

115TH CONGRESS
1ST SESSION

S. 2043

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

OCTOBER 31, 2017

Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. FRANKEN, Mrs. FEINSTEIN, Ms. HIRONO, Mr. LEAHY, and Mr. CARDIN) 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 2017”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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 SUR-
VIVORS 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. GAO study.

Sec. 513. Domestic violence, dating violence, sexual assault, and stalking education and information programs for survivors.

Sec. 514. Investing in public health infrastructure to improve support for survivors.

Sec. 515. 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 by such violence. Another recent survey
5 found that 78 percent of offenders used workplace
6 resources to express anger, check up on, pressure, or
7 threaten a survivor. Sexual assault, whether occur-
8 ring in or out of the workplace, can impair an em-
9 ployee's work performance, require time away from
10 work, and undermine the employee's ability to main-
11 tain a job. Nearly 50 percent of sexual assault sur-
12 vivors lose their jobs or are forced to quit in the
13 aftermath of the assaults.

14 (7) Studies find that 60 percent of single
15 women lack economic security and 81 percent of
16 households with single mothers live in economic inse-
17 curity. Significant barriers that survivors confront
18 include access to housing, transportation, and child
19 care. Ninety-two percent of homeless women have
20 experienced domestic violence, and more than 50
21 percent of such women cite domestic violence as the
22 direct cause for homelessness. Survivors are deprived
23 of their autonomy, liberty, and security, and face
24 tremendous threats to their health and safety.

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

11 (9) Annual costs of intimate partner violence
12 are estimated to be more than \$8,300,000,000. Ac-
13 cording to the Centers for Disease Control and Pre-
14 vention, the costs of intimate partner violence
15 against women in 1995 exceeded an estimated
16 \$5,800,000,000. These costs included nearly
17 \$4,100,000,000 in the direct costs of medical and
18 mental health care and nearly \$1,800,000,000 in the
19 indirect costs of lost productivity. These statistics
20 are generally considered to be underestimated be-
21 cause the costs associated with the criminal justice
22 system are not included.

23 (10) Fifty-five percent of senior executives re-
24 cently surveyed said domestic violence has a harmful
25 effect on their company's productivity, and more

1 than 70 percent said domestic violence negatively af-
2 fects attendance. Seventy-eight percent of human re-
3 sources professionals consider partner violence a
4 workplace issue. However, more than 70 percent of
5 United States workplaces have no formal program or
6 policy that addresses workplace violence, let alone
7 domestic violence. In fact, only four percent of em-
8 ployers provided training on domestic violence.

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

16 (12) Abusers frequently seek to exert financial
17 control over their partners by actively interfering
18 with their ability to work, including preventing their
19 partners from going to work, harassing their part-
20 ners at work, limiting their partners' access to cash
21 or transportation, and sabotaging their partners'
22 child care arrangements.

23 (13) Economic abuse refers to behaviors that
24 control an intimate partner's ability to acquire, use,
25 and maintain access to, money, credit, ownership of

1 assets, or access to governmental or private financial
2 benefits, including defaulting on joint obligations
3 (such as school loans, credit card debt, mortgages,
4 or rent). Other forms of such abuse may include pre-
5 venting someone from attending school, threatening
6 to or actually terminating employment, controlling
7 or withholding access to cash, checking, or credit ac-
8 counts, and attempting to damage or sabotage the
9 creditworthiness of an intimate partner, including
10 forcing an intimate partner to write bad checks,
11 forcing an intimate partner to default on payments
12 related to household needs, such as housing, or forc-
13 ing an intimate partner into bankruptcy.

14 (14) The Patient Protection and Affordable
15 Care Act (Public Law 111–148), and the amend-
16 ments made by such Act, ensures that most health
17 plans must cover preventive services, including
18 screening and counseling for domestic violence, at no
19 additional cost. In addition, it prohibits insurance
20 companies from discriminating against patients for
21 preexisting conditions, like domestic violence.

22 (15) Yet, more can be done to help survivors.
23 Federal law in effect on the day before the date of
24 enactment of this Act does not explicitly—

1 (A) authorize survivors of domestic vio-
2 lence, dating violence, sexual assault, or stalk-
3 ing to take leave from work to seek legal assist-
4 ance and redress, counseling, or assistance with
5 safety planning activities;

6 (B) address the eligibility of survivors of
7 domestic violence, dating violence, sexual as-
8 sault, or stalking for unemployment compensa-
9 tion;

10 (C) provide job protection to survivors of
11 domestic violence, dating violence, sexual as-
12 sault, or stalking;

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

20 (E) prohibit insurers from disclosing infor-
21 mation about abuse and the location of the sur-
22 vivors through insurance databases and other
23 means.

24 (16) October is National Domestic Violence
25 Awareness Month.

1 (17) This Act aims to empower survivors of do-
2 mestic violence, dating violence, sexual assault, or
3 stalking to be free from violence, hardship, and con-
4 trol, which restrains basic human rights to freedom
5 and safety in the United States.

6 **TITLE I—REAUTHORIZATION OF**
7 **NATIONAL RESOURCE CEN-**
8 **TER GRANTS ON WORKPLACE**
9 **RESPONSES TO ASSIST SUR-**
10 **VIVORS OF DOMESTIC AND**
11 **SEXUAL VIOLENCE**

12 **SEC. 101. GRANT PROGRAM REAUTHORIZATION.**

13 (a) INFORMATION AND ASSISTANCE TO SURVIVOR
14 SERVICE PROVIDERS AND COMMUNITY ORGANIZA-
15 TIONS.—Section 41501(a) of the Violence Against Women
16 Act of 1994 (34 U.S.C. 12501(a)) is amended by striking
17 the period at the end and inserting “, and to survivor serv-
18 ices organizations (as defined in section 201 of the Secu-
19 rity and Financial Empowerment Act of 2017) (including
20 community based organizations) and tribal, State, and ter-
21 ritorial domestic violence or sexual assault coalitions to en-
22 able the organizations and coalitions to provide resource
23 materials or other assistance to employers, labor organiza-
24 tions, or employees.”.

1 (b) ADMINISTRATIVE PROVISIONS.—Section 41501
 2 of the Violence Against Women Act of 1994 (34 U.S.C.
 3 12501) is amended by adding at the end the following:

4 “(g) ADMINISTRATIVE COSTS.—

5 “(1) IN GENERAL.—From the amount appro-
 6 priated pursuant to subsection (e) for each fiscal
 7 year, the Attorney General shall not use more than
 8 2.5 percent for the administration and monitoring of
 9 grants made available under this section.

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

16 **TITLE II—SAFE LEAVE FOR AD-**
 17 **DRESSING DOMESTIC VIO-**
 18 **LENCE, DATING VIOLENCE,**
 19 **SEXUAL ASSAULT, OR STALK-**
 20 **ING**

21 **SEC. 201. DEFINITIONS.**

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

23 (1) DOMESTIC VIOLENCE; DATING VIOLENCE;
 24 SEXUAL ASSAULT; STALKING.—The terms “domestic
 25 violence”, “dating violence”, “sexual assault”, and

1 “stalking” have the meanings given the terms in sec-
2 tion 40002 of the Violence Against Women Act of
3 1994 (34 U.S.C. 12291).

4 (2) DOMESTIC PARTNER.—

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

9 (B) COMMITTED RELATIONSHIP DE-
10 FINED.—The term “committed relationship”
11 means a relationship between two individuals,
12 each at least 18 years of age, in which each in-
13 dividual is the other individual’s sole domestic
14 partner and both individuals share responsi-
15 bility for a significant measure of each other’s
16 common welfare. The term includes any such
17 relationship between two individuals, including
18 individuals of the same sex, that is granted
19 legal recognition by a State or political subdivi-
20 sion of a State as a marriage or analogous rela-
21 tionship, including a civil union or domestic
22 partnership.

23 (3) EMPLOY; STATE.—The terms “employ” and
24 “State” have the meanings given the terms in sec-

1 tion 3 of the Fair Labor Standards Act of 1938 (29
2 U.S.C. 203).

