

116TH CONGRESS
1ST SESSION

S. 627

To promote the economic security and safety of survivors of domestic violence,
dating violence, sexual assault, or stalking, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2019

Mrs. MURRAY (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. CARDIN, Mrs. GILLIBRAND, Ms. HIRONO, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MENENDEZ, Mr. SANDERS, Ms. WARREN, Ms. HARRIS, Mr. BROWN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To promote the economic security and safety of survivors
of domestic violence, dating violence, sexual assault, or
stalking, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Security And Financial Empowerment Act of 2019” or
6 the “SAFE Act of 2019”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.

TITLE I—REAUTHORIZATION OF NATIONAL RESOURCE CENTER GRANTS ON WORKPLACE RESPONSES TO ASSIST SURVIVORS OF DOMESTIC AND SEXUAL VIOLENCE

- Sec. 101. Grant program reauthorization.

TITLE II—SAFE LEAVE FOR ADDRESSING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

- Sec. 201. Definitions.
- Sec. 202. Entitlement to safe leave for addressing domestic violence, dating violence, sexual assault, or stalking.
- Sec. 203. Existing leave usable for addressing domestic violence, dating violence, sexual assault, or stalking.
- Sec. 204. Emergency benefits.
- Sec. 205. Rule of construction.
- Sec. 206. Regulations.

TITLE III—SURVIVORS’ EMPLOYMENT SUSTAINABILITY

- Sec. 301. Short title.
- Sec. 302. Prohibited discriminatory acts.
- Sec. 303. Enforcement.
- Sec. 304. Regulations.
- Sec. 305. Attorney’s fees.

TITLE IV—ENTITLEMENT TO UNEMPLOYMENT COMPENSATION FOR SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

- Sec. 401. Unemployment compensation and training provisions.

TITLE V—INSURANCE PROTECTIONS AND SUPPORT FOR SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Subtitle A—Insurance Protections

- Sec. 501. Definitions.
- Sec. 502. Discriminatory acts prohibited.
- Sec. 503. Insurance protocols for survivors of domestic violence, dating violence, sexual assault, or stalking.
- Sec. 504. Reasons for adverse actions.
- Sec. 505. Life insurance.
- Sec. 506. Subrogation without consent prohibited.
- Sec. 507. Enforcement.
- Sec. 508. Applicability.

Subtitle B—Supporting and Empowering Survivors

- Sec. 511. Study and reports on barriers to survivors’ economic security access.
- Sec. 512. Domestic violence, dating violence, sexual assault, and stalking education and information programs for survivors.
- Sec. 513. Investing in public health infrastructure to improve support for survivors.

Sec. 514. Financial literacy and advocacy for survivors of domestic violence, dating violence, sexual assault, or stalking.

TITLE VI—SEVERABILITY

Sec. 601. Severability.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Over 1 in 3 women experience sexual vio-
 4 lence, and 1 in 5 women have survived completed or
 5 attempted rape. Such violence has a devastating im-
 6 pact on women’s physical and emotional health, fi-
 7 nancial security, and ability to maintain their jobs,
 8 and thus impacts interstate commerce and economic
 9 security.

10 (2) The Office on Violence Against Women of
 11 the Department of Justice defines domestic violence
 12 as a pattern of abusive behavior in any relationship
 13 that is used by one intimate partner to gain or
 14 maintain power and control over another intimate
 15 partner. Domestic violence can include physical, sex-
 16 ual, emotional, economic, or psychological actions or
 17 threats of actions that influence another person. Do-
 18 mestic violence includes any behaviors that intimi-
 19 date, manipulate, humiliate, isolate, frighten, ter-
 20 rorize, coerce, threaten, blame, hurt, injure, or
 21 wound an individual.

22 (3) The Centers for Disease Control and Pre-
 23 vention report that domestic violence or intimate

1 partner violence is a serious public health issue for
2 millions of individuals in the United States. Nearly
3 1 in 4 women and 1 in 9 men in the United States
4 have suffered sexual violence, physical violence, or
5 stalking by an intimate partner.

6 (4) Homicide is one of the leading causes of
7 death for women on the job. Domestic partners or
8 relatives commit 43 percent of workplace homicides
9 against women. One study found that intimate part-
10 ner violence resulted in 142 homicides among women
11 at work in the United States from 2003 to 2008, a
12 figure which represents 22 percent of the 648 work-
13 place homicides among women during the period. In
14 fact, in 2010, homicides against women at work in-
15 creased by 13 percent despite continuous declines in
16 overall workplace homicides in recent years.

17 (5) Women in the United States are 11 times
18 more likely to be murdered with guns than women
19 in other high-income countries. Female intimate
20 partners are more likely to be murdered with a fire-
21 arm than all other means combined. The presence of
22 a gun in domestic violence situations increases the
23 risk of homicide for women by 500 percent.

24 (6) Violence can have a dramatic impact on the
25 survivor of such violence. Studies indicate that 44

1 percent of surveyed employed adults experienced the
2 effect of domestic violence in the workplace, and 64
3 percent indicated their workplace performance was
4 affected. Another recent survey found that 78 per-
5 cent of offenders used workplace resources to ex-
6 press anger, check up on, pressure, or threaten a
7 survivor of sexual assault, whether occurring in or
8 out of the workplace, can impair an employee's work
9 performance, require time away from work, and un-
10 dermine the employee's ability to maintain a job.
11 Nearly 50 percent of sexual assault survivors lose
12 their jobs or are forced to quit in the aftermath of
13 the assaults.

14 (7) In a study commission by the Office on Vio-
15 lence Against Women of the Department of Justice,
16 66 percent of respondents said an abusive partner
17 had disrupted their ability to complete education or
18 training through tactics such as not allowing them
19 access to money to pay for school, socially isolating
20 the survivor, controlling or monitoring their mobility,
21 using physical or sexual violence, and damaging or
22 destroying personal property.

23 (8) Studies find that 60 percent of single
24 women lack economic security and 81 percent of
25 households with single mothers live in economic inse-

1 security. Significant barriers survivors confront in-
2 clude housing, transportation, and child care. Nine-
3 ty-two percent of homeless women have experienced
4 domestic violence, and more than 50 percent cite do-
5 mestic violence as the direct cause for homelessness.
6 Survivors are deprived of their autonomy, liberty,
7 and security, and face tremendous threats to their
8 health and safety.

9 (9) The Centers for Disease Control and Pre-
10 vention report that survivors of severe intimate part-
11 ner violence lose nearly 8,000,000 days of paid work,
12 which is the equivalent of more than 32,000 full-
13 time jobs and almost 5,600,000 days of household
14 productivity each year. Therefore, women dispropor-
15 tionately need time off to care for their health or to
16 find safety solutions, such as obtaining a restraining
17 order or finding housing, to avoid or prevent further
18 violence.

19 (10) Annual costs of intimate partner violence
20 are estimated over \$8,300,000,000. According to the
21 Centers for Disease Control and Prevention, the
22 costs of intimate partner violence against women in
23 1995 exceeded an estimated \$5,800,000,000. These
24 costs included nearly \$4,100,000,000 in the direct
25 costs of medical and mental health care and nearly

1 \$1,800,000,000 in the indirect costs of lost produc-
2 tivity. These statistics are generally considered to be
3 underestimated because the costs associated with the
4 criminal justice system are not included.

5 (11) Fifty-five percent of senior executives re-
6 cently surveyed said domestic violence has a harmful
7 effect on their company's productivity, and more
8 than 70 percent said domestic violence negatively af-
9 fects attendance. Seventy-eight percent of human re-
10 sources professionals consider partner violence a
11 workplace issue. However, more than 70 percent of
12 United States workplaces have no formal program or
13 policy that addresses workplace violence, let alone
14 domestic violence. In fact, only four percent of em-
15 ployers provided training on domestic violence.

16 (12) Studies indicate that one of the best pre-
17 dictors of whether a survivor will be able to stay
18 away from his or her abuser is the degree of his or
19 her economic independence. However, domestic vio-
20 lence, dating violence, sexual assault, and stalking
21 often negatively impact a survivor's ability to main-
22 tain employment.

23 (13) Abusers frequently seek to exert financial
24 control over their partners by actively interfering
25 with their ability to work, including preventing their

1 partners from going to work, harassing their part-
2 ners at work, limiting their partners' access to cash
3 or transportation, and sabotaging their partners'
4 child care arrangements.

5 (14) Economic abuse refers to behaviors that
6 control an intimate partner's ability to acquire, use,
7 and maintain access to, money, credit, ownership of
8 assets, or access to governmental or private financial
9 benefits, including defaulting on joint obligations
10 (e.g. school loans, credit card debt, mortgage, or
11 rent). Other forms may include preventing someone
12 from attending school, threatening to or actually ter-
13 minating employment, controlling or withholding ac-
14 cess to cash, checking, or credit accounts, attempts
15 to damage or sabotage an intimate partner's credit-
16 worthiness, including forcing a survivor to write bad
17 checks, including forcing a survivor to default on
18 payments related to household needs, such as hous-
19 ing, or forcing a survivor into bankruptcy.

20 (15) The Patient Protection and Affordable
21 Care Act (Public Law 111–148), and the amend-
22 ments made by such Act, ensures that most health
23 plans must cover preventive services, including
24 screening and counseling for domestic violence, at no
25 additional cost. In addition, it prohibits insurance

1 companies from discriminating against patients for
2 preexisting conditions, like domestic violence.

3 (16) Yet, more can be done to help survivors.
4 Federal law in effect on the day before the date of
5 enactment of this Act does not explicitly—

6 (A) authorize survivors of domestic vio-
7 lence, dating violence, sexual assault, or stalk-
8 ing to take leave from work to seek legal assist-
9 ance and redress, counseling, or assistance with
10 safety planning activities;

11 (B) address the eligibility of survivors of
12 domestic violence, dating violence, sexual as-
13 sault, or stalking for unemployment compensa-
14 tion;

15 (C) provide job protection to survivors of
16 domestic violence, dating violence, sexual as-
17 sault, or stalking;

18 (D) prohibit insurers and employers who
19 self-insure employee benefits from discrimi-
20 nating against survivors of domestic violence,
21 dating violence, sexual assault, or stalking and
22 those who help them in determining eligibility,
23 rates charged, and standards for payment of
24 claims; or

1 (E) prohibit insurers from disclosing infor-
 2 mation about abuse and the location of the sur-
 3 vivors through insurance databases and other
 4 means.

5 (17) October is National Domestic Violence
 6 Awareness Month.

7 (18) This Act aims to empower survivors of do-
 8 mestic violence, dating violence, sexual assault, or
 9 stalking to be free from violence, hardship, and con-
 10 trol, which restrains basic human rights to freedom
 11 and safety in the United States.

12 **TITLE I—REAUTHORIZATION OF**
 13 **NATIONAL RESOURCE CEN-**
 14 **TER GRANTS ON WORKPLACE**
 15 **RESPONSES TO ASSIST SUR-**
 16 **VIVORS OF DOMESTIC AND**
 17 **SEXUAL VIOLENCE**

18 **SEC. 101. GRANT PROGRAM REAUTHORIZATION.**

19 (a) INFORMATION AND ASSISTANCE TO SURVIVOR
 20 SERVICE PROVIDERS AND COMMUNITY ORGANIZA-
 21 TIONS.—Section 41501(a) of the Violence Against Women
 22 Act of 1994 (34 U.S.C. 12501(a)) is amended by striking
 23 the period at the end and inserting “, and to survivor serv-
 24 ices organizations (as defined in section 201 of the Secu-
 25 rity And Financial Empowerment Act of 2019) (including

1 community based organizations) and tribal, State, and ter-
2 ritorial domestic violence or sexual assault coalitions to en-
3 able the organizations and coalitions to provide resource
4 materials or other assistance to employers, labor organiza-
5 tions, or employees.”.

6 (b) ADMINISTRATIVE PROVISIONS.—Section 41501
7 of the Violence Against Women Act of 1994 (34 U.S.C.
8 12501) is amended by adding at the end the following:

9 “(g) ADMINISTRATIVE COSTS.—

10 “(1) IN GENERAL.—From the amount appro-
11 priated pursuant to subsection (e) for each fiscal
12 year, the Attorney General shall not use more than
13 2.5 percent for the administration and monitoring of
14 grants made available under this section.

