 18, 2020, 134 Stat. 192, provided that: “An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of the provisions in the amendments made under of [sic]

section 3102 of this Act [div. C of Pub. L. 116-127, enacting this section and amending section 2612 of this title].”

#### SUBCHAPTER II—COMMISSION ON LEAVE

##### § 2631. Establishment

There is established a commission to be known as the Commission on Leave (referred to in this subchapter as the “Commission”).

(Pub. L. 103-3, title III, §301, Feb. 5, 1993, 107 Stat. 23.)

##### § 2632. Duties

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed mandatory and voluntary policies relating to family and temporary medical leave, including policies provided by employers not covered under this Act;

(B) the potential costs, benefits, and impact on productivity, job creation and business growth of such policies on employers and employees;

(C) possible differences in costs, benefits, and impact on productivity, job creation and business growth of such policies on employers based on business type and size;

(D) the impact of family and medical leave policies on the availability of employee benefits provided by employers, including employers not covered under this Act;

(E) alternate and equivalent State enforcement of subchapter I with respect to employees described in section 2618(a) of this title;

(F) methods used by employers to reduce administrative costs of implementing family and medical leave policies;

(G) the ability of the employers to recover, under section 2614(c)(2) of this title, the premiums described in such section; and

(H) the impact on employers and employees of policies that provide temporary wage replacement during periods of family and medical leave.

(2) not later than 2 years after the date on which the Commission first meets, prepare and submit, to the appropriate Committees of Congress, a report concerning the subjects listed in paragraph (1).

(Pub. L. 103-3, title III, §302, Feb. 5, 1993, 107 Stat. 23.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in par. (1)(A), (D), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, known as the Family and Medical Leave Act of 1993, which enacted this chapter, sections 60m and 60n of Title 2, The Congress, and sections 6381 to 6387 of Title 5, Government Organization and Employees, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

**§ 2633. Membership****(a) Composition****(1) Appointments**

The Commission shall be composed of 12 voting members and 4 ex officio members to be appointed not later than 60 days after February 5, 1993, as follows:

**(A) Senators**

One Senator shall be appointed by the Majority Leader of the Senate, and one Senator shall be appointed by the Minority Leader of the Senate.

**(B) Members of House of Representatives**

One Member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives.

**(C) Additional members****(i) Appointment**

Two members each shall be appointed by—

- (I) the Speaker of the House of Representatives;
- (II) the Majority Leader of the Senate;
- (III) the Minority Leader of the House of Representatives; and
- (IV) the Minority Leader of the Senate.

**(ii) Expertise**

Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor management issues. Such members shall include representatives of employers, including employers from large businesses and from small businesses.

**(2) Ex officio members**

The Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Commerce, and the Administrator of the Small Business Administration shall serve on the Commission as nonvoting ex officio members.

**(b) Vacancies**

Any vacancy on the Commission shall be filled in the manner in which the original appointment was made. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

**(c) Chairperson and vice chairperson**

The Commission shall elect a chairperson and a vice chairperson from among the members of the Commission.

**(d) Quorum**

Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

(Pub. L. 103-3, title III, §303, Feb. 5, 1993, 107 Stat. 24.)

**§ 2634. Compensation****(a) Pay**

Members of the Commission shall serve without compensation.

**(b) Travel expenses**

Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5 when performing duties of the Commission.

(Pub. L. 103-3, title III, §304, Feb. 5, 1993, 107 Stat. 25.)

**§ 2635. Powers****(a) Meetings**

The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.

**(b) Hearings and sessions**

The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

**(c) Access to information**

The Commission may secure directly from any Federal agency information necessary to enable it to carry out this subchapter, if the information may be disclosed under section 552 of title 5. Subject to the previous sentence, on the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

**(d) Use of facilities and services**

Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

**(e) Personnel from other agencies**

On the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to serve as an Executive Director of the Commission or assist the Commission in carrying out the duties of the Commission. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

**(f) Voluntary service**

Notwithstanding section 1342 of title 31, the chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(Pub. L. 103-3, title III, §305, Feb. 5, 1993, 107 Stat. 25.)

**§ 2636. Termination**

The Commission shall terminate 30 days after the date of the submission of the report of the Commission to Congress.

(Pub. L. 103-3, title III, §306, Feb. 5, 1993, 107 Stat. 25.)

SUBCHAPTER III—MISCELLANEOUS  
PROVISIONS

**§ 2651. Effect on other laws****(a) Federal and State antidiscrimination laws**

Nothing in this Act or any amendment made by this Act shall be construed to modify or af-