

Federal Legislation NOW Activists Support*

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Workplace Equality

Schedules That Work Act

To be reintroduced.

The Schedules That Work Act, previously introduced in the 114th Congress, will be reintroduced soon. The bill seeks to remedy exploitative scheduling practices felt disproportionately by low-income workers. If passed, employees would be able to request a change in their work schedule without risking retaliation, would be given the right to receive that requested change unless there is a legitimate business interest in deciding otherwise, and would be required to receive at least two weeks' notice of upcoming schedules. The bill also outlines protections for workers whose schedules are changed suddenly or who are sent home early from scheduled shifts without compensatory pay. Scheduling practices that fail to take working people's needs into account result in higher rates of turnover and absenteeism and lower employee engagement. In contrast, schedules that work for individuals and their families lead to more productive and committed employees and lower workforce turnover. More consistent hours and advance notice of schedules also make it easier for employees to secure stable child care and arrange transportation so that they can consistently be and stay at work, which can minimize the damaging stress that so many working parents face while creating stability, predictability, and cost savings for businesses. The Schedules That Work Act will promote the health and well-being of America's working families and help build a sustainable economy.

Pay Equity for All Act of 2017

H.R.2418

On May 11th, Representative Eleanor Norton (D-DC) reintroduced the Pay Equity for All Act. The bill seeks to amend the Fair Labor Standards Act of 1938 to make it unlawful for an employer to screen prospective employees based on their previous wages or salary histories, to seek the previous wages or salary history of any prospective employee from any current or former employer, and to retaliate against any current or prospective employee because the employee opposed any act or practice made unlawful by the Act. Many employers depend upon previous wages or salary histories to determine starting pay for new hires, but the practice can contribute to maintaining historical wage inequality if an individual's prior salary was artificially low due to discrimination. The Ninth Circuit Court of Appeals recently ruled that using prior salary to determine new salary is not federally prohibited by any current legislation (*Rizo v. Yovino*). New York, California, Puerto Rico, and a handful of localities have already banned the harmful practice themselves. Clearly, protections must be passed on the federal level to protect employees from this exploitative process.

Working Families Flexibility Act of 2017

H.R.1180, S.801 (a bad bill)

The Working Families Flexibility Act of 2017 was introduced in the House by Representative Martha Roby (R-AL-2) in early February and subsequently passed in May. In April, Senator Mike Lee (R-UT) introduced an identical bill in the Senate; it has been read twice and referred to the Committee on Health,

*We've also included several bad bills that are being pushed by Republicans so that you are aware.

Education, Labor, and Pensions (HELP). The National Partnership for Women and Families has called the Act “an empty promise” as it sets up a false choice between time and money. The bills seek to allow employers to offer comp time instead of time-and-a-half-pay to workers who work more than 40 hours a week. Unfortunately, the legislation places all of its power in the hands of employers, who would be able to deny workers’ time off requests or cash out their saved up comp time with no regard to how workers had been planning to use those hours. Truly family-friendly policies give more power to workers, not less. Policies should be directed towards guaranteeing paid sick days, creating a paid family and medical leave insurance program, expanding the Family and Medical Leave Act, raising the minimum wage, promoting fair pay with policies like those proposed in the Pay Equity for All Act of 2017, and ensuring scheduling practices like those outlined in the Schedules that Work Act of 2017.

Paycheck Fairness Act

H.R.1869, S.819

On April 4th, Equal Pay Day, Representative Rosa DeLauro (D-CT-3) and Senator Patty Murray (D-WA) reintroduced the Paycheck Fairness Act, which would strengthen the Equal Pay Act of 1963. The bills seek to hold employers accountable, end the practice of pay secrecy, ease workers’ abilities to individually or jointly challenge pay discrimination, and elevate the available punitive and compensatory remedies for victims of pay discrimination to the level available to others under federal civil rights legislation. Additionally, the Act would establish a negotiation skills training program for women and girls and provide assistance to business who feel they need help with equal pay practices. Finally, the Paycheck Fairness Act would ensure that the Department of Labor and the Equal Employment Opportunity Commission were better able to fully investigate wage discrimination.

Healthy Families Act

H.R.1516, S.636

On March 16th, Senator Patty Murray (D-WA) and Representative Rosa DeLauro (D-CT-3) reintroduced the Healthy Families Act, an effort to federally mandate paid sick days. If enacted, the legislation would allow workers in certain businesses the ability to earn up to seven, job-protected, paid, sick days each year to recover from their own illnesses, access preventative care, provide care to a sick family member, or attend necessary meetings related to a child’s health condition or disability. Workers in non-qualifying businesses would be allotted seven days of job-protected, *unpaid*, sick days each year for the same purposes. The Act would allow survivors of interpersonal violence to use the protected days to recover or seek assistance related to their victimizations. Paid sick days benefit workers, businesses, and the overall economy. They provide families with economic security, workplaces with safety against contagion, and they decrease unnecessary taxpayer funded healthcare costs incurred from having to work while ill.