15 “(2) EVALUATIONS.—From the amount appro-
16 priated pursuant to subsection (e) for each fiscal
17 year, the Director shall not use more than 5 percent
18 to award contracts or cooperative agreements to en-
19 tities with demonstrated expertise in program eval-
20 uation, to evaluate programs under this section.”.

1 **TITLE II—SAFE LEAVE FOR AD-**
 2 **DRESSING DOMESTIC VIO-**
 3 **LENCE, DATING VIOLENCE,**
 4 **SEXUAL ASSAULT, OR STALK-**
 5 **ING**

6 **SEC. 201. DEFINITIONS.**

7 As used in this title, the following definitions apply:

8 (1) DOMESTIC VIOLENCE; DATING VIOLENCE;
 9 SEXUAL ASSAULT; STALKING.—The terms “domestic
 10 violence”, “dating violence”, “sexual assault”, and
 11 “stalking” have the meanings given the terms in sec-
 12 tion 40002 of the Violence Against Women Act of
 13 1994 (42 U.S.C. 12291).

14 (2) DOMESTIC PARTNER.—

15 (A) IN GENERAL.—The term “domestic
 16 partner”, with respect to an individual, means
 17 another individual with whom the first indi-
 18 vidual is in a committed relationship.

19 (B) COMMITTED RELATIONSHIP DE-
 20 FINED.—The term “committed relationship”
 21 means a relationship between two individuals,
 22 each at least 18 years of age, in which each in-
 23 dividual is the other individual’s sole domestic
 24 partner and both individuals share responsi-
 25 bility for a significant measure of each other’s

1 common welfare. The term includes any such
 2 relationship between two individuals, including
 3 individuals of the same sex, that is granted
 4 legal recognition by a State or political subdivi-
 5 sion of a State as a marriage or analogous rela-
 6 tionship, including a civil union or domestic
 7 partnership.

8 (3) EMPLOY; STATE.—The terms “employ” and
 9 “State” have the meanings given the terms in sec-
 10 tion 3 of the Fair Labor Standards Act of 1938 (29
 11 U.S.C. 203).

12 (4) EMPLOYEE.—

13 (A) IN GENERAL.—The term “employee”
 14 means any person employed by an employer. In
 15 the case of an individual employed by a public
 16 agency, such term means an individual em-
 17 ployed as described in section 3(e)(2) of the
 18 Fair Labor Standards Act of 1938 (29 U.S.C.
 19 203(e)(2)).

20 (B) BASIS.—The term includes a person
 21 employed as described in subparagraph (A) on
 22 a full- or part-time basis, for a fixed time pe-
 23 riod, on a temporary basis, pursuant to a detail,
 24 or as a participant in a work assignment as a

1 condition of receipt of Federal or State income-
2 based public assistance.

3 (5) EMPLOYER.—The term “employer”—

4 (A) means any person engaged in com-
5 merce or in any industry or activity affecting
6 commerce who employs 15 or more individuals;
7 and

8 (B) includes any person acting directly or
9 indirectly in the interest of an employer in rela-
10 tion to an employee, and includes a public agen-
11 cy that employs individuals as described in sec-
12 tion 3(e)(2) of the Fair Labor Standards Act of
13 1938, but does not include any labor organiza-
14 tion (other than when acting as an employer) or
15 anyone acting in the capacity of officer or agent
16 of such labor organization.

17 (6) EMPLOYMENT BENEFITS.—The term “em-
18 ployment benefits” means all benefits provided or
19 made available to employees by an employer, includ-
20 ing group life insurance, health insurance, disability
21 insurance, sick leave, annual leave, educational bene-
22 fits, and pensions, regardless of whether such bene-
23 fits are provided by a practice or written policy of
24 an employer or through an “employee benefit plan”,
25 as defined in section 3(3) of the Employee Retire-

1 ment Income Security Act of 1974 (29 U.S.C.
2 1002(3)).

3 (7) FAMILY OR HOUSEHOLD MEMBER.—The
4 term “family or household member”, used with re-
5 spect to a person, means an individual who—

6 (A) is a son or daughter, parent, spouse,
7 domestic partner, or any other individual re-
8 lated by blood or affinity whose close associa-
9 tion with the person is the equivalent of a fam-
10 ily relationship; and

11 (B) is not the abuser (as defined in section
12 501) involved.

13 (8) PERSON.—The term “person” has the
14 meaning given the term in section 3 of the Fair
15 Labor Standards Act of 1938 (29 U.S.C. 203).

16 (9) PUBLIC AGENCY.—The term “public agen-
17 cy” has the meaning given the term in section 3 of
18 the Fair Labor Standards Act of 1938 (29 U.S.C.
19 203).

20 (10) PUBLIC ASSISTANCE.—The term “public
21 assistance” includes cash, benefits issued under a
22 supplement nutrition assistance program under sec-
23 tion 4 of the Food and Nutrition Act of 2008 (7
24 U.S.C. 2013), medical assistance, housing assist-

1 ance, and other benefits provided on the basis of in-
2 come by a public agency.

3 (11) SURVIVOR OF DOMESTIC VIOLENCE, DAT-
4 ING VIOLENCE, SEXUAL ASSAULT, OR STALKING.—
5 The term “survivor of domestic violence, dating vio-
6 lence, sexual assault, or stalking” includes—

7 (A) a person who has experienced or is ex-
8 periencing domestic violence, dating violence,
9 sexual assault, or stalking; and

10 (B) a person whose family or household
11 member has experienced or is experiencing do-
12 mestic violence, dating violence, sexual assault,
13 or stalking.

14 (12) SURVIVOR SERVICES ORGANIZATION.—The
15 term “survivor services organization” means a non-
16 profit, nongovernmental organization that provides
17 assistance to survivors of domestic violence, dating
18 violence, sexual assault, or stalking, or to advocates
19 for such survivors, including a rape crisis center, an
20 organization carrying out a domestic violence pro-
21 gram, an organization operating a shelter or pro-
22 viding counseling services, an organization providing
23 assistance through the legal process, or another enti-
24 ty that provides assistance to such survivors.

1 **SEC. 202. ENTITLEMENT TO SAFE LEAVE FOR ADDRESSING**
 2 **DOMESTIC VIOLENCE, DATING VIOLENCE,**
 3 **SEXUAL ASSAULT, OR STALKING.**

4 (a) **SAFE LEAVE GENERALLY.**—An employer shall
 5 provide each employee employed by the employer not less
 6 than 30 days of safe leave in a 12-month period to be
 7 used as described in subsection (c). The 30 days of safe
 8 leave may be unpaid leave, except that the employee may
 9 elect to use the paid safe leave earned by the employee
 10 under subsection (b)(1) or substitute leave under section
 11 203. An employee may take not more than a total of 30
 12 days of unpaid safe leave, and 56 hours of paid safe leave
 13 earned by the employee under subsection (b)(1), in a 12-
 14 month period under this section (which days and hours
 15 may be taken intermittently or on a reduced leave sched-
 16 ule), in addition to any leave taken under title I of the
 17 Family and Medical Leave Act of 1993 (29 U.S.C. 2611
 18 et seq.), or subchapter V of chapter 63 of title 5, United
 19 States Code.

20 (b) **SAFE LEAVE.**—

21 (1) **IN GENERAL.**—In addition to the 30 days
 22 of safe leave described in subsection (a), the em-
 23 ployer shall provide each employee employed by the
 24 employer not less than one hour of earned paid safe
 25 leave for every 30 hours worked, to be used as de-
 26 scribed in subsection (c). An employer shall not be

1 required to permit an employee to earn, under this
 2 subsection, more than 56 hours of paid safe leave in
 3 a 12-month period, unless the employer chooses to
 4 set a higher limit.

5 (2) EXEMPT EMPLOYEES.—

6 (A) IN GENERAL.—Except as provided in
 7 paragraph (3), for purposes of this subsection,
 8 an employee who is exempt from overtime re-
 9 quirements under section 13(a)(1) of the Fair
 10 Labor Standards Act of 1938 (29 U.S.C.
 11 213(a)(1)) shall be assumed to work 40 hours
 12 in each workweek.

13 (B) SHORTER NORMAL WORKWEEK.—If
 14 the normal workweek of such an employee is
 15 less than 40 hours, the employee shall earn
 16 paid safe leave based upon that normal work-
 17 week.

18 (3) DATES FOR BEGINNING TO EARN PAID
 19 SAFE LEAVE AND USE.—Employees shall begin to
 20 earn paid safe leave under this subsection at the
 21 commencement of their employment. An employee
 22 shall be entitled to use the earned paid safe leave be-
 23 ginning on the 60th calendar day following com-
 24 mencement of the employee's employment. After
 25 that 60th calendar day, the employee may use the

1 paid safe leave as the leave is earned. An employer
2 may, at the discretion of the employer, loan paid
3 safe leave to an employee for use by such employee
4 in advance of the employee earning such safe leave
5 as provided in this subsection and may permit use
6 before the 60th day of employment.

7 (4) CARRYOVER.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), paid safe leave earned under
10 this subsection shall carry over from one year
11 to the next.

12 (B) CONSTRUCTION.—This title shall not
13 be construed to require an employer to permit
14 an employee to earn more than 56 hours of
15 paid safe leave under this subsection at a given
16 time.

17 (5) EMPLOYERS WITH EXISTING POLICIES.—

18 Any employer with a paid leave policy who makes
19 available an amount of paid leave that is sufficient
20 to meet the requirements of this subsection and that
21 may be used for the same purposes and under the
22 same conditions as the purposes and conditions out-
23 lined in subsection (c) shall not be required to per-
24 mit an employee to earn additional paid safe leave
25 under this subsection.

1 (6) CONSTRUCTION.—Nothing in this section
2 shall be construed as requiring financial or other re-
3 imbursement to an employee from an employer upon
4 the employee's termination, resignation, retirement,
5 or other separation from employment for earned
6 paid safe leave that has not been used.

7 (7) REINSTATEMENT.—If an employee is sepa-
8 rated from employment with an employer and is re-
9 hired, within 12 months after that separation, by the
10 same employer, the employer shall (in addition to
11 providing unpaid safe leave in accordance with sub-
12 section (a)) reinstate the employee's previously
13 earned paid safe leave. The employee shall be enti-
14 tled to use the earned paid safe leave and earn addi-
15 tional paid safe leave at the recommencement of em-
16 ployment with the employer.

17 (c) USES.—Safe leave earned under this section may
18 be used by an employee for an absence resulting from do-
19 mestic violence, dating violence, sexual assault, or stalk-
20 ing, if the leave is to—

21 (1) seek medical attention for the employee or
22 the employee's family or household member, to re-
23 cover from physical or psychological injury or dis-
24 ability caused by domestic violence, dating violence,
25 sexual assault, or stalking;

1 (2) obtain or assist a family or household mem-
2 ber in obtaining services from a survivor services or-
3 ganization;

4 (3) obtain or assist a family or household mem-
5 ber in obtaining behavioral health services or coun-
6 seling;

7 (4) participate in safety planning, temporary or
8 permanent relocation, or taking other actions, to in-
9 crease the safety of the employee or family or house-
10 hold member; or

11 (5) take legal action, including preparing for or
12 participating in any civil or criminal legal proceeding
13 related to or resulting from domestic violence, dating
14 violence, sexual assault, or stalking.

15 (d) PROCEDURES.—

16 (1) REQUEST.—Safe leave shall be provided
17 upon the oral or written request of an employee.
18 Such request shall—

19 (A) include the expected duration of the
20 period of such leave; and

21 (B) be provided as soon as practicable
22 after the employee is aware of the need for such
23 period.

24 (2) SCHEDULING.—An employee shall make a
25 reasonable effort to schedule a period of safe leave

1 under this title in a manner that does not unduly
2 disrupt the operations of the employer, unless sched-
3 uling the period of leave in that manner is not prac-
4 ticable.

