

## Memorandum NOW Government Relations Report

**TO: National NOW Board Members**

**FROM: Jan Erickson, NOW Government Relations Director and NOW Government Relations Intern Emmalyn K. Brown**

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### Reproductive Justice and Women's Health

#### Title X Domestic Gag Rule

**The administration has reshaped Title X, the nation's program for affordable birth control, to focus on abstinence and natural family planning.** The Trump-Pence administration is illegally trying to dismantle Title X, the nation's only program dedicated to affordable birth control. If they are successful, 4M people could lose affordable birth control. The **Title X Domestic Gag Rule** was published in the federal register on June 1st and public comment deadline is July 31.

This would include a **ban on abortion referrals**. Thus, if a patient voluntarily expresses desire for more information after a pregnancy test, the providers can provide of list of providers to the patient without telling which ones provide abortion service or which does not. **Patients are also given a mandatory referral for prenatal care even if they have expressed they choice of abortion care.** It also includes a preamble of the rule of non-directive options and physical separation requirements. The language of the latter is very specific and very vague at the same time, and could include things like not sharing waiting rooms, websites, telephone lines, while ultimately leaving it to the discretion of the Department of Health and Human Services (DHHS) if a clinic meets the standards. If the agency says it does not, they can deem your application for funding ineligible without any oversight.

**The rule also re-defines the definition of low-income families**, changes primary care referrals language and language of the "broad range of services provided". Language around adolescent patients/treatment of minors has also been changed, and largely reflects existing practices, but goes beyond current requirements in some ways. There is a requirement for reporting of abuse as well as the age of sexual partners to be documented in the medical record. This ultimately leads to the erosion of trust between patient and providers, non-directive counseling options and bars abortion referrals to all Title X providers and affects the entire Title X network.

Again, Title X is the nation's only dedicated family planning safety net program. The program **serves low income, uninsured, LGBT, rural, and young people** across the country and provides vital family planning and preventive care, such as birth control,

cancer screenings, and testing for sexually transmitted infections. The Trump administration's proposed rule is a direct attack on this essential program.

### **International Update**

Relatedly, Trump reinstated and expanded the **global gag rule**, which denies life-saving health care to women in developing countries. The gag rule is in effect in 64 countries.

In a bit of good news, **the 8<sup>th</sup> amendment was repealed in Ireland** this month which criminalized abortion except in preventing certain death.

### **Further Attacks on Abortion access**

**The administration wants to block patients from care at Planned Parenthood health centers.** About two and one half million persons could lose access to birth control, cancer screenings, wellness exams, and more. **Republicans have coordinated with a discredited anti-abortion rights group to call for an investigation of Planned Parenthood**, including 56 lawmakers accusing them of covering up child sexual abuse. **Health and Human Services Sec. Alex Azar** said that he thinks that abusers feel comfortable taking their victims to Planned Parenthood and therefore is requesting an investigation into all Title X recipients. This, of course, is another version of opponents' election year smear of Planned Parenthood.

On the state level, this spring saw the drastic passage of the so-called **Heartbeat Bill in Iowa**, banning abortion later than six weeks into a pregnancy (a near complete ban). Advocates believe that it is likely to be struck down as unconstitutional under *Roe V. Wade*, but it does suggest a scary precedent.

### **Attacks on Our Other Rights**

The Trump-Pence administration **rescinded anti-discrimination protections for LGBTQIA+** persons. Over five percent of LGBTQIA+ persons report having faced discrimination in health care. Additionally, President Trump is rapidly filling the courts with conservative judges whose rulings could restrict our rights and freedoms for generations. A shocking 150 vacancies are in the federal courts, and Donald Trump is filling them at record-breaking speed. As of June 18, 2018, the Senate has confirmed 42 Article III judges, including 1 Associate Justice of the Supreme Court, 21 judges for the in the Court of Appeals and 20 judges for the District Courts.

