

116TH CONGRESS  
1ST SESSION

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

To provide paid parental leave benefits to parents following the birth or adoption of a child.

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IN THE SENATE OF THE UNITED STATES

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Mr. LEE (for himself and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To provide paid parental leave benefits to parents following the birth or adoption of a child.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Rearing and De-  
5 velopment Leave Empowerment Act” or the “CRADLE  
6 Act”.

1           **TITLE I—PARENTAL LEAVE**  
2                   **BENEFIT PAYMENTS**

3   **SEC. 101. ESTABLISHMENT OF PARENTAL LEAVE BENEFIT**  
4                   **PAYMENTS.**

5           (a) IN GENERAL.—Title II of the Social Security Act  
6 (42 U.S.C. 401 et seq.) is amended by adding at the end  
7 the following new section:

8   **“SEC. 235. PARENTAL LEAVE BENEFIT PAYMENTS.**

9           “(a) IN GENERAL.—Any individual who—

10                   “(1) qualifies as an eligible parent (as defined  
11 in subsection (e));

12                   “(2) has filed an application for a parental  
13 leave benefit in accordance with paragraph (1) of  
14 subsection (d);

15                   “(3) has provided the Commissioner with the  
16 information described in paragraph (3)(A) of such  
17 subsection; and

18                   “(4) takes leave from employment for each  
19 month during the benefit period,

20 shall be entitled, subject to subsection (h), for such a ben-  
21 efit under this section for each month during the benefit  
22 period.

23           “(b) BENEFIT AMOUNT.—

24                   “(1) IN GENERAL.—Subject to paragraph (2),  
25 the amount of the parental leave benefit under this

1 section for each month during the benefit period  
2 shall be an amount equal to the primary insurance  
3 amount for the eligible parent for the month pre-  
4 ceding their benefit period, as determined under sec-  
5 tion 215, as though such parent had become eligible  
6 for and entitled to a disability insurance benefit in  
7 such month.

8 “(2) LIMITATION.—The amount of the parental  
9 leave benefit under this section for any month dur-  
10 ing the benefit period shall not exceed an amount  
11 equal to—

12 “(A) the eligible parent’s average indexed  
13 monthly earnings (as determined under section  
14 215(b)); minus

15 “(B) an amount equal to the sum of any  
16 paid family or medical leave benefits which are  
17 similar to the benefits provided under this sec-  
18 tion and that are provided to the eligible parent  
19 during such month by—

20 “(i) a State or political subdivision  
21 thereof; or

22 “(ii) the employer of such parent.

23 “(c) BENEFIT PERIOD.—

24 “(1) IN GENERAL.—Subject to paragraph (2)  
25 and subsection (d)(4)(C)(ii), the term ‘benefit pe-

1       riod’ means the total number of months for which  
2       an eligible parent has elected to receive a parental  
3       leave benefit under this section following the birth or  
4       adoption of a child.

5               “(2) LIMITATIONS.—Any months during the  
6       benefit period—

7                       “(A) shall begin within the 90-day period  
8                       subsequent to the birth or adoption of the child;

9                       “(B) shall be consecutive; and

10                      “(C) shall not exceed a total of 3 months.

11       “(d) ADMINISTRATION.—

12               “(1) APPLICATION.—

13                      “(A) IN GENERAL.—An application for a  
14       parental leave benefit shall include—

15                               “(i) a statement that the individual  
16                               anticipates giving birth to or becoming the  
17                               parent of a child;

18                               “(ii) the expected date of birth or  
19                               adoption of the child;

20                               “(iii) an attestation from the appli-  
21                               cant that the applicant has provided at  
22                               least 30 days written notice to their em-  
23                               ployer regarding their intention to take  
24                               leave from employment and receive a pa-  
25                               rental leave benefit under this section (ex-

1           cept that if the date of the birth or adop-  
2           tion involved requires the leave to begin in  
3           less than 30 days, the attestation shall  
4           provide such written notice of that inten-  
5           tion as is practicable); and

6                   “(iv) the social security number of the  
7           applicant.

8           “(B) FILING DATE.—

9                   “(i) IN GENERAL.—Subject to clause  
10           (ii), an individual shall file the application  
11           described in this paragraph during the pe-  
12           riod beginning 6 months before the date  
13           described in subparagraph (A)(ii) and end-  
14           ing 1 month before the date described in  
15           such subparagraph.