3 (4) EMPLOYEE.—

4 (A) IN GENERAL.—The term “employee”
5 means any person employed by an employer. In
6 the case of an individual employed by a public
7 agency, such term means an individual em-
8 ployed as described in section 3(e)(2) of the
9 Fair Labor Standards Act of 1938 (29 U.S.C.
10 203(e)(2)).

11 (B) BASIS.—The term includes a person
12 employed as described in subparagraph (A) on
13 a full- or part-time basis, for a fixed time pe-
14 riod, on a temporary basis, pursuant to a detail,
15 or as a participant in a work assignment as a
16 condition of receipt of Federal or State income-
17 based public assistance.

18 (5) EMPLOYER.—The term “employer”—

19 (A) means any person engaged in com-
20 merce or in any industry or activity affecting
21 commerce who employs 15 or more individuals;
22 and

23 (B) includes any person acting directly or
24 indirectly in the interest of an employer in rela-
25 tion to an employee, and includes a public agen-

1 cy that employs individuals as described in sec-
2 tion 3(e)(2) of the Fair Labor Standards Act of
3 1938, but does not include any labor organiza-
4 tion (other than when acting as an employer) or
5 anyone acting in the capacity of officer or agent
6 of such labor organization.

7 (6) EMPLOYMENT BENEFITS.—The term “em-
8 ployment benefits” means all benefits provided or
9 made available to employees by an employer, includ-
10 ing group life insurance, health insurance, disability
11 insurance, sick leave, annual leave, educational bene-
12 fits, and pensions, regardless of whether such bene-
13 fits are provided by a practice or written policy of
14 an employer or through an “employee benefit plan”,
15 as defined in section 3(3) of the Employee Retirement
16 Income Security Act of 1974 (29 U.S.C.
17 1002(3)).

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

21 (A) is a son or daughter, parent, spouse,
22 domestic partner, or any other individual re-
23 lated by blood or affinity whose close associa-
24 tion with the person is the equivalent of a fam-
25 ily relationship; and

1 (B) is not the abuser (as defined in section
2 501) involved.

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

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

10 (10) PUBLIC ASSISTANCE.—The term “public
11 assistance” includes cash, benefits issued under a
12 supplement nutrition assistance program under sec-
13 tion 4 of the Food and Nutrition Act of 2008 (7
14 U.S.C. 2013), medical assistance, housing assist-
15 ance, and other benefits provided on the basis of in-
16 come by a public agency.

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

21 (A) a person who has experienced or is ex-
22 periencing domestic violence, dating violence,
23 sexual assault, or stalking; and

24 (B) a person whose family or household
25 member has experienced or is experiencing do-

1 mestic violence, dating violence, sexual assault,
2 or stalking.

3 (12) SURVIVOR SERVICES ORGANIZATION.—The
4 term “survivor services organization” means a non-
5 profit, nongovernmental organization that provides
6 assistance to survivors of domestic violence, dating
7 violence, sexual assault, or stalking, or to advocates
8 for such survivors, including a rape crisis center, an
9 organization carrying out a domestic violence pro-
10 gram, an organization operating a shelter or pro-
11 viding counseling services, an organization providing
12 assistance through the legal process, or another enti-
13 ty that provides assistance to such survivors.

14 **SEC. 202. ENTITLEMENT TO SAFE LEAVE FOR ADDRESSING**
15 **DOMESTIC VIOLENCE, DATING VIOLENCE,**
16 **SEXUAL ASSAULT, OR STALKING.**

17 (a) SAFE LEAVE GENERALLY.—An employer shall
18 provide each employee employed by the employer not less
19 than 30 days of safe leave in a 12-month period. The leave
20 may be unpaid leave, unless the employee uses paid leave
21 from the portion earned under subsection (b) or sub-
22 stitutes leave under section 203. An employee may take
23 not more than a total of 30 days of safe leave in a 12-
24 month period under this section, including the portion of
25 the leave described in subsection (b), in addition to any

1 leave taken (directly or indirectly) under title I of the
2 Family and Medical Leave Act of 1993 (29 U.S.C. 2611
3 et seq.), or subchapter V of chapter 63 of title 5, United
4 States Code.

5 (b) SAFE LEAVE.—

6 (1) IN GENERAL.—As a portion of the 30 days
7 of safe leave described in subsection (a), the em-
8 ployer shall provide each employee employed by the
9 employer not less than one hour of earned paid safe
10 leave for every 30 hours worked, to be used as de-
11 scribed in subsection (c). An employer shall not be
12 required, under this subsection, to permit an em-
13 ployee to earn or use more than 56 hours of such
14 leave at a time, unless the employer chooses to set
15 a higher limit.

16 (2) EXEMPT EMPLOYEES.—

17 (A) IN GENERAL.—Except as provided in
18 paragraph (3), for purposes of this subsection,
19 an employee who is exempt from overtime re-
20 quirements under section 13(a)(1) of the Fair
21 Labor Standards Act of 1938 (29 U.S.C.
22 213(a)(1)) shall be assumed to work 40 hours
23 in each workweek.

24 (B) SHORTER NORMAL WORKWEEK.—If
25 the normal workweek of such an employee is

1 less than 40 hours, the employee shall earn
2 paid safe leave based upon that normal work-
3 week.

4 (3) DATES FOR BEGINNING TO EARN PAID
5 SAFE LEAVE AND USE.—Employees shall begin to
6 earn paid safe leave under this subsection at the
7 commencement of their employment. An employee
8 shall be entitled to use the earned paid safe leave be-
9 ginning on the 60th calendar day following com-
10 mencement of the employee’s employment. After
11 that 60th calendar day, the employee may use the
12 paid safe leave as the leave is earned. An employer
13 may, at the discretion of the employer, loan paid
14 safe leave to an employee for use by such employee
15 in advance of the employee earning such safe leave
16 as provided in this subsection and may permit use
17 before the 60th day of employment.

18 (4) CARRYOVER.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), paid safe leave earned under
21 this subsection shall carry over from one year
22 to the next.

23 (B) CONSTRUCTION.—This title shall not
24 be construed to require an employer to permit

1 an employee to earn or use more than 56 hours
2 of paid safe leave at a given time.

3 (5) EMPLOYERS WITH EXISTING POLICIES.—

4 Any employer with a paid leave policy who makes
5 available an amount of safe paid leave that is suffi-
6 cient to meet the requirements of this subsection
7 and that may be used for the same purposes and
8 under the same conditions as the purposes and con-
9 ditions outlined in subsection (c) shall not be re-
10 quired to permit an employee to earn additional paid
11 safe leave under this subsection.

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

18 (7) REINSTATEMENT.—If an employee is sepa-
19 rated from employment with an employer and is re-
20 hired, within 12 months after that separation, by the
21 same employer, the employer shall (in addition to
22 providing unpaid safe leave in accordance with sub-
23 section (a)) reinstate the employee's previously
24 earned paid safe leave. The employee shall be enti-
25 tled to use the earned paid safe leave and earn addi-

1 tional paid safe leave at the recommencement of em-
2 ployment with the employer.

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

7 (1) seek medical attention for the employee or
8 the employee’s family or household member, to re-
9 cover from physical or psychological injury or dis-
10 ability caused by domestic violence, dating violence,
11 sexual assault, or stalking;

12 (2) obtain or assist a family or household mem-
13 ber in obtaining services from a survivor services or-
14 ganization;

15 (3) obtain or assist a family or household mem-
16 ber in obtaining behavioral health services or coun-
17 seling;

18 (4) participate in safety planning, temporary or
19 permanent relocation, or taking other actions, to in-
20 crease the safety of the employee or family or house-
21 hold member; or

22 (5) take legal action, including preparing for or
23 participating in any civil or criminal legal proceeding
24 related to or resulting from domestic violence, dating
25 violence, sexual assault, or stalking.

1 (d) PROCEDURES.—

2 (1) REQUEST.—Safe leave shall be provided
3 upon the oral or written request of an employee.

4 Such request shall—

5 (A) include the expected duration of the
6 period of such leave; and

7 (B) be provided as soon as practicable
8 after the employee is aware of the need for such
9 period.

