

118TH CONGRESS
2D SESSION

S. 5132

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2024

Mrs. MURRAY (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. CASEY, Ms. HIRONO, Ms. KLOBUCHAR, Mr. PADILLA, Mr. SANDERS, Mrs. SHAHEEN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Security And Financial Empowerment for Survivors Act
6 of 2024” or the “SAFE for Survivors Act of 2024”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Rule of construction regarding more protective laws, agreements, programs, and plans.
- Sec. 5. Arbitration.

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

- Sec. 101. Grant program reauthorization.

TITLE II—SAFE LEAVE FOR ADDRESSING QUALIFYING ACTS OF
VIOLENCE

- Sec. 201. Entitlement to safe leave for addressing domestic violence, dating violence, sexual assault, or stalking.
- Sec. 202. Prohibited acts.
- Sec. 203. Enforcement.
- Sec. 204. Existing leave usable for a qualifying act of violence.
- Sec. 205. Emergency benefits.
- Sec. 206. Regulations.

TITLE III—SURVIVORS’ EMPLOYMENT SUSTAINABILITY

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Prohibited discriminatory acts.
- Sec. 304. Remedies and enforcement.
- Sec. 305. Rulemaking.
- Sec. 306. Attorney’s fees.

TITLE IV—ENTITLEMENT TO UNEMPLOYMENT COMPENSATION
FOR VICTIMS OF A QUALIFYING ACT OF VIOLENCE

- Sec. 401. Unemployment compensation for victims of a qualifying act of violence.

TITLE V—INSURANCE PROTECTIONS AND SUPPORT FOR VICTIMS
OF A QUALIFYING ACT OF VIOLENCE

Subtitle A—Insurance Protections

- Sec. 501. Definitions.
- Sec. 502. Discriminatory acts prohibited.
- Sec. 503. Insurance protocols for victims of a qualifying act of violence.
- 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 Victims

- Sec. 511. Qualifying acts of violence education and information programs for victims.

Sec. 512. Investing in public health infrastructure to improve support for victims.

TITLE VI—SEVERABILITY

Sec. 601. Severability.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Gender-based violence is prevalent in the
4 United States. According to the Centers for Disease
5 Control and Prevention, almost 1 in 4 women report
6 having experienced severe physical violence from an
7 intimate partner in their lifetime and 1 in 4 women
8 reported an attempted or completed rape during
9 their lifetime. Such violence has a devastating im-
10 pact on women’s physical and emotional health, fi-
11 nancial security, and ability to maintain their jobs,
12 and thus impacts interstate commerce and economic
13 security.

14 (2) A large percentage of the workforce are sur-
15 vivors of domestic and sexual violence, and many of
16 them struggle to remain connected to the workforce
17 as they face numerous challenges in obtaining and
18 maintaining employment as a consequence of the
19 abuse.

20 (3) The Office on Violence Against Women of
21 the Department of Justice defines domestic violence
22 as a pattern of abusive behavior in any relationship
23 that is used by one intimate partner to gain or

1 maintain power and control over another intimate
2 partner. Domestic violence can include physical, sex-
3 ual, emotional, economic, or psychological actions or
4 threats of actions that influence another person. Do-
5 mestic violence includes any behaviors that intimi-
6 date, manipulate, humiliate, isolate, frighten, ter-
7 rorize, coerce, threaten, blame, hurt, injure, or
8 wound an individual.

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

20 (5) Women in the United States are 28 times
21 more likely to be murdered with guns than women
22 in other high-income countries. Female intimate
23 partners are more likely to be murdered with a fire-
24 arm than all other means combined. The presence of

1 a gun in domestic violence situations increases the
2 risk of homicide for women by 500 percent.

3 (6) Violence can have a dramatic impact on the
4 survivor of such violence. Studies indicate that 44
5 percent of surveyed employed adults experienced the
6 effect of domestic violence in the workplace, domes-
7 tic violence victims report that they lost a job, and
8 1 in 3 domestic violence victims report that they lost
9 a job due to domestic violence. Another recent sur-
10 vey found that 78 percent of offenders used work-
11 place resources to express anger, check up on, pres-
12 sure, or threaten a survivor of sexual assault, wheth-
13 er occurring in or out of the workplace, can impair
14 an employee's work performance, require time away
15 from work, and undermine the employee's ability to
16 maintain a job. Nearly 50 percent of sexual assault
17 survivors lose their jobs or are forced to quit in the
18 aftermath of the assaults.

19 (7) In a study commission by the Office on Vio-
20 lence Against Women of the Department of Justice,
21 66 percent of respondents said an abusive partner
22 had disrupted their ability to complete education or
23 training through tactics such as not allowing them
24 access to money to pay for school, socially isolating
25 the survivor, controlling or monitoring their mobility,

1 using physical or sexual violence, and damaging or
2 destroying personal property.

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

11 (9) The National Institutes of Health report
12 that survivors of severe intimate partner violence
13 lose nearly 8,000,000 days of paid work, which is
14 the equivalent of more than 32,000 full-time jobs
15 and almost 5,600,000 days of household productivity
16 each year. Therefore, women disproportionately need
17 time off to care for their health or to find safety so-
18 lutions, such as obtaining a restraining order or
19 finding housing, to avoid or prevent further violence.

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

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

6 (11) Studies estimate that work days lost due
7 to intimate partner violence, sexual violence, or
8 stalking over victims' lifetimes are worth an esti-
9 mated \$137,800,000,000 (calculated using 2022 dol-
10 lars). According to the Bureau of Justice Statistics,
11 about 3,400,000 of all persons age 16 or older were
12 victims of stalking in 2019. Moreover, 17 percent of
13 stalking victims describe losing a job or job opportu-
14 nities, 1 in 8 employed stalking victims lose time
15 from work as a result of their victimization, and
16 more than half lose 5 days of work or more.

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

1 percent of employers provided training on domestic
2 violence.

3 (13) 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 (14) 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 (15) Economic abuse refers to behaviors that
18 control an intimate partner's ability to acquire, use,
19 and maintain access to, money, credit, ownership of
20 assets, or access to governmental or private financial
21 benefits, including defaulting on joint obligations
22 (e.g. school loans, credit card debt, mortgage, or
23 rent). Other forms may include—

24 (A) preventing someone from attending
25 school;

1 (B) threatening to or actually terminating
2 employment;

3 (C) controlling or withholding access to
4 cash, checking, or credit accounts; and

5 (D) attempts to damage or sabotage an in-
6 timate partner's creditworthiness, including
7 forcing a survivor to write bad checks, taking
8 on debt in the survivor's name, including fore-
9 ing a survivor to default on payments related to
10 household needs, such as housing, or forcing a
11 survivor into bankruptcy.

12 (16) Economic abuse is a significant aspect of
13 teen dating violence, and has harmful long-term im-
14 pacts on educational attainment, employment oppor-
15 tunities, and financial independence.

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

1 (18) 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, stalking, sexual harassment, family vio-
12 lence, gender-based violence and harassment, or
13 trafficking for unemployment compensation;

14 (C) provide job protection to survivors of
15 domestic violence, dating violence, sexual as-
16 sault, stalking, sexual harassment, family vio-
17 lence, gender-based violence and harassment, or
18 trafficking;

19 (D) prohibit insurers and employers who
20 self-insure employee benefits from discrimi-
21 nating against survivors of domestic violence,
22 dating violence, sexual assault, stalking, sexual
23 harassment, family violence, gender-based vio-
24 lence and harassment, or trafficking, and those
25 who help them in determining eligibility, rates

1 charged, and standards for payment of claims;
2 or

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

7 (19) October is National Domestic Violence
8 Awareness Month.

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

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) COMMUNICATION OF AN INTIMATE VISUAL
17 DEPICTION.—

18 (A) IN GENERAL.—The term “communica-
19 tion of an intimate visual depiction”, when used
20 with respect to an individual, includes a trans-
21 mission, dissemination, or receipt through elec-
22 tronic or other communication containing at
23 least 1 intimate visual depiction of the indi-
24 vidual without the individual’s consent.

25 (B) DEFINITIONS.—In this paragraph:

1 (i) INTIMATE VISUAL DEPICTION.—

2 The term “intimate visual depiction”

3 means any—

4 (I) photograph, motion picture

5 film, videotape, digital image, image

6 from social media, or any other re-

7 cording or other image of an indi-

8 vidual (other than the person taking

9 the image), which individual is identi-

10 fiable from the image itself or from

11 information displayed with or other-

12 wise connected to the image, that de-

13 picts—

14 (aa) sexual activity, includ-

15 ing sexual intercourse or mas-

16 turbation; or

17 (bb) an individual’s intimate

18 body parts, whether nude or visi-

19 ble through less than opaque

20 clothing; or

21 (II) deepfake of the individual

22 used to realistically depict the indi-

23 vidual such that a reasonable person

24 would believe the individual is actually

25 depicted, that depicts—

1 (aa) sexual activity, includ-
2 ing sexual intercourse or mas-
3 turbation; or

4 (bb) an individual's intimate
5 body parts, whether nude or visi-
6 ble through less than opaque
7 clothing.

8 (ii) CONSENT.—The term “consent”
9 means an affirmative, conscious, and vol-
10 untary authorization made by an individual
11 free from force, fraud, duress, misrepre-
12 sentation, or coercion.

13 (iii) DEEPFAKE.—The term
14 “deepfake” means a video or image that is
15 generated or substantially modified using
16 machine-learning techniques or any other
17 computer-generated or machine-generated
18 means to falsely depict an individual's ap-
19 pearance or conduct.

