



# Special Report

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## Women and Comp Time

### *GOP Bill Cuts Women's Options and Pay*

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Democratic Policy Committee  
United States Senate  
Washington, D.C., 20510-7050

Tom Daschle, Chairman  
Harry Reid, Co-Chairman



# Women and Comp Time

**The GOP Rhetoric: Family-Friendly.** In a dubious attempt to redefine their image as “family and women friendly,” Republicans have introduced the “*Family Friendly Workplace Act*.” Republicans claim their bill will usher in a new era of flexibility for working women as they continue to juggle the competing demands of work and family. But close analysis of the bill clearly shows that instead of giving flexibility to working women, the Republican bill gives new flexibility to employers. The GOP bill abolishes the 40-hour work week and leaves comp time decisions up to employers. Under the GOP plan, workers actually could lose protections they now have. The Republican comp time bill would *harm*, not help working women and their families.

**The Democratic Alternative: Real Flexibility.** Democrats have offered an alternative that gives real flexibility and real protection to working women and their families. Democrats recognize and support working women’s desire for more flexibility, the need for more control over their work schedules, and the fact that many families depend on overtime pay to survive. But most importantly, Democrats understand that working women, not their bosses, should choose if, when and how they take and use comp time.

## ***Women are Disproportionately Affected***

The GOP comp time bill would place new pressures on hourly workers — most of whom are women — to give up overtime pay on which they rely. And it would give employers even more control over workers’ schedules.

- 56 percent of hourly workers are women.
- Nearly 60 percent of those earning minimum wage are women.
- More than 80 percent of overtime recipients have annual earnings of less than \$28,000 per year.
- 61 percent earn \$20,000 per year or less.
- 44 percent of workers who *depend* on overtime earn \$16,000 per year or less.

## **Women Lose Under GOP Comp Time Scheme**

### ***Hourly Workers Lose Overtime Pay***

- **56% of Hourly Workers are Women**
- **60% of Minimum Wage Workers are Women**

***80% of Overtime Workers  
Earn Less Than \$28,000 per Year***



### ***Women Need Real Flexibility, Not Rhetoric***

Women are far more likely to have competing demands on their time due to the combination of work and family responsibilities. These women need more control over their work schedules, not less.

Women also earn less than men, on average only 71 cents for every dollar earned by men. Many women who depend on overtime pay to make ends meet could lose this income under the GOP plan.

Women who have carefully examined the Republican comp time bill strongly oppose it.

Six national women's organizations, representing hundreds of thousands of working women, sent a letter to Senate Leaders Lott and **Daschle** strongly opposing the Republican comp time bill. The letter reads, "We believe passage of **S.4**, the *Family Friendly Workplace Act*, fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employers... Without strong protections for workers, the comp time bill will cut women's options and women's pay."

The letter was signed by 9-to-5—the National Association of Working Women; the American Nurses Association; Business and Professional Women USA; the National Council of Jewish Women; the National Women's Law Center; and the Women's Legal Defense Fund. (5/30/97)

As Ellen Bravo of 9-to-5—the National Association of Working Women, puts it:

*"I wish George Orwell [was] around to hand out Doublespeak Awards. In his name, I'd like to present one to the sponsors of the Family Friendly Workplace Act...Business lobbyists and some lawmakers have been trying to get rid of overtime pay for years...this bill will weaken, not strengthen, employee options." (Opinion Piece 3/19/97)*

The Women's Legal Defense Fund testified:

*"The Family Friendly Workplace Act is not about the real flexibility that working women need in their struggle to meet responsibilities at work and at home. Instead, it gives employees less control over both their time and their paychecks, creating new risks and problems."*

*"S.4 gives the employer—not the employee—the 'flexibility' to decide when and even whether an employee can use her earned comp time or flexible credit hours." (Donna Lenhoff, General Counsel, WLDF, Statement before Senate Subcommittee on Employment and Training, Labor Committee 2/13/97)*

The National Women's Law Center says the House GOP comp time bill will not help working families, it will hurt them:

*"Clever packaging of bad legislation will not fool the women of this country...this legislation would result in less overtime pay for women and men who depend on overtime pay to support themselves and their families....and the bill would not address the pressing needs of working women...since workers would have no control whatsoever over their actual use of earned comp time." (Press Release 3/5/97)*

Business and Professional Women USA says the GOP version of comp time:

*"...offers only an empty promise of flexibility for workers—flexibility that rests primarily with employers, not employees." (Press release 3/5/97)*

The American Nurses Association says:

*"S.4 would expose the employee to potential abuse and lead to an erosion of the overall protections afforded employees under the Fair Labor Standards Act....True workplace flexibility does not seek to undermine the forty-hour work week and the right to overtime pay." (ANA statement 5/13/97)*

## ***How the GOP scheme would work:***

Jane Doer works as a seamstress and is a mother of two children. Jane normally works 50 hours a week and her ten hours a week of overtime pay help pay her rent, utility and telephone bills each month. Without the overtime pay, she would be unable to make ends meet. Under the GOP bill, employees who request to be paid for overtime may be penalized. The bill would permit employers, like Jane's boss, to grant overtime hours only to employees who accept comp time in lieu of overtime pay. In other words, Jane no longer would receive overtime hours, because she wants overtime pay in cash instead of comp time. Or, she may be forced to accept comp time for the overtime pay she really needs.

***OR***

Jane Doer's work schedule would be changed dramatically if her boss implemented the 80-hour bi-weekly work schedule. Jane could be required to work from 8 a.m. until midnight, Monday through Friday, without being paid overtime. Jane would work sixteen hours a day for five consecutive days and then receive the next five work days off. Under this schedule, Jane would find it extremely challenging to find adequate child care for her two children into the late hours of the evening five nights a week, and could find it nearly impossible to pay for. Jane's family routine would be disrupted, as she would no longer be able to help her children with their homework each night or coach her daughter's soccer team.

## ***Democrats Protect Worker Choices and Pay***

Senate Democrats have proposed an alternative to the GOP comp time bill that gives workers real flexibility and real protection. The proposal, sponsored by Senators **Baucus**, **Kerrey** and **Landrieu**, ensures that:

- workers decide whether to take overtime pay or comp time and when to use their comp time;
- overtime pay and benefits are protected; and
- the 40-hour work week is preserved.

Senator **Max Baucus** (D-MT) said in introducing the Democratic alternative,

*"This bill allows moms and dads to either punch the clock or play with their kids.... The bottom-line is this bill gives workers a choice."*

Senator **Bob Kerrey** (D-NE) said,

*"I want employees to be able to choose time off instead of overtime so they can spend more time with their families — but I want the employees to make the choice, not their bosses."*

Senator **Mary Landreiu** (D-LA), pointed out,

*"The comp time bill proposed by Senator Ashcroft (R-MO) would roll back some of the protections that have been guaranteed to workers for over 60 years under the Fair Labor Standards Act. For example, the bill would do away with the 40-hour work week. It would replace that time-honored system with an 80-hour, two week system. Under Senator Ashcroft's plan, if you work 60 hours in the first week, you would not qualify for overtime. That simply isn't fair. ... I have joined Senators **Baucus** and **Kerrey** to create an alternative which will give workers true choice and flexibility. To us, that is the right choice for America's workers and families."*

Senator **Tom Daschle** said,

*"We want to ensure that the choice is every bit as much the employee's as it is the employer's. And the one way you can do that, in a way that I think most employees would accept, is to say, look, an employee, in all circumstances involving hours after 40 in any given week, would be given the option of either time-and-a-half in pay or in time off. That would protect them. But our Republican colleagues are unwilling to do that."*

Democrats have proposed a solution that really meets the needs of working women and their families.

| Which Plan Offers Real Flexibility?                                 | Democratic Proposal                                                                                                                                                                                                                                          | Republican "Family Friendly Workplace Act"                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will employees be forced to take comp time instead of overtime pay? | ✓ Employers cannot discriminate in offering comp time or overtime plans.                                                                                                                                                                                     | ✗ No comparable provisions.                                                                                                                                                                                                                                                       |
| Who decides when comp time could be used?                           | ✓ Employees may use comp time for family and medical leave reasons whenever they need it.<br>✓ Employees could use comp time with two weeks notice for any purpose.<br>✓ Comp time could be used with less notice if the employer is not "unduly disrupted". | ✗ Employer may deny the use of comp time, regardless of the employee's needs by claiming use would "unduly disrupt" business.                                                                                                                                                     |
| Will employees be forced to accept a pay cut?                       | ✓ Preserves overtime for hours worked over 40 in one week.                                                                                                                                                                                                   | ✗ Bi-weekly and flexible credit hour schedules would allow employers to avoid paying overtime for hours worked beyond 40 per week.                                                                                                                                                |
| Will employees be forced to work 80 hour weeks?                     | ✓ Employers may not intimidate, threaten, or coerce employees into participating in a biweekly or flexible credit hour program.                                                                                                                              | ✗ No comparable provisions.                                                                                                                                                                                                                                                       |
| Are employee's benefits protected?                                  | ✓ Comp time is treated as hours worked in calculating retirement and health benefits.<br>✓ Comp time could not be used to replace or substitute for vacation or sick leave plans.                                                                            | ✗ Allows employers to exclude comp time hours as hours worked in calculating employee's health and retirement benefits.<br>✗ Comp time could replace vacation and sick leave benefits.                                                                                            |
| Would comp time really be time off?                                 | ✓ Comp time would be treated as hours worked.<br>✓ Hours worked beyond 40 per week would earn overtime.                                                                                                                                                      | ✗ Employer would not have to count comp time hours as hours worked and therefore could force an employee to "make up" for using comp time by working longer days or coming in on weekends without earning overtime for it.                                                        |
| Will employees still be able to earn overtime?                      | ✓ Preserves overtime for hours worked over 40 in one week.                                                                                                                                                                                                   | <b>Biweekly Work Schedule</b><br>✗ Eliminates the 40-hour weekly overtime standard.<br>✗ Overtime pay would be earned only for hours worked beyond 80 hours in a two-week period. Employees could be forced to work up to 80 hours in one week with no overtime pay or comp time. |
|                                                                     | ✓ Preserves overtime for hours worked over 40 in a week.                                                                                                                                                                                                     | <b>Flexible Credit Hour Schedule</b><br>✗ Hours worked over 40 in a week could be considered flexible credit hours, which are earned on hour for hour basis, not time and a half.                                                                                                 |

JUNE 25, 1996

MEMORANDUM FOR

JOHN HILLEY  
ALEXIS HERMAN  
JANET MURGUIA  
RAHM EMANUEL  
CAROL RASCO

FROM: BETSY MYERS

RE: UPCOMING LEGISLATION OF IMPORTANCE TO WOMEN

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Several new pieces of legislation are being introduced in Congress that are important to and are supported by our women constituents. This provides a great opportunity for the President.

