

106TH CONGRESS
1ST SESSION

H. R. 357

To prevent violence against women, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mr. CONYERS (for himself, Mrs. MORELLA, Ms. ROYBAL-ALLARD, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BALDACCI, Ms. BALDWIN, Mr. BARRETT of Wisconsin, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BOUCHER, Mr. CAPUANO, Ms. CARSON, Mrs. CLAYTON, Mr. CLEMENT, Mr. COSTELLO, Mr. CRAMER, Mr. CUMMINGS, Ms. DEGETTE, Ms. DELAURO, Mr. DELAHUNT, Mr. DEUTSCH, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GILMAN, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HINCHEY, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. LANTOS, Mr. LEACH, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. POMEROY, Mr. RODRIGUEZ, Mr. ROMERO-BARCELÓ, Mr. RUSH, Mr. SANDERS, Mr. SANDLIN, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mrs. THURMAN, Mr. UNDERWOOD, Mr. VENTO, Mr. VISCLOSKY, Ms. WATERS, Mr. WAXMAN, Mr. WEINER, Mr. WEYGAND, Mr. WISE, Ms. WOOLSEY, and Mr. WYNN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Ways and Means, Commerce, Banking and Financial Services, Armed Services, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent violence against women, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Violence Against Women Act of 1999”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—CONTINUING THE COMMITMENT OF THE VIOLENCE
 AGAINST WOMEN ACT

Subtitle A—Law Enforcement and Prosecution Grants To Combat Violence
 Against Women

Sec. 101. Reauthorization.

Sec. 102. Technical amendments.

Sec. 103. State coalition grants.

Subtitle B—National Domestic Violence Hotline

Sec. 111. Reauthorization.

Sec. 112. Technical amendments.

Subtitle C—Battered Women’s Shelters and Services

Sec. 121. Short title.

Sec. 122. Authorization of appropriations for family violence prevention and
 services.

Sec. 123. FVPSA improvements.

Subtitle D—Community Initiatives

Sec. 131. Grants for community initiatives.

Subtitle E—Education and Training for Judges and Court Personnel

Sec. 141. Reauthorization.

Subtitle F—Grants To Encourage Arrest Policies

Sec. 151. Definitions.

Sec. 152. Reauthorization.

Sec. 153. Technical amendment.

Subtitle G—Rural Domestic Violence and Child Abuse Enforcement

- Sec. 161. Reauthorization.
- Sec. 162. Technical amendments.

Subtitle H—National Stalker and Domestic Violence Reduction

- Sec. 171. Technical amendments.
- Sec. 172. Reauthorization.

Subtitle I—Federal Victims' Counselors

- Sec. 181. Reauthorization.

Subtitle J—Education and Prevention Grants To Reduce Sexual Abuse of
Runaway, Homeless, and Street Youth

- Sec. 191. Reauthorization.
- Sec. 192. Dissemination of information.

Subtitle K—Victims of Child Abuse Programs

- Sec. 193. Reauthorization of court-appointed special advocate program.
- Sec. 194. Reauthorization of child abuse training programs for judicial personnel and practitioners.
- Sec. 195. Reauthorization of grants for televised testimony.
- Sec. 196. Dissemination of information.

TITLE II—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

- Sec. 201. Findings.

Subtitle A—Safe Havens for Children

- Sec. 211. Purposes.
- Sec. 212. Grants to provide for supervised visitation centers.

Subtitle B—Violence Against Women Prevention in Schools

- Sec. 221. Grants for violence against women prevention in schools.

Subtitle C—Family Safety

- Sec. 231. Short title.
- Sec. 232. Findings and purposes.
- Sec. 233. Defense to criminal custodial interference or parental abduction charge.
- Sec. 234. Full faith and credit given to child custody determinations.

Subtitle D—Domestic Violence and Children

- Sec. 241. Child custody, child abuse, and victims of domestic violence.

Subtitle E—Child Welfare Worker Training on Domestic Violence and Sexual Assault

- Sec. 251. Child welfare worker training on domestic violence and sexual assault.

Subtitle F—Child Abuse Accountability

- Sec. 261. Short title.

- Sec. 262. Amendments to Title I of the Employee Retirement Income Security Act of 1974.
- Sec. 263. Amendments to the Internal Revenue Code of 1986.
- Sec. 264. Effective date.

TITLE III—SEXUAL ASSAULT PREVENTION

Subtitle A—Rape Prevention Education

- Sec. 301. Transfer of rape prevention and education program.
- Sec. 302. Rape prevention education.

Subtitle B—Standards, Practice, and Training for Sexual Assault Examinations

- Sec. 311. Short title.
- Sec. 312. Standards, practice, and training for sexual assault forensic examinations.

Subtitle C—Violence Against Women Training for Health Professions

- Sec. 331. Short title.
- Sec. 332. Establishment, for certain health professions programs, of provisions regarding domestic violence and sexual assault.

Subtitle D—Prevention of Custodial Sexual Assault by Correctional Staff

- Sec. 341. Short title.
- Sec. 342. Findings.
- Sec. 343. Establishment of prevention program.
- Sec. 344. Prohibited sexual conduct by correctional staff.
- Sec. 345. National sexual contact hotline for prisoners.
- Sec. 346. Definitions.

Subtitle E—Hate Crimes Prevention

- Sec. 351. Short title.
- Sec. 352. Findings.
- Sec. 353. Definition of hate crime.
- Sec. 354. Prohibition of certain acts of violence.
- Sec. 355. Duties of Federal Sentencing Commission.
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- Sec. 357. Authorization for additional personnel to assist State and local law enforcement.

Subtitle F—Rescheduling and Classification of Date-Rape Drugs

- Sec. 361. Reclassification of date-rape drug.
- Sec. 362. Classification of date-rape drugs.

Subtitle G—Access to Safety and Advocacy for Victims of Sexual Assault

- Sec. 371. Purpose.
- Sec. 372. Grants to improve access to the justice system.
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- Sec. 374. Funding.
- Sec. 375. Definitions.

TITLE IV—DOMESTIC VIOLENCE PREVENTION

Subtitle A—Domestic Violence and Sexual Assault Victims’ Housing

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Authorization of appropriations.
- Sec. 404. Use of amounts for housing assistance for victims of domestic violence, stalking, or adult or child sexual assault.
- Sec. 405. Definitions.

Subtitle B—Full Faith and Credit for Protection Orders

- Sec. 411. Full faith and credit for protection orders.
- Sec. 412. Grant program.

Subtitle C—Victims of Abuse Insurance Protection

- Sec. 421. Short title.
- Sec. 422. Definitions.
- Sec. 423. Discriminatory acts prohibited.
- Sec. 424. Insurance protocols for subjects of abuse.
- Sec. 425. Reasons for adverse actions.
- Sec. 426. Life insurance.
- Sec. 427. Subrogation without consent prohibited.
- Sec. 428. Enforcement.
- Sec. 429. Effective date.

Subtitle D—National Summit on Sports and Violence

- Sec. 431. Sense of the Congress that a national summit of sports, political, community, and media leaders should be promptly convened to develop a multifaceted action plan to deter acts of violence, especially domestic violence and sexual assault.

Subtitle E—Keeping Firearms From Intoxicated Persons

- Sec. 441. Prohibition against transfer of a firearm to, and possession of a firearm by, a person who is intoxicated.

Subtitle F—Access to Safety and Advocacy

- Sec. 451. Short title.
- Sec. 452. Purpose.
- Sec. 453. Grants to improve access to the justice system.
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- Sec. 456. Provision of technical assistance and training.
- Sec. 457. Evaluation of access to safety and advocacy grants.
- Sec. 458. Definitions.

Subtitle G—Strengthening Enforcement To Reduce Violence Against Women

- Sec. 461. Amendments to domestic violence and stalking offenses.

Subtitle H—Disclosure Protections

- Sec. 471. Disclosure protections under the child support program.

TITLE V—VIOLENCE AGAINST WOMEN IN THE MILITARY SYSTEM

Subtitle A—Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence

- Sec. 501. Criminal offenses committed outside the United States by persons accompanying the Armed Forces.
- Sec. 502. Records of military justice actions.

Subtitle B—Transitional Compensation for Abused Dependents of Members of the Armed Forces

- Sec. 511. Transitional compensation.

Subtitle C—Confidentiality of Records

- Sec. 521. Confidentiality of records.

TITLE VI—PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDERSERVED COMMUNITIES

Subtitle A—Older Women’s Protection From Violence

- Sec. 601. Short title.
- Sec. 602. Findings.

CHAPTER 1—VIOLENCE AGAINST WOMEN ACT OF 1994

- Sec. 603. Elder abuse, neglect, and exploitation.

CHAPTER 2—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

- Sec. 604. Definitions.
- Sec. 605. Domestic violence services for older individuals.
- Sec. 606. Demonstration grants for community initiatives.

CHAPTER 3—OLDER AMERICANS ACT OF 1965

- Sec. 607. Definitions.
- Sec. 608. Research about the sexual assault of women who are older individuals.
- Sec. 609. State long-term care ombudsman program.
- Sec. 610. Training for health professionals, and other providers of services to older individuals, on screening for elder abuse, neglect, and exploitation.
- Sec. 611. Domestic violence shelters and programs for older individuals.
- Sec. 612. Authorization of appropriations.
- Sec. 613. Community initiatives and outreach.

CHAPTER 4—PUBLIC HEALTH SERVICE ACT

- Sec. 614. Short title.
- Sec. 615. Establishment, for certain health professions programs, of provisions regarding identification and referral for elder abuse and neglect.
- Sec. 616. Area health education centers.
- Sec. 617. Geriatric centers and training.

Subtitle B—Protections Against Violence and Abuse for Women With Disabilities

- Sec. 620. Short title.
- Sec. 621. Findings.
- Sec. 622. Omnibus Crime Control and Safe Streets Act of 1968.
- Sec. 623. Family Violence Prevention and Services Act.
- Sec. 624. Violence Against Women Act.
- Sec. 625. Training programs for social service and health providers.
- Sec. 626. Training for health professionals on screening for abuse of women with disabilities.
- Sec. 627. Research about sexual abuse and violence against women with disabilities.
- Sec. 628. Grants for technical assistance.

Subtitle C—Battered Immigrant Women

- Sec. 630. Findings and purposes.
- Sec. 631. VAWA Restoration Act.
- Sec. 632. Remedying problems with implementation of the Violence Against Women Act's immigration provisions.
- Sec. 633. Waivers and exceptions to inadmissibility for otherwise qualified battered immigrants.
- Sec. 634. Calculation of physical presence in VAWA cancellation of removal and suspension of deportation.
- Sec. 635. Improved access to VAWA immigration protections for battered immigrant women.
- Sec. 636. Improved access to VAWA cancellation of removal.
- Sec. 637. Good moral character determinations.
- Sec. 638. Battered Immigrant Women's Economic Security Act.
- Sec. 639. Access to Legal Services Corporation funds.
- Sec. 640. Violence Against Women Act training for INS officers, immigration judges, and civil and criminal court justice system personnel.
- Sec. 641. Protection for certain victims of crimes against women.

Subtitle D—Conforming Amendments to the Violence Against Women Act

- Sec. 651. Law enforcement and prosecution grants.
- Sec. 652. Family Violence Prevention and Services Act.

TITLE VII—VIOLENCE AGAINST WOMEN AND THE WORKPLACE

- Sec. 701. Findings.

Subtitle A—National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace Grant

- Sec. 711. National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace grant.

Subtitle B—Victims' Employment Rights

- Sec. 721. Short title.
- Sec. 722. Purposes.
- Sec. 723. Definitions.
- Sec. 724. Prohibited discriminatory acts.
- Sec. 725. Enforcement.
- Sec. 726. Attorney's fees.

Subtitle C—Workplace Violence Against Women Prevention Tax Credit

- Sec. 731. Short title.
 Sec. 732. Credit for costs to employers of implementing workplace safety programs to combat violence against women.

Subtitle D—Battered Women’s Employment Protection

- Sec. 741. Short title.
 Sec. 742. Purposes.
 Sec. 743. Unemployment compensation.
 Sec. 744. Entitlement to leave for addressing domestic violence for non-Federal employees.
 Sec. 745. Entitlement to leave for addressing domestic violence for Federal employees.
 Sec. 746. Existing leave usable for domestic violence.
 Sec. 747. Effect on other laws and employment benefits.
 Sec. 748. Effective date.

Subtitle E—Education and Training Grants To Promote Responses to Violence Against Women

- Sec. 751. Education and Training Grants To Promote Appropriate Responses to Violence Against Women.

Subtitle F—Workers’ Compensation

- Sec. 761. Sense of Congress regarding workplace violence against women and workers’ compensation.

TITLE VIII—VIOLENCE AGAINST WOMEN INTERVENTION, PREVENTION, AND EDUCATION RESEARCH

- Sec. 801. Violence against women intervention, prevention, and education research.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

- 3 (1) DOMESTIC VIOLENCE.—The term “domestic
 4 violence” includes acts or threats of violence, not in-
 5 cluding acts of self-defense, committed by a current
 6 or former spouse of the victim, by a person with
 7 whom the victim shares a child in common, by a per-
 8 son who is cohabiting with or has cohabited with the
 9 victim, by a person who is or has been in a continu-
 10 ing social relationship of a romantic or intimate na-
 11 ture with the victim, by a person similarly situated

1 to a spouse of the victim under the domestic or fam-
2 ily violence laws of the jurisdiction, or by any other
3 person against a victim who is protected from that
4 person's acts under the domestic or family violence
5 laws of the jurisdiction.

6 (2) INDIAN COUNTRY.—The term “Indian coun-
7 try” has the same meaning as is given such term by
8 section 1151 of title 18, United States Code.

9 (3) SEXUAL ASSAULT.—The term “sexual as-
10 sault” means any conduct proscribed by chapter
11 109A of title 18, United States Code, whether or not
12 the conduct occurs in the special maritime and terri-
13 torial jurisdiction of the United States or in a Fed-
14 eral prison and includes both assaults committed by
15 offenders who are strangers to the victim and as-
16 saults committed by offenders who are known to the
17 victim or related by blood or marriage to the victim.

18 (4) STALKING.—The term “stalking” means
19 engaging in a course of conduct directed at a spe-
20 cific person that would cause a reasonable person to
21 fear death, sexual assault, or bodily injury to such
22 person or a member of such person's immediate
23 family, when the person engaging in such conduct
24 has knowledge or should have knowledge that the
25 specific person will be placed in reasonable fear of

1 death, sexual assault, or bodily injury to such person
2 or a member of such person’s immediate family and
3 when the conduct induces fear in the specific person
4 of death, sexual assault, or bodily injury to such per-
5 son or a member of such person’s immediate family.

6 **TITLE I—CONTINUING THE COM-**
7 **MITMENT OF THE VIOLENCE**
8 **AGAINST WOMEN ACT**

9 **Subtitle A—Law Enforcement and**
10 **Prosecution Grants To Combat**
11 **Violence Against Women**

12 **SEC. 101. REAUTHORIZATION.**

13 Section 1001(a)(18) of the Omnibus Crime Control
14 and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is
15 amended—

16 (1) by striking “and” at the end of subpara-
17 graph (E);

18 (2) by striking the period at the end of sub-
19 paragraph (F) and inserting “; and”; and

20 (3) by inserting after subparagraph (F) the fol-
21 lowing:

22 “(G) \$185,000,000 for fiscal year 2001;

23 “(H) \$185,000,000 for fiscal year 2002;

24 “(I) \$185,000,000 for fiscal year 2003; and

25 “(J) \$195,000,000 for fiscal year 2004.”.

1 **SEC. 102. TECHNICAL AMENDMENTS.**

2 (a) Section 2002(c)(3) of the Omnibus Crime Control
3 and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(c)(3))
4 is amended to read as follows:

5 “(3) up to 20 percent to be allocated to law en-
6 forcement, up to 20 percent to prosecution grants,
7 at least 35 percent to victims’ services, and at least
8 10 percent to State court systems; and”.

9 (b) Section 2002(e) of the Omnibus Crime Control
10 and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(e))
11 is amended by adding at the end the following new para-
12 graph:

13 “(3) REALLOTMENT OF FUNDS.—

14 “(A) If, at the end of the 9th month of
15 any fiscal year for which funds are appropriated
16 under section 1001(a)(18), the amounts made
17 available are unspent or unobligated, such
18 unspent or unobligated funds shall be reallocated
19 to the current fiscal year recipients in the vic-
20 tim services area pursuant to section
21 2002(c)(3)) proportionate to their original allot-
22 ment for the current fiscal year.

23 “(B) For the first 2 fiscal years following
24 the date of the enactment of the Violence
25 Against Women Act of 1999, the Attorney Gen-
26 eral may waive the qualification requirements of

1 section 2002(c), at the request of the State and
2 with the support of law enforcement, prosecu-
3 tion, and victims' services grantees currently
4 funded under this section, if the reallocation of
5 funds among law enforcement, prosecution, vic-
6 tims' services and State court systems man-
7 dated by this Act adversely impacts victims of
8 sexual assault, domestic violence, and stalking,
9 due to the reduction of funds to programs and
10 services funded under this section in the prior
11 fiscal year.”.

12 (c) Section 2001(b) of the Omnibus Crime Control
13 and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is
14 amended—

15 (1) by striking “and” at the end of paragraph
16 (6); and

17 (2) by redesignating paragraph (7) as para-
18 graph (10) and by inserting after paragraph (6) the
19 following new paragraphs:

20 “(7) developing, enlarging, or strengthening
21 State court programs, including training for State,
22 local, and tribal judges and court personnel, address-
23 ing violent crimes against women, including sexual
24 assault, domestic violence, and stalking;

1 “(8) training of sexual assault forensic nurse
2 examiners in the collection and preservation of evi-
3 dence, analysis, prevention, and providing expert tes-
4 timony and treatment of trauma related to sexual
5 assault; and

6 “(9) supporting the development of sexual as-
7 sault response teams to strengthen the investigation
8 of sexual assaults and coordinate services for victims
9 of sexual assault.”.

10 (d) Section 2002 of Omnibus Crime Control and Safe
11 Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended by
12 redesignating subsections (e), (f), (g), and (h) as sub-
13 sections (f), (g), (h), and (i), respectively, and by inserting
14 after subsection (d) the following:

15 “(e) MONITORING AND COMPLIANCE.—The Attorney
16 General shall deny applications—

17 “(1) that do not meet the requirements set
18 forth in subsections (c) and (d); and

19 “(2) for failure to provide documentation, in-
20 cluding memoranda of understanding, contract, or
21 other document of any collaborative efforts with
22 other agencies or organizations.”.

23 (e) Section 2003(8) of Omnibus Crime Control and
24 Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(8)) is
25 amended by striking “assisting domestic violence or sexual

1 assault victims through the legal process” and inserting
2 “providing advocacy and assistance for victims seeking
3 legal, social, and health care services”, and inserting be-
4 fore the period the following: “, except that such term
5 shall not include programs or activities that are targeted
6 primarily for offenders”.

7 (f) Section 2002(b)(1) of the Omnibus Crime Control
8 and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(b)(1))
9 is amended by striking “4 percent” and inserting “5 per-
10 cent”.

11 (g) Section 2005(b)(3) of the Omnibus Crime Control
12 and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4(b)(3))
13 is amended—

14 (1) by striking “and” at the end of subpara-
15 graph (C);

16 (2) by striking the period at the end of sub-
17 paragraph (D) and inserting “; and”; and

18 (3) by inserting after subparagraph (D) the fol-
19 lowing:

20 “(E) the reimbursement is not contingent
21 upon the victim’s report of the sexual assault to
22 law enforcement or upon the victim’s coopera-
23 tion in the prosecution of the sexual assault.”.

24 (h) Section 2006(a)(1) of the Omnibus Crime Control
25 and Safe Streets Act of 1968 (42 U.S.C. 3796gg-5(a)(1))

1 is amended by inserting “civil or criminal” before “protec-
2 tion order”.

3 **SEC. 103. STATE COALITION GRANTS.**

4 Section 2001 of the Omnibus Crime Control and Safe
5 Streets Act of 1968 (42 U.S.C. 3796gg) is amended by
6 inserting after subsection (b) the following new subsection:

7 “(c)(1) PURPOSE.—The Attorney General shall make
8 grants to each of the State domestic violence and sexual
9 assault coalitions in the State for the purposes of coordi-
10 nating State victim services activities, and collaborating
11 and coordinating with Federal, State, and local entities
12 engaged in violence against women activities. In no case
13 will such awards preclude the State domestic violence and
14 sexual assault coalitions from receiving grants under this
15 part T to fulfill the purposes described in subsections (a)
16 and (b).

17 “(2) GRANTS TO COALITIONS.—Five percent of the
18 funds appropriated for a fiscal year under section
19 1001(a)(18) shall be made available for grants to domestic
20 violence and sexual assault coalitions for the purposes de-
21 scribed in paragraph (1).

22 “(3) GEOGRAPHICAL ALLOTMENT.—

23 “(A) AMOUNT.—The domestic violence and sex-
24 ual assault coalition in each State, the District of
25 Columbia, the Commonwealth of Puerto Rico, and

1 the combined United States Territories shall each
2 receive an amount equal to $\frac{1}{54}$ of the amount made
3 available under paragraph (2). The combined United
4 States Territories shall not receive less than 1.5 per-
5 cent of the funds made available under paragraph
6 (2) for each fiscal year and the tribal domestic vio-
7 lence and sexual assault coalitions shall not receive
8 less than 1.5 percent of the funds made available
9 under paragraph (2) for each fiscal year.

10 “(B) DEFINITION.—For the purposes of this
11 section, the term ‘combined United States Terri-
12 tories’ means Guam, American Samoa, the United
13 States Virgin Islands, the Northern Mariana Is-
14 lands, and the Trust Territory of the Pacific Islands.

15 “(C) INDIANS.— $\frac{1}{54}$ of the amount appro-
16 priated shall be made available for development and
17 operation of nonprofit nongovernmental tribal do-
18 mestic violence and sexual assault coalitions in In-
19 dian country. The term “Indian country” has the
20 same meaning as is given such term by section 1151
21 of title 18, United States Code.

22 “(4) DISBURSEMENT OF GEOGRAPHICAL ALLOT-
23 MENTS.—Fifty percent of the $\frac{1}{54}$ allotted to each State,
24 the District of Columbia, Commonwealth of Puerto Rico,
25 the combined United States Territories, and Indian coun-

1 try under paragraph (3) shall be made available to the
2 domestic violence coalition as defined in the Family Violence
3 Prevention and Services Act (42 U.S.C. 10410 et
4 seq.) and fifty percent shall be made available to the sexual
5 assault coalition as defined under the Public Health
6 Service Act; and

7 “(5) COMPONENT ELIGIBILITY.—In the case of combined
8 domestic violence and sexual assault coalitions, each
9 component shall be deemed eligible for the awards for sexual
10 assault and domestic violence activities, respectively.”.

11 **Subtitle B—National Domestic** 12 **Violence Hotline**

13 **SEC. 111. REAUTHORIZATION.**

14 Section 316(f)(1) of the Family Violence Prevention
15 and Services Act (42 U.S.C. 10416(f)(1)) is amended to
16 read as follows:

17 “(1) IN GENERAL.—There are authorized to be
18 appropriated to carry out the purposes of this
19 section—

20 “(A) \$1,600,000 for fiscal year 2000;

21 “(B) \$1,800,000 for fiscal year 2001;

22 “(C) \$2,000,000 for fiscal year 2002;

23 “(D) \$2,000,000 for fiscal year 2003; and

24 “(E) \$2,000,000 for fiscal year 2004.”.

1 **SEC. 112. TECHNICAL AMENDMENTS.**

2 Section 316 of the Family Violence Prevention and
3 Services Act (42 U.S.C. 10416) is amended by redesignat-
4 ing subsection (f) as subsection (g) and by inserting after
5 subsection (e) the following:

6 “(f) Within 90 days after the date of the enactment
7 of the Violence Against Women Act of 1999, all entities
8 receiving funds pursuant to activities under subsection (a)
9 shall prepare and submit a report to the Secretary that
10 evaluates the effectiveness of the use of amounts received
11 under such grants by such grantee and containing such
12 other information as the Secretary may prescribe. The
13 Secretary shall publish any such reports and provide at
14 least 90 days for notice and opportunity for public com-
15 ment prior to awarding or renewing any such grants.”.

16 **Subtitle C—Battered Women’s**
17 **Shelters and Services**

18 **SEC. 121. SHORT TITLE.**

19 This subtitle may be cited as the “Battered Women’s
20 Shelters and Services Act”.

21 **SEC. 122. AUTHORIZATION OF APPROPRIATIONS FOR FAM-**
22 **ILY VIOLENCE PREVENTION AND SERVICES.**

23 Section 310(a) of the Family Violence Prevention and
24 Services Act (42 U.S.C. 10409(a)) is amended to read as
25 follows:

1 “(a) IN GENERAL.—There are authorized to be ap-
2 propriated to carry out this title—

3 “(1) \$120,000,000 for fiscal year 2000;

4 “(2) \$160,000,000 for fiscal year 2001;

5 “(3) \$200,000,000 for fiscal year 2002;

6 “(4) \$260,000,000 for fiscal year 2003; and

7 “(5) \$260,000,000 for fiscal year 2004.”.

8 **SEC. 123. FVPSA IMPROVEMENTS.**

9 (a) Section 304(a) of the Family Violence Prevention
10 and Services Act (42 U.S.C. 10403(a)) is amended—

11 (1) by inserting after “grant authorized under
12 section 303(a)” the following: “\$500,000, with the
13 remaining funds to be allotted to each State in”;

14 (2) by striking paragraph (1), by striking the
15 dash preceding paragraph (1), by striking “(2)”,
16 and by running in the text of paragraph (2) after
17 “except that”;

18 (3) by striking the last sentence.

19 (b) Section 304(d) of the Family Violence Prevention
20 and Services Act (42 U.S.C. 10403(d)) is amended—

21 (1) by inserting after “to such State in grants
22 under section 303(a)” the following: “or Indian tribe
23 or tribal organization under section 303(b)”;

1 (2) by inserting after “failure of such State”
2 the following: “or Indian tribe or tribal organization,
3 or other entity”;

4 (3) by inserting after “such amount to States”
5 the following: “and Indian tribes and tribal organi-
6 zations”;

7 (4) by inserting after “which meet such require-
8 ments” the following: “proportionate to the original
9 allocation made under subsection (a) or (b) of sec-
10 tion 303, respectively”; and

11 (5) by redesignating paragraph (2) as para-
12 graph (3) and adding after paragraph (1) the follow-
13 ing:

14 “(2) If, at the end of the sixth month of any fiscal
15 year for which sums are appropriated under section 310,
16 the amount allotted to an entity has not been made avail-
17 able to such entity in grants under sections 308 and 311
18 because of the failure of such entity to meet the require-
19 ments for a grant or because the limitation on expenditure
20 has been reached, then the Secretary shall reallocate such
21 amount to States and Indian tribes and tribal organiza-
22 tions that meet such requirements proportionate to the
23 original allocation under subsection (a) or (b) of section
24 303, respectively.”

1 (c) Section 308(a)(2) of the Family Violence Preven-
2 tion and Services Act (42 U.S.C. 10407(a)(2)) is amended
3 by adding “on providing training and technical assistance”
4 after “focusing”, and by adding at the end the following:
5 “The Secretary may award grants to nonprofit, non-
6 governmental organizations for technical assistance and
7 training initiatives on the subjects identified in subsection
8 (c) if such initiatives do not duplicate the work of the enti-
9 ties funded under subsection (c) and the total amounts
10 awarded for such initiatives do not exceed \$500,000.”

11 (d) Section 308(c) of the Family Violence Prevention
12 and Services Act (42 U.S.C. 10407(c)) is amended by add-
13 ing “on emerging issues in domestic violence service, pre-
14 vention, or law and” after “service providers, and”, by
15 striking “domestic violence service, prevention, or law”
16 after “following areas”, and by adding after paragraph (7)
17 the following:

18 “(8) Providing technical assistance and training
19 to local domestic violence programs that provide
20 shelter or related assistance.

21 “(9) Improving access to services, information,
22 and training within Indian tribes and tribal organi-
23 zations.

24 “(10) Responding to emerging issues in the
25 field of domestic violence that the Secretary may

1 identify in consultation with advocates representing
2 local programs providing shelter or related assist-
3 ance, State domestic violence coalitions, and national
4 domestic violence organizations.

5 “(11) Nothing in this section shall prohibit the
6 Secretary from making multiple grants to any non-
7 profit, nongovernmental entity to fulfill the purposes
8 of this section.”.

