

## MEMORANDUM

### National Organization for Women

**To: National Board Members**

**From: Jan Erickson, NOW Government Relations Director\***

**Date: Feb. 19, 2020**

#### **Let's Celebrate – We've Been Waiting for So Long**

We are overjoyed that the House has passed the **Removing the Deadline for the Ratification of the Equal Rights Amendment, H.J.Res.79** on Feb. 13 by a vote of 232-183. Five Republican members voted for the measure. Sponsored by **Rep. Jackie Speier** (D-Calif), H.J. Res. 79 had 224 co-sponsors so its passage was assured.

NOW staff and allies gathered in the House galleries to listen to several hours of debate, during which time the opposing Republican speakers focused on how they believe that the Equal Rights Amendment is all about abortion. Republican speaker after speaker attempted to discount the ERA's value in assuring equal rights under the law for women and men. The Democrats, under the leadership of House Judiciary Chair, **Rep. Jerrold Nadler** (D-New York), spoke to many aspects of women's lives where experience has shown that sex-based discrimination negatively affected their lives and how the ERA would offer protection.

**Speaker Nancy Pelosi** (D-Calif.) made remarks directed to the Republican side of the aisle, chiding them about their opposition to women's equal rights by noting the impact of sex-based discrimination on their wives, their mothers, and their daughters. Our hearts skipped a beat when a Republican member called for a two-thirds vote as H.J. Res. 79, he said, related to a Constitutional amendment when a super-majority vote is required. But the Speaker Pro Tempore ultimately ruled that out of order. The ERA deadline appears in the preface, not in the actual amendment language.

The Republicans several times alluded to **Supreme Court Justice Ruth Bader Ginsberg's** recent comment that ERA advocates should begin the effort again, Justice Ginsberg, speaking at an event at Georgetown University Law School commemorating the 100<sup>th</sup> anniversary of the adoption of the 19<sup>th</sup> Amendment, said, "I would like to see a new beginning." She cited the passage of nearly forty years since the extended

\*NOW Government Relations Intern Maia Brockbank assisted in the preparation of the 2020 NOW Legislative Agenda for this board report.

ratification deadline in 1982 and noted that five states had passed rescission measures. We would disagree with the honorable Justice and note that Article V of the Constitution does not permit rescissions, according to the **Archivist of the United States David Ferriero**. Those states – and there are only four – that rescinded are now recorded as having ratified, according to Ferriero. Nebraska did not rescind, as previously believed.

NOW staff and friends gathered in a reception room in the Capitol Visitor Center to congratulate the members of Congress who took a lead on this legislation. Rep. Jackie Speier was hailed for her determination to recruit a massive group of cosponsors and to bring H.J. Res. 79 to a vote. And many thanks went to **Rep. Carolyn Maloney** (D-New York) who has doggedly pushed for ratification of the ERA since her first term in Congress 28 years ago. Prominent among the organizations which helped to organize support for the so-called “three-state strategy” and the passage of the deadline removal legislation was the ERA Coalition, of which NOW is an active member. Founder and co-president **Jessica Neuwirth**, co-president **Carol Jenkins**, and Director for Outreach and Advocacy **Bettina Hager** are to be thanked for their tireless efforts. This is to not forget to also thank the tens of thousands of NOW members over nearly five decades that worked so very hard for ratification of the Equal Rights Amendment.

**Senate Should Take Up ERA Legislation** - The attention now shifts to the Senate which has steadfastly refused to pass any legislation coming from the House, except for vital appropriations bills. But we have our fingers crossed and we are hearing that Republican leaders may allow a vote, perhaps knowing that they are in trouble with women voters.

Credit should also go to **Sen. Ben Cardin** (D-Md.) who first introduced this legislation more than 10 years. Sen. Cardin’s office then called on NOW and several other-organizations who had worked diligently to ratify the ERA, told us that he wanted to introduce a deadline removal bill, asked for our input on legislative language and requested a comprehensive report on the Equal Rights Amendment from the **Congressional Research Service**. NOW also organized several standing-room-only briefings on the ERA and the several related bills that were introduced, including **Rep. Carolyn Maloney’s** “start-over” bill and Maloney’s second version of ERA language which specifies that women are the ones discriminated against.