In the Trump administration's expanded use of the **Religious Exemption**, the **Department of Health and Human Services encourages health care providers to use their personal beliefs to deny patients basic health care.** Reportedly, 61% of people surveyed don't believe health care workers should be allowed to impose their

beliefs on others. The Exemption is available to individuals, schools, universities, clinics, insurance companies and various other entities.

### **Attacks on Sex Ed**

The administration announces plans to shift funding from sex education programs to programs that focus on **abstinence-only programming**. Similarly, Department of Health and Human Services announced a new Deputy Secretary for Population Affairs: Deborah Diane Foley. Foley only have experience in religiously based organizations that promote abstinence only sex ed. She believes that demonstrations of condom use are a form of sexual harassment. **The administration has slashed funding for evidence-based sex education programs and shifts toward abstinence-only programming**. Over 93% of parents say comprehensive sex education in schools is extremely important.

**Members of Congress spoke out against Sec. Azar's policies** (including those of the Sex-Ed Rollback) including Sen. Murray, Sen. Hassan, Rep. DeGette, and Rep. Lee held a press conference prior to Sec. Azar's testimonies to discuss the harms of recent DHHS policies on women's health and rights such as keeping people from getting comprehensive reproductive health care and from going to Planned Parenthood health centers, pushing people towards organizations that promote abstinence or pressure women into marriage instead of helping them get care, the Office of Civil Rights (OCR) discriminatory conscience and religious freedom division, backing the deprivation of young immigrant women of their right to access safe and legal abortion, undermining the Affordable Care Act (ACA), and introducing policy priorities which would remake the teen pregnancy prevention to push ineffective abstinence only until marriage programs,

### **Removal of Information**

Important health care information is quietly being removed from government resources. It is reported that 135 million monthly visits are made to HHS websites — including **HHS.gov, CDC.gov and WomensHealth.gov**

The State Department strips all mention of sexual and reproductive rights from its annual Human Rights report. The administration also removed information about lesbians and bisexual women from its women's health website (WomensHealth.gov).

## **VIOLENCE AGAINST WOMEN**

### **Gun Violence**

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is considering a proposed rule change that effectively bans bump stocks by including conversion pieces in the definition of "machine guns" under the National Firearms Act of 1934. So far

Congress has not acted to regulate bump stocks, despite public outrage over the murders of 58 persons and wounding of 851 persons during a Las Vegas outdoor concert October 1, 2017.

### **VAWA reauthorization**

VAWA, passed in 1994, was the first piece of federal legislation designed to end violence against women. It is required to be reauthorized every five years and was last reauthorized in 2013. VAWA is set to expire in September. The current push to reauthorize the Violence Against Women Act (VAWA) illustrates a tactic of blocking grassroots voices from hearings and the public input that helps define law.

Little action has taken place on VAWA aside from a March 20 Senate Judiciary Committee hearing on reauthorization. Grassroots critics were absent, having been excluded from the formal witness list. The Coalition to End Domestic Violence (CEDV) was excluded, for example, despite repeated attempts to contact committee members, including Chairman Sen. Chuck Grassley (R-Iowa).

While it is likely to be reauthorized, there are concerns about its implementation. White House spokeswoman Sarah Huckabee Sanders claimed that President Trump's new budget fully funds VAWA, but the president notoriously shifts positions. And funds within federal agencies can be easily directed away from VAWA by the president, who has a poor history in dealing with violence against women as an issue. He has nominated a candidate as director of the DOJ Office on Violence Against Women, Shannon Lee Goessling, a Florida attorney who apparently has no background in domestic violence or sexual assault programs. She has previously worked for a conservative legal advocacy organization in Georgia.

Current discussions in Washington over the anticipated reauthorization of the Violence Against Women Act (VAWA) this year raise concerns about whether funding under the Act will adequately cover the programs needed to help women experiencing intimate partner violence. The funds allocated under the 2013 reauthorization—\$465 million—were barely enough to address the scope of the problem and those funds barely addressed all the needs of women under threat of sexual assault or abuse.