5 (3) CERTIFICATION.—

6 (A) IN GENERAL.—An employer may re-
7 quire that a request for safe leave under this
8 section for a purpose described in subsection (c)
9 be supported—

10 (i) by any form of certification (but
11 the employer may not specify the par-
12 ticular form of certification to be provided)
13 consisting of—

14 (I) a sworn statement of the em-
15 ployee or the family or household
16 member, as the case may be;

17 (II) a police report indicating
18 that the employee, or a family or
19 household member of the employee,
20 was a survivor of domestic violence,
21 dating violence, sexual assault, or
22 stalking;

23 (III) a court order protecting or
24 separating the employee or a family or
25 household member of the employee

1 from the perpetrator of an act of do-
2 mestic violence, dating violence, sexual
3 assault, or stalking, or other evidence
4 from the court or prosecuting attorney
5 that the employee or family or house-
6 hold member has appeared in court or
7 is scheduled to appear in court in a
8 proceeding related to domestic vio-
9 lence, dating violence, sexual assault,
10 or stalking;

11 (IV) documentation from an em-
12 ployee or volunteer working for a sur-
13 vivor services organization, an attor-
14 ney, a police officer, a medical profes-
15 sional, a social worker, an antiviolen-
16 ce counselor, a member of the clergy, or
17 another professional, affirming that
18 the employee or a family or household
19 member of the employee is a survivor
20 of domestic violence, dating violence,
21 sexual assault, or stalking; or

22 (V) other corroborating evidence
23 concerning the employee or family or
24 household member; and

(ii) if the survivor is the employee's family or household member, in order to verify the employee's relationship with the survivor, by information that may include a sworn statement of the employee, a birth certificate, a court document, or other corroborating evidence.

(B) SURVIVOR INFORMATION PROTECTIONS.—

(i) IN GENERAL.—The certification shall state the reason that the safe leave is required with the facts to be disclosed limited to the minimum necessary to establish a need for the employee to be absent from work, and the employee shall not be required to explain the details of the domestic violence, dating violence, sexual assault, or stalking involved.

(ii) LIMITATION ON INFORMATION REQUIREMENTS.—An employer may not require an employee, in order to obtain leave under this section, to produce, discuss with the employer, or provide—

(I) any additional information, beyond the information enumerated in

1 this subsection that establishes that
2 the employee is eligible for leave
3 under this section; or

4 (II) any information that would
5 compromise the safety of the employee
6 or family or household member in any
7 way.

8 (C) TIMELINESS.—The employee shall pro-
9 vide a copy of such certification to the employer
10 in a timely manner, not later than 30 days
11 after the first day of the period of leave to the
12 extent possible. The employer shall not delay
13 the commencement of the period of leave on the
14 basis that the employer has not yet received the
15 certification.

16 (4) PROHIBITION.—An employer may not re-
17 quire, as a condition of providing safe leave under
18 this title, that the employee involved search for or
19 find a replacement employee to cover the hours dur-
20 ing which the employee is using safe leave.

21 (e) CONFIDENTIALITY; NONDISCLOSURE FOR SUR-
22 VIVORS.—

23 (1) CONFIDENTIALITY.—All information pro-
24 vided to the employer pursuant to subsection (c) or
25 (d), and the facts that the employee or family or

1 household member is a survivor of domestic violence,
 2 dating violence, sexual assault, or stalking, and the
 3 employee has requested or obtained safe leave pursu-
 4 ant to this section, shall be retained in the strictest
 5 confidence by the employer, except to the extent that
 6 disclosure is—

7 (A) requested or consented to by the em-
 8 ployee in writing; or

9 (B) otherwise required by applicable Fed-
 10 eral or State law.

11 (2) CONFIDENTIAL COMMUNICATIONS.—The
 12 provision of any information under this section does
 13 not waive or diminish the confidential or privileged
 14 nature of communications between a survivor of do-
 15 mestic violence, dating violence, sexual assault, or
 16 stalking with one or more of the individuals or enti-
 17 ties providing information under subclause (II),
 18 (III), (IV), or (V) of clause (i), or clause (ii), of sub-
 19 section (d)(3)(A).

20 (3) NONDISCLOSURE.—If an employer pos-
 21 sesses health information about an employee or an
 22 employee’s family or household member, such infor-
 23 mation shall—

1 (A) be maintained on a separate form and
 2 in a separate file from other personnel informa-
 3 tion;

4 (B) be treated as a confidential medical
 5 record; and

6 (C) not be disclosed except to the affected
 7 employee or with the written permission of the
 8 affected employee.

9 (f) EMPLOYMENT AND BENEFITS.—

10 (1) RESTORATION TO POSITION.—

11 (A) IN GENERAL.—Except as provided in
 12 paragraph (2), any employee who takes leave
 13 under this section for the intended purpose of
 14 the leave shall be entitled, on return from such
 15 leave—

16 (i) to be restored by the employer to
 17 the position of employment held by the em-
 18 ployee when the leave commenced; or

19 (ii) to be restored to an equivalent po-
 20 sition with equivalent employment benefits,
 21 pay, and other terms and conditions of em-
 22 ployment.

23 (B) LOSS OF BENEFITS.—The taking of
 24 leave under this section shall not result in the

1 loss of any employment benefit accrued prior to
2 the date on which the leave commenced.

3 (C) LIMITATIONS.—Nothing in this sub-
4 section shall be construed to entitle any re-
5 stored employee to any accrual, right, benefit,
6 or position described in section 104(a)(3) of the
7 Family and Medical Leave Act of 1993 (29
8 U.S.C. 2614(a)(3)).

9 (D) CONSTRUCTION.—Nothing in this
10 paragraph shall be construed to prohibit an em-
11 ployer from requiring an employee on leave
12 under this section to report periodically to the
13 employer on the status and intention of the em-
14 ployee to return to work.

15 (2) EXEMPTION CONCERNING CERTAIN HIGHLY
16 COMPENSATED EMPLOYEES.—

17 (A) DENIAL OF RESTORATION.—An em-
18 ployer may deny restoration under paragraph
19 (1) to any employee described in subparagraph
20 (B) if—

21 (i) such denial is necessary to prevent
22 substantial and grievous economic injury to
23 the operations of the employer;

24 (ii) the employer notifies the employee
25 of the intent of the employer to deny res-

toration on such basis at the time the employer determines that such injury would occur; and

(iii) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(B) AFFECTED EMPLOYEES.—An employee referred to in subparagraph (A) is a salaried employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(3) MAINTENANCE OF HEALTH BENEFITS.—

(A) COVERAGE.—Except as provided in subparagraph (B), during any period that an employee takes leave under this section, the employer shall maintain coverage under any group health plan (meaning a group health plan as defined in section 5000(b)(1) of the Internal Revenue Code of 1986 or an employee welfare benefit plan as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1))) for the duration of such leave at the level and under the conditions

1 coverage would have been provided if the em-
 2 ployee had continued in employment continu-
 3 ously for the duration of such leave.

4 (B) FAILURE TO RETURN FROM LEAVE.—

5 The employer may recover the premium that
 6 the employer paid for maintaining coverage for
 7 the employee under such group health plan dur-
 8 ing any period of leave under this section if—

9 (i) the employee fails to return from
 10 leave under this section after the period of
 11 leave to which the employee is entitled has
 12 expired; and

13 (ii) the employee fails to return to
 14 work for a reason other than—

15 (I) the continuation of, recur-
 16 rence of, or onset of an episode of do-
 17 mestic violence, dating violence, sexual
 18 assault, or stalking, that entitles the
 19 employee to leave pursuant to this
 20 section; or

21 (II) other circumstances beyond
 22 the control of the employee.

23 (C) CERTIFICATION.—

24 (i) ISSUANCE.—An employer may re-
 25 quire an employee who claims that the em-

1 ployee is unable to return to work because
 2 of a reason described in subclause (I) or
 3 (II) of subparagraph (B)(ii) to provide,
 4 within a reasonable period after making
 5 the claim, certification to the employer
 6 that the employee is unable to return to
 7 work because of the circumstances that
 8 formed the basis for that claim.

9 (ii) CONTENTS.—An employee may
 10 satisfy the certification requirement of
 11 clause (i) by providing to the employer—

12 (I) a sworn statement of the em-
 13 ployee;

14 (II) documentation from an em-
 15 ployee, agent, or volunteer of a sur-
 16 vivor services organization, an attor-
 17 ney, a member of the clergy, or a
 18 medical or other professional, from
 19 whom the employee or the employee's
 20 family or household member has
 21 sought assistance in addressing do-
 22 mestic violence, dating violence, sexual
 23 assault, or stalking, including the ef-
 24 fects of domestic violence, dating vio-
 25 lence, sexual assault, or stalking;

- 1 (III) a police or court record; or
2 (IV) other corroborating evi-
3 dence.

4 (D) LIMITATION ON INFORMATION RE-
5 QUIREMENTS.—An employer may not require
6 an employee, under subparagraph (C), to
7 produce, discuss with the employer, or pro-
8 vide—

9 (i) any additional information, beyond
10 the information enumerated in this para-
11 graph that establishes that the employee is
12 unable to return as described in subpara-
13 graph (C)(i); or

14 (ii) any information that would com-
15 promise the safety of the employee or fam-
16 ily or household member in any way.

17 (E) CONFIDENTIALITY.—All information
18 provided to the employer pursuant to subpara-
19 graph (C), including a statement of the em-
20 ployee or any other documentation, record, or
21 corroborating evidence, and the fact that the
22 employee is not returning to work because of a
23 reason described in subclause (I) or (II) of sub-
24 paragraph (B)(ii), shall be retained in the

strictest confidence by the employer, except to the extent that disclosure is—

(i) requested or consented to by the employee in writing; or

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

(F) CONFIDENTIAL COMMUNICATIONS.—

The provision of any information under this paragraph does not waive or diminish the confidential or privileged nature of communications between a survivor of domestic violence, dating violence, sexual assault, or stalking with one or more of the individuals or entities providing information under subclause (II), (III), or (IV) of subparagraph (C)(ii).

(g) PROHIBITED ACTS.—

(1) INTERFERENCE WITH RIGHTS.—Section 105(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2615(a)) shall apply with respect to this title.

(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—Section 105(b) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2615(b)) shall apply with respect to this title.

1 (3) PUBLIC AGENCY SANCTIONS.—It shall be
 2 unlawful for any public agency to deny, reduce, or
 3 terminate the benefits of, or otherwise sanction any
 4 individual, or otherwise discriminate (including har-
 5 assment or retaliation in any form or manner)
 6 against any individual with respect to the amount,
 7 terms, or conditions of public assistance of the indi-
 8 vidual, because the individual—

9 (A) exercised or attempted to exercise any
 10 right provided under this section for the indi-
 11 vidual or the individual's family or household
 12 member; or

13 (B) opposed any practice made unlawful by
 14 this section.

15 (h) ENFORCEMENT.—

16 (1) CIVIL ACTION BY AFFECTED INDIVID-
 17 UALS.—

18 (A) LIABILITY.—Any employer that vio-
 19 lates subsection (g) shall be liable to any indi-
 20 vidual affected—

21 (i) for damages equal to—

22 (I) the amount of—

23 (aa) any wages, salary, em-
 24 ployment benefits, or other com-
 25 pensation denied or lost to such

1 individual by reason of the viola-
2 tion; or

3 (bb) in a case in which
4 wages, salary, employment bene-
5 fits, or other compensation has
6 not been denied or lost to the in-
7 dividual, any actual monetary
8 losses sustained by the individual
9 as a direct result of the violation;

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

13 (III) an additional amount as liq-
14 uidated damages equal to the sum of
15 the amount described in subclause (I)
16 and the interest described in sub-
17 clause (II), except that if an employer
18 that has violated subsection (g) proves
19 to the satisfaction of the court that
20 the act or omission that violated sub-
21 section (g) was in good faith and that
22 the employer had reasonable grounds
23 for believing that the act or omission
24 was not a violation of subsection (g),
25 such court may, in the discretion of

1 the court, reduce the amount of the li-
2 ability to the amount and interest de-
3 termined under subclauses (I) and
4 (II), respectively; and
5 (ii) for such equitable relief as may be
6 appropriate, including employment, rein-
7 statement, and promotion.