Sen. Cardin’s deadline removal legislation is **S.J. Res.6**. currently has 46 cosponsors – 51 votes are needed for passage. NOW activist are encouraged to call their senators, especially Republican members, and urge them to sign on. The only Democrats who have not yet signed on are **Sens. Patrick Leahy** (Vt.) and **Joe Manchin** (W.Va.). Considering that the ERA is supported by an overwhelming majority of the public, including 90 percent of Republicans, it should be an easy decision for Republican senators to become co-sponsors. Republican **Sens. Lisa Murkowski** (Ak.) and **Susan**

**Collins** (Maine)., along with Independents **Angus King** (Maine) and **Bernie Sanders** (Vt.) are co-sponsors.

**DOJ's Attempt to Kill the ERA** - On January 8<sup>th</sup>, the **Department of Justice, Office of Legal Counsel** (OLC) issued an opinion which stated that because the ERA deadline had passed, the amendment has expired. It said, "We conclude that Congress has the constitutional authority to impose a deadline on the ratification of the ERA and, because that deadline has expired, the ERA Resolution is no longer pending before the States," The OLC said that Congress cannot revive a proposed amendment after its deadline has expired – surely a point to be challenged in court, ERA advocates would suggest. The opinion was issued in response to the lawsuit brought by the Attorneys General of three conservative states, **Louisiana, Alabama** and **South Dakota**. The **National Archives and Records Administration** said that it would honor the OLC conclusions. Feminist Majority Foundation founder and president, **Ellie Smeal**, called Archivist Ferriero, who has the statutory authority to certify ratifications, and learned that he will not take action at this time.

The Attorneys General of **Nevada, Illinois** and **Virginia** held a press conference on January 30 to announce their lawsuit defending the three states' ratifications of the ERA. The attorneys general argue that U.S. laws do not give the Archivist the power to decide *whether* to certify an amendment. They contend the archivist's duty to certify the amendment is "mandatory and purely ministerial. There is also a second lawsuit brought by a group of ERA supporters.

To watch the House vote on the ERA: <https://www.c-span.org/video/?469198-1/house-session>

## **National Women's History Museum Finally Established**

After more than 20 years of advocating for a **National Women's History Museum** to be established by federal law, this was finally achieved on Feb. 11. The House voted 374-37 for H.R. 1980 to build the museum on the National Mall. The legislation would establish the museum within the Smithsonian Institution and would create a council that would make recommendations to the **Smithsonian Board of Regents** for the design and planning of the museum, along with identifying a location of the building on or near the Mall. This process was laid out in a set of recommendations by a commission created in 2014 to study the necessity and feasibility of women's history museum.

The bill does not authorize any funding for construction, but the **Congressional Budget Office** has estimated appropriations for the museum would cost \$375 million over ten years, based on a building size of 350,000 square feet.

**Rep. Carolyn Maloney** (D-New York has led the effort to secure the National Women's History Museum since 1998; Republican **Rep. Susan Brooks** (R-Ind.) was co-sponsor of the legislation. A press conference was held to announce the passage of the legislation; NOW president, **Toni Van Pelt**, was one of the invited speakers.

Currently, there is a virtual National Women's History Museum founded by the original backers of the National Women's History Museum at, <https://www.womenshistory.org/>

### **VAWA Reauthorization Still Pending – Please Call Your Senators**

As a counter to Senate Republicans' effort to weaken provisions in the House-passed **Violence Against Women Act Reauthorization Act of 2019**, Sen. Dianne Feinstein (D – Calif.), Senate Judiciary Ranking Member, has introduced her bill, S.2843. A summary from the National Task Force to End Sexual and Domestic Violence, the bill contains the following critical provisions,

#### **S. 2843:**

- Invests in prevention;
- Ends impunity for non-Native perpetrators of sexual assault, child abuse co-occurring with domestic violence, stalking, sex trafficking, and assaults on tribal law enforcement officers on tribal lands;
- Improves enforcement of court orders that require adjudicated domestic abusers to relinquish their firearms;
- Improves access to housing for victims and survivors;
- Protects victims of dating violence from firearm homicide;
- Helps survivors gain and maintain economic independence;
- Updates the federal definition of domestic violence for the purposes of VAWA grants only to acknowledge the full range of abuse victims suffer (does not impact the criminal definition of domestic violence);
- Maintains existing protections for all survivors; and
- Improves the healthcare system's response to domestic violence, sexual assault, dating violence, and stalking.

