

114TH CONGRESS  
1ST SESSION

# H. R. 3841

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2015

Ms. ROYBAL-ALLARD (for herself, Ms. MATSUI, Mr. TAKANO, Ms. CLARK of Massachusetts, Ms. EDWARDS, Mr. RICHMOND, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 2015”.

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

Sec. 513. Investing in public health infrastructure to improve support for survivors.

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

TITLE VI—SEVERABILITY

Sec. 601. Severability.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Violence against women has been reported  
4 as the leading cause of physical injury to women.  
5 Such violence has a devastating impact on women's  
6 physical and emotional health, financial security,  
7 and ability to maintain their jobs, and thus impacts  
8 interstate commerce and economic security.

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

21 (3) The Centers for Disease Control and Pre-  
22 vention report that domestic violence or intimate  
23 partner violence is a serious public health issue for

1 millions of individuals in the United States. Nearly  
2 one in four women and one in seven men in the  
3 United States have suffered severe physical violence  
4 by an intimate partner.

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

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

23 (6) Violence can have a dramatic impact on the  
24 survivor of such violence. Studies indicate that be-  
25 tween 35 and 56 percent of employed survivors of

1 domestic violence who are women were harassed at  
2 work by their abusive partners. More than 35 per-  
3 cent of stalking survivors report losing time from  
4 work due to the stalking and seven percent of such  
5 survivors never return to work. Sexual assault,  
6 whether occurring in or out of the workplace, can  
7 impair an employee's work performance, require  
8 time away from work, and undermine the employee's  
9 ability to maintain a job. Nearly 50 percent of sex-  
10 ual assault survivors lose their jobs or are forced to  
11 quit in the aftermath of the assaults.

12 (7) Studies find that 60 percent of single  
13 women lack economic security and 81 percent of  
14 households with single mothers live in economic inse-  
15 curity. Research shows that expenses such as hous-  
16 ing, transportation, and child care are often cited as  
17 the most significant barriers that survivors confront  
18 when attempting to escape violence or rebuild their  
19 lives. Survivors are deprived of their autonomy, lib-  
20 erty, and security, and face tremendous threats to  
21 their health and safety.

22 (8) The Centers for Disease Control and Pre-  
23 vention report that survivors of severe intimate part-  
24 ner violence lose nearly 8,000,000 days of paid work,  
25 which is the equivalent of more than 32,000 full-

1 time jobs and almost 5,600,000 days of household  
2 productivity each year. Therefore, women dispropor-  
3 tionately need time off to care for their health or to  
4 find safety solutions, such as obtaining a restraining  
5 order or finding housing, to avoid or prevent further  
6 violence.

7 (9) According to the Centers for Disease Con-  
8 trol and Prevention, the costs of intimate partner vi-  
9 olence against women in 1995 exceeded an estimated  
10 \$5,800,000,000. These costs included nearly  
11 \$4,100,000,000 in the direct costs of medical and  
12 mental health care and nearly \$1,800,000,000 in the  
13 indirect costs of lost productivity. These statistics  
14 are generally considered to be underestimated be-  
15 cause the costs associated with the criminal justice  
16 system are not included.

17 (10) Fifty-five percent of senior executives re-  
18 cently surveyed said domestic violence has a harmful  
19 effect on their company's productivity, and more  
20 than 70 percent said domestic violence negatively af-  
21 fects attendance. Seventy-eight percent of human re-  
22 sources professionals consider partner violence a  
23 workplace issue. However, more than 70 percent of  
24 United States workplaces have no formal program or  
25 policy that addresses workplace violence, let alone

1 domestic violence. In fact, only four percent of em-  
2 ployers provided training on domestic violence.

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

10 (12) Abusers frequently seek to exert financial  
11 control over their partners by actively interfering  
12 with their ability to work, including preventing their  
13 partners from going to work, harassing their part-  
14 ners at work, limiting their partners' access to cash  
15 or transportation, and sabotaging their partners'  
16 child care arrangements.

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

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

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

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

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

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

23          (E) prohibit insurers from disclosing infor-  
24      mation about abuse and the location of the sur-



1           vivors through insurance databases and other  
2           means.

3           (15) October is National Domestic Violence  
4           Awareness Month.

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

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

16 **SEC. 101. GRANT PROGRAM REAUTHORIZATION.**

17           (a) INFORMATION AND ASSISTANCE TO SURVIVOR  
18 SERVICE PROVIDERS AND COMMUNITY ORGANIZA-  
19 TIONS.—Section 41501(a) of the Violence Against Women  
20 Act of 1994 (42 U.S.C. 14043f(a)) is amended by striking  
21 the period at the end and inserting “, and to survivor serv-  
22 ices organizations (as defined in section 201 of the Secu-  
23 rity and Financial Empowerment Act of 2015) (including  
24 community based organizations) and tribal, State, and ter-  
25 ritorial domestic violence or sexual assault coalitions to en-

1 able the organizations and coalitions to provide resource  
 2 materials or other assistance to employers, labor organiza-  
 3 tions, or employees.”.

4 (b) ADMINISTRATIVE PROVISIONS.—Section 41501  
 5 of the Violence Against Women Act of 1994 (42 U.S.C.  
 6 14043f) is amended by adding at the end the following:

7 “(g) ADMINISTRATIVE COSTS.—

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

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

19 **TITLE II—SAFE LEAVE FOR AD-**  
 20 **DRESSING DOMESTIC VIO-**  
 21 **LENCE, DATING VIOLENCE,**  
 22 **SEXUAL ASSAULT, OR STALK-**  
 23 **ING**

24 **SEC. 201. DEFINITIONS.**

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

1           (1) DOMESTIC VIOLENCE; DATING VIOLENCE;  
2           SEXUAL ASSAULT; STALKING.—The terms “domestic  
3           violence”, “dating violence”, “sexual assault”, and  
4           “stalking” have the meanings given the terms in sec-  
5           tion 40002 of the Violence Against Women Act of  
6           1994 (42 U.S.C. 13925).