16                   “(ii) LATE FILING.—In the case of an  
17           individual who failed to file the application  
18           described in this paragraph during the pe-  
19           riod described in clause (i), such individual  
20           may file such application on any subse-  
21           quent date as is practicable, provided that  
22           the application is filed before the expira-  
23           tion of the period described in subsection  
24           (c)(2)(A).

1           “(2) ELIGIBILITY DETERMINATION.—Following  
2 receipt of an application described in paragraph (1),  
3 the Commissioner shall—

4           “(A) determine whether the information  
5 required for such application has been properly  
6 submitted;

7           “(B) determine whether the individual sat-  
8 isfies the requirement for quarters of coverage  
9 under subsection (e)(2); and

10           “(C) provide notice to the individual re-  
11 garding the determinations under subpara-  
12 graphs (A) and (B).

13           “(3) NOTIFICATION REGARDING BENEFIT PE-  
14 RIOD.—

15           “(A) IN GENERAL.—Following the birth or  
16 adoption of a child, an individual who has sub-  
17 mitted an application under paragraph (1) shall  
18 provide the Commissioner with—

19           “(i) the name and the date of the  
20 birth or adoption of the child;

21           “(ii) an attestation from the indi-  
22 vidual that they have submitted an applica-  
23 tion for issuance of a social security num-  
24 ber for such child;

1                   “(iii) subject to subsection (c), the  
2                   total number of months for which such in-  
3                   dividual has elected to receive a parental  
4                   leave benefit under this section; and

5                   “(iv) the amount, if any, of any bene-  
6                   fits described in subsection (b)(2)(B)  
7                   which the individual expects to receive dur-  
8                   ing any month described in clause (iii).

9                   “(B) INCLUSION OF NOTIFICATION AS  
10                  PART OF SOCIAL SECURITY NUMBER APPLICA-  
11                  TION FORM.—The Commissioner shall ensure  
12                  that any individual that elects to submit the in-  
13                  formation described in subparagraph (A) may  
14                  do so as part of any form or application re-  
15                  quired to be submitted for assignment of a so-  
16                  cial security account number for their child (as  
17                  assigned pursuant to section 205(c)(2)(B)).

18                  “(4) PAYMENT.—

19                  “(A) IN GENERAL.—Subject to subpara-  
20                  graph (B), not later than 2 weeks after receipt  
21                  of the information described in paragraph  
22                  (3)(A), the Commissioner shall provide initial  
23                  payment of the parental leave benefit to an eli-  
24                  gible parent, with subsequent payments to be

1           made to such parent every month thereafter  
2           during the benefit period.

3           “(B) DELAYED PAYMENT FOR LATE AP-  
4           PLICATIONS.—In the case of an individual de-  
5           scribed in paragraph (1)(B)(ii), the Commis-  
6           sioner may delay any payments of the parental  
7           leave benefit by such period as is determined  
8           necessary for proper administration of such  
9           benefits.

10          “(C) ELECTION TO REDUCE BENEFIT PE-  
11          RIOD.—

12                 “(i) IN GENERAL.—Following submis-  
13                 sion of the information under paragraph  
14                 (3), an eligible parent may elect to reduce  
15                 the number of months in the benefit period  
16                 provided under such paragraph by pro-  
17                 viding timely notice to the Commissioner  
18                 regarding their election.

19                 “(ii) ADJUSTMENT OF BENEFITS.—In  
20                 the case of an eligible parent who has pro-  
21                 vided notice to the Commissioner pursuant  
22                 to clause (i), the Commissioner shall make  
23                 appropriate adjustments to any subsequent  
24                 payments to such eligible parent to prop-



1                   erly account for the reduction in the ben-  
2                   efit period.

3                   “(5) REVIEW.—All final determinations of the  
4                   Commissioner under this subsection shall be review-  
5                   able according to the procedures set out in section  
6                   205.

7                   “(e) ELIGIBLE PARENT.—

8                   “(1) IN GENERAL.—The term ‘eligible parent’  
9                   means a parent who—

10                   “(A) as of the date of the birth or adoption  
11                   of the child, is a citizen or lawful permanent  
12                   resident of the United States; and

13                   “(B) satisfies the requirement under para-  
14                   graph (2).