Equal Pay Data Collection

In 2016, the Equal Employment Opportunity Commission (EEOC) released an updated EEO-1 reporting form which requires employers to provide employee pay data beginning in March 2018. The addition is meant to improve EEOC investigations into pay discrimination based on gender, race, and ethnicity. The Chamber of Commerce and other business associations, along with Senators Lamar Alexander (R-TN) and Pat Robertson (R-KS), have argued that the new data collection will impose significant paperwork, reporting burdens, and new costs on businesses that will result in few jobs and higher prices. Because of those concerns, opponents believe that the Office of Management and Budget (OMB) should reconsider the rules. Alternatively, the revised EEO-1 Report will encourage employers to proactively implement practices to help prevent pay disparities and to develop a diverse workforce. A diverse workforce and equitable employment practices can confer a wide array of benefits on a company beyond decreased risk of liability, including access to the best talent, increased employee satisfaction and productivity, increased

innovation, an expanded consumer base, and stronger financial performance. Accordingly, there is no basis for the OMB to reopen its review of the revised EEO-1 Report Form.

Social Security

Social Security Caregiver Credit Act of 2017

S.1255

Senator Chris Murphy (D-CT) reintroduced the Social Security Caregiver Credit Act of 2017 in May. The bill seeks to provide earnings credit for caregivers who take unpaid time off of work to tend to dependent relatives. The legislation would add grandparents and siblings to the list of dependent relatives, authorize for the creation of state programs to give medical training to caregivers, and establish the legislation as retroactive for up to five years. Similar bills have been introduced in every Congress for more than a decade but have never become law.

Benefit Adjustment of Social Security Income Compensation (BASIC) Act

To be introduced.

Senator Chris Murphy (D-CT) intends to introduce the Benefit Adjustment of Social Security Income Compensation (BASIC) Act later this summer. The legislation seeks to raise lump sum benefits to 50% of monthly check or \$225, whichever is greater, and to establish that if a beneficiary dies in the middle of the month, their social security check will be determined based on the number of days they lived within that month and then be sent to their estate. The BASIC Act would cost \$1.2 billion to implement.

Protect and Expand Social Security Act

To be introduced.

Senator Sherrod Brown (D-OH) plans to introduce the Protect and Expand Social Security Act in the current Congress. The bill takes clear, decisive steps to protect and improve Social Security (SS) by making it fully solvent for today's seniors, their children, and their grandchildren, and by expanding benefits and cutting taxes for the country's retirees. The legislation seeks to increase benefits for all beneficiaries, improve annual inflation increases, increase benefits for low-wage workers, decrease federal income taxes on SS benefits, establish a caregiver credit, and protect adult children with disabilities. The Protect and Expand Social Security Act would also update SS Insurance (SSI) eligibility requirements, remove the marriage penalty for SSI couples, eliminate dedicated accounts, and conform treatment of state and local government earned income tax credits and child tax credits for SSI. Further, the bill would allow for reallocation of trust funds and provide 75 years of solvency by lifting the payroll cap above \$250k and implementing a 10% Net Investment Income Tax. Finally, the bill would ensure quality customer service by permanently exempting the SS Administration (SSA) from federal hiring freezes, expanding hiring authority for entry-level positions, allowing SSA to expand their current data matching agreements, removing political gridlock from the administrative budget of SSA, and modernizing SSA's internal IT system to better serve the public.

Retirement and Income Security Enhancement (RAISE) Act

S.2293, 114th Congress

In November 2015, Senator Patty Murray (D-WA) introduced the Retirement and Income Security Enhancement (RAISE) Act. The bill was referred to the Committee on Finance and went no further. The RAISE Act set forth a set of commonsense proposals to modernize, enhance, and protect the Social Security system in a fiscally responsible way. The legislation would enhance benefits for divorced spouses, widows, and widowers; extend benefit eligibility for children of retired, disabled, or deceased

workers; ask those who can most afford it to pay their fair share towards strengthening and shoring up the Social Security Trust Fund; and extend the Social Security Trust Fund by one year.

Social Security Disability Insurance and Unemployment Benefits Double Dip Elimination Act

H.R.2031 (a very bad bill)

Representative Sam Johnson (R-TX-3) introduced the Social Security Disability Insurance and Unemployment Benefits Double Dip Elimination Act, legislation that would prevent Social Security Disability Insurance beneficiaries from accessing Unemployment Insurance concurrently. If passed, this Act would require people with disabilities to find work no matter how serious their disability is, clearly condemning many differently abled people to impoverished conditions totally outside of their control.