NOW activists are encouraged to call their Senators and ask them to support S. 2843 and take leadership to bring this bill to a floor vote ASAP. The main number for Congress is 202-224-3121 or, for direct calling information, go to:

[https://www.senate.gov/general/contact\\_information/senators\\_cfm.cfm](https://www.senate.gov/general/contact_information/senators_cfm.cfm)

## **NOW Priority Legislation Moving in the House**

It has been an astounding year of accomplishment in the U.S. House of Representatives with more than 400 pieces of legislation adopted, including dozens of bills that NOW has long supported. And from the dizzying pace of hearings, mark-ups, floor votes and press conferences so far in 2020, it looks like many more of our priority bills will be considered in this democratic-controlled lower chamber. Here is a “short” list of important measures that have passed or are pending and may be taken up this session.

## **NOW 2020 LEGISLATIVE AGENDA**

### **STOPPING VIOLENCE AGAINST WOMEN**

#### **H.R. 1585 Violence Against Women Reauthorization Act of 2019**

Rep. Karen Bass [D-CA]

##### ***Passed House on April 4, 2019***

VAWA was first signed in 1994. Since then it has been reauthorized in 2000, 2005, and 2013. The 2013 Act added many important provisions, including extending some protections to the LGBTQ community and Native Americans. Due to the battle over the reauthorization though, these protections were limited. This is a modest reauthorization bill that includes narrowly focused enhancements that address gaps identified by victims and survivors of domestic and sexual violence and the people who work on the ground with them every day. It reauthorizes 19 VAWA grant programs and expands tribal jurisdiction over non-native perpetrators of sexual violence on tribal lands.

#### **H.R.36 - Combating Sexual Harassment in Science Act of 2019**

Rep. Eddie Bernice Johnson [D-TX-30]

##### ***Passed House on July 23, 2019***

58 percent of individuals in the academic workplace experience sexual harassment, and women are more likely to experience sexual harassment than men. Most individuals also fail to report sexual harassment out of justified fear of retaliation. This bill would call for research on sexual harassment in the scientific, technical, engineering, and mathematics industries. It would create a grant program under the National Science Foundation to award and encourage universities to study this important topic. H.R. 36 passed the House on July 23, 2019. The Senate bill, S. 1067, was introduced on April 8, 2019 by Sen. Kamala Harris [D-CA]

#### **H.R. 507: Put Trafficking Victims First Act of 2019**

Rep. Karen Bass [D-CA-37]

##### ***Passed House on February 7, 2019***

This bill sets forth provisions intended to help assess the prevalence of human trafficking in the United States and improve support for victims of trafficking and service providers. The Department of Justice (DOJ) must work with federal entities and other stakeholders to do the following: establish a working group to improve the collection and analysis of data on the incidence of trafficking, report on efforts to develop methodologies to determine the prevalence of human trafficking, and survey survivors to estimate the prevalence of human trafficking and improve services for victims. DOJ must also report

on efforts to increase restitution to victims of trafficking. Summary by the Congressional Research Service.

### **H.R. 2733/S.227: Savanna's Act**

Sen. Lisa Murkowski [R-AK] and Rep. Norma Torres [D-CA-35]

*Senate bill passed out of Committee in January 2020*

American Indian and Alaska Native women are more likely to experience violence, and sexual violence, than any other racial or ethnic group. This is also the only group of which the US government does not compile statistics on the number of missing and murdered Indian women each year. Tribal police often lack the capability to do this research. This act would clarify the role of local police, and increase communication between tribal, federal, and state police on these cases. It would also start compiling these statistics on missing and murdered women, and require the AG to consult with tribes on all of these proceedings. The bill was passed unanimously in the Senate in 2018 but could not pass the House.