9 (e) Section 309(1)(B) of the Family Violence Preven-
10 tion and Services Act (42 U.S.C. 10408(1)(B)) is amend-
11 ed by inserting “, with whom such person is or has been
12 in a continuing social relationship of a romantic or inti-
13 mate nature,” before “or with whom”.

14 (f) Section 309 of such Act (42 U.S.C. 10408) is
15 amended by adding at the end the following:

16 “(7) The term ‘Indian country’ has the same
17 meaning as is given such term by section 1151 of
18 title 18, United States Code.”.

19 (g) Section 310(c) of the Family Violence Prevention
20 and Services Act (42 U.S.C. 10409(c)) is amended by add-
21 ing after “for each fiscal year,” the following: “the lesser
22 of \$7,500,000 or”.

23 (h) Section 310(d) of the Family Violence Prevention
24 and Services Act (42 U.S.C. 10409(d)) is amended by
25 striking “not less than” and inserting “the lesser of

1 \$22,000,000 or” and by adding at the end the following:
2 “At such time as the appropriation under this subsection
3 exceeds \$11,000,000, the Secretary shall designate that
4 of the amounts appropriated under this subsection up to
5 20 percent of such funds shall be made available in the
6 amounts necessary to State domestic violence coalitions
7 for the specific purpose of providing technical assistance
8 and training and direct assistance in the following areas
9 or other priorities that may be determined by the Sec-
10 retary in consultation with State domestic violence coali-
11 tions and programs that provide shelter or related assist-
12 ance:

13 “(1) MODEL LEADERSHIP GRANTS FOR DOMES-
14 TIC VIOLENCE INTERVENTION IN UNDERSERVED
15 COMMUNITIES.—The Secretary shall award grants of
16 up to 3 years to not more than 10 State and tribal
17 domestic violence coalitions and not more than 10
18 local domestic violence programs providing shelter or
19 related assistance to develop model strategies to ad-
20 dress domestic violence in underserved populations
21 as defined in section 2003(7) of the Omnibus Crime
22 Control and Safe Streets Act of 1968 (42 U.S.C.
23 3796gg–2(7)). Such grants shall be made to assess
24 the needs of underserved populations in the State or
25 Indian country; build collaborative relationships with

1 community-based organizations serving underserved
2 populations; and develop and implement model com-
3 munity intervention strategies to decrease the inci-
4 dence of domestic violence in underserved popu-
5 lations.

6 “(A) ELIGIBILITY.—To be eligible for a 1-
7 year model leadership grant under this para-
8 graph, an applicant shall demonstrate—

9 “(i) a plan for assessing the needs of
10 underserved populations and identifying a
11 specific population for development of an
12 intervention strategy in the year of the
13 grant; and

14 “(ii) inclusion of representatives from
15 community-based organizations in under-
16 served communities in planning, designing,
17 and disseminating the needs assessment
18 instruments.

19 “(B) ELIGIBILITY FOR CONTINUED FUND-
20 ING.—To be eligible for continued funding of
21 up to 2 additional years, an applicant shall
22 provide—

23 “(i) a plan for implementing the
24 model strategies which includes collabo-
25 rative partnerships with community-based

1 organizations within the underserved popu-
2 lations identified; and

3 “(ii) a plan for disseminating the
4 model strategy throughout the State or In-
5 dian country, or to other States during
6 year 3 of the grant.

7 “(C) PRIORITY FOR COLLABORATIVE
8 FUNDING.—In awarding grants under this sec-
9 tion, the Secretary shall give preference to
10 State and tribal domestic violence coalitions and
11 local domestic violence shelters and programs
12 that submit applications in collaboration with
13 community-based organizations serving under-
14 served populations. A grant may not be made
15 under this subsection in an amount less than
16 \$100,000 for each fiscal year.

17 “(2) DIRECT EMERGENCY ASSISTANCE TO VIC-
18 TIMS OF DOMESTIC VIOLENCE.—

19 “(A) IN GENERAL.—The Secretary shall
20 award grants to each State and tribal domestic
21 violence coalition for the purpose of administer-
22 ing an emergency assistance fund for victims of
23 domestic violence. Funds received under this
24 paragraph may be used only to provide emer-
25 gency assistance directly to victims of domestic

1 violence who are in the process of fleeing an
2 abusive situation. Emergency assistance shall
3 include transportation, housing, and other ex-
4 penses associated with relocation. Funds shall
5 be requested by domestic violence shelters and
6 programs on behalf of victims.

7 “(B) APPLICATION.—Prior to receipt of
8 emergency assistance funds under this para-
9 graph, the State or tribal domestic violence coa-
10 lition shall provide to the Secretary—

11 “(i) a detailed description of the proe-
12 cess for receiving and reviewing applications
13 for emergency assistance;

14 “(ii) a detailed description of the
15 process for notifying domestic violence
16 shelters and programs about the availabil-
17 ity of emergency assistance funds;

18 “(iii) an application form that in-
19 cludes the type of assistance requested, a
20 statement of need for the funds, a state-
21 ment about the impact of the funds on the
22 victim’s ability to escape domestic violence,
23 and other such information that would be
24 helpful in disbursing emergency assistance
25 funds;

1 “(iv) the process used to make pay-
2 ments to recipients; and

3 “(v) a statement of procedures used
4 to protect the confidentiality of recipients.

5 “(C) REPORTING.—The State or tribal do-
6 mestic violence coalition shall file an annual re-
7 port to the Secretary describing the distribution
8 of funds to victims of domestic violence by type
9 and amount of assistance provided. For reasons
10 of safety and confidentiality, such report shall
11 not contain individually identifying information.

12 “(3) TECHNICAL ASSISTANCE AND TRAINING
13 FOR STATE, LOCAL, AND TRIBAL DOMESTIC VIO-
14 LENCE PROGRAMS.—

15 “(A) IN GENERAL.—The Secretary shall
16 award grants to a State or tribal domestic vio-
17 lence coalition or coalitions for the purpose of
18 providing training and technical assistance for
19 State and tribal domestic violence coalitions and
20 other nonprofit, nongovernmental State, local,
21 and tribal domestic violence programs. Funds
22 received under this section shall be used to con-
23 duct regional training and technical assistance
24 initiatives to be developed and implemented by
25 a nonprofit, nongovernmental State or tribal

1 domestic violence coalition or coalitions within
2 each of the regions administered by the Depart-
3 ment of Health and Human Services. Funds
4 shall be used to prioritize, plan, and implement
5 solutions to regional problems experienced by
6 domestic violence coalitions and programs pro-
7 viding shelter or related assistance within the
8 region.

9 “(B) ELIGIBILITY.—To be eligible for
10 funding under this paragraph the grantee shall
11 have the support of the majority of State and
12 tribal domestic violence coalitions within the re-
13 gion and shall have its principal place of oper-
14 ation within the region. Nothing in this section
15 shall prohibit domestic violence programs within
16 Indian tribes from receiving technical assistance
17 and training under this grant program. Grant-
18 ees shall be encouraged to work in collaboration
19 with domestic violence advocates and organiza-
20 tions outside of the region and with the na-
21 tional resource center and special issue resource
22 centers established in this Act to provide exper-
23 tise in delivering training and technical assist-
24 ance within the region.

1 “(C) REPORTING.—The grantee State or
2 tribal domestic violence coalition or coalitions
3 shall file an annual report to the Secretary de-
4 scribing the recipients and the type of technical
5 assistance and training received.”.

6 (i) Section 308(e) of the Family Violence Prevention
7 and Services Act (42 U.S.C. 10407(e)) is amended by add-
8 ing at the end the following: “Within 90 days after the
9 date of the enactment of the Violence Against Women Act
10 of 1999, all entities receiving funds pursuant to activities
11 under this section shall prepare and submit a report to
12 the Secretary that evaluates the effectiveness of the use
13 of amounts received under such grants by such grantee
14 and containing such other information as the Secretary
15 may prescribe. The Secretary shall publish any such re-
16 ports and provide at least 90 days for notice and oppor-
17 tunity for public comment prior to awarding or renewing
18 any such grants.”.

19 (j) Section 307(a) of the Family Violence Prevention
20 and Services Act (42 U.S.C. 10402(a)) is amended by
21 adding at the end the following:

22 “(3) The Secretary shall deny any application that
23 fails to provide documentation, including memoranda of
24 understanding, of the specific involvement of the State or
25 tribal domestic violence coalition and other knowledgeable

1 individuals and interested organizations, in the develop-
2 ment of the State or tribe’s application.”.

3 (k) Section 303(b) of the Family Violence Prevention
4 Services Act (42 U.S.C. 10402(b)) is amended by adding
5 at the end the following:

6 “(4) From the amounts made available under para-
7 graph (1), there shall be awarded by the Secretary not
8 less than 5 percent of such amounts for the funding of
9 tribal domestic violence coalitions. To be eligible for a
10 grant under this paragraph, an entity shall be a private
11 nonprofit coalition whose membership includes representa-
12 tives from a majority of the programs for victims of do-
13 mestic violence operating within the boundaries of an In-
14 dian reservation and programs whose primary purpose is
15 serving the populations of such Indian country and whose
16 board membership is representative of such programs.
17 Such coalitions shall further the purposes of domestic vio-
18 lence intervention and prevention through activities
19 including—

20 (A) training and technical assistance for
21 local Indian domestic violence programs and
22 providers of direct services to encourage appro-
23 priate responses to domestic violence in Indian
24 country;

1 “(B) planning and conducting needs as-
2 sessments and planning for comprehensive serv-
3 ices in Indian country;

4 “(C) serving as an information clearing-
5 house and resource center for the Indian res-
6 ervation represented by the coalition receiving
7 these funds;

8 “(D) collaborating with Indian, State, and
9 Federal governmental systems which affect bat-
10 tered women in Indian country, including judi-
11 cial and law enforcement and child protective
12 services agencies, to encourage appropriate re-
13 sponses to domestic violence cases;

14 “(E) conducting public education and out-
15 reach activities addressing domestic violence in
16 Indian country;

17 “(F) collaborating with State domestic vio-
18 lence coalitions in the areas described above;
19 and

20 “(G) participating in planning and mon-
21 itoring of the distribution of grants and grant
22 funds to the Indian reservation and tribal orga-
23 nizations under paragraph (1).”

1 **Subtitle D—Community Initiatives**

2 **SEC. 131. GRANTS FOR COMMUNITY INITIATIVES.**

3 (a) Section 318(h) of the Family Violence Prevention
4 and Services Act (42 U.S.C. 10418(h)) is amended to read
5 as follows:

6 “(h) **AUTHORIZATION OF APPROPRIATIONS.**—There
7 are authorized to be appropriated to carry out this
8 section—

9 “(1) \$8,000,000 for fiscal year 2000;

10 “(2) \$9,000,000 for fiscal year 2001;

11 “(3) \$10,000,000 for fiscal year 2002;

12 “(4) \$11,000,000 for fiscal year 2003; and

13 “(5) \$12,000,000 for fiscal year 2004.”.

14 (b) Subsection (i) of section 318 of the Family Vio-
15 lence Prevention and Services Act (42 U.S.C. 10418) is
16 amended by inserting the text of the subsection as a cut-
17 in paragraph (1) with the heading “**IN GENERAL.**—” and
18 by adding at the end the following:

19 “(2) **INFORMATION.**—The Secretary shall annu-
20 ally compile and broadly disseminate (including
21 through electronic publication) information about
22 the use of funds and about the projects funded
23 under this section, including any evaluations of the
24 projects and information to enable replication and
25 adoption of the strategies identified in the projects.

1 Such dissemination shall target other community-
2 based programs, including domestic violence and
3 sexual assault programs.”.

4 **Subtitle E—Education and Train-**
5 **ing for Judges and Court Per-**
6 **sonnel**

7 **SEC. 141. REAUTHORIZATION.**

8 (a) GRANTS FOR EDUCATION AND TRAINING FOR
9 JUDGES AND COURT PERSONNEL IN STATE COURTS.—

10 (1) Section 40412 of the Equal Justice for Women in the
11 Courts Act of 1994 (42 U.S.C. 13992) is amended—

12 (A) by striking “and” at the end of paragraph
13 (18);

14 (B) by striking the period at the end of para-
15 graph (19); and

16 (C) by inserting after paragraph (19) the fol-
17 lowing:

18 “(20) the issues raised by domestic violence in
19 determining custody and visitation, including how to
20 protect the safety of the child and of a parent who
21 is not a predominant aggressor of domestic violence,
22 the legitimate reasons parents may report domestic
23 violence, the ways domestic violence may relate to an
24 abuser’s desire to seek custody, and evaluating ex-

1 pert testimony in custody and visitation determina-
2 tions involving domestic violence;

3 “(21) the issues raised by child sexual assault
4 in determining custody and visitation, including how
5 to protect the safety of the child, the legitimate rea-
6 sons parents may report child sexual assault, and
7 evaluating expert testimony in custody and visitation
8 determinations involving child sexual assault, includ-
9 ing the current scientifically-accepted and empiri-
10 cally valid research on child sexual assault; and

11 “(22) the extent to which addressing domestic
12 violence and victim safety contributes to the efficient
13 administration of justice.”.

14 (2) Section 40414(a) of the Equal Justice for Women
15 in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amend-
16 ed by inserting “and \$1,500,000 for each of the fiscal
17 years 2000 through 2004” after “1996”.

18 (b) GRANTS FOR EDUCATION AND TRAINING FOR
19 JUDGES AND COURT PERSONNEL IN FEDERAL
20 COURTS.—(1) Section 40421(d) of the Equal Justice for
21 Women in the Courts Act of 1994 (42 U.S.C. 14001(d))
22 is amended to read as follows:

23 “(d) MODEL PROGRAMS.—The Federal Judicial Cen-
24 ter, in carrying out section 620(b)(3) of title 28, United
25 States Code, shall include in the educational programs it

1 prepares, including the training programs for newly ap-
2 pointed judges, information on the aspects of the topics
3 listed in section 40412 that pertain to issues within the
4 jurisdiction of the Federal courts, and shall prepare mate-
5 rials necessary to implement this subsection.”.

6 (2) Section 40422(2) of the Equal Justice for Women
7 in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amend-
8 ed by inserting “and \$500,000 for each of the fiscal years
9 2000 through 2004” after “1996”.

10 (c) TECHNICAL AMENDMENTS TO THE EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1994.—

12 (1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS.—
13 Section 40413 of the Equal Justice for Women in
14 the Courts Act (42 U.S.C. 13993) is amended by
15 adding “including national, State, tribal, and local
16 domestic violence and sexual assault programs and
17 coalitions,” after “victim advocates”.

19 (2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS.—Sec-
20 tion 40411 of the Equal Justice for Women in the
21 Courts Act (42 U.S.C. 13991) is amended by adding
22 at the end the following: “Nothing shall preclude the
23 attendance of tribal judges and court personnel at
24 programs funded under this section for States to
25

1 train judges and court personnel on the laws of the
2 States.”

3 (3) USE OF FUNDS FOR DISSEMINATION OF
4 MODEL PROGRAMS.—Section 40414 of the Equal
5 Justice for Women in the Courts Act (42 U.S.C.
6 13994) is amended by adding at the end the follow-
7 ing:

8 “(c) The State Justice Institute may use up to 5 per-
9 cent of the funds appropriated under this section for annu-
10 ally compiling and broadly disseminating (including
11 through electronic publication) information about the use
12 of funds and about the projects funded under this section,
13 including any evaluations of the projects and information
14 to enable the replication and adoption of the projects.”.

15 **Subtitle F—Grants To Encourage**
16 **Arrest Policies**

17 **SEC. 151. DEFINITIONS.**

18 Section 2105(1) of the Omnibus Crime Control and
19 Safe Streets Act of 1968 (42 U.S.C. 3796hh–4(1)) is
20 amended to read as follows:

21 “(1) the term ‘domestic violence’ includes acts
22 or threats of violence, not including acts of self-de-
23 fense, committed by a current or former spouse of
24 the victim, by a person with whom the victim shares
25 a child in common, by a person who is cohabiting

1 with or has cohabited with the victim, by a person
2 who is or has been in a continuing social relationship
3 of a romantic or intimate nature with the victim, by
4 a person similarly situated to a spouse of the victim
5 under the domestic or family violence laws of the ju-
6 risdiction, or by any other person against a victim
7 who is protected from that person’s acts under the
8 domestic or family violence laws of the jurisdiction.”.

9 **SEC. 152. REAUTHORIZATION.**

10 Section 1001(a)(19) of the Omnibus Crime Control
11 and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is
12 amended—

13 (1) by striking “and” at the end of subpara-
14 graph (B);

15 (2) by striking the period at the end of sub-
16 paragraph (C) and inserting a semicolon; and

17 (3) by inserting after subparagraph (C) the fol-
18 lowing:

19 “(D) \$63,000,000 for fiscal year 2000;

20 “(E) \$67,000,000 for fiscal year 2001;

21 “(F) \$70,000,000 for fiscal year 2002;

22 “(G) \$70,000,000 for fiscal year 2003; and

23 “(H) \$70,000,000 for fiscal year 2004.”.

1 **SEC. 153. TECHNICAL AMENDMENT.**

2 Section 2101 of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3796hh) is amended by
4 adding at the end the following:

5 “(d) DISBURSEMENT.—At least 5 percent of the
6 funds appropriated under this section shall be used for
7 grants to Indian tribal governments.”.

8 **Subtitle G—Rural Domestic Vio-**
9 **lence and Child Abuse Enforce-**
10 **ment**

11 **SEC. 161. REAUTHORIZATION.**

12 Section 40295(c)(1) of the Safe Homes for Women
13 Act of 1994 (42 U.S.C. 13971(c)(1)) is amended—

14 (1) by striking “and” at the end of subpara-
15 graph (B);

16 (2) by striking the period at the end of sub-
17 paragraph (C) and inserting “; and”; and

18 (3) by inserting after subparagraph (C) the fol-
19 lowing:

20 “(D) \$35,000,000 for each of the fiscal
21 years 2000, 2001, 2002, 2003, and 2004.”.

22 **SEC. 162. TECHNICAL AMENDMENTS.**

23 Section 40295(c) of the Safe Homes for Women Act
24 of 1994 (42 U.S.C. 13971(c)) is amended by adding at
25 the end the following:

1 “(3) DISBURSEMENT.—At least 5 percent of
2 the funds appropriated under paragraph (1) shall be
3 used for grants to Indian tribal governments.”.

4 **Subtitle H—National Stalker and**
5 **Domestic Violence Reduction**

6 **SEC. 171. TECHNICAL AMENDMENTS.**

7 Section 40602(a) of the Violence Against Women Act
8 of 1994 (42 U.S.C. 14031(a)) is amended by inserting
9 “and implement” after “improve”.

10 **SEC. 172. REAUTHORIZATION.**

11 Section 40603 of the Violence Against Women Act
12 of 1994 (42 U.S.C. 14032) is amended—

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

14 (2);

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

17 (3) by inserting after paragraph (3) the follow-
18 ing:

19 “(4) \$3,000,000 for each of the fiscal years
20 2000, 2001, 2002, 2003, and 2004.”.

21 **Subtitle I—Federal Victims’**
22 **Counselors**

23 **SEC. 181. REAUTHORIZATION.**

24 The text of section 40114 of the Safe Streets for
25 Women Act of 1994 is amended to read as follows: “There

1 are authorized to be appropriated for the United States
2 Attorneys for the purpose of appointing Victim/Witness
3 Counselors for the prosecution of domestic violence and
4 sexual assault crimes where applicable (such as the Dis-
5 trict of Columbia) \$1,000,000 for each of the fiscal years
6 2000, 2001, 2002, 2003, and 2004.”.

7 **Subtitle J—Education and Preven-**
8 **tion Grants To Reduce Sexual**
9 **Abuse of Runaway, Homeless,**
10 **and Street Youth**

11 **SEC. 191. REAUTHORIZATION.**

12 Section 316(c) of the Runaway and Homeless Youth
13 Act (42 U.S.C. 5712d(c)) is amended—

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

15 (2);

16 (2) by striking the period at the end of para-
17 graph (3) and inserting a semicolon; and

18 (3) by inserting after paragraph (3) the follow-
19 ing:

20 “(4) \$22,000,000 for each of the fiscal years
21 2000, 2001, 2002, 2003, and 2004.”.

22 **SEC. 192. DISSEMINATION OF INFORMATION.**

23 Section 316 of part A of the Runaway and Homeless
24 Youth Act (42 U.S.C. 5712d) is amended by redesignating

1 subsection (d) as subsection (e) and by inserting after sub-
2 section (c) the following:

3 “(d) The Secretary shall annually compile and broad-
4 ly disseminate (including through electronic publication)
5 information about the use of funds and about the projects
6 funded under this subtitle, including any evaluations of
7 the projects and information to enable replication and
8 adoption of the strategies identified in the projects. Such
9 dissemination shall target community-based programs, in-
10 cluding domestic violence and sexual assault programs.”.

11 **Subtitle K—Victims of Child Abuse**
12 **Programs**

13 **SEC. 193. REAUTHORIZATION OF COURT-APPOINTED SPE-**
14 **CIAL ADVOCATE PROGRAM.**

15 Section 218(a) of the Victims of Child Abuse Act of
16 1990 (42 U.S.C. 13014(a)) is amended—

17 (1) by striking “and” at the end of paragraph
18 (4);

19 (2) by striking the period at the end of para-
20 graph (5) and inserting a semicolon; and

21 (3) by inserting after paragraph (5) the follow-
22 ing:

23 “(6) \$12,000,000 for each of the fiscal years
24 2001, 2002, 2003, and 2004.”

1 **SEC. 194. REAUTHORIZATION OF CHILD ABUSE TRAINING**
2 **PROGRAMS FOR JUDICIAL PERSONNEL AND**
3 **PRACTITIONERS.**

4 Section 224(a) of the Victims of Child Abuse Act of
5 1990 (42 U.S.C. 13024(a)) is amended—

6 (1) by striking “and” at the end of paragraph
7 (4);

8 (2) by striking the period at the end of para-
9 graph (5) and inserting a semicolon; and

10 (3) by inserting after paragraph (5) the follow-
11 ing:

12 “(6) \$2,300,000 for each of the fiscal years
13 2001, 2002, 2003, and 2004.”.

14 **SEC. 195. REAUTHORIZATION OF GRANTS FOR TELEVISED**
15 **TESTIMONY.**

16 Section 1001(a)(7) of title I of the Omnibus Crime
17 Control and Safe Streets Act of 1968 (42 U.S.C.
18 3793(a)(7)) is amended—

19 (1) by striking “and” at the end of subpara-
20 graph (D);

21 (2) by striking the period at the end of sub-
22 paragraph (E) and inserting a semicolon; and

23 (3) by inserting after subparagraph (E) the fol-
24 lowing:

25 “(F) \$1,000,000 for each of the fiscal years
26 2001, 2002, 2003, and 2004.”.

1 **SEC. 196. DISSEMINATION OF INFORMATION.**

2 Section 40156 of the Violence Against Women Act
3 of 1994 is amended by inserting at the end the following:

4 “(d) The Attorney General shall annually compile
5 and broadly disseminate (including through electronic
6 publication) information about the use of funds and about
7 the projects funded under this section, including any eval-
8 uations of the projects and information to enable replica-
9 tion and adoption of the strategies identified in the
10 projects. Such dissemination shall target community-based
11 programs, including domestic violence and sexual assault
12 programs.”.

13 **TITLE II—LIMITING THE EF-**
14 **FECTS OF VIOLENCE ON**
15 **CHILDREN**

16 **SEC. 201. FINDINGS.**

17 Congress finds as follows:

18 (1) Witnessing domestic violence has a dev-
19 astating impact on children, placing them at high
20 risk for anxiety, depression, and, potentially, suicide.
21 These children may exhibit more aggressive, anti-
22 social, fearful, and inhibited behaviors.

23 (2) Children exposed to domestic violence often
24 have problems in school.

25 (3) Domestic violence is strongly correlated
26 with child abuse. Studies have found that between

1 50 and 70 percent of men who abuse their female
2 partners also abuse their children.

3 (4) Boys who witness parental abuse during
4 their childhood are at a higher risk of being phys-
5 ically aggressive in dating and marital relationships.

6 (5) Girls are 3 times as likely as boys to be vic-
7 tims of sexual abuse.

8 (6) Children often fail to report child sexual
9 abuse because of the fear that disclosure will bring
10 worse consequences than being victimized again, in-
11 cluding consequences from the family, feeling guilty
12 for consequences to the perpetrator, and fear of sub-
13 sequent retaliation from the perpetrator. Victims
14 may also feel that the abuse is their fault.

15 (7) Women are at an increased risk of harm
16 after separation from an abusive partner. Separated
17 women are 3 times more likely than divorced women
18 and 25 times more likely than married women to be
19 victims of violence at the hands of an intimate part-
20 ner.

21 (8) Children are also at increased risk of harm
22 during separation. In one study, 34 percent of
23 women in shelters and callers to hotlines reported
24 threats of kidnapping, 11 percent reported that the
25 batterer had kidnapped the child for some period,

1 and 21 percent reported that threats of kidnapping
2 forced the victim to return to the batterer.

3 (9) According to a 1996 report by the American
4 Psychological Association, which Congress views as
5 authoritative on matters of domestic violence and
6 child custody and visitation determinations, custody
7 and visitation disputes are more frequent when there
8 is a history of domestic violence. Further, fathers
9 who batter mothers are twice as likely to seek sole
10 custody of their children and they may misuse the
11 legal system as a forum for continuing abuse
12 through harassing and retaliatory legal actions.

13 (10) The need for supervised visitation centers
14 far exceeds the number of available programs, re-
15 sulting in courts ordering unsupervised visitation
16 and endangering parents and children or cutting off
17 visitation altogether.

18 (11) One-third of high school and college age
19 students experience violence with an intimate part-
20 ner.

21 (12) A 1992 study concluded that being abused
22 or neglected in childhood increases the likelihood of
23 arrest for girls and women by 77 percent.

24 (13) Although courts should diligently protect
25 the interests of both parents in frequent and con-

1 tinuing contact with their children, in the case where
2 one parent has committed domestic violence against
3 the other parent, protection of the other parent and
4 the children is a vital consideration that should take
5 precedence.

6 (14) Every State has legislation or judicial deci-
7 sions that base its custody determinations on what
8 is in the best interests of the child and the vast ma-
9 jority of States include considerations of domestic vi-
10 olence as a factor in determining the best interests
11 of the child.

12 (15) The National Council of Juvenile and
13 Family Court Judges includes the option of super-
14 vised visitation centers in their Model Code on Do-
15 mestic and Family Violence.

16 (16) Despite the perception that mothers al-
17 ways win custody cases, studies show that fathers
18 who contest custody win sole or joint custody in 40
19 to 70 percent of cases.

20 (17) According to the American Psychological
21 Association, there is no reliable empirical data to
22 support the so-called phenomenon of “parental alien-
23 ation syndrome,” although courts and custody eval-
24 uators frequently use such terms to discount chil-
25 dren’s reasonable fear and anger toward a violent

1 parent. This “syndrome” and similar ones are used
2 almost exclusively against women.

3 (18) The documented rate of any child abuse
4 allegations in custody cases is approximately 2 per-
5 cent, and there is no evidence that false accusations
6 are more common in the context of custody litiga-
7 tion.

8 (19) Congress never intended that the Parental
9 Kidnapping Prevention Act be used to prohibit an
10 abused or protective parent from protecting them-
11 selves or their child by relocation to a place of safe-
12 ty.

13 (20) When domestic violence is or has been
14 present in the relationship, shared parenting ar-
15 rangements, couples counseling, or mediation ar-
16 rangements may increase the danger to children and
17 to the nonviolent parent.

18 **Subtitle A—Safe Havens for** 19 **Children**

20 **SEC. 211. PURPOSES.**

21 The purposes of section 212 are—

22 (1) to provide secure locations for visitation and
23 visitation exchange;

24 (2) to protect children from the trauma of wit-
25 nessing domestic violence or experiencing abduction,

1 injury, or death during parent and child visitation
2 and visitation exchanges;

3 (3) to protect victims of domestic violence from
4 experiencing further violence, abuse, and threats
5 during child visitation and visitation exchanges;

6 (4) to protect children from the trauma of expe-
7 riencing sexual assault or other forms of physical as-
8 sault and abuse during parent and child visitation
9 and visitation exchanges; and

10 (5) to provide an ongoing safe haven for par-
11 ents and children during visitation and visitation ex-
12 changes to promote continuity and stability.