Social Security 2100 Act

H.R.1902

Representative John Larson (D-CT-1) has introduced the Social Security 2100 Act. The Act would subject earnings above \$400k to payroll taxes, change the benefit formula in a way that boosts benefits for all Social Security beneficiaries by approximately \$65 per month, raise the minimum benefit 125%, combine Old Age and Survivor's Insurance and Social Security Disability Insurance trust funds, raise the threshold on the taxation of benefits, and institute a more accurate Consumer Price Index for the Elderly. On April 7th, the Social Security 2100 Act was referred to the Subcommittee on Health.

Equality in Education

Patsy T. Mink Gender Equity in Education Act

S. 1421

Senator Mazie Hirono (D-HI) intends to reintroduce the Patsy T. Mink Gender Equity in Education Act, an update of the Women's Equity in Education Act originally adopted to help implement Title IX. The bill seeks to provide more resources for schools, school districts, states, and institutions of higher education to ensure that they avoid discrimination on the basis of sex in federally-funded programs and activities. Specifically, the legislation would establish an Office of Gender Equity in the U.S. Department of Education, support Title IX coordinators with annual training, and provide competitive grants to K-12 schools, institutions of higher education, local educational agencies, and states.

Safe Transfer Act

H.R.6523, 114th Congress

In December 2016, Representative Jackie Speier (D-CA-14) introduced the Safe Transfer Act, legislation that sought to amend the Family Educational Rights and Privacy Act of 1974 by prohibiting federal funds for any institution of postsecondary education that fails to disclose to other institutions information related to campus sexual assault on the transcript of a student who has violated the institution's rules or policies with respect to sex offenses or a student who is accused of sex offenses in a pending disciplinary proceeding. The disclosure would terminate five years after a disciplinary proceeding is completed or one year after the initiation of a proceeding if it is still pending. The student who is subject to the disciplinary proceeding must be given the opportunity to write a statement to accompany the disclosure. In the 114th Congress, the Safe Transfer Act was referred to the House Committee on Education and the Workforce and did not proceed any further. There is currently a very similar bill in the Illinois state legislature by the title of HB 0298.

Student Non-Discrimination Act

H.R.846, S.439, 114th Congress

In February 2015, Senator Al Franken (D-MN) and Representative Jared Polic (D-CO-2) introduced the Student Non-Discrimination Act. The legislation sought to prohibit public school students from being subject to discrimination under any federally-assisted educational program on the basis of their actual or perceived sexual orientation or gender identity. The Act considers harassment a form of discrimination, prohibits retaliation against anyone for opposing conduct made unlawful under the Act and authorizes federal departments and agencies to enforce these prohibitions by cutting off the educational assistance of recipients found to be violating them. The legislation authorizes the Attorney General to institute a civil action in any appropriate U.S. district court for a violation of this Act. The Senate version was referred to the Committee on Health, Education, Labor, and Pensions and the House version was referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education. Neither bill proceeded any further.

Equal Rights Amendment

“Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.”

H.J.Res.33, S.J.Res.6

In January, Representative Carolyn Maloney (D-NY-12) introduced a resolution to create an Equal Rights Amendment, officially labeled “proposing an amendment to the Constitution of the United States relative to equal rights for men and women.” The joint resolution, introduced by Senator Robert Menendez (D-NJ) in the Senate, proposes a constitutional amendment declaring that women should have equal rights in the United States and every place subject to its jurisdiction and prohibits the United States or any state from denying or abridging equal rights under the law on account of sex.

“Removing the deadline for the ratification of the equal rights amendment.”

H.J.Res.53, S.J.Res.5

Representative Jackie Speier (D-CA-14) and Senator Ben Cardin (D-MD) have introduced a joint resolution to eliminate the time limit for ratification of the equal rights amendment proposed to the states in House Joint Resolution 208 of the 92nd Congress, as agreed to in the Senate on March 22, 1972. The equal rights amendment should be part of the Constitution whenever ratified by the legislatures of three-fourths of the states.

Healthcare

Expanded & Improved Medicare For All Act

H.R.676

Representative John Conyers (D-MI-13) reintroduced the Expanded & Improved Medicare For All Act in January. The Act would establish the Medicare for All Program to provide those living in the United States and U.S. territories with free healthcare that includes all medically necessary care, such as primary care and prevention, dietary and nutritional therapies, prescription drugs, emergency care, long-term care, mental health services, dental services, and vision care. The Act would draw funding from existing sources of government revenues for healthcare as well as by various tax schemes on income, payroll, and stock and bond transactions. The bill establishes a National Board of Universal Quality and Access to provide advice on quality, access, and affordability. The Indian Health Service must be integrated into the program after five years. Finally, Congress must evaluate the continued independence of Department of Veterans Affairs health programs.