### **H.R.569/S.120 - Zero Tolerance for Domestic Abusers Act of 2019/ Protecting Domestic Violence and Stalking Victims Act of 2019**

Rep. Dingell, Debbie [D-MI-12] and Sen. Klobuchar, Amy [D-MN]

*Introduced January 2019*

Introduced in January 2019, these bills would expand the term 'intimate partner' to include a 'dating partner.' Currently, some domestic abusers can obtain firearms because they were not married to or living with the abused. Half (48.6%) of women killed by intimate partners are killed by dating partners whom they do not live with. This law would change that and close this loophole in order to protect survivors of domestic violence and stalking from gun violence.

### **H.R. 1521/ S. 575 - Ending the Monopoly of Power Over Workplace harassment through Education and Reporting (EMPOWER) Act**

Rep. Lois Frankel [D-FL], and Sen. Kamala Harris [D-CA]

*Introduced in Feb/Mar 2019*

The #MeToo and Times Up movements have created a national conversation around sexual harassment and workplace harassment. This bipartisan bill was introduced towards the end of last Congress in the wake of this movement against sexual harassment. The EMPOWER Act will protect employees from workplace harassment and make it less dangerous for survivors to come forward. The bill would outlaw non-disparagement and non-disclosure agreements in employee contracts, require public companies to disclose settlements, and establish a confidential tip-line for reporting.

### **S.627 - SAFE Act of 2019**

Sen. Patty Murray [D-WA]

*Introduced February 2019*

Over 1 in 3 women experience sexual violence, and 1 in 5 women are survivors of rape. This bill reauthorizes the National Resource Center Grants on Workplace Responses to Assist Survivors of Domestic and Sexual Violence originally created in 1994 VAWA. It also ensures that survivors who need to seek out medical attention and legal services can take safe leave from work and obtain unemployment insurance during this time. It would also prevent survivors from being fired because of harassment by an abuser or because they requested safe leave. Lastly, it would invest in a national awareness campaign on sexual violence.

## **EQUAL RIGHTS AMENDMENT**

### **H.J.Res.38/ S.J.6: Removing the deadline for the ratification of the equal rights amendment\***

Rep. Jackie Speier [D-CA-14] and Sen. Benjamin Cardin [D-MD]

***Passed House Feb. 13, 2020***

This joint resolution eliminates the deadline for the ratification of the Equal Rights Amendment (ERA). The ERA was proposed to the states in the 92nd Congress and agreed to in the Senate in March 1972. The amendment will be part of the Constitution when it is ratified by the legislatures of 3/4 of the states, and there is currently only one state left to go. However, Congress set a deadline for the ratification that has expired and this resolution would end that deadline.

## **CIVIL RIGHTS AND LGBTQIA+ EQUITY**

### **H.R.5/S.788 - Equality Act**

Rep. David Cicilline [D-RI-1] and Sen. Jeff Merkley [D-OR]

***Passed House on May 17, 2019***

The Equality Act seeks to prohibit discrimination on the basis of sex, gender identity, and sexual orientation. It 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.

### **S. 1246: Fair and Equal Housing Act of 2019**

Sen. Tim Kaine [D-VA]

*Introduced April 2019*

The Fair and Equal Housing Act amends the Fair Housing Act to extend its privileges to those who face discrimination as a result of their gender identity or sexual orientation.

## **WOMEN'S ECONOMIC JUSTICE**

### **H.R.7/ S.270 - Paycheck Fairness Act**

Rep. Rosa DeLauro [D-CT-3] and Sen. Patty Murray [D-WA]

***Passed House on March 27, 2019***

On average, women are paid only 80 cents for every man's dollar, and this gap is even wider for women of color when broken down by race. This bill would amend the Fair Labor Standards Act of 1938 to, "provide more effective remedies to victims of discrimination in the payment of wages based on sex, and for other purposes." This would include protecting employees from retaliation when discussing salaries, prohibiting employers from hiring based on salary history, and the creation of a negotiation skills training program for women and girls.

### **HR 1423: FAIR Act – Forced Arbitration Injustice Repeal Act**

Rep. Hank Johnson [D-GA-4]

***Passed House on September 20, 2019***

The FAIR Act would prevent companies from forcing aggrieved workers, consumers, servicemembers, nursing home residents, and small businesses into a secretive, company-controlled, rigged, private arbitration systems. It would also stop corporations from banning consumer and worker class actions. And in line with the views of the vast majority of the American public, Republicans and Democrats alike,<sup>1</sup> the FAIR Act would not ban arbitration but rather stop corporations from forcing it on consumers, workers,

patients, and small businesses who do not want it.