7           (2) DOMESTIC PARTNER.—

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

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

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

5           (4) EMPLOYEE.—

6           (A) IN GENERAL.—The term “employee”  
7 means any person employed by an employer. In  
8 the case of an individual employed by a public  
9 agency, such term means an individual em-  
10 ployed as described in section 3(e)(2) of the  
11 Fair Labor Standards Act of 1938 (29 U.S.C.  
12 203(e)(2)).

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

20           (5) EMPLOYER.—The term “employer”—

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

1 (B) includes any person acting directly or  
2 indirectly in the interest of an employer in rela-  
3 tion to an employee, and includes a public agen-  
4 cy that employs individuals as described in sec-  
5 tion 3(e)(2) of the Fair Labor Standards Act of  
6 1938, but does not include any labor organiza-  
7 tion (other than when acting as an employer) or  
8 anyone acting in the capacity of officer or agent  
9 of such labor organization.

10 (6) EMPLOYMENT BENEFITS.—The term “em-  
11 ployment benefits” means all benefits provided or  
12 made available to employees by an employer, includ-  
13 ing group life insurance, health insurance, disability  
14 insurance, sick leave, annual leave, educational bene-  
15 fits, and pensions, regardless of whether such bene-  
16 fits are provided by a practice or written policy of  
17 an employer or through an “employee benefit plan”,  
18 as defined in section 3(3) of the Employee Retire-  
19 ment Income Security Act of 1974 (29 U.S.C.  
20 1002(3)).

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

24 (A) is a son or daughter, parent, spouse,  
25 domestic partner, or any other individual re-

1           lated by blood or affinity whose close associa-  
2           tion with the person is the equivalent of a fam-  
3           ily relationship; and

4                   (B) is not the abuser (as defined in section  
5           501) involved.

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

9           (9) PUBLIC AGENCY.—The term “public agen-  
10          cy” has the meaning given the term in section 3 of  
11          the Fair Labor Standards Act of 1938 (29 U.S.C.  
12          203).

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

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

1 (A) a person who has experienced or is ex-  
2 periencing domestic violence, dating violence,  
3 sexual assault, or stalking; and

4 (B) a person whose family or household  
5 member has experienced or is experiencing do-  
6 mestic violence, dating violence, sexual assault,  
7 or stalking.

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

19 **SEC. 202. ENTITLEMENT TO SAFE LEAVE FOR ADDRESSING**  
20 **DOMESTIC VIOLENCE, DATING VIOLENCE,**  
21 **SEXUAL ASSAULT, OR STALKING.**

22 (a) SAFE LEAVE GENERALLY.—An employer shall  
23 provide each employee employed by the employer not less  
24 than 30 days of safe leave in a 12-month period. The leave  
25 may be unpaid leave, unless the employee uses paid leave

1 from the portion earned under subsection (b) or sub-  
2 stitutes leave under section 203. An employee may take  
3 not more than a total of 30 days of safe leave in a 12-  
4 month period under this section, including the portion of  
5 the leave described in subsection (b), in addition to any  
6 leave taken (directly or indirectly) under title I of the  
7 Family and Medical Leave Act of 1993 (29 U.S.C. 2611  
8 et seq.), or subchapter V of chapter 63 of title 5, United  
9 States Code.

10 (b) SAFE LEAVE.—

11 (1) IN GENERAL.—As a portion of the 30 days  
12 of safe leave described in subsection (a), the em-  
13 ployer shall provide each employee employed by the  
14 employer not less than one hour of earned paid safe  
15 leave for every 30 hours worked, to be used as de-  
16 scribed in subsection (c). An employer shall not be  
17 required to permit an employee to earn, under this  
18 subsection, more than 56 hours of paid safe leave in  
19 a year, unless the employer chooses to set a higher  
20 limit.

21 (2) EXEMPT EMPLOYEES.—

22 (A) IN GENERAL.—Except as provided in  
23 paragraph (3), for purposes of this subsection,  
24 an employee who is exempt from overtime re-  
25 quirements under section 13(a)(1) of the Fair



1 Labor Standards Act of 1938 (29 U.S.C.  
2 213(a)(1)) shall be assumed to work 40 hours  
3 in each workweek.

4 (B) SHORTER NORMAL WORKWEEK.—If  
5 the normal workweek of such an employee is  
6 less than 40 hours, the employee shall earn  
7 paid safe leave based upon that normal work-  
8 week.

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

23 (4) CARRYOVER.—

24 (A) IN GENERAL.—Except as provided in  
25 subparagraph (B), paid safe leave earned under

1           this subsection shall carry over from one year  
2           to the next.

3           (B) CONSTRUCTION.—This title shall not  
4           be construed to require an employer to permit  
5           an employee to earn more than 56 hours of  
6           earned paid safe leave at a given time.

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

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

22          (7) REINSTATEMENT.—If an employee is sepa-  
23          rated from employment with an employer and is re-  
24          hired, within 12 months after that separation, by the  
25          same employer, the employer shall (in addition to

1 providing unpaid safe leave in accordance with sub-  
2 section (a)) reinstate the employee's previously  
3 earned paid safe leave. The employee shall be enti-  
4 tled to use the earned paid safe leave and earn addi-  
5 tional paid safe leave at the recommencement of em-  
6 ployment with the employer.

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

11 (1) seek medical attention for the employee or  
12 the employee's family or household member, to re-  
13 cover from physical or psychological injury or dis-  
14 ability caused by domestic violence, dating violence,  
15 sexual assault, or stalking;

16 (2) obtain or assist a family or household mem-  
17 ber in obtaining services from a survivor services or-  
18 ganization;

19 (3) obtain or assist a family or household mem-  
20 ber in obtaining behavioral health services or coun-  
21 seling;

22 (4) participate in safety planning, temporary or  
23 permanent relocation, or taking other actions, to in-  
24 crease the safety of the employee or family or house-  
25 hold member; or

1           (5) take legal action, including preparing for or  
2 participating in any civil or criminal legal proceeding  
3 related to or resulting from domestic violence, dating  
4 violence, sexual assault, or stalking.

