117TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
117–15

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 7) TO AMEND THE FAIR LABOR STANDARDS ACT OF 1938 TO PROVIDE MORE EFFECTIVE REMEDIES TO VICTIMS OF DISCRIMINATION IN THE PAYMENT OF WAGES ON THE BASIS OF SEX, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1195) TO DIRECT THE SECRETARY OF LABOR TO ISSUE AN OCCUPATIONAL SAFETY AND HEALTH STANDARD THAT REQUIRES COVERED EMPLOYERS WITHIN THE HEALTH CARE AND SOCIAL SERVICE INDUSTRIES TO DEVELOP AND IMPLEMENT A COMPREHENSIVE WORKPLACE VIOLENCE PREVENTION PLAN, AND FOR OTHER PURPOSES

APRIL 13, 2021.—Referred to the House Calendar and ordered to be printed

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Mr. DESAULNIER, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 303]

The Committee on Rules, having had under consideration House Resolution 303, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 7, the Paycheck Fairness Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, modified by the amendment printed in part A of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides that following debate, each further amendment printed in part B of this report not earlier considered as part of amendments en bloc pursuant to section 3 shall be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put

thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution provides that at any time after debate the chair of the Committee on Education and Labor or his designee may offer amendments en bloc consisting of further amendments printed in part B of this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule provides one motion to recommit. The resolution provides for consideration of H.R. 1195, the Workplace Violence Prevention for Health Care and Social Service Workers Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides that following debate, each further amendment printed in part C of this report not earlier considered as part of amendments en bloc pursuant to section 6 shall be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution provides that at any time after debate the chair of the Committee on Education and Labor or his designee may offer amendments en bloc consisting of further amendments printed in part C of this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution provides one motion to recommit. The resolution waives all points of order against the amendments printed in parts B and C of this report or amendments en bloc described in sections 3 and 6 of the resolution.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 7 includes a waiver of clause 3(d)(1) of rule XIII, which requires the inclusion of committee cost estimate in a committee report. A CBO cost estimate on H.R. 7 was not available at the time the Committee on Education and Labor filed its report; however, the CBO cost estimate was submitted for printing in the Congressional Record on April 12.

Although the resolution waives all points of order against provisions in H.R. 7, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 1195 includes waivers of the following:

- Clause 3(d)(1) of rule XIII, which requires the inclusion of committee cost estimate in a committee report. A CBO cost estimate on H.R. 1195 was not available at the time the Committee on Education and Labor filed its report; however, the CBO cost estimate was submitted for printing in the Congressional Record on April 12.
- Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period.
- Section 425 of the Congressional Budget Act, which prohibits consideration of any legislation that would increase the direct costs of Federal intergovernmental mandates beyond $50,000,000 (adjusted for inflation) unless the legislation provides for new budget authority or the legislation appropriates sufficient funds to cover the new costs.
- Section 302(f)(1) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) or 302(b) allocation of such authority.
- Section 303(a) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority for a fiscal year until the budget resolution for that year has been agreed to.

Although the resolution waives all points of order against provisions in H.R. 1195, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in parts B and C of this report or against amendments en bloc described in sections 3 and 6 of the resolution, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 67

Motion by Mr. Cole to add language to the rule that would eliminate the tolling of days for Resolutions of Inquiry. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mrs. Torres	Nay	Mr. Cole	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mr. Reschenthaler	Yea
Ms. Scanlon	Nay	Mrs. Fischbach	Yea
Mr. Morelle	Nay		
Mr. DeSaulnier	Nay		
Ms. Ross	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 68

Motion by Mr. DeSaulnier to report the rule. Adopted: 8–4

Majority Members	Vote	Minority Members	Vote
Mrs. Torres	Yea	Mr. Cole	Nay
Mr. Perlmutter	Yea	Mr. Burgess	Nay
Mr. Raskin	Yea	Mr. Reschenthaler	Nay
Ms. Scanlon	Yea	Mrs. Fischbach	Nay
Mr. Morelle	Yea		
Mr. DeSaulnier	Yea		
Ms. Ross	Yea		
Mr. McGovern, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 7 IN PART A CONSIDERED AS ADOPTED

1. Scott, Bobby (VA): Clarifies the definition of sex, clarifies the Equal Employment Opportunity Commission's enforcement authorities with respect to the amendments to the Equal Pay Act made under H.R. 7, and makes technical corrections.

SUMMARY OF THE AMENDMENTS TO H.R. 7 IN PART B MADE IN ORDER

1. Beyer (VA), Leger Fernandez (NM): Requires the EEOC to provide for an annual collection of compensation data from employers disaggregated by the sex, race, and national origin of employees. (10 minutes)

2. Newman (IL): Requires employers to inform employees of their rights established under this act through currently required workplace posters and electronically. (10 minutes)

3. Ocasio-Cortez (NY): Directs the Secretary of Labor to establish a program to award contracts and grants for the purpose of training employers about the role that salary negotiation and other inconsistent wage setting practices can have on allowing bias to enter compensation. Specifically, the training programs will provide guidance on the structural issues and disadvantages women and people of color face. They will also assist employers in examining the impact of a range of practices on opportunities, including self-auditing to identify structural issues that allow bias and inequity to enter compensation and internal equity among workers with similar skills, effort, responsibility and working conditions—among other things. (10 minutes)

4. Stefanik (NY): Revises the bill to provide a safe harbor for employers who conduct self-audits to identify and rectify potentially unlawful pay disparities and allows for reasonable employer defenses against trial lawyer abuses. The amendment protects prospective employees from disclosing wage history to prevent compounding pay disparities and requires further study on the causes and effects of pay disparities between men and women. (10 minutes)