The urgent need for this legislation becomes clearer by the day. Employment discrimination, worker harassment, wage theft, cheating by banks and lenders, price-fixing cartels and other types of systemic corporate misconduct are widespread and growing problems. Forced arbitration clauses and class action bans make it nearly impossible for harmed workers, consumers, patients, service members, and small businesses to seek accountability utilizing the federal and state laws that were enacted to empower and protect them. A hallmark of forced arbitration is that it is private and confidential, ensuring that misconduct stays secret, allowing companies to cover-up and continue discrimination, harassment, fraud and other types of illegal acts. (Summary provided by the advocates for the bill.)

### **H.R. 2694: Pregnant Workers Fairness Act**

Rep. Jerrold Nadler [D-NY-10]

*Passed out of committee in January 2020*

This bill prohibits employment practices that discriminate against making reasonable accommodations for job applicants or employees affected by pregnancy, childbirth, or related medical conditions. Specifically, the bill declares that it is an unlawful employment practice to (1) fail to make reasonable accommodations to known limitations of such job applicants or employees unless the accommodation would impose an undue hardship on an entity's business operation; (2) deny employment opportunities based on the need of the entity to make such reasonable accommodations to an applicant or employee; (3) require such job applicants or employees to accept an accommodation that they do not want, if such accommodation is unnecessary to perform the job; (4) require such employees to take paid or unpaid leave if another reasonable accommodation can be provided to their known limitations; or (5) take adverse action in terms, conditions, or privileges of employment against an employee requesting or using such reasonable accommodations.

The bill sets forth enforcement procedures and remedies under various statutes that cover different types of employees in relation to such unlawful employment practices. The Equal Employment Opportunity Commission must provide examples of reasonable accommodations that shall be provided to affected job applicants or employees unless the employer can demonstrate that doing so would impose an undue hardship. The bill prohibits state immunity under the Eleventh Amendment to the Constitution from an action for a violation of this bill. Summary provided by the Congressional Research Service.

### **H.R.2005 /S.975 - Women's Retirement Protection Act of 2019**

Rep. Lauren Underwood [D-IL-14] and Sen. Patty Murray [D-WA]

*Introduced April 2019*

Women's retirement preparedness lags significantly behind men, and women are 80 percent more likely than men to live in poverty after age 65. Women also make up 2/3 all low-wage work (though men make up the majority of all workers) and are more often to have part-time work without retirement benefits. All of this is further complicated by the pay gap, which women lose around \$403,440 in wages to over a 40-year career. This bill would address some of the challenges that women face with the retirement gap, namely by strengthening consumer protections to safeguard retirement savings, and expanding access to retirement savings plans by changing the participation standards for part-time workers (who are most often women). This bill would also increase access about retirement and savings through grants to community organizations who help provide this information to women and would support survivors of domestic abuse and the

challenges they face with retirement through additional grant programs.

**H.R.2148/S.1082 – BE HEARD in the Workplace Act**

Rep. Katherine Clark [D-MA-5] and Sen. Patty Murray [D-WA]

*Introduced April 2019, 2019*

This bill expands federal anti-harassment protections to all working people and clarifies that Title VII protects against discrimination based on sexual orientation or gender identity. This bill also calls for research on the economic impact of workplace harassment and empowers more workers to come forward by expanding the time allowed to report harassment to civil rights agencies and authorizing grants to support legal assistance for workers who have low incomes. Lastly, this bill eliminates the tipped minimum wage which has historically made tipped wage workers more vulnerable to harassment in the workplace.

**H.R.1185/ S.463 – FAMILY Act**

Rep. Rosa DeLauro [D-CT-3] and Sen. Kirsten Gillibrand [D-NY]

*Introduced February 2019*

Only 17 percent of the workforce has paid family leave through their employers, and less than 40 percent have personal medical leave through an employer-provided short-term disability program (US Bureau of Labor). This bill would create a national family and medical leave insurance program that would guarantee paid leave for 12 weeks to new parents. It would enable workers to earn 66 percent of their monthly wages during that time and would cover all individuals regardless of the workplace, job, or size of the employer. This bill would create a new Office of Paid Family and Medical Leave.