5 (d) PROCEDURES.—

6           (1) REQUEST.—Safe leave shall be provided  
7 upon the oral or written request of an employee.  
8 Such request shall—

9           (A) include the expected duration of the  
10 period of such leave; and

11           (B) be provided as soon as practicable  
12 after the employee is aware of the need for such  
13 period.

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

20           (3) CERTIFICATION.—

21           (A) IN GENERAL.—An employer may re-  
22 quire that a request for safe leave under this  
23 section for a purpose described in subsection (c)  
24 be supported—

1 (i) by any form of certification (but  
2 the employer may not specify the par-  
3 ticular form of certification to be provided)  
4 consisting of—

5 (I) a sworn statement of the em-  
6 ployee or the family or household  
7 member, as the case may be;

8 (II) a police report indicating  
9 that the employee, or a family or  
10 household member of the employee,  
11 was a survivor of domestic violence,  
12 dating violence, sexual assault, or  
13 stalking;

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

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

3 (IV) documentation from an em-  
4 ployee or volunteer working for a sur-  
5 vivor services organization, an attor-  
6 ney, a police officer, a medical profes-  
7 sional, a social worker, an antiviolence  
8 counselor, a member of the clergy, or  
9 another professional, affirming that  
10 the employee or a family or household  
11 member of the employee is a survivor  
12 of domestic violence, dating violence,  
13 sexual assault, or stalking; or

14 (V) other corroborating evidence  
15 concerning the employee or family or  
16 household member; and

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

24 (B) SURVIVOR INFORMATION PROTEC-  
25 TIONS.—

1 (i) IN GENERAL.—The certification  
2 shall state the reason that the safe leave is  
3 required with the facts to be disclosed lim-  
4 ited to the minimum necessary to establish  
5 a need for the employee to be absent from  
6 work, and the employee shall not be re-  
7 quired to explain the details of the domes-  
8 tic violence, dating violence, sexual assault,  
9 or stalking involved.

10 (ii) LIMITATION ON INFORMATION RE-  
11 QUIREMENTS.—An employer may not re-  
12 quire an employee, in order to obtain leave  
13 under this section, to produce, discuss with  
14 the employer, or provide—

15 (I) any additional information,  
16 beyond the information enumerated in  
17 this subsection that establishes that  
18 the employee is eligible for leave  
19 under this section; or

20 (II) any information that would  
21 compromise the safety of the employee  
22 or family or household member in any  
23 way.

24 (C) TIMELINESS.—The employee shall pro-  
25 vide a copy of such certification to the employer

1 in a timely manner, not later than 30 days  
2 after the first day of the period of leave to the  
3 extent possible. The employer shall not delay  
4 the commencement of the period of leave on the  
5 basis that the employer has not yet received the  
6 certification.

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

12 (e) CONFIDENTIALITY; NONDISCLOSURE FOR SUR-  
13 VIVORS.—

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

23 (A) requested or consented to by the em-  
24 ployee in writing; or



1 (B) otherwise required by applicable Fed-  
2 eral or State law.

3 (2) CONFIDENTIAL COMMUNICATIONS.—The  
4 provision of any information under this section does  
5 not waive or diminish the confidential or privileged  
6 nature of communications between a survivor of do-  
7 mestic violence, dating violence, sexual assault, or  
8 stalking with one or more of the individuals or enti-  
9 ties providing information under subclause (II),  
10 (III), (IV), or (V) of clause (i), or clause (ii), of sub-  
11 section (d)(3)(A).

12 (3) NONDISCLOSURE.—If an employer pos-  
13 sesses health information about an employee or an  
14 employee’s family or household member, such infor-  
15 mation shall—

16 (A) be maintained on a separate form and  
17 in a separate file from other personnel informa-  
18 tion;

19 (B) be treated as a confidential medical  
20 record; and

21 (C) not be disclosed except to the affected  
22 employee or with the written permission of the  
23 affected employee.

24 (f) EMPLOYMENT AND BENEFITS.—

25 (1) RESTORATION TO POSITION.—

1           (A) IN GENERAL.—Except as provided in  
2 paragraph (2), any employee who takes leave  
3 under this section for the intended purpose of  
4 the leave shall be entitled, on return from such  
5 leave—

6                   (i) to be restored by the employer to  
7 the position of employment held by the em-  
8 ployee when the leave commenced; or

9                   (ii) to be restored to an equivalent po-  
10 sition with equivalent employment benefits,  
11 pay, and other terms and conditions of em-  
12 ployment.

13           (B) LOSS OF BENEFITS.—The taking of  
14 leave under this section shall not result in the  
15 loss of any employment benefit accrued prior to  
16 the date on which the leave commenced.

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

23           (D) CONSTRUCTION.—Nothing in this  
24 paragraph shall be construed to prohibit an em-  
25 ployer from requiring an employee on leave

1 under this section to report periodically to the  
2 employer on the status and intention of the em-  
3 ployee to return to work.

4 (2) EXEMPTION CONCERNING CERTAIN HIGHLY  
5 COMPENSATED EMPLOYEES.—

6 (A) DENIAL OF RESTORATION.—An em-  
7 ployer may deny restoration under paragraph  
8 (1) to any employee described in subparagraph  
9 (B) if—

10 (i) such denial is necessary to prevent  
11 substantial and grievous economic injury to  
12 the operations of the employer;

13 (ii) the employer notifies the employee  
14 of the intent of the employer to deny res-  
15 toration on such basis at the time the em-  
16 ployer determines that such injury would  
17 occur; and

18 (iii) in any case in which the leave has  
19 commenced, the employee elects not to re-  
20 turn to employment after receiving such  
21 notice.

22 (B) AFFECTED EMPLOYEES.—An employee  
23 referred to in subparagraph (A) is a salaried  
24 employee who is among the highest paid 10 per-  
25 cent of the employees employed by the employer

1 within 75 miles of the facility at which the em-  
2 ployee is employed.