While overall rates of domestic violence have dropped by 63 percent since VAWA was passed, still, one in three women will experience some form of abuse by an intimate partner in their life and just under 1,000 women were murdered by an intimate partner in 2015, the latest year in which data were analyzed (Violence Policy Center). Notably, 70 percent of women experience violence will be under the age of 25.

Advocates will have to increase the pressure on Congress for reauthorization of the Violence Against Women Act this year and especially to oppose any decrease in funding that would further undercut critical life-saving programs. Stay tuned for updates.

## **NNEDV Census of DV Programs**

Every year, the National Network to End Domestic Violence conducts a one-day census of the services provided by shelters and the Domestic Violence Hotline. In 2017, the some **72,245 adult and children received help** and support from emergency shelters and transitional housing. In that one day of the Census, 20,352 calls for help were answered by local, state, and national hotline staff and volunteers.

Recently increased federal funding helped 714 domestic violence programs hire a total of 2,025 staff. But, unfortunately, the Census found that on that day 11,441 requests for services could not be met due to a lack of funding.

NNEDV is headed by former NOW national president, Kim Gandy. You can read the report at,

[https://nnedv.org/latest\\_update/domestic-violence-still-counts-nnedvs-12th-annual-national-census/](https://nnedv.org/latest_update/domestic-violence-still-counts-nnedvs-12th-annual-national-census/)

## **DOJ Overrides Battered Immigrant Women's Act**

The Battered Immigrant Women Protection Act of 2000 (VAWA 2000) created new forms of immigration relief for immigrant victims of violent crime ("U" visas) and victims of sexual assault or trafficking ("T" visas). Finally, the **Violence Against Women Act Reauthorization of 2005 expanded these protections** and included some victims of elder abuse. Undocumented immigrants are at great risk of losing whatever protection they had previously under VAWA. Attorney General Jeff Sessions is conducting a broad review to question whether domestic or sexual violence should ever be recognized as persecution that would justify protection in the United States. With approximately 19 million immigrant women and girls in the US, rescinding provisions of VAWA that aid undocumented women would be a mistake.

## **CONSTITUTIONAL EQUALITY**

### **Equal Rights Amendment (ERA) Update**

**An ERA ratification measure was adopted by the Illinois legislature on May 30, by a vote of 72 - 45, leaving just one last state to fully ratify the amendment.** For more about this wonderful news, go to <http://www.equalrightsamendment.org/> You can also see photos there of current NOW leaders active in the ERA ratification effort.

**Delaware** recently amended their state constitution to include an equal rights amendment. In March, a policy that eliminates the presumption that Immigration and

Customs Enforcement (ICE) should not detain pregnant individuals except in extraordinary circumstances and also removes critical reporting requirements regarding the treatment of pregnant individuals in detention was made public.

### **Equal Pay Update**

**New Jersey is the latest state to mandate a comprehensive equal pay law**, as Gov. Phil Murphy (D) signed the **Diane B. Allen Equal Pay Act**. It will become effective July 1<sup>st</sup>. The law is different and stronger than laws in other states because the New Jersey equal pay law will soon extend legal protections beyond gender and provide relief to all classes of employees protected under the state's antidiscrimination law.

**Washington State signed into law legislation with pay equity requirements for employees starting in June.** The new law prohibits pay discrimination based on gender between employees who are “similarly employed,” and prohibits retaliation for certain workplace discussions that ask employees to disclose their wages. The state added a provision to prohibit employers from limiting or depriving career advancement based on gender by not providing access to advancement opportunities or to training.

**An impressive 15 states are implementing new laws in 2018 to bolster pay equity**, including bans on salary history, gender discrimination, retaliation, paid leave, and protections for workers who are victims of domestic violence. Nine additional states have considered passing pay equity-related laws this year.