20 (2) DATING VIOLENCE; SEXUAL ASSAULT;
21 STALKING.—The terms “dating violence”, “sexual
22 assault”, and “stalking” have the meanings given
23 the terms in section 40002 of the Violence Against
24 Women Act of 1994 (34 U.S.C. 12291).

25 (3) DOMESTIC PARTNER.—

1 (A) IN GENERAL.—The term “domestic
2 partner”, with respect to an individual, means
3 another individual with whom the first indi-
4 vidual is in a committed relationship, as defined
5 under subparagraph (B).

6 (B) COMMITTED RELATIONSHIP.—In this
7 paragraph, the term “committed relationship”
8 means a relationship in which the covered indi-
9 vidual, and the domestic partner of the covered
10 individual, share responsibility for a significant
11 measure of each other’s common welfare. This
12 includes any relationship between individuals of
13 the same or different sex that is granted legal
14 recognition by a State or other political subdivi-
15 sion as a marriage or analogous relationship
16 (including a civil union).

17 (4) DOMESTIC VIOLENCE.—The term “domestic
18 violence” has the meaning given the term in section
19 40002 of the Violence Against Women Act of 1994
20 (34 U.S.C. 12291), except that the reference in such
21 section to the term “jurisdiction receiving grant
22 funding” shall be deemed to mean the jurisdiction in
23 which the victim lives.

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

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

3 (6) EMPLOYEE.—

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

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

18 (7) EMPLOYER.—The term “employer” has the
19 meaning given the term in section 701(b) of the
20 Civil Rights Act of 1964 (42 U.S.C. 2000e(b)).

21 (8) EMPLOYMENT BENEFITS.—The term “em-
22 ployment benefits” means all benefits provided or
23 made available to employees by an employer, includ-
24 ing group life insurance, health insurance, disability
25 insurance, sick leave, annual leave, educational bene-

1 fits, and pensions, regardless of whether such bene-
2 fits are provided by a practice or written policy of
3 an employer or through an employee benefit plan, as
4 defined in section 3(3) of the Employee Retirement
5 Income Security Act of 1974 (29 U.S.C. 1002(3)).

6 (9) FAMILY OR HOUSEHOLD MEMBER.—The
7 term “family or household member”, used with re-
8 spect to an individual, means an individual who—

9 (A) is a son or daughter, parent, spouse,
10 domestic partner, or any other individual re-
11 lated by blood or affinity whose close associa-
12 tion with the individual is the equivalent of a
13 family relationship; and

14 (B) is not the abuser (as defined in section
15 501) involved.

16 (10) FAMILY VIOLENCE.—The term “family vi-
17 olence” has the meaning given the term in section
18 302 of the Family Violence Prevention and Services
19 Act (42 U.S.C. 10402), except that such term shall
20 include an action committed against that individual
21 by any family member or any person who resides in
22 that individual’s household.

23 (11) GENDER-BASED VIOLENCE AND HARASS-
24 MENT.—

1 (A) IN GENERAL.—The term “gender-
2 based violence and harassment” means violence
3 and harassment directed at an individual be-
4 cause of their sex or gender, or affecting indi-
5 viduals of a particular sex or gender dispropor-
6 tionately, and includes sexual harassment.

7 (B) VIOLENCE AND HARASSMENT.—In this
8 paragraph, the term “violence and harassment”
9 means a range of unacceptable behaviors and
10 practices, or threats thereof, whether a single
11 occurrence or repeated, that aim at, result in,
12 or are likely to result in physical, psychological,
13 sexual, economic, or technological harm, and in-
14 cludes sexual harassment.

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

18 (13) PUBLIC AGENCY.—The term “public agen-
19 cy” has the meaning given the term in section 3 of
20 the Fair Labor Standards Act of 1938 (29 U.S.C.
21 203).

22 (14) PUBLIC ASSISTANCE.—The term “public
23 assistance” includes cash, benefits issued under a
24 supplemental nutrition assistance program under
25 section 4 of the Food and Nutrition Act of 2008 (7

1 U.S.C. 2013), medical assistance, housing assist-
2 ance, and other benefits provided on the basis of in-
3 come by a public agency.

4 (15) QUALIFYING ACT OF VIOLENCE.—The
5 term “qualifying act of violence” means an act, con-
6 duct, or pattern of conduct that is or could con-
7 stitute any of the following:

8 (A) Domestic violence.

9 (B) Family violence.

10 (C) Sexual assault.

11 (D) Sexual harassment.

12 (E) Stalking.

13 (F) Dating violence.

14 (G) Trafficking.

15 (H) Communication of an intimate visual
16 depiction.

17 (I) Other forms of gender-based violence or
18 harassment.

19 (J) An act, conduct, or pattern of con-
20 duct—

21 (i) in which an individual causes or
22 threatens to cause bodily injury or death to
23 another individual;

24 (ii) in which an individual exhibits,
25 draws, brandishes, or uses a firearm, or

1 other dangerous weapon, with respect to
2 another individual; or

3 (iii) in which an individual uses, or
4 makes a reasonably perceived or actual
5 threat to use force against another indi-
6 vidual to cause bodily injury or death.

7 (16) SEXUAL HARASSMENT.—The term “sexual
8 harassment” means conduct that is considered to be
9 sexual harassment under applicable Federal, Tribal,
10 or State law.

11 (17) TRAFFICKING.—The term “trafficking”
12 means an act or threat of an act that may constitute
13 sex trafficking or human trafficking, as prescribed
14 by Federal, Tribal, or State law.

15 (18) VICTIM OF A QUALIFYING ACT OF VIO-
16 LENCE.—The term “victim of a qualifying act of vio-
17 lence” includes—

18 (A) an individual who has experienced or is
19 experiencing a qualifying act of violence; and

20 (B) an individual whose family or house-
21 hold member has experienced or is experiencing
22 a qualifying act of violence.

23 (19) VICTIM SERVICES ORGANIZATION.—The
24 term “victim services organization” means an orga-
25 nization that provides services to victims of a quali-

1 fying act of violence, including telephonic or web-
2 based hotlines, legal assistance and legal advocacy,
3 economic advocacy, emergency and transitional shel-
4 ter, accompaniment and advocacy through medical,
5 civil or criminal justice, immigration, and social sup-
6 port systems, crisis intervention, short-term indi-
7 vidual and group support services, information and
8 referrals, culturally specific services, population spe-
9 cific services, and other related supportive services.

10 **SEC. 4. RULE OF CONSTRUCTION REGARDING MORE PRO-**
11 **TECTIVE LAWS, AGREEMENTS, PROGRAMS,**
12 **AND PLANS.**

13 Nothing in this Act, including the amendments made
14 by this Act, shall be construed to supersede any provision
15 of any Federal, State, or local law, collective bargaining
16 agreement, or employment benefits program or plan that
17 provides—

18 (1) greater leave rights for victims of a quali-
19 fying act of violence than the rights established
20 under this Act; or

21 (2) leave benefits for a larger population of vic-
22 tims of a qualifying act of violence (as defined in
23 such law, agreement, program, or plan) than the vic-
24 tims of a qualifying act of violence covered under
25 this Act.

1 **SEC. 5. ARBITRATION.**

2 (a) **IN GENERAL.**—Notwithstanding any other provi-
3 sion of this Act, no predispute arbitration agreement or
4 predispute joint-action waiver, as those terms are defined
5 in section 401 of title 9, United States Code, that relates
6 to a claim arising out of title II, title III, or title V, shall
7 be valid or enforceable.

8 (b) **APPLICABILITY.**—An issue as to whether title II,
9 title III, or title V applies with respect to a dispute shall
10 be determined under Federal law. The applicability of
11 such a title to an agreement to arbitrate and the validity
12 and enforceability of an agreement to which such a title
13 applies shall be determined by a court, rather than an ar-
14 bitrator, irrespective of whether the party resisting arbi-
15 tration challenges the arbitration agreement specifically or
16 in conjunction with other terms of the contract containing
17 such agreement, and irrespective of whether the agree-
18 ment purports to delegate such determinations to an arbi-
19 trator.

1 **TITLE I—REAUTHORIZATION OF**
2 **NATIONAL RESOURCE CEN-**
3 **TER GRANTS ON WORKPLACE**
4 **RESPONSES TO ASSIST VIC-**
5 **TIMS OF DOMESTIC AND SEX-**
6 **UAL VIOLENCE**

7 **SEC. 101. GRANT PROGRAM REAUTHORIZATION.**

8 (a) INFORMATION AND ASSISTANCE TO VICTIM
9 SERVICE PROVIDERS AND COMMUNITY ORGANIZA-
10 TIONS.—Section 41501(a) of the Violence Against Women
11 Act of 1994 (34 U.S.C. 12501(a)) is amended by striking
12 the period at the end and inserting “, and to victim serv-
13 ices organizations (as defined in section 3 of the SAFE
14 for Survivors Act of 2024) (including community based
15 organizations) and Tribal, State, and territorial domestic
16 violence or sexual assault coalitions to enable the organiza-
17 tions and coalitions to provide resource materials or other
18 assistance to employers, labor organizations, or employ-
19 ees.”.

20 (b) ADMINISTRATIVE PROVISIONS.—Section 41501
21 of the Violence Against Women Act of 1994 (34 U.S.C.
22 12501) is amended by adding at the end the following:

23 “(h) ADMINISTRATIVE COSTS.—

24 “(1) IN GENERAL.—From the amount appro-
25 priated pursuant to subsection (f) for each fiscal

1 year, the Attorney General shall not use more than
 2 2.5 percent for the administration and monitoring of
 3 grants made available under this section.

4 “(2) EVALUATIONS.—From the amount appro-
 5 priated pursuant to subsection (f) for each fiscal
 6 year, the Director of the Office on Violence Against
 7 Women shall not use more than 5 percent to award
 8 contracts or cooperative agreements to entities with
 9 demonstrated expertise in program evaluation to
 10 evaluate programs under this section.”.