13 **SEC. 212. GRANTS TO PROVIDE FOR SUPERVISED VISITA-**
14 **TION CENTERS.**

15 (a) GRANTS, CONTRACTS, AND COOPERATIVE
16 AGREEMENTS.—The Attorney General is authorized to
17 award grants, contracts, and cooperative agreements to
18 public or private nonprofit nongovernmental entities, in-
19 cluding tribal organizations and nonprofit organizations
20 operating within the boundaries of an Indian reservation
21 whose governing body reflects the populations served, to
22 assist such entities in establishing and operating super-
23 vised visitation centers for the purposes of facilitating su-
24 pervised visitation and visitation exchange. At least 50
25 percent of all funds appropriated under subsection (e)

1 shall be for contracts and cooperative agreements with pri-
2 vate nonprofit, nongovernmental entities, including enti-
3 ties receiving court referrals.

4 (b) CONSIDERATIONS.—In awarding such grants,
5 contracts, and cooperative agreements under paragraph
6 (1), the Attorney General shall take into account—

7 (1) the number of families to be served by the
8 proposed visitation center to be established under
9 the grant, contract, or agreement;

10 (2) the extent to which supervised visitation
11 centers serve underserved populations as that term
12 is defined in section 2003(7) of the Omnibus Crime
13 Control and Safe Streets Act of 1968 (42 U.S.C.
14 3796gg-2(7)), as defined in section 651(c);

15 (3) the extent to which the applicant dem-
16 onstrates cooperation and collaboration with non-
17 profit, nongovernmental entities in the local commu-
18 nity served, including the State and tribal domestic
19 violence and sexual assault coalitions, tribal organi-
20 zations, rape crisis centers, local shelters, and pro-
21 grams for domestic violence victims, including pro-
22 grams providing legal assistance to domestic violence
23 victims and sexual assault victims;

24 (4) the extent to which the applicant dem-
25 onstrates coordination and collaboration with appro-

1 appropriate court systems, including State, local, and, in
2 the case of Indian country, tribal and Federal court
3 systems, and mechanisms for communication and re-
4 ferral; and

5 (5) the extent to which the applicant dem-
6 onstrates implementation of domestic violence and
7 sexual assault training for all employees.

8 (c) USE OF FUNDS.—

9 (1) IN GENERAL.—Amounts provided under a
10 grant, contract, or cooperative agreement awarded
11 under subsection (a) shall be used to establish super-
12 vised visitation centers and for the purposes de-
13 scribed in section 211. In using such amounts,
14 grantees and persons awarded a contract or coopera-
15 tive agreement shall target the economically dis-
16 advantaged and those individuals who could not oth-
17 erwise afford such visitation services. Individuals
18 shall be permitted to use the services provided by
19 the center on a sliding fee basis. For purposes of de-
20 termining qualification for sliding scale fees, only the
21 individual income will be considered and no spousal
22 or household income will be counted.

23 (2) REGULATIONS AND APPLICANT REQUIRE-
24 MENTS.—The Attorney General shall award grants,
25 contracts, and cooperative agreements under sub-

1 section (a) in accordance with such regulations as
2 the Attorney General may promulgate. The regula-
3 tions shall establish a multi-year grant process. The
4 Attorney General shall give priority in awarding
5 grants, contracts, and cooperative agreements under
6 this title to entities in States and Indian country
7 that consider domestic violence in making a custody
8 decision. An applicant awarded such a grant, con-
9 tract, or cooperative agreement shall—

10 (A) for applicants for a purpose described
11 in paragraph (1) or (2) of section 211—

12 (i) demonstrate recognized expertise
13 in the area of domestic violence, including
14 addressing the impact of domestic violence
15 on children, and a record of high quality
16 service to victims of domestic violence; and

17 (ii) demonstrate through a memoran-
18 dum of understanding collaboration with
19 and support of the State or tribal domestic
20 violence coalition and local or tribal domes-
21 tic violence shelter or program in the local-
22 ity in which the supervised visitation center
23 will be operated;

24 (B) for applicants for a purpose described
25 in paragraph (3) of section 211—

1 (i) demonstrate recognized expertise
2 in the area of child sexual assault and
3 abuse and a record of high quality service
4 to victims of sexual assault; and

5 (ii) demonstrate through a memoran-
6 dum of understanding collaboration with
7 and support of the State or tribal sexual
8 assault coalition and local or tribal rape
9 crisis center or sexual assault program in
10 the locality where the supervised visitation
11 center will be operated;

12 (C) provide supervised visitation and visi-
13 tation exchange services over the duration of a
14 court order to promote continuity and stability;

15 (D) demonstrate that adequate security
16 measures, including adequate facilities, proce-
17 dures and personnel capable of preventing vio-
18 lence, are in place for the operation of super-
19 vised visitation; and

20 (E) describe in detail the standards by
21 which the supervised visitation center will oper-
22 ate.

23 (d) REPORTING.—Not later than 60 days after the
24 end of each fiscal year, the Attorney General shall report

1 to Congress, categorized by State or tribe, information
2 concerning—

3 (1) the number of individuals including number
4 of parents and children served and the number of in-
5 dividuals turned away from services, the number of
6 individuals from underserved populations (as such
7 term is defined in section 2003(7) of the Omnibus
8 Crime Control and Safe Streets Act of 1968 (42
9 U.S.C. 3796gg-2(7)), as defined in section 651(c)),
10 served and turned away from services, and the type
11 of presenting problems that underlie the need for su-
12 pervised visitation or visitation exchange, such as do-
13 mestic violence, child sexual abuse, emotional abuse
14 or other physical abuse of children, or a combination
15 of such factors;

16 (2) the numbers of supervised visitations or vis-
17 itation exchanges ordered during custody determina-
18 tions under a separation or divorce decree, under a
19 protection order, through child protection services,
20 through other social services agencies or by any
21 other order of a civil, criminal, juvenile, family, or
22 tribal court;

23 (3) the process by which children or abused
24 partners are protected during visitations, temporary

1 custody transfers and other activities for which the
2 supervised visitation centers are created;

3 (4) safety and security problems occurring dur-
4 ing the reporting period during supervised visitations
5 or at visitation centers, including the number of pa-
6 rental abductions;

7 (5) the number of parental abduction cases in
8 a judicial district using supervised visitation services,
9 both as identified in criminal prosecution and cus-
10 tody violations;

11 (6) program standards across the country that
12 are in place for operating a supervised visitation cen-
13 ter; and

14 (7) any other appropriate information des-
15 igned in regulations promulgated by the Attorney
16 General.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—For the purpose of awarding
19 grants, contracts, and cooperative agreements under
20 this section, there are authorized to be appropriated
21 \$75,000,000 for fiscal year 2000, \$85,000,000 for
22 fiscal year 2001, \$95,000,000 for fiscal year 2002,
23 \$105,000,000 for fiscal year 2003, and
24 \$115,000,000 for fiscal year 2004.

1 (2) DISTRIBUTION.—Of the amounts appro-
2 priated under paragraph (1) for each fiscal year, not
3 less than 95 percent shall be used to award grants,
4 contracts, or cooperative agreements. At least 5 per-
5 cent of the funds appropriated under paragraph (1)
6 shall be used for grants to tribal organizations.

7 **Subtitle B—Violence Against**
8 **Women Prevention in Schools**

9 **SEC. 221. GRANTS FOR VIOLENCE AGAINST WOMEN PRE-**
10 **VENTION IN SCHOOLS.**

11 (a) PURPOSES.—The purposes of grants under this
12 section are—

13 (1) to reduce the impact of domestic violence,
14 sexual assault, and stalking in the lives of young
15 women and children;

16 (2) to develop, modify, and implement State,
17 local, or tribal school system policies for school per-
18 sonnel at elementary, middle, and secondary schools
19 on domestic violence, sexual assault, and stalking;

20 (3) to develop, modify, and implement State,
21 local, or tribal school system policies regarding iden-
22 tification and referral procedures for students who
23 are witnessing or experiencing domestic violence,
24 sexual assault, or stalking in their lives; and

1 (4) to help prevent students from becoming vic-
2 tims or perpetrators of domestic violence, sexual as-
3 sault, or stalking through State, local, or tribal pro-
4 grams and prevention strategies targeting students
5 at elementary, middle, and secondary schools.

6 (b) GRANTS AUTHORIZED.—The Secretary of Edu-
7 cation, in consultation with the Secretary of Health and
8 Human Services, shall provide grants to State, local, or
9 tribal school systems to develop, modify, and implement
10 State, local, or tribal school system policies and programs
11 for elementary schools, middle schools, and secondary
12 schools which address domestic violence, sexual assault,
13 and stalking.

14 (c) ELIGIBILITY.—To be eligible for a grant under
15 subsection (b), a State, local, or tribal school system shall
16 collaborate with domestic violence or sexual assault ex-
17 perts from State, local, or tribal domestic violence and sex-
18 ual assault programs.

19 (d) APPLICATIONS.—A State, local, or tribal school
20 system that desires to receive a grant under subsection
21 (b) shall submit to the Secretary of Education an applica-
22 tion, in such form and manner as the Secretary of Edu-
23 cation shall prescribe, that—

24 (1) demonstrates that the educational program
25 is comprehensive, engaging, and appropriate to the

1 target areas, is culturally diverse, addresses the
2 needs of underserved communities, has the potential
3 to change attitudes and behaviors, is developed
4 based on research and experience in the areas of
5 youth education, domestic violence, sexual assault,
6 and stalking, collects data on changes in partici-
7 pants' attitudes or behavior, is implemented in col-
8 laboration with domestic violence and sexual assault
9 experts, and includes an evaluation component;

10 (2) demonstrates that the proposed policy devel-
11 opment process includes consultation and collabora-
12 tion with experts on violence against women and
13 girls, such as domestic violence shelters, domestic vi-
14 olence programs, State and tribal domestic violence
15 coalitions, State and tribal sexual assault coalitions,
16 and rape crisis centers; and

17 (3) contains such other information, agree-
18 ments, and assurances as the Secretary of Education
19 may require.

20 (e) USE OF FUNDS.—

21 (1) IN GENERAL.—A State, local, or tribal
22 school system that receives a grant under subsection

23 (b) may use the grant funds—

24 (A) to develop and implement educational
25 programs or prevention strategies for students

1 and personnel in elementary schools, middle
2 schools, and secondary schools addressing do-
3 mestic violence, sexual assault, and stalking;

4 (B) to develop and implement policies to
5 identify students who may be experiencing or
6 witnessing domestic violence, sexual assault, or
7 stalking in their lives and to develop and imple-
8 ment policies on reporting and referral proce-
9 dures for these students;

10 (C) to develop and implement policies to
11 identify students at risk of becoming victims or
12 perpetrators of domestic violence, sexual as-
13 sult, or stalking;

14 (D) to modify the program materials of the
15 model programs created under section 317 of
16 the Family Violence Prevention and Services
17 Act (42 U.S.C. 10417), if appropriate, in order
18 to make the materials applicable to a particular
19 age group; and

20 (E) to purchase the materials described in
21 subparagraph (D).

22 (2) CONFIDENTIALITY.—Policies and programs
23 developed and implemented under paragraph (1)
24 shall address issues of victim safety and confidential-

1 ity that are consistent with applicable State and
2 Federal laws.

3 (3) OTHER USES OF FUNDS.—

4 (A) GUIDANCE.—The Secretary of Edu-
5 cation shall disseminate any existing Depart-
6 ment of Education policy guidance regarding
7 preventing domestic violence, sexual assault, or
8 stalking.

9 (B) STUDY AND REPORT.—The Secretary
10 of Education shall study existing policies and
11 programs as well as new policies and programs
12 funded by this section and report to Congress
13 recommendations for implementation of suc-
14 cessful policies for referring students to services
15 when they may be witnessing or experiencing
16 domestic violence, sexual assault, or stalking. In
17 publishing the report, the Secretary shall en-
18 sure the safety and confidentiality of all infor-
19 mation concerning the identification of stu-
20 dents.

21 (4) LIMITATION.—

22 (A) ADMINISTRATIVE EXPENSES.—A
23 school system that receives a grant under sub-
24 section (b) for a fiscal year shall use not more

1 than 5 percent of the grant funds for adminis-
2 trative expenses.

3 (B) A school system that receives a grant
4 to fulfill a purpose described in subparagraph
5 (A), (D), or (E) of paragraph (1) shall first
6 have in place and include in its application the
7 school policies by which such programs and pre-
8 vention strategies will be implemented.

9 (f) PUBLICATION.—The Secretary of Education shall
10 publish the availability of grants under subsection (b)
11 through announcement in professional publications for
12 State, local, or tribal school systems described in sub-
13 section (a)(2) and through notice in the Federal Register.

14 (g) TERM.—A grant under subsection (b) may be
15 awarded for a period of not more than 3 fiscal years.

16 (h) EQUITABLE DISTRIBUTION.—In awarding grants
17 under subsection (b), the Secretary of Education shall en-
18 sure an equitable geographic distribution to State, local,
19 and tribal school systems throughout the United States.

20 (i) REQUIREMENTS.—In carrying out an educational
21 program under a grant under subsection (b), a State,
22 local, or tribal school system shall—

23 (1) consult and collaborate with experts on vio-
24 lence against women and girls, such as domestic vio-
25 lence shelters, domestic violence programs, State and

1 tribal domestic violence coalitions, State and tribal
2 sexual assault coalitions, and rape crisis centers;

3 (2) develop the program, or acquire model pro-
4 gram materials if available;

5 (3) carry out the program with a school's in-
6 volvement; and

7 (4) report the results of the program to the
8 Secretary of Education in a format provided by the
9 Secretary.

10 (j) DEFINITION.—For purposes of this section, the
11 terms “domestic violence”, “sexual assault”, and “stalk-
12 ing” have the same meaning given those terms by section
13 2.

14 (k) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There are authorized to be
16 appropriated to carry out this section—

17 (A) \$2,750,000 for fiscal year 2000;

18 (B) \$3,000,000 for fiscal year 2001;

19 (C) \$3,000,000 for fiscal year 2002;

20 (D) \$3,000,000 for fiscal year 2003; and

21 (E) \$3,000,000 for fiscal year 2004.

22 (2) AVAILABILITY.—Amounts appropriated
23 under paragraph (1) shall remain available until the
24 earlier of—

1 (A) the date on which those amounts are
2 expended; or

3 (B) December 31, 2004.

4 **Subtitle C—Family Safety**

5 **SEC. 231. SHORT TITLE.**

6 This subtitle may be cited as the “Family Safety
7 Act”.

8 **SEC. 232. FINDINGS AND PURPOSES.**

9 (a) FINDINGS.—Section 7(a) of the Parental Kidnap-
10 ing Prevention Act of 1980 (94 Stat. 3568; 28 U.S.C.
11 1738A note) is amended—

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

13 (3);

14 (2) by striking the period at the end of para-
15 graph (4) and inserting a semicolon; and

16 (3) by inserting after paragraph (4) the follow-
17 ing:

18 “(5) existing Federal and State laws are inad-
19 equate to protect parents from domestic violence and
20 to protect children from sexual assault and may
21 punish them when they seek to protect themselves;
22 and

23 “(6) failures of State judicial and child protec-
24 tion systems may result in the inappropriate place-
25 ment of children in the custody of abusive parents

1 or punishment of nonabusing parents who attempt
2 to protect themselves or their children.”.

3 (b) CONCLUSION.—Section 7(b) of such Act is
4 amended by inserting “to establish standards to prevent
5 children from being returned to abusive parents,” after
6 “with such disputes,”.

7 (c) PURPOSES.—Section 7(c) of such Act is
8 amended—

9 (1) by redesignating paragraphs (3) through
10 (6) as paragraphs (5) through (8), respectively;

11 (2) by inserting after paragraph (2) the follow-
12 ing:

13 “(3) promote cooperation between State and
14 tribal courts to protect parents and children from an
15 incident or pattern of domestic violence or sexual as-
16 sault;

17 “(4) promote realistic and protective standards
18 for interstate relocation when parents dispute cus-
19 tody, particularly in cases where there is domestic
20 violence or sexual assault;”;

21 (3) in paragraph (7) (as so redesignated), by
22 inserting before the semicolon at the end the follow-
23 ing: “, consistent with not endangering or inappro-
24 priately punishing parents who are victims of domes-

1 tic violence or children who are victims of sexual as-
2 sault”; and

3 (4) in paragraph (8) (as so redesignated), by
4 inserting before the period at the end the following:
5 “or to abuse the child or exert coercive control over
6 the other parent, except when the removal is justifi-
7 able in an attempt to protect the parent or any child
8 in the parent’s care”.

9 **SEC. 233. DEFENSE TO CRIMINAL CUSTODIAL INTER-**
10 **FERENCE OR PARENTAL ABDUCTION**
11 **CHARGE.**

12 Section 1073 of title 18, United States Code, is
13 amended by striking “Whoever moves” and inserting “(a)
14 Whoever moves” and by adding at the end the following:

15 “(b) For any charge of parental abduction, of custo-
16 dial interference, or of felony criminal contempt of court
17 related to an underlying child custody or visitation deter-
18 mination, that would otherwise provide a basis for pros-
19 ecution under this section, it shall be a defense to such
20 prosecution that the individual against whom this section
21 is invoked—

22 “(1) acted pursuant to the provisions of a court
23 order valid when and where issued—

24 “(A) which granted the defendant legal
25 custody or visitation rights;

1 “(B) which was obtained in compliance
2 with section 1738A of title 28;

3 “(C) which is not inconsistent with such
4 section or with the Uniform Child Custody Ju-
5 risdiction Enforcement Act as promulgated by
6 the Uniform Law Commissioners; and

7 “(D) which was in effect at the time the
8 defendant left the State;

9 “(2) was fleeing an incident or pattern of do-
10 mestic violence or sexual assault of the child; or

11 “(3) would otherwise have a defense under the
12 terms of section 1204.

13 “(c) The Attorney General shall issue guidance to as-
14 sist the United States Attorneys and the Federal Bureau
15 of Investigation in determining when to decline to initiate
16 or to terminate an investigation or prosecution under sub-
17 section (b) due to the potential availability of any de-
18 fense.”.

19 **SEC. 234. FULL FAITH AND CREDIT GIVEN TO CHILD CUS-**
20 **TODY DETERMINATIONS.**

21 (a) SECTION INTENT.—Section 1738A(a) of title 28,
22 United States Code, is amended by adding before the pe-
23 riod the following: “, except that no State shall be required
24 to enforce any order obtained in a proceeding which would
25 violate the constitution of the enforcing State if the pro-

1 ceeding were conducted in the enforcing State. This sec-
2 tion is intended to preempt any inconsistent State law and
3 to apply to every proceeding in the United States or its
4 territories that is not governed by inconsistent aspects of
5 any treaty to which the United States is a signatory or
6 has ratified that involves custody and visitation concerning
7 a minor child. Any provision of a protection order regard-
8 ing the custody and visitation of a minor child, whether
9 consensual or not, otherwise consistent with section 2265
10 of title 18 and with this section shall be given full faith
11 and credit by the courts of any State where the party who
12 sought the order seeks enforcement”.

13 (b) DEFINITIONS.—Section 1738A(b) of such title is
14 amended—

15 (1) by amending paragraph (2) to read as fol-
16 lows:

17 “(2) ‘child-custody proceeding’ means a pro-
18 ceeding in which legal custody, physical custody, or
19 visitation with respect to a child is an issue, includ-
20 ing a proceeding for divorce, separation, neglect,
21 abuse, dependency, guardianship, paternity, termi-
22 nation of parental rights, and protection from do-
23 mestic violence, in which the issue may appear;”;

24 (2) in paragraph (3)—

1 (A) by striking “custody determination”
2 and inserting “custody or visitation determina-
3 tion”;

4 (B) by inserting “obtained in the context
5 of a child-custody proceeding and” after
6 “court”; and

7 (C) by striking “custody of a child” and
8 inserting “legal custody, physical custody, or
9 visitation with respect to a child”;

10 (3) in paragraph (6), by inserting “or has had
11 physical custody for a period of 6 consecutive
12 months, including any temporary absence, within
13 one year immediately before the commencement of a
14 child-custody proceeding” after “of a child”;

15 (4) in paragraph (7), by striking “actual pos-
16 session and control” and inserting “the physical care
17 and supervision”;

18 (5) by striking paragraph (9) and inserting the
19 following:

20 “(9) ‘domestic violence’ includes acts or threats
21 of violence, not including acts of self defense, com-
22 mitted by a current or former spouse of the victim,
23 by a person with whom the victim shares a child in
24 common, by a person who is cohabiting with or has
25 cohabited with the victim, by a person who is or has

1 been in a continuing social relationship of a roman-
2 tic or intimate nature with the victim, by a person
3 similarly situated to a spouse of the victim under the
4 domestic or family violence laws of the jurisdiction,
5 or by any other person against a victim who is pro-
6 tected from that person’s acts under the domestic or
7 family violence laws of the jurisdiction;

8 “(10) ‘sexual assault’ means any conduct pro-
9 scribed by chapter 109A of title 18, United States
10 Code, whether or not the conduct occurs in the spe-
11 cial maritime and territorial jurisdiction of the
12 United States or in a Federal prison and includes
13 both assaults committed by offenders who are
14 strangers to the victim and assaults committed by
15 offenders who are known to the victim or related by
16 blood or marriage to the victim;

17 “(11) ‘predominant aggressor’ means the indi-
18 vidual who has been determined to be the principal
19 perpetrator of violence, by factors including—

20 “(A) history of domestic violence;

21 “(B) relative severity of the injuries in-
22 flicted on each person;

23 “(C) the likelihood of future injury to each
24 person;

1 “(D) whether one of the persons acted in
2 self-defense; and

3 “(E) the degree to which one of the per-
4 sons has acted with more deliberate intent to
5 control, isolate, intimidate, emotionally demean,
6 or cause severe pain or injury, or fear of harm
7 to the other or a third person”; and

8 “(12) ‘stalking’ means engaging in a course of
9 conduct directed at a specific person that would
10 cause a reasonable person to fear death, sexual as-
11 sult, or bodily injury to such person or a member
12 of such person’s immediate family, when the person
13 engaging in such conduct has knowledge or should
14 have knowledge that the specific person will be
15 placed in reasonable fear of death, sexual assault, or
16 bodily injury to such person or a member of such
17 person’s immediate family and when the conduct in-
18 duces fear in the specific person of death, sexual as-
19 sult, or bodily injury to such person or a member
20 of such person’s immediate family.”.

21 (c) JURISDICTION REQUIREMENTS.—(1) Section
22 1738A(c)(2)(A)(ii) of such title is amended by striking
23 “because of his removal or retention by a contestant or
24 for other reasons, and a contestant” and inserting “but
25 a parent or person acting as a parent”.

1 (2) Section 1738A(c)(2)(B)(ii)(I) of such title is
2 amended by striking “contestant,” and inserting “parent
3 or a person acting as a parent,”.

4 (d) CONDITION FOR CUSTODY DETERMINATION.—
5 Section 1738A(c)(2)(C) of such title is amended—

6 (1) by striking “he” and inserting “the child, or
7 a sibling or parent of the child,”; and

8 (2) by inserting “, including acts of domestic vi-
9 olence or stalking by the other parent” after
10 “abuse”.

11 (e) CONTINUING JURISDICTION.—Section 1738A(d)
12 of such title is amended by striking “or of any contestant”
13 and inserting “, a parent, or a person acting as a parent,
14 except that after 2 years have passed while a child is living
15 in another State after relocation due to domestic violence,
16 stalking, or sexual assault of the child, the court of the
17 original State shall decline jurisdiction if the courts of the
18 new State would have personal jurisdiction over the other
19 parent under that State’s law”.

20 (f) NOTICE.—Section 1738A(e) of such title is
21 amended by striking “the contestants,” and inserting “all
22 persons entitled to notice under the law of the State as
23 in child custody proceedings between residents of the
24 State,”.

1 (g) MODIFICATIONS.—Section 1738A(f)(1) of such
2 title is amended by inserting “or visitation” after “cus-
3 tody”.

4 (h) CHILD CUSTODY DETERMINATIONS.—Section
5 1738A of such title is amended by striking subsection (h)
6 and by adding at the end the following:

7 “(h) A court may decline to exercise jurisdiction on
8 behalf of a parent who has engaged in domestic violence
9 as a predominant aggressor, stalking, child sexual assault,
10 or child sexual abuse, if a court of another State has emer-
11 gency jurisdiction under subsection (c)(2)(C)(ii). A court
12 may decline to exercise jurisdiction on behalf of a parent
13 who has wrongfully taken the child from a State without
14 justification, or engaged in similar unjustifiable conduct,
15 unless no other State would have jurisdiction under any
16 provision of subsection (c). For the purposes of this sub-
17 section, justification includes removing the child to an-
18 other State in an effort to seek safety for the child, or
19 a sibling or parent of the child, from domestic violence
20 or sexual assault.”.

21 **Subtitle D—Domestic Violence and**
22 **Children**

23 **SEC. 241. CHILD CUSTODY, CHILD ABUSE, AND VICTIMS OF**
24 **DOMESTIC VIOLENCE.**

25 It is the sense of Congress that—

1 (1) for purposes of determining child custody, it
2 is in the best interest of children to have a presump-
3 tion that children shall have their main physical resi-
4 dence with their primary caretaker parent unless
5 that parent is unfit;

6 (2) for purposes of determining child custody, it
7 is not in the best interest of children to—

8 (A) force parents to share custody over the
9 objection of one or both parents when there is
10 a history of domestic violence;

11 (B) punish abused or protective parents
12 who protect themselves or their children;

13 (C) presume that allegations of domestic
14 violence or child sexual assault are likely to be
15 made falsely or for tactical advantage during
16 custody and divorce proceedings; and

17 (D) make “friendly parent” provisions a
18 factor when there is abuse by one parent
19 against the other or a child;

20 (3) child abuse and child sexual abuse allega-
21 tions shall be fully and impartially investigated re-
22 gardless of when they are raised or whether the child
23 has withdrawn the allegation;

24 (4) States shall be far more protective of vic-
25 tims of domestic violence and sexual assault in cus-

1 tody and visitation determinations and not order me-
2 diation, couples counseling, shared custody, mutual
3 orders of protection, unsupervised visitation, or
4 other measures when they may endanger the other
5 parent or the child; and

6 (5) States shall provide training in domestic vi-
7 olence and sexual assault, as they impact custody,
8 child support and visitation determinations, to all
9 professionals who interact with children and parents
10 (including judges, attorneys, guardians ad litem and
11 other individuals appointed to represent children,
12 therapists and mental health professionals, custody
13 evaluators, child protective services personnel, and
14 court appointed special advocates).

15 **Subtitle E—Child Welfare Worker**
16 **Training on Domestic Violence**
17 **and Sexual Assault**

18 **SEC. 251. CHILD WELFARE WORKER TRAINING ON DOMES-**
19 **TIC VIOLENCE AND SEXUAL ASSAULT.**

20 (a) PURPOSE.—The purpose of this subtitle is to en-
21 courage States, Indian tribal governments, and units of
22 local government to recognize and treat, as part of their
23 ongoing child welfare responsibilities, domestic violence
24 and sexual assault as serious problems threatening the
25 safety and well-being of its child and adult victims.

1 (b) GRANT AUTHORITY.—The Attorney General shall
2 make grants in consultation with the Secretary of Health
3 and Human Services to eligible States, Indian tribal gov-
4 ernments, or units of local government to enable child wel-
5 fare service agencies to partner with domestic violence
6 service providers, State or tribal domestic violence or sex-
7 ual assault coalitions, or other private nonprofit domestic
8 violence or sexual assault organizations that have a docu-
9 mented history of effective work in the domestic violence
10 field and on the impact of domestic violence on children
11 to train staff and modify policies, procedures, programs,
12 and practices so that policies, practices, and services are
13 consistent with the following principles:

14 (1) They protect the children.

15 (2) They increase the safety and well-being of
16 the children, including increasing the safety of the
17 nonabusing parents.

18 (3) They increase the safety of the children by
19 supporting the autonomy and capacity of the adult
20 victims.

21 (4) They hold perpetrators, not the victims, re-
22 sponsible for stopping the abusive behaviors.

23 (c) GOALS OF GRANT.—The activities under a grant
24 under subsection (b) shall be directed to achieve the fol-
25 lowing goals:

1 (1) Recognize the overlap between child abuse,
2 including child sexual abuse, and domestic violence
3 in families, the dynamics of domestic violence, in-
4 cluding its intergenerational transmission, the dan-
5 gers posed to both child and adult victims and the
6 physical, emotional, and developmental impact on
7 children.

8 (2) Increase collaboration between child welfare
9 service agencies and domestic violence and sexual as-
10 sult service providers.