**Florida and New Hampshire are among the states that have considered pay equity bills** that include bans on disclosure of past salary history for consideration during their 2018 state legislative sessions.

In **Rhode Island**, the state Senate recently passed a Fair Pay Act. It is waiting on approval in the house. However, the legislature will adjourn on June 30th.

### **Medicaid/ACA/Work requirements**

Medicaid, the nation's largest provider of reproductive health coverage, is repeatedly under attack. Thirteen million women could lose health care coverage. HHS Secretary Azar approved Medicaid eligibility restrictions like **work requirements** which would be harmful even for those with federally-qualifying disabilities, the elderly, children, pregnant women. Non-elderly, low-income adults not currently receiving disability benefits who've worked at least 1,000 hours over the year would be subject to the new eligibility requirements. For further information the work requirements and likely impacts, see a recent **Kaiser Family Foundation** report, <https://www.kff.org/medicaid/issue-brief/understanding-the-intersection-of-medicare-and-work/>

The **Trump-Pence administration is trying to eliminate the Affordable Care Act's (ACA) guarantee of no copay birth control**. More than 62 million women are now accessing no co-pay birth control coverage under the ACA..

in April, **Donald Trump issued an Executive Order directing several federal agencies to review government assistance programs** with the purpose of adding or strengthening work requirements for benefits recipients. While the Executive Order does not advance new policy at this time, it is seen as a continuation and expansion of the efforts by the Trump administration and some in Congress to curtail public benefits for low-income persons.

### **Foster Care Prevention Services Help for Children and Families**

Trump signed into law the landmark bipartisan **Family First Prevention Services Act**, as part of the Bipartisan Budget Act. The bill includes reforms to help keep children safe with their families and avoid entering foster care; emphasizes the importance of children growing up in families; and helps ensure children are placed in the most family-like setting appropriate to their needs when foster care is needed. (Of course, this does not necessarily apply to undocumented immigrant children.)

### **Social Inequality**

NOW Foundation signed on to a letter urging House members to reject any “Round Two” tax cuts that might be asked for by the president. **Trump is asking Congress to cut more than \$15 billion from domestic programs**, including roughly \$7 billion from the **Children's Health Insurance Program (CHIP)**. The loss of these dollars will make it harder to provide adequate funding levels for human needs priorities in FY19 and beyond.

**GOOD NEWS! The Balanced Budget Amendment Failed** in the House in April when the House voted down a proposed constitutional amendment that would require Congress to balance the federal budget every year. It failed to receive the votes needed for passage ( $\frac{2}{3}$  majority in both House and Senate). The balanced budget would be disastrous for the nation in that Congress and the administration would lose the ability to regulate the economy in a way that would counter recessions and meet financial needs in an emergency. Of course, it would also harm millions of moderate- and low-income persons because what would likely be massive cuts to programs that help people achieve basic living standards or sustain family economic security.

A **Senate vote set a dangerous precedent for consumer protections** when the Republican majority repealed a 2013 regulation issued by the Consumer Financial and Protection Bureau (CFPB) aimed at preventing racial discrimination in auto lending. The Senate's repeal took place on April 18, and President Trump signed the legislation on May 21. However, the House failed to repeal the CFPB's payday lending rule before the deadline for action expired on May 16.

The Supplemental Nutrition Assistance Program - **SNAP (food stamps) was under attack in the 2018 Farm Bill**. Provisions in the legislation would have taken away or reduced SNAP benefits for many struggling persons, including parents raising kids, people with disabilities, older adults, and people who are working but struggling to get to get by on low wages. Many children would have lost access to free school meals, too. The work provisions are similar to restrictions imposed or threatened in Medicaid, housing, and other programs.