**Rep. Lowey - The Workplace Violence Prevention Tax Credit Act**

Currently assigned to the Ways and Means Committee, this bill would provide a **tax credit to businesses that establish workplace programs addressing violence against women**; the tax credit is forty percent of the cost of the program. Counseling services, a hotline, security equipment and personnel, education services, and work leave for court dates are encouraged, among other programs. Business leaders from Liz Claiborne, Polaroid, and The Body Shop recently publicly supported the bill. **The President's support would capitalize on his existing leadership on corporate responsibility and domestic violence.**

**Sen. Lautenberg - Domestic Violence Offender Gun Ban**

This bill would impose a **ban on persons convicted of any crime involving acts of domestic violence from purchasing or possessing fire arms**. This initiative improves upon current federal law, which only bans persons convicted of felonies. This legislation is currently at a standstill, but Senator Lautenberg hopes to add it as an amendment to the Stalking Bill. **Support of this bill would highlight the President's protection of families.**

**Sen. Kennedy - Amendment to Exempt Battered Immigrants from LSC Funding Restrictions**

This bill would further the protection of immigrant victims of domestic violence provided by the Violence Against Women Act **by allowing legal services to use non-federal funds to represent immigrants fleeing violent relationships**. Legal service organizations are currently prohibited from providing any legal assistance to illegal immigrants. The bill was prompted by the tragic domestic violence related murder of Marciella Batista, a Cuban immigrant and is currently lingering in committees. **The President's support on this bill would be very popular among women voters.**

**Rep. Lowey - Sexual Harassment Prevention Act of 1996**

This recently introduced bill would **protect independent contractors from sexual harassment in the workplace**, a protection not guaranteed by the Title VII of the Civil Rights Act or any other

federal laws. Growing numbers of women are being employed in low wage jobs as "independent contractors," from janitors to maids to bank tellers for Bank of America, and find themselves without legal protection. For example, in a hearing held last year by Senator Metzenbaum one woman employee of an insurance company testified that she had been sexually harassed for over a decade by her supervisor but had no legal recourse as an independent contractor. Labor Secretary Reich has recently launched a project to study and propose alleviation for the growing number of these low wage earners.

This bill also calls for a fifteen percent increase in EEOC funding.

**The President and Secretary Reich should consider joining forces to support Representative Lowey's bill.**

**Sen. Wellstone and Rep. Roybal-Allard - Domestic Violence and Welfare Reform**

This concurrent resolution would act as a "watchdog" on welfare reform legislation by eliminating current program requirements **that inhibit a domestic violence victims' ability to leave the abusive situation.** This would be accomplished by implementing such mechanisms as counseling and tolling time limits on welfare, and includes both federal and state welfare programs.

**Bipartisan support has been achieved for this bill in the House and is nearing the same in the Senate.**

**Rep. Roybal-Allard - Battered Women's Employment Protection Act**

This would serve to **prevent and reduce the incidence of domestic violence by enabling battered women to retain employment and gain financial independence,** thereby allowing the individual to leave the abusive situation. This would be accomplished through two mechanisms: first, state provision of unemployment insurance to women who lose their jobs as a result of domestic violence, and second, access to reasonable employment leave to seek legal and medical assistance.

**Sen. Dodd - Family and Medical Leave Act (Revision)**

This is an amendment to the 1993 Family and Medical Leave Act, which would **lower the threshold of coverage to worksites with 25 or more employees from the current minimum of 50 or more employees.** Currently, the Family and Medical Leave Act applies to only 60 percent of America's businesses. The bill would also grant parents 24 hours of unpaid leave per year to participate in their children's school or community group activities, similar to the President's proposal on 6/24..

**Women's Economic Equity Act**

Sponsored by Rep. Lowey and Rep. Morella, this bipartisan omnibus package consists of thirty bills and will be introduced by the Women's Caucus the second week of July. The bills all relate to women and economics, and the issues vary from sexual harassment to child care to fair pay.

**The package is largely symbolic;** it has been introduced once a year for several years and never goes anywhere. Still, it is worthy of the President's attention.

#### **Women's Health Equity Act of 1996**

The second Omnibus bill is from Senator Boxer and consists of 36 bills. Already introduced to the House, the bill will soon be introduced to the Senate. The bill is organized under two titles, Research (Title I) and Services (Title II). Title I **increases funding for research including breast cancer, lupus, and cervical cancer.**

Title II would cover issues including **insurance discrimination based on genetic information, protecting domestic violence victims from losing their insurance, a constitutional right to choose, and smoking prevention for women and children.** All of these bills focus on improving health conditions for women, both nationally and internationally.

#### **FY97 House L/HHS Bill for Title X Family Planning Grants**

Some of the pending legislation is not in the best interest of the majority of American women. In particular, Chairman Livingstone has penned an **amendment limiting eligibility for planning family services.** Currently, only individuals above 250 percent of poverty pay full cost for the services; the services are free for those with incomes less than or at 100 percent above poverty. With this amendment, only individuals with incomes no greater than 150 percent of poverty could receive the family planning services.

Another possible amendment comes from Representative Istook **requiring parental notification for birth control and STD services.**

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(Original signature of Member)104TH CONGRESS  
2D SESSION**H. R.** \_\_\_\_\_

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**IN THE HOUSE OF REPRESENTATIVES**

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Mrs. LOWEY (for herself and Mrs. MORELLA) introduced the following bill;  
~~which was referred to the Committee on~~

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**A BILL**

To amend the Internal Revenue Code of 1986 to provide  
a credit for employers for certain costs incurred to com-  
bat violence against women.

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 "Workplace Violence  
5 Prevention Tax Credit Act of 1996".

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) there is an increasing awareness by the  
9 business community and the country as a whole re-

1       garding the serious problem of workplace violence  
2       against women;

3           (2) there is an increased recognition that work-  
4       place violence against women has severe implications  
5       for the health, safety, and economic well-being of  
6       women, as well as the efficiency and profitability of  
7       American companies;

8           (3) recent crime statistics clearly show the seri-  
9       ous threat of workplace violence against women;

10          (4) homicide is the leading cause of death for  
11       ~~women on the job, and husbands, boyfriends, and~~

12       ~~ex-partners~~ commit 15 percent of all workplace  
13       homicides against women;

14          (5) an estimated 8 percent of all rapes occur  
15       while victims are working or on duty, at an average  
16       annual number of 13,000 workplace rapes each year;

17          (6) husbands and boyfriends commit 13,000  
18       acts of violence against women in the workplace  
19       every year;

20          (7) women are more likely than men to be at-  
21       tacked at work by someone known to them, and 5  
22       percent of women victimized at work are attacked by  
23       a husband, boyfriend, or ex-partner;

24          (8) surveys of business executives and corporate  
25       security directors also underscore the heavy toll that

1 workplace violence takes on American women and  
2 American businesses;

3 (9) 49 percent of senior executives recently sur-  
4 veyed said domestic violence has a harmful effect on  
5 their company's productivity, 47 percent said spous-  
6 al abuse negatively impacts attendance, and 44 per-  
7 cent said domestic violence increases health care  
8 costs;

9 (10) 94 percent of corporate security and safety  
10 directors at companies nationwide rank domestic vio-  
11 ~~lence as a high-risk security problem;~~

12 (11) the public and private sectors—including  
13 the legal, medical, social services, business, and reli-  
14 gious communities—must come together to combat  
15 violence against women in the workplace; and

16 (12) the Congress, too, must play a role in en-  
17 couraging companies to promulgate workplace edu-  
18 cation and safety programs to combat violence  
19 against women.

20 **SEC. 3. CREDIT FOR COSTS TO EMPLOYERS OF IMPLE-**  
21 **MENTING WORKPLACE SAFETY PROGRAMS**  
22 **TO COMBAT VIOLENCE AGAINST WOMEN.**

23 (a) **IN GENERAL.**—Subpart D of part IV of sub-  
24 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 is amended by adding at the end the following new  
2 section:

3 "SEC. 45C. WORKPLACE SAFETY PROGRAM CREDIT.

4 "(a) IN GENERAL.—For purposes of section 38, the  
5 workplace safety program credit determined under this  
6 section for the taxable year is, for any employer, an  
7 amount equal to 40 percent of the violence against women  
8 safety and education costs paid or incurred by such em-  
9 ployer during the taxable year.

10 "(b) DEFINITIONS.—For purposes of this section—

11 ~~"(1) VIOLENCE AGAINST WOMEN SAFETY AND~~  
12 ~~EDUCATION COST.—~~

13 "(A) IN GENERAL.—The term 'violence  
14 against women safety and education cost'  
15 means any cost certified by the Attorney Gen-  
16 eral to the Secretary as being for the purpose  
17 of—

18 "(i) ensuring the safety of employees  
19 from violent crimes against women,

20 "(ii) providing counseling to employ-  
21 ees with respect to violent crimes against  
22 women,

23 "(iii) providing legal or medical serv-  
24 ices to employees subjected to, or at risk  
25 from, violent crimes against women,

1                   “(iv) educating employees about the  
2                   issue of violent crimes against women, or

3                   “(v) implementing human resource or  
4                   personnel policies initiated to protect em-  
5                   ployees from violent crimes against women.