15                   “(2) REQUIREMENT FOR QUARTERS OF COV-  
16                   ERAGE.—The requirement described in this para-  
17                   graph is that the individual shall have not less  
18                   than—

19                   “(A) 4 quarters of coverage during the 4-  
20                   quarter period preceding the date on which the  
21                   application under subsection (d)(1) is sub-  
22                   mitted;

23                   “(B) 5 quarters of coverage during the 6-  
24                   quarter period preceding the date on which  
25                   such application is submitted; or

1           “(C) 20 quarters of coverage preceding the  
2           date on which such application is submitted.

3           “(3) CHILD AND PARENT.—

4           “(A) CHILD.—In this section, the term  
5           ‘child’ means a biological or legally adopted  
6           child who has not attained 18 years of age.

7           “(B) PARENT.—In this section, the term  
8           ‘parent’ means an individual who—

9                   “(i)(I) is the biological mother or fa-  
10                  ther of a child; or

11                   “(II) legally adopts a child; and

12                   “(ii) intends to maintain the same  
13                  principle place of abode as such child for  
14                  more than one-half of the 12-month period  
15                  subsequent to the birth or adoption of such  
16                  child.

17           “(4) INELIGIBILITY.—An individual shall be in-  
18           eligible for a parental leave benefit under this sec-  
19           tion for any month for which the individual is enti-  
20           tled to—

21                   “(A) any monthly insurance benefit under  
22                  section 202;

23                   “(B) disability insurance benefits under  
24                  section 223; or

1           “(C) any benefit under title XVI based on  
2           such individual’s status as a disabled individual  
3           (as determined under section 1614).

4           “(f) AUDITS AND RECOVERY.—

5           “(1) AUDIT.—The Commissioner may conduct  
6           an audit of any individual who has received a paren-  
7           tal leave benefit to ensure that such individual—

8           “(A) satisfied each of the requirements  
9           under subsection (a) for entitlement to such  
10          benefit, including taking leave from employment  
11          for each month during the benefit period;

12          “(B) for purposes of subsection  
13          (e)(3)(B)(ii), maintained the same principle  
14          place of abode as their child for more than one-  
15          half of the 12-month period subsequent to the  
16          birth or adoption of such child; and

17          “(C) has accurately reported any benefits  
18          described in subsection (b)(2)(B) which the in-  
19          dividual received during the benefit period.

20          “(2) RECOVERY.—In the case of an individual  
21          who is subject to an audit described in paragraph  
22          (1) and determined to be ineligible for any amount  
23          of a parental leave benefit received by such indi-  
24          vidual, proper recovery of such amount shall be  
25          made pursuant to section 204 and any such regula-

1 tions or other guidance as may be appropriate or  
2 necessary.

3 “(g) RELATIONSHIP WITH STATE LAW; EMPLOYER  
4 BENEFITS.—

5 “(1) IN GENERAL.—This section does not pre-  
6 empt or supercede any provision of State or local  
7 law that authorizes a State or political subdivision to  
8 provide paid family or medical leave benefits similar  
9 to the benefits provided under this section.

10 “(2) GREATER BENEFITS ALLOWED.—Nothing  
11 in this Act shall be construed to diminish the obliga-  
12 tion of an employer to comply with any contract, col-  
13 lective bargaining agreement, or employment benefit  
14 program or plan that provides greater benefits for  
15 leave or other leave rights to individuals than the  
16 benefits for leave or leave rights established under  
17 this Act.

18 “(h) PAYMENT OF BENEFITS.—

19 “(1) IN GENERAL.—Subject to paragraph (2),  
20 this section shall apply to any month of leave from  
21 employment taken by a parent whose child is born  
22 or adopted after December 31, 2020.

23 “(2) REAUTHORIZATION.—No benefits shall be  
24 paid under this section for any months beginning  
25 after December 31, 2025.”.

