

110TH CONGRESS
1ST SESSION

H. R. 4016

To provide unemployment insurance to those who are separated from their employment as a result of domestic violence, dating violence, sexual assault, or stalking.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2007

Ms. ROYBAL-ALLARD (for herself and Mr. POE) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To provide unemployment insurance to those who are separated from their employment as a result of domestic violence, dating violence, sexual assault, or stalking.

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.

4 This Act may be cited as the “Unemployment Insur-
5 ance for Survivors Act of 2007”.

6 SEC. 2. DEFINITIONS.

7 In this Act, except as otherwise expressly provided:
8 (1) COMMERCE.—The terms “commerce” and
9 “industry or activity affecting commerce” have the

1 meanings given the terms in section 101 of the
2 Family and Medical Leave Act of 1993 (29 U.S.C.
3 2611).

4 (2) DATING VIOLENCE.—The term “dating vio-
5 lence” has the meaning given the term in section
6 40002 of the Violence Against Women Act of 1994
7 (42 U.S.C. 13925).

8 (3) DOMESTIC VIOLENCE.—The term “domestic
9 violence” has the meaning given the term in section
10 40002 of the Violence Against Women Act of 1994
11 (42 U.S.C. 13925).

12 (4) DOMESTIC VIOLENCE COALITION.—The
13 term “domestic violence coalition” means a non-
14 profit, nongovernmental membership organization
15 that—

16 (A) consists of the entities carrying out a
17 majority of the domestic violence programs car-
18 ried out within a State;

19 (B) collaborates and coordinates activities
20 with Federal, State, and local entities to further
21 the purposes of domestic violence intervention
22 and prevention; and

23 (C) among other activities, provides train-
24 ing and technical assistance to entities carrying
25 out domestic violence programs within a State,

1 territory, political subdivision, or area under
2 Federal authority.

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

7 (6) EMPLOYEE.—

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

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

22 (7) EMPLOYER.—The term “employer”—

23 (A) means any person engaged in com-
24 merce or in any industry or activity affecting

1 commerce who employs 15 or more individuals;
2 and

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

12 (8) EMPLOYMENT BENEFITS.—The term “em-
13 ployment benefits” means all benefits provided or
14 made available to employees by an employer, includ-
15 ing group life insurance, health insurance, disability
16 insurance, sick leave, annual leave, educational bene-
17 fits, and pensions, regardless of whether such bene-
18 fits are provided by a practice or written policy of
19 an employer or through an “employee benefit plan”,
20 as defined in section 3(3) of the Employee Retire-
21 ment Income Security Act of 1974 (29 U.S.C.
22 1002(3)).

23 (9) PARENT; SON OR DAUGHTER.—The terms
24 “parent” and “son or daughter” have the meanings

1 given the terms in section 101 of the Family and
2 Medical Leave Act of 1993 (29 U.S.C. 2611).

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

6 (11) SEXUAL ASSAULT.—The term “sexual as-
7 sault” has the meaning given the term in section
8 40002 of the Violence Against Women Act of 1994
9 (42 U.S.C. 13925).

10 (12) SEXUAL ASSAULT COALITION.—The term
11 “sexual assault coalition” means a nonprofit, non-
12 governmental membership organization that—

13 (A) consists of the entities carrying out a
14 majority of the sexual assault programs carried
15 out within a State;

16 (B) collaborates and coordinates activities
17 with Federal, State, and local entities to further
18 the purposes of sexual assault intervention and
19 prevention; and

20 (C) among other activities, provides train-
21 ing and technical assistance to entities carrying
22 out sexual assault programs within a State, ter-
23 ritory, political subdivision, or area under Fed-
24 eral authority.

5 (14) VICTIM OF DOMESTIC VIOLENCE, DATING
6 VIOLENCE, SEXUAL ASSAULT, OR STALKING.—The
7 term “victim of domestic violence, dating violence,
8 sexual assault, or stalking” includes a person who
9 has been a victim of domestic violence, dating vio-
10 lence, sexual assault, or stalking and a person whose
11 family or household member has been a victim of do-
12 mestic violence, dating violence, sexual assault, or
13 stalking.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are, pursuant to the affirm-
3 ative power of Congress to enact legislation under the por-
4 tions of section 8 of article I of the Constitution relating
5 to laying and collecting taxes, providing for the general
6 welfare, and regulation of commerce among the several
7 States, and under section 5 of the 14th amendment to
8 the Constitution—

9 (1) to promote the national interest in reducing
10 domestic violence, dating violence, sexual assault,
11 and stalking by enabling victims of domestic vio-
12 lence, dating violence, sexual assault, or stalking to
13 maintain the financial independence necessary to
14 leave abusive situations, achieve safety, and mini-
15 mize the physical and emotional injuries from do-
16 mestic violence, dating violence, sexual assault, or
17 stalking, and to reduce the devastating economic
18 consequences of domestic violence, dating violence,
19 sexual assault, or stalking to employers and employ-
20 ees;