6                   “(B) TYPES OF COSTS.—Such term in-  
7                   cludes costs certified by the Attorney General to  
8                   the Secretary as being for the purpose of—

9                   “(i) the hiring of new security person-  
10                  nel in order to address violent crimes  
11                  against women,

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12                  “(ii) the creation of buddy systems or  
13                  escort systems for walking employees to  
14                  parking lots, parked cars, subway stations,  
15                  or bus stops, in order to address violent  
16                  crimes against women,

17                  “(iii) the purchase or installation of  
18                  new security equipment, including surveil-  
19                  lance equipment, lighting fixtures, cardkey  
20                  access systems, and identification systems,  
21                  in order to address violent crimes against  
22                  women,

23                  “(iv) the establishment of a hotline or  
24                  a counseling service about violent crimes

1 against women, for the use of individual  
2 employees,

3 "(v) the retention of an attorney to  
4 provide legal services to employees seeking  
5 restraining orders or other legal recourse  
6 from violent crimes against women,

7 "(vi) the establishment of medical  
8 services addressing the medical needs of  
9 employees who are victims of violent crimes  
10 against women,

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11 ~~"(vii) the retention of a financial ex-~~  
12 ~~pert or an accountant to provide financial~~  
13 ~~counseling to employees seeking to escape~~  
14 ~~from violent crimes against women,~~

15 "(viii) the establishment of an edu-  
16 cation program for employees, consisting of  
17 seminars or training sessions about violent  
18 crimes against women,

19 "(ix) studies of the cost, impact, or  
20 extent of violent crimes against women at  
21 the employer's place of business, if such  
22 studies are made available to the public  
23 and protect the identity of employees in-  
24 cluded in the study,

1                   “(x) the publication of a regularly dis-  
2                   seminated newsletter or other regularly  
3                   disseminated educational materials about  
4                   violent crimes against women,

5                   “(xi) the implementation of leave poli-  
6                   cies for the purpose of allowing victims of  
7                   violent crimes against women to pursue  
8                   legal redress against assailants, including  
9                   leave from work to attend meetings with  
10                  attorneys, to give evidentiary statements or  
11                  depositions, ~~and to attend hearings or~~  
12                  trials in court,

13                  “(xii) the implementation of flexible  
14                  work policies for the purpose of allowing  
15                  employees who are victims of violent crimes  
16                  against women, or employees at risk with  
17                  respect to such crimes, to avoid assailants,  
18                  or

19                  “(xiii) the implementation of transfer  
20                  policies for the purpose of allowing employ-  
21                  ees subjected to violent crimes against  
22                  women to change office locations within  
23                  the company in order to avoid assailants,  
24                  including payment of costs for the transfer  
25                  and relocation of an employee to another

1 city, county, State, or country for the pur-  
2 pose of maintaining the employee's safety  
3 from violent crimes against women.

4 "(C) NOTIFICATION OF POSSIBLE TAX  
5 CONSEQUENCES.—In no event shall any cost for  
6 goods or services which may be included in the  
7 income of any employee receiving or benefiting  
8 from such goods or services be treated as a vio-  
9 lence against women safety and education cost  
10 unless the employer notifies the employee in  
11 writing of the possibility of such inclusion.

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12 "(2) VIOLENT CRIMES AGAINST WOMEN.—

13 "(A) IN GENERAL.—The term 'violent  
14 crimes against women' includes sexual assault  
15 and domestic violence.

16 "(B) DOMESTIC VIOLENCE.—The term  
17 'domestic violence' includes felony or mis-  
18 demeanor crimes of violence committed by—

19 "(i) a current or former spouse of the  
20 victim,

21 "(ii) a person with whom the victim  
22 shares a child in common,

23 "(iii) a person who is cohabitating  
24 with or has cohabitated with the victim as  
25 a spouse,

1           “(iv) a person similarly situated to a  
2 spouse of the victim under the domestic vi-  
3 olence or family laws of the jurisdiction in  
4 which the employee resides or the employer  
5 is located, or

6           “(v) any other adult person against a  
7 victim who is protected from the person’s  
8 acts under the domestic or family violence  
9 laws of the jurisdiction in which the em-  
10 ployee resides or the employer is located.

11           “(3) EMPLOYEE AND EMPLOYER.—

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12           “(A) IN GENERAL.—The term ‘employee’  
13 includes any employee of the employer or of any  
14 related person, and any spouse or dependent of  
15 such an employee.

16           “(B) PARTNERS AND PARTNERSHIPS.—  
17 The term ‘employee’ includes a partner and the  
18 term ‘employer’ includes a partnership.

19           “(C) RELATED PERSONS.—Persons shall  
20 be treated as related to each other if such per-  
21 sons are treated as a single employer under  
22 subsection (a) or (b) of section 52.

23           “(c) COORDINATION WITH OTHER PROVISIONS.—No  
24 credit or deduction shall be allowed under any other provi-

1 sion of this title for any amount for which a credit is al-  
2 lowed under this section."

3 (b) CARRYFORWARD, CARRYBACK, AND DEDUCTION  
4 FOR UNUSED CREDITS.--

5 (1) CARRYFORWARD AND CARRYBACK.—Sub-  
6 section (a) of section 38 of such Code (relating to  
7 general business credit) is amended by striking  
8 "plus" at the end of paragraph (10), by striking the  
9 period at the end of paragraph (11) and inserting "  
10 plus", and by adding at the end the following new  
11 paragraph:

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12 "(12) the workplace safety program credit de-  
13 termined under section 45C."

14 (2) TRANSITIONAL RULE FOR CARRYBACKS.—  
15 Subsection (d) of section 39 of such Code (relating  
16 to transitional rules) is amended by adding at the  
17 end the following new paragraph:

18 "(7) NO CARRYBACK OF SECTION 45C CREDIT  
19 BEFORE EFFECTIVE DATE.—No portion of the un-  
20 used business credit for any taxable year which is  
21 attributable to the workplace safety program credit  
22 determined under section 45C may be carried back  
23 to a taxable year beginning on or before the date of  
24 the enactment of section 45C."

1           (3) DEDUCTION FOR UNUSED CREDITS.—Sub-  
2       section (c) of section 196 of such Code (relating to  
3       deduction for certain unused business credits) is  
4       amended by striking “and” at the end of paragraph  
5       (6), by striking the period at the end of paragraph  
6       (7) and inserting “, and”, and by adding at the end  
7       the following new paragraph:

8           “(8) the workplace safety program credit deter-  
9       mined under section 45C.”

10       (c) CREDIT NOT A DEFENSE IN LEGAL ACTIONS.—

11       ~~The allowance of a credit under section 45C of the Inter-~~  
12       nal Revenue Code of 1986 (as added by this Act) shall  
13       not absolve employers of their responsibilities under any  
14       other law and shall not be construed as a defense to any  
15       legal action (other than legal action by the Secretary of  
16       the Treasury under such Code).

17       (d) CLERICAL AMENDMENT.—The table of sections  
18       for subpart D of part IV of subchapter A of chapter 1  
19       of such Code is amended by adding at the end the follow-  
20       ing new item:

          “Sec. 45C. Workplace safety program credit.”

21       (e) EFFECTIVE DATE.—The amendments made by  
22       this section shall apply to taxable years beginning after  
23       the date of the enactment of this Act.

II

104TH CONGRESS  
2D SESSION**S. 1632**

To prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

MARCH 21, 1996

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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**A BILL**

To prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes.

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

3 **SECTION 1. DEFINITIONS.**

4 Section 921(a) of title 18, United States Code, is  
5 amended by adding at the end the following new para-  
6 graph:

7 “(33) The term ‘crime involving domestic vio-  
8 lence’ means a felony or misdemeanor crime of vio-  
9 lence, regardless of length, term, or manner of pun-  
10 ishment, committed by a current or former spouse,

1 parent, or guardian of the victim, by a person with  
2 whom the victim shares a child in common, by a per-  
3 son who is cohabitating with or has cohabitated with  
4 the victim as a spouse, parent, or guardian, or by  
5 a person similarly situated to a spouse, parent, or  
6 guardian of the victim under the domestic or family  
7 violence laws of the jurisdiction in which such felony  
8 or misdemeanor was committed.”.

9 SEC. 2. UNLAWFUL ACTS.

10 Section 922 of title 18, United States Code, is  
11 amended—

12 ~~(1) in subsection (d)~~

13 (A) by striking “or” at the end of para-  
14 graph (7);

15 (B) by striking the period at the end of  
16 paragraph (8) and inserting “; or”; and

17 (C) by inserting after paragraph (8) the  
18 following new paragraph:

19 “(9) is under indictment for, or has been con-  
20 victed in any court of, any crime involving domestic  
21 violence.”; and

22 (2) in subsection (g)—

23 (A) by striking “or” at the end of para-  
24 graph (7);

1 (B) in paragraph (8), by striking the  
2 comma and inserting “; or”; and

3 (C) by inserting after paragraph (8) the  
4 following new paragraph:

5 “(9) who is under indictment for, or has been  
6 convicted in any court, of any crime involving do-  
7 mestic violence,”.