11 **TITLE II—SAFE LEAVE FOR AD-**
 12 **DRESSING QUALIFYING ACTS**
 13 **OF VIOLENCE**

14 **SEC. 201. ENTITLEMENT TO SAFE LEAVE FOR ADDRESSING**
 15 **DOMESTIC VIOLENCE, DATING VIOLENCE,**
 16 **SEXUAL ASSAULT, OR STALKING.**

17 (a) **SAFE LEAVE GENERALLY.**—An employer shall
 18 provide each employee employed by the employer not less
 19 than 40 work days of leave in a 12-month period to be
 20 used as described in subsection (d) (referred to in this title
 21 as “safe leave”), of which not fewer than 10 workdays (of
 22 the employee’s choice) shall be paid. The remaining days
 23 of safe leave may be unpaid leave, except that the em-
 24 ployee may elect to substitute the leave under section 204.
 25 An employee may take not more than a total of 40 work

1 days of paid or unpaid safe leave in a 12-month period
2 under this section (which may be taken intermittently or
3 on a reduced leave schedule), in addition to any leave
4 taken under title I of the Family and Medical Leave Act
5 of 1993 (29 U.S.C. 2611 et seq.) or subchapter V of chap-
6 ter 63 of title 5, United States Code.

7 (b) CONSTRUCTION.—Nothing in this section shall be
8 construed as requiring financial or other reimbursement
9 to an employee from an employer upon the employee’s ter-
10 mination, resignation, retirement, or other separation
11 from employment for earned paid safe leave that has not
12 been used.

13 (c) REINSTATEMENT.—If an employee is separated
14 from employment with an employer and is rehired, within
15 12 months after that separation, by the same employer,
16 the employer shall (in addition to providing unpaid safe
17 leave in accordance with subsection (a)) reinstate the em-
18 ployee’s previously earned paid safe leave. The employee
19 shall be entitled to use the earned paid safe leave and earn
20 additional paid safe leave at the recommencement of em-
21 ployment with the employer.

22 (d) USES.—Safe leave earned under this section may
23 be used by an employee for an absence resulting from a
24 qualifying act of violence if the time is for the employee
25 or employee’s family or household member to—

- 1 (1) seek, receive, or secure counseling;
- 2 (2) seek or secure temporary or permanent relo-
3 cation or take steps to secure an existing home;
- 4 (3) seek, receive, or follow up on assistance
5 from an organization or agency providing services to
6 victims;
- 7 (4) seek legal assistance or attend legal pro-
8 ceedings, including preparation for or participation
9 in any related administrative, civil, or criminal legal
10 proceeding or other related activities;
- 11 (5) seek medical attention for physical or psy-
12 chological injury or disability caused or aggravated
13 by a qualifying act of violence;
- 14 (6) attend or make arrangements for the fu-
15 neral or alternative to a funeral or wake of a victim
16 of a qualifying act of violence who died as a result
17 of a qualifying act of violence or grieve the death of
18 a victim who died as a result of a qualifying act of
19 violence;
- 20 (7) obtain or provide childcare or adult depend-
21 ent care necessary as a result of a qualifying act of
22 violence;
- 23 (8) enroll a child in a new school or make a
24 care arrangement;

1 (9) access financial services or meet with a fi-
2 nancial professional to address financial issues re-
3 sulting from the qualifying act of violence;

4 (10) enroll, renew, or otherwise obtain benefits
5 or public assistance or other services;

6 (11) access accessibility accommodations, in-
7 cluding retrofitting home or vehicle or securing or
8 being fitted for accessibility equipment; or

9 (12) take any other steps necessary to protect
10 or restore their physical, mental, emotional, and eco-
11 nomic well-being or the well-being of a family mem-
12 ber recovering from covered acts.

13 (e) PROCEDURES.—

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

17 (A) include the expected duration of the
18 period of such leave; and

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

22 (2) CERTIFICATION.—

23 (A) IN GENERAL.—If the period in ques-
24 tion covers more than 3 workdays, an employer
25 may require that a request for safe leave under

1 this section for a purpose described in sub-
2 section (d) be supported—

3 (i) by any form of certification, as de-
4 termined by the employee, consisting of—

5 (I) a sworn statement of the em-
6 ployee or the family or household
7 member, or another person with
8 knowledge of the situation, as the case
9 may be;

10 (II) documentation from an em-
11 ployee or volunteer working for a vic-
12 tim services organization, an attorney,
13 a police officer, a medical professional,
14 a social worker, an antiviolence coun-
15 selor, a member of the clergy, or an-
16 other professional, affirming that the
17 employee or a family or household
18 member of the employee is a victim of
19 a qualifying act of violence;

20 (III) a police or court record in-
21 dicating that the employee, or a fam-
22 ily or household member of the em-
23 ployee, was a victim of a qualifying
24 act of violence;

1 (IV) a court order protecting or
2 separating the employee or a family or
3 household member of the employee
4 from the perpetrator of a qualifying
5 act of violence or other evidence from
6 the court or prosecuting attorney that
7 the employee or family or household
8 member has appeared in court or is
9 scheduled to appear in court in a pro-
10 ceeding related to a qualifying act of
11 violence; or

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

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

22 (B) SURVIVOR INFORMATION PROTEC-
23 TIONS.—

24 (i) IN GENERAL.—The facts to be dis-
25 closed in any certification shall be limited

1 to the minimum necessary to verify a need
2 for the employee to be absent from work in
3 connection with a qualifying act of vio-
4 lence, and the employee shall not be re-
5 quired to explain the details of the quali-
6 fying act of violence or how leave will be
7 used.

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

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

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

22 (C) TIMELINESS.—The employee shall pro-
23 vide a copy of such certification to the employer
24 in a timely manner, and not later than 30 days
25 after the first day of the period of leave, to the

1 extent practicable. The employer shall not delay
2 the commencement of the period of leave on the
3 basis that the employer has not yet received the
4 certification.

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

10 (f) CONFIDENTIALITY; NONDISCLOSURE FOR VIC-
11 TIMS.—

12 (1) CONFIDENTIALITY.—All information pro-
13 vided to the employer pursuant to subsection (e),
14 and the fact that the employee or family or house-
15 hold member is a victim of a qualifying act of vio-
16 lence, and the employee has requested or obtained
17 safe leave pursuant to this section, shall be retained
18 in the strictest confidence by the employer, except to
19 the extent that disclosure is—

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

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

24 (2) CONFIDENTIAL COMMUNICATIONS.—The
25 provision of any information under this section does

1 not waive or diminish the confidential or privileged
2 nature of communications between a victim of a
3 qualifying act of violence with one or more of the in-
4 dividuals or entities providing information under
5 subclause (II), (III), (IV), or (V) of clause (i), or
6 clause (ii), of subsection (e)(2)(A).

7 (3) NONDISCLOSURE.—If an employer pos-
8 sesses health information about an employee or an
9 employee’s family or household member in connec-
10 tion with a certification under this section, such in-
11 formation shall—

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

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

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

20 (g) EMPLOYMENT AND BENEFITS.—

21 (1) RESTORATION TO POSITION.—

22 (A) IN GENERAL.—Except as provided in
23 paragraph (2), any employee who takes leave
24 under this section for the intended purpose of

1 the leave shall be entitled, on return from such
2 leave—

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

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

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

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

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

1 (2) MAINTENANCE OF HEALTH BENEFITS.—
2 During any period that an employee takes leave
3 under this section, the employer shall maintain cov-
4 erage under any group health plan (meaning a group
5 health plan as defined in section 5000(b)(1) of the
6 Internal Revenue Code of 1986 or an employee wel-
7 fare benefit plan as defined in section 3(1) of the
8 Employee Retirement Income Security Act of 1974
9 (29 U.S.C. 1002(1))) for the duration of such leave
10 at the level and under the conditions coverage would
11 have been provided if the employee had continued in
12 employment continuously for the duration of such
13 leave.

14 **SEC. 202. PROHIBITED ACTS.**

15 (a) INTERFERENCE WITH RIGHTS.—

16 (1) IN GENERAL.—It shall be unlawful for any
17 person to interfere with, restrain, deny, or retaliate
18 against an individual because of the exercise of, or
19 the attempt to exercise, any right provided under
20 section 201, including through—

21 (A) discharging or in any other manner
22 discriminating against (including retaliating
23 against) an individual because the individual
24 has requested, indicated an intent to request, or
25 taken safe leave; or

1 (B) using the request for or use of such
2 leave as a negative factor in an employment ac-
3 tion.

4 (2) REBUTTABLE PRESUMPTION OF RETALIA-
5 TION.—Any adverse action (including any action de-
6 scribed in paragraph (1)) taken against an employee
7 in the 12 month period after an employee takes any
8 leave for which the employee is eligible shall estab-
9 lish a rebuttal presumption that the action of the
10 employer is retaliating against such employee in vio-
11 lation of paragraph (1).

12 (3) DISCRIMINATION.—It shall be unlawful for
13 any employer to discharge or in any other manner
14 discriminate against any individual for opposing any
15 practice made unlawful by section 201.

16 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
17 IES.—It shall be unlawful for any person to discharge or
18 in any other manner discriminate against any individual
19 because such individual—

20 (1) has filed any charge, or has instituted or
21 caused to be instituted any proceeding, under or re-
22 lated to section 201;

23 (2) has given, or is about to give, any informa-
24 tion in connection with any inquiry or proceeding re-
25 lating to any right provided under section 201; or

1 (3) has testified, or is about to testify, in any
2 inquiry or proceeding relating to any right provided
3 under section 201.