21 (2) to promote the national interest in ensuring
22 that victims of domestic violence, dating violence,
23 sexual assault, or stalking can recover from and cope
24 with the effects of such victimization and participate
25 in the criminal and civil justice processes without
26 fear of adverse economic consequences;

9 (4) to promote the purposes of the 14th amend-
10 ment to the Constitution by preventing sex-based
11 discrimination and discrimination against victims of
12 domestic violence, dating violence, sexual assault, or
13 stalking in unemployment insurance, by addressing
14 the failure of existing laws to protect the employ-
15 ment rights of victims of domestic violence, dating
16 violence, sexual assault, or stalking, by protecting
17 their civil and economic rights, and by furthering the
18 equal opportunity of women for economic self-suffi-
19 ciency and employment free from discrimination;
20 and

1 manner that accommodates the legitimate interests
2 of employers and protects the safety of all persons
3 in the workplace.

4 **SEC. 4. UNEMPLOYMENT COMPENSATION AND TRAINING**

5 **PROVISIONS.**

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

9 (1) in subsection (a)—

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

12 (B) by redesignating paragraph (19) as
13 paragraph (20); and

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

16 “(19) compensation shall not be denied where
17 an individual is separated from employment due to
18 circumstances resulting from the individual’s experi-
19 ence of domestic violence, dating violence, sexual as-
20 sault, or stalking, nor shall States impose additional
21 conditions that restrict the individual’s eligibility for
22 or receipt of benefits beyond those required of other
23 individuals who are forced to leave their jobs or are
24 deemed to have good cause for voluntarily separating
25 from a job in the State; and”; and

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

3 "(g) CONSTRUCTION.—For purposes of subsection

4 (a)(19)—

5 “(1) DOCUMENTATION.—In determining eligi-
6 bility for compensation due to circumstances result-
7 ing from an individual’s experience of domestic vio-
8 lence, dating violence, sexual assault, or stalking—

9 “(A) States shall adopt, or have adopted,
10 by statute, regulation, or policy a list of forms
11 of documentation that may be presented to
12 demonstrate eligibility; and

19 “(2) LIST OF FORMS OF DOCUMENTATION.—
20 The list referred to in paragraph (1)(A) shall include
21 not less than 3 of the following forms of documenta-
22 tion:

23 “(A) An order of protection or other docu-
24 mentation issued by a court.

1 “(B) A police report or criminal charges
2 documenting the domestic violence, dating vio-
3 lence, sexual assault, or stalking.

4 “(C) Documentation that the perpetrator
5 has been convicted of the offense of domestic vi-
6 olence, dating violence, sexual assault, or stalk-
7 ing.

8 “(D) Medical documentation of the domes-
9 tic violence, dating violence, sexual assault, or
10 stalking.

11 “(E) Evidence of domestic violence, dating
12 violence, sexual assault, or stalking from a
13 counselor, social worker, health worker, or do-
14 mestic violence shelter worker.

15 “(F) A written statement that the appli-
16 cant or the applicant’s minor child is a victim
17 of domestic violence, dating violence, sexual as-
18 sault, or stalking, provided by a social worker,
19 member of the clergy, shelter worker, attorney
20 at law, or other professional who has assisted
21 the applicant in dealing with the domestic vio-
22 lence, dating violence, sexual assault, or stalk-
23 ing.

24 “(G) A written statement of the claimant.

1 “(3) DOMESTIC VIOLENCE, DATING VIOLENCE,
2 SEXUAL ASSAULT, AND STALKING DEFINED.—The
3 terms ‘domestic violence’, ‘dating violence’, ‘sexual
4 assault’, and ‘stalking’ have the meanings given such
5 terms in section 3 of the Security and Financial
6 Empowerment Act.”.

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

10 (1) by redesignating paragraphs (4) through
11 (10) as paragraphs (5) through (11), respectively;
12 and

13 (2) by inserting after paragraph (3) the fol-
14 lowing new paragraph:

15 “(4) Such methods of administration as will en-
16 sure that—

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

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

3 “(i) the nature and dynamics of do-
4 mestic violence, dating violence, sexual as-
5 sault, or stalking (as such terms are de-
6 fined in section 3 of the Security and Fi-
7 nancial Empowerment Act); and

8 “(ii) methods of ascertaining and
9 keeping confidential information about pos-
10 sible experiences of domestic violence, dat-
11 ing violence, sexual assault, or stalking (as
12 so defined) to ensure that—

13 “(I) requests for unemployment
14 compensation based on separations
15 stemming from domestic violence, dat-
16 ing violence, sexual assault, or stalk-
17 ing (as so defined) are reliably
18 screened, identified, and adjudicated;
19 and

20 “(II) full confidentiality is pro-
21 vided for the individual’s claim and
22 submitted evidence; and”.