8 **SEC. 3. RULES AND REGULATIONS.**

9 Section 926(a) of title 18, United States Code, is  
10 amended—

11 (1) by striking “and” at the end of paragraph

12 (2);

13 (2) by striking the period at the end of para-  
14 graph (3) and inserting “; and”; and

15 (3) by inserting after paragraph (3) the follow-  
16 ing new paragraph:

17 “(4) regulations providing for the effective re-  
18 ceipt and secure storage of firearms relinquished by  
19 or seized from persons described in subsection (d)(9)  
20 or (g)(9) of section 922.”.

21 **SEC. 4. RESTORATION OF CIVIL RIGHTS AFTER CONVIC-**  
22 **TION.**

23 Section 921(a)(20) of title 18, United States Code,  
24 is amended by striking the period at the end and inserting  
25 the following: “, or such restoration of civil rights occurs

1 following conviction of a crime of domestic violence (as de-  
2 fined in section 921(a)(33)). A conviction of a crime of  
3 domestic violence shall not be considered to be a conviction  
4 for purposes of this chapter if the conviction is reversed  
5 or set aside based on a determination that the conviction  
6 is invalid, or if the person has been pardoned, unless the  
7 authority that grants the pardon expressly states that the  
8 person may not ship, transport, possess, or receive fire-  
9 arms.”.

10 SEC. 5. ADMINISTRATIVE RELIEF FROM CERTAIN FIREARM  
11 PROHIBITIONS.

12 ~~(a) IN GENERAL.~~ Section 925(c) of title 18, United  
13 States Code, is amended—

14 (1) in the first undesignated sentence, by in-  
15 serting “(other than a person convicted of a crime  
16 of domestic violence as defined in section  
17 921(a)(33))” before “who is prohibited”; and

18 (2) in the fourth undesignated sentence—

19 (A) by inserting “person (other than a per-  
20 son convicted of a crime of domestic violence as  
21 defined in section 921(a)(33)) who is a” before  
22 “licensed importer”; and

23 (B) by striking “his” and inserting “the  
24 person’s”.

1 (b) APPLICABILITY.—The amendments made by sub-  
2 section (a) shall apply to—

3 (1) applications for administrative relief and ac-  
4 tions for judicial review that are pending on the date  
5 of enactment of this Act; and

6 (2) applications for administrative relief filed,  
7 and actions for judicial review brought, after the  
8 date of enactment of this Act.

○

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To incorporate in the bill provisions relating to representation with non-Corporation funds of aliens subject to domestic violence.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

**S. 1221**

To authorize appropriations for the Legal Services Corporation Act and for other purposes.

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Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by  
\_\_\_\_\_

Viz:

1 On page 16, line 22, strike "or".

2 On page 17, line 6, strike the first period and all that  
3 follows and insert ". or".

4 On page 17, between lines 6 and 7, insert the follow-  
5 ing:

6 "(C) using funds received from a source other  
7 than the Corporation to provide legal assistance to—

1           “(i) an alien who has been battered or sub-  
2           jected to extreme cruelty in the United States—

3           “(I) by a spouse or parent of the  
4           alien; or

5           “(II) by an individual who is a mem-  
6           ber of the family of the spouse or parent  
7           and who is residing in the same household  
8           as the alien, in a case in which the spouse  
9           or parent, respectively, consented or acqui-  
10          esced to such battery or extreme cruelty;  
11          or

---

12          “(ii) an alien whose child has been bat-  
13          tered or subjected to extreme cruelty in the  
14          United States—

15          “(I) by a spouse or parent of the  
16          alien, in a case in which the alien did not  
17          actively participate in the battery or ex-  
18          treme cruelty; or

19          “(II) by an individual who is a mem-  
20          ber of the family of the spouse or parent  
21          and who is residing in the same household  
22          as the alien, in a case in which the spouse  
23          or parent, respectively, consented or acqui-  
24          esced to such battery or extreme cruelty

3

1 and the alien did not actively participate in  
2 the battery or extreme cruelty.

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H.L.C.

[DISCUSSION DRAFT]

MAY 10, 1996

104TH CONGRESS  
2D SESSION

H. R. \_\_\_\_\_

IN THE HOUSE OF REPRESENTATIVES

Mrs. LOWEY introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

**A BILL**

To provide private remedies for certain instances of sexual harassment, and to provide additional funding for the Equal Employment Opportunity Commission.

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 "~~Sexual Harassment Prevention~~  
5 Sexual Harassment Act of 1996".

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## 1 SEC. 2. CIVIL ACTION.

2 (a) GENERALLY.—Whoever (including a govern-  
3 mental entity), in or affecting interstate or foreign com-  
4 merce—

5 (1) engages in any sexual harassment; or

6 (2) retaliates against any person for opposing  
7 sexual harassment or filing a complaint, or otherwise  
8 participating in any manner, in a civil action under  
9 paragraph (1);

10 shall be liable to the person injured by that harassment  
11 or retaliation for any appropriate relief, which may include

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12 money damages. In a civil action under this section, the  
13 court may award a prevailing plaintiff a reasonable attor-  
14 neys' fee and other litigation expenses (including expert  
15 witness fees) as a part of the costs.

16 (b) WHAT CONSTITUTES SEXUAL HARASSMENT.—

17 (1) GENERALLY.—As used in this section, the  
18 term “sexual harassment” means conduct described  
19 in paragraph (2) in a relationship described in para-  
20 graph (3).

21 (2) CONDUCT.—The conduct referred to in  
22 paragraph (1) is an unwelcome sexual advance, un-  
23 welcome request for sexual favors, or other unwel-  
24 come conduct of a sexual nature where—

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1 (A) submission to such conduct is either  
2 explicitly or implicitly a term or condition of the  
3 relationship described in paragraph (3);

4 (B) submission to or rejection of such con-  
5 duct is the basis for decisions or actions regard-  
6 ing the person who submitted to or rejected  
7 that conduct; or

8 (C) such conduct has the purpose or effect  
9 of unreasonably interfering with the relation-  
10 ship described in paragraph (3) or creates an  
11 ~~intimidating, hostile, or offensive environment~~  
12 within that relationship.

13 (3) RELATIONSHIP.—The relationship referred  
14 to in paragraphs (1) and (2) is a relationship—

15 (A) between a patient and a physician,  
16 psychotherapist, or dentist;

17 (B) between a client and an attorney, mar-  
18 riage, family, or child counselor, social worker,  
19 or accountant;

20 (C) between a beneficiary and an executor,  
21 trustee, or administrator of a trust or estate;

22 (D) between an employee and an employer,  
23 if the employer has fewer than 15 employees for  
24 each working day in each of 33 or more cal-

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1           endar weeks in the current and in the preceding  
2           calendar year; or

3           (E) between the parties to a contract or  
4           between persons negotiating a contract or seek-  
5           ing to enforce claimed rights under a contract.

6       (c) EFFECTIVE DATE.—This Act shall take effect  
7       180 days after the date of the enactment of this Act.

8       **SEC. 3. ADDITIONAL FUNDING FOR THE EQUAL EMPLOY-**  
9               **MENT OPPORTUNITY COMMISSION.**

10       In addition to any other sums authorized to be appro-  
11       priated to the Equal Employment Opportunity Commis-  
12       sion, there are authorized to be appropriated to such Com-  
13       mission \$268,000,000 for fiscal year 1997, and such sums  
14       thereafter as may be necessary.

104TH CONGRESS  
2D SESSION

S. CON. RES. \_\_\_\_\_

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IN THE SENATE OF THE UNITED STATES

Mr. WELLSTONE submitted the following concurrent resolution; which was

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## CONCURRENT RESOLUTION

To express the sense of the Congress that any welfare reform legislation enacted by the Congress should include provisions addressing domestic violence.

Whereas, in enacting the Violence Against Women Act, the Congress recognized the epidemic of violence that affects all aspects of women's lives;

Whereas violence against women is the leading cause of physical injury to women, and the Department of Justice estimates that every year more than 1,000,000 violent crimes against women, including assault, rape, and murder, are committed by intimate partners of the women;

Whereas the American Psychological Association has reported that violence against women is usually witnessed by the children of the direct victims, and that such child witnesses suffer severe psychological, cognitive, and physical

damage, and studies have shown that children residing in battered mothers' homes are 15 times more likely to be physically abused or neglected, and that children growing in such homes are 3 times more likely to be violent with their female partners when they reach adulthood;

Whereas violence against women dramatically affects women's workforce participation, insofar as  $\frac{1}{4}$  of battered women surveyed reported that they had lost a job due, at least in part, to the effects of domestic violence, and that over  $\frac{1}{2}$  of battered women reported that they had been harassed by their abuser at work;

Whereas violence against women is often exacerbated as women seek to gain economic independence, and often increases when women attend school or training programs, and batterers often prevent women from attending such programs, and often sabotage their efforts at self-improvement;

Whereas numerous studies have shown that at least 60 percent of battered women suffer from some or all of the following symptoms: terrifying flashbacks, sleep disorders, inability to concentrate, and various forms of disassociation, all of which can impair a victim's ability to obtain and retain employment;

Whereas several recent studies indicate that over 50 percent of women in welfare-to-work programs have been or currently are victims of domestic violence, and a study by the State of Washington indicates that over 50 percent of recipients of Aid to Families with Dependent Children (AFDC) in that State have been so victimized;

Whereas the availability of economic support is a critical factor in a woman's ability to leave abusive situations that

threaten themselves and their children, and over 1/2 of battered women surveyed reported that they stayed with their batterers because they needed resources to support themselves and their children;

Whereas proposals to restructure the AFDC program may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families; and

Whereas proposals to restructure the AFDC program by imposing time limits and increasing emphasis on work and job training should be evaluated in light of data demonstrating the extent to which domestic violence affects women's participation in such programs, and in light of the Congress' commitment to seriously address the issue of violence against women as evidenced by the enactment of the Violence Against Women Act: Now, therefore, be it

1       *Resolved by the Senate (the House of Representatives*  
2       *concurring), That—*