4 **SEC. 203. ENFORCEMENT.**

5 (a) CIVIL ACTION BY AFFECTED INDIVIDUALS.—

6 (1) LIABILITY.—Any employer that violates sec-
7 tion 201 or 202 shall be liable to any individual af-
8 fected—

9 (A) for damages equal to—

10 (i) the greater of, \$1,000 or the
11 amount of—

12 (I) any wages, salary, employ-
13 ment benefits, or other compensation
14 denied or lost to such individual by
15 reason of the violation; or

16 (II) in a case in which wages,
17 salary, employment benefits, or other
18 compensation has not been denied or
19 lost to the individual, any actual mon-
20 etary losses sustained by the indi-
21 vidual as a direct result of the viola-
22 tion;

23 (ii) the interest on the amount de-
24 scribed in clause (i) calculated at the pre-
25 vailing rate; and

1 (iii) an additional amount as liq-
2 uidated damages equal to the sum of the
3 amount described in clause (i) and the in-
4 terest described in clause (ii), except that
5 if an employer that has violated section
6 201 or 202 proves to the satisfaction of
7 the court that the act or omission that vio-
8 lated section 201 or 202 was in good faith
9 and that the employer had reasonable
10 grounds for believing that the act or omis-
11 sion was not a violation of section 201 or
12 202, such court may, in the discretion of
13 the court, reduce the amount of the liabil-
14 ity to the amount and interest determined
15 under clauses (i) and (ii), respectively; and
16 (B) for such equitable relief as may be ap-
17 propriate, including employment, reinstatement,
18 and promotion.

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

25 (A) the individuals; or

1 (B) the individuals and other individuals
2 similarly situated.

3 (3) FEES AND COSTS.—The court in such an
4 action shall, in addition to any judgment awarded to
5 the plaintiff, allow a reasonable attorney’s fee, rea-
6 sonable expert witness fees, and other costs of the
7 action to be paid by the defendant.

8 (4) LIMITATIONS.—The right provided by para-
9 graph (2) to bring an action by or on behalf of any
10 affected individual shall terminate—

11 (A) on the filing of a complaint by the Sec-
12 retary of Labor in an action under subsection
13 (b) in which restraint is sought of any further
14 delay in the payment of the amount described
15 in paragraph (1)(A) to such individual by an
16 employer responsible under paragraph (1) for
17 the payment; or

18 (B) on the filing of a complaint by the Sec-
19 retary of Labor in an action under subsection
20 (b) in which a recovery is sought of the dam-
21 ages described in paragraph (1)(A) owing to an
22 affected individual by an employer liable under
23 paragraph (1),

1 unless the action described in subparagraph (A) or
2 (B) is dismissed without prejudice on motion of the
3 Secretary of Labor.

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

5 (1) ADMINISTRATIVE ACTION.—The Secretary
6 of Labor shall receive, investigate, and attempt to
7 resolve complaints of violations of section 201 and
8 202 in the same manner as the Secretary of Labor
9 receives, investigates, and attempts to resolve com-
10 plaints of violations of sections 6 and 7 of the Fair
11 Labor Standards Act of 1938 (29 U.S.C. 206 and
12 207).

13 (2) CIVIL ACTION.—The Secretary of Labor
14 may bring an action in any court of competent juris-
15 diction to recover the damages described in sub-
16 section (a)(1)(A).

17 (3) SUMS RECOVERED.—Any sums recovered by
18 the Secretary of Labor pursuant to paragraph (2)
19 shall be held in a special deposit account and shall
20 be paid, on order of the Secretary, directly to each
21 individual affected. Any such sums not paid to such
22 an individual because of inability to do so within a
23 period of 3 years shall be deposited into the Treas-
24 ury of the United States as miscellaneous receipts.

1 (4) CIVIL MONETARY PENALTIES.—In addition
2 to the penalties payable to an affected individual
3 under this subsection, any employer that violates
4 section 201 or 202 shall be subject to a penalty pay-
5 able to the Secretary of Labor of \$1,000 per viola-
6 tion for each individual affected.

7 (c) LIMITATION.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), an action may be brought under this sub-
10 section not later than 2 years after the date of the
11 last event constituting the alleged violation for which
12 the action is brought.

13 (2) WILLFUL VIOLATION.—In the case of such
14 action brought for a willful violation of section 202,
15 such action may be brought within 3 years after the
16 date of the last event constituting the alleged viola-
17 tion for which such action is brought.

18 (3) COMMENCEMENT.—In determining when an
19 action is commenced by the Secretary of Labor
20 under this section for the purposes of this sub-
21 section, it shall be considered to be commenced on
22 the date when the complaint is filed.

23 (d) ACTION FOR INJUNCTION BY SECRETARY OF
24 LABOR.—The district courts of the United States shall

1 have jurisdiction, for cause shown, in an action brought
2 by the Secretary of Labor—

3 (1) to restrain violations of section 201 or 202,
4 including the restraint of any withholding of pay-
5 ment of wages, salary, employment benefits, or other
6 compensation, plus interest, found by the court to be
7 due to affected individuals; or

8 (2) to award such other equitable relief as may
9 be appropriate, including employment, reinstatement,
10 and promotion.

11 (e) SOLICITOR OF LABOR.—The Solicitor of Labor
12 may appear for and represent the Secretary of Labor on
13 any litigation brought under this section.

14 (f) EMPLOYER LIABILITY UNDER OTHER LAWS.—
15 Nothing in this section shall be construed to limit the li-
16 ability of an employer to an individual, for harm suffered
17 relating to the individual's experience of a qualifying act
18 of violence, pursuant to any other Federal or State law,
19 including a law providing for a legal remedy.

20 (g) OTHER ADMINISTRATIVE OFFICERS.—

21 (1) BOARD.—In the case of a covered employee,
22 as defined in section 101 of the Congressional Ac-
23 countability Act of 1995 (2 U.S.C. 1301), other
24 than an applicant for employment, the authority of
25 the Secretary of Labor under this title shall be exer-

1 cised by the Board of Directors of the Office of Con-
2 gressional Workplace Rights.

3 (2) PRESIDENT; MERIT SYSTEMS PROTECTION
4 BOARD.—In the case of a covered employee, as de-
5 fined in section 411(c) of title 3, United States
6 Code, the authority of the Secretary of Labor under
7 this title shall be exercised by the President and the
8 Merit Systems Protection Board.

9 (3) OFFICE OF PERSONNEL MANAGEMENT.—In
10 the case of a Federal officer or employee covered
11 under subchapter V of chapter 63 of title 5, United
12 States Code, the authority of the Secretary of Labor
13 under this title shall be exercised by the Office of
14 Personnel Management.

15 (4) LIBRARIAN OF CONGRESS.—In the case of
16 employees of the Library of Congress, the authority
17 of the Secretary of Labor under this title shall be
18 exercised by the Librarian of Congress.

19 (5) COMPTROLLER GENERAL.—In the case of
20 employees of the Government Accountability Office,
21 the authority of the Secretary of Labor under this
22 title shall be exercised by the Comptroller General of
23 the United States.

1 **SEC. 204. EXISTING LEAVE USABLE FOR A QUALIFYING ACT**
2 **OF VIOLENCE.**

3 An employee who is entitled to take paid or unpaid
4 leave (including family, medical, sick, annual, personal, or
5 similar leave) from employment, pursuant to Federal law
6 (including the Family and Medical Leave Act of 1993 (29
7 U.S.C. 2611 et seq.) or subchapter V of chapter 63 of
8 title 5, United States Code), State law, local law, a collec-
9 tive bargaining agreement, or an employment benefits pro-
10 gram or plan, may elect to substitute any period of such
11 leave for an equivalent period of leave provided under sec-
12 tion 201.

13 **SEC. 205. EMERGENCY BENEFITS.**

14 (a) IN GENERAL.—A State may use funds provided
15 to the State under part A of title IV of the Social Security
16 Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-
17 term emergency benefits to an individual for any period
18 of leave the individual takes pursuant to section 201 of
19 this Act.

20 (b) ELIGIBILITY.—

21 (1) IN GENERAL.—An individual who is eligible
22 for assistance under the State program funded
23 under that part and for leave under section 201
24 shall be eligible for such emergency benefits, except
25 as provided in paragraph (2).

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

4 (c) TIMING.—

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

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

13 **SEC. 206. REGULATIONS.**

14 (a) IN GENERAL.—

15 (1) AUTHORITY TO ISSUE REGULATIONS.—Ex-
16 cept as provided in subsection (b), the Secretary of
17 Labor shall issue regulations to carry out this title.

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

1 cedures for filing complaints. The Secretary of
 2 Labor shall develop such a notice and provide copies
 3 to employers upon request without charge.

4 (b) OTHER ADMINISTRATIVE OFFICERS.—The au-
 5 thorities described in section 203(g) shall apply with re-
 6 spect to promulgating regulations to carry out this Act
 7 for the respective employees of each administrative officer
 8 described in such subsection. The regulations prescribed
 9 under this subsection shall, to the extent appropriate, be
 10 consistent with the regulations prescribed by the Secretary
 11 of Labor under subsection (a).

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

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

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

17 **SEC. 302. DEFINITIONS.**

18 In this title:

19 (1) BOARD.—The term “board” has the mean-
 20 ing given the term in section 101 of the Congres-
 21 sional Accountability Act of 1995 (2 U.S.C. 1301).

22 (2) COMMISSION.—The term “commission”
 23 means the Equal Employment Opportunity Commis-
 24 sion.

1 (3) COVERED FAMILY OR HOUSEHOLD MEM-
2 BER.—The term “covered family or household mem-
3 ber” means a family or household member who has
4 experienced or is experiencing a qualifying act of vio-
5 lence.