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

1 “(8) CERTIFICATION THAT THE STATE WILL
2 PROVIDE INFORMATION TO VICTIMS OF DOMESTIC
3 VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR
4 STALKING.—A certification by the chief officer of
5 the State that the State has established and is en-
6 forcing standards and procedures to—

7 “(A) ensure that applicants for assistance
8 under the program and individuals inquiring
9 about such assistance are adequately notified
10 of—

11 “(i) the provisions of subsections
12 (a)(19) and (g) of section 3304 of the In-
13 ternal Revenue Code of 1986 (relating to
14 the availability of unemployment com-
15 pensation for victims of domestic violence,
16 dating violence, sexual assault, or stalk-
17 ing); and

18 “(ii) assistance made available by the
19 State to victims of domestic violence, dat-
20 ing violence, sexual assault, or stalking (as
21 such terms are defined in section 3 of the
22 Unemployment for Survivors Act of 2007);

23 “(B) ensure that case workers and other
24 agency personnel responsible for administering

1 the State program funded under this part are
2 adequately trained in—

3 “(i) the nature and dynamics of do-
4 mestic violence, dating violence, sexual as-
5 sault, or stalking (as so defined);

6 “(ii) State standards and procedures
7 relating to the prevention of, and assist-
8 ance for individuals who experience, do-
9 mestic violence, dating violence, sexual as-
10 sault, or stalking (as so defined); and

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

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

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

1 “(ii) case workers and other agency
2 personnel responsible for administering the
3 State program funded under this part are
4 provided with adequate training regarding
5 such standards and procedures and options
6 available under such standards and proce-
7 dures; and

8 “(D) ensure that the training required
9 under subparagraphs (B) and, if applicable,
10 (C)(ii) is provided through a training program
11 operated by an eligible entity (as defined in sec-
12 tion 202(d)(2) of the Unemployment for Sur-
13 vivors Act of 2007).”.

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

17 (1) GRANTS AUTHORIZED.—The Secretary of
18 Health and Human Services (in this subsection re-
19 ferred to as the “Secretary”) is authorized to
20 award—

21 (A) a grant to a national victim services
22 organization in order for such organization to—
23 (i) develop and disseminate a model
24 training program (and related materials)
25 for the training required under section

1 303(a)(4)(B) of the Social Security Act, as
2 added by subsection (b), and under sub-
3 paragraphs (B) and, if applicable, (C)(ii)
4 of section 402(a)(8) of the such Act, as
5 added by subsection (c); and

6 (ii) provide technical assistance with
7 respect to such model training program;
8 and

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

23 (A) that is—

24 (i) a domestic violence coalition or
25 sexual assault coalition;

(ii) a victim services organization with recognized expertise in the dynamics of domestic violence, dating violence, sexual assault, or stalking whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking, such as a rape crisis center or domestic violence program; or

(iii) an organization with demonstrated expertise in State or county welfare laws and implementation of such laws and experience with disseminating information on such laws and implementation, but only if such organization will provide the required training in partnership with an entity described in clause (i) or (ii); and

(B) that—

(i) has demonstrated expertise in both domestic violence and sexual assault, such as a joint domestic violence and sexual assault coalition; or

(ii) will provide the required training in partnership with an entity described in clause (i) or (ii) of subparagraph (A) in order to comply with the dual domestic vio-

8 (4) REPORTS.—

19 (5) AUTHORIZATION OF APPROPRIATIONS.—

20 (A) AUTHORIZATION.—There are author-
21 ized to be appropriated—

22 (i) \$1,000,000 for fiscal year 2008 to
23 carry out the provisions of paragraph
24 (1)(A); and

1 (ii) \$12,000,000 for each of fiscal
2 years 2009 through 2011 to carry out the
3 provisions of paragraph (1)(B).

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

11 (C) AMOUNTS RETURNED.—Any amounts
12 returned pursuant to subparagraph (B) shall be
13 available without further appropriation to the
14 Secretary for the purpose of carrying out the
15 provisions of paragraph (1)(B).

16 (e) EFFECT ON EXISTING LAWS, ETC.—

17 (1) MORE PROTECTIVE LAWS, AGREEMENTS,
18 PROGRAMS, AND PLANS.—Nothing in this Act shall
19 be construed to supersede any provision of any Federal,
20 State, or local law, collective bargaining agree-
21 ment, or employment benefits program or plan that
22 provides greater unemployment insurance benefits
23 for victims of domestic violence, dating violence, sex-
24 ual assault, or stalking than the rights established
25 under this Act.

8 (f) EFFECTIVE DATES.—

24 (i) 180 days after the date of enact-
25 ment of this Act; or

1 subsection (c) shall take effect on the date of
2 enactment of this Act.

3 (B) EXTENSION OF EFFECTIVE DATE FOR
4 STATE LAW AMENDMENT.—In the case of a
5 State plan under part A of title IV of the Social
6 Security Act which the Secretary of Health and
7 Human Services determines requires State leg-
8 islation in order for the plan to meet the addi-
9 tional requirements imposed by the amendment
10 made by subsection (c) of this section, the State
11 plan shall not be regarded as failing to comply
12 with the requirements of the amendment on the
13 basis of the failure of the State to meet the ad-
14 ditional requirements before the 1st day of the
15 1st calendar quarter that—

16 (i) begins after the date of the enact-
17 ment of this Act; and
18 (ii) is covered by a plan submitted by
19 the State pursuant to section 402(a) of the
20 Social Security Act.

○