3           (1) when the Congress considers proposed wel-  
4       fare legislation, it should seriously evaluate whether  
5       such welfare measure would exacerbate violence  
6       against women, make it more difficult for women  
7       and children to escape domestic violence, or would  
8       unfairly penalize women and children victimized by  
9       or at risk of violence;

10          (2) any welfare legislation enacted by the Con-  
11       gress should require that any welfare-to-work, edu-

1 cation, or job placement program implemented by  
2 the State should take domestic violence into ac-  
3 count, by providing, among other things, mecha-  
4 nisms for—

5 (A) screening and identifying recipients  
6 with a history of domestic violence;

7 — (B) referring such recipients to counseling  
8 and supportive services;

9 — (C) tolling time limits for recipients victim-  
10 ized by domestic violence; and

11 (D) waiving, pursuant to a determination  
12 of good cause, other program requirements such  
13 as residency requirements, child support co-  
14 operation requirements, and family cap provi-  
15 sions, in cases where compliance with such re-  
16 quirements would make it more difficult for the  
17 recipients to escape domestic violence or un-  
18 fairly penalize recipients victimized by or at risk  
19 of further violence;

20 (3) any welfare legislation enacted by the Con-  
21 gress should include a provision requiring that the  
22 Comptroller General should develop and implement a  
23 comprehensive study of the incidence and effect of  
24 domestic violence on AFDC recipients, including a  
25 study of the extent to which domestic violence both

1 precipitates and prolongs women's and children's  
2 poverty and the need for AFDC; and

3 (4) any welfare reform legislation adopted by  
4 the States that contains a welfare-to-work, edu-  
5 cation, or job placement program should take do-  
6 mestic violence into account, by providing, among  
7 other things, mechanisms for—

8 (A) screening and identifying recipients  
9 with a history of domestic violence;

10 (B) referring such recipients to counseling  
11 and supportive services;

12 (C) tolling time limits for recipients victim-  
13 ized by domestic violence; and

14 (D) waiving other program requirements,  
15 pursuant to a determination of good cause,  
16 such as residency requirements, child support  
17 cooperation requirements, and family cap provi-  
18 sions, in cases where compliance with such re-  
19 quirements would make it more difficult for the  
20 recipients and their children to escape domestic  
21 violence or unfairly penalize recipients victim-  
22 ized by or at risk of further violence.

JUN 13 '96 04:00PM GWU LEGAL CLINIC

P. 3/12

Draft 6/17

## The Battered Women's Employment Protection Act

### Section 1. Findings and Purposes

#### (a) Findings

Congress finds that--

- (1) Violence against women is the leading cause of physical injury to women, and the Department of Justice estimates that intimate partners commit more than one million violent crimes against women every year;
- (2) The Bureau of Labor Statistics predicts that women will account for two-thirds of all new entrants into the workforce between now and the year 2000;
- (3) Violence against women dramatically affects women's workforce participation, insofar as one-quarter of battered women surveyed had lost a job due at least in part to the effects of domestic violence, and over half of battered women had been harassed by their abuser at work;
- (4) The availability of economic support is a critical factor in women's ability to leave abusive ~~situations that threaten themselves and their children, and over half of battered women surveyed stayed with their batterers because they lacked resources to support themselves and their children;~~
- (5) A survey of state unemployment insurance agency directors by the Federal Advisory Council on Unemployment Compensation found that in 31 states battered women who leave work as a result of domestic violence do not qualify for unemployment benefits, in 9 states the determination often varies depending on the facts and circumstances, and in only 13 states are they usually considered qualified for unemployment benefits;
- (6) A study by the New York State Department of Labor found that domestic violence victims frequently hide their victimization and do not disclose the domestic violence as a reason for their problems with the job or need to separate from employment, when filing for unemployment insurance benefits;
- (7) The same New York State study found that 75% of employed victims of domestic violence must communicate with doctors, lawyers, shelters, counselors, family and friends from their workplaces because they cannot do so at home;
- (8) Forty-nine percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity; forty-seven percent said domestic violence negatively affects attendance; and forty-four percent said domestic violence increases health care costs; and the Bureau of National Affairs estimates that domestic violence costs employers between three and five million dollars per year; and
- (9) Existing federal and state legislation fails expressly to authorize battered women to take leave

from work to seek legal assistance and redress, counseling, or assistance with safety planning and activities.

**(b) Purposes**

Pursuant to the affirmative power of Congress to enact this Act under section 5 of the Fourteenth Amendment to the Constitution, as well as under section 3 of Article I of the Constitution, the purposes of this Act are--

(1) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence necessary to leave abusive situations, to achieve safety and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating economic consequences of domestic violence, by:

(a) providing unemployment insurance for victims of domestic violence who are forced to leave their employment as a result of domestic violence;

(b) entitling employed victims of domestic violence to take reasonable leave to seek medical help, legal assistance, counseling and/or safety planning and assistance without penalty from their employer;

(2) to promote the purposes of the Fourteenth Amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women and men to employment and economic self-sufficiency;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs from domestic violence; and

(4) to accomplish the purposes described in paragraphs (1), (2) and (3) in a manner that accommodates the legitimate interests of employers.

**Section 2. Unemployment Compensation**

(1) In General -- The Federal Unemployment Tax Act, 26 U.S.C. Sec. 3304 (19--), is hereby amended by substituting a new paragraph (19), with existing paragraph (19) now re-numbered as paragraph (20), as follows:

“(19) compensation shall be provided where an individual is separated from employment due to circumstances directly resulting from the individual's experience of domestic violence.

(A) For the purpose of determining whether an employee's separation from employment is 'directly resulting' from the individual's experience of domestic

violence, it shall be sufficient if the separation from employment resulted from:

- (i) the employee's reasonable fear of future domestic violence at or en route to or from her place of employment;
- (ii) the employee's wish to relocate to another geographic area in order to avoid future domestic violence against her or her family;
- (iii) the employee's need to recover from traumatic stress resulting from her experience of domestic violence;
- (iv) the employer's denial of the employee's request for temporary leave from employment to deal with domestic violence and its aftermath, as provided in Section 3 below; or
- (v) any other respect in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of herself or her family.

(B) Where state law requires the employee to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, it shall be sufficient that the employee:

- (i) sought protection from or assistance in responding to domestic violence, including but not limited to calling the police, or seeking legal, social work, medical, clergy or other assistance;
- (ii) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not she actually obtained such refuge or accomplished such relocation; or
- (iii) reasonably believed that options such as a leave, transfer, or alternative work schedule would not be sufficient to guarantee her or her family's safety.

(C) Where state law requires the employee to actively search for employment after separation from employment as a condition for receiving unemployment compensation, such requirement shall be deemed to be met where the employee is temporarily unable to actively search for employment because she is engaged in seeking safety or relief for herself or her family from domestic violence, including:

- (i) going into hiding or relocating or attempting to do so, including activities associated with such relocation or hiding, such as seeking to obtain sufficient shelter, food, schooling for children, or other necessities of life for her or her family;
- (ii) actively pursuing legal protection or remedies, including meeting with the police, going to court to make inquiries or file papers, meeting with attorneys or attending court proceedings; or
- (iii) participating in psychological, social, or religious counseling or support activities to assist herself in ending domestic violence.

(2) In general -- The Social Security Act, 42 U.S.C. Sec. 503 (a) (1988) is hereby amended to insert a new subparagraph (a)(4), as follows:

"(4) Such methods of administration as will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of domestic violence and in methods of ascertaining information about possible experiences of domestic violence, so that employment separations stemming from domestic violence are reliably screened, identified and adjudicated."

(3) In general -- The Federal Unemployment Tax Act, 26 U.S.C. 3306 is hereby amended to insert two new subsections, (u) and (v), as follows:

"(u) 'Domestic violence' includes 'abuse' committed against an employee or a family member of the employee by --

- (i) a current or former spouse of the employee;
- (ii) a person with whom the employee shares a child in common;
- (iii) a person who is cohabitating with or has cohabitated with the employee as a romantic or intimate partner; or
- (iv) a person from whom the employee would be eligible for protection under the domestic violence, protection order, or family laws of the jurisdiction in which the employee resides or the employer is located.

(v) The term "abuse" includes, but is not limited to--

- (i) physical acts resulting in, or threatening to result in, physical injury;
- (ii) sexual abuse, sexual activity involving a dependent child, or threats of or attempts at sexual abuse;
- (iii) mental abuse, including threats, intimidation, acts designed to induce terror, or restraints on liberty; and
- (iv) deprivation of medical care, housing, food or other necessities of life.

### Section 3. Leave from Employment

(1) In General -- This Act further requires all employers subject to either the federal Family and Medical Leave Act, 29 U.S.C. Secs. 2601 et seq., any state law addressing family, medical, sick or other kind of leave from employment, or an employment benefits program or policy or collective bargaining agreement addressing family, medical, sick or other kind of leave from employment, to provide leave to employees seeking temporary absences from employment to deal with domestic violence and its aftermath, as follows:

(2) Existing Leave Useable for Domestic Violence

Where family, medical, sick or any other kind of leave from employment is available to employees pursuant to either the federal Family and Medical Leave Act, 29 U.S.C. Secs. 2601 et seq., any state

law, or an existing employment benefits program or plan or collective bargaining agreement, employees shall be entitled to use such leave for the purpose of dealing with domestic violence and its aftermath, as defined in subparagraph 4 below.

### (3) Minimum Leave for Domestic Violence

(a) Any employee who is not entitled to leave from employment for the purpose of dealing with domestic violence and its aftermath pursuant to paragraph (2) above, or who has used up his or her available leave pursuant to paragraph (2) above, other than an employee who has taken 12 weeks of leave for the purpose of dealing with domestic violence and its aftermath, shall be entitled to take up to 10 days per year of unpaid leave without penalty, for that purpose.