5. Torres, Ritchie (NY): Requires a review on the gender wage gap in the teenage workforce. (10 minutes)

6. Williams (GA): Reestablishes the National Equal Pay Enforcement Task Force, a federal interagency task force focused on improving compliance, public education, and enforcement of equal pay laws. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 1195 IN PART C MADE IN ORDER

1. Brown (MD): States that additional training shall be provided for covered employees who work with victims of torture, trafficking, or domestic violence. (10 minutes)

2. Cohen (TN): Adds Alzheimer's and memory care facilities as facilities covered by this legislation. (10 minutes)

3. Delgado (NY): Directs OSHA to prioritize providing technical assistance and advice to employers throughout the first year of the Act to ensure businesses are in compliance. (10 minutes)

4. Jones, Mondaire (NY): Clarifies that a covered employer may consult with experts in workplace violence when developing their workplace violence prevention plan. (10 minutes)

5. Keller (PA), Walberg (MI): Requires OSHA to issue an occupational safety and health standard on workplace violence prevention for the health care and social service industries through the standard rulemaking process. (10 minutes)

6. Ocasio-Cortez (NY), Wexton (VA): Ensures that nothing in this Act shall be construed to limit or diminish any protections in relevant Federal, State, or local law related to domestic violence, stalking, dating violence, and sexual assault. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 7 CONSIDERED AS ADOPTED

Page 5, strike line 11 (and redesignate the subsequent paragraphs accordingly).

Page 6, after line 2, insert the following (and redesignate the subsequent paragraphs accordingly):

(2) by striking "the opposite" and inserting "another";

Page 9, line 2, strike "a violation of".

Page 10, line 17, insert "and" after the semicolon.

Page 10, line 19, strike the semicolon and all that follows through page 11, line 6, and insert a period.

Page 11, line 7, strike "Joint enforcement" in the section heading and insert "Enforcement".

Page 11, line 8, strike "Notwithstanding" and all that follows through "(29 U.S.C. 206(d))" on line 17, and insert the following: "The Equal Opportunity Employment Commission shall carry out the functions and authorities described in section 1 of Reorganization Plan No. 1 of 1978 (92 Stat. 3781; 5 U.S.C. App.) to enforce and administer the provisions of section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)), except that the Secretary of Labor, through the Office of Federal Contract Compliance Programs, may also enforce this provision".

Page 12, line 2, strike "and the Secretary of Labor" and all that follows through "(1)" on line 5 and insert the following: "shall issue such regulations as may be necessary to explain and implement the standards of such section 6(d). The Secretary of Labor may issue regulations to govern procedures for enforcement of section 6(d) by the Office of Federal Contract Compliance Programs. The Secretary of Labor and the Equal Employment Opportunity Commission shall establish other coordinating mechanisms as may be necessary".

PART B—TEXT OF AMENDMENTS TO H.R. 7 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEYER OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In subsection (f) as added to section 709 of the Civil Rights Act of 1964 by the amendment made by section 7 of the bill, strike paragraph (1) and insert the following:

(1) Not later than 24 months after the date of enactment of this subsection, the Commission shall provide for the annual collection from employers of compensation data disaggregated by the sex, race, and national origin of employees. The Commission may also require employers to submit other employment-related data (including hiring, termination, and promotion data) so disaggregated.

At the end of subparagraph (2) of subsection (f) as added to section 709 of the Civil Rights Act of 1964 by the amendment made by section 7 of the bill, strike the last sentence and insert the following:

The Commission shall also consider factors including the imposition of burdens on employers, the frequency of required reports (including the size of employers required to prepare reports), appropriate protections for maintaining data confidentiality, and the most effective format to report such data.

In paragraph (3) of subsection (f) as added to section 709 of the Civil Rights Act of 1964 by the amendment made by section 7 of the bill, strike "(3)" and all that follows through subparagraph (C), and insert the following:

"(3)(A) For each 12-month reporting period for an employer, the data collected under paragraph (1) shall include compensation data disaggregated by the categories described in subparagraph (E).

"(B) For the purposes of collecting the disaggregated compensation data described in subparagraph (A), the Commission may use compensation ranges reporting—

"(i) the number of employees of the employer who earn compensation in an amount that falls within such compensation range; and

"(ii) the total number of hours worked by such employees.

"(C) If the Commission uses compensation ranges to collect the pay data described in subparagraph (A), the Commission may adjust such compensation ranges—

"(i) if the Commission determines that such adjustment is necessary to enhance enforcement of Federal laws prohibiting pay discrimination; or

"(ii) for inflation, in consultation with the Bureau of Labor Statistics.".

In subparagraph (D) of subsection (f)(3) as added to section 709 of the Civil Rights Act of 1964 by the amendment made by section 7 of the bill, strike "shall" and insert "may".

In subparagraph (G) of subsection (f)(3) as added to section 709 of the Civil Rights Act of 1964 by the amendment made by section 7 of the bill, strike "annually" and insert "at 18-month intervals".

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NEWMAN OF ILLINOIS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 28, after line 17, insert the following:

SEC. 12. NOTICE REQUIREMENTS.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Equal Employment Opportunity Commission and the Secretary of Labor, of the requirements described in this Act (or the amendments made by such Act).

(b) RELATION TO EXISTING NOTICES.—The notice under subsection (a) may be incorporated into notices required of the employer as of the date of enactment of this Act.