10 (2) SCHEDULING.—An employee shall make a
11 reasonable effort to schedule a period of safe leave
12 under this title in a manner that does not unduly
13 disrupt the operations of the employer, unless sched-
14 uling the period of leave in that manner is not prac-
15 ticable.

16 (3) CERTIFICATION.—

17 (A) IN GENERAL.—An employer may re-
18 quire that a request for safe leave under this
19 section for a purpose described in subsection (c)
20 be supported—

21 (i) by any form of certification (but
22 the employer may not specify the par-
23 ticular form of certification to be provided)
24 consisting of—

1 (I) a sworn statement of the em-
2 ployee or the family or household
3 member, as the case may be;

4 (II) a police report indicating
5 that the employee, or a family or
6 household member of the employee,
7 was a survivor of domestic violence,
8 dating violence, sexual assault, or
9 stalking;

10 (III) a court order protecting or
11 separating the employee or a family or
12 household member of the employee
13 from the perpetrator of an act of do-
14 mestic violence, dating violence, sexual
15 assault, or stalking, or other evidence
16 from the court or prosecuting attorney
17 that the employee or family or house-
18 hold member has appeared in court or
19 is scheduled to appear in court in a
20 proceeding related to domestic vio-
21 lence, dating violence, sexual assault,
22 or stalking;

23 (IV) documentation from an em-
24 ployee or volunteer working for a sur-
25 vivor services organization, an attor-

1 ney, a police officer, a medical profes-
 2 sional, a social worker, an antiviolence
 3 counselor, a member of the clergy, or
 4 another professional, affirming that
 5 the employee or a family or household
 6 member of the employee is a survivor
 7 of domestic violence, dating violence,
 8 sexual assault, or stalking; or

9 (V) other corroborating evidence
 10 concerning the employee or family or
 11 household member; and

12 (ii) if the survivor is the employee's
 13 family or household member, in order to
 14 verify the employee's relationship with the
 15 survivor, by information that may include
 16 a sworn statement of the employee, a birth
 17 certificate, a court document, or other cor-
 18 roborating evidence.

19 (B) SURVIVOR INFORMATION PROTEC-
 20 TIONS.—

21 (i) IN GENERAL.—The certification
 22 shall state the reason that the safe leave is
 23 required with the facts to be disclosed lim-
 24 ited to the minimum necessary to establish
 25 a need for the employee to be absent from

1 work, and the employee shall not be re-
2 quired to explain the details of the domes-
3 tic violence, dating violence, sexual assault,
4 or stalking involved.

5 (ii) LIMITATION ON INFORMATION RE-
6 QUIREMENTS.—An employer may not re-
7 quire an employee, in order to obtain leave
8 under this section, to produce, discuss with
9 the employer, or provide—

10 (I) any additional information,
11 beyond the information enumerated in
12 this subsection that establishes that
13 the employee is eligible for leave
14 under this section; or

15 (II) any information that would
16 compromise the safety of the employee
17 or family or household member in any
18 way.

19 (C) TIMELINESS.—The employee shall pro-
20 vide a copy of such certification to the employer
21 in a timely manner, not later than 30 days
22 after the first day of the period of leave to the
23 extent possible. The employer shall not delay
24 the commencement of the period of leave on the

1 basis that the employer has not yet received the
2 certification.

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

8 (e) CONFIDENTIALITY; NONDISCLOSURE FOR SUR-
9 VIVORS.—

10 (1) CONFIDENTIALITY.—All information pro-
11 vided to the employer pursuant to subsection (c) or
12 (d), and the facts that the employee or family or
13 household member is a survivor of domestic violence,
14 dating violence, sexual assault, or stalking, and the
15 employee has requested or obtained safe leave pursu-
16 ant to this section, shall be retained in the strictest
17 confidence by the employer, except to the extent that
18 disclosure is—

19 (A) requested or consented to by the em-
20 ployee in writing; or

21 (B) otherwise required by applicable Fed-
22 eral or State law.

23 (2) CONFIDENTIAL COMMUNICATIONS.—The
24 provision of any information under this section does
25 not waive or diminish the confidential or privileged

1 nature of communications between a survivor of do-
2 mestic violence, dating violence, sexual assault, or
3 stalking with one or more of the individuals or enti-
4 ties providing information under subclause (II),
5 (III), (IV), or (V) of clause (i), or clause (ii), of sub-
6 section (d)(3)(A).

7 (3) NONDISCLOSURE.—If an employer pos-
8 sesses health information about an employee or an
9 employee’s family or household member, such infor-
10 mation shall—

11 (A) be maintained on a separate form and
12 in a separate file from other personnel informa-
13 tion;

14 (B) be treated as a confidential medical
15 record; and

16 (C) not be disclosed except to the affected
17 employee or with the written permission of the
18 affected employee.

19 (f) EMPLOYMENT AND BENEFITS.—

20 (1) RESTORATION TO POSITION.—

21 (A) IN GENERAL.—Except as provided in
22 paragraph (2), any employee who takes leave
23 under this section for the intended purpose of
24 the leave shall be entitled, on return from such
25 leave—

1 (i) to be restored by the employer to
2 the position of employment held by the em-
3 ployee when the leave commenced; or

4 (ii) to be restored to an equivalent po-
5 sition with equivalent employment benefits,
6 pay, and other terms and conditions of em-
7 ployment.

8 (B) LOSS OF BENEFITS.—The taking of
9 leave under this section shall not result in the
10 loss of any employment benefit accrued prior to
11 the date on which the leave commenced.

12 (C) LIMITATIONS.—Nothing in this sub-
13 section shall be construed to entitle any re-
14 stored employee to any accrual, right, benefit,
15 or position described in section 104(a)(3) of the
16 Family and Medical Leave Act of 1993 (29
17 U.S.C. 2614(a)(3)).

18 (D) CONSTRUCTION.—Nothing in this
19 paragraph shall be construed to prohibit an em-
20 ployer from requiring an employee on leave
21 under this section to report periodically to the
22 employer on the status and intention of the em-
23 ployee to return to work.

24 (2) EXEMPTION CONCERNING CERTAIN HIGHLY
25 COMPENSATED EMPLOYEES.—

1 (A) DENIAL OF RESTORATION.—An em-
2 ployer may deny restoration under paragraph
3 (1) to any employee described in subparagraph
4 (B) if—

5 (i) such denial is necessary to prevent
6 substantial and grievous economic injury to
7 the operations of the employer;

8 (ii) the employer notifies the employee
9 of the intent of the employer to deny res-
10 toration on such basis at the time the em-
11 ployer determines that such injury would
12 occur; and

13 (iii) in any case in which the leave has
14 commenced, the employee elects not to re-
15 turn to employment after receiving such
16 notice.

17 (B) AFFECTED EMPLOYEES.—An employee
18 referred to in subparagraph (A) is a salaried
19 employee who is among the highest paid 10 per-
20 cent of the employees employed by the employer
21 within 75 miles of the facility at which the em-
22 ployee is employed.

23 (3) MAINTENANCE OF HEALTH BENEFITS.—

24 (A) COVERAGE.—Except as provided in
25 subparagraph (B), during any period that an

1 employee takes leave under this section, the em-
2 ployer shall maintain coverage under any group
3 health plan (meaning a group health plan as
4 defined in section 5000(b)(1) of the Internal
5 Revenue Code of 1986 or an employee welfare
6 benefit plan as defined in section 3(1) of the
7 Employee Retirement Income Security Act of
8 1974 (29 U.S.C. 1002(1))) for the duration of
9 such leave at the level and under the conditions
10 coverage would have been provided if the em-
11 ployee had continued in employment continu-
12 ously for the duration of such leave.

13 (B) FAILURE TO RETURN FROM LEAVE.—
14 The employer may recover the premium that
15 the employer paid for maintaining coverage for
16 the employee under such group health plan dur-
17 ing any period of leave under this section if—

18 (i) the employee fails to return from
19 leave under this section after the period of
20 leave to which the employee is entitled has
21 expired; and

22 (ii) the employee fails to return to
23 work for a reason other than—

24 (I) the continuation of, recur-
25 rence of, or onset of an episode of do-

1 mestic violence, dating violence, sexual
2 assault, or stalking, that entitles the
3 employee to leave pursuant to this
4 section; or

5 (II) other circumstances beyond
6 the control of the employee.

