

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.

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## 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

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## 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 Retirement  
21 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.

1           (13) STALKING.—The term “stalking” has the  
2           meaning given the term in section 40002 of the Vio-  
3           lence Against Women Act of 1994 (42 U.S.C.  
4           13925).

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.

14          (15) VICTIM SERVICES ORGANIZATION.—The  
15          term “victim services organization” means a non-  
16          profit, nongovernmental organization that provides  
17          assistance to victims of domestic violence, dating vio-  
18          lence, sexual assault, or stalking, or to advocates for  
19          such victims, including a rape crisis center, an orga-  
20          nization carrying out a domestic violence program,  
21          an organization operating a shelter or providing  
22          counseling services, or an organization providing as-  
23          sistance through the legal process.

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;

1           (3) to minimize the negative impact on inter-  
2       state commerce from dislocations of employees and  
3       harmful effects on productivity, loss of employment,  
4       health care costs, and employer costs, caused by do-  
5       mestic violence, dating violence, sexual assault, or  
6       stalking, including intentional efforts to frustrate  
7       the ability of women to participate in employment  
8       and interstate commerce;

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

21           (5) to accomplish the purposes described in  
22      paragraphs (1) through (4) by providing unemploy-  
23      ment insurance to those who are separated from  
24      their employment as a result of domestic violence,  
25      dating violence, sexual assault, or stalking, in a



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”;

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

13           “(B) presentation of any one of such forms  
14       of documentation shall be sufficient to dem-  
15       onstrate eligibility, except that a State may re-  
16       quire the presentation of a form of identifica-  
17       tion in addition to the written statement of  
18       claimant described in paragraph (2)(G).

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).

20          (2) ELIGIBLE ENTITY DEFINED.—For purposes  
21          of paragraph (1)(B), the term “eligible entity”  
22          means an entity—

23                 (A) that is—

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

1           (ii) a victim services organization with  
2           recognized expertise in the dynamics of do-  
3           mestic violence, dating violence, sexual as-  
4           sault, or stalking whose primary mission is  
5           to provide services to victims of domestic  
6           violence, dating violence, sexual assault, or  
7           stalking, such as a rape crisis center or do-  
8           mestic violence program; or

9           (iii) an organization with dem-  
10          onstrated expertise in State or county wel-  
11          fare laws and implementation of such laws  
12          and experience with disseminating informa-  
13          tion on such laws and implementation, but  
14          only if such organization will provide the  
15          required training in partnership with an  
16          entity described in clause (i) or (ii); and

17       (B) that—

18           (i) has demonstrated expertise in both  
19           domestic violence and sexual assault, such  
20           as a joint domestic violence and sexual as-  
21           sault coalition; or

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

1                   lence and sexual assault expertise require-  
2                   ment under clause (i).

3           (3) APPLICATION.—An entity seeking a grant  
4           under this subsection shall submit an application to  
5           the Secretary at such time, in such form and man-  
6           ner, and containing such information as the Sec-  
7           retary specifies.

8           (4) REPORTS.—

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

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

1           (2) LESS PROTECTIVE LAWS, AGREEMENTS,  
2           PROGRAMS, AND PLANS.—The rights established for  
3           victims of domestic violence, dating violence, sexual  
4           assault, or stalking under this Act shall not be di-  
5           minished by any more restrictive State or local law,  
6           collective bargaining agreement, or employment ben-  
7           efits program or plan.

8           (f) EFFECTIVE DATES.—

9           (1) IN GENERAL.—Except as provided in para-  
10          graphs (2) and (3), the amendments made by this  
11          section shall take effect 180 days after the date of  
12          enactment of this Act.

13          (2) AMENDMENTS RELATING TO UNEMPLOY-  
14          MENT COMPENSATION.—

15               (A) IN GENERAL.—If the Secretary of  
16          Labor finds that legislation is necessary in  
17          order for the unemployment compensation law  
18          of a State to comply with the amendments  
19          made by subsection (a) or paragraph (1) or (2)  
20          of subsection (b), then the amendments made  
21          by such subsection or paragraph (1) or (2) (as  
22          the case may be) shall not apply with respect to  
23          such law until the later of—

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

1 (ii) the earlier of—

2 (I) the effective date of any legis-  
3 lation which is necessary in order to  
4 bring such law into compliance with  
5 the amendments made by such sub-  
6 section or paragraph (1) or (2) (as  
7 the case may be); or

8 (II) the first day of the first cal-  
9 endar quarter beginning after the day  
10 after the close of the first regular ses-  
11 sion of the State legislature that be-  
12 gins after the date of enactment of  
13 this Act or that began prior to such  
14 date of enactment and remains in ses-  
15 sion for at least 25 calendar days  
16 after such date of enactment.

17 (B) SESSION DEFINED.—For purposes of  
18 subparagraph (A)(ii), in the case of a State  
19 that has a 2-year legislative session, each year  
20 of the session is considered to be a separate  
21 regular session of the State legislature.

22 (3) TANF AMENDMENT.—

23 (A) IN GENERAL.—Except as provided in  
24 subparagraph (B), the amendment made by

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.

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