(c) DIGITAL NOTICE.—With respect to the notice under subsection (a), each employer shall—

(1) post electronic copies of the notice on an internal website to which employees have access; and

(2) notify employees on such internal website of the location of the place on the premises where the notice is posted.

Page 28, beginning on line 18, redesignate sections 12 and 13 as sections 13 and 14, respectively.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OCASIO-CORTEZ OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

On page 12, after line 15, insert the following:

(a) NEGOTIATION BIAS TRAINING.—

(1) IN GENERAL.—The Secretary of Labor shall establish a program to award contracts and grants for the purpose of training employers about the role that salary negotiation and other inconsistent wage setting practices can have on allowing bias to enter compensation.

(2) TRAINING TOPICS.—Each training program established using funds under section (a) shall include an overview of how structural issues may cause inequitable earning and advancement opportunities for women and people of color and assist employers in examining the impact of a range of practices on such opportunities, including—

(A) self-auditing to identify structural issues that allow bias and inequity to enter compensation;

(B) recruitment of candidates to ensure diverse pools of applicants;

(C) salary negotiations that result in similarly qualified workers entering at different rates of pay;

(D) internal equity among workers with similar skills, effort, responsibility and working conditions;

(E) consistent use of market rates and incentives driven by industry competitiveness;

(F) evaluation of the rate of employee progress and advancement to higher paid positions;

(G) work assignments that result in greater opportunity for advancement;

(H) training, development and promotion opportunities;

(I) impact of mid-level or senior level hiring in comparison to wage rates of incumbent workers;

(J) opportunities to win commissions and bonuses;

(K) performance reviews and raises;

(L) processes for adjusting pay to address inconsistency and inequity in compensation; and

(M) other topics that research identifies as a common area for assumptions, bias and inequity to impact compensation.

On page 12, line 16, strike "(a)" and insert "(b)".
On page 13, line 19, strike "(b)" and insert "(c)".
On page 14, line 12, strike "(c)" and insert "(d)".

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEFANIK OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike all of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Wage Equity Act of 2021".

SEC. 2. FINDINGS.

(1) In 1963, Congress passed on a bipartisan basis the Equal Pay Act of 1963 to prohibit discrimination on account of sex in the payment of wages for equal work performed by employees for employers engaged in commerce or in the production of goods for commerce.

(2) Following the passage of such Act, in 1964, Congress passed on a bipartisan basis the Civil Rights Act of 1964. Since the passage of both the Equal Pay Act of 1963 and the Civil Rights Act of 1964, women have made significant strides, both in the workforce and in their educational pursuits.

(3) Prior to the COVID–19 pandemic, there were over 77,000,000 women in the workforce, the most in American history. Of the 2,000,000 jobs created in 2019, 53 percent went to women. This follows a trend that has been rising for some time. Women are graduating from college at a higher rate than their male counter parts, making up 61 percent of all college degrees conferred in 2018. Additionally, according to a recent survey of working women, more than half are their family's primary breadwinner.

(4) The COVID–19 pandemic has had a significant impact on working women, resulting in over 2 million women leaving the workforce since February 2020.

(5) Despite these advances there is still concern among the American public that gender-based wage discrimination has not been eliminated.

SEC. 3. CLARIFYING SEX-BASED DISCRIMINATION PROHIBITION.

Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended by inserting "bona fide business-related" after "any other".

SEC. 4. JOB AND WAGE ANALYSIS.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

"(f)(1) An employer shall not be liable in an action brought against the employer for a violation of section 6(d) if—

"(A) during the period beginning on the date that is 3 years before the date on which the action is brought and ending on the date that is 1 day before the date on which the action is brought, such employer completes a job and wage analysis audit to determine whether there are differentials in wage rates among such employees that may violate section 6(d);

"(B) such employer takes reasonable steps to remedy any such differentials; and

"(C) such job and wage analysis audit is conducted and such reasonable steps are taken in good faith to investigate whether any such differentials exist; and

"(D) such audit is reasonable in detail and scope with respect to the size of the employer.

"(2) A job and wage analysis audit under this section and remedial action taken in response to the findings of such audit—

"(A) may only be admissible by the employer for the purposes of showing—

"(i) such audit was conducted; and

"(ii) such reasonable steps were taken; and

"(B) shall not be discoverable or admissible for any other purpose in any claim against the employer.

"(3) An employer who has not completed a job and wage analysis audit under this subsection shall not be subject to a negative or adverse inference as a result of not having completed such audit.

"(4) An employer who has completed a job and wage analysis audit that does not meets the requirements of subparagraph (D) of paragraph (1) but otherwise meets the requirements of such paragraph shall not be liable for liquidated damages under section 16(b).

"(5) In this section—

"(A) the term 'job and wage analysis audit' means an audit conducted by the employer for the purpose of identifying wage disparities among employees on the basis of sex; and

"(B) the term 'reasonable steps', with respect to differentials in wages among employees that may violate section 6(d), means steps that are reasonable to address such differentials taking into account—

"(i) the amount of time that has passed since the date on which the audit was initiated;

"(ii) the nature and degree of progress resulting from such reasonable steps toward compliance with section 6(d) compared to the number of employees with respect to whom a violation may exist and the amount of the wage rate differentials among such employees; and

"(iii) the size and resources of the employer.".

SEC. 5. WAGE HISTORY; DISCUSSION OF WAGES.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by inserting after section 7 the following new section:

"SEC. 8. PROVISIONS RELATING TO WAGE HISTORY AND DISCUSSION OF WAGE.