1 (b) DELAYED ELIGIBILITY FOR OLD-AGE INSURANCE  
2 BENEFITS.—

3 (1) RETIREMENT AGE; EARLY RETIREMENT  
4 AGE.—Section 216(l) of the Social Security Act (42  
5 U.S.C. 416(l)) is amended by adding at the end the  
6 following:

7 “(4)(A) Notwithstanding the preceding paragraphs of  
8 this subsection, in the case of an individual who received  
9 a parental leave benefit under section 235—

10 “(i) the retirement age with respect to  
11 such individual shall be deemed to be—

12 “(I) the retirement age determined  
13 with respect to such individual under para-  
14 graph (1); plus

15 “(II) the parental leave benefit adjust-  
16 ment with respect to such individual, as  
17 determined under subparagraph (B); and

18 “(ii) the early retirement age with respect  
19 to such individual shall be deemed to be—

20 “(I) the early retirement age deter-  
21 mined with respect to such individual  
22 under paragraph (2); plus

23 “(II) the parental leave benefit adjust-  
24 ment with respect to such individual, as  
25 determined under subparagraph (B).

1           “(B)(i) For purposes of subparagraph (A), the  
2           parental leave benefit adjustment of the individual  
3           shall be equal to the sum of any adjusted benefit  
4           months of such individual.

5           “(ii) The term ‘adjusted benefit months’ means,  
6           for each benefit period (as described in section  
7           235(c)(1)) elected by an individual, the total number  
8           of months in such benefit period multiplied by 2.”.

9           (2) DELAYED RETIREMENT CREDITS.—Section  
10          202(w) of the Social Security Act (42 U.S.C.  
11          402(w)) is amended by inserting after “age 70”  
12          each place it appears the following: “(or, in the case  
13          of an individual described in subparagraph (A) of  
14          paragraph (4) of section 216(l), age 70 plus the pa-  
15          rental leave benefit adjustment determined under  
16          subparagraph (B) of such paragraph)”.

17          (3) VOLUNTARY SUSPENSION OF BENEFITS.—  
18          Section 202(z)(1)(A)(i) of the Social Security Act  
19          (42 U.S.C. 402(z)(1)(A)(i)) is amended by inserting  
20          after “the age of 70” the following: “(or, in the case  
21          of an individual described in subparagraph (A) of  
22          paragraph (4) of section 216(l), the age of 70 plus  
23          the parental leave benefit adjustment determined  
24          under subparagraph (B) of such paragraph)”.

1           (4) RECOVERY OF IMPROPERLY PAID PARENTAL  
2 LEAVE BENEFITS.—Section 202 of the Social Secu-  
3 rity Act (42 U.S.C. 402) is amended by adding at  
4 the end the following new subsection:

5           “(aa) RECOVERY OF IMPROPERLY PAID PARENTAL  
6 LEAVE BENEFITS.—Notwithstanding any other provision  
7 of this title, in the case of an individual who has been  
8 determined by the Commissioner, pursuant to section  
9 235(f), to be ineligible for any amount of a parental leave  
10 benefit received by such individual, no monthly benefits  
11 shall be paid under this title to such individual until a  
12 full recovery of such amount has been completed.”.

13           (5) LIMITATIONS ON PAYMENTS.—Section 202  
14 of the Social Security Act is amended—

15           (A) in subsection (u)(1), by striking “any  
16 monthly insurance benefit under this section or  
17 section 223” and inserting “any monthly ben-  
18 efit under this section, section 223, or section  
19 235”; and

20           (B) in subsection (x)—

21           (i) in paragraph (1)(A), by striking  
22 “or under section 223” and inserting “,  
23 section 223, or section 235”; and

1 (ii) in paragraph (2), by striking “or  
2 section 223” and inserting “, section 223,  
3 or section 235”.

4 (6) EFFECTIVE DATE.—The amendments made  
5 by this subsection shall apply to calendar years be-  
6 ginning after December 31, 2020.

7 (c) TRANSFERS TO FEDERAL OLD-AGE AND SUR-  
8 VIVORS INSURANCE TRUST FUND.—

9 (1) IN GENERAL.—Section 201 of the Social  
10 Security Act (42 U.S.C. 401) is amended by adding  
11 at the end the following new subsection:

12 “(o)(1) For each fiscal year, there is hereby appro-  
13 priated to the Federal Old-Age and Survivors Insurance  
14 Trust Fund, out of any moneys in the Treasury not other-  
15 wise appropriated, an amount (not less than zero) equal  
16 to—

17 “(A) the total amount of outlays from the Fed-  
18 eral Old-Age and Survivors Insurance Trust Fund  
19 during the preceding fiscal year which are attrib-  
20 utable to parental leave benefit payments under sec-  
21 tion 235; minus

22 “(B) the total reduction in outlays from such  
23 Trust Fund during the preceding fiscal year which  
24 are attributable to the application of the amend-



1       ments made by section 101(b) of the Child Rearing  
2       and Development Leave Empowerment Act.