11 (3) Develop and implement policies, procedures,
12 and practice guidelines to—

13 (A) reflect the principles stated in sub-
14 section (b);

15 (B) identify and assess domestic violence
16 in child protection cases; and

17 (C) ensure the confidentiality of informa-
18 tion on families shared between child welfare
19 service agencies and local domestic violence and
20 sexual assault programs.

21 (4) Develop appropriate responses in cases of
22 domestic violence, including a safety plan and other
23 appropriate services and interventions that ensure
24 the safety of both the child and adult victims.

1 (5) Create links between child welfare service
2 agencies, community-based domestic violence and
3 sexual assault programs, rape crisis centers, and
4 other entities addressing the safety, health, mental
5 health, social services, housing, and economic needs
6 of child and adult victims of domestic violence and
7 sexual assault.

8 (6) Collect data indicating the number of child
9 protection cases identified as involving domestic vio-
10 lence and the number of such cases that repeatedly
11 return to the child welfare services system.

12 (d) ELIGIBILITY.—Eligible grantees are States, In-
13 dian tribal organizations, or units of local government that
14 are partnering with domestic violence service providers,
15 State or tribal domestic violence or sexual assault coali-
16 tions, or other private nonprofit domestic violence or sex-
17 ual assault organizations that have a documented history
18 of effective work in the domestic violence field and on the
19 impact of domestic violence on children, and that jointly
20 submit an application to the Attorney General and the
21 Secretary of Health and Human Services that include the
22 following:

23 (1) Outlines the specific activities that will be
24 undertaken to achieve the goals set forth in sub-
25 section (c).

1 (2) Agrees to develop over a 3-year period, in
2 collaboration with other organizations, a range of
3 training resources, policies, procedures, and services
4 for child and adult victims of domestic violence and
5 sexual assault that include at least the following:

6 (A) Relevant protocols for the screening,
7 intake, assessment, investigation, and followup
8 to reports of abuse and neglect and a procedure
9 and schedule for training child welfare staff
10 about domestic violence and sexual assault and
11 their impact on children and adult victims and
12 the appropriate use of these protocols. The
13 training shall include line staff, supervisors, and
14 administrators, and begin with staff responsible
15 for screening, intake, assessment, and investiga-
16 tion of reports of child abuse and neglect. The
17 training shall be conducted in collaboration with
18 domestic violence and sexual assault experts
19 and staff from community-based domestic vio-
20 lence and sexual assault programs, rape crisis
21 centers, and relevant law enforcement rep-
22 resentatives. At a minimum, the protocols and
23 training shall address the following:

1 (i) Dynamics of domestic violence and
2 its relationship to child abuse, including its
3 intergenerational transmission.

4 (ii) Screening for domestic violence
5 and sexual assault and assessing danger to
6 the child and adult victims.

7 (iii) Applicable Federal, State, and
8 local laws pertaining to domestic violence
9 and sexual assault.

10 (iv) Appropriate interventions for
11 child and adult victims that protect the
12 safety of both and give appropriate consid-
13 eration to preserving those family members
14 not responsible for the abuse.

15 (v) Appropriate supervision of staff
16 working with families where there has been
17 domestic violence, including issues regard-
18 ing worker safety.

19 (vi) Protecting the safety and con-
20 fidentiality of the child and adult victims
21 consistent with mandatory child abuse re-
22 porting laws.

23 (B) Community-based networks of services
24 and supports that respond effectively to the
25 comprehensive needs of child and adult victims

1 of domestic violence and sexual assault and in-
2 clude at least the following:

3 (i) Appropriate referrals to commu-
4 nity-based domestic violence and sexual as-
5 sault programs and rape crisis centers.

6 (ii) Emergency shelter and transi-
7 tional housing for abused parents and their
8 children.

9 (iii) Legal assistance and advocacy for
10 victims, including, when appropriate, as-
11 sistance in obtaining and entering orders
12 of protection.

13 (iv) Support and training to assist
14 parents to help their children cope with the
15 impact of domestic violence and sexual as-
16 sault.

17 (v) Programs to help children who
18 have witnessed domestic violence.

19 (vi) Health, mental health, and other
20 necessary supportive services.

21 (vii) Assistance to obtain necessary
22 economic supports.

23 (3) Identifies the agencies that will be respon-
24 sible for carrying out the initiative and includes doc-
25 umentation from community-based domestic violence

1 and sexual assault programs and rape crisis centers
2 that they have been involved in the development of
3 the application and describes their ongoing involve-
4 ment in the development of the training and modi-
5 fication of policies, procedures, programs, and prac-
6 tices, including their potential roles as subcontrac-
7 tors.

8 (e) PRIORITY.—In awarding grants under subsection
9 (b), the Attorney General and the Secretary of Health and
10 Human Services shall give priority to applicants that al-
11 ready have demonstrated a commitment to educate staff
12 of child welfare service agencies and domestic violence and
13 sexual assault programs about the impact of domestic vio-
14 lence on children, the special risks of child abuse and ne-
15 glect, and appropriate services and interventions for pro-
16 tecting both the child and adult victims of domestic vio-
17 lence and sexual assault.

18 (f) EVALUATION, REPORTING, AND DISSEMINA-
19 TION.—Each grantee receiving funds under subsection (b)
20 shall submit annually a report to the Attorney General
21 and the Secretary of Health and Human Services evaluat-
22 ing the effectiveness of activities developed with the funds
23 provided under subsection (b) and containing such addi-
24 tional information as the Attorney General and the Sec-
25 retary shall require. In addition, the Attorney General and

1 the Secretary shall within 6 months of the conclusion of
2 the grants distribute to all State child welfare agencies,
3 State and tribal domestic violence and sexual assault coalitions,
4 and to the Congress summaries of the activities implemented by the grantees and related initiatives undertaken by the Department of Justice and Department of Health and Human Services to promote attention by child welfare staff and staff of domestic violence and sexual assault agencies to domestic violence and sexual assault and its impact on its child and adult victims.

11 (g) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out the grant
13 program \$3,000,000 for fiscal year 2000, \$4,000,000 for
14 fiscal year 2001, \$5,000,000 for fiscal year 2002,
15 \$5,000,000 for fiscal year 2003, and \$5,000,000 for fiscal
16 year 2004. Each eligible grantee shall receive an amount
17 to be determined by the Attorney General and the Secretary,
18 but not less than \$250,000 a year.

19 **Subtitle F—Child Abuse** 20 **Accountability**

21 **SEC. 261. SHORT TITLE.**

22 This subtitle may be cited as the “Child Abuse Accountability Act”.
23

1 **SEC. 262. AMENDMENTS TO TITLE I OF THE EMPLOYEE RE-**
2 **TIREMENT INCOME SECURITY ACT OF 1974.**

3 (a) CREATION OR ASSIGNMENT OF RIGHTS TO BENE-
4 FITS UNDER QUALIFIED CHILD ABUSE ORDERS.—Sec-
5 tion 206(d)(3)(A) of the Employee Retirement Income Se-
6 curity Act of 1974 (29 U.S.C. 1056(d)(3)(A)) is
7 amended—

8 (1) by inserting “or a child abuse order” after
9 “a domestic relations order”;

10 (2) by inserting “or a qualified child abuse
11 order” after “a qualified domestic relations order”;
12 and

13 (3) by inserting “or any qualified child abuse
14 order” after “any qualified domestic relations
15 order”.

16 (b) QUALIFIED CHILD ABUSE ORDERS.—Section
17 206(d)(3)(B) of such Act (29 U.S.C. 1056(d)(3)(B)) is
18 amended—

19 (1) in clause (i), by striking “the term” and in-
20 serting “The term”, and by striking “, and” at the
21 end and inserting a period;

22 (2) in clause (ii), by striking “the term” and in-
23 serting “The term”; and

24 (3) by adding at the end the following new
25 clauses:

1 “(iii) The term ‘qualified child abuse order’
2 means a child abuse order—

3 “(I) which creates or recognizes the exist-
4 ence of an alternate payee’s right to, or assigns
5 to an alternate payee the right to, receive all or
6 a portion of the benefits payable with respect to
7 a participant under a plan, and

8 “(II) with respect to which the require-
9 ments of subparagraphs (C) and (D) are met.

10 “(iv) The term ‘child abuse order’ means any
11 court order or other similar process for the enforce-
12 ment of a judgment rendered against a participant
13 or beneficiary under a plan for physically, sexually,
14 or emotionally abusing a child. For purposes of this
15 clause—

16 “(I) The term ‘judgment rendered for
17 physically, sexually, or emotionally abusing
18 a child’ means any legal claim perfected
19 through a final enforceable judgment,
20 which claim is based in whole or in part
21 upon the physical, sexual, or emotional
22 abuse of a child, whether or not that abuse
23 is accompanied by other actionable wrong-
24 doing, such as sexual exploitation or gross
25 negligence.

1 “(II) The term ‘child’ means an indi-
2 vidual under 18 years of age.”.

3 (c) EXEMPTION FROM PREEMPTION.—Section
4 514(b)(7) of such Act (29 U.S.C. 1144(b)(7)) is amended
5 by inserting “qualified child abuse orders (within the
6 meaning of section 206(d)(3)(B)(iii))” after “section
7 206(d)(3)(B)(i),”.

8 (d) CONFORMING AMENDMENTS.—Section 206(d)(3)
9 of such Act (29 U.S.C. 1056(d)(3)) is amended—

10 (1) in subparagraph (C), by inserting “or child
11 abuse order” after “A domestic relations order”;

12 (2) in subparagraph (D), by inserting “or child
13 abuse order” after “A domestic relations order”;

14 (3) in subparagraph (E)(i), by inserting “or
15 child abuse order” after “A domestic relations
16 order”;

17 (4) in subparagraph (G)(i), by inserting “or
18 child abuse order” after “any domestic relations
19 order”, by striking “domestic relations orders” in
20 subclause (I) and inserting “such an order”, and by
21 inserting “or a qualified child abuse order” in sub-
22 clause (II) after “a qualified domestic relations
23 order”;

24 (5) in subparagraph (G)(ii), by inserting “and
25 child abuse orders” after “domestic relations or-

1 ders”, and by inserting “or child abuse order” after
2 “domestic relations order” each place it appears in
3 subclauses (II) and (III);

4 (6) in subparagraph (H)(i), by inserting “or
5 whether a child abuse order is a qualified child
6 abuse order” after “whether a domestic relations
7 order is a qualified domestic relations order”, and by
8 inserting “or a qualified child abuse order” after “to
9 be a qualified domestic relations order”;

10 (7) in subparagraph (H)(ii), by inserting “or a
11 qualified child abuse order” after “a qualified do-
12 mestic relations order”;

13 (8) in subparagraph (H)(iii), by inserting “(in
14 the case of a domestic relations order) or a qualified
15 child abuse order (in the case of a child abuse
16 order)” after “a qualified domestic relations order”
17 each place it appears in subclauses (I) and (II);

18 (9) in subparagraph (H)(iv), by inserting “or a
19 qualified child abuse order” after “a qualified do-
20 mestic relations order”;

21 (10) in subparagraph (H)(v), by inserting “or
22 child abuse order” after “the domestic relations
23 order”;

24 (11) in subparagraph (I)(i), by inserting “or
25 child abuse order” after “a domestic relations

1 order”, and by inserting “or qualified child abuse
2 order, respectively” after “a qualified domestic rela-
3 tions order”;

4 (12) in subparagraph (J), by inserting “or a
5 qualified child abuse order” after “a qualified do-
6 mestic relations order”;

7 (13) in subparagraph (K), by inserting “or
8 child abuse order” after “a domestic relations
9 order”; and

10 (14) in subparagraph (M), by inserting “or a
11 qualified child abuse order” after “a qualified do-
12 mestic relations order”.

13 **SEC. 263. AMENDMENTS TO THE INTERNAL REVENUE CODE**
14 **OF 1986.**

15 (a) CREATION OR ASSIGNMENT OF RIGHTS TO BENE-
16 FITS UNDER QUALIFIED CHILD ABUSE ORDERS.—Sub-
17 paragraph (B) of section 401(a)(13) of the Internal Reve-
18 nue Code of 1986 (relating to assignment of benefits) is
19 amended—

20 (1) by inserting “OR CHILD ABUSE ORDERS”
21 after “DOMESTIC RELATIONS ORDERS” in the head-
22 ing;

23 (2) by inserting “or a child abuse order” after
24 “a domestic relations order”; and

1 (3) by inserting “or a qualified child abuse
2 order” after “a qualified domestic relations order”.

3 (b) QUALIFIED CHILD ABUSE ORDERS.—Section
4 414(p) of such Code (defining qualified domestic relations
5 order) is amended—

6 (1) in the heading, by inserting “AND QUALI-
7 FIED CHILD ABUSE ORDER” after “ORDER”; and

8 (2) in paragraph (1), by adding at the end the
9 following new subparagraphs:

10 “(C) QUALIFIED CHILD ABUSE ORDER.—

11 The term ‘qualified child abuse order’ means a
12 child abuse order—

13 “(i) which creates or recognizes the
14 existence of an alternate payee’s right to,
15 or assigns to an alternate payee the right
16 to, receive all or a portion of the benefits
17 payable with respect to a participant under
18 a plan, and

19 “(ii) with respect to which the re-
20 quirements of paragraphs (2) and (3) are
21 met.

22 “(D) CHILD ABUSE ORDER.—

23 “(i) IN GENERAL.—The term ‘child
24 abuse order’ means any court order or
25 other similar process for the enforcement

1 of a judgment rendered against a partici-
2 pant or beneficiary under a plan for phys-
3 ically, sexually, or emotionally abusing a
4 child.

5 “(ii) DEFINITIONS.—For purposes of
6 this subparagraph—

7 “(I) The term ‘judgment ren-
8 dered for physically, sexually, or emo-
9 tionally abusing a child’ means any
10 legal claim perfected through a final
11 enforceable judgment, which claim is
12 based in whole or in part upon the
13 physical, sexual, or emotional abuse of
14 a child, whether or not that abuse is
15 accompanied by other actionable
16 wrongdoing, such as sexual exploi-
17 tation or gross negligence.

18 “(II) The term ‘child’ means an
19 individual under 18 years of age.”.

20 (c) CONFORMING AMENDMENTS.—Subsection (p) of
21 section 414 of such Code is amended—

22 (1) in paragraph (2), by inserting “or child
23 abuse order” after “A domestic relations order”;

24 (2) in paragraph (3), by inserting “or child
25 abuse order” after “A domestic relations order”;

1 (3) in paragraph (4)(A), by inserting “or child
2 abuse order” after “a domestic relations order”;

3 (4) in paragraph (6)(A), by inserting “or child
4 abuse order” after “any domestic relations order”,
5 by striking “domestic relations orders” in clause (i)
6 and inserting “such an order”, and by inserting “or
7 a qualified child abuse order” in clause (ii) after “a
8 qualified domestic relations order”;

9 (5) in paragraph (6)(B), by inserting “and
10 child abuse orders” after “domestic relations or-
11 ders”;

12 (6) in paragraph (7)(A), by inserting “or
13 whether a child abuse order is a qualified child
14 abuse order” after “whether a domestic relations
15 order is a qualified domestic relations order”, and by
16 inserting “or a qualified child abuse order” after “to
17 be a qualified domestic relations order”;

18 (7) in paragraph (7)(B), by inserting “OR
19 QUALIFIED CHILD ABUSE ORDER” in the heading
20 after “QUALIFIED DOMESTIC RELATIONS ORDER”,
21 and by inserting “or a qualified child abuse order”
22 after “a qualified domestic relations order”;

23 (8) in paragraph (7)(C), by inserting “(in the
24 case of a domestic relations order) or a qualified
25 child abuse order (in the case of a child abuse

1 order)” after “a qualified domestic relations order”
2 each place it appears in clauses (i) and (ii);

3 (9) in paragraph (7)(D), by inserting “or a
4 qualified child abuse order” after “a qualified do-
5 mestic relations order”;

6 (10) in paragraph (7)(E), by inserting “or child
7 abuse order” after “the domestic relations order”;

8 (11) in paragraph (8), by inserting “or child
9 abuse order” after “a domestic relations order”;

10 (12) in paragraph (9), by inserting “or a quali-
11 fied child abuse order” after “a qualified domestic
12 relations order”;

13 (13) in paragraph (10), by inserting “or a
14 qualified child abuse order” after “a qualified do-
15 mestic relations order”; and

16 (14) in paragraph (11), by inserting “(in the
17 case of a domestic relations order) or a qualified
18 child abuse order (in the case of a child abuse
19 order)” after “pursuant to a qualified domestic rela-
20 tions order”, and by inserting “or a child abuse
21 order” after “pursuant to a domestic relations
22 order”.

23 (d) TAX TREATMENT OF DISTRIBUTIONS PURSUANT
24 TO QUALIFIED CHILD ABUSE ORDERS.—

1 (1) ALTERNATE PAYEE SHALL INCLUDE BENE-
2 FITS IN GROSS INCOME.—Paragraph (1) of section
3 402(e) of such Code (relating to alternate payee
4 under qualified domestic relations order treated as
5 distributee) is amended by inserting “or qualified
6 child abuse order” after “a qualified domestic rela-
7 tions order” each place it appears.

8 (2) ALLOCATION OF INVESTMENT IN THE CON-
9 TRACT.—Paragraph (10) of section 72(m) of such
10 Code (relating to determination of investment in the
11 contract in the case of qualified domestic relations
12 orders) is amended—

13 (A) in the heading, by inserting “AND
14 QUALIFIED CHILD ABUSE ORDERS” after
15 “QUALIFIED DOMESTIC RELATIONS ORDERS”;
16 and

17 (B) by inserting “or qualified child abuse
18 order” after “a qualified domestic relations
19 order”.

20 (3) CLARIFICATION OF ELIGIBILITY OF PARTIC-
21 IPANT FOR LUMP SUM TREATMENT.—

22 (A) Subparagraph (H) of section 402(d)(4)
23 of such Code (relating to balance to credit of
24 employee not to include amounts payable under

1 qualified domestic relations order) is
2 amended—

3 (i) in the heading, by inserting “OR
4 QUALIFIED CHILD ABUSE ORDER” after
5 “QUALIFIED DOMESTIC RELATIONS
6 ORDER”; and

7 (ii) by inserting “or qualified child
8 abuse order” after “a qualified domestic
9 relations order”.

10 (B) Subparagraph (J) of section 402(d)(4)
11 of such Code is amended by inserting “, or
12 under a qualified child abuse order (within the
13 meaning of section 414(p)) of the balance to
14 the credit of an alternate payee,” after “former
15 spouse of the employee”.

16 **SEC. 264. EFFECTIVE DATE.**

17 The amendments made by this subtitle shall take ef-
18 fect on January 1, 1999, except that, in the case of a child
19 abuse order entered before such date, the plan
20 administrator—

21 (1) shall treat such order as a qualified child
22 abuse order if such administrator is paying benefits
23 pursuant to such order on such date, and

24 (2) may treat any other such order entered be-
25 fore such date as a qualified child abuse order even

1 if such order does not meet the requirements of such
2 amendments.

3 **TITLE III—SEXUAL ASSAULT**
4 **PREVENTION**
5 **Subtitle A—Rape Prevention**
6 **Education**

7 **SEC. 301. TRANSFER OF RAPE PREVENTION AND EDU-**
8 **CATION PROGRAM.**

9 Part J of title III of the Public Health Service Act
10 is amended by inserting after section 393A the following
11 new section:

12 **“SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION**
13 **EDUCATION.**

14 “(a) GRANTS.—

15 “(1) PERMITTED USE.—Notwithstanding sec-
16 tion 1904(a)(1), amounts transferred by the State
17 for use under this part shall be used for rape pre-
18 vention and education programs conducted by rape
19 crisis centers and private nonprofit nongovernmental
20 State and tribal sexual assault coalitions for—

21 “(A) educational seminars;

22 “(B) the operation of hotlines;

23 “(C) training programs for professionals;

24 “(D) the preparation of informational ma-
25 terial; and

1 “(E) other efforts to increase awareness of
2 the facts about, or to help prevent, sexual as-
3 sault, including efforts to increase awareness in
4 underserved communities (as defined in section
5 2003(7) of the Omnibus Crime Control and
6 Safe Streets Act of 1968 (42 U.S.C. 3796gg-
7 2(7) as amended by section 643(c)).

8 “(2) TERMS.—

9 “(A) POPULATIONS.—The Secretary shall
10 make grants under subsection (a) to each State
11 on the basis of the population of the State.

12 “(B) RAPE PREVENTION AND EDUCATION
13 PROGRAMS.—No State may use funds made
14 available by reason of paragraph (1) in any fis-
15 cal year for administration of any prevention
16 program other than the rape prevention and
17 education program for which grants are made
18 under paragraph (1).

19 “(C) AVAILABILITY.—Any amount paid to
20 a State for a fiscal year and remaining unobli-
21 gated at the end of such year shall remain
22 available for the next fiscal year to such State
23 for the purposes for which it was made.

24 “(D) ADMINISTRATIVE AND TECHNICAL
25 ASSISTANCE.—The Secretary shall use not more

1 than 5 percent of the funds available under
2 paragraph (1) for the purposes of administra-
3 tive and technical assistance.”.

4 “(E) TARGETING OF EDUCATION PRO-
5 GRAMS.—States receiving grant moneys under
6 paragraph (1) shall ensure that at least 25 per-
7 cent of the moneys are devoted to educational
8 programs targeted for middle school, junior
9 high, and high school aged students. The pro-
10 grams targeted under this subsection shall be
11 conducted by rape crisis centers and State and
12 tribal sexual assault coalitions.

13 “(b) NATIONAL RESOURCE CENTER.—

14 “(1) ESTABLISHMENT.—At such time as appro-
15 priations under subsection (c) reach at least
16 \$80,000,000, the Secretary of Health and Human
17 Services shall, through the National Center for In-
18 jury Prevention and Control at the Centers for Dis-
19 ease Control and Prevention, establish a National
20 Resource Center on Sexual Assault to provide re-
21 source information, policy, training, and technical
22 assistance to Federal, State, and Indian tribal agen-
23 cies, as well as to State and tribal sexual assault
24 coalitions and local sexual assault programs and to
25 other professionals and interested parties on issues

1 relating to sexual assault. The Resource Center shall
2 maintain a central resource library in order to col-
3 lect, prepare, analyze, and disseminate information
4 and statistics and analyses thereof relating to the in-
5 cidence and prevention of sexual assault.

6 “(2) ELIGIBLE ORGANIZATIONS.—The Sec-
7 retary shall award a grant under paragraph (1) to
8 a private nonprofit organization which can—

9 “(A) demonstrate that it has recognized
10 expertise in the area of sexual assault, a record
11 of high-quality services to victims of sexual as-
12 sault, including a demonstration of support
13 from advocacy groups, such as State and tribal
14 sexual assault coalitions or recognized national
15 sexual assault groups; and

16 “(B) demonstrate a commitment to diver-
17 sity and to the provision of services to under-
18 served populations as defined in section
19 2003(7) of the Omnibus Crime Control and
20 Safe Street Act of 1968 (42 U.S.C. 3796gg-
21 2(7)).

22 “(c) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—There are authorized to be
24 appropriated to carry out this section—

25 “(A) \$80,000,000 for fiscal year 2000;

- 1 “(B) \$105,000,000 for fiscal year 2001;
2 “(C) \$105,000,000 for fiscal year 2002;
3 “(D) \$155,000,000 for fiscal year 2003;
4 and
5 “(E) \$155,000,000 for fiscal year 2004.

6 Funds authorized to be appropriated under this section are appropriated from the Violent Crime Reduction Fund pursuant to section 31001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(c)) and paragraph (16) under the definition of “prevention program” in section 31001(d) of such Act (42 U.S.C. 14214(d)).

13 “(2) SEXUAL ASSAULT COALITIONS.—At such time as appropriations under subsection (c) reach at least \$80,000,000, the Secretary shall designate 15 percent of the total amount appropriated to be used for making grants to nonprofit, nongovernmental State sexual assault coalitions to address public health issues associated with sexual assault through training, resource development, or similar research.

21 “(3) INDIAN COUNTRY.—At such time as the appropriations under subsection (c) reach at least \$80,000,000, there shall be awarded by the Secretary not less than 5 percent of such amounts for the funding of tribal sexual assault coalitions. To be

1 eligible for a grant under this paragraph, an entity
2 shall be a private nonprofit coalition whose member-
3 ship includes representatives from a majority of the
4 programs for adult and child victims of sexual as-
5 sault operating within the boundaries of such Indian
6 country and programs whose primary purpose is
7 serving the population of an Indian reservation, and
8 whose board membership is representative of such
9 programs. Such coalitions shall further the purposes
10 of sexual assault intervention and prevention
11 through activities including—

12 “(A) training and technical assistance for
13 local Indian sexual assault programs and pro-
14 viders of direct services to encourage appro-
15 priate responses to sexual assault in Indian
16 country;

17 “(B) planning and conducting needs as-
18 sessments and planning for comprehensive serv-
19 ices in Indian country;

20 “(C) serving as an information clearing-
21 house and resource center for any Indian res-
22 ervation represented by the coalition receiving
23 these funds;

24 “(D) collaborating with Indian, State, and
25 Federal systems which affect adult and child

1 victims of sexual assault in Indian country, in-
2 cluding judicial, law enforcement, and child pro-
3 tective services agencies, to encourage appro-
4 priate responses to sexual assault cases;

5 “(E) conducting public education and out-
6 reach activities addressing sexual assault in In-
7 dian country;

8 “(F) collaborating with sexual assault coa-
9 litions in the areas described above; and

10 “(G) participating in planning and mon-
11 itoring of the distribution of grants and grant
12 funds to Indian reservation and tribal organiza-
13 tions under this section.

14 “(4) SUBSECTION (b) ALLOTMENT.—Of the
15 amount appropriated for any fiscal year under this
16 section, at least \$1,000,000 shall be made available
17 for grants under subsection (b), with yearly in-
18 creases of at least 10 percent of the prior year’s al-
19 lotment.

20 “(d) LIMITATIONS.—

21 “(1) A State may use funds under subsection
22 (a) only so as to supplement and, to the extent prac-
23 ticable, increase the level of funds that would be
24 available from non-Federal sources for the activities

1 described in subsection (a), and in no case may such
2 funds be used to supplant funds from other sources.

3 “(2) A State may not use more than 2 percent
4 of the funds received in each fiscal year under this
5 section for surveillance studies or prevalence studies
6 and funds for such studies shall be available only at
7 such time as appropriations under subsection (c)
8 reach at least \$80,000,000.

9 “(3) A State may not use more than 5 percent
10 of funds received in each fiscal year under sub-
11 section (a) for administrative expenses.

12 “(e) DEFINITIONS.—

13 “(1) RAPE PREVENTION AND EDUCATION.—For
14 purposes of this section, the term ‘rape prevention
15 and education’ includes education and prevention ef-
16 forts directed at sexual offenses committed by of-
17 fenders who are not known to the victim as well as
18 offenders who are known to the victim.

19 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
20 sault’ means any conduct proscribed by chapter
21 109A of title 18, United States Code, whether or not
22 the conduct occurs in the special maritime and terri-
23 torial jurisdiction of the United States or in a Fed-
24 eral prison and includes both assaults committed by
25 offenders who are strangers to the victim and as-

1 saults committed by offenders who are known to the
2 victim or related by blood or marriage to the victim.

3 “(3) RAPE CRISIS CENTER.—The term ‘rape
4 crisis center’ means a private, nonprofit, nongovern-
5 mental organization that is organized, or has as one
6 of its primary purposes, to provide services for vic-
7 tims of sexual assault and has a record of commit-
8 ment and demonstrated experience in providing serv-
9 ices to victims of sexual assault.

10 “(4) SEXUAL ASSAULT PROGRAM.—The term
11 ‘sexual assault program’ means a private, nonprofit,
12 nongovernmental organization that is organized, or
13 has as one of its primary purposes, to provide serv-
14 ices for victims of sexual assault and has a record
15 of commitment and demonstrated experience in pro-
16 viding services to victims of sexual assault.

17 “(5) STATE COALITION OF SEXUAL ASSAULT
18 PROGRAMS.—The term ‘State coalition of sexual as-
19 sault programs’ means a statewide nonprofit, non-
20 governmental membership organization of a majority
21 of sexual assault programs within the State that,
22 among other activities, provides training and tech-
23 nical assistance to sexual assault programs within
24 the State, commonwealth, territory, or lands under
25 military, Federal, or tribal authority.”.

1 **SEC. 302. RAPE PREVENTION EDUCATION.**

2 (a) REPEAL.—Section 1910A of the Public Health
3 and Human Services Act (42 U.S.C. 300w–10) is re-
4 pealed.