**S. 2317/ H.R. 4126: Social Security Caregiver Credit Act of 2019**

Rep. Nita Lowey [D-NY-17] and Sen. Chris Murphy [D-CT]

*Introduced July 2019.*

This act seeks to amend Title II of the Social Security Act to credit prospective individuals serving as caregivers of dependent relatives with deemed wages for up to five years of such service. Many workers -- mainly women -- leave the paid workforce to care for loved ones which lowers their Social Security benefits. The bill would create a credit that can be collected as a retirement benefit. Title II, the Old Age, Survivors, and Disability Insurance segment of the Social Security Act would be amended to determine entitlement to and the amount of any monthly benefit, including any lump-sum death payment, payable under OASDI on the basis of the wages and self-employment income of any individual. The Act deems such an individual to have been paid a wage (according to a specified formula) during each month during which the individual was engaged for at least 80 hours in providing care to a dependent relative without monetary compensation for up to five years of service. The Social Security Caregiver Credit Act makes this act inapplicable in the case of any monthly benefit or lump-sum death payment if a larger benefit or payment would be payable without its application.

**WOMEN’S HEALTH AND REPRODUCTIVE RIGHTS**

**H.R. 1692/S.758 - Equal Access to Abortion Coverage in Health Insurance (EACH Woman) Act**

Rep. Barbara Lee [D-CA-13] and Sen. Tammy Duckworth, [D-IL]

*Introduced March 2019.*

This bill seeks to overturn the 1976 Hyde Amendment, which put funding bans on abortion coverage for recipients of Medicaid, Medicare, Native Americans, federal

employees, Peace Corps volunteers, etc. 35 states do not cover abortion in their state Medicaid plans

The effects are far-reaching: Most reproductive-age women enrolled in Medicaid who are subject to abortion coverage restrictions are women of color. The EACH Woman Act ensures affordable abortion coverage and care for women (effectively repealing the Hyde Amendment which prevents federal funds being used to provide abortion care). It prohibits states from interfering with abortion care and requires public health insurance to cover abortion.

### **S. 1645/H.R. 2975: Women’s Health Protection Act of 2019**

Rep. Judy Chu [D-CA-27] and Sen. Richard Blumenthal [D-CT]

*Introduced May 2019*

This act counters many common TRAP laws (Targeted Regulation of Abortion Providers) and prohibits any government from imposing them on abortion providers. The Women’s Health Protection Act prohibits requiring that a medical professional perform specific tests or medical procedures, or that a woman must make in-person visits to receive counseling prior to obtaining an abortion. It also bans limitations on an abortion providers’ ability to prescribe drugs via telemedicine and requirements regarding the physicality of abortion locations, equipment, medical training, staffing, hospital privileges, or status of the doctor, facility, or equipment. The act explicitly allows abortion access when the mother’s health is at risk, whether prior to or after fetal viability. The Act also prohibits any restriction on a woman obtaining an abortion based on a woman’s reason or perceived reason that requires her to state her reason before obtaining an abortion.

### **H.R.1784/ S.840 Healthy Families Act**

Rep. Rosa DeLauro [D-CT-3] and Sen. Patty Murray[D-WA]

*Introduced March 2019.*

This bill would expand paid sick leave at all workplaces with over 15 employees, allowing workers to use paid sick leave to use when they are ill, need to care for a sick family member, obtain preventive care, or address the impacts of domestic violence, stalking, or sexual assault. This would amount to seven days of paid sick leave per year for these employees – workplaces with this already in effect would need to make no changes. (Information on this bill from Senator Tim Kaine’s press release)

## **IMMIGRATION REFORM**

### **H.R. 6: American Dream and Promise Act of 2019**

Rep. Lucille Roybal-Allard [D-CA-40]

***Passed House on June 4, 2019***

HR 6 is a sweeping Immigration reform bill that provides provide a path to U.S. citizenship for undocumented youth, people who have or are eligible for Deferred Action for Childhood Arrivals (DACA), people who had or were eligible for temporary protected status (TPS) or people with deferred enforced departure (DED). Courts have temporality blocked termination of these programs, but their status is still at risk.