(b) An employee may elect, or an employer may require the employee to substitute accrued paid leave for any part of the 10 days of unpaid leave provided under paragraph (3)(I) of this Section.

(4) The following activities constitute means of "dealing with domestic violence and its aftermath," which shall render an employee eligible for leave under this Act:

(a) experiencing domestic violence;

(b) ~~seeking medical attention for injuries caused by domestic violence, except for "serious health conditions" where covered by the Family and Medical Leave Act, 29 U.S.C. Sec. 2601 et seq.;~~

(c) seeking legal assistance or remedies, including communicating with the police or an attorney, and/or participating in any legal proceeding related to domestic violence;

(d) attending support groups for victims of domestic violence;

(e) obtaining psychological counseling related to experiences of domestic violence;

(f) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

(g) any other activity necessitated by domestic violence which must be undertaken during hours of employment to avoid the risk of further domestic violence.

### (5) Definitions

For purposes of this Section the term --

(a) "Employer" includes any person subject to either the federal Family and Medical Leave Act, 29 U.S.C. Sec. 2601 et seq., any state law addressing family, medical, sick or any other kind of leave from employment, or any employer granting family, medical, sick or other kind of leave from employment under an employment benefits program or policy or collective bargaining agreement in effect as of the effective date of this Act.

(b) "Employee" refers to any person eligible to receive leave pursuant to the federal Family and Medical Leave Act, 29 U.S.C. Sec. 2601 et seq., any state law addressing medical,

family, sick or other kind of leave from employment or an employment benefits program or policy or collective bargaining agreement in effect as of the effective date of this Act.

(c) Domestic violence has the meaning assigned to such term by Section 2(3) of this Act.

#### **Section 4. Sufficiency of Proof**

(1) In General -- In determining whether an employee meets the requirements set forth in Section 2, paragraph (1) and (3) and Section 3 paragraphs (2), (3) and (4), the employer or claim reviewer may require the employee to provide a statement along with either:

(a) documentation such as police or court records, or other documentation from a shelter worker, attorney, clergy, medical or other professional from whom the employee has sought assistance in dealing with domestic violence; or

(b) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc.

#### **Section 5. Effect on other laws and Employment Benefits**

##### **(1) More protective**

Nothing in this Act or any amendment to this Act shall be construed to supersede any provision of any Federal, State or local law, collective bargaining agreement or other employment benefit program which provides greater unemployment compensation or leave benefits for employed victims of domestic violence than the rights established under this Act or any amendment to this Act.

##### **(2) Less protective**

The rights established for employees under this Act or any amendment made to this Act shall not be diminished by any collective bargaining agreement, any employment benefit program or plan, or any State or local law.

#### **Section 6. Enforcement of Section 3, Leave from Employment**

##### **(1) Federal and Private Employers**

###### **(a) Public Enforcement**

The powers, remedies and procedures set forth in 29 U.S.C. Sec. 2617 (b), (c), (d) and (e) shall be the powers, remedies and procedures provided under this Act for the public enforcement of any alleged violations of Section 3 of this Act against any federal or private employer.

(b) Private Enforcement

The remedies and procedures set forth in 29 U.S.C. Sec. 2617 (a) shall be the remedies and procedures pursuant to which an employee may initiate a legal action against a federal or private employer for alleged violations of Section 3 of this Act.

(2) State Employers

(a) Public Enforcement

The Secretary shall have the powers, remedies and procedures set forth in 29 U.S.C. Sec. 2617 (b), (c), (d) and (e) for the purpose of public enforcement of any alleged violations of Section 3 of this Act against any State employer.

(b) Qui Tam Actions

(i) An employee of a State employer may bring a civil action for a violation of Section 3 of this Act for the employee and for the United States government (a "Qui Tam" action). The action shall be brought in the name of the United States government. The action may be dismissed only if the court and the Secretary give written consent to the dismissal stating their reasons for consenting. The Qui Tam plaintiff may recover damages or injunctive relief to the same extent provided in paragraph (1)(b) above.

(ii) The right provided by paragraph (2)(b)(i) to bring a Qui Tam action shall terminate on the filing of a complaint by the Secretary in an action seeking damages or monetary relief on behalf of the affected employee under Paragraph (2)(a) of this Section, unless that action is dismissed without prejudice on motion of the Secretary.

(3) Employer Liability Under other Laws

Nothing in this Act shall be construed to limit the liability of a private or federal employer to an employee for harm suffered relating to the employee's experience of domestic violence pursuant to any other state or federal law or legal remedy.

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S.L.C.

104TH CONGRESS  
2D SESSION

S. \_\_\_\_\_

## IN THE SENATE OF THE UNITED STATES

Mr. DODD introduced the following bill; which was read twice and referred to  
the Committee on \_\_\_\_\_

**A BILL**

To amend the Family and Medical Leave Act of 1993 to  
apply the Act to a greater percentage of the United  
States workforce and to allow employees to take parental  
involvement leave to participate in or attend ~~certain~~ *their children's*  
*educational and extracurricular activities* ~~school or community activities~~, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 **SECTION 1. COVERAGE OF EMPLOYEES.**

4 Paragraphs (2)(B)(ii) and (4)(A)(i) of section 101 of  
5 the Family and Medical Leave Act of 1993 (29 U.S.C.  
6 2611 (2)(B)(ii) and (4)(A)(i)) are amended by striking  
7 "50" each place it appears and inserting "25".

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1 **SEC. 2. PARENTAL INVOLVEMENT LEAVE.**

2 (a) LEAVE REQUIREMENT.—Section 102(a) of the  
3 Family and Medical Leave Act of 1993 (29 U.S.C.  
4 2612(a)) is amended by adding at the end the following:

5 “(3) ENTITLEMENT TO PARENTAL INVOLVE-  
6 MENT LEAVE.—

7 “(A) IN GENERAL.—Subject to section  
8 103(f), an eligible employee shall be entitled to  
9 a total of 4 hours of leave during any 30-day  
10 period, and a total of 24 hours of leave during  
11 ~~any 12-month period, in addition to leave avail-~~  
12 ~~able under paragraph (1), to participate in or~~  
13 ~~attend an activity that—~~

14 “(i) is sponsored by a school or com-  
15 munity organization; and

16 “(ii) relates to a program of the  
17 school or organization that is attended by  
18 a son or daughter of the employee, *including foster*  
*children.*

19 “(B) DEFINITIONS.—As used in this para-  
20 graph:

21 “(i) COMMUNITY ORGANIZATION.—

22 The term ‘community organization’ means  
23 a private nonprofit organization that is  
24 representative of a community or a signifi-  
25 cant segment of a community and provides  
26 activities for individuals described in sub-

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1 paragraph (A) or (B) of section 101(12),  
2 such as a scouting or sports organization.

3 “(ii) SCHOOL.—The term ‘school’  
4 means an elementary school or secondary  
5 school (as such terms are defined in sec-  
6 tion 14101 of the Elementary and Second-  
7 ary Education Act of 1965 (20 U.S.C.  
8 8801)), a Head Start program assisted  
9 under the Head Start Act (42 U.S.C. 9831  
10 et seq.), and a child care facility licensed  
11 under State law.”

---

12 (b) SCHEDULE.—Section 102(b)(1) of such Act (29  
13 U.S.C. 2612(b)(1)) is amended by inserting after the sec-  
14 ond sentence the following: “Leave under subsection  
15 (a)(3) may be taken intermittently *or on a reduced leave schedule.*”

16 (c) SUBSTITUTION OF PAID LEAVE.—Section  
17 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is  
18 amended by inserting before the period the following: “,  
19 or for leave provided under subsection (a)(3) for any part  
20 of the 24-hour period of such leave under such sub-  
21 section”.

22 (d) NOTICE.—Section 102(e)(1) of such Act (29  
23 U.S.C. 2612(c)(1)) is amended by adding at the end the  
24 following: “In any case in which an employee requests  
25 leave under subsection (a)(3), the employee shall provide

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1 the employer with not less than <sup>7</sup>~~3~~ days' notice, before  
2 the date the leave is to begin, of the employee's intention  
3 to take leave under such subsection."

4 (e) CERTIFICATION.—Section 103 of such Act (29  
5 U.S.C. 2613) is amended by adding at the end the follow-  
6 ing:

7 "(f) CERTIFICATION FOR PARENTAL INVOLVEMENT  
8 LEAVE.—An employer may require that a request for  
9 leave under section 102(a)(3) be supported by a certifi-  
10 cation issued at such time and in such manner as the Sec-  
11 retary may by regulation prescribe."

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12 **SEC. 3. PARENTAL INVOLVEMENT LEAVE FOR CIVIL SERV-**  
13 **ANTS.**

14 (a) LEAVE REQUIREMENT.—Section 6382(a) of title  
15 5, United States Code, is amended by adding at the end  
16 the following:

17 "(3)(A) Subject to section 6383(f), an employee shall  
18 be entitled to a total of 4 hours of leave during any 30-  
19 day period, and a total of 24 hours of leave during any  
20 12-month period, in addition to leave available under para-  
21 graph (1), to participate in or attend an activity that—

22 "(i) is sponsored by a school or community or-  
23 ganization; and

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1           “(ii) relates to a program of the school or orga-  
2           nization that is attended by a son or daughter of the  
3           employee. *including foster children.*

4           “(B) As used in this paragraph:

5           “(i) The term ‘community organization’ means  
6           a private nonprofit organization that is representa-  
7           tive of a community or a significant segment of a  
8           community and provides activities for individuals de-  
9           scribed in subparagraph (A) or (B) of section  
10          6381(6), such as a scouting or sports organization.

~~11          “(ii) The term ‘school’ means an elementary~~  
12          school or secondary school (as such terms are de-  
13          fined in section 14101 of the Elementary and Sec-  
14          ondary Education Act of 1965 (20 U.S.C. 8801)), a  
15          Head Start program assisted under the Head Start  
16          Act (42 U.S.C. 9831 et seq.), and a child care facil-  
17          ity licensed under State law.”.