"(a) REQUIREMENTS AND PROHIBITIONS RELATING TO WAGE HISTORY.—It shall be an unlawful practice for a person after the date of enactment of the Wage Equity Act of 2021—

"(1) to rely on the wage history of a prospective employee—

"(A) in considering the prospective employee for employment, including by requiring that the wage history of a prospective employee satisfies minimum or maximum criteria as a condition of being considered for employment; or

"(B) in determining the rate of wage for such prospective employee; or

"(2) to seek, or to require a prospective employee to disclose, the wage history of such prospective employee.

"(b) VOLUNTARY DISCLOSURE EXCEPTIONS.—

"(1) IN GENERAL.—Subsection (a)(1) shall not apply with respect to a prospective employee who voluntarily discloses the wage history of such prospective employee.

"(2) WAGE HISTORY VERIFICATION.—Notwithstanding subsection (a)(2), a person may take actions necessary to verify the wage history of a prospective employee if such wage history is voluntarily disclosed to the person by such prospective employee.

"(c) PRIOR INQUIRIES.—Subsection (a) shall not apply with respect to the wage history of an employee acquired by an employer before the date of enactment of the Wage Equity Act of 2021, including a current employee's wage history with another employer that was requested and used to set an employee's starting wage before such date and which is embedded in an employee's pay and pay increases after such date.

"(d) PROHIBITIONS RELATING TO DISCUSSION OF WAGES.—Subject to subsection (c), it shall be an unlawful practice for an employer—

"(1) to prohibit an employee from inquiring about, discussing, or disclosing the wage of—

"(A) the employee; or

"(B) any other employee of the employer if such employee has voluntarily disclosed the wage of such employee;

"(2) to prohibit an employee from requesting from the employer an explanation of differentials in compensation among employees; or

"(3) to take an adverse employment action against an employee for—

"(A) conduct described under paragraphs (1) or (2); or

"(B) encouraging employees to engage in conduct described in such paragraphs.

"(e) LIMITATIONS RELATING TO DISCUSSION OF WAGES.—

"(1) TIME AND PLACE LIMITATIONS.—An employer may impose reasonable time, place, and manner limitations on conduct described under subsection (c) if such limitations are written and available to each employee.

"(2) INVOLUNTARY DISCLOSURE.—An employer may prohibit an employee from discussing the wages of any other employee if such other employee did not voluntarily disclose such wages to the employee discussing such wages.

"(f) PAY EXPECTATION CONVERSATION.—Nothing in this section shall be construed to prevent a person from—

"(1) inquiring about the pay expectations of a prospective employee; or

"(2) providing information to such employee about the compensation and benefits offered in relation to the position.".

(b) DEFINITIONS.—Section 2 of the Fair Labor Standards Act of 1938 (29 U.S.C. 202) is amended by adding at the end the following:

"(z) the term 'prospective employee' means an individual who took an affirmative step to seek employment with a person and who is not currently employed by such person, a parent, subsidiary, predecessor, or related company of such person, or an employer connected by a purchase agreement with such person; and

"(aa) the term 'wage history' means the wages paid to the prospective employee by the prospective employee's current employer or any previous employer of such employee.".

(c) RETALIATION.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(1) by inserting "or prospective employee" after "any employee"; and

(2) by inserting "or prospective employee" after "such employee".

(d) PENALTY.—

(1) IN GENERAL.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended by inserting "Any person who violates the provisions of section 8 with respect to an employee or prospective employee shall be liable to such employee in an amount equal to the difference between the amount that the employee or prospective employee would have received but for such violation and the amount received by such employee or prospective employee, and an additional equal amount as liquidated damages." after "tips unlawfully kept by the employer, and in an additional equal amount as liquidated damages.".

(2) CIVIL MONETARY PENALTY.—Section 16(e)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)(2)) is amended by striking "6 and 7" and inserting "6, 7, and 8".

SEC. 6. NEGOTIATION SKILLS EDUCATION.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program.

(2) GRANTS.—In carrying out the program under paragraph (1), the Secretary of Labor may make grants on a competitive basis to eligible entities to carry out negotiation skills education programs for the purposes of addressing wage disparities, including through outreach to women and girls.

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be a public agency, such as a State, a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency, a private nonprofit organization, or a community-based organization.

(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor may require.

(5) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out an effective negotiation skills education program for the purposes described in paragraph (2).

(b) INCORPORATING EDUCATION INTO EXISTING PROGRAMS.—The Secretary of Labor and the Secretary of Education shall issue regulations or policy guidance that provides for integrating the negotiation skills education, to the extent practicable, into programs authorized under—

(1) in the case of the Secretary of Education, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and other programs carried out by the Department of Education that the Secretary of Education determines to be appropriate; and

(2) in the case of the Secretary of Labor, the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), and other programs carried out by the Department of Labor that the Secretary of Labor determines to be appropriate.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary of Labor, in consultation with the Secretary of Education, shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness of such activities in achieving the purposes of this section.

SEC. 7. GAO STUDY.

The Comptroller General shall, not later than 180 days after the date of the enactment of this Act, submit to Congress a study on the causes and effects of—

(1) wage disparities among men and women;

(2) with respect to employees that leave the workforce for parental reasons (commonly referred to as the "Manager's Gap"), the impact on wages and opportunity potential; and

(3) the disparities in negotiation skills among men and women upon entering the workforce.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TORRES OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 16, strike line 1 and all that follows through page 18, line 6, and insert the following:

(b) RESEARCH ON GENDER PAY GAP IN TEENAGE LABOR FORCE.—

(1) RESEARCH REVIEW.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor, acting through the Director of the Women's Bureau, shall conduct a review and develop a synthesis of research on the gender wage gap among younger workers existing as of the date of enactment of this Act, and shall make such review and synthesis

available on a publicly accessible website of the Department of Labor.