3 (3) MAINTENANCE OF HEALTH BENEFITS.—

4 (A) COVERAGE.—Except as provided in  
5 subparagraph (B), during any period that an  
6 employee takes leave under this section, the em-  
7 ployer shall maintain coverage under any group  
8 health plan (meaning a group health plan as  
9 defined in section 5000(b)(1) of the Internal  
10 Revenue Code of 1986 or an employee welfare  
11 benefit plan as defined in section 3(1) of the  
12 Employee Retirement Income Security Act of  
13 1974 (29 U.S.C. 1002(1))) for the duration of  
14 such leave at the level and under the conditions  
15 coverage would have been provided if the em-  
16 ployee had continued in employment continu-  
17 ously for the duration of such leave.

18 (B) FAILURE TO RETURN FROM LEAVE.—

19 The employer may recover the premium that  
20 the employer paid for maintaining coverage for  
21 the employee under such group health plan dur-  
22 ing any period of leave under this section if—

23 (i) the employee fails to return from  
24 leave under this section after the period of

1 leave to which the employee is entitled has  
2 expired; and

3 (ii) the employee fails to return to  
4 work for a reason other than—

5 (I) the continuation of, recur-  
6 rence of, or onset of an episode of do-  
7 mestic violence, dating violence, sexual  
8 assault, or stalking, that entitles the  
9 employee to leave pursuant to this  
10 section; or

11 (II) other circumstances beyond  
12 the control of the employee.

13 (C) CERTIFICATION.—

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

1 (ii) CONTENTS.—An employee may  
2 satisfy the certification requirement of  
3 clause (i) by providing to the employer—

4 (I) a sworn statement of the em-  
5 ployee;

6 (II) documentation from an em-  
7 ployee, agent, or volunteer of a sur-  
8 vivor services organization, an attor-  
9 ney, a member of the clergy, or a  
10 medical or other professional, from  
11 whom the employee or the employee’s  
12 family or household member has  
13 sought assistance in addressing do-  
14 mestic violence, dating violence, sexual  
15 assault, or stalking, including the ef-  
16 fects of domestic violence, dating vio-  
17 lence, sexual assault, or stalking;

18 (III) a police or court record; or

19 (IV) other corroborating evi-  
20 dence.

21 (D) LIMITATION ON INFORMATION RE-  
22 QUIREMENTS.—An employer may not require  
23 an employee, under subparagraph (C), to  
24 produce, discuss with the employer, or pro-  
25 vide—

1 (i) any additional information, beyond  
2 the information enumerated in this para-  
3 graph that establishes that the employee is  
4 unable to return as described in subpara-  
5 graph (C)(i); or

6 (ii) any information that would com-  
7 promise the safety of the employee or fam-  
8 ily or household member in any way.

9 (E) CONFIDENTIALITY.—All information  
10 provided to the employer pursuant to subpara-  
11 graph (C), including a statement of the em-  
12 ployee or any other documentation, record, or  
13 corroborating evidence, and the fact that the  
14 employee is not returning to work because of a  
15 reason described in subclause (I) or (II) of sub-  
16 paragraph (B)(ii), shall be retained in the  
17 strictest confidence by the employer, except to  
18 the extent that disclosure is—

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

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

23 (F) CONFIDENTIAL COMMUNICATIONS.—  
24 The provision of any information under this  
25 paragraph does not waive or diminish the con-

1           fidential or privileged nature of communications  
2           between a survivor of domestic violence, dating  
3           violence, sexual assault, or stalking with one or  
4           more of the individuals or entities providing in-  
5           formation under subclause (II), (III), or (IV) of  
6           subparagraph (C)(ii).

7           (g) PROHIBITED ACTS.—

8           (1) INTERFERENCE WITH RIGHTS.—Section  
9           105(a) of the Family and Medical Leave Act of  
10          1993 (29 U.S.C. 2615(a)) shall apply with respect  
11          to this title.

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

16          (3) PUBLIC AGENCY SANCTIONS.—It shall be  
17          unlawful for any public agency to deny, reduce, or  
18          terminate the benefits of, or otherwise sanction any  
19          individual, or otherwise discriminate (including har-  
20          assment or retaliation in any form or manner)  
21          against any individual with respect to the amount,  
22          terms, or conditions of public assistance of the indi-  
23          vidual, because the individual—

24                  (A) exercised or attempted to exercise any  
25                  right provided under this section for the indi-



1           vidual or the individual's family or household  
2           member; or

3                   (B) opposed any practice made unlawful by  
4           this section.

5       (h) ENFORCEMENT.—

6           (1) CIVIL ACTION BY AFFECTED INDIVID-  
7       UALS.—

8                   (A) LIABILITY.—Any employer that vio-  
9           lates subsection (g) shall be liable to any indi-  
10       vidual affected—

11                           (i) for damages equal to—

12                                   (I) the amount of—

13   (aa) any wages, salary, em-  
14   ployment benefits, or other com-  
15   pensation denied or lost to such  
16   individual by reason of the viola-  
17   tion; or

18   (bb) in a case in which  
19   wages, salary, employment bene-  
20   fits, or other compensation has  
21   not been denied or lost to the in-  
22   dividual, any actual monetary  
23   losses sustained by the individual  
24   as a direct result of the violation;

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

4           (III) an additional amount as liq-  
5 uidated damages equal to the sum of  
6 the amount described in subclause (I)  
7 and the interest described in sub-  
8 clause (II), except that if an employer  
9 that has violated subsection (g) proves  
10 to the satisfaction of the court that  
11 the act or omission that violated sub-  
12 section (g) was in good faith and that  
13 the employer had reasonable grounds  
14 for believing that the act or omission  
15 was not a violation of subsection (g),  
16 such court may, in the discretion of  
17 the court, reduce the amount of the li-  
18 ability to the amount and interest de-  
19 termined under subclauses (I) and  
20 (II), respectively; and

21           (ii) for such equitable relief as may be  
22 appropriate, including employment, rein-  
23 statement, and promotion.

24           (B) RIGHT OF ACTION.—An action to re-  
25 cover the damages or equitable relief prescribed

1 in subparagraph (A) may be maintained against  
2 any employer in any Federal or State court of  
3 competent jurisdiction by any one or more af-  
4 fected individuals for and on behalf of—

5 (i) the individuals; or

6 (ii) the individuals and other individ-  
7 uals similarly situated.