7 (C) CERTIFICATION.—

8 (i) ISSUANCE.—An employer may re-
9 quire an employee who claims that the em-
10 ployee is unable to return to work because
11 of a reason described in subclause (I) or
12 (II) of subparagraph (B)(ii) to provide,
13 within a reasonable period after making
14 the claim, certification to the employer
15 that the employee is unable to return to
16 work because of the circumstances that
17 formed the basis for that claim.

18 (ii) CONTENTS.—An employee may
19 satisfy the certification requirement of
20 clause (i) by providing to the employer—

21 (I) a sworn statement of the em-
22 ployee;

23 (II) documentation from an em-
24 ployee, agent, or volunteer of a sur-
25 vivor services organization, an attor-

1 ney, a member of the clergy, or a
2 medical or other professional, from
3 whom the employee or the employee's
4 family or household member has
5 sought assistance in addressing do-
6 mestic violence, dating violence, sexual
7 assault, or stalking, including the ef-
8 fects of domestic violence, dating vio-
9 lence, sexual assault, or stalking;

10 (III) a police or court record; or

11 (IV) other corroborating evi-
12 dence.

13 (D) LIMITATION ON INFORMATION RE-
14 QUIREMENTS.—An employer may not require
15 an employee, under subparagraph (C), to
16 produce, discuss with the employer, or pro-
17 vide—

18 (i) any additional information, beyond
19 the information enumerated in this para-
20 graph that establishes that the employee is
21 unable to return as described in subpara-
22 graph (C)(i); or

23 (ii) any information that would com-
24 promise the safety of the employee or fam-
25 ily or household member in any way.

1 (E) CONFIDENTIALITY.—All information
2 provided to the employer pursuant to subpara-
3 graph (C), including a statement of the em-
4 ployee or any other documentation, record, or
5 corroborating evidence, and the fact that the
6 employee is not returning to work because of a
7 reason described in subclause (I) or (II) of sub-
8 paragraph (B)(ii), shall be retained in the
9 strictest confidence by the employer, except to
10 the extent that disclosure is—

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

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

15 (F) CONFIDENTIAL COMMUNICATIONS.—
16 The provision of any information under this
17 paragraph does not waive or diminish the con-
18 fidential or privileged nature of communications
19 between a survivor of domestic violence, dating
20 violence, sexual assault, or stalking with one or
21 more of the individuals or entities providing in-
22 formation under subclause (II), (III), or (IV) of
23 subparagraph (C)(ii).

24 (g) PROHIBITED ACTS.—

1 (1) INTERFERENCE WITH RIGHTS.—Section
2 105(a) of the Family and Medical Leave Act of
3 1993 (29 U.S.C. 2615(a)) shall apply with respect
4 to this title.

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

9 (3) PUBLIC AGENCY SANCTIONS.—It shall be
10 unlawful for any public agency to deny, reduce, or
11 terminate the benefits of, or otherwise sanction any
12 individual, or otherwise discriminate (including har-
13 assment or retaliation in any form or manner)
14 against any individual with respect to the amount,
15 terms, or conditions of public assistance of the indi-
16 vidual, because the individual—

17 (A) exercised or attempted to exercise any
18 right provided under this section for the indi-
19 vidual or the individual's family or household
20 member; or

21 (B) opposed any practice made unlawful by
22 this section.

23 (h) ENFORCEMENT.—

24 (1) CIVIL ACTION BY AFFECTED INDIVID-
25 UALS.—

1 (A) LIABILITY.—Any employer that vio-
2 lates subsection (g) shall be liable to any indi-
3 vidual affected—

4 (i) for damages equal to—

5 (I) the amount of—

6 (aa) any wages, salary, em-
7 ployment benefits, or other com-
8 pensation denied or lost to such
9 individual by reason of the viola-
10 tion; or

11 (bb) in a case in which
12 wages, salary, employment bene-
13 fits, or other compensation has
14 not been denied or lost to the in-
15 dividual, any actual monetary
16 losses sustained by the individual
17 as a direct result of the violation;

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

21 (III) an additional amount as liq-
22 uidated damages equal to the sum of
23 the amount described in subclause (I)
24 and the interest described in sub-
25 clause (II), except that if an employer

1 that has violated subsection (g) proves
2 to the satisfaction of the court that
3 the act or omission that violated sub-
4 section (g) was in good faith and that
5 the employer had reasonable grounds
6 for believing that the act or omission
7 was not a violation of subsection (g),
8 such court may, in the discretion of
9 the court, reduce the amount of the li-
10 ability to the amount and interest de-
11 termined under subclauses (I) and
12 (II), respectively; and

13 (ii) for such equitable relief as may be
14 appropriate, including employment, rein-
15 statement, and promotion.

16 (B) RIGHT OF ACTION.—An action to re-
17 cover the damages or equitable relief prescribed
18 in subparagraph (A) may be maintained against
19 any employer in any Federal or State court of
20 competent jurisdiction by any one or more af-
21 fected individuals for and on behalf of—

22 (i) the individuals; or

23 (ii) the individuals and other individ-
24 uals similarly situated.

1 (C) FEES AND COSTS.—The court in such
2 an action shall, in addition to any judgment
3 awarded to the plaintiff, allow a reasonable at-
4 torney’s fee, reasonable expert witness fees, and
5 other costs of the action to be paid by the de-
6 fendant.

7 (D) LIMITATIONS.—The right provided by
8 subparagraph (B) to bring an action by or on
9 behalf of any affected individual shall termi-
10 nate—

11 (i) on the filing of a complaint by the
12 Secretary of Labor in an action under
13 paragraph (4) in which restraint is sought
14 of any further delay in the payment of the
15 amount described in subparagraph (A)(i)
16 to such individual by an employer respon-
17 sible under subparagraph (A) for the pay-
18 ment; or

19 (ii) on the filing of a complaint by the
20 Secretary of Labor in an action under
21 paragraph (2) in which a recovery is
22 sought of the damages described in sub-
23 paragraph (A)(i) owing to an affected indi-
24 vidual by an employer liable under sub-
25 paragraph (A),

1 unless the action described in clause (i) or (ii)
2 is dismissed without prejudice on motion of the
3 Secretary of Labor.

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

5 (A) ADMINISTRATIVE ACTION.—The Sec-
6 retary of Labor shall receive, investigate, and
7 attempt to resolve complaints of violations of
8 subsection (g) in the same manner as the Sec-
9 retary of Labor receives, investigates, and at-
10 tempts to resolve complaints of violations of
11 sections 6 and 7 of the Fair Labor Standards
12 Act of 1938 (29 U.S.C. 206 and 207).

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

17 (C) SUMS RECOVERED.—Any sums recov-
18 ered by the Secretary of Labor pursuant to sub-
19 paragraph (B) shall be held in a special deposit
20 account and shall be paid, on order of the Sec-
21 retary, directly to each individual affected. Any
22 such sums not paid to such an individual be-
23 cause of inability to do so within a period of
24 three years shall be deposited into the Treasury
25 of the United States as miscellaneous receipts.

1 (3) LIMITATION.—

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

7 (B) WILLFUL VIOLATION.—In the case of
8 such action brought for a willful violation of
9 subsection (g), such action may be brought
10 within three years after the date of the last
11 event constituting the alleged violation for
12 which such action is brought.

13 (C) COMMENCEMENT.—In determining
14 when an action is commenced by the Secretary
15 of Labor under this subsection for the purposes
16 of this paragraph, it shall be considered to be
17 commenced on the date when the complaint is
18 filed.

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

23 (A) to restrain violations of subsection (g),
24 including the restraint of any withholding of
25 payment of wages, salary, employment benefits,

1 or other compensation, plus interest, found by
2 the court to be due to affected individuals; or

3 (B) to award such other equitable relief as
4 may be appropriate, including employment, re-
5 instatement, and promotion.