(2) AUTHORITY TO COMMISSION STUDIES.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Labor, acting through the Director of the Women's Bureau, shall request proposals and commission studies that can advance knowledge on the gender wage gap among younger workers, and shall make such studies available on a publicly accessible website of the Department of Labor.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WILLIAMS OF GEORGIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 27, after line 16, insert the following (and redesignate subsequent sections accordingly):

SEC. 10. NATIONAL EQUAL PAY ENFORCEMENT TASK FORCE.

(a) IN GENERAL.—There is established the National Equal Pay Enforcement Task Force, consisting of representatives from the Equal Employment Opportunity Commission, the Department of Justice, the Department of Labor, and the Office of Personnel Management.

(b) MISSION.—In order to improve compliance, public education, and enforcement of equal pay laws, the National Equal Pay Enforcement Task Force will ensure that the agencies in subsection (a) are coordinating efforts and limiting potential gaps in enforcement.

(c) DUTIES.—The National Equal Pay Enforcement Task Force shall investigate challenges related to pay inequity pursuant to its mission in subsection (b), advance recommendations to address those challenges, and create action plans to implement the recommendations.

PART C—TEXT OF AMENDMENTS TO H.R. 1195 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

On page 17, after line 21, insert the following:

(D) Additional training shall be provided for each such covered employee whose job circumstances require working with victims of torture, trafficking, or domestic violence.

Beginning on page 17, line 22, and ending on page 18, line 13, redesignate subparagraphs (D) through (G) as subparagraphs (E) through (H).

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 8, line 3, strike "and" and insert "Alzheimer's and memory care facility, and"

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELGADO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 6, strike "and".

Page 4, line 12, strike the period and insert "; and".
Page 4, after line 12, insert the following:

(C) that provides for a period determined appropriate by the Secretary, not to exceed 1 year, during which the Secretary shall prioritize technical assistance and advice consistent with section 21(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(d)) to employers subject to the standard with respect to compliance with the standard.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JONES OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 11, line 18, strike "shall".
Page 11, line 19, insert "shall" before "be".
Page 11, line 23, insert "shall" before "be".
Page 12, line 2, strike "and" at the end.
Page 12, line 3, insert "shall" before "be".
Page 12, line 6, strike the period at the end and insert "; and".
Page 12, after line 6, insert the following:

(iv) may be in consultation with stakeholders or experts who specialize in workplace violence prevention, emergency response, or other related areas of expertise for all relevant aspects of the Plan.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KELLER OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workplace Violence Prevention for Health Care and Social Service Workers Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—WORKPLACE VIOLENCE PREVENTION STANDARD

SEC. 101. FINAL STANDARD.

(a) IN GENERAL.—The Secretary of Labor shall promulgate a final standard on workplace violence prevention—

(1) to require certain employers in the healthcare and social service sectors, and certain employers in sectors that conduct activities similar to the activities in the healthcare and social service sectors, to develop and implement a comprehensive workplace violence prevention plan to protect health care workers, social service workers, and other personnel from workplace violence; and

(2) that may be based on the Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers published by the Occupational Safety and Health Administration of the Department of Labor in 2015 and adhere to the requirements of this title.

(b) EFFECTIVE DATE OF STANDARD.—The final standard shall—

(1) take effect on a date that is not later than 60 days after promulgation, except that such final standard may include a reasonable phase-in period for the implementation of required engineering controls that take effect after such date; and

(2) be enforced in the same manner and to the same extent as any standard promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)).

(c) EDUCATIONAL OUTREACH.—

(1) DURING RULEMAKING.—During the period beginning on the date the Secretary commences rulemaking under this section and ending on the effective date of the final standard promulgated under this section, the Secretary of Labor shall engage in an educational campaign for covered employees and covered employers regarding workplace violence prevention in health care and social service industries on the materials of the Occupational Safety and Health Administration on workplace violence prevention for such industries.

(2) REQUIREMENTS OF FINAL STANDARD.—Beginning on the date on which the final standard is promulgated under this section, the Secretary shall engage in an educational campaign for covered employees and covered employers on the requirements of such final standard.

SEC. 102. SCOPE AND APPLICATION.

In this title:

(1) COVERED FACILITY.—

(A) IN GENERAL.—The term "covered facility" means a facility with respect to which the Secretary determines that requirements of the final standard promulgated under section 101(a) would be reasonably necessary or appropriate, and which may include the following:

(i) Any hospital, including any specialty hospital.

(ii) Any residential treatment facility, including any nursing home, skilled nursing facility, hospice facility, and long-term care facility.

(iii) Any medical treatment or social service setting or clinic at a correctional or detention facility.

(iv) Any community-based residential facility, group home, and mental health clinic.

(v) Any psychiatric treatment facility.

(vi) Any drug abuse or substance use disorder treatment center.

(vii) Any independent freestanding emergency centers.

(viii) Any facility described in subparagraphs (A) through (G) operated by a Federal Government agency and required to comply with occupational safety and health standards pursuant to section 1960 of title 29, Code of Federal Regulations (as such section is in effect on the date of enactment of this Act).

(B) EXCLUSION.—The term "covered facility" does not include an office of a physician, dentist, podiatrist, or any other health practitioner that is not physically located within a covered facility described in subparagraphs (A) through (H) of paragraph (1).