6 (4) DISCRIMINATE.—The term “discrimi-
7 nate”—

8 (A) used with respect to an employer and
9 the terms, conditions, or privileges of employ-
10 ment, includes—

11 (i) failing to implement, on request
12 from an individual, in response to an ac-
13 tual or threatened qualifying act of vio-
14 lence, a reasonable safety procedure or job-
15 related modification to enhance the secu-
16 rity of that individual or safeguard the
17 workplace involved (such as installation of
18 a lock, change of a telephone number or
19 seating assignment, provision of a transfer,
20 provision of leave, modification of a sched-
21 ule, or adjustment of a work requirement),
22 unless the employer can demonstrate that
23 granting the request would impose an
24 undue hardship on the operation of the
25 business of the employer; and

1 (ii) harassment or retaliation de-
2 scribed in section 303(a); and

3 (B) used with respect to a public agency
4 and the amount, terms, or conditions of public
5 assistance, includes—

6 (i) failing to implement, on request
7 from an individual, in response to an ac-
8 tual or threatened qualifying act of vio-
9 lence, a reasonable safety procedure, unless
10 the public agency can demonstrate that
11 granting the request would impose an
12 undue hardship on the operation of the
13 public agency; and

14 (ii) harassment or retaliation de-
15 scribed in section 303(b).

16 (5) EMPLOYEE.—The term “employee”
17 means—

18 (A) an employee (including an applicant),
19 as defined in section 701(f) of the Civil Rights
20 Act of 1964 (42 U.S.C. 2000e(f));

21 (B) a covered employee (including an ap-
22 plicant), as defined in section 101 of the Con-
23 gressional Accountability Act of 1995 (2 U.S.C.
24 1301), and an individual described in section
25 201(d) of that Act (2 U.S.C. 1311(d));

1 (C) a covered employee (including an appli-
2 cant), as defined in section 411(c) of title 3,
3 United States Code;

4 (D) a State employee (including an appli-
5 cant) described in section 304(a) of the Govern-
6 ment Employee Rights Act of 1991 (42 U.S.C.
7 2000e–16c(a)); and

8 (E) an employee (including an applicant)
9 to which section 717(a) of the Civil Rights Act
10 of 1964 (42 U.S.C. 2000e–16(a)) applies.

11 (6) EMPLOYER.—The term “employer”
12 means—

13 (A) an employer, as defined in section
14 701(b) of the Civil Rights Act of 1964 (42
15 U.S.C. 2000e(b));

16 (B) an employing office, as defined in sec-
17 tion 101 of the Congressional Accountability
18 Act of 1995 (2 U.S.C. 1301);

19 (C) an employing office, as defined in sec-
20 tion 411(c) of title 3, United States Code;

21 (D) an entity employing a State employee
22 described in section 304(a) of the Government
23 Employee Rights Act of 1991 (42 U.S.C.
24 2000e–16c(a)); and

1 (E) an entity to which section 717(a) of
2 the Civil Rights Act of 1964 (42 U.S.C. 2000e–
3 16(a)) applies.

4 (7) QUALIFIED EMPLOYEE.—The term “quali-
5 fied employee” means an employee who is a qualified
6 individual, as defined in section 101 of the Ameri-
7 cans with Disabilities Act of 1990 (42 U.S.C.
8 12111).

9 (8) REASONABLE ACCOMMODATION.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (C), the term “reasonable accommoda-
12 tion” means a reasonable job-related modifica-
13 tion or safety procedure, made to address the
14 impacts of a qualifying act of violence or en-
15 hance the security of a qualified employee who
16 is the victim of the qualifying act of violence.

17 (B) INCLUDED ACCOMMODATIONS.—Sub-
18 ject to subparagraph (C), the term “reasonable
19 accommodation” includes an accommodation,
20 made as described in subparagraph (A), that
21 is—

22 (i) any change or adjustment to a job
23 or work environment that permits such an
24 employee to participate in the job applica-
25 tion process, to perform the essential func-

1 tions of a job, or to enjoy the benefits and
2 privileges of employment;

3 (ii) a transfer, reassignment, or other
4 change in the work location;

5 (iii) a modified or flexible work sched-
6 ule;

7 (iv) a change to work contact informa-
8 tion, including a name change or limit on
9 dissemination of contact information;

10 (v) a change to a workstation or seat-
11 ing assignment;

12 (vi) implementation of a confiden-
13 tiality measure, including removal of ref-
14 erences to the employee from the employ-
15 er's website;

16 (vii) implementation of an enhanced
17 safety protocol including providing access
18 to a parking space close to the worksite or
19 installation of a lock or other security de-
20 vice;

21 (viii) assistance in documenting quali-
22 fying acts of violence that occur in the
23 workplace or in a work-related setting;

24 (ix) implementation of a safety proce-
25 dure;

- 1 (x) provision of leave or time off;
- 2 (xi) restructuring of the job functions
- 3 of the employee; or
- 4 (xii) any other adjustment to a job
- 5 structure, workplace facility, or work re-
- 6 quirement in response to the qualifying act
- 7 of violence.

8 (C) EXCLUSION.—The term “reasonable

9 accommodation” does not include an accommo-

10 dation if the employer involved can demonstrate

11 that the accommodation would impose an undue

12 hardship on the operation of the business of an

13 employer.

14 (9) UNDUE HARDSHIP.—The term “undue

15 hardship” has the meaning give the term in section

16 101 of the Americans with Disabilities Act of 1990

17 (42 U.S.C. 12111).

18 **SEC. 303. PROHIBITED DISCRIMINATORY ACTS.**

19 (a) DISCRIMINATION BY EMPLOYERS.—It shall be an

20 unlawful practice for an employer to fail or refuse to hire

21 or discharge any individual, or otherwise to discriminate

22 (including harassment or retaliation in any form or man-

23 ner) against any individual with respect to the compensa-

24 tion, terms, conditions, or privileges of employment of the

25 individual, because—

1 (1) the individual is, or the employer perceives
2 that individual to be, a victim of a qualifying act of
3 violence;

4 (2) that individual attended, participated in,
5 prepared for, or requested leave related to an event
6 that resulted in the individual becoming a victim of
7 a qualifying act of violence;

8 (3) that individual, in response to an actual or
9 threatened qualifying act of violence, requested a
10 reasonable accommodation; or

11 (4) the workplace is disrupted or threatened by
12 the action of a person whom that individual states
13 has committed or threatened to commit a qualifying
14 act of violence.

15 (b) DISCRIMINATION BY PUBLIC AGENCIES.—It shall
16 be an unlawful practice for a public agency to deny, re-
17 duce, or terminate the benefits of, or otherwise sanction
18 any individual, or otherwise discriminate (including har-
19 assment or retaliation in any form or manner) against any
20 individual with respect to the amount, terms, or conditions
21 of public assistance of the individual, because—

22 (1) the individual is, or the public agency in-
23 volved perceives that individual to be, a victim of a
24 qualifying act of violence; or

1 (2) that individual attended, participated in, or
2 prepared for, an event that resulted in the individual
3 becoming a victim of a qualifying act of violence.

4 (c) FAILURE TO PROVIDE ACCOMMODATION.—

5 (1) IN GENERAL.—It shall be an unlawful prac-
6 tice for an employer to—

7 (A) fail to make a reasonable accommoda-
8 tion for a qualified employee who is a victim of
9 a qualifying act of violence and whose status as
10 such a victim is known or should have been
11 known to the employer, to address the impacts
12 of the violence or enhance the security of the
13 victim involved;

14 (B) refuse or otherwise fail to engage in an
15 interactive process within a reasonable time
16 with a qualified employee described in subpara-
17 graph (A), who has requested a reasonable ac-
18 commodation under this subsection;

19 (C) require a qualified employee described
20 in subparagraph (A) to accept an accommoda-
21 tion other than a reasonable accommodation ar-
22 rived at through the interactive process;

23 (D) require a qualified employee described
24 in subparagraph (A) to take leave; and

1 (E) take adverse action relating to a term,
2 condition, or privilege of employment against a
3 qualified employee on account of the qualified
4 employee requesting or using a reasonable ac-
5 commodation.

6 (2) PRESUMPTION.—If an employer takes any
7 adverse action (including any action described in
8 paragraph (1)(E)) against a qualified employee with-
9 in 12 months after the employee uses any leave to
10 which the individual was entitled under paragraph
11 (1), there shall be a rebuttable presumption that the
12 practice of the employer is adverse action against
13 such employee in violation of paragraph (1)(E).

14 (3) DOCUMENTATION.—An employer required
15 under this subsection to make a reasonable accom-
16 modation may require a qualified employee request-
17 ing a reasonable accommodation pursuant to this
18 subsection to provide certification that the person is
19 a victim of a qualifying act of violence. The person
20 requesting a reasonable accommodation pursuant to
21 this subsection shall provide a copy of such certifi-
22 cation to the employer within a reasonable period
23 after the request is made. An employer may not re-
24 quire a specific form of certification and a qualified
25 employee may satisfy the requirements of this sub-

1 section by submitting any of the following forms of
2 certification:

3 (A) Sworn statement of the qualified em-
4 ployee, the qualified employee's family member,
5 or another person with knowledge of the quali-
6 fying act of violence.

7 (B) Documentation from a survivor serv-
8 ices organization, an attorney, law enforcement
9 personnel, a medical professional, a social work-
10 er, an antiviolence counselor, a cultural or reli-
11 gious provider, or another professional who as-
12 sisted the qualified employee in addressing the
13 qualifying act of violence, affirming that the
14 qualified employee is a victim of a qualifying
15 act of violence.

16 (C) A police or court record demonstrating
17 that the qualified employee is a victim of a
18 qualifying act of violence.