3       “(2) The amount appropriated to the Federal Old-  
4 Age and Survivors Insurance Trust Fund under para-  
5 graph (1) shall be determined by the Secretary of the  
6 Treasury in consultation with the Chief Actuary of the So-  
7 cial Security Administration.”.

8               (2) EFFECTIVE DATE.—The amendments made  
9       by this subsection shall apply to calendar years be-  
10       ginning after December 31, 2020.

11 **SEC. 102. TAXATION OF PARENTAL LEAVE BENEFIT PAY-**  
12 **MENTS.**

13       (a) IN GENERAL.—Section 86 of the Internal Rev-  
14 enue Code of 1986 is amended by adding at the end the  
15 following new subsection:

16       “(g) PARENTAL LEAVE BENEFIT PAYMENTS.—In  
17 the case of a taxpayer who receives a parental leave benefit  
18 under section 235 of the Social Security Act during the  
19 taxable year, the base amount and adjusted base amount,  
20 as described in subsection (c), for such taxable year shall  
21 be determined by multiplying the dollar amounts otherwise  
22 applicable under paragraphs (1) and (2) of such sub-  
23 section by 2.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 2020.

4 **SEC. 103. OFFICE OF PAID PARENTAL LEAVE POLICY.**

5 (a) ESTABLISHMENT OF THE OFFICE.—There is es-  
6 tablished an office to be known as the Office of Paid Pa-  
7 rental Leave Policy, within the Office of the Deputy Com-  
8 missioner, Retirement and Disability Policy, of the Social  
9 Security Administration. The Office shall be headed by an  
10 Associate Commissioner, Paid Parental Leave Policy, who  
11 shall be appointed by the Commissioner of Social Security.

12 (b) RESPONSIBILITIES OF ASSOCIATE COMMIS-  
13 SIONER.—The Associate Commissioner, Paid Parental  
14 Leave Policy, shall, with respect to the program of paren-  
15 tal leave benefits carried out under section 235 of the So-  
16 cial Security Act (as added by section 101 of this Act)—

17 (1) advise the Deputy Commissioner, Retire-  
18 ment and Disability Policy, on major policy issues  
19 and strategic and program policy planning, policy re-  
20 search and evaluation, implementation, and statis-  
21 tical analysis;

22 (2) hire, for the Office of Paid Parental Leave  
23 Policy, personnel and make employment decisions  
24 with regard to such personnel;

1           (3) direct and manage the planning, develop-  
2           ment, issuance, and evaluation of operational poli-  
3           cies, standards, and instructions and coordination  
4           with other offices and agencies;

5           (4) assess eligibility for parental leave benefits  
6           under section 235 of the Social Security Act;

7           (5) prevent fraud and abuse relating to such  
8           benefits, including—

9                   (A) enforcement of eligibility requirements  
10                  under such section;

11                   (B) conducting audits and recovery of im-  
12                  properly paid parental leave benefits pursuant  
13                  to subsection (f) of such section; and

14                   (C) suspension of monthly benefits pursu-  
15                  ant to subsection (aa) of section 202 of the So-  
16                  cial Security Act;

17           (6) ensure the production and publication of  
18           data, statistics, research, analyses, and reports that  
19           detail trends and effects of the program on recipi-  
20           ents and business;

21           (7) provide information on request regarding  
22           eligibility requirements, the claims process, benefit  
23           amounts, maximum benefits payable, notice require-  
24           ments, nondiscrimination rights, and coordination of  
25           leave for which benefits are provided under section

1       235 of the Social Security Act and leave under other  
2       laws, collective bargaining agreements, and employer  
3       policies;

4           (8) make the application described in section  
5       235(d)(1) of the Social Security Act available  
6       through an Internet website or other electronic  
7       media; and

8           (9) annually provide to employers a notice in-  
9       forming employees of the availability of such bene-  
10      fits.

11 **SEC. 104. SAVINGS PROVISION.**

12       Nothing in this title, or any amendment made by this  
13      title, shall supercede any Federal law administered by the  
14      Secretary of Labor.

15 **TITLE II—PAY-FOR**