5 (b) EFFECTIVE DATE.—The repeal made by sub-
6 section (a) of this section shall take effect the day after
7 the date of enactment of this Act.

8 **Subtitle B—Standards, Practice,**
9 **and Training for Sexual Assault**
10 **Examinations**

11 **SEC. 311. SHORT TITLE.**

12 This subtitle may be cited as the “Standards, Prac-
13 tice, and Training for Sexual Assault Forensic Examina-
14 tions Act”.

15 **SEC. 312. STANDARDS, PRACTICE, AND TRAINING FOR SEX-**
16 **UAL ASSAULT FORENSIC EXAMINATIONS.**

17 (a) IN GENERAL.—The Attorney General, in conjunc-
18 tion with the Secretary of Health and Human Services,
19 shall—

20 (1) evaluate existing standards of training and
21 practice for licensed health care professionals per-
22 forming sexual assault forensic examinations and de-
23 velop a national recommended standard for training;

24 (2) recommend sexual assault forensic examina-
25 tion training for all health care students to improve
26 the recognition of injuries suggestive of rape and

1 sexual assault and baseline knowledge of appropriate
2 referrals in victim treatment and evidence collection;
3 and

4 (3) review existing national, State, tribal, and
5 local protocols on sexual assault forensic examina-
6 tions, and based on this review, develop a rec-
7 ommended national protocol and establish a mecha-
8 nism for its nationwide dissemination.

9 (b) CONSULTATION.—The Attorney General and the
10 Secretary of Health and Human Services shall consult
11 with national, State, tribal, and local experts in the area
12 of rape and sexual assault, including rape crisis centers,
13 State and tribal sexual assault and domestic violence coal-
14 itions and programs, and programs for criminal justice, fo-
15 rensic nursing, forensic science, emergency room medicine,
16 law, social services, and sex crimes in underserved commu-
17 nities (as defined in section 2003(7) of the Omnibus
18 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
19 3796gg–2(7) as amended by section 643(e)).

20 (c) REPORT.—The Attorney General and the Sec-
21 retary of Health and Human Services shall ensure that
22 no later than 1 year after the date of enactment of this
23 Act, a report of the actions taken pursuant to subsection
24 (a) is submitted to Congress.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$200,000 for fiscal year 2000.

4 **Subtitle C—Violence Against**
 5 **Women Training for Health Pro-**
 6 **fessions**

7 **SEC. 331. SHORT TITLE.**

8 This subtitle may be cited as the “Violence Against
 9 Women Training for Health Professions Act”.

10 **SEC. 332. ESTABLISHMENT, FOR CERTAIN HEALTH PROFES-**
 11 **SIONS PROGRAMS, OF PROVISIONS REGARD-**
 12 **ING DOMESTIC VIOLENCE AND SEXUAL AS-**
 13 **SAULT.**

14 Section 791 of the Public Health Service Act (42
 15 U.S.C. 295j) is amended by redesignating subsection (c)
 16 as subsection (d), and by inserting after subsection (b)
 17 the following:

18 “(c) PREFERENCES REGARDING TRAINING IN IDEN-
 19 TIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC
 20 VIOLENCE AND SEXUAL ASSAULT.—

21 “(1) IN GENERAL.—In the case of a health pro-
 22 fessions entity specified in paragraph (2), the Sec-
 23 retary shall, in making awards of grants or contracts
 24 under this title, give preference to any such entity
 25 (if otherwise a qualified applicant for the award in-

1 volved) that has in effect the requirement that, as a
2 condition of receiving a degree or certificate (as ap-
3 plicable) from the entity, each student have had sig-
4 nificant training developed in consultation and col-
5 laboration with national, State, tribal, and local do-
6 mestic violence and sexual assault coalitions and
7 programs in carrying out the following functions as
8 a provider of health care:

9 “(A) Universal screening for victims of do-
10 mestic violence and sexual assault and main-
11 taining complete medical records that include
12 documentation of the examination and treat-
13 ment given, referrals made, and recording the
14 location and nature of the victim’s injuries.

15 “(B) Examining and treating such victims,
16 within the scope of the health professional’s dis-
17 cipline, training, and practice, including, at a
18 minimum, providing medical advice regarding
19 the dynamics and nature of domestic violence
20 and sexual assault.

21 “(C) Referring the victims to public and
22 nonprofit private entities that provide services
23 for such victims.

24 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
25 TIES.—For purposes of paragraph (1), a health pro-

1 fessions entity specified in this paragraph is any en-
2 tity that is a school of medicine, a school of osteo-
3 pathic medicine, a graduate program in mental
4 health practice, a school of nursing (as defined in
5 section 853), a program for the training of physician
6 assistants, or a program for the training of allied
7 health professionals.

8 “(3) REPORT TO CONGRESS.—Not later than 2
9 years after the date of the enactment of the Violence
10 Against Women Training for Health Professions
11 Act, the Secretary shall submit to the Committee on
12 Commerce of the House of Representatives and the
13 Committee on Labor and Human Resources of the
14 Senate, a report specifying the health professions en-
15 tities that are receiving preference under paragraph
16 (1); the number of hours of training required by the
17 entities for purposes of such paragraph; the extent
18 of clinical experience so required; and the types of
19 courses through which the training is being pro-
20 vided, including the extent of involvement of non-
21 profit nongovernmental domestic violence and sexual
22 assault victims services programs in the training.

23 “(4) DEFINITIONS.—For purposes of this sub-
24 section:

1 “(A) DOMESTIC VIOLENCE.—The term ‘do-
2 mestic violence’ includes acts or threats of vio-
3 lence, not including acts of self defense, com-
4 mitted by a current or former spouse of the vic-
5 tim, by a person with whom the victim shares
6 a child in common, by a person who is cohabit-
7 ing with or has cohabited with the victim, by a
8 person who is or has been in a continuing social
9 relationship of a romantic or intimate nature
10 with the victim, by a person similarly situated
11 to a spouse of the victim under the domestic or
12 family violence laws of the jurisdiction, or by
13 any other person against a victim who is pro-
14 tected from that person’s acts under the domes-
15 tic or family violence laws of the jurisdiction.

16 “(B) SEXUAL ASSAULT.—The term ‘sexual
17 assault’ means any conduct proscribed by chap-
18 ter 109A of title 18, United States Code,
19 whether or not the conduct occurs in the special
20 maritime and territorial jurisdiction of the
21 United States or in a Federal prison and in-
22 cludes both assaults committed by offenders
23 who are strangers to the victim and assaults
24 committed by offenders who are known to the

1 victim or related by blood or marriage to the
2 victim.”.

3 **Subtitle D—Prevention of Custodial Sexual Assault by Correctional Staff**

6 **SEC. 341. SHORT TITLE.**

7 This subtitle may be cited as the “Prevention of Custodial Sexual Assault by Correctional Staff Act”.

9 **SEC. 342. FINDINGS.**

10 Congress finds the following:

11 (1) According to an extensive 1996 report by
12 the Women’s Rights Project of Human Rights
13 Watch, sexual abuse of women prisoners by correctional officers is a serious problem in our Nation’s
14 prisons, jails, and correctional facilities.

16 (2) Custodial sexual assault of women by correctional officers includes documented incidents of
17 vaginal, oral, and anal rape.

19 (3) Because correctional officers wield near absolute power over female prisoners, officers may
20 abuse that power to sexually assault and abuse female prisoners, as well as engage in constant groping,
21 harassment, and other abuse.

24 **SEC. 343. ESTABLISHMENT OF PREVENTION PROGRAM.**

25 (a) PROGRAM GUIDELINES.—

1 (1) IN GENERAL.—The Attorney General shall
2 establish guidelines for States and disseminate such
3 information to the States regarding the prevention
4 of custodial sexual misconduct by correctional staff.

5 (2) REQUIREMENTS.—Such guidelines shall in-
6 clude requirements that—

7 (A) prohibit a State department of correc-
8 tions from hiring correctional staff who have
9 been convicted on criminal charges, or found
10 liable in civil suits, for custodial sexual mis-
11 conduct; and

12 (B) each State department of corrections
13 maintain databases, including the names and
14 identifying information of individuals who have
15 been convicted on criminal charges or found lia-
16 ble in civil suits for custodial sexual mis-
17 conduct, and check these databases prior to hir-
18 ing any correctional staff.

19 (3) NATIONAL DATABASE.—The information re-
20 ferred to in paragraph (2)(B) shall also be submit-
21 ted to the Department of Justice where it will be
22 maintained and updated on a national database.

23 (b) RELEASE OF INFORMATION.—The information
24 collected under subsection (a)(2)(B) shall be treated as
25 private data except that—

1 (1) such information may be disclosed to law
2 enforcement agencies for law enforcement purposes;

3 (2) such information may be disclosed to gov-
4 ernment agencies conducting confidential back-
5 ground checks; and

6 (3) the designated State law enforcement agen-
7 cy and any local law enforcement agency authorized
8 by the State agency may release relevant informa-
9 tion that is necessary to protect prisoners concerning
10 a specific person whose name is included in the
11 database, except that the identity of a victim of an
12 offense that requires information to be maintained
13 under this section shall not be released.

14 (c) IMMUNITY FOR GOOD FAITH CONDUCT.—Law
15 enforcement agencies, employees of law enforcement agen-
16 cies, and State officials shall be immune from criminal or
17 civil liability for good faith conduct in releasing informa-
18 tion under this section.

19 (d) INELIGIBILITY FOR FUNDS.—

20 (1) IN GENERAL.—A State that fails to imple-
21 ment the program as described under this section
22 shall not receive 10 percent of the funds that would
23 otherwise be allocated to the State under subtitle A
24 of title II of the Violent Crime Control and Law En-
25 forcement Act of 1994 (42 U.S.C. 13701).

1 (2) REALLOCATION.—Any funds that are not
2 allocated for failure to comply with this section shall
3 be reallocated to States that comply with this sec-
4 tion.

5 (3) COMPLIANCE DATE.—Each State shall have
6 not more than 3 years from the date of enactment
7 of this Act in which to implement this section, ex-
8 cept that the Attorney General may grant an addi-
9 tional 2 years to a State that is making good faith
10 efforts to implement this section.

11 **SEC. 344. PROHIBITED SEXUAL CONDUCT BY CORREC-**
12 **TIONAL STAFF.**

13 (a) REDUCTION OF FUNDS.—In addition to the re-
14 duction of funds under section 343(d)(1), a State that
15 does not have criminal penalties or a State that fails to
16 implement criminal penalties explicitly prohibiting custo-
17 dial sexual misconduct by correctional staff against pris-
18 oners shall not receive 10 percent of the funds that would
19 otherwise be allocated to the State under subtitle A of title
20 II of the Violent Crime Control and Law Enforcement Act
21 of 1994 (42 U.S.C. 13701).

22 (b) REALLOCATION.—Any funds that are not allo-
23 cated for failure to comply with this section shall be reallo-
24 cated to States that comply with this section.

1 (c) COMPLIANCE DATE.—Each State shall have not
2 more than 3 years from the date of enactment of this Act
3 in which to implement this section, except that the Attor-
4 ney General may grant an additional 2 years to a State
5 that is making good faith efforts to implement this sec-
6 tion.

7 **SEC. 345. NATIONAL SEXUAL CONTACT HOTLINE FOR PRIS-**
8 **ONERS.**

9 (a) IN GENERAL.—Not later than one year after the
10 date of the enactment of this Act, the Attorney General
11 shall create a national, confidential, toll-free telephone
12 hotline to collect data and to provide information and as-
13 sistance to prisoners who have experienced custodial sex-
14 ual misconduct by corrections staff.

15 (b) ACTIVITIES.—Funds authorized under this sec-
16 tion shall be utilized to establish and operate a national,
17 confidential, toll-free sexual contact hotline. Such funds
18 shall be used for activities, including—

19 (1) contracting with a carrier for the use of a
20 toll-free telephone line;

21 (2) employing, training, and supervising person-
22 nel to answer incoming calls and provide counseling
23 and referral services to callers;

24 (3) assembling, maintaining, and continually
25 updating a database of information and resources to

1 which callers may be referred throughout the United
2 States;

3 (4) publicizing the hotline to prisoners through-
4 out the United States; and

5 (5) tracking of the number of reports, including
6 the name and location of the individual reporting the
7 offender, and incidents.

8 (c) REPORTING OF INFORMATION.—Information re-
9 garding the number of reports and the status of those re-
10 ports shall be included in the Attorney General’s annual
11 report to Congress.

12 (d) PROCESSING REPORTS.—Reports may be re-
13 ferred to the criminal section of the Civil Rights Division
14 of the Department of Justice for investigation or for refer-
15 ral to the appropriate State agency for investigation.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$300,000 for fiscal year 2000 and \$100,000 for each of
19 the fiscal years 2001, 2002, 2003, and 2004.

20 **SEC. 346. DEFINITIONS.**

21 For purposes of this subtitle:

22 (1) CORRECTIONAL STAFF.—The term “correc-
23 tional staff” means any employee, contractual em-
24 ployee, volunteer, or agent of a correctional depart-
25 ment who is working in any contact position with

1 any prisoners under the jurisdiction of that depart-
2 ment.

3 (2) CUSTODIAL SEXUAL MISCONDUCT.—The
4 term “custodial sexual misconduct” means any phys-
5 ical contact, directly or through the clothing, with
6 the sexual or intimate parts of a person for the pur-
7 pose of sexual gratification of either party, when
8 the—

9 (A) parties involved are a person in cus-
10 tody of a correctional department and a mem-
11 ber of the correctional staff; or

12 (B) contact occurs under circumstances of
13 coercion, duress, or threat of force by a member
14 of the correctional staff.

15 **Subtitle E—Hate Crimes** 16 **Prevention**

17 **SEC. 351. SHORT TITLE.**

18 This subtitle may be cited as the “Hate Crimes Pre-
19 vention Act of 1999”.

20 **SEC. 352. FINDINGS.**

21 Congress finds that—

22 (1) the incidence of violence motivated by the
23 actual or perceived race, color, national origin, reli-
24 gion, sexual orientation, gender, or disability of the
25 victim poses a serious national problem;

1 (2) such violence disrupts the tranquility and
2 safety of communities and is deeply divisive;

3 (3) existing Federal law is inadequate to ad-
4 dress this problem;

5 (4) such violence affects interstate commerce in
6 many ways, including—

7 (A) impeding the movement of members of
8 targeted groups and forcing such members to
9 move across State lines to escape the incidence
10 or risk of such violence; and

11 (B) preventing members of targeted groups
12 from purchasing goods and services, obtaining
13 or sustaining employment, or participating in
14 other commercial activity;

15 (5) perpetrators cross State lines to commit
16 such violence;

17 (6) instrumentalities of interstate commerce are
18 used to facilitate the commission of such violence;

19 (7) such violence is committed using articles
20 that have traveled in interstate commerce;

21 (8) violence motivated by bias that is a relic of
22 slavery can constitute badges and incidents of slav-
23 ery;

24 (9) although many local jurisdictions have at-
25 tempted to respond to the challenges posed by such

1 violence, the problem is sufficiently serious, wide-
2 spread, and interstate in scope to warrant Federal
3 intervention to assist such jurisdictions; and

4 (10) many States have no laws addressing vio-
5 lence based on the actual or perceived race, color,
6 national origin, religion, sexual orientation, gender,
7 or disability, of the victim, while other States have
8 laws that provide only limited protection.

9 **SEC. 353. DEFINITION OF HATE CRIME.**

10 In this Act, the term “hate crime” has the same
11 meaning as given such term by section 280003(a) of the
12 Violent Crime Control and Law Enforcement Act of 1994
13 (28 U.S.C. 994 note).

14 **SEC. 354. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.**

15 Section 245 of title 18, United States Code, is
16 amended—

17 (1) by redesignating subsections (c) and (d) as
18 subsections (d) and (e), respectively; and

19 (2) by inserting after subsection (b) the follow-
20 ing:

21 “(c)(1) Whoever, whether or not acting under color
22 of law, willfully causes bodily injury to any person or,
23 through the use of fire, a firearm, or an explosive device
24 or attempts to cause bodily injury to any person, because

1 of the actual or perceived race, color, religion, or national
2 origin of any person—

3 “(A) shall be imprisoned not more than 10
4 years, or fined in accordance with this title, or both;
5 or

6 “(B) shall be imprisoned for any term of years
7 or for life, or fined in accordance with this title, or
8 both if—

9 “(i) death results from the acts committed
10 in violation of this paragraph; or

11 “(ii) the acts committed in violation of this
12 paragraph include kidnapping or an attempt to
13 kidnap, aggravated sexual abuse or an attempt
14 to commit aggravated sexual abuse, or an at-
15 tempt to kill.

16 “(2)(A) Whoever, whether or not acting under color
17 of law, in any circumstance described in subparagraph
18 (B), willfully causes bodily injury to any person or,
19 through the use of fire, a firearm, or an explosive device,
20 attempts to cause bodily injury to any person, because of
21 the actual or perceived religion, gender, sexual orientation,
22 or disability of any person—

23 “(i) shall be imprisoned not more than 10
24 years, or fined in accordance with this title, or both;
25 or

1 “(ii) shall be imprisoned for any term of years
2 or for life, or fined in accordance with this title, or
3 both, if—

4 “(I) death results from the acts committed
5 in violation of this paragraph; or

6 “(II) the acts committed in violation of
7 this paragraph include kidnapping or an at-
8 tempt to kidnap, aggravated sexual abuse or an
9 attempt to commit aggravated sexual abuse, or
10 an attempt to kill.

11 “(B) For purposes of subparagraph (A), the cir-
12 cumstances described in this subparagraph are that—

13 “(i) in connection with the offense, the defend-
14 ant or the victim travels in interstate or foreign
15 commerce, uses a facility or instrumentality of inter-
16 state or foreign commerce, or engages in any activity
17 affecting interstate or foreign commerce; or

18 “(ii) the offense is in or affects interstate or
19 foreign commerce.”.

20 **SEC. 355. DUTIES OF FEDERAL SENTENCING COMMISSION.**

21 (a) AMENDMENT OF FEDERAL SENTENCING GUIDE-
22 LINES.—Pursuant to its authority under section 994 of
23 title 28, United States Code, the United States Sentencing
24 Commission shall study the issue of adult recruitment of
25 juveniles to commit hate crimes and shall, if appropriate,

1 amend the Federal sentencing guidelines to provide sen-
2 tencing enhancements (in addition to the sentencing en-
3 hancement provided for the use of a minor during the
4 commission of an offense) for adult defendants who recruit
5 juveniles to assist in the commission of hate crimes.

6 (b) CONSISTENCY WITH OTHER GUIDELINES.—In
7 carrying out this section, the United States Sentencing
8 Commission shall—

9 (1) ensure that there is reasonable consistency
10 with other Federal sentencing guidelines; and

11 (2) avoid duplicative punishments for substan-
12 tially the same offense.

13 **SEC. 356. GRANT PROGRAM.**

14 (a) AUTHORITY TO MAKE GRANTS.—The Attorney
15 General, acting through the Administrator of the Office
16 of Juvenile Justice and Delinquency Prevention of the De-
17 partment of Justice shall make grants, in accordance with
18 such regulations as the Attorney General may prescribe,
19 to State and local programs designed to combat hate
20 crimes committed by juveniles.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as may be
23 necessary to carry out this section.

1 **SEC. 357. AUTHORIZATION FOR ADDITIONAL PERSONNEL**
2 **TO ASSIST STATE AND LOCAL LAW ENFORCE-**
3 **MENT.**

4 There are authorized to be appropriated to the De-
5 partment of the Treasury and the Department of Justice,
6 including the Community Relations Service, for fiscal
7 years 2000, 2001, 2002, 2003, and 2004 such sums as
8 are necessary to increase the number of personnel to pre-
9 vent and respond to alleged violations of section 245 of
10 title 18, United States Code, as amended by section 354.

11 **Subtitle F—Rescheduling and**
12 **Classification of Date-Rape Drugs**

13 **SEC. 361. RECLASSIFICATION OF DATE-RAPE DRUG.**

14 Notwithstanding section 201 of the Controlled Sub-
15 stances Act (21 U.S.C. 811) respecting the scheduling of
16 controlled substances, the Attorney General shall, by
17 order, transfer flunitrazepam from schedule IV of such
18 Act to schedule I of such Act.

19 **SEC. 362. CLASSIFICATION OF DATE-RAPE DRUGS.**

20 Notwithstanding section 201 of the Controlled Sub-
21 stances Act (21 U.S.C. 811) respecting the scheduling of
22 controlled substances, the Attorney General shall, by
23 order, add ketamine to schedule III of such Act and shall,
24 by order, add Gamma Hydroxy Butyric Acid to schedule
25 I of such Act.

1 **Subtitle G—Access to Safety and**
2 **Advocacy for Victims of Sexual**
3 **Assault**

4 **SEC. 371. PURPOSE.**

5 The purpose of this subtitle is to enhance safety and
6 justice for victims of sexual violence in every State, juris-
7 diction under military or Federal control, tribal land, terri-
8 tory, or commonwealth through access to the justice sys-
9 tem and improved legal advocacy and representation.

10 **SEC. 372. GRANTS TO IMPROVE ACCESS TO THE JUSTICE**
11 **SYSTEM.**

12 (a) **ELIGIBLE GRANTEES.**—Eligible grantees for
13 grants under subsection (c) are—

- 14 (1) sexual assault programs;
- 15 (2) State, tribal, and local bar associations;
- 16 (3) law school clinical programs;
- 17 (4) nonprofit legal services;
- 18 (5) court-based pro se programs;
- 19 (6) bar association or sexual assault legal infor-
20 mation and referral services or hotlines;
- 21 (7) State and tribal coalitions of sexual assault
22 programs; and
- 23 (8) tribes and tribal organizations.

24 (b) **ELIGIBLE SERVICES.**—Activities funded under
25 this subtitle shall be designed to further the health, con-

1 fidentiality, safety, and economic needs of adult and child
2 victims of sexual assault through legal assistance and ad-
3 vocacy for victims of sexual assault in civil, criminal, and
4 administrative actions. Activities funded under this sub-
5 title shall include legal assistance and advocacy on behalf
6 of (1) low-income and indigent persons, or (2) persons who
7 have inadequate access to sufficient financial resources to
8 secure appropriate legal assistance.

9 (c) GRANT AUTHORITY.—The Attorney General may
10 make grants for the following purposes:

11 (1) To improve the availability and quality of
12 legal assistance and advocacy to adult and child vic-
13 tims of sexual assault through efforts directed at
14 stopping the violence, and enhancing the health, con-
15 fidentiality, safety, and economic needs of adult and
16 child victims of sexual assault.

17 (2) To encourage the development of partner-
18 ships between sexual assault programs and the full
19 spectrum of legal representation and advocacy pro-
20 grams, including legal services programs, bar asso-
21 ciations, legal hotlines, and law school programs.

22 (3) To increase participation of the private bar
23 in pro bono or low-cost representation or assistance
24 to adult and child victims of sexual assault.

1 (4) To improve judicial and administrative han-
2 dling of pro se cases involving adult and child vic-
3 tims of sexual assault.

4 (5) To improve the availability and quality of
5 legal representation through education and training
6 programs on sexual assault in law schools and con-
7 tinuing professional education programs, including
8 development and distribution of education materials
9 and practice manuals.

10 **SEC. 373. APPLICATION.**

11 To be eligible for a grant under section 372(c) an
12 applicant shall—

13 (1) for entities described in paragraphs (2)
14 through (6) of section 372(a), include documentation
15 of an ongoing partnership and working relationship
16 with a local or tribal sexual assault program or
17 State or tribal sexual assault coalition;

18 (2) demonstrate a history of providing direct
19 legal or advocacy services in a manner that is ac-
20 countable to the community served;

21 (3) certify that—

22 (A) any person providing legal assistance
23 through a program funded under a grant under
24 section 372(c) has completed training on sexual
25 assault law and practice;

1 (B) any training programs conducted in
2 satisfaction of the requirement of subparagraph
3 (A) be developed with input from and in col-
4 laboration with a local or tribal sexual assault
5 program or State or tribal sexual assault coali-
6 tion;

7 (C) the grantee's organizational policies do
8 not require or encourage mediation or counsel-
9 ing involving offenders and victims, in cases
10 where adult or child sexual assault is an issue;
11 and

12 (D) any person providing legal assistance
13 through a program funded under a grant under
14 section 372(e) has informed the State or tribal
15 sexual assault coalition of their work and par-
16 ticipates in any statewide networking among
17 legal assistance providers to victims of sexual
18 assault.

19 **SEC. 374. FUNDING.**

20 (a) **ALLOCATION OF FUNDS.**—Of the total amounts
21 appropriated under subsection (b) in any fiscal year—

22 (1) at least 45 percent shall be allocated to
23 projects that provide direct representation to adult
24 and child victims of sexual assault through staff, vol-
25 unteers, or partnerships in actions undertaken to

1 achieve or preserve the health, confidentiality, safety,
2 and economic needs of adult and child victims of
3 sexual assault;

4 (2) at least 5 percent shall be used for grants
5 to tribes and tribal organizations, including tribal
6 courts and tribal bar associations and use of such
7 funds for grants to tribes and tribal organizations
8 shall in no way preclude tribes and tribal organiza-
9 tions from receiving additional grants for direct rep-
10 resentation, technical assistance, or any other eligi-
11 ble purpose under this subtitle;

12 (3) no more than 25 percent shall be awarded
13 to technical assistance and training initiatives; and

14 (4) no more than 5 percent shall be utilized for
15 the costs of administration.

16 Grant funds not obligated at the end of the grant period
17 will be redistributed in the following fiscal year to grantees
18 eligible for grants under section 372.

19 (b) FUNDING LEVELS.—Funding for grants under
20 section 372 shall be authorized at the following levels:

21 (1) \$10,000,000 for fiscal year 2000.

22 (2) \$15,000,000 for fiscal year 2001.

23 (3) \$20,000,000 for fiscal year 2002.

24 (4) \$25,000,000 for fiscal year 2003.

25 (5) \$30,000,000 for fiscal year 2004.

1 (c) TERMS.—

2 (1) Federal funds under a grant under section
3 372 shall be used to supplement, not supplant, other
4 Federal and non-Federal funds that would be avail-
5 able for expenditure on activities described in section
6 372. Moneys disbursed under a grant under section
7 372 shall be used to fund new projects or to expand
8 or enhance existing projects.

9 (2) Activities funded under a grant under sec-
10 tion 372 shall be conducted pursuant to any applica-
11 ble Federal, State, tribal, or local law governing dis-
12 crimination on the basis of race, national origin, reli-
13 gion, age, gender, sexual orientation, or disability.
14 Entities funded under a grant under section 372
15 shall not be restricted from providing services be-
16 cause of the immigration status or sexual orientation
17 of the person seeking services.

18 **SEC. 375. DEFINITIONS.**

19 For purposes of this subtitle:

20 (1) **SEXUAL ASSAULT.**—The term “sexual as-
21 sault” means any conduct proscribed by chapter
22 109A of title 18, United States Code, whether or not
23 the conduct occurs in the special maritime and terri-
24 torial jurisdictions or tribal jurisdictions of the
25 United States or in a Federal prison and includes

1 both assaults committed by offenders who are
2 strangers to the victim and assaults committed by
3 offenders who are known to the victim or related by
4 blood or marriage to the victim.

5 (2) SEXUAL ASSAULT PROGRAM.—The term
6 “sexual assault program” means a nonprofit, non-
7 governmental organization, the primary purpose of
8 which is to provide advocacy on behalf of and com-
9 prehensive services to victims of sexual assault in-
10 cluding, but not limited to, some combination of the
11 following: crisis hotlines; counseling; systems advoca-
12 cacy; transportation; safety planning; information;
13 and referrals to legal assistance.

14 (3) LAW SCHOOL PROGRAM.—The term “law
15 school program” means an internship, externship,
16 clinic, or other legal representation program or ini-
17 tiative located at an accredited school of law which
18 has as its primary purpose the provision of legal rep-
19 resentation, information, or assistance to victims of
20 sexual assault directed at improving the health, con-
21 fidentiality, safety, and economic needs of adult and
22 child victims of sexual assault.

23 (4) LEGAL ASSISTANCE.—The term “legal as-
24 sistance” includes—

1 (A) direct representation of and assistance
2 to victims of sexual assault from intake through
3 adjudication, enforcement and appeal, in any
4 civil, criminal, or administrative actions which
5 are directed at improving the health, confiden-
6 tiality, safety, and economic needs of adult and
7 child victims of sexual assault; and

8 (B) legal advocacy, including issue identi-
9 fication, safety planning, evaluating options,
10 policy analysis, representation enhancement,
11 outreach activities, accompaniment, informa-
12 tion, directories and referral, monitoring civil,
13 criminal, and administrative proceedings, and
14 coordination among legal, social, and health
15 care systems, offered by personnel of sexual as-
16 sault programs, which are directed at improving
17 the health, confidentiality, safety, and economic
18 needs of adult and child victims of sexual as-
19 sault.