6 (5) SOLICITOR OF LABOR.—The Solicitor of
7 Labor may appear for and represent the Secretary
8 of Labor on any litigation brought under this sub-
9 section.

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

18 (7) LIBRARY OF CONGRESS.—Notwithstanding
19 any other provision of this subsection, in the case of
20 the Library of Congress, the authority of the Sec-
21 retary of Labor under this subsection shall be exer-
22 cised by the Librarian of Congress.

23 (8) CERTAIN PUBLIC AGENCY EMPLOYERS.—

24 (A) AGENCIES.—Notwithstanding any
25 other provision of this subsection, in the case of

1 a public agency that employs individuals as de-
2 scribed in subparagraph (A) or (B) of section
3 3(e)(2) of the Fair Labor Standards Act of
4 1938 (29 U.S.C. 203(e)(2)) (other than an en-
5 tity of the legislative branch of the Federal
6 Government), subparagraph (B) shall apply.

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

21 (9) PUBLIC AGENCIES PROVIDING PUBLIC AS-
22 SISTANCE.—Consistent with regulations prescribed
23 under section 206(d), the President shall ensure that
24 any public agency that violates subsection (g)(3), or
25 subsection (g)(2) by discriminating as described in

1 subsection (g)(3), shall provide to any individual who
 2 receives a less favorable amount, term, or condition
 3 of public assistance as a result of the violation—

4 (A)(i) the amount of any public assistance
 5 denied or lost to such individual by reason of
 6 the violation; and

7 (ii) the interest on the amount described in
 8 clause (i), calculated at the prevailing rate; and

9 (B) such equitable relief as may be appro-
 10 priate.

11 **SEC. 203. EXISTING LEAVE USABLE FOR ADDRESSING DO-**
 12 **MESTIC VIOLENCE, DATING VIOLENCE, SEX-**
 13 **UAL ASSAULT, OR STALKING.**

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

21 **SEC. 204. EMERGENCY BENEFITS.**

22 (a) IN GENERAL.—A State may use funds provided
 23 to the State under part A of title IV of the Social Security
 24 Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-
 25 term emergency benefits to an individual for any period

1 of leave the individual takes pursuant to section 202 of
2 this Act.

3 (b) ELIGIBILITY.—

4 (1) IN GENERAL.—An individual who is eligible
5 for assistance under the State program funded
6 under that part and for leave under section 202
7 shall be eligible for such emergency benefits, except
8 as provided in paragraph (2).

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

12 (c) TIMING.—

13 (1) APPLICATIONS.—An individual seeking
14 emergency benefits under subsection (a) from a
15 State shall submit an application to the State.

16 (2) BENEFITS.—The State shall provide bene-
17 fits to an eligible applicant under paragraph (1) on
18 an expedited basis, and not later than seven days
19 after the applicant submits an application under
20 paragraph (1).

21 **SEC. 205. RULE OF CONSTRUCTION.**

22 (a) MORE PROTECTIVE LAWS, AGREEMENTS, PRO-
23 GRAMS, AND PLANS.—Nothing in this title shall be con-
24 strued to supersede any provision of any Federal, State,

1 or local law, collective bargaining agreement, or employ-
2 ment benefits program or plan that provides—

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

6 (2) leave benefits for a larger population of sur-
7 vivors of domestic violence, dating violence, sexual
8 assault, or stalking (as defined in such law, agree-
9 ment, program, or plan) than the survivors of do-
10 mestic violence, dating violence, sexual assault, or
11 stalking covered under this Act.

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

18 **SEC. 206. REGULATIONS.**

19 (a) IN GENERAL.—

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

24 (2) REGULATIONS REGARDING NOTICES.—The
25 regulations described in paragraph (1) shall include

1 regulations requiring every employer to post and
2 keep posted, in conspicuous places on the premises
3 of the employer where notices to employees are cus-
4 tomarily placed, a notice, to be prepared or approved
5 by the Secretary of Labor, summarizing the provi-
6 sions of this title and providing information on pro-
7 cedures for filing complaints. The Secretary of
8 Labor shall develop such a notice and provide copies
9 to employers upon request without charge.

10 (b) LIBRARY OF CONGRESS.—The Librarian of Con-
11 gress shall prescribe the regulations described in sub-
12 section (a) with respect to employees of the Library of
13 Congress. The regulations prescribed under this sub-
14 section shall, to the extent appropriate, be consistent with
15 the regulations prescribed by the Secretary of Labor under
16 subsection (a).

17 (c) CERTAIN PUBLIC AGENCY EMPLOYERS.—The Of-
18 fice of Personnel Management shall prescribe the regula-
19 tions described in subsection (a) with respect to individ-
20 uals described in subparagraph (A) or (B) of section
21 3(e)(2) of the Fair Labor Standards Act of 1938 (29
22 U.S.C. 203(e)(2)) (other than an individual employed by
23 an entity of the legislative branch of the Federal Govern-
24 ment). The regulations prescribed under this subsection
25 shall, to the extent appropriate, be consistent with the reg-

1 ulations prescribed by the Secretary of Labor under sub-
2 section (a).

3 (d) PUBLIC AGENCIES PROVIDING PUBLIC ASSIST-
4 ANCE.—The President shall prescribe the regulations de-
5 scribed in subsection (a) with respect to applicants for and
6 recipients of public assistance, in the case of violations of
7 section 202(g)(3), or section 202(g)(2) due to discrimina-
8 tion described in section 202(g)(3). The regulations pre-
9 scribed under this subsection shall, to the extent appro-
10 priate, be consistent with the regulations prescribed by the
11 Secretary of Labor under subsection (a).

12 **TITLE III—SURVIVORS’**
13 **EMPLOYMENT SUSTAINABILITY**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “Survivors’ Employ-
16 ment Sustainability Act”.

17 **SEC. 302. PROHIBITED DISCRIMINATORY ACTS.**

18 (a) IN GENERAL.—It shall be unlawful for an em-
19 ployer to fail or refuse to hire or discharge any individual,
20 or otherwise discriminate (including harassment or retalia-
21 tion in any form or manner) against any individual with
22 respect to the compensation, terms, conditions, or privi-
23 leges of employment of the individual, and it shall be un-
24 lawful for a public agency to deny, reduce, or terminate
25 the benefits of, or otherwise sanction any individual, or

1 otherwise discriminate (including harassment or retali-
2 tion in any form or manner) against any individual with
3 respect to the amount, terms, or conditions of public as-
4 sistance of the individual, because—

5 (1) the individual involved is or the employer or
6 public agency involved perceives that individual to be
7 a survivor of domestic violence, dating violence, sex-
8 ual assault, or stalking, or a survivor of communica-
9 tion of an intimate image of the individual;

10 (2) that individual attended, participated in,
11 prepared for, or requested leave to attend, partici-
12 pate in, or prepare for, a criminal or civil court pro-
13 ceeding relating to an incident that caused the indi-
14 vidual to be a survivor of domestic violence, dating
15 violence, sexual assault, or stalking, or a survivor of
16 communication of an intimate image of the indi-
17 vidual;

18 (3) that individual, in response to actual or
19 threatened domestic violence, dating violence, sexual
20 assault, or stalking, or actual or threatened commu-
21 nication of an intimate image of the individual, re-
22 quested that the employer or public agency imple-
23 ment a reasonable safety procedure or a job-related
24 modification to enhance the security of that indi-
25 vidual or safeguard the workplace involved; or

1 (4) the workplace is disrupted or threatened by
2 the action of a person whom that individual states
3 has committed or threatened to commit an act that
4 caused or would cause the individual to be a survivor
5 of domestic violence, dating violence, sexual assault,
6 or stalking, or a survivor of communication of an in-
7 timate image of the individual.