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

14 (i) the individuals; or

15 (ii) the individuals and other individ-
16 uals similarly situated.

17 (C) FEES AND COSTS.—The court in such
18 an action shall, in addition to any judgment
19 awarded to the plaintiff, allow a reasonable at-
20 torney's fee, reasonable expert witness fees, and
21 other costs of the action to be paid by the de-
22 fendant.

23 (D) LIMITATIONS.—The right provided by
24 subparagraph (B) to bring an action by or on

1 behalf of any affected individual shall termi-
2 nate—

3 (i) on the filing of a complaint by the
4 Secretary of Labor in an action under
5 paragraph (4) in which restraint is sought
6 of any further delay in the payment of the
7 amount described in subparagraph (A)(i)
8 to such individual by an employer respon-
9 sible under subparagraph (A) for the pay-
10 ment; or

11 (ii) on the filing of a complaint by the
12 Secretary of Labor in an action under
13 paragraph (2) in which a recovery is
14 sought of the damages described in sub-
15 paragraph (A)(i) owing to an affected indi-
16 vidual by an employer liable under sub-
17 paragraph (A),

18 unless the action described in clause (i) or (ii)
19 is dismissed without prejudice on motion of the
20 Secretary of Labor.

21 (2) ACTION BY THE SECRETARY OF LABOR.—

22 (A) ADMINISTRATIVE ACTION.—The Sec-
23 retary of Labor shall receive, investigate, and
24 attempt to resolve complaints of violations of
25 subsection (g) in the same manner as the Sec-

1 retary of Labor receives, investigates, and at-
 2 tempts to resolve complaints of violations of
 3 sections 6 and 7 of the Fair Labor Standards
 4 Act of 1938 (29 U.S.C. 206 and 207).

5 (B) CIVIL ACTION.—The Secretary of
 6 Labor may bring an action in any court of com-
 7 petent jurisdiction to recover the damages de-
 8 scribed in paragraph (1)(A)(i).

9 (C) SUMS RECOVERED.—Any sums recov-
 10 ered by the Secretary of Labor pursuant to sub-
 11 paragraph (B) shall be held in a special deposit
 12 account and shall be paid, on order of the Sec-
 13 retary, directly to each individual affected. Any
 14 such sums not paid to such an individual be-
 15 cause of inability to do so within a period of
 16 three years shall be deposited into the Treasury
 17 of the United States as miscellaneous receipts.

18 (3) LIMITATION.—

19 (A) IN GENERAL.—Except as provided in
 20 subparagraph (B), an action may be brought
 21 under this subsection not later than two years
 22 after the date of the last event constituting the
 23 alleged violation for which the action is brought.

24 (B) WILLFUL VIOLATION.—In the case of
 25 such action brought for a willful violation of

1 subsection (g), such action may be brought
 2 within three years after the date of the last
 3 event constituting the alleged violation for
 4 which such action is brought.

5 (C) COMMENCEMENT.—In determining
 6 when an action is commenced by the Secretary
 7 of Labor under this subsection for the purposes
 8 of this paragraph, it shall be considered to be
 9 commenced on the date when the complaint is
 10 filed.

11 (4) ACTION FOR INJUNCTION BY SECRETARY
 12 OF LABOR.—The district courts of the United States
 13 shall have jurisdiction, for cause shown, in an action
 14 brought by the Secretary of Labor—

15 (A) to restrain violations of subsection (g),
 16 including the restraint of any withholding of
 17 payment of wages, salary, employment benefits,
 18 or other compensation, plus interest, found by
 19 the court to be due to affected individuals; or

20 (B) to award such other equitable relief as
 21 may be appropriate, including employment, re-
 22 instatement, and promotion.

23 (5) SOLICITOR OF LABOR.—The Solicitor of
 24 Labor may appear for and represent the Secretary

1 of Labor on any litigation brought under this sub-
2 section.

3 (6) EMPLOYER LIABILITY UNDER OTHER
4 LAWS.—Nothing in this section shall be construed to
5 limit the liability of an employer or public agency to
6 an individual, for harm suffered relating to the indi-
7 vidual’s experience of domestic violence, dating vio-
8 lence, sexual assault, or stalking, pursuant to any
9 other Federal or State law, including a law providing
10 for a legal remedy.

11 (7) LIBRARY OF CONGRESS.—Notwithstanding
12 any other provision of this subsection, in the case of
13 the Library of Congress, the authority of the Sec-
14 retary of Labor under this subsection shall be exer-
15 cised by the Librarian of Congress.

16 (8) CERTAIN PUBLIC AGENCY EMPLOYERS.—

17 (A) AGENCIES.—Notwithstanding any
18 other provision of this subsection, in the case of
19 a public agency that employs individuals as de-
20 scribed in subparagraph (A) or (B) of section
21 3(e)(2) of the Fair Labor Standards Act of
22 1938 (29 U.S.C. 203(e)(2)) (other than an en-
23 tity of the legislative branch of the Federal
24 Government), subparagraph (B) shall apply.

1 (B) AUTHORITY.—In the case described in
 2 subparagraph (A), the powers, remedies, and
 3 procedures provided in the case of a violation of
 4 chapter 63 of title 5, United States Code, in
 5 that title to an employing agency, in chapter 12
 6 of that title to the Merit Systems Protection
 7 Board, or in that title to any person alleging a
 8 violation of chapter 63 of that title, shall be the
 9 powers, remedies, and procedures this sub-
 10 section provides in the case of a violation of
 11 subsection (g) to that agency, that Board, or
 12 any person alleging a violation of subsection
 13 (g), concerning an employee who is an indi-
 14 vidual described in subparagraph (A).

15 (9) PUBLIC AGENCIES PROVIDING PUBLIC AS-
 16 SISTANCE.—Consistent with regulations prescribed
 17 under section 206(d), the President shall ensure that
 18 any public agency that violates subsection (g)(3), or
 19 subsection (g)(2) by discriminating as described in
 20 subsection (g)(3), shall provide to any individual who
 21 receives a less favorable amount, term, or condition
 22 of public assistance as a result of the violation—

23 (A)(i) the amount of any public assistance
 24 denied or lost to such individual by reason of
 25 the violation; and

1 (ii) the interest on the amount described in
 2 clause (i), calculated at the prevailing rate; and
 3 (B) such equitable relief as may be appro-
 4 priate.

5 **SEC. 203. EXISTING LEAVE USABLE FOR ADDRESSING DO-**
 6 **MESTIC VIOLENCE, DATING VIOLENCE, SEX-**
 7 **UAL ASSAULT, OR STALKING.**

8 An employee who is entitled to take paid or unpaid
 9 leave (including family, medical, sick, annual, personal, or
 10 similar leave) from employment, pursuant to State or local
 11 law, a collective bargaining agreement, or an employment
 12 benefits program or plan, may elect to substitute any pe-
 13 riod of such leave for an equivalent period of leave pro-
 14 vided under section 202.

15 **SEC. 204. EMERGENCY BENEFITS.**

16 (a) IN GENERAL.—A State may use funds provided
 17 to the State under part A of title IV of the Social Security
 18 Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-
 19 term emergency benefits to an individual for any period
 20 of leave the individual takes pursuant to section 202 of
 21 this Act.

22 (b) ELIGIBILITY.—

23 (1) IN GENERAL.—An individual who is eligible
 24 for assistance under the State program funded
 25 under that part and for leave under section 202

1 shall be eligible for such emergency benefits, except
 2 as provided in paragraph (2).

3 (2) CALCULATION.—In calculating eligibility for
 4 such emergency benefits, the State shall count only
 5 the cash available or accessible to the individual.

6 (c) TIMING.—

7 (1) APPLICATIONS.—An individual seeking
 8 emergency benefits under subsection (a) from a
 9 State shall submit an application to the State.

10 (2) BENEFITS.—The State shall provide bene-
 11 fits to an eligible applicant under paragraph (1) on
 12 an expedited basis, and not later than seven days
 13 after the applicant submits an application under
 14 paragraph (1).

15 **SEC. 205. RULE OF CONSTRUCTION.**

16 (a) MORE PROTECTIVE LAWS, AGREEMENTS, PRO-
 17 GRAMS, AND PLANS.—Nothing in this title shall be con-
 18 strued to supersede any provision of any Federal, State,
 19 or local law, collective bargaining agreement, or employ-
 20 ment benefits program or plan that provides—

21 (1) greater leave rights for survivors of domes-
 22 tic violence, dating violence, sexual assault, or stalk-
 23 ing than the rights established under this Act; or

24 (2) leave benefits for a larger population of sur-
 25 vivors of domestic violence, dating violence, sexual

1 assault, or stalking (as defined in such law, agree-
 2 ment, program, or plan) than the survivors of do-
 3 mestic violence, dating violence, sexual assault, or
 4 stalking covered under this Act.

5 (b) LESS PROTECTIVE LAWS, AGREEMENTS, PRO-
 6 GRAMS, AND PLANS.—The rights established for survivors
 7 of domestic violence, dating violence, sexual assault, or
 8 stalking under this Act shall not be diminished by any
 9 State or local law, collective bargaining agreement, or em-
 10 ployment benefits program or plan.

11 **SEC. 206. REGULATIONS.**

12 (a) IN GENERAL.—

13 (1) AUTHORITY TO ISSUE REGULATIONS.—Ex-
 14 cept as provided in subsections (b), (c), and (d), the
 15 Secretary of Labor shall issue regulations to carry
 16 out this title.

17 (2) REGULATIONS REGARDING NOTICES.—The
 18 regulations described in paragraph (1) shall include
 19 regulations requiring every employer to post and
 20 keep posted, in conspicuous places on the premises
 21 of the employer where notices to employees are cus-
 22 tomarily placed, a notice, to be prepared or approved
 23 by the Secretary of Labor, summarizing the provi-
 24 sions of this title and providing information on pro-
 25 cedures for filing complaints. The Secretary of

1 Labor shall develop such a notice and provide copies
2 to employers upon request without charge.

3 (b) LIBRARY OF CONGRESS.—The Librarian of Con-
4 gress shall prescribe the regulations described in sub-
5 section (a) with respect to employees of the Library of
6 Congress. The regulations prescribed under this sub-
7 section shall, to the extent appropriate, be consistent with
8 the regulations prescribed by the Secretary of Labor under
9 subsection (a).

10 (c) CERTAIN PUBLIC AGENCY EMPLOYERS.—The Of-
11 fice of Personnel Management shall prescribe the regula-
12 tions described in subsection (a) with respect to individ-
13 uals described in subparagraph (A) or (B) of section
14 3(e)(2) of the Fair Labor Standards Act of 1938 (29
15 U.S.C. 203(e)(2)) (other than an individual employed by
16 an entity of the legislative branch of the Federal Govern-
17 ment). The regulations prescribed under this subsection
18 shall, to the extent appropriate, be consistent with the reg-
19 ulations prescribed by the Secretary of Labor under sub-
20 section (a).

21 (d) PUBLIC AGENCIES PROVIDING PUBLIC ASSIST-
22 ANCE.—The President shall prescribe the regulations de-
23 scribed in subsection (a) with respect to applicants for and
24 recipients of public assistance, in the case of violations of
25 section 202(g)(3), or section 202(g)(2) due to discrimina-

tion described in section 202(g)(3). The regulations prescribed under this subsection shall, to the extent appropriate, be consistent with the regulations prescribed by the Secretary of Labor under subsection (a).

TITLE III—SURVIVORS’ EMPLOYMENT SUSTAINABILITY

SEC. 301. SHORT TITLE.

This title may be cited as the “Survivors’ Employment Sustainability Act”.

SEC. 302. PROHIBITED DISCRIMINATORY ACTS.