20 (5) NONPROFIT DIRECT LEGAL SERVICES.—The
21 term “nonprofit direct legal services” means a non-
22 profit, nongovernmental legal organization which has
23 as its primary purpose the provision of legal assist-
24 ance to persons on a no-cost, sliding scale, deferred
25 payment, or fixed fee basis on civil, criminal, or ad-

1 ministrative matters and which provides specialized
2 representation to adult and child victims of sexual
3 assault directed at improving the health, confiden-
4 tiality, safety, and economic needs of adult and child
5 victims of sexual assault.

6 (6) PRO BONO PROGRAM.—The term “pro bono
7 program” means a program affiliated with a State,
8 tribal, or local court, bar association, nonprofit di-
9 rect legal services organization, or sexual assault
10 program that offers no-cost representation, legal
11 educational programs, or information and referral
12 services to victims of adult and child sexual assault
13 directed at improving the health, confidentiality,
14 safety, and economic needs of adult and child vic-
15 tims of sexual assault.

16 (7) PRO SE PROGRAM.—The term “pro se pro-
17 gram” means a program based in the State, tribal,
18 or local courts, in nonprofit direct legal services or-
19 ganizations, or in sexual assault programs to assist
20 adult and child victims of sexual assault—

21 (A) in preparing and filing court pleadings,
22 forms, memos, proposed orders, and related
23 documents in effecting service and in represen-
24 tation of themselves in any civil, criminal, or
25 administrative matters or proceedings directed

1 at improving the health, confidentiality, safety,
2 and economic needs of adult and child victims
3 of sexual assault;

4 (B) in developing comprehensive safety
5 plans; and

6 (C) by providing other information and re-
7 ferral services.

8 (8) STATE, TRIBAL, AND LOCAL BAR ASSOCIA-
9 TION.—The term “State, tribal, and local bar asso-
10 ciation” means a State, tribal, or local association of
11 attorneys of a specified geographic area whose mem-
12 bers are licensed to practice in the jurisdiction and
13 that offers information, referral, or pro bono legal
14 services to adult and child victims of sexual assault
15 related to improving the health, confidentiality, safe-
16 ty, and economic needs of adult and child victims of
17 sexual assault.

18 (9) TRIBAL ORGANIZATION.—The term “tribal
19 organization” means a tribally chartered organiza-
20 tion or a nonprofit organization operating within the
21 boundaries of an Indian reservation whose governing
22 body reflects the population served.

23 (10) STATE COALITION OF SEXUAL ASSAULT
24 PROGRAMS.—The term “State coalition of sexual as-
25 sault programs” means a statewide, nonprofit, non-

1 governmental membership organization of a majority
2 of sexual assault programs within a State, that
3 among other activities, provides training and tech-
4 nical assistance to sexual assault programs within a
5 State, commonwealth, territory, or lands under mili-
6 tary, Federal, or tribal authority.

7 **TITLE IV—DOMESTIC VIOLENCE**
8 **PREVENTION**

9 **Subtitle A—Domestic Violence and**
10 **Sexual Assault Victims’ Housing**

11 **SEC. 401. SHORT TITLE.**

12 This subtitle may be cited as the “Domestic Violence
13 and Sexual Assault Victims’ Housing Act”.

14 **SEC. 402. FINDINGS.**

15 Congress finds as follows:

16 (1) Housing can prevent domestic violence and
17 mitigate its effects. The connection between domes-
18 tic violence and housing is overwhelming. Of all
19 homeless women and children, 50 percent are fleeing
20 domestic violence.

21 (2) Among cities surveyed, 44 percent identified
22 domestic violence as a primary cause of homeles-
23 ness.

24 (3) Women’s poverty levels aggravate the prob-
25 lems of homelessness and domestic violence. Two out

1 of three poor adults are women. Female-headed
2 households are six times poorer than male-headed
3 households. In 1996, of the 7,700,000 poor families
4 in the country, 4,100,000 of them were single fe-
5 male-headed households. In addition, 5,100,000 poor
6 women who are not in families are poor.

7 (4) Almost 50 percent of the women who re-
8 ceive Temporary Assistance to Needy Families funds
9 cite domestic violence as a factor in the need for as-
10 sistance.

11 (5) Many women who flee violence are forced to
12 return to their abusers because of inadequate shelter
13 or lack of money. Even if they leave their abusers
14 to go to a shelter, they often return home because
15 the isolation from familiar surroundings, friends,
16 and neighborhood resources makes them feel even
17 more vulnerable. Shelters and transitional housing
18 facilities are often located far from a domestic vio-
19 lence victim's neighborhood. While this placement
20 may be deliberate to protect domestic violence vic-
21 tims from their abusers, it can also be intimidating
22 and alienating for a woman to leave her home, com-
23 munity, cultural support system, and all that she
24 knows for shelter way across town. Thus, women of

1 color and immigrant women are less likely to become
2 shelter residents.

3 (6) Women who do leave their abusers lack
4 emergency shelter options. The overall number of
5 emergency shelter beds for homeless people is esti-
6 mated to have decreased by an average of 3 percent
7 in 1997 while requests for shelter increased on the
8 average by 3 percent. Emergency shelters struggle to
9 meet the increased need for services with about 32
10 percent of the requests for shelter by homeless fami-
11 lies going unmet. In fact 88 percent of cities re-
12 ported having to turn away homeless families from
13 emergency shelters due to inadequate resources for
14 services.

15 (7) Battered women and their children comprise
16 an increasing proportion of the emergency shelter
17 population. Many emergency shelters have strict
18 time limits that require women to find alternative
19 housing immediately forcing them to separate from
20 their children.

21 (8) A stable, sustainable home base is crucial
22 for women who have left situations of domestic vio-
23 lence and are learning new job skills, participating
24 in educational programs, working full-time jobs, or
25 searching for adequate child care in order to gain

1 self-sufficiency. Transitional housing resources and
2 services provide a continuum between emergency
3 shelter provision and independent living.

4 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

5 For purposes of section 404, the authorization of ap-
6 propriations under section 429(a) of the Stewart B.
7 McKinney Homeless Assistance Act (42 U.S.C. 11389(a))
8 shall be increased by \$50,000,000 for fiscal year 2000 and
9 by such sums as may be necessary for fiscal years 2000
10 through 2004.

11 **SEC. 404. USE OF AMOUNTS FOR HOUSING ASSISTANCE**
12 **FOR VICTIMS OF DOMESTIC VIOLENCE,**
13 **STALKING, OR ADULT OR CHILD SEXUAL AS-**
14 **SAULT.**

15 (a) IN GENERAL.—The additional amounts to be
16 made available by section 403 under section 429 of the
17 Stewart B. McKinney Homeless Assistance Act (42 U.S.C.
18 11389) shall be made available by the Secretary only to
19 qualified, nonprofit, nongovernmental organizations (as
20 such term is defined in section 406) only for the purpose
21 of providing supportive housing (as such term is referred
22 to in subchapter IV of part C of the Stewart B. McKinney
23 Homeless Assistance Act (42 U.S.C. 11384)) and tenant-
24 based rental assistance, financial assistance for security
25 deposit, first month's rent, or ongoing rental assistance

1 on behalf of individuals or families victimized by domestic
2 violence, stalking, or adult or child sexual assault (as such
3 terms are defined in section 405) who have left or are leav-
4 ing a residence as a result of the domestic violence, stalk-
5 ing, or adult or child sexual assault. Each recipient shall
6 be required to supplement the assistance provided under
7 this subsection with a 25 percent match of funds for sup-
8 portive services (as such term is referred to in subchapter
9 IV of part C of the Stewart B. McKinney Homeless Assist-
10 ance Act (42 U.S.C. 11385)) from sources other than this
11 subsection. Each recipient shall certify to the Secretary
12 its compliance with this subsection and shall include with
13 the certification a description of the sources and amounts
14 of such supplemental funds.

15 (b) DETERMINATION.—For purposes of subsection
16 (a), an individual or a family victimized by domestic vio-
17 lence, stalking, or adult or child sexual assault shall be
18 considered to have left or to be leaving a residence as a
19 result of domestic violence, stalking, or adult or child sex-
20 ual assault if the qualified, nonprofit, nongovernmental or-
21 ganization providing support, including tenant-based rent-
22 al assistance, financial assistance for security deposit, first
23 month's rent, or ongoing rental assistance under sub-
24 section (a) determines that the individual or member of
25 the family who was a victim of the domestic violence,

1 stalking, or adult or child sexual assault reasonably be-
2 lieves that relocation from such residence will assist in
3 avoiding future domestic violence, stalking, or adult or
4 child sexual assault against such individual or another
5 member of the family.

6 (c) ALLOCATION.—Amounts made available pursuant
7 to subsection (a) shall be allocated by the Secretary on
8 the basis of a national competition among the qualified,
9 nonprofit, nongovernmental organizations that submit ap-
10 plications to the Secretary that best demonstrate a need
11 for such assistance, including the extent of service pro-
12 vided to underserved populations as defined in section
13 2003(7) of the Omnibus Crime Control and Safe Streets
14 Act of 1968 (42 U.S.C. 3796gg–2(7)) and the ability to
15 undertake and carry out a program under subsection (a),
16 as the Secretary shall determine. Of the total funds appro-
17 priated under section 403 in any of the enumerated fiscal
18 years, at least 5 percent shall be used for grants to Indian
19 tribes or Indian tribal organizations that provide emer-
20 gency shelter, transitional housing, or permanent housing
21 or supportive services to individuals or families victimized
22 by domestic violence, stalking, or adult or child sexual as-
23 sault and Indian tribes or Indian tribal organizations
24 which receive such grants may apply for and receive other
25 grants from the total funds appropriated under this sub-

1 title. All other grants awarded shall go to qualified, non-
2 profit, nongovernmental organizations. If, at the end of
3 the 6th month of any fiscal year for which sums are appro-
4 priated under section 403, the amount appropriated has
5 not been made available to a qualified, nonprofit, non-
6 governmental organization under subsection (a) for pur-
7 poses outlined therein, the Secretary shall reallocate such
8 amount to qualified, nonprofit, nongovernmental organiza-
9 tions that are eligible for funding under subchapter IV of
10 part C of the Stewart B. McKinney Homeless Assistance
11 Act (42 U.S.C. 11381–11389). Funds made available by
12 the Secretary through reallocation under the preceding
13 sentence shall remain available for expenditure until the
14 end of the fiscal year following the fiscal year in which
15 such funds become available for reallocation.

16 **SEC. 405. DEFINITIONS.**

17 For purposes of this subtitle:

18 (1) **DOMESTIC VIOLENCE.**—The term “domestic
19 violence” includes acts or threats of violence or ex-
20 treme cruelty (as such term is referred to in section
21 216 of the Immigration and Nationality Act (8
22 U.S.C. 1186a)), not including acts of self-defense,
23 committed by a current or former spouse of the vic-
24 tim, by a person with whom the victim has a child
25 in common, by a person who is cohabiting with or

1 has cohabited with the victim, by a person who is or
2 has been in a continuing social relationship of a ro-
3 mantic or intimate nature with the victim, by a per-
4 son similarly situated to a spouse of the victim
5 under the domestic or family violence laws of the ju-
6 risdiction, or by any other person against a victim
7 who is protected from that person's acts under the
8 domestic or family violence laws of the jurisdiction.

9 (2) FAMILY VICTIMIZED BY DOMESTIC VIO-
10 LENCE, STALKING, OR ADULT OR CHILD SEXUAL AS-
11 SAULT.—

12 (A) IN GENERAL.—The term “family vic-
13 timized by domestic violence, stalking, or adult
14 or child sexual assault” means a family or
15 household that includes an individual who has
16 been determined under subparagraph (B) to
17 have been a victim of domestic violence, stalk-
18 ing, or adult or child sexual assault, but does
19 not include any individual described in para-
20 graph (1), (2), or (3) who committed the do-
21 mestic violence, sexual assault, or adult or child
22 sexual assault. The term includes any such fam-
23 ily or household in which only a minor or mi-
24 nors are the individual or individuals who was
25 or were a victim of domestic violence, stalking,

1 or sexual assault only if such family or house-
2 hold also includes a parent, stepparent, legal
3 guardian, or other responsible caretaker for the
4 child.

5 (B) DETERMINATION THAT FAMILY OR IN-
6 DIVIDUAL WAS A VICTIM OF DOMESTIC VIO-
7 LENCE, STALKING, OR ADULT OR CHILD SEX-
8 UAL ASSAULT.—For purposes of subparagraph
9 (A), a determination under this subparagraph is
10 a determination that domestic violence, stalk-
11 ing, or adult or child sexual assault has been
12 committed, which is made by any agency or of-
13 ficial of a State, Indian tribe, tribal organiza-
14 tion, or unit of general local government based
15 upon—

16 (i) information provided by any medi-
17 cal, legal, counseling, or other clinic, shel-
18 ter, sexual assault program or other pro-
19 gram or entity licensed, recognized, or au-
20 thorized by the State, Indian tribe, tribal
21 organization, or unit of general local gov-
22 ernment to provide services to victims of
23 domestic violence, stalking, or adult or
24 child sexual assault;

1 (ii) information provided by any agen-
2 cy of the State, Indian tribe, tribal organi-
3 zation, unit of general local government, or
4 qualified, nonprofit, nongovernmental orga-
5 nization that provides or administers the
6 provision of social, medical, legal, or health
7 services;

8 (iii) information provided by any cler-
9 gy;

10 (iv) information provided by any hos-
11 pital, clinic, medical facility, or doctor li-
12 censed or authorized by the State, Indian
13 tribe, tribal organization, or unit of general
14 local government to provide medical serv-
15 ices;

16 (v) a petition, application, or com-
17 plaint filed in any State, Federal, or tribal
18 court or administrative agency, documents
19 or records of action or decision of any
20 court, law enforcement agency, or adminis-
21 trative agency, including any record of any
22 protective order, injunction, or temporary
23 or final order issued by civil or criminal
24 courts, any self-petition or any police re-
25 port; or

1 (vi) any other reliable evidence that
2 domestic violence, stalking, or adult or
3 child sexual assault has occurred.

4 A victim's statement that domestic violence,
5 stalking, or adult or child sexual assault has oc-
6 curred shall be sufficient unless the agency has
7 an independent, reasonable basis to find the in-
8 dividual not credible.

9 (3) INDIAN TRIBE.—The term “Indian Tribe”
10 shall have the same meaning given the term in sec-
11 tion 2002(3) of the Omnibus Crime Control and
12 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(3)).

13 (4) QUALIFIED, NONPROFIT, NONGOVERN-
14 MENTAL ORGANIZATION.—The term “qualified, non-
15 profit, nongovernmental organization” means a pri-
16 vate organization that—

17 (A) is organized, or has as one of its pri-
18 mary purposes, to provide emergency shelter,
19 transitional housing, or permanent housing for
20 victims of domestic violence, stalking, or adult
21 or child sexual assault or is a medical, legal,
22 counseling, social, psychological, health, job
23 training, educational, life skills development, or
24 other clinical services program for victims of
25 domestic violence, stalking, or adult or child

1 sexual assault that undertakes a collaborative
2 project with a qualified, nonprofit, nongovern-
3 mental organization that primarily provides
4 emergency shelter, transitional housing, or per-
5 manent housing for low-income people;

6 (B) is organized under State, tribal, or
7 local laws;

8 (C) has no part of its net earnings inuring
9 to the benefit of any member, shareholder,
10 founder, contributor, or individual;

11 (D) is approved by the Secretary as to fi-
12 nancial responsibility; and

13 (E) demonstrates experience in providing
14 services to victims of domestic violence, stalk-
15 ing, or adult or child sexual assault.

16 (5) SECRETARY.—The term “Secretary” means
17 the Secretary of Housing and Urban Development.

18 (6) SEXUAL ASSAULT.—The term “sexual as-
19 sault” means any conduct proscribed by chapter
20 109A of title 18, United States Code, whether or not
21 the conduct occurs in the special maritime and terri-
22 torial jurisdiction of the United States, on an Indian
23 reservation, or in a Federal prison and includes both
24 assaults committed by offenders who are strangers
25 to the victims and assaults committed by offenders

1 who are known to the victims or related by blood or
2 marriage to the victim.

3 (7) STALKING.—The term “stalking” means
4 engaging in a course of conduct directed at a spe-
5 cific person that would cause a reasonable person to
6 fear death, sexual assault, or bodily injury to himself
7 or herself or a member of his or her immediate fam-
8 ily, when the person engaging in such conduct has
9 knowledge or should have knowledge that the spe-
10 cific person will be placed in reasonable fear of
11 death, sexual assault, or bodily injury to himself or
12 herself or a member of his or her immediate family
13 and when the conduct induces fear in the specific
14 person of death, sexual assault, or bodily injury to
15 himself or herself or a member of his or her imme-
16 diate family.

17 (8) STATE.—The term “State” means the
18 States of the United States, the District of Colum-
19 bia, the Commonwealth of Puerto Rico, the Com-
20 monwealth of the Northern Mariana Islands, Guam,
21 the Virgin Islands, American Samoa, and any other
22 territory or possession of the United States.

23 (9) TRANSITIONAL HOUSING.—The term “tran-
24 sitional housing” includes short-term housing and is
25 given the meaning of subchapter IV, part C of the

1 Stewart B. McKinney Homeless Assistance Act (42
2 U.S.C. 11384(b)).

3 (10) TRIBAL ORGANIZATION.—The term “tribal
4 organization” means a private, nonprofit, non-
5 governmental, or tribally chartered organization—

6 (A) whose primary purpose is to provide
7 emergency shelter, transitional housing, or per-
8 manent housing or supportive services to indi-
9 viduals or families victimized by domestic vio-
10 lence, stalking, or adult or child sexual assault;

11 (B) that operates within the exterior
12 boundaries of an Indian reservation; and

13 (C) whose board of directors reflects the
14 population served.

15 (11) UNIT OF GENERAL LOCAL GOVERN-
16 MENT.—The term “unit of general local govern-
17 ment” has the meaning given the term in section
18 102(a) of the Housing and Community Development
19 Act of 1974 (42 U.S.C. 5302(a)).

20 **Subtitle B—Full Faith and Credit**
21 **for Protection Orders**

22 **SEC. 411. FULL FAITH AND CREDIT FOR PROTECTION OR-**
23 **DERS.**

24 (a) Subsection 2265(a) of title 18, United States
25 Code, is amended—

1 (1) by inserting “(1)” before “Any”; and

2 (2) by adding after paragraph (1) the following:

3 “(2) For purposes of enforcement, a tribal court may
4 exercise civil and criminal jurisdiction over any person, In-
5 dian or non-Indian, who violates a protection order within
6 the tribal court’s jurisdiction, if the exercise of jurisdiction
7 comports with the Indian Civil Rights Act (25 U.S.C.
8 1301 et seq.). The exercise of criminal jurisdiction under
9 this paragraph is subject to Federal court habeas corpus
10 review under section 203 of such Act after tribal court
11 remedies are exhausted.

12 “(3) For purposes of Federal, State, and tribal law
13 enforcement, a protection order issued by any Federal,
14 State, or tribal court shall be presumed valid upon its
15 face.”.

16 (b) Subsection 2265(b) of title 18, United States
17 Code, is amended—

18 (1) by inserting “(1)” before “A”; and

19 (2) by adding after paragraph (1) the following:

20 “(2) For purposes of paragraph (1), a Federal, State,
21 or tribal court may not refuse to enforce a tribal court
22 order on the grounds that the tribal court lacks jurisdic-
23 tion over the defendant because of the defendant’s status
24 as a non-Indian or nonmember Indian.”.

1 (c) Section 2265 of title 18, United States Code, is
2 amended by adding at the end the following:

3 “(d) REGISTRATION.—Nothing in this section shall
4 require prior filing or registration of a protection order
5 in the enforcing State or tribal government in order to
6 secure enforcement pursuant to subsection (a). Nothing
7 in this section shall permit an enforcing State or tribal
8 government to notify the party against whom the order
9 has been made that a protection order has been registered
10 or filed in that State or tribal government.

11 “(e) NOTICE.—Nothing in this section shall require
12 notification of the party against whom the order was made
13 in order to secure enforcement by a law enforcement offi-
14 cer pursuant to subsection (a).”.

15 (d) Section 2266 of title 18, United States Code, is
16 amended—

17 (1) by inserting “issued pursuant to State or
18 tribal divorce and child custody codes” after “cus-
19 tody orders”; and

20 (2) by adding “Custody and visitation provi-
21 sions in protection orders are subject to the man-
22 dates of this chapter.” after “seeking protection.”.

23 (e) Section 2265 of title 18, United States Code, as
24 amended by subsection (c), is amended by adding at the
25 end the following:

1 “(f) COMPLIANCE WITH FULL FAITH AND CRED-
2 IT.—Within 180 days of the date of the enactment of the
3 Violence Against Women Act of 1999, the Attorney Gen-
4 eral shall issue regulations to determine whether a State
5 is in compliance with subsections (a), (b), and (c), taking
6 into account the following factors:

7 “(1) The State’s documented good faith efforts
8 to ensure compliance by judicial, law enforcement,
9 and other State officials, including the extent and
10 nature of any training programs, outreach, and
11 other activities.

12 “(2) The degree to which any case of non-
13 compliance by a State official represents an isolated
14 incident, rather than a pattern of nonenforcement.

15 “(3) Any barriers to compliance presented by
16 outdated technology, recordkeeping problems, or
17 similar issues, and the State’s documented good
18 faith efforts to remove those barriers.

19 “(g) FORMULA GRANT REDUCTION FOR NONCOMPLI-
20 ANCE.—

21 “(1) PENALTY.—Until such time as the State
22 out of compliance is deemed by the Attorney General
23 to comply with the requirements of subsections (a),
24 (b), and (c), the Attorney General shall reduce by 10
25 percent the amount a State would receive under sub-

1 part 1 of part E of title I of the Omnibus Crime
2 Control and Safe Streets Act of 1968.

3 “(2) GRACE PERIOD.—The funding penalty as-
4 sessed against a noncompliant State will be held for
5 a period of 6 months after the beginning of the fis-
6 cal year. If during that time the State complies with
7 subsections (a), (b), and (c), the funding will be re-
8 leased to the newly compliant State. Any funding
9 not released at the end of the 6-month grace period
10 shall be redistributed to other participating States
11 that comply with subsections (a), (b), and (c).

12 “(3) EFFECTIVE DATE.—The Attorney General
13 may begin to reduce funds described in paragraph
14 (1) on the first day of each fiscal year succeeding
15 the third fiscal year beginning after the date of the
16 enactment of this subsection.”.

17 (f) Section 501(b) of the Omnibus Crime Control and
18 Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended
19 by renumbering paragraphs (19) through (26) as para-
20 graphs (20) through (27), respectively, and inserting after
21 paragraph (18) the following:

22 “(19) developing and implementing policies and
23 guidelines and establishing collaborative relation-
24 ships with adjoining States, including memorandums
25 of understanding, to enable compliance with section

1 2265 of title 18, United States Code, and effectively
2 addressing educational, training, technology, and
3 process barriers to compliance;”.

4 **SEC. 412. GRANT PROGRAM.**

5 (a) IN GENERAL.—The Attorney General may pro-
6 vide grants to assist States, Indian tribal governments,
7 and units of local government to develop and strengthen
8 effective law enforcement and recordkeeping strategies to
9 assist States, Indian tribal governments, and units of local
10 government to enforce protective orders issued by other
11 States, Indian tribal governments, or units of local govern-
12 ment.

13 (b) USES OF FUNDS.—

14 (1) IN GENERAL.—Grants under this section
15 shall provide training and enhanced technology com-
16 patible with existing law enforcement systems in-
17 cluding the National Crime Information Center to
18 enforce protection orders.

19 (2) USES OF FUNDS.—Funds received under
20 this section may be used to train law enforcement,
21 prosecutors, court personnel, victim service provid-
22 ers, and others responsible for the enforcement of
23 protection orders, and to develop, install, or expand
24 data collection and communication systems, includ-
25 ing computerized systems, linking police, prosecu-

1 tors, and courts for the purpose of identifying and
 2 tracking protection orders and violations of protec-
 3 tion orders and training.

4 (3) GRANTS TO TRIBAL GOVERNMENTS.—At
 5 least 50 percent of the amounts appropriated under
 6 subsection (c) for the purposes of this section shall
 7 be used for grants to Indian tribal governments.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 9 are authorized to be appropriated to carry out this section,
 10 \$10,000,000 for each of fiscal years 2000, 2001, 2002,
 11 2003, and 2004.

12 **Subtitle C—Victims of Abuse**

13 **Insurance Protection**

14 **SEC. 421. SHORT TITLE.**

15 This subtitle may be cited as the “Victims of Abuse
 16 Insurance Protection Act”.

17 **SEC. 422. DEFINITIONS.**

18 As used in this subtitle:

19 (1) ABUSE.—The term “abuse” means the oc-
 20 currence of one or more of the following acts by a
 21 current or former household or family member, inti-
 22 mate partner, or caretaker:

23 (A) Attempting to cause or causing an-
 24 other person bodily injury, physical harm, sub-
 25 stantial emotional distress, psychological trau-

1 ma, rape, sexual assault, or involuntary sexual
2 intercourse.

3 (B) Engaging in a course of conduct or re-
4 peatedly committing acts toward another per-
5 son, including following the person without
6 proper authority and under circumstances that
7 place the person in reasonable fear of bodily in-
8 jury or physical harm.

9 (C) Subjecting another person to false im-
10 prisonment or kidnapping.

11 (D) Attempting to cause or causing dam-
12 age to property so as to intimidate or attempt
13 to control the behavior of another person.

14 (2) ABUSE-RELATED CLAIM.—The term
15 “abuse-related claim” means a claim arising in
16 whole or in part out of an act or pattern of abuse.

17 (3) ABUSE-RELATED MEDICAL CONDITION.—
18 The term “abuse-related medical condition” means a
19 medical condition which arises in whole or in part
20 out of an action or pattern of abuse.

21 (4) ABUSE STATUS.—The term “abuse status”
22 means the fact or perception that a person is, has
23 been, or may be a subject of abuse, irrespective of
24 whether the person has sustained abuse-related med-
25 ical conditions or has incurred abuse-related claims.

1 (5) HEALTH BENEFIT PLAN.—The term
2 “health benefit plan” means any public or private
3 entity or program that provides for payments for
4 health care, including—

5 (A) a group health plan (as defined in sec-
6 tion 607 of the Employee Retirement Income
7 Security Act of 1974 (29 U.S.C. 1167)) or a
8 multiple employer welfare arrangement (as de-
9 fined in section 3(40) of such Act (29 U.S.C.
10 1102(40)) that provides health benefits;

11 (B) any other health insurance arrange-
12 ment, including any arrangement consisting of
13 a hospital or medical expense incurred policy or
14 certificate, hospital or medical service plan con-
15 tract, or health maintenance organization sub-
16 scriber contract;

17 (C) workers’ compensation or similar in-
18 surance to the extent that it relates to workers’
19 compensation medical benefits (as defined by
20 the Federal Trade Commission); and

21 (D) automobile medical insurance to the
22 extent that it relates to medical benefits (as de-
23 fined by the Federal Trade Commission).

24 (6) HEALTH CARRIER.—The term “health car-
25 rier” means a person that contracts or offers to con-

1 tract on a risk-assuming basis to provide, deliver, ar-
2 range for, pay for or reimburse, any of the cost of
3 health care services, including a sickness and acci-
4 dent insurance company, a health maintenance orga-
5 nization, a nonprofit hospital and health service cor-
6 poration, or any other entity providing a plan of
7 health insurance, health benefits or health services.

8 (7) INSURED.—The term “insured” means a
9 party named on a policy, certificate, or health bene-
10 fit plan, including an individual, corporation, part-
11 nership, association, unincorporated organization, or
12 any similar entity, as the person with legal rights to
13 the benefits provided by the policy, certificate, or
14 health benefit plan. For group insurance, such term
15 includes a person who is a beneficiary covered by a
16 group policy, certificate, or health benefit plan. For
17 life insurance, the term refers to the person whose
18 life is covered under an insurance policy.

19 (8) INSURER.—The term “insurer” means any
20 person, reciprocal exchange, interinsurer, Lloyds in-
21 surer, fraternal benefit society, or other legal entity
22 engaged in the business of insurance, including
23 agents, brokers, adjusters, and third party adminis-
24 trators. The term also includes health carriers,

1 health benefit plans, and life, disability, and prop-
2 erty and casualty insurers.