(2) COVERED SERVICES.—The term "covered service"—

(A) includes—

(i) any services and operations provided in home health care, home-based hospice, and home-based social work;

(ii) any emergency medical services and transport, including such services when provided by firefighters and emergency responders;

(iii) any services described in clauses (i) and (ii) performed by a Federal Government agency and required to comply with occupational safety and health standards pursuant to section 1960 of title 29, Code of Federal Regulations (as such section is in effect on the date of enactment of this Act); and

(iv) any other services and operations the Secretary determines should be covered under the standards promulgated under section 101; and

(B) does not include child day care services.

(3) COVERED EMPLOYER.—

(A) IN GENERAL.—The term "covered employer" includes a person (including a contractor, subcontractor, or a temporary service firm) that employs an individual to work at a covered facility or to perform covered services.

(B) EXCLUSION.—The term "covered employer" does not include an individual who privately employs a person to perform covered services for the individual or a friend or family member of the individual.

(4) COVERED EMPLOYEE.—The term "covered employee" includes an individual employed by a covered employer to work at a covered facility or to perform covered services.

SEC. 103. REQUIREMENTS FOR WORKPLACE VIOLENCE PREVENTION STANDARD.

Each standard described in section 101 may include the following requirements:

(1) WORKPLACE VIOLENCE PREVENTION PLAN.—Not later than 6 months after the date of promulgation of the final standard under section 101(a), a covered employer shall develop, implement, and maintain a written workplace violence prevention plan for covered employees at each covered facility and for covered employees performing a covered service on behalf of such employer, which meets the following:

(A) PLAN DEVELOPMENT.—Each Plan shall—

(i) subject to subparagraph (D), be developed and implemented with the meaningful participation of direct care employees and, where applicable, employee representatives, for all aspects of the Plan;

(ii) be applicable to conditions and hazards for the covered facility or the covered service, including patient-specific risk factors and risk factors specific to each work area or unit; and

(iii) be suitable for the size, complexity, and type of operations at the covered facility or for the covered service, and remain in effect at all times.

(B) PLAN CONTENT.—Each Plan shall include procedures and methods for the following:

(i) Identification of each individual or the job title of each individual responsible for implementation of the Plan.

(ii) With respect to each work area and unit at the covered facility or while covered employees are performing the covered service, risk assessment and identification of workplace violence risks and hazards to employees exposed to such risks and hazards (including environmental risk factors and patient-specific risk factors), which may be—

(I) informed by past violent incidents specific to such covered facility or such covered service; and

(II) conducted with—

(aa) representative direct care employees;

(bb) where applicable, the representatives of such employees; and

(cc) the employer.

(iii) Hazard prevention, engineering controls, or work practice controls to correct, in a timely manner, hazards that the employer creates or controls which—

(I) may include security and alarm systems, adequate exit routes, monitoring systems, barrier protection, established areas for patients and clients, lighting, entry procedures, staffing and working in teams, and systems to identify and flag clients with a history of violence; and

(II) shall ensure that employers correct, in a timely manner, hazards identified in the annual report described in paragraph (5) that the employer creates or controls.

(iv) Reporting, incident response, and post-incident investigation procedures, including procedures—

(I) for employees to report to the employer workplace violence risks, hazards, and incidents;

(II) for employers to respond to reports of workplace violence;

(III) for employers to perform a post-incident investigation and debriefing of all reports of workplace violence with the participation of employees and their representatives; and

(IV) to provide medical care or first aid to affected employees.

(v) Procedures for emergency response, including procedures for threats of mass casualties and procedures for incidents involving a firearm or a dangerous weapon.

(vi) Procedures for communicating with and educating of covered employees on workplace violence hazards, threats, and work practice controls, the employer's plan, and procedures for confronting, responding to, and reporting workplace violence threats, incidents, and concerns, and employee rights.

(vii) Procedures for ensuring the coordination of risk assessment efforts, Plan development, and implementation of the Plan with other employers who have employees who work at the covered facility or who are performing the covered service.

(viii) Procedures for conducting the annual evaluation under paragraph (6).

(C) AVAILABILITY OF PLAN.—Each Plan shall be made available at all times to the covered employees who are covered under such Plan.

(D) CLARIFICATION.—The requirement under subparagraph (A)(i) shall not be construed to require that all direct care employees and employee representatives participate in the development and implementation of the Plan.

(2) VIOLENT INCIDENT INVESTIGATION.—

(A) IN GENERAL.—As soon as practicable after a workplace violence incident, of which a covered employer has knowledge, the employer shall conduct an investigation of such incident, under which the employer shall—

(i) review the circumstances of the incident and whether any controls or measures implemented pursuant to the Plan of the employer were effective; and

(ii) solicit input from involved employees, their representatives, and supervisors, about the cause of the incident, and whether further corrective measures (including system-level factors) could have prevented the incident, risk, or hazard.

(B) DOCUMENTATION.—A covered employer shall document the findings, recommendations, and corrective measures taken for each investigation conducted under this paragraph.

(3) EDUCATION.—With respect to the covered employees covered under a Plan of a covered employer, the employer shall provide education to such employees who may be exposed to workplace violence hazards and risks, which meet the following requirements:

(A) Annual education includes information on the Plan, including identified workplace violence hazards, work practice control measures, reporting procedures, record keeping requirements, response procedures, and employee rights.

(B) Additional hazard recognition education for supervisors and managers to ensure they can recognize high-risk situations and do not assign employees to situations that predictably compromise their safety.

(C) Additional education for each such covered employee whose job circumstances has changed, within a reasonable timeframe after such change.

(D) Applicable new employee education prior to employee's job assignment.