8 (b) DEFINITIONS.—In this section:

9 (1) COMMUNICATION OF AN INTIMATE
10 IMAGE.—The term “communication of an intimate
11 image”, used with respect to an individual, includes
12 a transmission, dissemination, or receipt through
13 electronic or other communication containing at
14 least one intimate image of the individual that ap-
15 pears to have been transmitted or disseminated by
16 a person who—

17 (A) obtained the image under cir-
18 cumstances in which a reasonable person would
19 know or understand that the image was to re-
20 main private;

21 (B) knows or should have known that the
22 depicted individual has not consented to the dis-
23 closure of the image; and

1 (C) knows or reasonably should know that
2 the disclosure would cause harm to the depicted
3 individual.

4 (2) DISCRIMINATE.—The term “discriminate”,
5 used with respect to the terms, conditions, or privi-
6 leges of employment or with respect to the terms or
7 conditions of public assistance, includes failing to
8 implement, on request from an individual, in re-
9 sponse to actual or threatened domestic violence,
10 dating violence, sexual assault, or stalking, or actual
11 or threatened communication of an intimate image
12 of the individual, a reasonable safety procedure or a
13 job-related modification to enhance the security of
14 that individual or safeguard the workplace involved
15 (such as installation of a lock, change of a telephone
16 number or seating assignment, provision of a trans-
17 fer, provision of leave, modification of a schedule, or
18 adjustment of a work requirement), unless the em-
19 ployer or public agency can demonstrate that grant-
20 ing the request would impose an undue hardship on
21 the operation of the employer or public agency.

22 (3) DOMESTIC VIOLENCE; DATING VIOLENCE;
23 SEXUAL ASSAULT; STALKING.—The terms “domestic
24 violence”, “dating violence”, “sexual assault”, and
25 “stalking” have the meanings given the terms in sec-

1 tion 40002 of the Violence Against Women Act of
2 1994 (34 U.S.C. 12291).

3 (4) INTIMATE IMAGE.—The term “intimate
4 image” means any photograph, motion picture film,
5 videotape, digital image, image from social media, or
6 any other recording or other image of an individual
7 (other than the person taking the image) who is
8 identifiable from the image itself or from informa-
9 tion displayed with or otherwise connected to the
10 image, that—

11 (A) was taken in a private setting;

12 (B) does not depict a matter of public con-
13 cern; and

14 (C) depicts—

15 (i) sexual activity, including sexual
16 intercourse or masturbation; or

17 (ii) a person’s intimate body parts,
18 whether nude or visible through less than
19 opaque clothing.

20 (5) SAFE LEAVE TERMS.—The terms “employ”,
21 “employee”, “employer”, “employment benefits”,
22 “person”, “public agency”, “public assistance”,
23 “State”, and “survivor of domestic violence, dating
24 violence, sexual assault, or stalking” have the mean-
25 ings given the terms in section 201.

1 (6) **UNDUE HARDSHIP.**—The term “undue
2 hardship” means an action requiring significant dif-
3 ficulty or expense.

4 **SEC. 303. ENFORCEMENT.**

5 (a) **CIVIL ACTION BY INDIVIDUALS.**—

6 (1) **LIABILITY.**—Any employer that violates sec-
7 tion 302 shall be liable to any individual affected
8 for—

9 (A) damages equal to the amount of any
10 wages, salary, employment benefits, or other
11 compensation denied or lost to such individual
12 by reason of the violation, and the interest on
13 that amount calculated at the prevailing rate;

14 (B) compensatory damages, including dam-
15 ages for future pecuniary losses, emotional
16 pain, suffering, inconvenience, mental anguish,
17 loss of enjoyment or life, and other nonpecu-
18 niary losses;

19 (C) such punitive damages, up to three
20 times the amount of actual damages sustained,
21 as the court described in paragraph (2) shall
22 determine to be appropriate; and

23 (D) such equitable relief as may be appro-
24 priate, including employment, reinstatement,
25 and promotion.

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

7 (b) ACTION BY SECRETARY OF LABOR.—The Sec-
8 retary of Labor may bring a civil action in any Federal
9 or State court of competent jurisdiction to recover the
10 damages or equitable relief described in subsection (a)(1).

11 (c) LIBRARY OF CONGRESS.—Notwithstanding any
12 other provision of this section, in the case of the Library
13 of Congress, the authority of the Secretary of Labor under
14 this section shall be exercised by the Librarian of Con-
15 gress.

16 (d) CERTAIN PUBLIC AGENCY EMPLOYERS.—

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

24 (2) AUTHORITY.—In the case described in
25 paragraph (1), the powers, remedies, and procedures

1 provided (in the case of a violation of section
2 2302(b)(1)(A) of title 5, United States Code) in title
3 5, United States Code, to an employing agency, the
4 Office of Special Counsel, the Merit Systems Protec-
5 tion Board, or any person alleging a violation of
6 such section 2302(b)(1)(A), shall be the powers,
7 remedies, and procedures this section provides in the
8 case of a violation of section 302 to that agency,
9 that Office, that Board, or any person alleging a vio-
10 lation of section 302, respectively, concerning an em-
11 ployee who is an individual described in paragraph
12 (1).

13 (e) PUBLIC AGENCIES PROVIDING PUBLIC ASSIST-
14 ANCE.—Consistent with regulations prescribed under sec-
15 tion 304(d), the President shall ensure that any public
16 agency that violates section 302(a) by taking an action
17 prohibited under section 302(a) with respect to the
18 amount, terms, or conditions of public assistance, shall
19 provide to any individual who receives a less favorable
20 amount, term, or condition of public assistance as a result
21 of the violation—

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

1 (B) the interest on the amount described in
2 subparagraph (A), calculated at the prevailing rate;
3 and

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

5 **SEC. 304. REGULATIONS.**

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

9 (b) LIBRARY OF CONGRESS.—The Librarian of Con-
10 gress shall prescribe the regulations described in sub-
11 section (a) with respect to employees of the Library of
12 Congress. The regulations prescribed under this sub-
13 section shall, to the extent appropriate, be consistent with
14 the regulations prescribed by the Secretary of Labor under
15 subsection (a).

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

1 priate, be consistent with the regulations prescribed by the
2 Secretary of Labor under subsection (a).

3 (d) PUBLIC AGENCIES PROVIDING PUBLIC ASSIST-
4 ANCE.—The President shall prescribe the regulations de-
5 scribed in subsection (a) with respect to applicants for and
6 recipients of public assistance, in the case of violations of
7 section 302(a) by a public agency due to taking an action
8 prohibited under section 302(a) with respect to the
9 amount, terms, or conditions of public assistance. The reg-
10 ulations prescribed under this subsection shall, to the ex-
11 tent appropriate, be consistent with the regulations pre-
12 scribed by the Secretary of Labor under subsection (a).

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

14 Section 722(b) of the Revised Statutes (42 U.S.C.
15 1988(b)) is amended by inserting “the Survivors’ Employ-
16 ment Sustainability Act,” after “title VI of the Civil
17 Rights Act of 1964,”.

1 **TITLE IV—ENTITLEMENT TO UN-**
2 **EMPLOYMENT COMPENSA-**
3 **TION FOR SURVIVORS OF DO-**
4 **MESTIC VIOLENCE, DATING**
5 **VIOLENCE, SEXUAL ASSAULT,**
6 **OR STALKING**

7 **SEC. 401. UNEMPLOYMENT COMPENSATION AND TRAINING**
8 **PROVISIONS.**

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

12 (1) in subsection (a)—

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

15 (B) by redesignating paragraph (19) as
16 paragraph (20); and

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

19 “(19) compensation shall not be denied where
20 an individual is separated from employment due to
21 circumstances resulting from the individual being a
22 survivor of domestic violence, dating violence, sexual
23 assault, or stalking, nor shall States impose addi-
24 tional conditions that restrict the individual’s eligi-
25 bility for or receipt of benefits beyond those required

1 of other individuals who are forced to leave their
2 jobs or are deemed to have good cause for volun-
3 tarily separating from a job in the State; and”;

4 (2) by adding at the end the following new sub-
5 section:

6 “(g) CONSTRUCTION.—For purposes of subsection
7 (a)(19)—

8 “(1) DOCUMENTATION.—In determining eligi-
9 bility for compensation due to circumstances result-
10 ing from an individual being a survivor of domestic
11 violence, dating violence, sexual assault, or stalk-
12 ing—

13 “(A) States shall adopt, or have adopted,
14 by statute, regulation, or policy a list of forms
15 of documentation that may be presented to
16 demonstrate eligibility; and

17 “(B) presentation of any one of such forms
18 of documentation shall be sufficient to dem-
19 onstrate eligibility, except that a State may re-
20 quire the presentation of a form of identifica-
21 tion in addition to the sworn statement of appli-
22 cant described in paragraph (2)(A).