### **H.R. 3525: U.S. Border Patrol Medical Screening Standards Act**

Rep. Lauren Underwood [D-IL-14]

***Passed House on September 26, 2019***

The bill directs the Department of Homeland Security (DHS) to (1) research and report to Congress new approaches to improve procedures for providing medical screening of individuals interdicted by U.S. Customs and Border Protection between ports of entry

and recommend any necessary corrective actions, and (2) establish an electronic health record system containing the records of individuals in DHS custody that can be accessed by all relevant DHS departments.

### **H.R. 3239: Humanitarian Standards Act for Individuals in Customs and Border Protection Custody**

Rep. Raul Ruiz [D-CA-36]

***Passed the House on July 24, 2019***

This bill imposes requirements and standards related to the care of undocumented immigrants in U.S. Customs and Border Protection (CBP) custody.

CBP shall conduct an initial health screening of each immigrant in custody to identify those with acute conditions and high-risk vulnerabilities and to provide appropriate healthcare. CBP shall conduct the screening within 12 hours of each immigrant's arrival at a CBP facility, and within 6 hours for certain priority individuals such as children, pregnant women, and those with disabilities.

The bill imposes various requirements related to the services, personnel, and infrastructure for providing such screenings, such as providing interpreters, chaperones, and mental health treatment when necessary.

CBP shall ensure detainees have access to drinking water, toilets, sanitation facilities, hygiene products, food, and shelter. The bill imposes certain standards relating to such requirements, such as the minimum amount of drinking water for each detainee and the acceptable temperature range of the shelters.

The Department of Homeland Security (DHS) shall enter into memoranda of understanding with various emergency government relief agencies to address instances when surge capacity is necessary.

The Inspector-General of DHS shall conduct unannounced inspections of ports of entry, border patrol stations, and detention facilities and report the results to Congress. The Government Accountability Office shall assess CBP's management of such facilities, whether CBP and DHS processes are in compliance with this bill's requirements, and the behavior of CBP personnel in carrying out this bill.

DHS shall publicly release on its website, on a quarterly basis, aggregate data on complaints of sexual abuse at CBP facilities.

### **S.648 - Stop Shackling and Detaining Pregnant Women Act**

Sen. Patty Murray [D-WA]

*Introduced March 2019.*

This act would prohibit Immigration and Customs Enforcement (ICE) from detaining pregnant women and would improve their standards of care. Migrant women report being shackled while pregnant at ICE detention centers, sometimes around the stomach. Several women have reported miscarrying due to poor treatment.

### **H.R. 4701: HEAL for Immigrant Women and Families Act of 2019**

Rep. Pramilla Jayapal [D-WA-7]

*Introduced October 2019.*

Nearly half of all immigrant women are of reproductive age, and immigrants disproportionately lack health insurance coverage. In order to combat this challenge, the HEAL for Immigrant Women and Families Act of 2019 expands access to health care services for immigrants by removing legal and policy barriers to health insurance coverage. The bill particularly targets immigrant women with increased access to health care services such as reproductive health, sexual health, and maternal health services. The legislation accomplishes this through amending language in the ACA, CHIP, and

Medicaid.

**S. 1243/ H.R. 2415: Dignity for Detained Immigrants Act of 2019**

Sen. Cory Booker [D-NJ] and Rep. Pramilla Jayapal [D-WA-7]

*Introduced April 2019.*

The Dignity for Detained Immigrants Act of 2019 fights back on the Trump Administration's efforts to indefinitely withhold bail from immigrants seeking asylum. The bill mandates that all immigrants seeking asylum be guaranteed a bond hearing before an immigration judge and pushes the government to offer proof that the immigrant is a legitimate danger to the community. The Dignity for Detained Immigrants Act also advocates for more humane treatment in immigration detention facilities by banning the use of private prisons and county jails for this purpose. It also increases oversight of these facilities and sets standards for the humane treatment of immigrants within them.

**CHILD CARE**

**H.R. 840: Veterans' Access to Child Care Act.**

Rep. Julia Brownley [D-CA-26]

***Passed House on February 8, 2019.***

The Veterans' Access to Child Care Act combats the challenges faced by veterans seeking childcare by requiring VA medical centers to provide childcare for veterans receiving covered healthcare. This works against the significant challenges veterans face to receive child care, which works to dissuade many veterans from accessing medical appointments or receiving necessary medical care. This is particularly relevant to help the 20 veterans that commit suicide every day.