19 (D) Other corroborating evidence con-
20 cerning the qualified employee demonstrating
21 the qualified employee's status as a victim of a
22 qualifying act of violence.

23 (d) CONFIDENTIALITY; NONDISCLOSURE FOR VIC-

24 TIMS.—

1 (1) CONFIDENTIALITY.—All information pro-
2 vided to the employer pursuant to subsection (a) or
3 (c), and the fact that the employee is a victim of a
4 qualifying act of violence (or that the employee’s
5 covered family or household member is such a vic-
6 tim), and that the employee has requested or ob-
7 tained leave or a reasonable accommodation pursu-
8 ant to this section, shall be retained in the strictest
9 confidence by the employer, except to the extent that
10 disclosure is—

11 (A) requested or consented to by the em-
12 ployee in writing; or

13 (B) otherwise required by applicable Fed-
14 eral or State law.

15 (2) CONFIDENTIAL COMMUNICATIONS.—The
16 provision of any information under this section does
17 not waive or diminish the confidential or privileged
18 nature of communications between a victim of a
19 qualifying act of violence with one or more of the in-
20 dividuals or entities providing information as de-
21 scribed in section 201(f)(2).

22 (3) NONDISCLOSURE.—If an employer pos-
23 sesses health information about an employee (or an
24 employee’s covered family or household member) in

1 connection with a request or determination made
2 under this section, such information shall—

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

6 (B) be treated as a confidential medical
7 record; and

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

11 **SEC. 304. REMEDIES AND ENFORCEMENT.**

12 (a) EMPLOYMENT DISCRIMINATION.—

13 (1) EMPLOYEES COVERED BY TITLE VII OF THE
14 CIVIL RIGHTS ACT OF 1964.—

15 (A) IN GENERAL.—The powers, remedies,
16 and procedures provided in sections 705, 706,
17 707, 709, 710, and 711 of the Civil Rights Act
18 of 1964 (42 U.S.C. 2000e–4 et seq.) to the
19 Commission, the Attorney General, or any per-
20 son alleging a violation of title VII of such Act
21 (42 U.S.C. 2000e et seq.) shall be the powers,
22 remedies, and procedures this Act provides to
23 the Commission, the Attorney General, or any
24 person, respectively, alleging an unlawful prac-
25 tice in violation of subsection (a) or (c) of sec-

1 tion 303 against an employee described in sec-
2 tion 302(5)(A) except as provided in subpara-
3 graphs (B) and (C) of this paragraph.

4 (B) COSTS AND FEES.—The powers, rem-
5 edies, and procedures provided in subsections
6 (b) and (c) of section 722 of the Revised Stat-
7 utes (42 U.S.C. 1988) shall be the powers, rem-
8 edies, and procedures this Act provides to the
9 Commission, the Attorney General, or any per-
10 son alleging such practice.

11 (C) DAMAGES.—The powers, remedies, and
12 procedures provided in section 1977A of the
13 Revised Statutes (42 U.S.C. 1981a), including
14 the limitations contained in subsection (b)(3) of
15 such section 1977A, shall be the powers, rem-
16 edies, and procedures this Act provides to the
17 Commission, the Attorney General, or any per-
18 son alleging such practice (not an employment
19 practice specifically excluded from coverage
20 under section 1977A(a)(1) of the Revised Stat-
21 utes (42 U.S.C. 1981a(a)(1))).

22 (2) EMPLOYEES COVERED BY CONGRESSIONAL
23 ACCOUNTABILITY ACT OF 1995.—

24 (A) IN GENERAL.—The powers, remedies,
25 and procedures provided in the Congressional

1 Accountability Act of 1995 (2 U.S.C. 1301 et
2 seq.) for the purposes of addressing allegations
3 of violations of section 201(a)(1) of such Act (2
4 U.S.C. 1311(a)(1)) shall be the powers, rem-
5 edies, and procedures this Act provides to ad-
6 dress an allegation of an unlawful practice in
7 violation of subsection (a) or (c) of section 303
8 against an employee described in section
9 302(5)(B), except as provided in subparagraphs
10 (B) and (C) of this paragraph.

11 (B) COSTS AND FEES.—The powers, rem-
12 edies, and procedures provided in subsections
13 (b) and (c) of section 722 of the Revised Stat-
14 utes (42 U.S.C. 1988) for the purposes of ad-
15 dressing allegations of such a violation shall be
16 the powers, remedies, and procedures this Act
17 provides to address allegations of such practice.

18 (C) DAMAGES.—The powers, remedies, and
19 procedures provided in section 1977A of the
20 Revised Statutes (42 U.S.C. 1981a), including
21 the limitations contained in subsection (b)(3) of
22 such section 1977A, for purposes of addressing
23 allegations of such a violation, shall be the pow-
24 ers, remedies, and procedures this Act provides
25 to address any allegation of such practice (not

1 an employment practice specifically excluded
2 from coverage under section 1977A(a)(1) of the
3 Revised Statutes (42 U.S.C. 1981a(a)(1)).

4 (3) EMPLOYEES COVERED BY CHAPTER 5 OF
5 TITLE 3, UNITED STATES CODE.—

6 (A) IN GENERAL.—The powers, remedies,
7 and procedures provided in chapter 5 of title 3,
8 United States Code, to the President, the Com-
9 mission, the Merit Systems Protection Board,
10 or any person alleging a violation of section
11 411(a)(1) of such title shall be the powers, rem-
12 edies, and procedures this Act provides to the
13 President, the Commission, the Board, or any
14 person, respectively, alleging an unlawful prac-
15 tice in violation of subsection (a) or (c) of sec-
16 tion 303 against an employee described in sec-
17 tion 302(5)(C), except as provided in subpara-
18 graphs (B) and (C) of this paragraph.

19 (B) COSTS AND FEES.—The powers, rem-
20 edies, and procedures provided in subsections
21 (b) and (c) of section 722 of the Revised Stat-
22 utes (42 U.S.C. 1988) shall be the powers, rem-
23 edies, and procedures this Act provides to the
24 President, the Commission, the Board, or any
25 person alleging such practice.

1 (C) DAMAGES.—The powers, remedies, and
2 procedures provided in section 1977A of the
3 Revised Statutes (42 U.S.C. 1981a), including
4 the limitations contained in subsection (b)(3) of
5 such section 1977A, shall be the powers, rem-
6 edies, and procedures this Act provides to the
7 President, the Commission, the Board, or any
8 person alleging such practice (not an employ-
9 ment practice specifically excluded from cov-
10 erage under section 1977A(a)(1) of the Revised
11 Statutes (42 U.S.C. 1981a(a)(1))).

12 (4) EMPLOYEES COVERED BY GOVERNMENT
13 EMPLOYEE RIGHTS ACT OF 1991.—

14 (A) IN GENERAL.—The powers, remedies,
15 and procedures provided in sections 302 and
16 304 of the Government Employee Rights Act of
17 1991 (42 U.S.C. 2000e–16b; 2000e–16c) to the
18 Commission or any person alleging a violation
19 of section 302(a)(1) of such Act (42 U.S.C.
20 2000e–16b(a)(1)) shall be the powers, remedies,
21 and procedures this Act provides to the Com-
22 mission or any person, respectively, alleging an
23 unlawful practice in violation of subsection (a)
24 or (c) of section 303 against an employee de-
25 scribed in section 302(5)(D), except as provided

1 in subparagraphs (B) and (C) of this para-
2 graph.

3 (B) COSTS AND FEES.—The powers, rem-
4 edies, and procedures provided in subsections
5 (b) and (c) of section 722 of the Revised Stat-
6 utes (42 U.S.C. 1988) shall be the powers, rem-
7 edies, and procedures this Act provides to the
8 Commission or any person alleging such prac-
9 tice.

10 (C) DAMAGES.—The powers, remedies, and
11 procedures provided in section 1977A of the
12 Revised Statutes (42 U.S.C. 1981a), including
13 the limitations contained in subsection (b)(3) of
14 such section 1977A, shall be the powers, rem-
15 edies, and procedures this Act provides to the
16 Commission or any person alleging such prac-
17 tice (not an employment practice specifically ex-
18 cluded from coverage under section
19 1977A(a)(1) of the Revised Statutes (42 U.S.C.
20 1981a(a)(1))).

21 (5) EMPLOYEES COVERED BY SECTION 717 OF
22 THE CIVIL RIGHTS ACT OF 1964.—

23 (A) IN GENERAL.—The powers, remedies,
24 and procedures provided in section 717 of the
25 Civil Rights Act of 1964 (42 U.S.C. 2000e–16)

1 to the Commission, the Attorney General, the
2 Librarian of Congress, or any person alleging a
3 violation of that section shall be the powers,
4 remedies, and procedures this Act provides to
5 the Commission, the Attorney General, the Li-
6 brarian of Congress, or any person, respectively,
7 alleging an unlawful practice in violation of sub-
8 section (a) or (c) of section 303 against an em-
9 ployee described in section 302(5)(E), except as
10 provided in subparagraphs (B) and (C) of this
11 paragraph.

12 (B) COSTS AND FEES.—The powers, rem-
13 edies, and procedures provided in subsections
14 (b) and (c) of section 722 of the Revised Stat-
15 utes (42 U.S.C. 1988) shall be the powers, rem-
16 edies, and procedures this Act provides to the
17 Commission, the Attorney General, the Librar-
18 ian of Congress, or any person alleging such
19 practice.