23 “(2) LIST OF FORMS OF DOCUMENTATION.—
24 The list referred to in paragraph (1)(A) shall, at a

1 minimum, include the following forms of documenta-
2 tion:

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

4 “(B) A police or court record concerning
5 the applicant.

6 “(C) Documentation from an employee or
7 volunteer working for a survivor services organi-
8 zation, an attorney, a police officer, a medical
9 professional, a social worker, an antiviolen-
10 ce counselor, a member of the clergy, or another
11 professional, affirming that the applicant is a
12 survivor of domestic violence, dating violence,
13 sexual assault, or stalking.

14 “(3) DEFINITIONS.—The terms ‘domestic vio-
15 lence’, ‘dating violence’, ‘sexual assault’, ‘stalking’,
16 ‘survivor of domestic violence, dating violence, sexual
17 assault, or stalking’, and ‘survivor services organiza-
18 tion’ have the meanings given such terms in section
19 201 of the Security and Financial Empowerment
20 Act of 2017.”.

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

1 (1) by redesignating paragraphs (4) through
2 (12) as paragraphs (5) through (13), respectively;
3 and

4 (2) by inserting after paragraph (3) the fol-
5 lowing new paragraph:

6 “(4) Such methods of administration as will en-
7 sure that—

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

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

18 “(i) the nature and dynamics of do-
19 mestic violence, dating violence, sexual as-
20 sault, or stalking (as such terms are de-
21 fined in section 201 of the Security and
22 Financial Empowerment Act of 2017); and

23 “(ii) methods of ascertaining and
24 keeping confidential information about pos-
25 sible experiences of domestic violence, dat-

1 ing violence, sexual assault, or stalking (as
2 so defined) to ensure that—

3 “(I) requests for unemployment
4 compensation based on separations
5 stemming from domestic violence, dat-
6 ing violence, sexual assault, or stalk-
7 ing (as so defined) are reliably
8 screened, identified, and adjudicated;
9 and

10 “(II) full confidentiality is pro-
11 vided for the individual’s claim and
12 submitted evidence; and”.

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

16 “(8) CERTIFICATION THAT THE STATE WILL
17 PROVIDE INFORMATION TO SURVIVORS OF DOMESTIC
18 VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR
19 STALKING.—A certification by the chief officer of
20 the State that the State has established and is en-
21 forcing standards and procedures to—

22 “(A) ensure that applicants for assistance
23 under the program and individuals inquiring
24 about such assistance are adequately notified
25 of—

1 “(i) the provisions of subsections
2 (a)(19) and (g) of section 3304 of the In-
3 ternal Revenue Code of 1986 (relating to
4 the availability of unemployment com-
5 pensation for survivors of domestic vio-
6 lence, dating violence, sexual assault, or
7 stalking); and

8 “(ii) assistance made available by the
9 State to survivors of domestic violence,
10 dating violence, sexual assault, or stalking
11 (as defined in section 201 of the Security
12 and Financial Empowerment Act of 2017);

13 “(B) ensure that case workers and other
14 agency personnel responsible for administering
15 the State program funded under this part are
16 adequately trained in—

17 “(i) the nature and dynamics of do-
18 mestic violence, dating violence, sexual as-
19 sault, or stalking (as such terms are de-
20 fined in section 201 of the Security and
21 Financial Empowerment Act of 2017);

22 “(ii) State standards and procedures
23 relating to the prevention of, and assist-
24 ance for individuals who are survivors of,

1 domestic violence, dating violence, sexual
2 assault, or stalking (as so defined); and

3 “(iii) methods of ascertaining and
4 keeping confidential information about pos-
5 sible experiences of domestic violence, dat-
6 ing violence, sexual assault, or stalking (as
7 so defined);

8 “(C) if a State has elected to establish and
9 enforce standards and procedures regarding the
10 screening for, and identification of, domestic vi-
11 olence pursuant to paragraph (7), ensure
12 that—

13 “(i) applicants for assistance under
14 the program and individuals inquiring
15 about such assistance are adequately noti-
16 fied of options available under such stand-
17 ards and procedures; and

18 “(ii) case workers and other agency
19 personnel responsible for administering the
20 State program funded under this part are
21 provided with adequate training regarding
22 such standards and procedures and options
23 available under such standards and proce-
24 dures; and

1 “(D) ensure that the training required
2 under subparagraphs (B) and, if applicable,
3 (C)(ii) is provided through a training program
4 operated by an eligible entity (as defined in sec-
5 tion 401(d)(2) of the Security and Financial
6 Empowerment Act of 2017).”.

7 (d) DOMESTIC VIOLENCE, DATING VIOLENCE, SEX-
8 UAL ASSAULT, OR STALKING TRAINING GRANT PRO-
9 GRAM.—

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

13 (A) a grant to a national survivor services
14 organization in order for such organization to—

15 (i) develop and disseminate a model
16 training program (and related materials)
17 for the training required under section
18 303(a)(4)(B) of the Social Security Act, as
19 added by subsection (b), and under sub-
20 paragraphs (B) and, if applicable, (C)(ii)
21 of section 402(a)(8) of such Act, as added
22 by subsection (c); and

23 (ii) provide technical assistance with
24 respect to such model training program;
25 and

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

12 (2) ELIGIBLE ENTITY DEFINED.—For purposes
13 of paragraph (1)(B), the term “eligible entity”
14 means an entity—

15 (A) that is—

16 (i) a State or tribal domestic violence
17 coalition or sexual assault coalition;

18 (ii) a State or local survivor services
19 organization with recognized expertise in
20 the dynamics of domestic violence, dating
21 violence, sexual assault, or stalking whose
22 primary mission is to provide services to
23 survivors of domestic violence, dating vio-
24 lence, sexual assault, or stalking, such as

1 a rape crisis center or domestic violence
2 program; or

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

11 (B) that—

12 (i) has demonstrated expertise in the
13 dynamics of both domestic violence and
14 sexual assault, such as a joint domestic vi-
15 olence and sexual assault coalition; or

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

22 (3) APPLICATION.—An entity seeking a grant
23 under this subsection shall submit an application to
24 the Secretary at such time, in such form and man-

1 ner, and containing such information as the Sec-
2 retary specifies.

3 (4) REPORTS.—

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

8 (B) REPORTS AVAILABLE TO PUBLIC.—

9 The Secretary shall establish procedures for the
10 dissemination to the public of each report sub-
11 mitted under subparagraph (A). Such proce-
12 dures shall include the use of the Internet to
13 disseminate such reports.

14 (5) AUTHORIZATION OF APPROPRIATIONS.—

15 (A) AUTHORIZATION.—There are author-
16 ized to be appropriated—

17 (i) \$1,000,000 for fiscal year 2018 to
18 carry out the provisions of paragraph
19 (1)(A); and

20 (ii) \$12,000,000 for each of fiscal
21 years 2019 through 2022 to carry out the
22 provisions of paragraph (1)(B).

23 (B) THREE-YEAR AVAILABILITY OF GRANT
24 FUNDS.—Each recipient of a grant under this
25 subsection shall return to the Secretary any un-

1 used portion of such grant not later than 3
2 years after the date the grant was awarded, to-
3 gether with any earnings on such unused por-
4 tion.

5 (C) AMOUNTS RETURNED.—Any amounts
6 returned pursuant to subparagraph (B) shall be
7 available without further appropriation to the
8 Secretary for the purpose of carrying out the
9 provisions of paragraph (1)(B).