18          (b) SCHEDULE.—Section 6382(b)(1) of such title is  
19          amended by inserting after the second sentence the follow-  
20          ing: “Leave under subsection (a)(3) may be taken inter-  
21          mittently. *or on a reduced leave schedule.*”

22          (c) SUBSTITUTION OF PAID LEAVE.—Section  
23          6382(d) of such title is amended by inserting before “,  
24          except” the following: “, or for leave provided under sub-  
25          section (a)(3) any of the employee’s accrued or accumu-

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1 lated annual leave under subchapter I for any part of the  
2 24-hour period of such leave under such subsection”.

3 (d) NOTICE.—Section 6382(c)(1) of such title is  
4 amended by adding at the end the following: “In any case  
5 in which an employee requests leave under subsection  
6 (a)(3), the employee shall provide the employing agency  
7 with not less than<sup>7</sup> days’ notice, before the date the  
8 leave is to begin, of the employee’s intention to take leave  
9 under such subsection.”.

10 (c) CERTIFICATION.—Section 6383 of such title is  
11 ~~amended by adding at the end the following:~~

12 “(f) An employing agency may require that a request  
13 for leave under section 6382(a)(3) be supported by a cer-  
14 tification issued at such time and in such manner as the  
15 Office of Personnel Management may by regulation pre-  
16 scribe.”.

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NO.078 P001

6/10/96

(DRAFT...DRAFT...DRAFT)

ECONOMIC EQUITY ACT OF 1996

Reps. Constance A. Morella and Nita M. Lowey

TITLE I -- Workplace FairnessA. Equal Remedies Act (H.R. 96) -- Rep. Barbara Kennelly

Under this legislation, women who are sexually harassed or otherwise discriminated against could be fully compensated for their losses, such as medical bills, lost pay, and emotional suffering that resulted from the harassment. Employees could sue their employers for punitive damages based on the egregiousness of discrimination.

B. Federal Employees Fairness Act (H.R. 2133) Reps. Matthew Martinez and Eleanor Holmes Norton

H.R. 2133 would revise and improve the process for federal employees to file employment discrimination complaints. Employees would have 180 days in which to file a discrimination complaint, and the Equal Opportunity Commission -- rather than the accused agency -- would be required to investigate the complaint within strict time limits. The bill also encourages sanctions to be levied against employees found guilty of discriminatory behavior.

C. Federal Temporary Workers Protection Act (H.R. 1724) -- Rep. Patsy Mink

H.R. 1724 requires that temporary federal workers be eligible for health benefits after working for a total of one year, whether or not a break in service occurred within a two-year period. In addition, the federal government would pay the same share of the premium as it does for permanent employees.

D. Legislative Pay Equity Study (H.R. ) -- Rep. Constance Morella

This bill would establish a bipartisan commission to select a private contractor to conduct a pilot study of the Library of Congress to determine whether workers are being paid according to the work they do, and not according to their sex or race. The commission would then make recommendations for a comprehensive plan to ensure pay equity within the entire legislative branch.

E. The Sexual Harassment Prevention Act (H.R. ) -- Rep. Nita Lowey

The Bill will provide protection from sexual harassment to women not currently protected under Title VII and will provide additional funding for the Equal Employment Opportunities Commission.

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NO. 078 P002

F. The Contingent Workforce Equity Act (H.R. ) -- Rep. Nydia Velazquez

The bill would ensure equal pay and extend occupational health and safety regulations, collective bargaining, health care, pension and unemployment compensation to contingent workers (part-time and temporary).

G. Sexual Harassment (H.R. ) -- Reps. Sheila Jackson-Lee and George Miller

This bill would require the Economic Employment Opportunities Commission (EEOC) to develop and publish materials on sexual harassment and provide such materials to employers free of charge. Employers would be required to post information on sexual harassment and to provide additional information to supervisory employees on their specific responsibilities in addressing sexual harassment complaints.

H. The Sexual Harassment Tax Equity Act of 1996 (H.R. 3530) -- Rep. Zoe Lofgren

~~A bill to amend the Internal Revenue Code of 1986 to provide a deduction for legal expenses of individuals who bring sexual harassment suits against their employers.~~

TITLE II--ECONOMIC OPPORTUNITY

A. Microenterprise Opportunity Expansion Act (H.R. 1019) -- Rep. Cardiss Collins

The Microenterprise Opportunity Expansion Act would assist low-income individuals who wish to establish microenterprises by ensuring that receipt of a microenterprise loan does not bar someone from receiving public assistance payments on the grounds of exceeding the asset limitation. The legislation would provide a one year transition period during which income derived from a microenterprise activity would not be counted toward eligibility for public assistance. The bill would also allow a person to start a microenterprise while they receive unemployment insurance.

B. Telecommunications Economic Opportunity Act of 1995 (H.R. 503) -- Rep. Cardiss Collins

H.R. 503 requires telecommunications providers to submit plans for increasing its procurement from businesses that are owned by women and minorities in all categories of procurement in which women and minorities are underrepresented.

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NO. 078 P003

C. Equity Surety Bond Opportunity Act (H.R. ) -- Del. Eleanor Holmes Norton

The bill would create a list of federally-approved surety agencies and would prohibit such agencies from discriminating against applicants on the basis of race, color, religion, national origin, sex or marital status. The legislation would require surety companies to notify bond applicants, upon request, about the status of their application within a reasonable time period. The bill also would entitle unsuccessful bond applicants to receive, upon request, a written statement of reasons for the denial.

D. Advancement of Women in Science and Engineering Work Forces Act (H.R. )  
-- Rep. Constance A. Morella

This bill would establish a commission to study the recruitment, retention, and advancement of professional women in science and engineering, and to report their findings for action to Congress.

E. Job Training Self-Sufficiency Act (H.R. ) -- Rep. Lynn Woolsey

~~This legislation would establish a self-sufficiency standard for use in measuring performance of federal job training, job creation, and economic development programs. Self-sufficiency would be defined as the activities of a person to meet the basic costs of living, including housing, dependent care, transportation, food, health care and work-related expenses, based on local market prices and taking into account the participants' family size and composition.~~

TITLE III -- WORK AND FAMILY

A. Child Care Public-Partnership Act (H.R. 986) -- Reps. Nita Lowey and Susan Molinari

This bill directs the Secretary of Health and Human Services to establish a business incentive grant program to provide child care through public-private partnerships.

B. Dependent Care Tax Credit Refundability Act (H.R. ) -- Rep. Constance Morella

This legislation would expand the current Dependent Care Tax Credit to offer increased benefits for lower and middle-income families as well as make it refundable to low-income families who owe little or no income tax and would normally be unable to benefit from a tax credit.

C. The Child Care Consolidation and Investment Act of 1996 (H.R. ) -- Rep. Lynn Woolsey

This bill authorizes matching grants to states for child care activities that support low-income working families. It establishes child care quality improvement incentive funds which States can use for innovative teacher training programs and/or improving child care quality

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NO. 078 P004

standards and licensing and monitoring procedures. It also increases funds for before and after school child care services.

D. Tax Incentives for Family-friendly Workplaces (H.R. ) --  
Rep. Lucille Roybal-Allard and Rep. Lynn Wooten ✓

This bill would encourage the development of family-friendly workplaces by small businesses. It provides a tax credit to businesses with fewer than 50 employees who provide family and medical leave benefits, and offers tax incentives to businesses permitting flexible work schedules that enable workers to reduce day care costs.

E. Federal Parental Leave for Education Activities (H.R. ).. Rep.  
Patricia Schroeder

F. IRA Deductions for Homemakers (H.R. 708) -- Rep. Nancy Johnson

This legislation would permit full IRA contributions of \$2,000 by non-working spouses. Under this bill, a non-working spouse could make a deductible IRA contribution, just as working spouses do under current law.

TITLE IV -- ECONOMIC SELF-SUFFICIENCY

A. Child Support Enforcement

(P.)

(H.R. ) -- Rep. Patricia Schroeder X

This legislation corrects deficiencies in the child support enforcement system by requiring states to have uniform statewide rules for child support enforcement and on-line access to data bases. The bill ensures that child support continues until children complete high school and amends the federal bankruptcy code to ensure that support owed to children is paid even when the noncustodial parent declares bankruptcy.

(D.) The Interstate Child support Act of 1996 (H.R. 95) -- Rep. Barbara Kennelly

H.R. 95 improves the interstate enforcement of child support and parentage court orders by implementing recommendations issued by the U.S. Commission on Interstate Child Support enforcement. The bill addresses locating absent parents, establishing child support orders and improving their enforcement and collection, establishing parentage, and enhancing the federal role in child support enforcement.

(E) (H.R. 3362) -- Rep. Caroline Maloney 6

This legislation would protect financial institutions against liability when they provide information to child support enforcement agencies and allows child support enforcement agencies to have access to consumer credit reports when a child support order is being established or changed.

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NO. 078 P005

*7 more to B.*

(d) Child Support Improvement Act of 1996 (H.R. 3465) -- Reps. Nancy Johnson and Barbara Kennelly

This bill attempts to streamline the collection and distribution of child support by keeping track of all support orders registered in states. The legislation establishes uniform laws governing interaction among states in child support matters, and expands the penalties for child support delinquency to include the suspension of driver's professional and occupational licenses for parents willfully not paying their support.

(e) Single Parent Protection Act of 1996 (H.R. 3529) -- Rep. Zoe Lofgren

H.R. 3529 provides a tax credit to the individual entitled to child support equal to the amount of unpaid child support. The bill increases the tax liability by the delinquent parent required to pay such support.