(E) All education provides such employees opportunities to ask questions, give feedback on such education, and request additional instruction, clarification, or other followup.

(F) All education is provided in-person or online and by an individual with knowledge of workplace violence prevention and of the Plan.

(G) All education is appropriate in content and vocabulary to the language, educational level, and literacy of such covered employees.

(4) RECORDKEEPING AND ACCESS TO PLAN RECORDS.—

(A) IN GENERAL.—Each covered employer shall—

(i) maintain at all times records related to each Plan of the employer, including workplace violence risk and hazard assessments, and identification, evaluation, correction, and education procedures;

(ii) maintain for a minimum of 5 years—

(I) a violent incident log described in subparagraph (B) for recording all workplace violence incidents; and

(II) records of all incident investigations as required under paragraph (2)(B); and

(iii) make such records and logs available, upon request, to covered employees and their representatives for examination and copying in accordance with section 1910.1020 of title 29, Code of Federal Regulations (as such section is in effect on the date of enactment of this Act), and in a manner consistent with HIPAA privacy regulations (defined in section 1180(b)(3) of the Social Security Act (42 U.S.C. 1320d–9(b)(3))) and part 2 of title 42, Code of Federal Regulations (as such part is in effect on the date of enactment of this part), and ensure that any such records and logs removed from the employer's control for purposes of this clause omit any element of personal identifying information sufficient to allow identification of any patient, resident, client, or other individual alleged to have committed a violent incident (including the person's name, address, electronic mail address, telephone number, or social security number, or other information that, alone or in combination with other publicly available information, reveals such person's identity).

(B) VIOLENT INCIDENT LOG DESCRIPTION.—Each violent incident log—

(i) shall be maintained by a covered employer for each covered facility controlled by the employer and for each covered service being performed by a covered employee on behalf of such employer;

(ii) may be based on a template developed by the Secretary not later than 1 year after the date of promulgation of the standards under section 101(a);

(iii) may include a description of—

(I) the violent incident (including environmental risk factors present at the time of the incident);

(II) the date, time, and location of the incident, names and job titles of involved employees;

(III) the nature and extent of injuries to covered employees;

(IV) a classification of the perpetrator who committed the violence, including whether the perpetrator was—

(aa) a patient, client, resident, or customer of a covered employer;

(bb) a family or friend of a patient, client, resident, or customer of a covered employer;

(cc) a stranger;

(dd) a coworker, supervisor, or manager of a covered employee;

(ee) a partner, spouse, parent, or relative of a covered employee; or

(ff) any other appropriate classification;

(V) the type of violent incident (such as type 1 violence, type 2 violence, type 3 violence, or type 4 violence); and

(VI) how the incident was addressed;

(iv) not later than 7 days, depending on the availability or condition of the witness, after the employer learns of such incident, shall contain a record of each violent incident, which is updated to ensure completeness of such record;

(v) shall be maintained for not less than 5 years; and

(vi) in the case of a violent incident involving a privacy concern case as defined in section 1904.29(b)(7) of title 29, Code of Federal Regulations (as such section is in effect on the date of enactment of this Act), shall protect the identity of employees in a manner consistent with that section.

(C) ANNUAL SUMMARY.—Each covered employer shall prepare an annual summary of each violent incident log for the preceding calendar year that shall—

(i) with respect to each covered facility, and each covered service, for which such a log has been maintained, include the total number of violent incidents, the number of recordable injuries related to such incidents, and the total number of hours worked by the covered employees for such preceding year;

(ii) be completed on a form provided by the Secretary;

(iii) be posted for three months beginning February 1 of each year in a manner consistent with the requirements of section 1904 of title 29, Code of Federal Regulations (as such section is in effect on the date of

enactment of this Act), relating to the posting of summaries of injury and illness logs;

(iv) be located in a conspicuous place or places where notices to employees are customarily posted; and

(v) not be altered, defaced, or covered by other material by the employer.

(5) ANNUAL EVALUATION.—Each covered employer shall conduct an annual written evaluation, conducted with the full, active participation of covered employees and employee representatives, of—

(A) the implementation and effectiveness of the Plan, including a review of the violent incident log; and

(B) compliance with education required by each standard described in section 101, and specified in the Plan.

(6) ANTI-RETALIATION.—

(A) POLICY.—Each covered employer shall adopt a policy prohibiting any person (including an agent of the employer) from discriminating or retaliating against any employee for reporting, or seeking assistance or intervention from, a workplace violence incident, threat, or concern to the employer, law enforcement, local emergency services, or a government agency, or participating in an incident investigation.

(B) ENFORCEMENT.—Each violation of the policy shall be enforced in the same manner and to the same extent as a violation of section 11(c) of the Occupational Safety and Health Act (29 U.S.C. 660(c)) is enforced.

SEC. 104. RULES OF CONSTRUCTION.

Notwithstanding section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667)—

(1) nothing in this title shall be construed to curtail or limit authority of the Secretary under any other provision of the law;

(2) the rights, privileges, or remedies of covered employees shall be in addition to the rights, privileges, or remedies provided under any Federal or State law, or any collective bargaining agreement; and

(3) nothing in this Act shall be construed to limit or prevent health care workers, social service workers, or other personnel from reporting violent incidents to appropriate law enforcement.

SEC. 105. OTHER DEFINITIONS.

In this title:

(1) WORKPLACE VIOLENCE.—

(A) IN GENERAL.—The term "workplace violence" means any act of violence or threat of violence, that occurs at a covered facility or while a covered employee performs a covered service.

(B) EXCLUSIONS.—The term "workplace violence" does not include lawful acts of self-defense or lawful acts of defense of others.