Millions of people across the country face challenges in feeding their families. Many people are just one job loss, one schedule downgrade, or one sickness away from needing SNAP to help feed their families. SNAP is critical in filling this need and is also essential to **women (63 percent of SNAP adult recipients)** and children (44% of SNAP recipients). By a very slim 2-vote margin, House members voted to deny food assistance to 2 million people in 1 million households. The farm bill as passed by the House is painfully ignorant of the realities of low wage work, and will make it harder for low-income working people to make ends meet. Workers in jobs with unpredictable and inadequate hours will be judged to have failed to meet the new “work requirements.” They will become ineligible for the Supplemental Nutrition Assistance Program (SNAP) for at least a year.

### **State Updates**

In recent weeks, several states have taken strides to increase funding for the federal **Child Care and Development Block Grants (CCDBG)**. In **Maryland**, marking a major victory, Governor Larry Hogan (R) signed into law legislation requiring the state to raise child care subsidy reimbursement rates. These increases will help give parents access to quality care and ensure that rates never again fall so low. In **Maine**, the legislature overrode a Governor’s veto to increase rates to the federally recommended 75<sup>th</sup> percentile. Likewise, in **Iowa**, the legislature agreed to increase the provider rates for infants and toddlers to the 75<sup>th</sup> percentile of 2014 market rate for providers who participate in the Quality Rating System. An additional \$3 million was appropriated from the General Fund to address low reimbursement rates for all providers at or below 2014 market rate 50 percentile. Providers will see incremental rate increases.

**Good News!** Four states and D.C. adopted measures related to insurance coverage for contraception. **District of Columbia** and **Washington** state adopted comprehensive legislation that ensure coverage of contraceptive methods and guarantee coverage of a 12-month supply at one time. **Utah** and **District of Columbia** adopted measures allowing pharmacists to prescribe and dispense hormonal contraceptives (pills, rings and patches) without procuring a prescription from a clinician. **Utah** and **New Jersey** have expanded access to publicly funded family planning services.

To address maternal mortality, **Indiana** established a statewide maternal mortality committee and the **District of Columbia** is on track to do the same. **Florida** has

enacted a new law expanding access to care related to postpartum depression and similar measures have been passed in one chamber in the states of **Hawaii, Maryland** and **Missouri**. In **Indiana** and **Idaho**, providers are now mandated to report further abortion complications and **Arizona** has passed similar measures in the lower house.

### **Sexual Harassment in Congress**

The **Congressional Accountability Act of 1995 Reform Act of 2018** (H.R. 4924, Rep. Gregg Harper, R-Miss.) (CAA) was adopted by voice vote in early February; the bill incorporated the #MeToo Congress Act, sponsored by Rep. Jackie Speier (D-Calif.) Harper's bipartisan bill would **end taxpayer-funded settlements in sexual harassment and discrimination cases by members of Congress** and eliminate CAA counseling and mediation requirements before an employee may file a claim with the Office of Compliance (OOC) alleging the violation; require current and former Members of Congress to reimburse the Treasury if an employee receives an award or settlement for the Member's alleged act of discrimination or retaliation; require referral to congressional ethics committees of final disposition of claims alleging CAA violations by Members of Congress and senior staff of employing offices; require non-congressional legislative offices that violate CAA requirements to reimburse the Treasury for resulting award or settlement payments; and extend CAA nondiscrimination requirements and remedies to Library of Congress employees and uncompensated legislative branch interns, detailees, and fellows.

A companion measure, H.Res.724, was passed which will allow the House to immediately **adopt administrative reforms**, including creating an office where employees can seek guidance and counsel on employment issues, as well as requiring Members to certify that no Members Representational Allowance funds are used for any settlements in connection with conduct prohibited under the CAA.

However, Republicans revised the the **Senate version (S.2401) of the Congressional Accountability Act of 1995 Reform Act in secret**, weakening important provisions and bringing it to the floor for vote with less than 24 hours notice. Their version has troubling provisions such as: limiting the role of confidential advisor; authorizing the Ethics Committees to undermine changes in the reimbursement obligation; limiting Members of Congress' reimbursement obligation; codifying the "severe or pervasive" standard and including "unwelcome harassment"; requiring claimants to opt out of mediation and finally, hiding past offenses from public view. These mark significant differences from the House bill.