(a) IN GENERAL.—It shall be unlawful for an employer to fail or refuse to hire or discharge any individual, or otherwise discriminate (including harassment or retaliation in any form or manner) against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, and it shall be unlawful for a public agency to deny, reduce, or terminate the benefits of, or otherwise sanction any individual, or otherwise discriminate (including harassment or retaliation in any form or manner) against any individual with respect to the amount, terms, or conditions of public assistance of the individual, because—

(1) the individual involved is or the employer or public agency involved perceives that individual to be a survivor of domestic violence, dating violence, sex-

1 ual assault, or stalking, or a survivor of communica-
2 tion of an intimate image of the individual;

3 (2) that individual attended, participated in,
4 prepared for, or requested leave to attend, partici-
5 pate in, or prepare for, a criminal or civil court pro-
6 ceeding relating to an incident that caused the indi-
7 vidual to be a survivor of domestic violence, dating
8 violence, sexual assault, or stalking, or a survivor of
9 communication of an intimate image of the indi-
10 vidual;

11 (3) that individual, in response to actual or
12 threatened domestic violence, dating violence, sexual
13 assault, or stalking, or actual or threatened commu-
14 nication of an intimate image of the individual, re-
15 quested that the employer or public agency imple-
16 ment a reasonable safety procedure or a job-related
17 modification to enhance the security of that indi-
18 vidual or safeguard the workplace involved; or

19 (4) the workplace is disrupted or threatened by
20 the action of a person whom that individual states
21 has committed or threatened to commit an act that
22 caused or would cause the individual to be a survivor
23 of domestic violence, dating violence, sexual assault,
24 or stalking, or a survivor of communication of an in-
25 timate image of the individual.

1 (b) DEFINITIONS.—In this section:

2 (1) COMMUNICATION OF AN INTIMATE
3 IMAGE.—The term “communication of an intimate
4 image”, used with respect to an individual, includes
5 a transmission, dissemination, or receipt through
6 electronic or other communication containing at
7 least one intimate image of the individual that ap-
8 pears to have been transmitted or disseminated by
9 a person who—

10 (A) obtained the image under cir-
11 cumstances in which a reasonable person would
12 know or understand that the image was to re-
13 main private;

14 (B) knows or should have known that the
15 depicted individual has not consented to the dis-
16 closure of the image; and

17 (C) knows or reasonably should know that
18 the disclosure would cause harm to the depicted
19 individual.

20 (2) DISCRIMINATE.—The term “discriminate”,
21 used with respect to the terms, conditions, or privi-
22 leges of employment or with respect to the terms or
23 conditions of public assistance, includes failing to
24 implement, on request from an individual, in re-
25 sponse to actual or threatened domestic violence,

1 dating violence, sexual assault, or stalking, or actual
 2 or threatened communication of an intimate image
 3 of the individual, a reasonable safety procedure or a
 4 job-related modification to enhance the security of
 5 that individual or safeguard the workplace involved
 6 (such as installation of a lock, change of a telephone
 7 number or seating assignment, provision of a trans-
 8 fer, provision of leave, modification of a schedule, or
 9 adjustment of a work requirement), unless the em-
 10 ployer or public agency can demonstrate that grant-
 11 ing the request would impose an undue hardship on
 12 the operation of the employer or public agency.

13 (3) DOMESTIC VIOLENCE; DATING VIOLENCE;
 14 SEXUAL ASSAULT; STALKING.—The terms “domestic
 15 violence”, “dating violence”, “sexual assault”, and
 16 “stalking” have the meanings given the terms in sec-
 17 tion 40002 of the Violence Against Women Act of
 18 1994 (34 U.S.C. 12291).

19 (4) INTIMATE IMAGE.—The term “intimate
 20 image” means any photograph, motion picture film,
 21 videotape, digital image, image from social media, or
 22 any other recording or other image of an individual
 23 (other than the person taking the image) who is
 24 identifiable from the image itself or from informa-

1 tion displayed with or otherwise connected to the
2 image, that—

3 (A) was taken in a private setting;

4 (B) does not depict a matter of public con-
5 cern; and

6 (C) depicts—

7 (i) sexual activity, including sexual
8 intercourse or masturbation; or

9 (ii) a person’s intimate body parts,
10 whether nude or visible through less than
11 opaque clothing.

12 (5) SAFE LEAVE TERMS.—The terms “employ”,
13 “employee”, “employer”, “employment benefits”,
14 “person”, “public agency”, “public assistance”,
15 “State”, and “survivor of domestic violence, dating
16 violence, sexual assault, or stalking” have the mean-
17 ings given the terms in section 201.

18 (6) UNDUE HARDSHIP.—The term “undue
19 hardship” means an action requiring significant dif-
20 ficulty or expense.

21 **SEC. 303. ENFORCEMENT.**

22 (a) CIVIL ACTION BY INDIVIDUALS.—

23 (1) LIABILITY.—Any employer that violates sec-
24 tion 302 shall be liable to any individual affected
25 for—

1 (A) damages equal to the amount of any
2 wages, salary, employment benefits, or other
3 compensation denied or lost to such individual
4 by reason of the violation, and the interest on
5 that amount calculated at the prevailing rate;

6 (B) compensatory damages, including dam-
7 ages for future pecuniary losses, emotional
8 pain, suffering, inconvenience, mental anguish,
9 loss of enjoyment or life, and other nonpecu-
10 niary losses;

11 (C) such punitive damages, up to three
12 times the amount of actual damages sustained,
13 as the court described in paragraph (2) shall
14 determine to be appropriate; and

15 (D) such equitable relief as may be appro-
16 priate, including employment, reinstatement,
17 and promotion.

18 (2) RIGHT OF ACTION.—An action to recover
19 the damages or equitable relief prescribed in para-
20 graph (1) may be maintained against any employer
21 in any Federal or State court of competent jurisdic-
22 tion by any one or more affected individuals de-
23 scribed in section 302.

24 (b) ACTION BY SECRETARY OF LABOR.—The Sec-
25 retary of Labor may bring a civil action in any Federal

1 or State court of competent jurisdiction to recover the
 2 damages or equitable relief described in subsection (a)(1).

3 (c) LIBRARY OF CONGRESS.—Notwithstanding any
 4 other provision of this section, in the case of the Library
 5 of Congress, the authority of the Secretary of Labor under
 6 this section shall be exercised by the Librarian of Con-
 7 gress.

8 (d) CERTAIN PUBLIC AGENCY EMPLOYERS.—

9 (1) AGENCIES.—Notwithstanding any other
 10 provision of this section, in the case of a public
 11 agency that employs individuals as described in sub-
 12 paragraph (A) or (B) of section 3(e)(2) of the Fair
 13 Labor Standards Act of 1938 (29 U.S.C. 203(e)(2))
 14 (other than an entity of the legislative branch of the
 15 Federal Government), paragraph (2) shall apply.

16 (2) AUTHORITY.—In the case described in
 17 paragraph (1), the powers, remedies, and procedures
 18 provided (in the case of a violation of section
 19 2302(b)(1)(A) of title 5, United States Code) in title
 20 5, United States Code, to an employing agency, the
 21 Office of Special Counsel, the Merit Systems Protec-
 22 tion Board, or any person alleging a violation of
 23 such section 2302(b)(1)(A), shall be the powers,
 24 remedies, and procedures this section provides in the
 25 case of a violation of section 302 to that agency,

1 that Office, that Board, or any person alleging a vio-
2 lation of section 302, respectively, concerning an em-
3 ployee who is an individual described in paragraph
4 (1).

5 (e) PUBLIC AGENCIES PROVIDING PUBLIC ASSIST-
6 ANCE.—Consistent with regulations prescribed under sec-
7 tion 304(d), the President shall ensure that any public
8 agency that violates section 302(a) by taking an action
9 prohibited under section 302(a) with respect to the
10 amount, terms, or conditions of public assistance, shall
11 provide to any individual who receives a less favorable
12 amount, term, or condition of public assistance as a result
13 of the violation—

14 (1)(A) the amount of any public assistance de-
15 nied or lost to such individual by reason of the viola-
16 tion; and

17 (B) the interest on the amount described in
18 subparagraph (A), calculated at the prevailing rate;
19 and

20 (2) such equitable relief as may be appropriate.

21 **SEC. 304. REGULATIONS.**

22 (a) IN GENERAL.—Except as provided in subsections
23 (b), (c), and (d), the Secretary of Labor shall issue regula-
24 tions to carry out this title.

1 (b) LIBRARY OF CONGRESS.—The Librarian of Con-
 2 gress shall prescribe the regulations described in sub-
 3 section (a) with respect to employees of the Library of
 4 Congress. The regulations prescribed under this sub-
 5 section shall, to the extent appropriate, be consistent with
 6 the regulations prescribed by the Secretary of Labor under
 7 subsection (a).

8 (c) CERTAIN PUBLIC AGENCY EMPLOYERS.—The Of-
 9 fice of Personnel Management, after consultation with the
 10 Office of Special Counsel and the Merit Systems Protec-
 11 tion Board, shall prescribe the regulations described in
 12 subsection (a) with respect to individuals described in sub-
 13 paragraph (A) or (B) of section 3(e)(2) of the Fair Labor
 14 Standards Act of 1938 (29 U.S.C. 203(e)(2)) (other than
 15 an individual employed by an entity of the legislative
 16 branch of the Federal Government). The regulations pre-
 17 scribed under this subsection shall, to the extent appro-
 18 priate, be consistent with the regulations prescribed by the
 19 Secretary of Labor under subsection (a).

20 (d) PUBLIC AGENCIES PROVIDING PUBLIC ASSIST-
 21 ANCE.—The President shall prescribe the regulations de-
 22 scribed in subsection (a) with respect to applicants for and
 23 recipients of public assistance, in the case of violations of
 24 section 302(a) by a public agency due to taking an action
 25 prohibited under section 302(a) with respect to the

1 amount, terms, or conditions of public assistance. The reg-
 2 ulations prescribed under this subsection shall, to the ex-
 3 tent appropriate, be consistent with the regulations pre-
 4 scribed by the Secretary of Labor under subsection (a).

5 **SEC. 305. ATTORNEY'S FEES.**

6 Section 722(b) of the Revised Statutes (42 U.S.C.
 7 1988(b)) is amended by inserting “the Survivors’ Employ-
 8 ment Sustainability Act,” after “title VI of the Civil
 9 Rights Act of 1964,”.

10 **TITLE IV—ENTITLEMENT TO UN-**
 11 **EMPLOYMENT COMPENSA-**
 12 **TION FOR SURVIVORS OF DO-**
 13 **MESTIC VIOLENCE, DATING**
 14 **VIOLENCE, SEXUAL ASSAULT,**
 15 **OR STALKING**

16 **SEC. 401. UNEMPLOYMENT COMPENSATION AND TRAINING**
 17 **PROVISIONS.**

18 (a) UNEMPLOYMENT COMPENSATION.—Section 3304
 19 of the Internal Revenue Code of 1986 (relating to approval
 20 of State unemployment compensation laws) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (18), by striking “and”
 23 at the end;

24 (B) by redesignating paragraph (19) as
 25 paragraph (20); and

1 (C) by inserting after paragraph (18) the
 2 following new paragraph:

3 “(19) compensation shall not be denied where
 4 an individual is separated from employment due to
 5 circumstances resulting from the individual being a
 6 survivor of domestic violence, dating violence, sexual
 7 assault, or stalking, nor shall States impose addi-
 8 tional conditions that restrict the individual’s eligi-
 9 bility for or receipt of benefits beyond those required
 10 of other individuals who are forced to leave their
 11 jobs or are deemed to have good cause for volun-
 12 tarily separating from a job in the State; and”;

13 (2) by adding at the end the following new sub-
 14 section:

15 “(g) CONSTRUCTION.—For purposes of subsection
 16 (a)(19)—

17 “(1) DOCUMENTATION.—In determining eligi-
 18 bility for compensation due to circumstances result-
 19 ing from an individual being a survivor of domestic
 20 violence, dating violence, sexual assault, or stalk-
 21 ing—

22 “(A) States shall adopt, or have adopted,
 23 by statute, regulation, or policy a list of forms
 24 of documentation that may be presented to
 25 demonstrate eligibility; and

1 “(B) presentation of any one of such forms
 2 of documentation shall be sufficient to dem-
 3 onstrate eligibility, except that a State may re-
 4 quire the presentation of a form of identifica-
 5 tion in addition to the sworn statement of appli-
 6 cant described in paragraph (2)(A).