20 (C) DAMAGES.—The powers, remedies, and
21 procedures provided in section 1977A of the
22 Revised Statutes (42 U.S.C. 1981a), including
23 the limitations contained in subsection (b)(3) of
24 such section 1977A, shall be the powers, rem-
25 edies, and procedures this Act provides to the

1 Commission, the Attorney General, the Librarian of Congress, or any person alleging such
2 practice (not an employment practice specifically excluded from coverage under section
3 1977A(a)(1) of the Revised Statutes (42 U.S.C.
4 1981a(a)(1))).

5
6
7 (b) DISCRIMINATION BY A PUBLIC AGENCY.—

8 (1) IN GENERAL.—Any public agency that violates section 303(b) shall be liable to any individual
9 affected—
10

11 (A) for damages equal to—

12 (i) the value of the benefits denied or
13 lost to such individual by reason of the violation, or in a case in which benefits have
14 not been denied or lost to the individual,
15 any actual monetary losses sustained by
16 the individual as a direct result of the violation; and
17
18

19 (ii) punitive damages of not more
20 than \$100,000; and

21 (B) for such equitable relief as may be appropriate.
22

23 (2) RIGHT OF ACTION.—An action to recover
24 the damages or equitable relief prescribed in paragraph (1) may be maintained against any public
25

1 agency in any Federal or State court of competent
2 jurisdiction by any one or more affected individuals
3 for and on behalf of—

4 (A) the individuals; or

5 (B) the individuals and other individuals
6 similarly situated.

7 (3) FEES AND COSTS.—The court in such an
8 action shall, in addition to any judgment awarded to
9 the plaintiff, allow a reasonable attorney’s fee, rea-
10 sonable expert witness fees, and other costs of the
11 action to be paid by the defendant.

12 **SEC. 305. RULEMAKING.**

13 (a) EEOC RULEMAKING.—The Commission shall
14 issue regulations, to carry out this title.

15 (b) OCWR RULEMAKING.—

16 (1) IN GENERAL.—Not later than 6 months
17 after the Commission issues regulations under sub-
18 section (a), the Board shall (in accordance with sec-
19 tion 304 of the Congressional Accountability Act of
20 1995 (2 U.S.C. 1384)), subject to paragraph (2),
21 issue regulations to implement the provisions of this
22 title made applicable to employees described in sec-
23 tion 302(5)(B), under section 304(a)(2).

24 (2) EXCEPTIONS.—Section 304 of the Congres-
25 sional Accountability Act of 1995 shall be applied

1 under paragraph (1) by disregarding subsections
2 (b)(4) and (c) of such section, and the references in
3 subsections (d) and (e) of such section to “sub-
4 section (c)” and “approval”.

5 (3) PARALLEL WITH AGENCY REGULATIONS.—

6 The regulations issued under paragraph (1) shall be
7 the same as substantive regulations issued by the
8 Commission under subsection (a) except to the ex-
9 tent that the Board may determine, for good cause
10 shown and stated together with the regulations
11 issued under paragraph (1) that a modification of
12 such substantive regulations would be more effective
13 for the implementation of the rights and protection
14 under this title.

15 **SEC. 306. ATTORNEY’S FEES.**

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

1 **TITLE IV—ENTITLEMENT TO UN-**
2 **EMPLOYMENT COMPENSA-**
3 **TION FOR VICTIMS OF A**
4 **QUALIFYING ACT OF VIO-**
5 **LENCE**

6 **SEC. 401. UNEMPLOYMENT COMPENSATION FOR VICTIMS**
7 **OF A QUALIFYING ACT OF VIOLENCE.**

8 (a) IN GENERAL.—Section 3304 of the Internal Rev-
9 enue Code of 1986, as previously amended by this title,
10 is amended—

11 (1) in subsection (a)—

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

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

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

18 “(19) an individual shall not be denied com-
19 pensation under such State law solely on the basis
20 of the individual having a voluntary separation from
21 work if such separation is attributable to such indi-
22 vidual being a victim of a qualifying act of violence;
23 and”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(g) VICTIMS OF A QUALIFYING ACT OF VIO-
2 LENCE.—

3 “(1) DOCUMENTATION.—For purposes of sub-
4 section (a)(19), a voluntary separation of an indi-
5 vidual shall be considered to be attributable to such
6 individual being a victim of a qualifying act of vio-
7 lence if such individual submits such evidence as the
8 State deems sufficient.

9 “(2) SUFFICIENT DOCUMENTATION.—For pur-
10 poses of paragraph (1), a State shall deem suffi-
11 cient—

12 “(A) evidence of such qualifying act of vio-
13 lence in the form of—

14 “(i) a sworn statement and a form of
15 identification;

16 “(ii) a police or court record;

17 “(iii) documentation from a profes-
18 sional from whom such individual has
19 sought assistance, including those associ-
20 ated with medical, legal, or religious pro-
21 fessions or a victim services organization;
22 or

23 “(iv) any other documentation deter-
24 mined appropriate by the Secretary of
25 Labor or the State; and

1 “(B) an attestation that such voluntary
2 separation is attributable to such qualifying act
3 of violence.

4 “(3) QUALIFYING ACT OF VIOLENCE, VICTIM OF
5 A QUALIFYING ACT OF VIOLENCE, AND VICTIM SERV-
6 ICES ORGANIZATION DEFINED.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), in this section, the terms ‘qualifying
9 act of violence’, ‘victim of a qualifying act of vi-
10 olence’, and ‘victim services organization’, and
11 have the meaning given such terms in section 3
12 of the SAFE for Survivors Act of 2024, except
13 that if the corresponding paragraph for any
14 such term is amended after the date of enact-
15 ment of this subsection, such amendment shall
16 not apply for the purpose of this section until
17 the earlier of—

18 “(i) the date the State changes its
19 statutes, regulations, or policies in order to
20 comply with such amendment; or

21 “(ii) the date that is 2 years after the
22 date of enactment of such amendment.

23 “(B) STATES MAY APPLY BROADER DEFINI-
24 TION.—A State may adopt a broader defini-
25 tion of any term under subparagraph (A).”.

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

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

7 (2) by inserting after paragraph (3) the fol-
8 lowing new paragraph:

9 “(4) Such methods of administration as will en-
10 sure that—

11 “(A) applicants for unemployment com-
12 pensation and individuals inquiring about such
13 compensation are adequately notified of the
14 provisions of subsections (a)(19) and (g) of sec-
15 tion 3304 of the Internal Revenue Code of 1986
16 (relating to the availability of unemployment
17 compensation for victims of a qualifying act of
18 violence); and

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

21 “(i) the nature and dynamics of a
22 qualifying act of violence (as those terms
23 are defined in subsection (g) of such sec-
24 tion 3304); and

1 “(ii) methods of ascertaining and
2 keeping confidential information about pos-
3 sible experiences of a qualifying act of vio-
4 lence (as so defined) to ensure that—

5 “(I) requests for unemployment
6 compensation based on separations
7 stemming from a qualifying act of vio-
8 lence (as so defined) are reliably
9 screened, identified, and adjudicated;
10 and

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

14 (c) QUALIFYING ACT OF VIOLENCE TRAINING
15 GRANT PROGRAM.—

16 (1) GRANT AUTHORIZED.—The Secretary of
17 Labor (in this subsection referred to as the “Sec-
18 retary”) is authorized to award a grant to a na-
19 tional, State, or local victim services organization in
20 order for such organization to—

21 (A) develop and disseminate a model train-
22 ing program (and related materials) for the
23 training required under section 303(a)(4)(B) of
24 the Social Security Act, as added by subsection
25 (b); and

1 (B) provide technical assistance with re-
2 spect to such model training program; and

3 (2) APPLICATION.—A national, State, or local
4 victim services organization seeking a grant under
5 this subsection shall submit an application to the
6 Secretary at such time, in such form and manner,
7 and containing such information as the Secretary
8 specifies.

9 (3) REPORTS.—

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

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

20 (4) AUTHORIZATION OF APPROPRIATIONS.—

21 (A) AUTHORIZATION.—There are author-
22 ized to be appropriated for fiscal year 2025
23 such sums as may be necessary to carry out the
24 provisions of paragraph (1).

1 (B) THREE-YEAR AVAILABILITY OF GRANT
2 FUNDS.—The recipient of a grant under para-
3 graph (1) shall return to the Secretary any un-
4 used portion of such grant not later than 3
5 years after the date the grant was awarded, to-
6 gether with any earnings on such unused por-
7 tion.

8 (d) EFFECT ON EXISTING LAWS, ETC.—

9 (1) MORE PROTECTIVE LAWS, AGREEMENTS,
10 PROGRAMS, AND PLANS.—Nothing in this section
11 shall be construed to supersede any provision of any
12 Federal, State, or local law, collective bargaining
13 agreement, or employment benefits program or plan
14 that provides greater unemployment insurance bene-
15 fits for victims of a qualifying act of violence than
16 the rights established under this section.

17 (2) LESS PROTECTIVE LAWS, AGREEMENTS,
18 PROGRAMS, AND PLANS.—The rights established for
19 victims of a qualifying act of violence under this sec-
20 tion shall not be diminished by any more restrictive
21 State or local law, collective bargaining agreement,
22 or employment benefits program or plan.

23 (e) EFFECTIVE DATE.—The amendments made by
24 subsections (a) and (b) shall apply to weeks of unemploy-
25 ment beginning on or after the earlier of—

1 (1) the date the State changes its statutes, reg-
2 ulations, or policies in order to comply with such
3 amendments; or

4 (2) January 1, 2027.

5 **TITLE V—INSURANCE PROTEC-**
6 **TIONS AND SUPPORT FOR**
7 **VICTIMS OF A QUALIFYING**
8 **ACT OF VIOLENCE**

9 **Subtitle A—Insurance Protections**

10 **SEC. 501. DEFINITIONS.**

11 In this title:

12 (1) **ABUSER.**—The term “abuser” means the
13 individual who commits a qualifying act of violence.