8 (C) FEES AND COSTS.—The court in such  
9 an action shall, in addition to any judgment  
10 awarded to the plaintiff, allow a reasonable at-  
11 torney’s fee, reasonable expert witness fees, and  
12 other costs of the action to be paid by the de-  
13 fendant.

14 (D) LIMITATIONS.—The right provided by  
15 subparagraph (B) to bring an action by or on  
16 behalf of any affected individual shall termi-  
17 nate—

18 (i) on the filing of a complaint by the  
19 Secretary of Labor in an action under  
20 paragraph (4) in which restraint is sought  
21 of any further delay in the payment of the  
22 amount described in subparagraph (A)(i)  
23 to such individual by an employer respon-  
24 sible under subparagraph (A) for the pay-  
25 ment; or

1                   (ii) on the filing of a complaint by the  
2                   Secretary of Labor in an action under  
3                   paragraph (2) in which a recovery is  
4                   sought of the damages described in sub-  
5                   paragraph (A)(i) owing to an affected indi-  
6                   vidual by an employer liable under sub-  
7                   paragraph (A),  
8                   unless the action described in clause (i) or (ii)  
9                   is dismissed without prejudice on motion of the  
10                  Secretary of Labor.

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

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

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

24                   (C) SUMS RECOVERED.—Any sums recov-  
25                   ered by the Secretary of Labor pursuant to sub-

1 paragraph (B) shall be held in a special deposit  
2 account and shall be paid, on order of the Sec-  
3 retary, directly to each individual affected. Any  
4 such sums not paid to such an individual be-  
5 cause of inability to do so within a period of  
6 three years shall be deposited into the Treasury  
7 of the United States as miscellaneous receipts.

8 (3) LIMITATION.—

9 (A) IN GENERAL.—Except as provided in  
10 subparagraph (B), an action may be brought  
11 under this subsection not later than two years  
12 after the date of the last event constituting the  
13 alleged violation for which the action is brought.

14 (B) WILLFUL VIOLATION.—In the case of  
15 such action brought for a willful violation of  
16 subsection (g), such action may be brought  
17 within three years after the date of the last  
18 event constituting the alleged violation for  
19 which such action is brought.

20 (C) COMMENCEMENT.—In determining  
21 when an action is commenced by the Secretary  
22 of Labor under this subsection for the purposes  
23 of this paragraph, it shall be considered to be  
24 commenced on the date when the complaint is  
25 filed.

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

5                   (A) to restrain violations of subsection (g),  
6           including the restraint of any withholding of  
7           payment of wages, salary, employment benefits,  
8           or other compensation, plus interest, found by  
9           the court to be due to affected individuals; or

10                   (B) to award such other equitable relief as  
11           may be appropriate, including employment, re-  
12           instatement, and promotion.

13           (5) SOLICITOR OF LABOR.—The Solicitor of  
14           Labor may appear for and represent the Secretary  
15           of Labor on any litigation brought under this sub-  
16           section.

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

1           (7) LIBRARY OF CONGRESS.—Notwithstanding  
2 any other provision of this subsection, in the case of  
3 the Library of Congress, the authority of the Sec-  
4 retary of Labor under this subsection shall be exer-  
5 cised by the Librarian of Congress.

6           (8) CERTAIN PUBLIC AGENCY EMPLOYERS.—

7           (A) AGENCIES.—Notwithstanding any  
8 other provision of this subsection, in the case of  
9 a public agency that employs individuals as de-  
10 scribed in subparagraph (A) or (B) of section  
11 3(e)(2) of the Fair Labor Standards Act of  
12 1938 (29 U.S.C. 203(e)(2)) (other than an en-  
13 tity of the legislative branch of the Federal  
14 Government), subparagraph (B) shall apply.

15           (B) AUTHORITY.—In the case described in  
16 subparagraph (A), the powers, remedies, and  
17 procedures provided in the case of a violation of  
18 chapter 63 of title 5, United States Code, in  
19 that title to an employing agency, in chapter 12  
20 of that title to the Merit Systems Protection  
21 Board, or in that title to any person alleging a  
22 violation of chapter 63 of that title, shall be the  
23 powers, remedies, and procedures this sub-  
24 section provides in the case of a violation of  
25 subsection (g) to that agency, that Board, or

1 any person alleging a violation of subsection  
2 (g), concerning an employee who is an indi-  
3 vidual described in subparagraph (A).

4 (9) PUBLIC AGENCIES PROVIDING PUBLIC AS-  
5 SISTANCE.—Consistent with regulations prescribed  
6 under section 206(d), the President shall ensure that  
7 any public agency that violates subsection (g)(3), or  
8 subsection (g)(2) by discriminating as described in  
9 subsection (g)(3), shall provide to any individual who  
10 receives a less favorable amount, term, or condition  
11 of public assistance as a result of the violation—

12 (A)(i) the amount of any public assistance  
13 denied or lost to such individual by reason of  
14 the violation; and

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

17 (B) such equitable relief as may be appro-  
18 priate.

19 **SEC. 203. EXISTING LEAVE USABLE FOR ADDRESSING DO-**  
20 **MESTIC VIOLENCE, DATING VIOLENCE, SEX-**  
21 **UAL ASSAULT, OR STALKING.**

22 An employee who is entitled to take paid or unpaid  
23 leave (including family, medical, sick, annual, personal, or  
24 similar leave) from employment, pursuant to State or local  
25 law, a collective bargaining agreement, or an employment



1 benefits program or plan, may elect to substitute any pe-  
2 riod of such leave for an equivalent period of leave pro-  
3 vided under section 202.

4 **SEC. 204. EMERGENCY BENEFITS.**

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

11 (b) ELIGIBILITY.—

12 (1) IN GENERAL.—An individual who is eligible  
13 for assistance under the State program funded  
14 under that part and for leave under section 202  
15 shall be eligible for such emergency benefits, except  
16 as provided in paragraph (2).

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

20 (c) TIMING.—

21 (1) APPLICATIONS.—An individual seeking  
22 emergency benefits under subsection (a) from a  
23 State shall submit an application to the State.