7 “(2) LIST OF FORMS OF DOCUMENTATION.—
 8 The list referred to in paragraph (1)(A) shall, at a
 9 minimum, include the following forms of documenta-
 10 tion:

11 “(A) A sworn statement of the applicant.

12 “(B) A police or court record concerning
 13 the applicant.

14 “(C) Documentation from an employee or
 15 volunteer working for a survivor services organi-
 16 zation, an attorney, a police officer, a medical
 17 professional, a social worker, an antiviolen-
 18 ce counselor, a member of the clergy, or another
 19 professional, affirming that the applicant is a
 20 survivor of domestic violence, dating violence,
 21 sexual assault, or stalking.

22 “(3) DEFINITIONS.—The terms ‘domestic vio-
 23 lence’, ‘dating violence’, ‘sexual assault’, ‘stalking’,
 24 ‘survivor of domestic violence, dating violence, sexual
 25 assault, or stalking’, and ‘survivor services organiza-

1 tion’ have the meanings given such terms in section
 2 201 of the Security And Financial Empowerment
 3 Act of 2019.’’.

4 (b) UNEMPLOYMENT COMPENSATION PERSONNEL
 5 TRAINING.—Section 303(a) of the Social Security Act (42
 6 U.S.C. 503(a)) is amended—

7 (1) by redesignating paragraphs (4) through
 8 (12) as paragraphs (5) through (13), respectively;
 9 and

10 (2) by inserting after paragraph (3) the fol-
 11 lowing new paragraph:

12 “(4) Such methods of administration as will en-
 13 sure that—

14 “(A) applicants for unemployment com-
 15 pensation and individuals inquiring about such
 16 compensation are adequately notified of the
 17 provisions of subsections (a)(19) and (g) of sec-
 18 tion 3304 of the Internal Revenue Code of 1986
 19 (relating to the availability of unemployment
 20 compensation for survivors of domestic violence,
 21 dating violence, sexual assault, or stalking); and

22 “(B) claims reviewers and hearing per-
 23 sonnel are adequately trained in—

24 “(i) the nature and dynamics of do-
 25 mestic violence, dating violence, sexual as-

sault, or stalking (as such terms are defined in section 201 of the Security And Financial Empowerment Act of 2019); and

“(ii) methods of ascertaining and keeping confidential information about possible experiences of domestic violence, dating violence, sexual assault, or stalking (as so defined) to ensure that—

“(I) requests for unemployment compensation based on separations stemming from domestic violence, dating violence, sexual assault, or stalking (as so defined) are reliably screened, identified, and adjudicated; and

“(II) full confidentiality is provided for the individual’s claim and submitted evidence; and”.

(c) TANF PERSONNEL TRAINING.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by adding at the end the following new paragraph:

“(8) CERTIFICATION THAT THE STATE WILL PROVIDE INFORMATION TO SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.—A certification by the chief officer of

1 the State that the State has established and is en-
2 forcing standards and procedures to—

3 “(A) ensure that applicants for assistance
4 under the program and individuals inquiring
5 about such assistance are adequately notified
6 of—

7 “(i) the provisions of subsections
8 (a)(19) and (g) of section 3304 of the In-
9 ternal Revenue Code of 1986 (relating to
10 the availability of unemployment com-
11 pensation for survivors of domestic vio-
12 lence, dating violence, sexual assault, or
13 stalking); and

14 “(ii) assistance made available by the
15 State to survivors of domestic violence,
16 dating violence, sexual assault, or stalking
17 (as defined in section 201 of the Security
18 And Financial Empowerment Act of
19 2019);

20 “(B) ensure that case workers and other
21 agency personnel responsible for administering
22 the State program funded under this part are
23 adequately trained in—

24 “(i) the nature and dynamics of do-
25 mestic violence, dating violence, sexual as-

1 sault, or stalking (as such terms are de-
2 fined in section 201 of the Security And
3 Financial Empowerment Act of 2019);

4 “(ii) State standards and procedures
5 relating to the prevention of, and assist-
6 ance for individuals who are survivors of,
7 domestic violence, dating violence, sexual
8 assault, or stalking (as so defined); and

9 “(iii) methods of ascertaining and
10 keeping confidential information about pos-
11 sible experiences of domestic violence, dat-
12 ing violence, sexual assault, or stalking (as
13 so defined);

14 “(C) if a State has elected to establish and
15 enforce standards and procedures regarding the
16 screening for, and identification of, domestic vi-
17 olence pursuant to paragraph (7), ensure
18 that—

19 “(i) applicants for assistance under
20 the program and individuals inquiring
21 about such assistance are adequately noti-
22 fied of options available under such stand-
23 ards and procedures; and

24 “(ii) case workers and other agency
25 personnel responsible for administering the

1 State program funded under this part are
 2 provided with adequate training regarding
 3 such standards and procedures and options
 4 available under such standards and proce-
 5 dures; and

6 “(D) ensure that the training required
 7 under subparagraphs (B) and, if applicable,
 8 (C)(ii) is provided through a training program
 9 operated by an eligible entity (as defined in sec-
 10 tion 401(d)(2) of the Security And Financial
 11 Empowerment Act of 2019).”.

12 (d) DOMESTIC VIOLENCE, DATING VIOLENCE, SEX-
 13 UAL ASSAULT, OR STALKING TRAINING GRANT PRO-
 14 GRAM.—

15 (1) GRANTS AUTHORIZED.—The Secretary of
 16 Labor (in this subsection referred to as the “Sec-
 17 retary”) is authorized to award—

18 (A) a grant to a national survivor services
 19 organization in order for such organization to—

20 (i) develop and disseminate a model
 21 training program (and related materials)
 22 for the training required under section
 23 303(a)(4)(B) of the Social Security Act, as
 24 added by subsection (b), and under sub-
 25 paragraphs (B) and, if applicable, (C)(ii)

1 of section 402(a)(8) of such Act, as added
2 by subsection (c); and

3 (ii) provide technical assistance with
4 respect to such model training program;
5 and

6 (B) grants to State, tribal, or local agen-
7 cies in order for such agencies to contract with
8 eligible entities to provide State, tribal, or local
9 case workers and other State, tribal, or local
10 agency personnel responsible for administering
11 the temporary assistance to needy families pro-
12 gram established under part A of title IV of the
13 Social Security Act in a State or Indian res-
14 ervation with the training required under sub-
15 paragraphs (B) and, if applicable, (C)(ii) of
16 such section 402(a)(8).

17 (2) ELIGIBLE ENTITY DEFINED.—For purposes
18 of paragraph (1)(B), the term “eligible entity”
19 means an entity—

20 (A) that is—

21 (i) a State or tribal domestic violence
22 coalition or sexual assault coalition;

23 (ii) a State or local survivor services
24 organization with recognized expertise in
25 the dynamics of domestic violence, dating

1 violence, sexual assault, or stalking whose
 2 primary mission is to provide services to
 3 survivors of domestic violence, dating vio-
 4 lence, sexual assault, or stalking, such as
 5 a rape crisis center or domestic violence
 6 program; or

7 (iii) an organization with dem-
 8 onstrated expertise in State or county wel-
 9 fare laws and implementation of such laws
 10 and experience with disseminating informa-
 11 tion on such laws and implementation, but
 12 only if such organization will provide the
 13 required training in partnership with an
 14 entity described in clause (i) or (ii); and

15 (B) that—

16 (i) has demonstrated expertise in the
 17 dynamics of both domestic violence and
 18 sexual assault, such as a joint domestic vi-
 19 olence and sexual assault coalition; or

20 (ii) will provide the required training
 21 in partnership with an entity described in
 22 clause (i) or (ii) of subparagraph (A) in
 23 order to comply with the dual domestic vio-
 24 lence and sexual assault expertise require-
 25 ment under clause (i).

1 (3) APPLICATION.—An entity seeking a grant
2 under this subsection shall submit an application to
3 the Secretary at such time, in such form and man-
4 ner, and containing such information as the Sec-
5 retary specifies.

6 (4) REPORTS.—

7 (A) REPORTS TO CONGRESS.—The Sec-
8 retary shall annually submit a report to Con-
9 gress on the grant program established under
10 this subsection.

11 (B) REPORTS AVAILABLE TO PUBLIC.—
12 The Secretary shall establish procedures for the
13 dissemination to the public of each report sub-
14 mitted under subparagraph (A). Such proce-
15 dures shall include the use of the Internet to
16 disseminate such reports.

17 (5) AUTHORIZATION OF APPROPRIATIONS.—

18 (A) AUTHORIZATION.—There are author-
19 ized to be appropriated—

20 (i) \$1,000,000 for fiscal year 2020 to
21 carry out the provisions of paragraph
22 (1)(A); and

23 (ii) \$12,000,000 for each of fiscal
24 years 2021 through 2024 to carry out the
25 provisions of paragraph (1)(B).

1 (B) THREE-YEAR AVAILABILITY OF GRANT

2 FUNDS.—Each recipient of a grant under this
3 subsection shall return to the Secretary any un-
4 used portion of such grant not later than 3
5 years after the date the grant was awarded, to-
6 gether with any earnings on such unused por-
7 tion.

8 (C) AMOUNTS RETURNED.—Any amounts

9 returned pursuant to subparagraph (B) shall be
10 available without further appropriation to the
11 Secretary for the purpose of carrying out the
12 provisions of paragraph (1)(B).

13 (e) EFFECT ON EXISTING LAWS, ETC.—

14 (1) MORE PROTECTIVE LAWS, AGREEMENTS,

15 PROGRAMS, AND PLANS.—Nothing in this title shall
16 be construed to supersede any provision of any Fed-
17 eral, State, or local law, collective bargaining agree-
18 ment, or employment benefits program or plan that
19 provides greater unemployment insurance benefits
20 for survivors of domestic violence, dating violence,
21 sexual assault, or stalking than the rights estab-
22 lished under this title.

23 (2) LESS PROTECTIVE LAWS, AGREEMENTS,

24 PROGRAMS, AND PLANS.—The rights established for
25 survivors of domestic violence, dating violence, sex-

1 ual assault, or stalking under this title shall not be
2 diminished by any more restrictive State or local
3 law, collective bargaining agreement, or employment
4 benefits program or plan.

5 (f) EFFECTIVE DATE.—

6 (1) UNEMPLOYMENT AMENDMENTS.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B) and paragraph (2), the
9 amendments made by this section shall apply in
10 the case of compensation paid for weeks begin-
11 ning on or after the expiration of 180 days
12 from the date of enactment of this Act.

13 (B) EXTENSION OF EFFECTIVE DATE FOR
14 STATE LAW AMENDMENT.—

15 (i) IN GENERAL.—If the Secretary of
16 Labor identifies a State as requiring a
17 change to its statutes, regulations, or poli-
18 cies in order to comply with the amend-
19 ments made by this section (excluding the
20 amendment made by subsection (c)), such
21 amendments shall apply in the case of
22 compensation paid for weeks beginning
23 after the earlier of—

24 (I) the date the State changes its
25 statutes, regulations, or policies in

1 order to comply with such amend-
 2 ments; or

3 (II) the end of the first session of
 4 the State legislature which begins
 5 after the date of enactment of this
 6 Act or which began prior to such date
 7 and remained in session for at least
 8 25 calendar days after such date,
 9 except that in no case shall such amend-
 10 ments apply before the date that is 180
 11 days after the date of enactment of this
 12 Act.

13 (ii) SESSION DEFINED.—In this sub-
 14 paragraph, the term “session” means a
 15 regular, special, budget, or other session of
 16 a State legislature.

17 (2) TANF AMENDMENT.—

18 (A) IN GENERAL.—Except as provided in
 19 subparagraph (B), the amendment made by
 20 subsection (c) shall take effect on the date of
 21 enactment of this Act.

22 (B) EXTENSION OF EFFECTIVE DATE FOR
 23 STATE LAW AMENDMENT.—In the case of a
 24 State plan under part A of title IV of the Social
 25 Security Act which the Secretary of Health and

1 Human Services determines requires State ac-
2 tion (including legislation, regulation, or other
3 administrative action) in order for the plan to
4 meet the additional requirements imposed by
5 the amendment made by subsection (c), the
6 State plan shall not be regarded as failing to
7 comply with the requirements of such amend-
8 ment on the basis of its failure to meet these
9 additional requirements before the first day of
10 the first calendar quarter beginning after the
11 close of the first regular session of the State
12 legislature that begins after the date of enact-
13 ment of this Act. For purposes of the previous
14 sentence, in the case of a State that has a two-
15 year legislative session, each year of the session
16 is considered to be a separate regular session of
17 the State legislature.