10 (e) EFFECT ON EXISTING LAWS, ETC.—

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

20 (2) LESS PROTECTIVE LAWS, AGREEMENTS,
21 PROGRAMS, AND PLANS.—The rights established for
22 survivors of domestic violence, dating violence, sex-
23 ual assault, or stalking under this title shall not be
24 diminished by any more restrictive State or local

1 law, collective bargaining agreement, or employment
2 benefits program or plan.

3 (f) EFFECTIVE DATE.—

4 (1) UNEMPLOYMENT AMENDMENTS.—

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

11 (B) EXTENSION OF EFFECTIVE DATE FOR
12 STATE LAW AMENDMENT.—

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

22 (I) the date the State changes its
23 statutes, regulations, or policies in
24 order to comply with such amend-
25 ments; or

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

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

15 (2) TANF AMENDMENT.—

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

20 (B) EXTENSION OF EFFECTIVE DATE FOR
21 STATE LAW AMENDMENT.—In the case of a
22 State plan under part A of title IV of the Social
23 Security Act which the Secretary of Health and
24 Human Services determines requires State ac-
25 tion (including legislation, regulation, or other

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

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

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

17 (b) **REPORTS.**—Not later than January 1, 2019, and
18 every 5 years thereafter, the Secretary of Health and
19 Human Services, in consultation with the Secretary of
20 Labor, shall submit a report to Congress on the study con-
21 ducted under subsection (a).

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

24 (1) identification of geographic areas in which
25 State laws, regulations, and practices have a strong

1 impact on the ability of survivors of domestic vio-
2 lence, dating violence, sexual assault, or stalking to
3 exercise—

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

8 (B) other components of economic security;

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

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

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

1 violence, dating violence, sexual assault, or stalking;
2 and

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

7 **SEC. 512. GAO STUDY.**

8 Not later than 18 months after the date of enactment
9 of this Act, the Comptroller General of the United States
10 shall submit to the Committee on Health, Education,
11 Labor, and Pensions of the Senate a report that examines,
12 with respect to survivors of domestic violence, dating vio-
13 lence, sexual assault, or stalking who are, or were, enrolled
14 at institutions of higher education and borrowed a loan
15 made, insured, or guaranteed under title IV of the Higher
16 Education Act of 1965 (20 U.S.C. 1070 et seq.) for which
17 the survivors have not repaid the total interest and prin-
18 cipal due, each of the following:

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

22 (2) The adequacy of policies and procedures re-
23 garding Federal student loan deferment, forbear-
24 ance, and grace periods when a survivor has to sus-
25 pend or terminate the survivor's enrollment at an in-

1 stitution of higher education due to domestic vio-
2 lence, dating violence, sexual assault, or stalking.

3 (3) The adequacy of institutional policies and
4 practices regarding retention or transfer of credits
5 when a survivor has to suspend or terminate the
6 survivor's enrollment at an institution of higher edu-
7 cation due to domestic violence, dating violence, sex-
8 ual assault, or stalking.

9 (4) The availability or any options for a sur-
10 vivor of domestic violence, dating violence, sexual as-
11 sault, or stalking who attended an institution of
12 higher education that committed unfair, deceptive,
13 or abusive acts or practices, or otherwise substan-
14 tially misrepresented information to students, to be
15 able to seek a defense to repayment of the survivor's
16 Federal student loan.

17 (5) The limitations faced by a survivor of do-
18 mestic violence, dating violence, sexual assault, or
19 stalking to obtain any relief or restitution on the
20 survivor's Federal student loan debt due to the use
21 of forced arbitration, gag orders, or bans on class
22 actions.

1 **SEC. 513. DOMESTIC VIOLENCE, DATING VIOLENCE, SEX-**
2 **UAL ASSAULT, AND STALKING EDUCATION**
3 **AND INFORMATION PROGRAMS FOR SUR-**
4 **VIVORS.**

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

8 (b) PUBLIC EDUCATION PROGRAM.—

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

23 (2) DISSEMINATION.—The Secretary of Labor,
24 in conjunction with the Secretary of Health and
25 Human Services and the Attorney General, as de-
26 scribed in paragraph (1), may disseminate informa-

1 tion through the public outreach and education cam-
2 paign on the resources and rights referred to in this
3 subsection directly or through arrangements with
4 health agencies, professional and nonprofit organiza-
5 tions, consumer groups, labor organizations, institu-
6 tions of higher education, clinics, the media, and
7 Federal, State, and local agencies.

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

11 (A) the resources and rights that are—

12 (i) available to survivors of domestic
13 violence, dating violence, sexual assault, or
14 stalking; and

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

18 (B) guidelines and best practices on pre-
19 vention of domestic violence, dating violence,
20 stalking, and sexual assault;

21 (C) resources that promote healthy rela-
22 tionships and communication skills;

23 (D) resources that encourage bystander
24 intervention in a situation involving domestic vi-

1 olence, dating violence, stalking, or sexual as-
2 sault;

3 (E) resources that promote workplace poli-
4 cies that support and help maintain the eco-
5 nomic security of survivors of domestic violence,
6 dating violence, sexual assault, or stalking; and

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

10 (c) INFORMATION PROGRAM FOR EMPLOYERS.—

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

19 (2) INFORMATION.—The information dissemi-
20 nated under paragraph (1) shall include, at a min-
21 imum—

22 (A) information describing employers’ re-
23 sponsibilities and employees’ rights under title
24 II;

1 (B) recommendations for carrying out
2 those responsibilities and providing for those
3 rights;

4 (C) recommendations for supporting em-
5 ployees when the employees seek safe leave
6 under title II;

7 (D) information on best practices for sup-
8 porting survivors of domestic violence, dating
9 violence, sexual assault, or stalking;

10 (E) information on best practices for pre-
11 venting domestic violence, dating violence, sex-
12 ual assault, and stalking; and

13 (F) information explaining how to obtain
14 additional copies of the information developed
15 under paragraph (1) for distribution to the em-
16 ployees.

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

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section,
 3 such sums as may be necessary for each of fiscal years
 4 2018 through 2022.

5 **SEC. 514. INVESTING IN PUBLIC HEALTH INFRASTRUCTURE**
 6 **TO IMPROVE SUPPORT FOR SURVIVORS.**

7 Section 303(c) of the Family Violence Prevention and
 8 Services Act (42 U.S.C. 10403(c)) is amended by striking
 9 “314” and all that follows and inserting “314
 10 \$15,000,000 for each of fiscal years 2018 through 2022.”.

11 **SEC. 515. FINANCIAL LITERACY AND ADVOCACY FOR SUR-**
 12 **VIVORS OF DOMESTIC VIOLENCE, DATING VI-**
 13 **OLENCE, SEXUAL ASSAULT, OR STALKING.**

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

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

18 (2) a State or local survivor services organiza-
 19 tion; or

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

1 (b) GRANTS AUTHORIZED.—The Secretary of Health
2 and Human Services is authorized to award competitive
3 grants to eligible entities to—

4 (1) develop and disseminate a model program,
5 and related materials, for providing financial literacy
6 support and advocacy services to survivors of domes-
7 tic violence, dating violence, sexual assault, or stalk-
8 ing, and such support and services shall take place
9 in national resource centers, established and oper-
10 ated under section 41501 of the Violence Against
11 Women Act of 1994 (34 U.S.C. 12501); and

12 (2) provide technical assistance with respect to
13 such model program.

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

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

23 (e) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) AUTHORIZATION.—There is authorized to
2 be appropriated \$1,000,000 for fiscal year 2018 to
3 carry out this section.

4 (2) THREE-YEAR AVAILABILITY OF GRANT
5 FUNDS.—Not later than three years after the date
6 on which a grant is awarded under this section, the
7 recipient of such grant shall return to the Secretary
8 of Health and Human Services any unused portion
9 of such grant, together with any earnings on such
10 unused portion.

11 **TITLE VI—SEVERABILITY**

12 **SEC. 601. SEVERABILITY.**

13 If any provision of this Act, any amendment made
14 by this Act, or the application of such provision or amend-
15 ment to any person or circumstance is held to be unconsti-
16 tutional, the remainder of the provisions of this Act, the
17 amendments made by this Act, and the application of such
18 provisions or amendments to any person or circumstance
19 shall not be affected.

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