24 (2) BENEFITS.—The State shall provide bene-  
25 fits to an eligible applicant under paragraph (1) on

1 an expedited basis, and not later than seven days  
2 after the applicant submits an application under  
3 paragraph (1).

4 **SEC. 205. RULE OF CONSTRUCTION.**

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

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

13 (2) leave benefits for a larger population of sur-  
14 vivors of domestic violence, dating violence, sexual  
15 assault, or stalking (as defined in such law, agree-  
16 ment, program, or plan) than the survivors of do-  
17 mestic violence, dating violence, sexual assault, or  
18 stalking covered under this Act.

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

1 **SEC. 206. REGULATIONS.**

2 (a) IN GENERAL.—

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

7 (2) REGULATIONS REGARDING NOTICES.—The  
8 regulations described in paragraph (1) shall include  
9 regulations requiring every employer to post and  
10 keep posted, in conspicuous places on the premises  
11 of the employer where notices to employees are cus-  
12 tomarily placed, a notice, to be prepared or approved  
13 by the Secretary of Labor, summarizing the provi-  
14 sions of this title and providing information on pro-  
15 cedures for filing complaints. The Secretary of  
16 Labor shall develop such a notice and provide copies  
17 to employers upon request without charge.

18 (b) LIBRARY OF CONGRESS.—The Librarian of Con-  
19 gress shall prescribe the regulations described in sub-  
20 section (a) with respect to employees of the Library of  
21 Congress. The regulations prescribed under this sub-  
22 section shall, to the extent appropriate, be consistent with  
23 the regulations prescribed by the Secretary of Labor under  
24 subsection (a).

25 (c) CERTAIN PUBLIC AGENCY EMPLOYERS.—The Of-  
26 fice of Personnel Management shall prescribe the regula-

1 tions described in subsection (a) with respect to individ-  
2 uals described in subparagraph (A) or (B) of section  
3 3(e)(2) of the Fair Labor Standards Act of 1938 (29  
4 U.S.C. 203(e)(2)) (other than an individual employed by  
5 an entity of the legislative branch of the Federal Govern-  
6 ment). The regulations prescribed under this subsection  
7 shall, to the extent appropriate, be consistent with the reg-  
8 ulations prescribed by the Secretary of Labor under sub-  
9 section (a).

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

19 **TITLE III—SURVIVORS’**  
20 **EMPLOYMENT SUSTAINABILITY**

21 **SEC. 301. SHORT TITLE.**

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

1 **SEC. 302. PROHIBITED DISCRIMINATORY ACTS.**

2 (a) IN GENERAL.—It shall be unlawful for an em-  
3 ployer to fail or refuse to hire or discharge any individual,  
4 or otherwise discriminate (including harassment or retalia-  
5 tion in any form or manner) against any individual with  
6 respect to the compensation, terms, conditions, or privi-  
7 leges of employment of the individual, and it shall be un-  
8 lawful for a public agency to deny, reduce, or terminate  
9 the benefits of, or otherwise sanction any individual, or  
10 otherwise discriminate (including harassment or retalia-  
11 tion in any form or manner) against any individual with  
12 respect to the amount, terms, or conditions of public as-  
13 sistance of the individual, because—

14 (1) the individual involved is or the employer or  
15 public agency involved perceives that individual to be  
16 a survivor of domestic violence, dating violence, sex-  
17 ual assault, or stalking, or a survivor of communica-  
18 tion of an intimate image of the individual;

19 (2) that individual attended, participated in,  
20 prepared for, or requested leave to attend, partici-  
21 pate in, or prepare for, a criminal or civil court pro-  
22 ceeding relating to an incident that caused the indi-  
23 vidual to be a survivor of domestic violence, dating  
24 violence, sexual assault, or stalking, or a survivor of  
25 communication of an intimate image of the indi-  
26 vidual;

1           (3) that individual, in response to actual or  
2 threatened domestic violence, dating violence, sexual  
3 assault, or stalking, or actual or threatened commu-  
4 nication of an intimate image of the individual, re-  
5 quested that the employer or public agency imple-  
6 ment a reasonable safety procedure or a job-related  
7 modification to enhance the security of that indi-  
8 vidual or safeguard the workplace involved; or

9           (4) the workplace is disrupted or threatened by  
10 the action of a person whom that individual states  
11 has committed or threatened to commit an act that  
12 caused or would cause the individual to be a survivor  
13 of domestic violence, dating violence, sexual assault,  
14 or stalking, or a survivor of communication of an in-  
15 timate image of the individual.

16 (b) DEFINITIONS.—In this section:

17           (1) COMMUNICATION OF AN INTIMATE  
18 IMAGE.—The term “communication of an intimate  
19 image”, used with respect to an individual, includes  
20 a transmission, dissemination, or receipt through  
21 electronic or other communication containing at  
22 least one intimate image of the individual that ap-  
23 pears to have been transmitted or disseminated by  
24 a person who—

1 (A) obtained the image under cir-  
2 cumstances in which a reasonable person would  
3 know or understand that the image was to re-  
4 main private;

5 (B) knows or should have known that the  
6 depicted individual has not consented to the dis-  
7 closure of the image; and

8 (C) knows or reasonably should know that  
9 the disclosure would cause harm to the depicted  
10 individual.

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

1        ployer or public agency can demonstrate that grant-  
2        ing the request would impose an undue hardship on  
3        the operation of the employer or public agency.

4            (3) DOMESTIC VIOLENCE; DATING VIOLENCE;  
5        SEXUAL ASSAULT; STALKING.—The terms “domestic  
6        violence”, “dating violence”, “sexual assault”, and  
7        “stalking” have the meanings given the terms in sec-  
8        tion 40002 of the Violence Against Women Act of  
9        1994 (42 U.S.C. 13925).