Senate leaders had previously delayed consideration of the House-passed bill so in March Sen. Kirsten Gillibrand (D-New York) who had introduced the Senate version of #MeToo Congress Act took to the Senate floor 100 days after House passage to protest. She demanded that the Senate take action to address the problem. Gillibrand invoked Senate Rule XIV to bypass the committee deliberation and referral process and

put the House's bill on the Senate calendar. **All 22 female Senators spoke out against sexual harassment in Congress and demanded reform at the time.**

It should also be noted that Senator Gillibrand introduced the S.2141 - Military Justice Improvement Act of 2017, which would amend title 10, United States Code, to reform procedures for determinations on disposition of charges and the convening of courts-martial for certain offenses under the Uniform Code of Military Justice. This independent military prosecutor bill has not yet been adopted, though the Senator has tried mightily over many years to get her bill passed.

## **Immigration**

A federal Judge, Judge Dana Sabraw, issued a preliminary injunction Tuesday at the request of the ACLU that calls for all children affected by the Trump administration's **"zero-tolerance" immigration policy to be reunited with their parents within 30 days.** However, this decision does not address the infinite detention of families or the 'prosecute everyone policy'.

In June, **Attorney General Jeff Sessions reversed a decision granting a woman asylum from domestic violence, setting a very bad precedent.** Women seeking refuge from domestic violence could now be turned away from the U.S. Sessions' decision sets a new bar for the arguably most anti-immigrant administration in modern history. It is not supported by the reality of our immigration system; Sessions is overturning settled law and creating legal precedent based on his political views. His ruling will likely expose thousands of women, children, and LGBTQ asylum seekers to danger or death in their homelands. Despite the Battered Immigrant Women's Act, passed in 2000, as a part of VAWA as discussed above.

The National Latina Institute for Reproductive Health (NLIRH) has condemned both immigration bills set for vote June 27. **The Ryan bill and the Goodlatte bill,** (H.R. 4760 and H.R. 964) which both provide Deferred Action for Childhood Arrivals (DACA) recipients with access to legal immigration protection, contain many hiccups in policy such of indefinitely holding families, ultimately hurting Dreamers and ignoring the child separation policy. Both bills have now failed having gained no support from the Democrats.

With regard to the proposed **Census citizenship question:** on May 18, the Justice Department's Acting Assistant Attorney General for Civil Rights John Gore testified at a House Oversight and Government Reform Committee hearing on plans for the 2020 Census, after failing to appear at a first hearing. It is suggested that Gore was the author of the letter to the Census Bureau requesting the addition of a citizenship question on the 2020 Census -- which many oppose and strongly suggest that this is clearly unconstitutional as Article I, Section 2 requires counting all "persons." The Trump

administration's apparent intention is to weaken certain parts of the country with significant immigrant populations by reducing federal aid.

**The director of the Office of Refugee Resettlement (ORR) has denied every known request for abortion** from young immigrant women in his care; 420 pregnant minors were reported to be in the office's custody. The U.S. House Appropriations Committee passed an amendment in January that could further limit immigrant women's access to abortion care. The Director of the office, Scott Lloyd, has a long history of anti-abortion rights activity.

An amendment to the Department of Homeland Security Appropriations Act, sponsored by Rep. Robert Aderholt (R-Ala), has been introduced twice before in recent years. It would **ban the use of Immigration and Customs Enforcement (ICE) funds to pay for abortion care for detained women**, except in cases of rape, incest, or life endangerment. It would also allow ICE employees to refuse "to perform or facilitate in any way" any abortion.