18 (g) DEFINITIONS.—In this section, the terms “do-
19 mestic violence”, “dating violence”, “sexual assault”,
20 “stalking”, “survivor of domestic violence, dating violence,
21 sexual assault, or stalking”, and “survivor services organi-
22 zation” have the meanings given such terms in section
23 201.

1 **TITLE V—INSURANCE PROTEC-**
2 **TIONS AND SUPPORT FOR**
3 **SURVIVORS OF DOMESTIC VI-**
4 **OLENCE, DATING VIOLENCE,**
5 **SEXUAL ASSAULT, OR STALK-**
6 **ING**

7 **Subtitle A—Insurance Protections**

8 **SEC. 501. DEFINITIONS.**

9 In this title:

10 (1) **ABUSER.**—The term “abuser” means the
11 person who commits an act of domestic violence,
12 dating violence, sexual assault, or stalking against a
13 survivor of domestic violence, dating violence, sexual
14 assault, or stalking.

15 (2) **DATING VIOLENCE; DOMESTIC VIOLENCE;**
16 **SEXUAL ASSAULT; STALKING.**—The terms “dating
17 violence”, “domestic violence”, “sexual assault”, and
18 “stalking” have the meanings given such terms in
19 section 201.

20 (3) **INSURED.**—The term “insured” means a
21 party named on a policy, certificate, or health ben-
22 efit plan, including an individual, a corporation, a
23 partnership, an association, an unincorporated orga-
24 nization, or any similar entity, as the person with
25 legal rights to the benefits provided by the policy,

1 certificate, or health benefit plan. For group insur-
2 ance, the term includes a person who is a beneficiary
3 covered by a group policy, certificate, or health ben-
4 efit plan. For life insurance, the term refers to the
5 person whose life is covered under an insurance pol-
6 icy.

7 (4) INSURER.—The term “insurer” means any
8 person, reciprocal exchange, inter insurer, Lloyds in-
9 surer, fraternal benefit society, or other legal entity
10 engaged in the business of insurance, including
11 agents, brokers, adjusters, and third-party adminis-
12 trators. The term includes employers who provide or
13 make available employment benefits through an em-
14 ployee benefit plan, as defined in section 3(3) of the
15 Employee Retirement Income Security Act of 1974
16 (29 U.S.C. 1002(3)). The term also includes health
17 insurance issuers, as defined by section 2791 of the
18 Public Health Service Act (42 U.S.C. 300gg–91),
19 health benefit plans, and life, disability, and prop-
20 erty and casualty insurers.

21 (5) POLICY.—The term “policy” means a con-
22 tract of insurance, certificate, indemnity, suretyship,
23 or annuity issued, proposed for issuance, or intended
24 for issuance by an insurer, including endorsements
25 or riders to an insurance policy or contract.

1 (6) SURVIVOR OF DOMESTIC VIOLENCE, DATING
2 VIOLENCE, SEXUAL ASSAULT, OR STALKING.—The
3 term “survivor of domestic violence, dating violence,
4 sexual assault, or stalking” has the meaning given
5 such term in section 201.

6 (7) SURVIVOR SERVICES ORGANIZATION.—The
7 term “survivor services organization” has the mean-
8 ing given such term in section 201.

9 **SEC. 502. DISCRIMINATORY ACTS PROHIBITED.**

10 (a) IN GENERAL.—No insurer may, directly or indi-
11 rectly, engage in any of the following acts or practices on
12 the basis that the applicant or insured, or any person em-
13 ployed by the applicant or insured or with whom the appli-
14 cant or insured is known to have a relationship or associa-
15 tion, is, has been, or may be a survivor of domestic vio-
16 lence, dating violence, sexual assault, or stalking or has
17 incurred or may incur claims related to domestic violence,
18 dating violence, sexual assault, or stalking:

19 (1) Denying, refusing to issue, renew, or re-
20 issue, or canceling or otherwise terminating an in-
21 surance policy or health benefit plan.

22 (2) Restricting, excluding, or limiting insurance
23 coverage for losses or denying a claim, except as oth-
24 erwise permitted or required by State laws relating
25 to life insurance beneficiaries.

1 (3) Adding a premium differential to any insur-
2 ance policy or health benefit plan.

3 (b) PROHIBITION ON LIMITATION OF CLAIMS.—No
4 insurer may, directly or indirectly, deny or limit payment
5 to an insured who is a survivor of domestic violence, dat-
6 ing violence, sexual assault, or stalking if the claim for
7 payment is a result of such violence, assault, or stalking.

8 (c) PROHIBITION ON TERMINATION.—

9 (1) IN GENERAL.—No insurer may terminate
10 health coverage for a survivor of domestic violence,
11 dating violence, sexual assault, or stalking because
12 coverage was originally issued in the name of the
13 abuser and the abuser has divorced, separated from,
14 or lost custody of the survivor or the survivor's cov-
15 erage has terminated voluntarily or involuntarily and
16 the survivor does not qualify for an extension of cov-
17 erage under part 6 of subtitle B of title I of the Em-
18 ployee Retirement Income Security Act of 1974 (29
19 U.S.C. 1161 et seq.) or section 4980B of the Inter-
20 nal Revenue Code of 1986.

21 (2) PAYMENT OF PREMIUMS.—Nothing in para-
22 graph (1) shall be construed to prohibit the insurer
23 from requiring that the survivor of domestic vio-
24 lence, dating violence, sexual assault, or stalking pay
25 the full premium for the survivor's coverage under

1 the health plan if the requirements are applied to all
2 insured of the insurer.

3 (3) EXCEPTION.—An insurer may terminate
4 group coverage to which this subsection applies after
5 the continuation coverage period required by this
6 subsection has been in force for 18 months if it of-
7 fers conversion to an equivalent individual plan.

8 (4) CONTINUATION COVERAGE.—The continu-
9 ation of health coverage required by this subsection
10 shall be satisfied by any extension of coverage under
11 part 6 of subtitle B of title I of the Employee Re-
12 tirement Income Security Act of 1974 (29 U.S.C.
13 1161 et seq.) or section 4980B of the Internal Rev-
14 enue Code of 1986 provided to a survivor of domes-
15 tic violence, dating violence, sexual assault, or stalk-
16 ing and is not intended to be in addition to any ex-
17 tension of coverage otherwise provided for under
18 such part 6 or section 4980B.

19 (d) USE OF INFORMATION.—

20 (1) LIMITATION.—

21 (A) IN GENERAL.—In order to protect the
22 safety and privacy of survivors of domestic vio-
23 lence, dating violence, sexual assault, or stalk-
24 ing, no person employed by or contracting with

1 an insurer or health benefit plan may (without
2 the consent of the survivor)—

3 (i) use, disclose, or transfer informa-
4 tion relating to domestic violence, dating
5 violence, sexual assault, or stalking status,
6 acts of such violence, assault, or stalking,
7 medical conditions related to domestic vio-
8 lence, dating violence, sexual assault, or
9 stalking, or the applicant's or insured's
10 status as a family member, employer, asso-
11 ciate, or person in a relationship with a
12 survivor of domestic violence, dating vio-
13 lence, sexual assault, or stalking for any
14 purpose unrelated to the direct provision of
15 health care services unless such use, disclo-
16 sure, or transfer is required by an order of
17 an entity with authority to regulate insur-
18 ance or an order of a court of competent
19 jurisdiction; or

20 (ii) disclose or transfer information
21 relating to an applicant's or insured's mail-
22 ing address or telephone number or the
23 mailing address and telephone number of a
24 shelter for survivors of domestic violence,

1 dating violence, sexual assault, or stalking,
2 unless such disclosure or transfer—

3 (I) is required in order to provide
4 insurance coverage; and

5 (II) does not have the potential
6 to endanger the safety of a survivor of
7 domestic violence, dating violence, sex-
8 ual assault, or stalking.

9 (B) RULE OF CONSTRUCTION.—Nothing in
10 this paragraph may be construed to limit or
11 preclude a survivor of domestic violence, dating
12 violence, sexual assault, or stalking from obtain-
13 ing the survivor’s own insurance records from
14 an insurer.

15 (2) AUTHORITY OF SURVIVORS.—A survivor of
16 domestic violence, dating violence, sexual assault, or
17 stalking, at the absolute discretion of the survivor,
18 may provide evidence of domestic violence, dating vi-
19 olence, sexual assault, or stalking to an insurer for
20 the limited purpose of facilitating treatment of a
21 condition related to such violence, assault, or stalk-
22 ing or demonstrating that a condition is related to
23 such violence, assault, or stalking. Nothing in this
24 paragraph shall be construed as authorizing an in-
25 surer to disregard such provided evidence.

1 **SEC. 503. INSURANCE PROTOCOLS FOR SURVIVORS OF DO-**
2 **MESTIC VIOLENCE, DATING VIOLENCE, SEX-**
3 **UAL ASSAULT, OR STALKING.**

4 Insurers shall develop and adhere to written policies
5 specifying procedures to be followed by employees, con-
6 tractors, producers, agents, and brokers for the purpose
7 of protecting the safety and privacy of a survivor of do-
8 mestic violence, dating violence, sexual assault, or stalking
9 and otherwise implementing this subtitle when taking an
10 application, investigating a claim, or taking any other ac-
11 tion relating to a policy or claim involving a survivor of
12 domestic violence, dating violence, sexual assault, or stalk-
13 ing.

14 **SEC. 504. REASONS FOR ADVERSE ACTIONS.**

15 An insurer that takes an action that adversely affects
16 a survivor of domestic violence, dating violence, sexual as-
17 sault, or stalking shall advise the applicant or insured who
18 is the survivor of domestic violence, dating violence, sexual
19 assault, or stalking of the specific reasons for the action
20 in writing. For purposes of this section, reference to gen-
21 eral underwriting practices or guidelines shall not con-
22 stitute a specific reason.

23 **SEC. 505. LIFE INSURANCE.**

24 Nothing in this subtitle shall be construed to prohibit
25 a life insurer from declining to issue a life insurance policy
26 if the applicant or prospective owner of the policy is or

1 would be designated as a beneficiary of the policy, and
 2 if—

3 (1) the applicant or prospective owner of the
 4 policy lacks an insurable interest in the insured; or

5 (2) the applicant or prospective owner of the
 6 policy is known, on the basis of police or court
 7 records, to have committed an act of domestic vio-
 8 lence, dating violence, sexual assault, or stalking
 9 against the proposed insured.

10 **SEC. 506. SUBROGATION WITHOUT CONSENT PROHIBITED.**

11 Subrogation of claims resulting from domestic vio-
 12 lence, dating violence, sexual assault, or stalking is prohib-
 13 ited without the informed consent of the survivor of do-
 14 mestic violence, dating violence, sexual assault, or stalk-
 15 ing.

16 **SEC. 507. ENFORCEMENT.**

17 (a) FEDERAL TRADE COMMISSION.—Any act or
 18 practice prohibited by this subtitle shall be treated as an
 19 unfair and deceptive act or practice pursuant to section
 20 5 of the Federal Trade Commission Act (15 U.S.C. 45)
 21 and the Federal Trade Commission shall enforce this sub-
 22 title in the same manner, by the same means, and with
 23 the same jurisdiction, powers, and duties as though all ap-
 24 plicable terms and provisions of the Federal Trade Com-
 25 mission Act were incorporated into and made a part of

1 this subtitle, including issuing a cease and desist order
2 granting any individual relief warranted under the cir-
3 cumstances, including temporary, preliminary, and perma-
4 nent injunctive relief and compensatory damages.

5 (b) PRIVATE CAUSE OF ACTION.—

6 (1) IN GENERAL.—An applicant or insured who
7 believes that the applicant or insured has been ad-
8 versely affected by an act or practice of an insurer
9 in violation of this subtitle may maintain an action
10 against the insurer in a Federal or State court of
11 original jurisdiction.