10           (4) INTIMATE IMAGE.—The term “intimate  
11        image” means any photograph, motion picture film,  
12        videotape, digital image, image from social media, or  
13        any other recording or other image of an individual  
14        (other than the person taking the image) who is  
15        identifiable from the image itself or from informa-  
16        tion displayed with or otherwise connected to the  
17        image, that—

18                    (A) was taken in a private setting;

19                    (B) does not depict a matter of public con-  
20        cern; and

21                    (C) depicts—

22                            (i) sexual activity, including sexual  
23        intercourse or masturbation; or



1 (ii) a person’s intimate body parts,  
2 whether nude or visible through less than  
3 opaque clothing.

4 (5) SAFE LEAVE TERMS.—The terms “employ”,  
5 “employee”, “employer”, “employment benefits”,  
6 “person”, “public agency”, “public assistance”,  
7 “State”, and “survivor of domestic violence, dating  
8 violence, sexual assault, or stalking” have the mean-  
9 ings given the terms in section 201.

10 (6) UNDUE HARDSHIP.—The term “undue  
11 hardship” means an action requiring significant dif-  
12 ficulty or expense.

13 **SEC. 303. ENFORCEMENT.**

14 (a) CIVIL ACTION BY INDIVIDUALS.—

15 (1) LIABILITY.—Any employer that violates sec-  
16 tion 302 shall be liable to any individual affected  
17 for—

18 (A) damages equal to the amount of any  
19 wages, salary, employment benefits, or other  
20 compensation denied or lost to such individual  
21 by reason of the violation, and the interest on  
22 that amount calculated at the prevailing rate;

23 (B) compensatory damages, including dam-  
24 ages for future pecuniary losses, emotional  
25 pain, suffering, inconvenience, mental anguish,

1           loss of enjoyment or life, and other nonpecu-  
2           niary losses;

3           (C) such punitive damages, up to three  
4           times the amount of actual damages sustained,  
5           as the court described in paragraph (2) shall  
6           determine to be appropriate; and

7           (D) such equitable relief as may be appro-  
8           priate, including employment, reinstatement,  
9           and promotion.

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

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

20          (c) LIBRARY OF CONGRESS.—Notwithstanding any  
21          other provision of this section, in the case of the Library  
22          of Congress, the authority of the Secretary of Labor under  
23          this section shall be exercised by the Librarian of Con-  
24          gress.

25          (d) CERTAIN PUBLIC AGENCY EMPLOYERS.—

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

8           (2) AUTHORITY.—In the case described in  
9 paragraph (1), the powers, remedies, and procedures  
10 provided (in the case of a violation of section  
11 2302(b)(1)(A) of title 5, United States Code) in title  
12 5, United States Code, to an employing agency, the  
13 Office of Special Counsel, the Merit Systems Protec-  
14 tion Board, or any person alleging a violation of  
15 such section 2302(b)(1)(A), shall be the powers,  
16 remedies, and procedures this section provides in the  
17 case of a violation of section 302 to that agency,  
18 that Office, that Board, or any person alleging a vio-  
19 lation of section 302, respectively, concerning an em-  
20 ployee who is an individual described in paragraph  
21 (1).

22           (e) PUBLIC AGENCIES PROVIDING PUBLIC ASSIST-  
23 ANCE.—Consistent with regulations prescribed under sec-  
24 tion 304(d), the President shall ensure that any public  
25 agency that violates section 302(a) by taking an action

1 prohibited under section 302(a) with respect to the  
2 amount, terms, or conditions of public assistance, shall  
3 provide to any individual who receives a less favorable  
4 amount, term, or condition of public assistance as a result  
5 of the violation—

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

9           (B) the interest on the amount described in  
10          subparagraph (A), calculated at the prevailing rate;  
11          and

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

13 **SEC. 304. REGULATIONS.**

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

17          (b) **LIBRARY OF CONGRESS.**—The Librarian of Con-  
18 gress shall prescribe the regulations described in sub-  
19 section (a) with respect to employees of the Library of  
20 Congress. The regulations prescribed under this sub-  
21 section shall, to the extent appropriate, be consistent with  
22 the regulations prescribed by the Secretary of Labor under  
23 subsection (a).

24          (c) **CERTAIN PUBLIC AGENCY EMPLOYERS.**—The Of-  
25 fice of Personnel Management, after consultation with the

1 Office of Special Counsel and the Merit Systems Protec-  
2 tion Board, shall prescribe the regulations described in  
3 subsection (a) with respect to individuals described in sub-  
4 paragraph (A) or (B) of section 3(e)(2) of the Fair Labor  
5 Standards Act of 1938 (29 U.S.C. 203(e)(2)) (other than  
6 an individual employed by an entity of the legislative  
7 branch of the Federal Government). The regulations pre-  
8 scribed under this subsection shall, to the extent appro-  
9 priate, be consistent with the regulations prescribed by the  
10 Secretary of Labor under subsection (a).

11 (d) PUBLIC AGENCIES PROVIDING PUBLIC ASSIST-  
12 ANCE.—The President shall prescribe the regulations de-  
13 scribed in subsection (a) with respect to applicants for and  
14 recipients of public assistance, in the case of violations of  
15 section 302(a) by a public agency due to taking an action  
16 prohibited under section 302(a) with respect to the  
17 amount, terms, or conditions of public assistance. The reg-  
18 ulations prescribed under this subsection shall, to the ex-  
19 tent appropriate, be consistent with the regulations pre-  
20 scribed by the Secretary of Labor under subsection (a).

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

22 Section 722(b) of the Revised Statutes (42 U.S.C.  
23 1988(b)) is amended by inserting “the Survivors’ Employ-  
24 ment Sustainability Act,” after “title VI of the Civil  
25 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 2015.”.

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 2015); 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 2015);

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 2015);

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 2015).”.