Women’s Health Protection Act
H.R.1322, S.510

Senator Richard Blumenthal (D-CT) and Representative Judy Chu (D-CA-27) have introduced the Women’s Health Protection Act to prohibit states from imposing restrictions on abortion that apply to no similar medical care, that interfere with patient’s personal decision making, and that block access to safe, legal abortion care. The Act would prohibit state and federal politicians from imposing a range of dangerous anti-choice provisions.

Health, Equity, and Access under the Law (HEAL) for Immigrant & Families Act
H.R.1974

On June 6th, Representative Michelle Lujan Grisham (NM-01) reintroduced the Health, Equity and Access under the Law (HEAL) for Immigrant Women & Families Act. The HEAL Act would remove harmful barriers to health coverage for immigrants authorized to work in the United States. Specifically, the bill would enable lawfully present immigrants to access Medicaid and the Children’s Health Insurance Program (CHIP) if they are otherwise eligible and enable all those lawfully present who have been granted deferred action to participate fully in the Affordable Care Act. By allowing these immigrants unencumbered access to healthcare, the HEAL Act would reduce persistent health disparities in immigrant communities, advance the health and economic well being of immigrant women, men, and children, their communities, and the country overall.

Equal Access to Abortion Coverage in Health Insurance (EACH Woman) Act of 2017
H.R.771

The Equal Access to Abortion Coverage in Health Insurance (EACH Woman) Act of 2017 was introduced by Representative Barbara Lee (D-CA-13) in late January. This bill requires the federal government to ensure coverage for abortion care in public health insurance programs including Medicaid, Medicare, and the Children’s Health Insurance Program (CHIP); requires employers and health plan sponsors to ensure coverage for abortion care for participants and beneficiaries; and requires providers of health services to ensure that abortion care is made available to individuals who are eligible to receive services. Further, the bill states that the federal government may not prohibit, restrict, or otherwise inhibit insurance coverage of abortion care by state or local governments or by private health plans. State and local governments may also not prohibit, restrict, or otherwise inhibit insurance coverage of abortion care by private health plans.

Affordable and Safe Prescription Drug Importation Act
S.469

In February, Senator Bernie Sanders (I-VT) introduced the Affordable and Safe Prescription Drug Importation Act, which would help to lower costs of life saving medications. Despite federal restrictions, millions of people import their medications from abroad because they cannot afford prescription prices in the United States. The unregulated nature of the internet makes many people vulnerable to the whims of “rogue” sellers pushing counterfeit or adulterated medications. If passed, the legislation would require the FDA to provide guidance to consumers about finding safe international online pharmacies. Since Congress cannot prevent people from purchasing prescriptions online, it should instead help them to find the safest options.

Senate Health Care bill here, <http://www.kff.org/interactive/proposals-to-replace-the-affordable-care-act/>

LGBTQ Equality
Equality Act
H.R.2282, S.1006

In May, Representative David Cicilline (D-RI-1) and Senator Jeff Merkley (D-OR) introduced the Equality Act to amend the Civil Rights Act of 1964 to include sex, sexual orientation, and gender identity among the prohibited categories of discrimination. Additionally, the Fair Housing Act, the Equal Credit Opportunity Act, the Jury Selection and Services Act, and several laws regarding employment with the federal government would have to provide consistent and explicit non-discrimination protections for LGBTQ people.

Religious Freedom
Do No Harm Act
To be introduced.

Representatives Bobby Scott (D-VA-3) and Joe Kennedy (D-MA-4) intend to reintroduce the Do No Harm Act following the July 4th recess. The Do No Harm Act seeks to ensure that the federal Religious Freedom Restoration Act cannot be used to discriminate or harm others by overriding civil rights protections such as those within nondiscrimination laws, workplace laws regarding wages and compensation, laws protecting children's welfare, laws ensuring access to healthcare, provisions of goods and services under government grants and contracts, or provisions of government services. Additionally, the legislation clarifies that the Right to Religious Freedom Act can only be used in suits in which the government is a party.

Violence Against Women
International Violence Against Women Act
To be reintroduced.

Senator Jeanne Shaheen (D-NH) intends to reintroduce the International Violence Against Women Act (IVAWA) in the current Congress. Over the past few months, Senator Shaheen has been working with the CARE USA's Coalition to End Violence Against Women and Girls Globally to garner bipartisan support. Senator Shaheen and the Coalition report engaging with Senators Marco Rubio (R-FL), Johnny Isakson (R-GA), Susan Collins (R-ME), Bob Menendez (D-NJ), and Ben Cardin (D-MD). The bill seeks to codify the Office of Global Women's Issues and the USAID Senior Coordinator for Gender Equality and Women's Empowerment as well as to require the US to develop a strategy to end global gender-based violence. The Coalition notes that the House version of IVAWA is likely to be introduced by Representative Janice Schakowsky (D-IL-9), who previously introduced IVAWA of 2015 in the 114th Congress.