14 (2) **INSURED.**—The term “insured” means a
15 party named on a policy, certificate, or health ben-
16 efit plan, including an individual, a corporation, a
17 partnership, an association, an unincorporated orga-
18 nization, or any similar entity, as the person with
19 legal rights to the benefits provided by the policy,
20 certificate, or health benefit plan. For group insur-
21 ance, the term includes a person who is a beneficiary
22 covered by a group policy, certificate, or health ben-
23 efit plan. For life insurance, the term refers to the
24 person whose life is covered under an insurance pol-
25 icy.

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

15 (4) POLICY.—The term “policy” means a con-
16 tract of insurance, certificate, indemnity, suretyship,
17 or annuity issued, proposed for issuance, or intended
18 for issuance by an insurer, including endorsements
19 or riders to an insurance policy or contract.

20 **SEC. 502. DISCRIMINATORY ACTS PROHIBITED.**

21 (a) IN GENERAL.—No insurer may, directly or indi-
22 rectly, engage in any of the following acts or practices on
23 the basis that the applicant or insured, or any person em-
24 ployed by the applicant or insured or with whom the appli-
25 cant or insured is known to have a relationship or associa-

1 tion, is, has been, or may be a victim of a qualifying act
2 of violence or has incurred or may incur claims related
3 to a qualifying act of violence:

4 (1) Denying, refusing to issue, renew, or re-
5 issue, or canceling or otherwise terminating an in-
6 surance policy or health benefit plan.

7 (2) Restricting, excluding, or limiting insurance
8 coverage for losses or denying a claim, except as oth-
9 erwise permitted or required by State laws relating
10 to life insurance beneficiaries.

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

13 (b) PROHIBITION ON LIMITATION OF CLAIMS.—No
14 insurer may, directly or indirectly, deny or limit payment
15 to an insured who is a victim of a qualifying act of violence
16 if the claim for payment is a result of such qualifying act
17 of violence.

18 (c) PROHIBITION ON TERMINATION.—

19 (1) IN GENERAL.—No insurer may terminate
20 health coverage for a victim of a qualifying act of vi-
21 olence because coverage was originally issued in the
22 name of the abuser and the abuser has divorced,
23 separated from, or lost custody of the victim or the
24 victim's coverage has terminated voluntarily or invol-
25 untarily and the victim does not qualify for an ex-

1 tension of coverage under part 6 of subtitle B of
2 title I of the Employee Retirement Income Security
3 Act of 1974 (29 U.S.C. 1161 et seq.) or section
4 4980B of the Internal Revenue Code of 1986.

5 (2) PAYMENT OF PREMIUMS.—Nothing in para-
6 graph (1) shall be construed to prohibit the insurer
7 from requiring that the victim of a qualifying act of
8 violence pay the full premium for the victim’s cov-
9 erage under the health plan if the requirements are
10 applied to all insured of the insurer.

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

16 (4) CONTINUATION COVERAGE.—The continu-
17 ation of health coverage required by this subsection
18 shall be satisfied by any extension of coverage under
19 part 6 of subtitle B of title I of the Employee Re-
20 tirement Income Security Act of 1974 (29 U.S.C.
21 1161 et seq.) or section 4980B of the Internal Rev-
22 enue Code of 1986 provided to a victim of domestic
23 violence, dating violence, sexual assault, or stalking
24 and is not intended to be in addition to any exten-

1 sion of coverage otherwise provided for under such
2 part 6 or section 4980B.

3 (d) USE OF INFORMATION.—

4 (1) LIMITATION.—

5 (A) IN GENERAL.—In order to protect the
6 safety and privacy of victims of qualifying acts
7 of violence, no person employed by or con-
8 tracting with an insurer or health benefit plan
9 may (without the consent of the victim)—

10 (i) use, disclose, or transfer informa-
11 tion relating to the status of a victim of a
12 qualifying act of violence as such a victim,
13 a qualifying act of violence, medical condi-
14 tions related to a qualifying act of violence,
15 or the applicant's or insured's status as a
16 family member, employer, associate, or
17 person in a relationship with a victim of a
18 qualifying act of violence for any purpose
19 unrelated to the direct provision of health
20 care services unless such use, disclosure, or
21 transfer is required by an order of an enti-
22 ty with authority to regulate insurance or
23 an order of a court of competent jurisdic-
24 tion; or

1 (ii) disclose or transfer information
2 relating to an applicant's or insured's mail-
3 ing address or telephone number or the
4 mailing address and telephone number of a
5 shelter for victims of a qualifying act of vi-
6 olence, unless such disclosure or transfer—

7 (I) is required in order to provide
8 insurance coverage; and

9 (II) does not have the potential
10 to endanger the safety of a victim of
11 a qualifying act of violence.

12 (B) RULE OF CONSTRUCTION.—Nothing in
13 this paragraph may be construed to limit or
14 preclude a victim of a qualifying act of violence
15 from obtaining the victim's own insurance
16 records from an insurer.

17 (2) AUTHORITY OF VICTIMS.—A victim of a
18 qualifying act of violence, at the absolute discretion
19 of the victim, may provide evidence of a qualifying
20 act of violence to an insurer for the limited purpose
21 of facilitating treatment of a condition related to
22 such qualifying act of violence or demonstrating that
23 a condition is related to such qualifying act of vio-
24 lence. Nothing in this paragraph shall be construed

1 as authorizing an insurer to disregard such provided
2 evidence.

3 **SEC. 503. INSURANCE PROTOCOLS FOR VICTIMS OF A**
4 **QUALIFYING ACT OF VIOLENCE.**

5 Each insurer shall develop and adhere to written poli-
6 cies specifying procedures to be followed by employees,
7 contractors, producers, agents, and brokers for the pur-
8 pose of protecting the safety and privacy of a victim of
9 a qualifying act of violence and otherwise implementing
10 this subtitle when taking an application, investigating a
11 claim, or taking any other action relating to a policy or
12 claim involving a victim of a qualifying act of violence.

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

14 An insurer that takes an action that adversely affects
15 a victim of a qualifying act of violence shall advise the
16 applicant or insured who is the victim of a qualifying act
17 of violence of the specific reasons for the action in writing.
18 For purposes of this section, reference to general under-
19 writing practices or guidelines shall not constitute a spe-
20 cific reason.

21 **SEC. 505. LIFE INSURANCE.**

22 Nothing in this subtitle shall be construed to prohibit
23 a life insurer from declining to issue a life insurance policy
24 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 a qualifying act of vio-
8 lence against the proposed insured.

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

10 Subrogation of claims resulting from a qualifying act
11 of violence is prohibited without the informed consent of
12 the victim of a qualifying act of violence.

13 **SEC. 507. ENFORCEMENT.**

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

1 cumstances, including temporary, preliminary, and perma-
2 nent injunctive relief and compensatory damages.

3 (b) PRIVATE CAUSE OF ACTION.—

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

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

18 (3) STATUTORY DAMAGES.—With respect to
19 compensatory damages in an action described in
20 paragraph (1), the aggrieved individual may elect, at
21 any time prior to the rendering of final judgment, to
22 recover in lieu of actual damages, an award of statu-
23 tory damages in the amount of \$5,000 for each vio-
24 lation.

1 **SEC. 508. APPLICABILITY.**

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

4 **Subtitle B—Supporting and**
5 **Empowering Victims**

6 **SEC. 511. QUALIFYING ACTS OF VIOLENCE EDUCATION AND**
7 **INFORMATION PROGRAMS FOR VICTIMS.**

8 (a) **PUBLIC EDUCATION PROGRAM.—**

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

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

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

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

11 (A) the resources and rights that are—

12 (i) available to victims of qualifying
13 acts of violence; and

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

17 (B) guidelines and best practices on pre-
18 vention of qualifying acts of violence;

19 (C) resources that promote healthy rela-
20 tionships and communication skills;

21 (D) resources that encourage bystander
22 intervention in a situation involving qualifying
23 acts of violence;

24 (E) resources that promote workplace poli-
25 cies that support and help maintain the eco-

1 nomic security of victims of qualifying acts of
2 violence; and

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

6 (b) INFORMATION PROGRAM FOR EMPLOYERS.—

7 (1) IN GENERAL.—The Secretary of Labor and
8 the Secretary of Health and Human Services, in
9 consultation with major women’s advocacy groups
10 and medical and public health organizations, shall
11 develop and disseminate to employers information on
12 the entitlement of victims of a qualifying act of vio-
13 lence to safe leave under title II.

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

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

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

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

1 (D) information on best practices for sup-
2 porting victims of a qualifying act of violence;

3 (E) information on best practices for pre-
4 venting qualifying acts of violence; and

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

9 (c) STUDY ON WORKPLACE RESPONSES.—The Sec-
10 retary of Labor, in conjunction with the Secretary of
11 Health and Human Services, shall conduct a study on the
12 status of workplace responses to employees who experience
13 a qualifying act of violence while employed, in each State
14 and nationally, to improve the access of victims of a quali-
15 fying act of violence to supportive resources and economic
16 security.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section,
19 such sums as may be necessary for each of fiscal years
20 2025 through 2029.

21 **SEC. 512. INVESTING IN PUBLIC HEALTH INFRASTRUCTURE**
22 **TO IMPROVE SUPPORT FOR VICTIMS.**

23 Section 303(c) of the Family Violence Prevention and
24 Services Act (42 U.S.C. 10403(c)) is amended by striking

1 “314” and all that follows and inserting “314
2 \$15,000,000 for each of fiscal years 2025 through 2029.”.

3 **TITLE VI—SEVERABILITY**

4 **SEC. 601. SEVERABILITY.**

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

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