3 (9) POLICY.—The term “policy” means a con-
4 tract of insurance, certificate, indemnity, suretyship,
5 or annuity issued, proposed for issuance, or intended
6 for issuance by an insurer, including endorsements
7 or riders to an insurance policy or contract.

8 (10) SUBJECT OF ABUSE.—The term “subject
9 of abuse” means a person against whom an act of
10 abuse has been directed, a person who has prior or
11 current injuries, illnesses, or disorders that resulted
12 from abuse, or a person who seeks, may have
13 sought, or had reason to seek medical or psycho-
14 logical treatment for abuse, protection, court-ordered
15 protection, or shelter from abuse.

16 **SEC. 423. DISCRIMINATORY ACTS PROHIBITED.**

17 (a) IN GENERAL.—No insurer may, directly or indi-
18 rectly, engage in any of the following acts or practices on
19 the basis that the applicant or insured or any person em-
20 ployed by the applicant or insured or with whom the appli-
21 cant or insured is known to have a relationship or associa-
22 tion is, has been, or may be the subject of abuse or has
23 incurred or may incur abuse-related claims:

1 (1) Denying, refusing to issue, renew or reissue,
2 or canceling or otherwise terminating an insurance
3 policy or health benefit plan.

4 (2) Restricting, excluding, or limiting insurance
5 coverage for losses or denying a claim, except as oth-
6 erwise permitted or required by State laws relating
7 to life insurance beneficiaries.

8 (3) Adding a premium differential to any insur-
9 ance policy or health benefit plan.

10 (b) INNOCENT INSURED.—No insurer may, directly
11 or indirectly, deny or limit payment of a claim incurred
12 by an innocent insured as a result of abuse.

13 (c) TERMINATION OF HEALTH COVERAGE.—No in-
14 surer or health carrier may terminate health coverage for
15 a subject of abuse because coverage was originally issued
16 in the name of the abuser and the abuser has divorced,
17 separated from, or lost custody of the subject of abuse
18 or the abuser's coverage has terminated voluntarily or in-
19 voluntarily and the subject of abuse does not qualify for
20 extension of coverage under part 6 of subtitle B of title
21 I or the Employee Retirement Income Security Act of
22 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the
23 Internal Revenue Code of 1986. Nothing in this subsection
24 prohibits the insurer from requiring the subject of abuse
25 to pay the full premium for the subject's coverage under

1 the health plan if the requirements are applied to all in-
2 sureds of the health carrier. The insurer may terminate
3 group coverage after the continuation coverage required
4 by this subsection has been in force for 18 months if it
5 offers conversion to an equivalent individual plan. The
6 continuation of health coverage required by this subsection
7 shall be satisfied by any extension of coverage under part
8 6 of subtitle B of title I or the Employee Retirement In-
9 come Security Act of 1974 (29 U.S.C. 1161 et seq.) or
10 section 4980B of the Internal Revenue Code of 1986 pro-
11 vided to a subject of abuse and is not intended to be in
12 addition to any extension of coverage provided under part
13 6 of subtitle B of title I or the Employee Retirement In-
14 come Security Act of 1974 (29 U.S.C. 1161 et seq.) or
15 section 4980B of the Internal Revenue Code of 1986.

16 (d) USE OF INFORMATION.—

17 (1) INFORMATION RESTRICTION.—In order to
18 protect the safety and privacy of subjects of abuse,
19 no person employed by or contracting with an in-
20 surer or health benefit plan may use, disclose, or
21 transfer information relating to abuse status, acts of
22 abuse, abuse-related medical conditions, or the appli-
23 cant's or insured's status as a family member of,
24 employer of, associate of, or person in a relationship
25 with, a subject of abuse for any purpose unrelated

1 to the direct provision of health care services unless
2 such use, disclosure, or transfer is required by an
3 order of an entity with authority to regulate insur-
4 ance or an order of a court of competent jurisdic-
5 tion. In addition, such a person may not disclose or
6 transfer information relating to an applicant's or in-
7 sured's location or telephone number or the location
8 and telephone number of a shelter for subjects of
9 abuse except where such disclosure or transfer is re-
10 quired in order to provide insurance coverage and
11 such disclosure or transfer does not have the poten-
12 tial to endanger the safety of a subject of abuse.
13 Nothing in this paragraph shall be construed as lim-
14 iting or precluding a subject of abuse from obtaining
15 the subject's own insurance records from an insurer.

16 (2) AUTHORITY OF SUBJECT OF ABUSE.—A
17 subject of abuse, at the absolute discretion of the
18 subject of abuse, may provide evidence of abuse to
19 an insurer for the limited purpose of facilitating
20 treatment of an abuse-related medical condition or
21 demonstrating that a medical condition is abuse-re-
22 lated. Nothing in this paragraph shall be construed
23 as authorizing an insurer or health carrier to dis-
24 regard such provided evidence.

1 **SEC. 424. INSURANCE PROTOCOLS FOR SUBJECTS OF**
2 **ABUSE.**

3 Insurers shall develop and adhere to written policies
4 specifying procedures to be followed by employees, con-
5 tractors, producers, agents, and brokers for the purpose
6 of protecting the safety and privacy of a subject of abuse
7 and otherwise implementing the provisions of this subtitle
8 when taking an application, investigating a claim, or tak-
9 ing any other action relating to a policy or claim involving
10 a subject of abuse.

11 **SEC. 425. REASONS FOR ADVERSE ACTIONS.**

12 An insurer that takes an action that adversely affects
13 a subject of abuse shall advise the subject of abuse appli-
14 cant or insured of the specific reasons for the action in
15 writing. Reference to general underwriting practices or
16 guidelines does not constitute a specific reason.

17 **SEC. 426. LIFE INSURANCE.**

18 Nothing in this subtitle shall be construed to prohibit
19 a life insurer from declining to issue a life insurance policy
20 if the applicant or prospective owner of the policy is or
21 would be designated as a beneficiary of the policy, and
22 if—

23 (1) the applicant or prospective owner of the
24 policy lacks an insurable interest in the insured; or

25 (2) the applicant or prospective owner of the
26 policy is known, on the basis of police or court

1 records, to have committed an act of abuse against
2 the proposed insured.

3 **SEC. 427. SUBROGATION WITHOUT CONSENT PROHIBITED.**

4 Subrogation of claims resulting from abuse is prohib-
5 ited without the informed consent of the subject of abuse.

6 **SEC. 428. ENFORCEMENT.**

7 (a) **FEDERAL TRADE COMMISSION.**—The Federal
8 Trade Commission shall have the power to examine and
9 investigate any insurer to determine whether such insurer
10 has been or is engaged in any act or practice prohibited
11 by this subtitle. If the Federal Trade Commission deter-
12 mines an insurer has been or is engaged in any act or
13 practice prohibited by this subtitle, the Commission may
14 take action against such insurer by the issuance of a cease
15 and desist order as if the insurer was in violation of sec-
16 tion 5 of the Federal Trade Commission Act (15 U.S.C.
17 45). Such cease and desist order may include any individ-
18 ual relief warranted under the circumstances, including
19 temporary, preliminary, and permanent injunctive and
20 compensatory relief.

21 (b) **PRIVATE CAUSE OF ACTION.**—An applicant or in-
22 sured who believes that the applicant or insured has been
23 adversely affected by an act or practice of an insurer in
24 violation of this subtitle may maintain an action against
25 the insurer in a Federal or State court of original jurisdic-

1 tion. Upon proof of such conduct by a preponderance of
2 the evidence, the court may award appropriate relief, in-
3 cluding temporary, preliminary, and permanent injunctive
4 relief and compensatory and punitive damages, as well as
5 the costs of suit and reasonable fees for the aggrieved indi-
6 vidual's attorneys and expert witnesses. With respect to
7 compensatory damages, the aggrieved individual may
8 elect, at any time prior to the rendering of final judgment,
9 to recover in lieu of actual damages, an award of statutory
10 damages in the amount of \$5,000 for each violation.

11 **SEC. 429. EFFECTIVE DATE.**

12 This subtitle shall apply with respect to any action
13 taken on or after the date of the enactment of this Act,
14 except that section 424 shall only apply to actions taken
15 after the expiration of 60 days after such date.

16 **Subtitle D—National Summit on**
17 **Sports and Violence**

18 **SEC. 431. SENSE OF THE CONGRESS THAT A NATIONAL**
19 **SUMMIT OF SPORTS, POLITICAL, COMMU-**
20 **NITY, AND MEDIA LEADERS SHOULD BE**
21 **PROMPTLY CONVENEED TO DEVELOP A**
22 **MULTIFACETED ACTION PLAN TO DETER**
23 **ACTS OF VIOLENCE, ESPECIALLY DOMESTIC**
24 **VIOLENCE AND SEXUAL ASSAULT.**

25 (a) FINDINGS.—

1 (1) Involvement in sports commonly places indi-
2 viduals in a unique context of competition that pro-
3 vides an opportunity to teach, learn, and hone quali-
4 ties of responsible citizenship, including values that
5 promote self-respect and respect for others and de-
6 terrering acts of violence, especially domestic violence
7 and sexual assault.

8 (2) Professional and amateur athletes and
9 sports coaches are role models with great national
10 influence and have helped to positively shape the
11 lives of countless individuals.

12 (3) Professional and amateur athletes, and
13 sports coaches, administrators, volunteers, and team
14 owners have participated in a variety of outstanding
15 and valuable community service projects throughout
16 the Nation.

17 (4) Many professional and amateur sports orga-
18 nizations have instituted educational programs and
19 other measures to deter and sanction misconduct, in-
20 cluding abuse of legal and illegal drugs, illegal gam-
21 bling, discriminatory practices, and other unethical
22 behavior.

23 (5) Acts of domestic violence and sexual assault
24 are serious, indefensible crimes.

1 (6) Acts of domestic violence and sexual assault
2 committed by athletes are often not taken seriously
3 and go unpunished, sending an insidious and harm-
4 ful message that this behavior is excusable and is
5 not criminal.

6 (7) Most athletes do not commit acts of domes-
7 tic violence or sexual assault and these athletes, as
8 role models, can have a profound impact in deterring
9 others from committing acts of domestic violence
10 and sexual assault.

11 (8) There exists a Citizenship Through Sports
12 Alliance that is made up of the National Collegiate
13 Athletic Association, the National Junior College
14 Athletic Association, the National Association of
15 Interscholastic Athletics, the National Federation of
16 State High School Associations, the United States
17 Olympic Committee, Major League Baseball, the
18 National Football League, the National Basketball
19 Association, and the National Hockey League.

20 (9) The Congress supports the existing activi-
21 ties of the Citizenship Through Sports Alliance and
22 its member organizations and encourages a broader
23 array of efforts to promote responsible citizenship by
24 teaching administrators, coaches, and athletes values

1 that will help all who participate in our Nation's
2 sports culture to become better citizens.

3 (b) SENSE OF CONGRESS.—It is the sense of the
4 Congress that—

5 (1) a national summit should be promptly con-
6 vened to develop a multifaceted action plan to deter
7 acts of violence committed by athletes, especially do-
8 mestic violence and sexual assault;

9 (2) the members of the national summit re-
10 ferred to in paragraph (1) should include—

11 (A) sports, community, political, and media
12 leaders;

13 (B) individuals with experience in youth
14 advocacy;

15 (C) individuals with experience in
16 antiviolence advocacy;

17 (D) members of the Citizenship Through
18 Sports Alliance;

19 (E) Members of Congress; and

20 (F) other governmental and community
21 leaders with specific expertise in education,
22 services, and advocacy programs that serve to
23 deter acts of violence, specifically national,
24 State, and local domestic violence and sexual
25 assault coalitions and programs;

1 (3) the action plan referred to in paragraph (1)
2 should—

3 (A) be designed to encourage the participa-
4 tion of all administrators, coaches, and athletes,
5 from those involved in youth leagues to those
6 who are involved in professional sports;

7 (B) emphasize and promote values such as
8 self-respect and respect for others, tolerance,
9 non-discrimination, and gender equality as well
10 as teamwork, discipline, responsibility, and com-
11 mitment;

12 (C) encourage and promote participation in
13 sports as a positive character building activity;

14 (D) promote a sports culture that encour-
15 ages integrity, honesty, fairness, inclusion, tol-
16 erance, nonviolence, and a commitment to excel-
17 lence; and

18 (E) include a high-profile public education
19 program and media campaign to deter acts of
20 violence, especially domestic violence and sexual
21 assault; and

22 (4) the members of the national summit re-
23 ferred to in paragraph (1), and other sports, com-
24 munity, political and media leaders should assume
25 leadership roles deterring acts of domestic violence

1 and sexual assault and should support the measures
2 developed by the national summit referred to in
3 paragraph (1).

4 **Subtitle E—Keeping Firearms**
5 **From Intoxicated Persons**

6 **SEC. 441. PROHIBITION AGAINST TRANSFER OF A FIREARM**
7 **TO, AND POSSESSION OF A FIREARM BY, A**
8 **PERSON WHO IS INTOXICATED.**

9 (a) **TRANSFER PROHIBITION.**—Section 922(d) of
10 title 18, United States Code, is amended—

11 (1) by striking “or” at the end of paragraph
12 (8);

13 (2) by striking the period at the end of para-
14 graph (9) and inserting “; or”; and

15 (3) by inserting after paragraph (9) the follow-
16 ing:

17 “(10) is intoxicated.”.

18 (b) **POSSESSION PROHIBITION.**—Section 922(g) of
19 such title is amended—

20 (1) by striking “or” at the end of paragraph
21 (8);

22 (2) by inserting “or” at the end of paragraph
23 (9); and

24 (3) by inserting after paragraph (9) the follow-
25 ing:

1 “(10) who is intoxicated.”

2 (c) STATEMENT REQUIRED BY THE BRADY LAW.—

3 Section 922(s)(3)(B) of such title is amended—

4 (1) by striking “and” at the end of clause (vi);

5 (2) by inserting “and” at the end of clause
6 (vii); and

7 (3) by inserting after clause (vii) the following:

8 “(viii) is not intoxicated;”.

9 (d) INTOXICATED DEFINED.—Section 921(a) of such
10 title is amended by adding at the end the following:

11 “(35) The term ‘intoxicated’ means, with re-
12 spect to a person, that the mental or physical condi-
13 tion of the person is sufficiently impaired, as a re-
14 sult of the presence in the person’s body of alcohol,
15 a drug, or another substance, to be prohibited by the
16 law of the State in which the person is located from
17 operating a motor vehicle in the State.”.

18 **Subtitle F—Access to Safety and**
19 **Advocacy**

20 **SEC. 451. SHORT TITLE.**

21 This subtitle may be cited as the “Access to Safety
22 and Advocacy Act”.

23 **SEC. 452. PURPOSE.**

24 The purpose of this subtitle is to enhance safety and
25 justice for victims of domestic violence in every State, ju-

1 jurisdiction under military or Federal control, or tribal land,
2 territory, or commonwealth, through access to the justice
3 system and improved legal advocacy and representation.

4 **SEC. 453. GRANTS TO IMPROVE ACCESS TO THE JUSTICE**
5 **SYSTEM.**

6 (a) **ELIGIBLE GRANTEES.**—To be eligible for a grant
7 under subsection (c) an applicant shall be a—

8 (1) domestic violence programs;

9 (2) State, tribal, and local bar associations;

10 (3) law school clinical programs;

11 (4) nonprofit legal services;

12 (5) court-based pro se programs;

13 (6) bar association or domestic violence legal in-
14 formation and referral services or hotlines;

15 (7) State and tribal coalitions of domestic vio-
16 lence programs; and

17 (8) tribes and tribally recognized organizations.

18 (b) **ELIGIBLE SERVICES.**—Activities funded under
19 grants under subsection (c) shall be designed to further
20 the health, safety, and economic needs of victims of do-
21 mestic violence through legal assistance for victims of do-
22 mestic violence in any civil action, administrative proceed-
23 ing, or criminal cases where the defendant advances a
24 claim of duress or defense of self or other or in clemency

1 proceedings. Activities funded under such grants shall in-
2 clude legal assistance on behalf of—

3 (1) low-income and indigent persons; or

4 (2) persons who have inadequate access to suf-
5 ficient financial resources to secure appropriate legal
6 assistance.

7 (c) GRANT AUTHORITY.—The Attorney General may
8 make grants for the following purposes:

9 (1) To enhance the availability and quality of
10 legal assistance to victims of domestic violence
11 through efforts directed at stopping the violence, en-
12 hancing victim safety, assuring economic protection
13 and well-being, or protecting child victims of domes-
14 tic violence.

15 (2) To encourage the development of partner-
16 ships between domestic violence programs and the
17 full spectrum of legal representation and advocacy
18 programs, including private practitioners, Govern-
19 ment and public sector lawyers, direct legal services
20 programs, bar associations, legal hotlines, and law
21 school programs.

22 (3) To increase the participation of the private
23 bar in pro bono or low-cost representation of and as-
24 sistance to victims of domestic violence.

1 (4) To improve judicial and administrative han-
2 dling of pro se cases involving victims of domestic vi-
3 olence.

4 (5) To enhance the availability and quality of
5 legal representation through increasing programs on
6 domestic violence in law schools and in continuing
7 professional education programs.

8 **SEC. 454. APPLICATION.**

9 (a) **REQUIREMENTS.**—To be eligible for a grant
10 under subsection (c), applicants shall—

11 (1) for entities described in paragraphs (2)
12 through (6) of section 453(a), include documentation
13 of an ongoing partnership and working relationship
14 with a domestic violence program or State or tribal
15 coalition of domestic violence programs;

16 (2) demonstrate a history of providing direct
17 legal or advocacy services in a manner that is ac-
18 countable to the community served; and

19 (3) certify that—

20 (A) any person providing legal assistance
21 through a program funded under section 453(c)
22 has completed training on domestic violence law
23 and practice;

24 (B) any training programs conducted in
25 satisfaction of the requirement of subparagraph

1 (A) be developed with input from and in col-
2 laboration with a domestic violence program or
3 State or tribal coalition of domestic violence
4 programs;

5 (C) the grantee's organizational policies do
6 not require or encourage mediation in cases
7 where domestic violence is an issue; and

8 (D) any person providing legal assistance
9 through a program funded under section 453(c)
10 has informed any State or tribal domestic vio-
11 lence coalitions of their work and participates in
12 any statewide networking among legal assist-
13 ance providers to victims of domestic violence.

14 **SEC. 455. FUNDING.**

15 (a) ALLOCATION OF FUNDS.—Of the total amounts
16 appropriated under subsection (b) in any fiscal year—

17 (1) at least 45 percent shall be allocated to
18 projects that provide direct representation to victims
19 of domestic violence through staff, volunteers, or
20 partnerships, particularly for cases including custody
21 and visitation, protection order, support, housing
22 and divorce matters, and other actions undertaken
23 to achieve or preserve victim safety;

24 (2) at least 5 percent shall be used for grants
25 to tribes and tribal organizations, including tribal

1 courts and bar associations and tribes and tribal or-
2 ganizations which receive such grants may receive
3 additional grants for direct representation, technical
4 assistance, or any other eligible purpose under this
5 subtitle;

6 (3) no more than 15 percent shall be awarded
7 to technical assistance and training initiatives;

8 (4) no more than 5 percent shall be awarded to
9 evaluation; and

10 (5) no more than 5 percent shall be utilized for
11 the costs of administration.

12 (b) FUNDING LEVELS.—There are authorized to be
13 appropriated for grants under section 453(c) \$25,000,000
14 for fiscal year 2000, \$30,000,000 for fiscal year 2001,
15 \$35,000,000 for fiscal year 2002, \$44,000,000 for fiscal
16 year 2003, and \$57,000,000 for fiscal year 2004.

17 (c) MATCHING REQUIREMENTS.—Applicants for a
18 grant under section 453(c) shall be required to identify
19 an actual or in-kind match for any proposed grant under
20 section 453(c) of no more than 20 percent, except that
21 nonprofit nongovernmental organizations shall be exempt
22 from this matching requirement. Other Federal funding
23 may not be allocated as match.

24 (d) NONSUPPLANTATION.—Federal funds received
25 under section 453(c) shall be used to supplement, not sup-

1 plant, other Federal and non-Federal funds that would
2 otherwise be available for expenditures on activities de-
3 scribed in this subtitle. Moneys disbursed under section
4 453(c) shall be used to fund new projects or to expand
5 or enhance existing projects.

6 (e) DISCRIMINATION.—Activities funded under sec-
7 tion 453(c) shall be conducted pursuant to any applicable
8 Federal, State, or local law governing discrimination on
9 the basis of race, national origin, religion, age, gender,
10 sexual orientation, or disability, and shall be subject to
11 section 307(a)(2) of the Family Violence Prevention and
12 Services Act (42 U.S.C. 10406(a)(2)). Entities funded
13 under section 453(c) shall not be restricted from providing
14 services because of the immigration status or sexual ori-
15 entation of the person seeking services.

16 **SEC. 456. PROVISION OF TECHNICAL ASSISTANCE AND**
17 **TRAINING.**

18 The Attorney General may provide technical assist-
19 ance and training in furtherance of the purposes of this
20 subtitle. The technical assistance and training authorized
21 by this section may be carried out directly by the Attorney
22 General or through contracts or other arrangements with
23 entities and may include consultation and problem solving,
24 the development of training programs, materials, and in-
25 formation on domestic violence law and practice, the iden-

1 tification of promising practices, development of data-
2 bases, developing partnerships, and creating multidisci-
3 plinary, community-based approaches.

4 **SEC. 457. EVALUATION OF ACCESS TO SAFETY AND ADVO-**
5 **CACY GRANTS.**

6 The Attorney General may evaluate the grants fund-
7 ed under section 453(c) through contracts or other ar-
8 rangements with entities expert on domestic violence and
9 evaluation research.

10 **SEC. 458. DEFINITIONS.**

11 For purposes of this subtitle:

12 (1) DOMESTIC VIOLENCE.—The term “domestic
13 violence” includes acts or threats of violence, and
14 stalking, not including acts of self-defense, commit-
15 ted by a current or former spouse of the victim, by
16 a person with whom the victim shares a child in
17 common, by a person who is cohabiting with or has
18 cohabited with the victim, by a person who is or has
19 been in a continuing social relationship of a roman-
20 tic or intimate nature with the victim, by a person
21 similarly situated to a spouse of the victim under the
22 domestic or family violence laws of the jurisdiction,
23 or by any other person against a victim who is pro-
24 tected from that person’s acts under the domestic or
25 family violence laws of the jurisdiction.

1 (2) DOMESTIC VIOLENCE PROGRAM.—The term
2 “domestic violence program” means a nonprofit non-
3 governmental organization, the primary purpose of
4 which is to provide advocacy on behalf of and com-
5 prehensive services to victims of domestic violence,
6 including some combination of the following: crisis
7 hotlines, shelter or safe homes, transitional housing,
8 task forces or coordinating councils, food assistance,
9 counseling, systems advocacy, transportation, safety
10 planning, information and referral, and legal assist-
11 ance.

12 (3) LAW SCHOOL PROGRAM.—The term “law
13 school program” means an internship, externship,
14 clinic, or other legal representation program or ini-
15 tiative located at an accredited school of law which
16 has as its primary purpose the provision of legal rep-
17 resentation, information, or assistance to victims of
18 domestic violence directed at stopping the violence,
19 enhancing the victim safety, assuring economic pro-
20 tection and well-being, or protecting child victims of
21 domestic violence.

22 (4) LEGAL ASSISTANCE.—The term “legal as-
23 sistance” includes—

24 (A) direct representation of and assistance
25 to victims of domestic violence from intake

1 through adjudication, enforcement, and appeal,
2 in any civil action, administrative proceeding,
3 criminal cases where the defendant advances a
4 claim of duress or a defense of self or other or
5 in clemency proceedings, to include representa-
6 tion from intake through adjudication, enforce-
7 ment and appeal directed at stopping the vio-
8 lence, enhancing victim safety, assuring eco-
9 nomic protection and well-being, or protecting
10 child victims of domestic violence; and

11 (B) legal advocacy, including issue identi-
12 fication, safety planning, evaluating options,
13 policy analysis, representation enhancement,
14 outreach activities, accompaniment, informa-
15 tion, directories and referral, monitoring the
16 civil and criminal justice process, and coordina-
17 tion among legal, social, and health care sys-
18 tems, offered by personnel of domestic violence
19 programs, which is directed at stopping the vio-
20 lence, enhancing victim safety, assuring eco-
21 nomic protection and well-being or protecting
22 child victims of domestic violence.

23 (5) NONPROFIT DIRECT LEGAL SERVICES.—The
24 term “nonprofit direct legal services” means a non-
25 profit legal organization which has as its primary

1 purpose the provision of legal assistance to persons
2 on a no-cost, sliding scale, deferred payment, or
3 fixed fee basis on civil or criminal legal matters and
4 which provides specialized representation to victims
5 of domestic violence directed at stopping the vio-
6 lence, enhancing victim safety, assuring economic
7 protection and well-being or protecting child victims
8 of domestic violence.

9 (6) PRO BONO PROGRAM.—The term “pro bono
10 program” means a program affiliated with a State,
11 tribal, or local court, bar association, nonprofit di-
12 rect legal services organization, or a domestic vio-
13 lence program that offers no-cost representation,
14 legal educational programs, or information and re-
15 ferral services to victims of domestic violence di-
16 rected at stopping the violence, enhancing victim
17 safety, assuring economic protection and well-being,
18 or protecting child victims of domestic violence.

19 (7) PRO SE PROGRAM.—The term “pro se pro-
20 gram” means a program based in the State, tribal,
21 or local courts, in nonprofit direct legal services or-
22 ganizations, or in domestic violence programs to as-
23 sist victims of domestic violence—

24 (A) in preparation and filing of court
25 pleadings, forms, memos, proposed orders, and

1 related documents, in effecting service, and in
2 representation of themselves in any civil or ad-
3 ministrative matters or proceedings directed at
4 stopping the violence, enhancing victim safety,
5 assuring economic protection and well-being, or
6 protecting child victims of domestic violence;

7 (B) to develop comprehensive safety plans;

8 and

9 (C) to offer information and referral serv-
10 ices.

11 (8) STATE COALITION OF DOMESTIC VIOLENCE
12 PROGRAMS.—The term “State coalition of domestic
13 violence programs” means a private, nonprofit, non-
14 governmental statewide membership organization of
15 domestic violence programs that, among other activi-
16 ties, provides training and technical assistance to do-
17 mestic violence programs within the State, common-
18 wealth, territory, or lands under military, Federal,
19 or tribal authority.

20 (9) STATE, TRIBAL, OR LOCAL BAR ASSOCIA-
21 TION.—The term “State, tribal, or local bar associa-
22 tion” means a State, tribal, or local association of
23 attorneys of a specified geographic area whose mem-
24 bers are licensed to practice in the jurisdictions and
25 that offers information, referral, or pro bono legal

1 services to victims of domestic violence directed at
2 stopping the violence, enhancing victim safety,
3 achieving economic justice, or protecting child vic-
4 tims of domestic violence.

5 (10) TRIBAL ORGANIZATION.—The term “tribal
6 organization” means a tribally chartered organiza-
7 tion or a nonprofit organization operating within the
8 boundaries of an Indian reservation whose governing
9 body reflects the populations served.

10 **Subtitle G—Strengthening Enforce-**
11 **ment To Reduce Violence**
12 **Against Women**

13 **SEC. 461. AMENDMENTS TO DOMESTIC VIOLENCE AND**
14 **STALKING OFFENSES.**

15 (a) INTERSTATE DOMESTIC VIOLENCE.—Section
16 2261(a) of title 18, United States Code, is amended to
17 read as follows:

18 “(a) OFFENSES.—

19 “(1) TRAVEL OR CONDUCT OF OFFENDER.—A
20 person who travels in interstate or foreign commerce
21 or to or from Indian country with the intent to in-
22 jure, harass, or intimidate a spouse or intimate part-
23 ner, and who, in the course of or as a result of such
24 travel, commits or attempts to commit a crime of vi-

1 olence against that spouse or intimate partner, shall
2 be punished as provided in subsection (b).

3 “(2) CAUSING TRAVEL OF VICTIM.—A person
4 who causes a spouse or intimate partner to travel in
5 interstate or foreign commerce or to or from Indian
6 country by force, coercion, duress, or fraud, and
7 who, in the course of or as a result of such conduct
8 or travel, commits or attempts to commit a crime of
9 violence against that spouse or intimate partner,
10 shall be punished as provided in subsection (b).”.