12 (2) RELIEF.—Upon proof of such conduct by a
13 preponderance of the evidence in an action described
14 in paragraph (1), the court may award appropriate
15 relief, including temporary, preliminary, and perma-
16 nent injunctive relief and compensatory and punitive
17 damages, as well as the costs of suit and reasonable
18 fees for the aggrieved individual's attorneys and ex-
19 pert witnesses.

20 (3) STATUTORY DAMAGES.—With respect to
21 compensatory damages in an action described in
22 paragraph (1), the aggrieved individual may elect, at
23 any time prior to the rendering of final judgment, to
24 recover in lieu of actual damages, an award of statu-

1 tory damages in the amount of \$5,000 for each vio-
2 lation.

3 **SEC. 508. APPLICABILITY.**

4 This subtitle shall apply with respect to any action
5 taken after the enactment of this Act.

6 **Subtitle B—Supporting and**
7 **Empowering Survivors**

8 **SEC. 511. STUDY AND REPORTS ON BARRIERS TO SUR-**
9 **VIVORS' ECONOMIC SECURITY ACCESS.**

10 (a) HHS STUDY.—The Secretary of Health and
11 Human Services, in consultation with the Secretary of
12 Labor, shall conduct a study on the barriers that survivors
13 of domestic violence, dating violence, sexual assault, or
14 stalking throughout the United States experience in main-
15 taining economic security as a result of issues related to
16 domestic violence, dating violence, sexual assault, or stalk-
17 ing.

18 (b) REPORTS.—Not later than January 1, 2021, and
19 every five years thereafter, the Secretary of Health and
20 Human Services, in consultation with the Secretary of
21 Labor, shall submit a report to Congress on the study con-
22 ducted under subsection (a).

23 (c) CONTENTS.—The study and reports under this
24 section shall include—

1 (1) identification of geographic areas in which
2 State laws, regulations, and practices have a strong
3 impact on the ability of survivors of domestic vio-
4 lence, dating violence, sexual assault, or stalking to
5 exercise—

6 (A) any rights under this Act without com-
7 promising personal safety or the safety of oth-
8 ers, including family members and excluding
9 the abuser; and

10 (B) other components of economic security;

11 (2) identification of geographic areas with
12 shortages in resources for such survivors, with an
13 accompanying analysis of the extent and impact of
14 such shortage;

15 (3) analysis of factors related to industries,
16 workplace settings, employer practices, trends, and
17 other elements that impact the ability of such sur-
18 vivors to exercise any rights under this Act without
19 compromising personal safety or the safety of others,
20 including family members;

21 (4) the recommendations of the Secretary of
22 Health and Human Services and the Secretary of
23 Labor with respect to resources, oversight, and en-
24 forcement tools to ensure successful implementation
25 of the provisions of this Act in order to support the

1 economic security and safety of survivors of domestic
2 violence, dating violence, sexual assault, or stalking;
3 and

4 (5) best practices for States, employers, health
5 carriers, insurers, and other private entities in ad-
6 dressing issues related to domestic violence, dating
7 violence, sexual assault, or stalking.

8 (d) GAO STUDY.—Not later than 18 months after
9 the date of the enactment of this Act, the Comptroller
10 General of the United States shall submit to Congress a
11 report that examines, with respect to survivors of domestic
12 violence, dating violence, sexual assault, or stalking who
13 are or were enrolled at institutions of higher education and
14 have Federal student loan debt, each of the following:

15 (1) The implications of domestic violence, dat-
16 ing violence, sexual assault, or stalking on a bor-
17 rower's ability to repay their Federal student loans.

18 (2) The adequacy of current policies and proce-
19 dures regarding Federal loan deferment, forbear-
20 ance, and grace periods when a survivor has to sus-
21 pend or terminate their enrollment at an educational
22 institution due to domestic violence, dating violence,
23 sexual assault, or stalking.

24 (3) The adequacy of current institutional poli-
25 cies and practices regarding retention or transfer of

1 credits when a survivor has to suspend or terminate
 2 their enrollment at an educational institution due to
 3 domestic violence, dating violence, sexual assault, or
 4 stalking.

5 (4) The availability or any options for a sur-
 6 vivor of domestic violence, dating violence, sexual as-
 7 sault, or stalking who attended institutions of higher
 8 education that committed unfair, deceptive, or abu-
 9 sive acts or practices, or otherwise substantially mis-
 10 represented information to students, to be able to
 11 seek a defense to repayment of their loan.

12 (5) The limitations faced by a survivor of do-
 13 mestic violence, dating violence, sexual assault, or
 14 stalking to obtain any relief or restitution on their
 15 student loan debt due to the use of forced arbitra-
 16 tion, gag orders, or bans on class actions.

17 **SEC. 512. DOMESTIC VIOLENCE, DATING VIOLENCE, SEX-**
 18 **UAL ASSAULT, AND STALKING EDUCATION**
 19 **AND INFORMATION PROGRAMS FOR SUR-**
 20 **VIVORS.**

21 (a) DEFINITIONS.—In this section, the terms “em-
 22 ploy”, “employee”, “employer”, and “State” have the
 23 meanings given such terms in section 201.

24 (b) PUBLIC EDUCATION PROGRAM.—

1 (1) IN GENERAL.—The Secretary of Labor, in
2 conjunction with the Secretary of Health and
3 Human Services (through the Director of the Cen-
4 ters for Disease Control and Prevention and the
5 grant recipient carrying out the National Resource
6 Center on Domestic Violence) and the Attorney Gen-
7 eral (through the Principal Deputy Director of the
8 Office on Violence Against Women), shall coordinate
9 and provide for a national public outreach and edu-
10 cation campaign to raise public awareness of domes-
11 tic violence, dating violence, sexual assault, and
12 stalking, including outreach and education for em-
13 ployers, service providers, teachers, and other key
14 partners.

15 (2) DISSEMINATION.—The Secretary of Labor,
16 in conjunction with the Secretary of Health and
17 Human Services and the Attorney General, as de-
18 scribed in paragraph (1), may disseminate informa-
19 tion through the public outreach and education cam-
20 paign on the resources and rights referred to in this
21 subsection directly or through arrangements with
22 health agencies, professional and nonprofit organiza-
23 tions, consumer groups, labor organizations, institu-
24 tions of higher education, clinics, the media, and
25 Federal, State, and local agencies.

1 (3) INFORMATION.—The information dissemi-
2 nated under paragraph (2) shall include, at a min-
3 imum, a description of—

4 (A) the resources and rights that are—

5 (i) available to survivors of domestic
6 violence, dating violence, sexual assault, or
7 stalking; and

8 (ii) established in this Act and the Vi-
9 olence Against Women Act of 1994 (34
10 U.S.C. 12291 et seq.);

11 (B) guidelines and best practices on pre-
12 vention of domestic violence, dating violence,
13 stalking, and sexual assault;

14 (C) resources that promote healthy rela-
15 tionships and communication skills;

16 (D) resources that encourage bystander
17 intervention in a situation involving domestic vi-
18 olence, dating violence, stalking, or sexual as-
19 sault;

20 (E) resources that promote workplace poli-
21 cies that support and help maintain the eco-
22 nomic security of survivors of domestic violence,
23 dating violence, sexual assault, or stalking; and

1 (F) resources and rights that the heads of
 2 Federal agencies described in paragraph (2) de-
 3 termine are appropriate to include.

4 (c) INFORMATION PROGRAM FOR EMPLOYERS.—

5 (1) IN GENERAL.—The Secretary of Labor and
 6 the Secretary of Health and Human Services, in
 7 consultation with major women’s advocacy groups
 8 and medical and public health organizations, shall
 9 develop and disseminate to employers information on
 10 the entitlement of survivors of domestic violence,
 11 dating violence, sexual assault, or stalking to safe
 12 leave under title II.

13 (2) INFORMATION.—The information dissemi-
 14 nated under paragraph (1) shall include, at a min-
 15 imum—

16 (A) information describing employers’ re-
 17 sponsibilities and employees’ rights under title
 18 II;

19 (B) recommendations for carrying out
 20 those responsibilities and providing for those
 21 rights;

22 (C) recommendations for supporting em-
 23 ployees when the employees seek safe leave
 24 under title II;

1 (D) information on best practices for sup-
2 porting survivors of domestic violence, dating
3 violence, sexual assault, or stalking;

4 (E) information on best practices for pre-
5 venting domestic violence, dating violence, sex-
6 ual assault, and stalking; and

7 (F) information explaining how to obtain
8 additional copies of the information developed
9 under paragraph (1) for distribution to the em-
10 ployees.

11 (d) STUDY ON WORKPLACE RESPONSES.—The Sec-
12 retary of Labor, in conjunction with the Secretary of
13 Health and Human Services, shall conduct a study on the
14 status of workplace responses to employees who experience
15 domestic violence, dating violence, sexual assault, or stalk-
16 ing while employed, in each State and nationally, to im-
17 prove the access of survivors of domestic violence, dating
18 violence, sexual assault, or stalking to supportive resources
19 and economic security.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section,
22 such sums as may be necessary for each of fiscal years
23 2020 through 2024.

1 **SEC. 513. INVESTING IN PUBLIC HEALTH INFRASTRUCTURE**
 2 **TO IMPROVE SUPPORT FOR SURVIVORS.**

3 Section 303(c) of the Family Violence Prevention and
 4 Services Act (42 U.S.C. 10403(c)) is amended by striking
 5 “314” and all that follows and inserting “314
 6 \$15,000,000 for each of fiscal years 2020 through 2024.”.

7 **SEC. 514. FINANCIAL LITERACY AND ADVOCACY FOR SUR-**
 8 **VIVORS OF DOMESTIC VIOLENCE, DATING VI-**
 9 **OLENCE, SEXUAL ASSAULT, OR STALKING.**

10 (a) **ELIGIBLE ENTITY DEFINED.**—In this section,
 11 the term “eligible entity” means an entity that is—

12 (1) a State or tribal domestic violence coalition
 13 or sexual assault coalition, consistent with this Act;

14 (2) a State or local survivor services organiza-
 15 tion; or

16 (3) an organization with demonstrated expertise
 17 in providing financial literacy support and advocacy
 18 services, but only if such organization will provide
 19 such support and services in partnership with an en-
 20 tity described in paragraph (1) or (2).

21 (b) **GRANTS AUTHORIZED.**—The Secretary of Health
 22 and Human Services is authorized to award competitive
 23 grants to eligible entities to—

24 (1) develop and disseminate a model program,
 25 and related materials, for providing financial literacy
 26 support and advocacy services to survivors of domes-

1 tic violence, dating violence, sexual assault, or stalk-
2 ing, and such support and services shall take place
3 in national resource centers, established and oper-
4 ated under section 41501 of the Violence Against
5 Women Act of 1994 (34 U.S.C. 12501); and

6 (2) provide technical assistance with respect to
7 such model program.

8 (c) APPLICATIONS.—An eligible entity seeking a
9 grant under this section shall submit an application to the
10 Secretary of Health and Human Services at such time,
11 in such form and manner, and containing such informa-
12 tion as the Secretary specifies.

13 (d) REPORTS TO CONGRESS.—The Secretary of
14 Health and Human Services shall annually submit a re-
15 port to Congress on the grant program established under
16 this section.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) AUTHORIZATION.—There is authorized to
19 be appropriated \$1,000,000 for fiscal year 2020 to
20 carry out this section.

21 (2) THREE-YEAR AVAILABILITY OF GRANT
22 FUNDS.—Not later than three years after the date
23 on which a grant is awarded under this section, the
24 recipient of such grant shall return to the Secretary
25 of Health and Human Services any unused portion

1 of such grant, together with any earnings on such
2 unused portion.

3 **TITLE VI—SEVERABILITY**

4 **SEC. 601. SEVERABILITY.**

5 If any provision of this Act, any amendment made
6 by this Act, or the application of such provision or amend-
7 ment to any person or circumstance is held to be unconsti-
8 tutional, the remainder of the provisions of this Act, the
9 amendments made by this Act, and the application of such
10 provisions or amendments to any person or circumstance
11 shall not be affected.