This measure makes permanent a 2011 pilot program created by Congress that has helped over 10,000 children receive care to date. This program has since been reauthorized four times, but with expiration pending.

**H.R. 1560/S.690 - American Family Act of 2019**

Rep. Rosa DeLauro [D-CT-3] and Sen. Michael Bennet [D-CO]

*Introduced March 2019.*

Child poverty is a problem in the United States. 21 percent of all American children live in families with incomes below the federal poverty line. This bill would strengthen the Child Tax Credit (CTC), and would create a Young Child Tax Credit for families with children under 6. This would effectively provide families with \$3,000 per year per child aged six to 18. All families except the highest earners would be eligible for this tax credit. This act would also provide the credit to families without any income, as to not exclude the poorest families.

**S.568 - Child Care for Working Families Act**

Sen. Patty Murray [D-WA]

*Introduced February 2019.*

Childcare costs have increased 25% in the past decade, and in 33 states and DC, costs of infant care exceed the average cost of in-state public college tuition. The Child Care for Working Families Act would ensure that no family under 150% of the state median income pays more than seven percent of their income on child care. It would create a sliding scale payment and would create and support universal pre-school education. The bill would also improve compensation and training for the childcare workforce.

**EDUCATION**

### **H.R. 2574: Equity and Inclusion Enforcement Act**

Rep. Robert Scott [D-VA-3]

*Passed out of committee May 2019.*

The Equity and Inclusion Enforcement Act amends Title VI of the Civil Rights Act of 1964 to restore the right to individual civil actions in cases involving disparate impact. The measure also installs staff, including an Assistant Secretary of Equity and Inclusion, to the Department of Education in order to ensure the full compliance of Title VI. H.R. 2574

### **H.R. 1980: Smithsonian Women's History Museum Act**

Rep. Carolyn Maloney [D-NY-12] Rep. Susan Brooks [R-Ind.]

***Passed House Feb.11, 2020***

H.R. 1980 compels the Smithsonian Institute to implement a comprehensive museum focused on celebrating women's history. Advocates for the museum have been pressing for legislation for about 20 years and a congressionally delegated commission a few years ago concluded that a museum as part of the Smithsonian Institution would be best. The House of Representatives passed funding for the museum in their version of the defense spending bill in 2019, but this provision did not make it into the final budget signed by the President.

### **H.R. 3513/ S. 1964: Patsy T. Mink and Louise M. Slaughter Gender Equity in Education Act of 2019 (GEEA)**

Rep. Doris Matsui [D-CA-6] and Sen. Maizie Hirono [D-HI]

*Introduced June 2019*

In order to help schools implement Title IX requirements, Representative Patsy Mink introduced the Women's Educational Equity Act (WEEA) in 1974 in order to help give schools the resources, funding, and technical assistance they need to fully implement Title IX. Representative Louise Slaughter was a staunch champion for Title IX and equity in education, spearheading these issues throughout her tenure in Congress. Despite the evidence of continuing gender inequities in education, WEEA was never fully funded. Therefore, The Patsy T. Mink and Louise M. Slaughter Gender Equity in Education Act (GEEA) of 2019 seeks to address the need for more resources, training and technical assistance to educational entities in order to ensure compliance with Title IX and prevent and reduce sex discrimination in all areas of education. GEEA builds on the original provisions of WEEA by providing support to schools to comply with Title IX. This bill establishes an Office for Gender Equity in the U.S. Department of Education to coordinate activities within the Department and among other federal agencies. Most importantly, GEEA supports the work of Title IX coordinators by providing the annual training, resources, and technical assistance needed to independently and effectively execute their responsibilities. This bill also authorizes competitive grants to K-12 schools, colleges, local educational agencies, and states to support their gender equity work. Title IX coordinators are a linchpin in addressing gender equity in schools and must have the independence, training, and resources to accurately and effectively execute their responsibilities. Summary provided by advocates of the bill.

*\*Indicates NOW has supported this legislation in previous Congresses*