Another example of this abuse of women in detention is the recent case *Garza v. Azar* in which "Jane Doe," who came to the U.S. without her parents, who abused her in her home country and then found out she was pregnant, immediately requesting an abortion. Instead of providing her access to medical care – as required by law – the government attempted to coerce her to carry her pregnancy to term, at the explicit instruction of head of ORR Director Lloyd. **Lloyd also forced her to endure medically unnecessary ultrasounds, and instructed that she tell her abusive parents in her home country about her pregnancy.** Jane kept asking for abortion access, and eventually, Lloyd prohibited Jane from being transported for any abortion-related appointments. After four weeks of court battles, Jane was finally allowed to obtain her abortion. The Supreme Court ruled the case moot.

## **EDUCATIONAL EQUITY**

### **S. 1421 Patsy T. Mink Gender Equity in Education Act**

Introduced on June 21, the **Patsy T. Mink and Louise M. Slaughter Gender Equity in Education Act of 2018** (H.R. 3828) would require the Department of Education (DoED) to establish an Office for Gender Equity. The legislation is an update of the old Women's Education Equity Act which women's organizations, led by NOW advocacy, pushed Congress to enact when implementation of Title IX in the late 1970s) was not happening. In recent years, the network of Title IX Coordinators intended to aid the application of gender equity measures in educational institutions became seriously frayed.

The **Office for Gender Equity** would support state and local educational agencies, institutions of higher education, and elementary and secondary schools in fully

implementing Title IX of the Education Amendments of 1972 (Title IX); which prohibits discrimination on the basis of sex in federally funded education programs or activities. This bill requires the Department of Education (DoED) to establish an Office for Gender Equity to support state and local educational agencies, institutions of higher education, and elementary and secondary schools in fully implementing title IX. The office may provide grants and perform activities to reduce or prevent discrimination, bias, harassment, or violence based on actual or perceived sex, sexual orientation, gender, gender identity, pregnancy, childbirth, or related medical conditions or stereotypes in all areas of education.

The office must: (1) provide technical assistance and annual training to title IX coordinators, and (2) develop a handbook for conducting self-evaluations of title IX compliance. The training must address "compound discrimination" (defined as discrimination based on sex and other characteristics, including race, ethnicity, national origin, disability status, religion, or age). The office may also award grants to educational entities and partnerships to: train students, teachers, faculty, and personnel; increase campus resources, facilities, and course offerings; support title IX coordinators in performing outreach, advocacy, and education; identify patterns or systemic problems in title IX compliance; strengthen prevention education and awareness programs; conduct campus climate and victimization surveys; identify gender inequities; and improve data collection and reporting of gender equity indicators from academic assessments, civil rights data, campus data, employment data, attendance and absenteeism data, or title IX coordinator-to-student ratios.

Finally, **DoED must coordinate with the Institute of Education Sciences and other federal offices and entities to investigate, identify, and disseminate best practices** to: (1) reduce and prevent sex stereotyping, bias, and discrimination in curricula and educational materials; (2) address sex-based harassment and violence on campuses; (3) develop counseling and career guidance training; (4) mitigate implicit bias in teaching and discipline; and (5) address the needs of students who face compound discrimination.

### **Other legislation to watch:**

The following bills address civil rights and equality:

- **S. 1006, Equality Act (H.R. 2282):** This bill amends the Civil Rights Act of 1964 to include sex, sexual orientation, and gender identity among the prohibited categories of discrimination or segregation in places of public accommodation.

The following bills address sexual education and equality in schools:

- **S. 954, Tyler Clementi Higher Education Anti-Harassment Act,** sponsored by Patty Murray and endorsed by the HRC, would require colleges and universities receiving federal student aid funding to enact an anti-harassment policy, specifically addressing cyber bullying.

- **S. 1653, Real Education for Healthy Youth Act** is bill to provide for the overall health and well-being of young people, including the promotion of lifelong sexual health and healthy relationships. This bill could counter the attacks on sex education and give helpful preventative measures to sexual assault and unsafe relationship.
- **H.R. 5374**, the Student Non-discrimination Act of 2018 is an act to end discrimination based on actual or perceived sexual orientation or gender identity in public schools.