(C) INCLUSIONS.—The term "workplace violence" includes an incident involving the threat or use of a firearm

or a dangerous weapon, including the use of common objects as weapons, without regard to whether the employee sustains an injury.

(2) TYPE 1 VIOLENCE.—The term "type 1 violence"—

(A) means workplace violence directed at a covered employee at a covered facility or while performing a covered service by an individual who has no legitimate business at the covered facility or with respect to such covered service; and

(B) includes violent acts by any individual who enters the covered facility or worksite where a covered service is being performed with the intent to commit a crime.

(3) TYPE 2 VIOLENCE.—The term "type 2 violence" means workplace violence directed at a covered employee by customers, clients, patients, students, inmates, or any individual for whom a covered facility provides services or for whom the employee performs covered services.

(4) TYPE 3 VIOLENCE.—The term "type 3 violence" means workplace violence directed at a covered employee by a present or former employee, supervisor, or manager.

(5) TYPE 4 VIOLENCE.—The term "type 4 violence" means workplace violence directed at a covered employee by an individual who is not an employee, but has or is known to have had a personal relationship with such employee.

(6) ALARM.—The term "alarm" means a mechanical, electrical, or electronic device that can alert others but does not rely upon an employee's vocalization in order to alert others.

(7) ENGINEERING CONTROLS.—

(A) IN GENERAL.—The term "engineering controls" means an aspect of the built space or a device that removes or minimizes a hazard from the workplace or creates a barrier between a covered employee and the hazard.

(B) INCLUSIONS.—For purposes of reducing workplace violence hazards, the term "engineering controls" includes electronic access controls to employee occupied areas, weapon detectors (installed or handheld), enclosed workstations with shatter-resistant glass, deep service counters, separate rooms or areas for high-risk patients, locks on doors, removing access to or securing items that could be used as weapons, furniture affixed to the floor, opaque glass in patient rooms (which protects privacy, but allows the health care provider to see where the patient is before entering the room), closed-circuit television monitoring and video recording, sight-aids, and personal alarm devices.

(8) ENVIRONMENTAL RISK FACTORS.—

(A) IN GENERAL.—The term "environmental risk factors" means factors in the covered facility or area in which a covered service is performed that may contribute to the likelihood or severity of a workplace violence incident.

(B) CLARIFICATION.—Environmental risk factors may be associated with the specific task being performed or the work area, such as working in an isolated area, poor illumination or blocked visibility, and lack of physical barriers between individuals and persons at risk of committing workplace violence.

(9) PATIENT-SPECIFIC RISK FACTORS.—The term "patient-specific risk factors" means factors specific to a patient that may increase the likelihood or severity of a workplace violence incident, including—

(A) a patient's psychiatric condition, treatment and medication status, history of violence, and known or recorded use of drugs or alcohol; and

(B) any conditions or disease processes of the patient that may cause the patient to experience confusion or disorientation, to be non-responsive to instruction, or to behave unpredictably.

(10) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(11) WORK PRACTICE CONTROLS.—

(A) IN GENERAL.—The term "work practice controls" means procedures and rules that are used to effectively reduce workplace violence hazards.

(B) INCLUSIONS.—The term "work practice controls" includes assigning and placing sufficient numbers of staff to reduce patient-specific Type 2 workplace violence hazards, provision of dedicated and available safety personnel such as security guards, employee training on workplace violence prevention method and techniques to de-escalate and minimize violent behavior, and employee education on procedures for response in the event of a workplace violence incident and for post-incident response.

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY ACT

SEC. 201. APPLICATION OF THE WORKPLACE VIOLENCE PREVENTION STANDARD TO CERTAIN FACILITIES RECEIVING MEDICARE FUNDS.

(a) IN GENERAL.—Section 1866 of the Social Security Act (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (X), by striking "and" at the end;

(B) in subparagraph (Y), by striking at the end the period and inserting "; and"; and

(C) by inserting after subparagraph (Y) the following new subparagraph:

"(Z) in the case of hospitals that are not otherwise subject to the Occupational Safety and Health Act of 1970 (or a State occupational safety and health plan that is approved under 18(b) of such Act) and skilled nursing facilities that are not otherwise subject to such Act (or such a State occupational safety and health plan), to comply with the Workplace Violence Prevention Standard (as promulgated under section 101 of the Workplace Violence Prevention for Health Care and Social Service Workers Act).";

(2) in subsection (b)(4)—

(A) in subparagraph (A), by inserting "and a hospital or skilled nursing facility that fails to comply with the requirement of subsection (a)(1)(Z) (relating to the Work-

place Violence Prevention Standard)" after "Bloodborne Pathogens Standard)"; and

(B) in subparagraph (B)—

(i) by striking "(a)(1)(U)" and inserting "(a)(1)(V)"; and

(ii) by inserting "(or, in the case of a failure to comply with the requirement of subsection (a)(1)(Z), for a violation of the Workplace Violence Prevention standard referred to in such subsection by a hospital or skilled nursing facility, as applicable, that is subject to the provisions of such Act)" before the period at the end.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning on the date that is 1 year after the date of issuance of the final standard on workplace violence prevention required under section 101.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OCASIO-CORTEZ OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 26, line 25, strike "and".
Page 27, line 4, strike the period and insert "; and".
Page 27, after line 4, insert the following:

(4) nothing in this Act shall be construed to limit or diminish any protections in relevant Federal, State, or local law related to—

(A) domestic violence;
(B) stalking;
(C) dating violence; and
(D) sexual assault.

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