B. Pension Reform Act (H.R. 1048) -- Rep. Barbara Kennelly

H.R. 1048 would address a number of pension issues, including integration, expanded pension coverage, multi-employer vesting, and retirement equity retroactivity.

C. Women's Pension Equity Act of 1996 (H.R. 3511) -- Rep. Nita Lowey

This bill would provide additional pension security for American women by addressing a number of pension issues, including the simplification of various forms, reform of the Civil Service Retirement System, amendments to the military Retirement System, and changes to the Railroad Retirement Board.

D. Social Security Reform (H.R. 3357 - 3361) -- Rep. Nita Lowey

This package of five bills addresses some of the inequities and inadequacies of the social security system. These bills also recognize the changing nature of the American workforce and the increasing role that women are playing in our economy.

E. Former Military Spouses (H.R. ) -- Rep. Patricia Schroeder

would allow all eligible former military spouses to have full access to military retirement benefits by prohibiting military retirees from deducting taxes and personal debts from these benefits.

TITLE V -- ECONOMIC IMPACT OF DOMESTIC VIOLENCE

*for 3584*

A. Workplace Violence Prevention Credit Act (H.R. ) -- Reps. Nita Lowey and Constance Morella

The bill provides a tax credit to employers who adopt workplace safety policies to combat violence against women.

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B. \_\_\_\_\_ (H.R. \_\_\_\_\_) -- Rep. Constance Morella

This bill would prohibit health insurance companies from discrimination against victims of domestic violence.

C. *Fairness to Minority Women's Health Act* (H.R. 3589) -- Rep. Nydia M. Velazquez

~~The bill would maintain benefits for battered immigrant women.~~

*See attached memo.*

D. \_\_\_\_\_ (H.R. \_\_\_\_\_) -- Rep. Lucille Roybal-Allard

This bill would expand the criteria to qualify for unemployment compensation to include battery/domestic abuse.

E. \_\_\_\_\_ (H.R. \_\_\_\_\_) -- Rep. Lucille Roybal-Allard

This bill would allow sick leave to be used for counseling/support groups, legal appointments, and court appearances for battered women, and would prohibit employers from penalizing or firing employees due to work missed because of court appearances.

F. \_\_\_\_\_ (H.R. \_\_\_\_\_) -- Rep. Lucille Roybal-Allard

~~Over-Dead Wellstone~~

This bill expresses the sense of Congress that any welfare reform enacted should not penalize battered women or put them or their children at risk.

G. \_\_\_\_\_ (H.R. \_\_\_\_\_) -- Rep. Nancy Pelosi

This bill would require that Legal Services exclude the income of a battered woman's spouse, in assessing her eligibility for legal aid, if the spouse is the alleged batterer.

HR 3178

**WOMEN'S HEALTH EQUITY ACT OF 1996****TITLE I - Research****A) Breast Cancer Research -- Rep. Nita Lowey**

Authorizes \$575 million for breast cancer research at the National Cancer Institute.

**B) HHS Women Scientists Employment Opportunity Act -- Rep. Louise Slaughter**

Requires the Department of Health and Human Services to establish agency policies relating to the employment of women as scientists.

**C) Women and AIDS Research Initiative Amendments -- Rep. Constance Morella**

Authorizes increased research on women and AIDS at the NIH, including studies on transmission, prevention, microbicides and epidemiology.

~~**D) HR 3001 Women's Cardiovascular Diseases Research and Prevention Act -- Rep. Maxine Waters**~~

Expands, intensifies, and coordinates activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

**E) Osteoporosis and Related Bone Disorders Act -- Rep. Eddie Bernice Johnson**

Authorizes \$62 million to expand and coordinate federal research on osteoporosis.

**F) HR 835 Lupus Research Amendments -- Rep. Carrie Meek**

Authorizes \$20 million in additional funding for research on Lupus at the National Institutes of Health.

**G) HR 1721 Cancer Research and Information Amendments of 1995 -- Rep. Patsy Mink**

Increases ovarian cancer research funds to \$90 million; establishes a Specialized Program of Research Excellence in Ovarian Cancer; provides for a Comprehensive Public and Patient Information Program.

**H) HPV Infection and Cervical Cancer Act of 1996 -- Rep. Rosa DeLauro**

Amends the Public Service Act regarding certain research projects on the prevention and detection of cervical cancer.

**I) HR 2027 Office for Rare Disease Research Act -- Rep. Jan Meyers**

Establishes central office to coordinate the efforts of the various government agencies responsible for rare disease research.

**J) Women's Health Environmental Factors Research Act of 1993 -- Rep. Elizabeth Furse**

Provides research data on the impact of certain environmental factors on women's health.

**K) HR 1311 Federal Risk Assessment in Women's Health -- Rep. Louise Slaughter**

Review of environmental risk assessment policy on women's health, including exposure standards for pollutants and pesticides, and their impact on women's health.

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**L) Consumer Involvement in Breast Cancer Research Act -- Rep. Nita Lowey**

Increases involvement of consumers in breast cancer research decisions.

**M) Women and Alcohol Research Equity Act -- Rep. Constance Morella**

Expands research on women and alcoholism at the National Institute of Alcohol Abuse and Alcoholism.

**TITLE II - Services****A) HR 1736 Women's Health Office Act -- Rep. Constance Morella**

Establish an Office of Women's Health in the Office of the Assistance Secretary of Health, the Centers for Disease Control and Prevention, the Agency for Health Care Policy and Research, the Health Resources and Services Administration and the Office of the FDA Commissioner.

**B) HR 2748 Genetic Information Nondiscrimination in Health Insurance Act of 1995 – Rep. Louise Slaughter**

Prohibits health insurance providers from excluding from coverage those persons who have tested positive for genetic predisposition to a disease, or who's family members have so tested.

**C) Patient Access to Clinical Studies Act – Rep. Nita Lowey**

Prohibits health insurance providers from discriminating against patients in clinical studies.

**D) Equitable Health Care for Neurobiological Disorders Act of 1995 – Rep. Rosa DeLauro**

Requires employer health benefit plans to meet standards relating to the non-discriminating treatment of neurological disorders.

**E) HR 2654 The Victims of Abuse Insurance Protection Act – Reps. Bernard Sanders and Constance Morella**

Provides victims abuse in all states with uniform protection from insurance discrimination.

**F) HR 1201 Insurance Protection for Victims of Domestic Violence – Rep. Constance Morella**

Prohibits health insurance discrimination with respect to victims of domestic violence.

**G) HR 1920 Domestic Violence Victims Insurance Protection Act – Rep. Susan Molinari**

Prohibits health insurers from excluding from coverage those persons who are victims of domestic violence.

**H) The Fairness to Minority Women Health Act – Rep. Nydia Velazquez**

Permits legal immigrants, who are victims of domestic violence to obtain AFDC benefits and food stamps; provides bilingual counseling for women who flee their homes to escape domestic violence; and calls for a study of the effects of domestic violence on Latina women.

**I) Adolescent Health Demonstration Projects – Rep. Cardiss Collins**

Increases access to health care services by providing grants for adolescent health demonstration projects in secondary schools. Requires family participation, local school board approval, and a community advisory board.

J) HR 1688 Eating Disorders Information and Education Act -- Rep. Patricia Schroeder

Establishes a program of providing information and education to the public on the prevention and treatment of eating disorders.

K) HR 1952 Women's Choice and Reproductive Health Protection Act -- Reps. Patricia Schroeder and Nita Lowey

Protects women's reproductive health and constitutional right to choose.

L) HR 641 Women's Right to Know Act -- Rep. Patricia Schroeder

Prohibits government from restricting a health professional's right to give or a woman's right to receive information about reproductive health options, including family planning, prenatal care, adoption and abortion services.

M) HR 2052 International Population Stabilization and Reproductive Health Act -- Reps. Anthony Beilenson and Constance Morella

~~Establishes and strengthens policies and programs for the early stabilization of world population through expanded family planning programs and reproductive choice.~~

N) HR 941 Federal Prohibition of Female Genital Mutilation -- Rep. Patricia Schroeder

Amends title 18, of the US Code, to carry out certain obligations under the International Covenant on Civil and Political Rights by prohibiting the practice of female genital mutilation.

O) Women and HIV Outreach and Prevention Act -- Rep. Constance Morella

Establishes a grant program to provide funds for prevention, education and substance abuse treatment targeted to women at risk for HIV infection.

P) Smoking Prevention in WIC Clinics Act -- Rep. Eddie Bernice Johnson

Establishes demonstration projects at clinics for Women, Infant and Children nutrition program to provide smoking prevention and cessation activities for women.

Q) HR 1649 Comprehensive Fetal Alcohol Syndrome Prevention Act -- Reps. Bill Richardson and Constance Morella

Supports research, training, dissemination of information and other programs with respect to

the cause, prevention and treatment of fetal alcohol syndrome.

**R) Post-Reproductive Health Care Act – Rep. Patricia Schroeder**

Provides grants to family-planning clinics, and other clinics serving low-income women, to offer counseling and services on midlife health issues.

**S) Respite Care – Rep. Nita Lowey**

Provides Medicare funding for respite care to families nursing elderly relatives at home.

**T) Medicare Mammography Enhancement Act of 1996 – Rep. Barbara Kennelly**

Amends the Social Security Act to provide annual screening mammography and waive deductibles and coinsurance for screening mammography under the Medicare program.

**U) HR 2185 Medicare Bone Mass Measurement Coverage Act – Rep. Constance Morella**

Provides Part B Medicare coverage of bone mass measurement for women at risk of osteoporosis.

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**V) National Osteoporosis Resource Center Act – Rep. Lynn Woolsey**

Authorizes \$1.5 million annually to the NORSC for the provision of research and services.

**W) Veteran Women's Health Improvement Act – Rep. Maxine Waters**

Establishes women's health services and research within the Armed Services health system.