The following bills address sexual violence

- **H. Res. 854**, Affirming a commitment to elevate the voices, leadership, and needs of historically and currently disenfranchised and underserved communities in the effort to end sexual violence and support all survivors of sexual violence, including immigrant survivors, survivors with disabilities, survivors of color, survivors of child sexual abuse, and lesbian, gay, bisexual, and transgender survivors.
- **S.856, The Campus Accountability and Safety Act** addresses further protections for sexual violence survivors on campuses
- **H.R.4030, Title IX Protection Act** amends the Department of Education Organization Act to require recipients of federal financial assistance to comply with specified procedural requirements when responding to sexual harassment and sexual violence to prevent and effectively respond to sexual discrimination as required by title IX of the Education Amendments of 1972.
- **H.R. 4734, Ending Forced Arbitration of Sexual Harassment Act (S.2203)** This bill prohibits a pre-dispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute. The prohibition does not apply to an arbitration provision in a contract between an employer and a labor organization or between labor organizations, subject to limitations.
- **H.R. 4729, Ending Secrecy About Workplace Sexual Harassment** would require annual reporting by employers of the number of settlements with employees regarding claims of discrimination on the basis of sex, including verbal and physical sexual harassment.
- **S.2454, Sunlight in Workplace Harassment Act** was introduced by Sen. Warren and would amend the Securities Exchange Act of 1934 to require disclosure of payments for settlements of disputes regarding sexual abuse and certain types of harassment and discrimination.

The following bills address women's healthcare:

- **H.R. 3443, Birth Control Privacy Act** was introduced by Rep. Suzan DeLebena (D-Wash.) and amends the Public Health Service Act to prohibit wellness programs from sharing with employers personally identifiable information related to employees' use of contraceptives.

- **S.2960 The Access to Infertility Treatment Act** was introduced by Sen. Corey Booker (D-N.J.) and would require health care insurers to cover infertility treatment costs.
- **H.R. 1322 Women’s Health Protection Act** was introduced by Rep. Judy Chu (D-Calif.) and prohibits any government from imposing on abortion services: a requirement that a medical professional perform specific tests or medical procedures or that the same clinician who performs a patient’s abortion also perform additional tests, services or procedures; a limitation on an abortion provider’s ability to prescribe or dispense drugs or provide services via telemedicine; a requirement or limitation concerning the physical plant, equipment, staffing, or hospital transfer arrangements of facilities where abortions are performed, or the credentials, hospital privileges, or status of personnel at those facilities; a requirement that, prior to obtaining an abortion, a patient make medically unnecessary in-person visits to any individual or entity; a limitation on medical training for abortion procedures; a prohibition prior to fetal viability, including a prohibition on a particular abortion procedure; a prohibition after fetal viability when continuation of the pregnancy would pose a risk to the woman’s life or health; a restriction on a woman’s ability to obtain an immediate abortion when a delay would pose a risk to the woman’s health; or a restriction on obtaining an abortion prior to fetal viability based on a woman’s reasons or perceived reasons or that requires her to state her reasons before obtaining an abortion. Additionally, any measure or action that is similar to a requirement or limitation listed above is prohibited if it singles out abortion services or makes abortion services more difficult to access and does not significantly advance women’s health or the safety of abortion services. This would be an important bill for abortion rights.
- **H.R. 4712, Born-Alive Abortion Survivors Protection Act and H.R. 7 No Taxpayer Funding Abortion and Abortion Insurance Full Disclosure Act** both pose serious risks to further challenges in addressing birth control and abortion care in this country. Both have passed the House and are pending in the Senate.
- **S.Res.526** is a resolution expressing the sense of the Senate that politicians should not interfere in the personal health care decisions, and would be a good sense of support for the right to choose going forward.
- **H. Res 818** is a resolution that recognizes the black maternity health crisis and would also help start further dialogues and actions to address the crisis.