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 2016 to  
18 carry out the provisions of paragraph  
19 (1)(A); and

20 (ii) \$12,000,000 for each of fiscal  
21 years 2017 through 2020 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, disclo-  
16 sure, or transfer is required by an order of  
17 an entity with authority to regulate insur-  
18 ance or an order of a court of competent  
19 jurisdiction; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **SEC. 507. ENFORCEMENT.**

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

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

5 (b) PRIVATE CAUSE OF ACTION.—

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

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

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

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

3 **SEC. 508. APPLICABILITY.**

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

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

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

10 (a) **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, 2017, and  
18 every five 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. DOMESTIC VIOLENCE, DATING VIOLENCE, SEX-**  
8 **UAL ASSAULT, AND STALKING EDUCATION**  
9 **AND INFORMATION PROGRAMS FOR SUR-**  
10 **VIVORS.**

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

14 (b) PUBLIC EDUCATION PROGRAM.—

15 (1) IN GENERAL.—The Secretary of Labor, in  
16 conjunction with the Secretary of Health and  
17 Human Services (through the Director of the Cen-  
18 ters for Disease Control and Prevention and the  
19 grant recipient carrying out the National Resource  
20 Center on Domestic Violence) and the Attorney Gen-  
21 eral (through the Principal Deputy Director of the  
22 Office on Violence Against Women), shall coordinate  
23 and provide for a national public outreach and edu-  
24 cation campaign to raise public awareness of domes-  
25 tic violence, dating violence, sexual assault, and

1 stalking, including outreach and education for em-  
2 ployers, service providers, teachers, and other key  
3 partners.

4 (2) DISSEMINATION.—The Secretary of Labor,  
5 in conjunction with the Secretary of Health and  
6 Human Services and the Attorney General, as de-  
7 scribed in paragraph (1), may disseminate informa-  
8 tion through the public outreach and education cam-  
9 paign on the resources and rights referred to in this  
10 subsection directly or through arrangements with  
11 health agencies, professional and nonprofit organiza-  
12 tions, consumer groups, labor organizations, institu-  
13 tions of higher education, clinics, the media, and  
14 Federal, State, and local agencies.

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

18 (A) the resources and rights that are—

19 (i) available to survivors of domestic  
20 violence, dating violence, sexual assault, or  
21 stalking; and

22 (ii) established in this Act and the Vi-  
23 olence Against Women Act of 1994 (42  
24 U.S.C. 13925 et seq.);

1 (B) guidelines and best practices on pre-  
2 vention of domestic violence, dating violence,  
3 stalking, and sexual assault;

4 (C) resources that promote healthy rela-  
5 tionships and communication skills;

6 (D) resources that encourage bystander  
7 intervention in a situation involving domestic vi-  
8 olence, dating violence, stalking, or sexual as-  
9 sault;

10 (E) resources that promote workplace poli-  
11 cies that support and help maintain the eco-  
12 nomic security of survivors of domestic violence,  
13 dating violence, sexual assault, or stalking; and

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

17 (c) INFORMATION PROGRAM FOR EMPLOYERS.—

18 (1) IN GENERAL.—The Secretary of Labor and  
19 the Secretary of Health and Human Services, in  
20 consultation with major women’s advocacy groups  
21 and medical and public health organizations, shall  
22 develop and disseminate to employers information on  
23 the entitlement of survivors of domestic violence,  
24 dating violence, sexual assault, or stalking to safe  
25 leave under title II.

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

4                   (A) information describing employers' re-  
5                   sponsibilities and employees' rights under title  
6                   II;

7                   (B) recommendations for carrying out  
8                   those responsibilities and providing for those  
9                   rights;

10                  (C) recommendations for supporting em-  
11                  ployees when the employees seek safe leave  
12                  under title II;

13                  (D) information on best practices for sup-  
14                  porting survivors of domestic violence, dating  
15                  violence, sexual assault, or stalking;

16                  (E) information on best practices for pre-  
17                  venting domestic violence, dating violence, sex-  
18                  ual assault, and stalking; and

19                  (F) information explaining how to obtain  
20                  additional copies of the information developed  
21                  under paragraph (1) for distribution to the em-  
22                  ployees.

23           (d) STUDY ON WORKPLACE RESPONSES.—The Sec-  
24           retary of Labor, in conjunction with the Secretary of  
25           Health and Human Services, shall conduct a study on the

1 status of workplace responses to employees who experience  
 2 domestic violence, dating violence, sexual assault, or stalk-  
 3 ing while employed, in each State and nationally, to im-  
 4 prove the access of survivors of domestic violence, dating  
 5 violence, sexual assault, or stalking to supportive resources  
 6 and economic security.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 8 are authorized to be appropriated to carry out this section,  
 9 such sums as may be necessary for each of fiscal years  
 10 2016 through 2020.

11 **SEC. 513. INVESTING IN PUBLIC HEALTH INFRASTRUCTURE**  
 12 **TO IMPROVE SUPPORT FOR SURVIVORS.**

13 Section 303(c) of the Family Violence Prevention and  
 14 Services Act (42 U.S.C. 10403(c)) is amended by striking  
 15 “314” and all that follows and inserting “314  
 16 \$15,000,000 for each of fiscal years 2016 through 2020.”.

17 **SEC. 514. FINANCIAL LITERACY AND ADVOCACY FOR SUR-**  
 18 **VIVORS OF DOMESTIC VIOLENCE, DATING VI-**  
 19 **OLENCE, SEXUAL ASSAULT, OR STALKING.**

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

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

24 (2) a State or local survivor services organiza-  
 25 tion; or

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

6           (b) GRANTS AUTHORIZED.—The Secretary of Health  
7           and Human Services is authorized to award competitive  
8           grants to eligible entities to—

9           (1) develop and disseminate a model program,  
10          and related materials, for providing financial literacy  
11          support and advocacy services to survivors of domes-  
12          tic violence, dating violence, sexual assault, or stalk-  
13          ing, and such support and services shall take place  
14          in national resource centers, established and oper-  
15          ated under section 41501 of the Violence Against  
16          Women Act of 1994 (42 U.S.C. 14043f); and

17          (2) provide technical assistance with respect to  
18          such model program.

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

24          (d) REPORTS TO CONGRESS.—The Secretary of  
25          Health and Human Services shall annually submit a re-

1 port to Congress on the grant program established under  
2 this section.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) AUTHORIZATION.—There is authorized to  
5 be appropriated \$1,000,000 for fiscal year 2016 to  
6 carry out this section.

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

## 14 **TITLE VI—SEVERABILITY**

### 15 **SEC. 601. SEVERABILITY.**

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

○