11 (b) INTERSTATE STALKING.—Section 2261A of title
12 18, United States Code, is amended to read as follows:

13 “**§ 2261A. Interstate stalking**

14 “Whoever—

15 “(1) with the intent to injure, harass, or intimi-
16 date another person, engages in the special maritime
17 and territorial jurisdiction of the United States in
18 conduct that places that person in reasonable fear of
19 the death of, or serious bodily injury to, that person
20 or a member of that person’s immediate family (as
21 defined in section 115), or

22 “(2) with the intent to injure, harass, or intimi-
23 date another person, travels in interstate or foreign
24 commerce or to or from Indian country, and in the
25 course of or as a result of such travel engages in

1 conduct that places that person in reasonable fear of
2 the death of, or serious bodily injury to, that person
3 or a member of that person’s immediate family (as
4 defined in section 115),
5 shall be punished as provided in section 2261.”.

6 (c) INTERSTATE VIOLATION OF PROTECTION
7 ORDER.—Section 2262(a) of title 18, United States Code,
8 is amended to read as follows:

9 “(a) OFFENSES.—

10 “(1) TRAVEL OR CONDUCT OF OFFENDER.—A
11 person who travels in interstate or foreign commerce
12 or to or from Indian country with the intent to en-
13 gage in conduct that violates the portion of a protec-
14 tion order that prohibits or provides protection
15 against violence, threats, or harassment against,
16 contact or communication with, or physical proxim-
17 ity to, another person, or that would violate such a
18 portion of a protection order in the jurisdiction in
19 which the order was issued, and subsequently en-
20 gages in such conduct, shall be punished as provided
21 in subsection (b).

22 “(2) CAUSING TRAVEL OF VICTIM.—A person
23 who causes another person to travel in interstate or
24 foreign commerce or to or from Indian country by
25 force, coercion, duress, or fraud, and in the course

1 of or as a result of such conduct or travel engages
2 in conduct that violates the portion of a protection
3 order that prohibits or provides protection against
4 violence, threats, or harassment against, contact or
5 communication with, or physical proximity to, an-
6 other person, or that would violate such a portion of
7 a protection order in the jurisdiction in which the
8 order was issued, shall be punished as provided in
9 subsection (b).”.

10 (d) DEFINITIONS.—Section 2266 of title 18, United
11 States Code, is amended—

12 (1) by inserting after the first undesignated
13 paragraph the following:

14 “‘serious bodily injury’ has the meaning stated
15 in section 2119(2).”; and

16 (2) by striking the final undesignated para-
17 graph and inserting the following:

18 “‘travel in interstate or foreign commerce’ does
19 not include travel from 1 State to another by an in-
20 dividual who is a member of an Indian tribe and
21 who remains at all times in the territory of the In-
22 dian tribe of which the individual is a member.”.

1 **Subtitle H—Disclosure Protections**

2 **SEC. 471. DISCLOSURE PROTECTIONS UNDER THE CHILD** 3 **SUPPORT PROGRAM.**

4 (a) FEDERAL PARENT LOCATOR SERVICE.—Section
5 453(b)(2) of the Social Security Act (42 U.S.C. 653(b)(2))
6 is amended—

7 (1) in the matter preceding subparagraph (A),
8 by inserting “or that the health, safety, or liberty of
9 a parent or child would be put at risk by the disclo-
10 sure of such information,” before “provided that”;

11 (2) in subparagraph (A), by inserting “, that
12 the health, safety, or liberty of a parent or child
13 would be put at risk by the disclosure of such infor-
14 mation,” before “and that information”; and

15 (3) in subparagraph (B)(i), by striking “be
16 harmful to the parent or the child” and inserting
17 “place the health, safety, or liberty of a parent or
18 child at risk”.

19 (b) Section 453(c)(2) of the Social Security Act (42
20 U.S.C. 653(c)(2)) is amended by inserting “, or to serve
21 as the initiating court in an action to seek an order,” be-
22 fore “against a noncustodial”.

23 (c) STATE PLAN REQUIREMENTS.—Section 454(26)
24 of the Social Security Act (42 U.S.C. 654) is amended—

1 (1) in subparagraph (C), by striking “result in
2 physical or emotional harm to the party or the
3 child” and inserting “place the health, safety, or lib-
4 erty of a parent or child at risk”;

5 (2) in subparagraph (D), by striking “of domes-
6 tic violence or child abuse against a party or the
7 child and that the disclosure of such information
8 could be harmful to the party or the child” and in-
9 serting “that the health, safety, or liberty of a par-
10 ent or child would be put at risk by the disclosure
11 of such information”; and

12 (3) in subparagraph (E), by striking “of domes-
13 tic violence” and all that follows through the semi-
14 colon and inserting “that the health, safety, or lib-
15 erty of a parent or child would be put at risk by the
16 disclosure of such information pursuant to section
17 453(b)(2), the court shall determine whether disclo-
18 sure to any other person or persons of information
19 received from the Secretary could place the health,
20 safety, or liberty of a parent or child unreasonably
21 at risk (if the court determines that disclosure to
22 any other person could be harmful, the court and its
23 agents shall not make any such disclosure);”.

24 (d) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect as if included in the enact-

1 ment of the Balanced Budget Act of 1997 (Public Law
2 105–33; 111 Stat. 251).

3 **TITLE V—VIOLENCE AGAINST**
4 **WOMEN IN THE MILITARY**
5 **SYSTEM**

6 **Subtitle A—Civilian Jurisdiction**
7 **for Crimes of Sexual Assault**
8 **and Domestic Violence**

9 **SEC. 501. CRIMINAL OFFENSES COMMITTED OUTSIDE THE**
10 **UNITED STATES BY PERSONS ACCOMPANY-**
11 **ING THE ARMED FORCES.**

12 (a) IN GENERAL.—Title 18, United States Code, is
13 amended by inserting after chapter 211 the following new
14 chapter:

15 **“CHAPTER 212—DOMESTIC VIOLENCE AND**
16 **SEXUAL ASSAULT OFFENSES COMMIT-**
17 **TED OUTSIDE THE UNITED STATES**

“Sec.

“3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, presently employed by, or accompanying, the Armed Forces outside the United States.

“3262. Delivery to authorities of foreign countries.

“3263. Regulations.

“3264. Definitions for chapter.

1 **“§ 3261. Domestic violence and sexual assault of**
2 **fenses committed by persons formerly**
3 **serving with, presently employed by, or**
4 **accompanying, the Armed Forces outside**
5 **the United States**

6 “(a) IN GENERAL.—Whoever, while serving with, em-
7 ployed by, or accompanying the Armed Forces outside of
8 the United States engages in conduct that would con-
9 stitute a misdemeanor or felony domestic violence or sex-
10 ual assault offense if the conduct had been engaged in
11 within the special maritime and territorial jurisdiction of
12 the United States shall be subject to prosecution in the
13 United States district court of the jurisdiction of origin
14 as determined under subsection (d)(2).

15 “(b) CONCURRENT JURISDICTION.—Nothing con-
16 tained in this chapter deprives courts-martial, military
17 commissions, provost courts, or other military tribunals of
18 concurrent jurisdiction with respect to offenders or of-
19 fenses that by statute or by the law of war may be tried
20 by courts-martial, military commissions, provost courts, or
21 other military tribunals.

22 “(c) ACTION BY FOREIGN GOVERNMENT.—No pros-
23 ecution may be commenced under this section if a foreign
24 government, in accordance with jurisdiction recognized by
25 the United States, has prosecuted or is prosecuting such
26 person for the conduct constituting an offense described

1 in subsection (a), except upon the approval of the Attorney
2 General of the United States or the Deputy Attorney Gen-
3 eral of the United States (or a person acting in either such
4 capacity). The function of approval of the Attorney Gen-
5 eral or Deputy Attorney General may not be delegated.

6 “(d) ARRESTS.—

7 “(1) LAW ENFORCEMENT PERSONNEL.—The
8 Secretary of Defense may designate and authorize
9 any person serving in a law enforcement position in
10 the Department of Defense to arrest outside of the
11 United States any person described in subsection (a)
12 if there is probable cause to believe that such person
13 engaged in conduct which constitutes a criminal of-
14 fense under subsection (a).

15 “(2) RELEASE TO CIVILIAN LAW ENFORCE-
16 MENT.—A person arrested under paragraph (1)
17 shall be released to the custody of civilian law en-
18 forcement authorities of the United States for re-
19 moval to the United States for judicial proceedings
20 in the United States district court of the named ju-
21 risdiction of origin of the person arrested in relation
22 to conduct referred to in such paragraph unless—

23 “(A) such person is delivered to authorities
24 of a foreign country under section 3262; or

1 “(B) such person has had charges brought
2 against such person under chapter 47 of title
3 10 for such conduct.

4 **“§ 3262. Delivery to authorities of foreign countries**

5 “(a) IN GENERAL.—Any person designated and au-
6 thorized under section 3261(d) may deliver a person de-
7 scribed in section 3261(a) to the appropriate authorities
8 of a foreign country in which the person is alleged to have
9 engaged in conduct described in section 3261(a) if—

10 “(1) the appropriate authorities of that country
11 request the delivery of the person to such country
12 for trial for such conduct as an offense under the
13 laws of that country; and

14 “(2) the delivery of such person to that country
15 is authorized by a treaty or other international
16 agreement to which the United States is a party.

17 “(b) DETERMINATION BY THE SECRETARY.—The
18 Secretary of Defense shall determine which officials of a
19 foreign country constitute appropriate authorities for pur-
20 poses of this section.

21 **“§ 3263. Regulations**

22 “‘The Secretary of Defense shall issue regulations
23 governing the apprehension, detention, and removal of
24 persons under this chapter. Such regulations shall be uni-
25 form throughout the Department of Defense.

1 **“§ 3264. Definitions for chapter**

2 “As used in this chapter—

3 “(1) the term ‘Armed Forces’ has the same
4 meaning as in section 101(a)(4) of title 10;

5 “(2) a person is ‘employed by the Armed
6 Forces outside of the United States’ if the person—

7 “(A) is employed as a civilian employee of
8 the Department of Defense, as a Department of
9 Defense contractor, or as an employee of a De-
10 partment of Defense contractor;

11 “(B) is present or residing outside of the
12 United States in connection with such employ-
13 ment; and

14 “(C) is not a national of the host nation;
15 and

16 “(3) a person is ‘accompanying the Armed
17 Forces outside of the United States’ if the person—

18 “(A) is a dependent of a member of the
19 armed forces;

20 “(B) is a dependent of a civilian employee
21 of the Department of Defense;

22 “(C) is residing with the member or civil-
23 ian employee outside of the United States; and

24 “(D) is not a national of the host nation.”.

25 (b) CLERICAL AMENDMENT.—The table of chapters
26 at the beginning of part II of title 18, United States Code,

1 is amended by inserting after the item relating to chapter
2 211 the following:

**“212. Domestic Violence and Sexual Assault Offenses
Committed Outside the United States 3261.”.**

3 **SEC. 502. RECORDS OF MILITARY JUSTICE ACTIONS.**

4 (a) IN GENERAL.—Chapter 59 of title 10, United
5 States Code, is amended by adding at the end the follow-
6 ing new section:

7 **“§ 1178. Military justice information and DNA speci-
8 mens: transmission to Director of Federal
9 Bureau of Investigation upon member’s
10 separation**

11 “(a) RECORDS OF MILITARY JUSTICE ACTIONS.—
12 Whenever a member of the armed forces is discharged
13 from a period of service in the armed forces or is released
14 from a period of active duty, the Secretary of the military
15 department concerned shall transmit to the Director of the
16 Federal Bureau of Investigation a copy of records of any
17 penal action taken against the member during that period
18 under chapter 47 of this title (the Uniform Code of Mili-
19 tary Justice).

20 “(b) DNA SPECIMENS OF PERSONS CONVICTED OF
21 SEXUAL OFFENSES.—(1) Any member of the armed
22 forces who is convicted by a court-martial of an offense
23 of a sexual nature shall, before being separated from the
24 member’s armed force, provide to the Secretary of the

1 military department concerned a sample of blood, saliva,
2 or other specimen collected from that member necessary
3 to conduct DNA analysis consistent with established pro-
4 cedures for DNA testing by the Director of the Federal
5 Bureau of Investigation.

6 “(2) The Secretary concerned shall transmit each
7 sample provided under paragraph (1) in a timely manner
8 to the Director of the Federal Bureau of Investigation for
9 inclusion in the Combined DNA Identification System
10 (CODIS) of the Federal Bureau of Investigation.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by adding
13 at the end the following new item:

“1178. Military justice information and DNA specimens: transmission to Direc-
tor of Federal Bureau of Investigation upon member’s separa-
tion.”.

14 **Subtitle B—Transitional Com-**
15 **pensation for Abused Depend-**
16 **ents of Members of the Armed**
17 **Forces**

18 **SEC. 511. TRANSITIONAL COMPENSATION.**

19 Section 1059 of title 10, United States Code, is
20 amended—

21 (1) in subsection (e)(1)(A), by inserting “that
22 includes dependent-abuse as an underlying or prin-
23 cipal factor” after “for a dependent-abuse offense”;

1 (2) in subsection (e)(1)(B), by inserting “un-
2 derlying, partial, or principal” before “basis”; and

3 (3) in subsection (g)(2), by striking “the Sec-
4 retary may not resume such payments.” and insert-
5 ing “the Secretary may resume such payments if the
6 Secretary determines that there was ongoing abuse.
7 Any such determination as to such a resumption of
8 payments shall be reviewed by the Secretary on a
9 case-by-case basis.”.

10 **Subtitle C—Confidentiality of** 11 **Records**

12 **SEC. 521. CONFIDENTIALITY OF RECORDS.**

13 (a) The Secretary of Defense shall study the policies,
14 procedures, and practices of the military departments for
15 protecting the confidentiality of communications
16 between—

17 (1) a dependent of a member of the Armed
18 Forces who—

19 (A) is a victim of sexual harassment, sex-
20 ual assault, or intrafamily abuse; or

21 (B) has engaged in such misconduct; and

22 (2) a therapist, counselor, advocate, or other
23 professional from whom the victim seeks professional
24 services in connection with effects of such mis-
25 conduct.

1 (b)(1) The Secretary of Defense shall prescribe in
2 regulations the policies and procedures that the Secretary
3 considers necessary to provide the maximum possible pro-
4 tections for the confidentiality of communications de-
5 scribed in subsection (a) relating to misconduct described
6 in that subsection.

7 (2) The regulations shall provide the following:

8 (A) Complete confidentiality of the records of
9 the communications of dependents of members of
10 the Armed Forces.

11 (B) Characterization of the records under fam-
12 ily advocacy programs of the Department of Defense
13 as primary medical records for purposes of the pro-
14 tections from disclosure that are associated with pri-
15 mary medical records.

16 (C) Facilitated transfer of records under family
17 advocacy programs in conjunction with changes of
18 duty stations of persons to whom the records relate
19 in order to provide for continuity in the furnishing
20 of professional services.

21 (D) Adoption of standards of confidentiality
22 and ethical standards that are consistent with stand-
23 ards issued by relevant professional associations.

24 (3) In prescribing the regulations, the Secretary shall
25 consider the following:

1 (A) Any risk that the goals of advocacy and
2 counseling programs for helping victims recover
3 from adverse effects of misconduct will not be at-
4 tained if there is no assurance that the records of
5 the communications (including records of counseling
6 sessions) will be kept confidential.

7 (B) The extent, if any, to which a victim's safe-
8 ty and privacy should be factors in determinations
9 regarding—

10 (i) disclosure of the victim's identity to the
11 public or the chain of command of a member of
12 the Armed Forces alleged to have engaged in
13 the misconduct toward the victim; or

14 (ii) any other reaction that facilitates such
15 a disclosure without the consent of the victim.

16 (C) The eligibility for care and treatment in
17 medical facilities of the uniformed services for any
18 person having a uniformed services identification
19 card (including a card indicating the status of a per-
20 son as a dependent of a member of the uniformed
21 services) that is valid for that person.

22 (D) The appropriateness of requiring that so-
23 called Privacy Act statements be presented as a con-
24 dition for proceeding with the furnishing of treat-

1 ment or other services by professionals referred to in
2 subsection (a).

3 (E) The appropriateness of adopting the same
4 standards of confidentiality and ethical standards
5 that have been issued by such professional associa-
6 tions as the American Psychiatric Association and
7 the National Association of Social Workers.

8 (4) The regulations may not prohibit the disclosure
9 of information to a Federal or State agency for a law en-
10 forcement or other governmental purpose.

11 (c) The Secretary of Defense shall consult with the
12 Attorney General in carrying out this section.

13 (d) Not later than 90 days after the date of the enact-
14 ment of this Act, the Secretary shall submit to Congress
15 a report on the actions taken under this section. The re-
16 port shall include a discussion of the results of the study
17 under subsection (a) and the comprehensive discussion of
18 regulations prescribed under subsection (b).

1 **TITLE VI—PREVENTING VIO-**
2 **LENCE AGAINST WOMEN IN**
3 **TRADITIONALLY UNDER-**
4 **SERVED COMMUNITIES**

5 **Subtitle A—Older Women’s**
6 **Protection From Violence**

7 **SECTION 601. SHORT TITLE.**

8 This subtitle may be cited as the “Older Women’s
9 Protection From Violence Act of 1999”.

10 **SEC. 602. FINDINGS.**

11 Congress finds that—

12 (1) of the estimated more than 1,000,000 per-
13 sons age 65 and over who are victims of abuse each
14 year, at least $\frac{2}{3}$ are women;

15 (2) in almost 9 out of 10 incidents of domestic
16 elder abuse and neglect, the perpetrator is a family
17 member and adult children of the victims are the
18 largest category of perpetrators and spouses are the
19 second largest category of perpetrators;

20 (3) the number of reports of elder abuse in the
21 United States increased by 150 percent between
22 1986 and 1996 and is expected to continue growing;

23 (4) it is estimated that at least 5 percent of the
24 Nation’s elderly are victims of moderate to severe

1 abuse and that the rate for all forms of abuse may
2 be as high as 10 percent;

3 (5) elder abuse is severely underreported, with
4 1 in 5 cases being reported in 1980 and 1 in 8 cases
5 being reported today;

6 (6) based on site-specific information from the
7 Indian Health Service, the rate of trauma and vio-
8 lence faced by Indian women could be considered to
9 be epidemic;

10 (7) elder abuse takes on many forms, including
11 physical abuse, sexual abuse, psychological (emo-
12 tional) abuse, neglect (intended or unintended), and
13 financial exploitation;

14 (8) many older persons, particularly women and
15 minorities, fail to report abuse because of shame or
16 as a result of prior unsatisfactory experiences with
17 individual agencies or others who lacked sensitivity
18 to the concerns or needs of older people;

19 (9) the lack of culturally relevant elder abuse
20 services for Indian women makes access to shelter
21 and other services difficult and often impossible for
22 some Indian women;

23 (10) many older persons fail to report abuse be-
24 cause they are dependent on their abusers and fear
25 being abandoned or institutionalized;

1 (11) the lack of access to telephones, law en-
2 forcement, and health services in remote areas, in-
3 cluding Indian reservations, makes access to relief
4 from elder abuse particularly difficult for some pop-
5 ulations;

6 (12) public and professional awareness and
7 identification of elder abuse is difficult because older
8 persons are not tied into many social networks (such
9 as schools or jobs), and may become isolated in their
10 homes, which can increase the risk of elder abuse;

11 (13) the Department of Justice does not in-
12 clude age as a category for criminal statistics report-
13 ing;

14 (14)(A) there are relatively few statistics and
15 research studies regarding violence against older
16 women, and even less is known about the incidence
17 of violence against Indian women; and

18 (B) there is no national database regarding the
19 violence against Indian women; and

20 (15) older persons would greatly benefit from
21 policies that develop, strengthen, and implement pro-
22 grams for the prevention of abuse, including neglect
23 and exploitation, and provide related assistance for
24 victims.

1 **CHAPTER 1—VIOLENCE AGAINST WOMEN**
 2 **ACT OF 1994**

3 **SEC. 603. ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

4 The Violence Against Women Act of 1994 (108 Stat.
 5 1902) is amended by adding at the end the following:

6 **“Subtitle H—Elder Abuse, Neglect,**
 7 **and Exploitation, Including Do-**
 8 **mestic Violence and Sexual As-**
 9 **sault Against Older Individuals**

10 **“SEC. 40801. DEFINITIONS.**

11 “In this subtitle:

12 “(1) IN GENERAL.—The terms ‘elder abuse, ne-
 13 glect, and exploitation’, ‘domestic violence’, and
 14 ‘older individual’ have the meanings given the terms
 15 in section 102 of the Older Americans Act of 1965
 16 (42 U.S.C. 3002).

17 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
 18 sault’ has the meaning given the term in section
 19 2003 of the Omnibus Crime Control and Safe
 20 Streets Act of 1968 (42 U.S.C. 3796gg-2).

21 **“SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER**
 22 **ABUSE, NEGLECT, AND EXPLOITATION.**

23 “The Attorney General shall make grants to law
 24 school clinical programs for the purposes of funding the
 25 inclusion of cases addressing issues of elder abuse, neglect,

1 and exploitation, including domestic violence, and sexual
2 assault, against older individuals.

3 **“SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCE-**
4 **MENT OFFICERS.**

5 “The Attorney General shall develop curricula and
6 offer, or provide for the offering of, training programs to
7 assist law enforcement officers, including tribal law en-
8 forcement officers, prosecutors, and relevant officers of
9 Federal, State, tribal, and local courts in recognizing, ad-
10 dressing, investigating, and prosecuting instances of elder
11 abuse, neglect, and exploitation, including domestic vio-
12 lence and sexual assault against older individuals.

13 **“SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated such sums
15 as may be necessary to carry out this subtitle.”.

16 **CHAPTER 2—FAMILY VIOLENCE**
17 **PREVENTION AND SERVICES ACT**

18 **SEC. 604. DEFINITIONS.**

19 Section 309 of the Family Violence Prevention and
20 Services Act (42 U.S.C. 10408), as amended by section
21 123(f), is amended by adding at the end the following:

22 “(8) The term ‘older individual’ has the mean-
23 ing given the term in section 102 of the Older Amer-
24 icans Act of 1965.”.

1 **SEC. 605. DOMESTIC VIOLENCE SERVICES FOR OLDER INDIVIDUALS.**
2

3 Section 311(a) of the Family Violence Prevention and
4 Services Act (42 U.S.C. 10410(a)) is amended in para-
5 graph (1)(A), by inserting before the semicolon “, includ-
6 ing programs and providers of direct services targeted to
7 older individuals”.

8 **SEC. 606. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.**
9

10 Section 318(b)(2)(F) of the Family Violence Preven-
11 tion and Services Act (42 U.S.C. 10418(b)(2)(F)) is
12 amended by inserting “and adult protective services enti-
13 ties” before the semicolon.

14 **CHAPTER 3—OLDER AMERICANS ACT OF**
15 **1965**

16 **SEC. 607. DEFINITIONS.**

17 Section 102 of the Older Americans Act of 1965 (42
18 U.S.C. 3002) is amended by adding at the end the follow-
19 ing:

20 “(45) The term ‘domestic violence’ includes acts
21 or threats of violence, not including acts of self de-
22 fense, committed by a current or former spouse of
23 the victim, by a person related by blood or marriage
24 to the victim, by a person who is cohabiting with or
25 has cohabited with the victim, by a person with
26 whom the victim shares a child in common, by a per-

1 son who is or has been in a continuing social rela-
2 tionship of a romantic or intimate nature with the
3 victim, by a person similarly situated to a spouse of
4 the victim under the domestic or family violence laws
5 of the jurisdiction of the victim, or by any other per-
6 son against a victim who is protected from that per-
7 son’s acts under the domestic or family violence laws
8 of the jurisdiction.

9 “(46) The term ‘sexual assault’ has the mean-
10 ing given the term in section 2003 of the Omnibus
11 Crime Control and Safe Streets Act of 1968 (42
12 U.S.C. 3796gg-2).”.

13 **SEC. 608. RESEARCH ABOUT THE SEXUAL ASSAULT OF**
14 **WOMEN WHO ARE OLDER INDIVIDUALS.**

15 Section 202(d)(3)(C) of the Older Americans Act of
16 1965 (42 U.S.C. 3012(d)(3)(C)) is amended—

17 (1) by striking “and” at the end of clause (i);

18 (2) by striking the period at the end of clause

19 (ii) and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(iii) in establishing research priorities under
22 clause (i), consider the importance of research about
23 the sexual assault of women who are older individ-
24 uals.”.

1 **SEC. 609. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

2 Section 303(a)(1) of the Older Americans Act of
3 1965 (42 U.S.C. 3023(a)(1)) is amended by inserting be-
4 fore the period the following: “, except that for grants to
5 carry out section 321(a)(10), there are authorized to be
6 appropriated such sums as may be necessary without fiscal
7 year limitation”.

8 **SEC. 610. TRAINING FOR HEALTH PROFESSIONALS, AND**
9 **OTHER PROVIDERS OF SERVICES TO OLDER**
10 **INDIVIDUALS, ON SCREENING FOR ELDER**
11 **ABUSE, NEGLECT, AND EXPLOITATION.**

12 Section 411 of the Older Americans Act of 1965 (42
13 U.S.C. 3031) is amended by adding at the end the follow-
14 ing:

15 “(f)(1) The Assistant Secretary for Aging shall, in
16 consultation with the Assistant Secretary for Children and
17 Families, the Surgeon General, the Indian Health Service,
18 the Director of the National Institute on Aging, national
19 nonprofit, nongovernmental or tribal organizations with
20 nationally recognized expertise in elder abuse, domestic vi-
21 olence, or sexual assault, and other specialists working in
22 the areas of domestic violence and sexual assault against
23 seniors and elder abuse, update and improve curricula and
24 implement continuing education training programs for
25 adult protective service workers, persons carrying out a
26 State Long-Term Care Ombudsman program, health care

1 providers (including home health care providers), and
2 mental health providers (including specialists), social
3 workers, clergy, domestic violence service providers, sexual
4 assault service providers, and other community-based so-
5 cial service providers in settings, including senior centers,
6 adult day care facilities, nursing homes, board and care
7 facilities, senior housing, and the homes of older individ-
8 uals to improve the ability of the persons using the cur-
9 riculum and training programs to recognize and address
10 instances of elder abuse, neglect, and exploitation, includ-
11 ing domestic violence and sexual assault against older in-
12 dividuals.

13 “(2) In carrying out paragraph (1), the Assistant
14 Secretary shall develop and implement separate curricula
15 and training programs for medical students, physicians,
16 mental health providers, physician assistants, nurse prac-
17 titioners, nurses, and social workers.

18 “(3) In carrying out paragraph (1), the Assistant
19 Secretary shall provide information about the curricula
20 and training programs to entities described in sections
21 746(d), 777 (a) and (b), 791(d)(2), and 860(g)(2) of the
22 Public Health Service Act (42 U.S.C. 293j(d), 294o (a)
23 and (b), 295j(d)(2), and 298b–7(g)(2)) that seek grants
24 or contracts under title VII or VIII of such Act.”.

1 **SEC. 611. DOMESTIC VIOLENCE SHELTERS AND PROGRAMS**
2 **FOR OLDER INDIVIDUALS.**

3 Section 422(b) of the Older Americans Act of 1965
4 (42 U.S.C. 3035a(b)) is amended—

5 (1) by striking “and” at the end of paragraph
6 (11);

7 (2) by striking the period at the end of para-
8 graph (12) and inserting a semicolon; and

9 (3) by adding at the end the following:

10 “(13) expand access to domestic violence and
11 sexual assault programs, including shelters, rape cri-
12 sis centers, support groups, mental health services,
13 safety planning, and legal advocacy, for older indi-
14 viduals and encourage the use of hotels, hospitals,
15 senior housing, nursing homes, or other suitable fa-
16 cilities when appropriate as emergency short-term
17 shelters or are otherwise appropriate for older indi-
18 viduals who are the victims of elder abuse, including
19 domestic violence and sexual assault against older
20 individuals; and

21 “(14) promote research on legal, organizational,
22 or training impediments to providing services to
23 older individuals through shelters and programs,
24 such as impediments to provision of the services in
25 coordination with delivery of health care or senior
26 services.”.

1 **SEC. 612. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) OMBUDSMAN PROGRAM.—Section 702(a) of the
3 Older Americans Act of 1965 (42 U.S.C. 3058a(a)) is
4 amended to read as follows:

5 “(a) OMBUDSMAN PROGRAM.—There are authorized
6 to be appropriated to carry out chapter 2 such sums as
7 may be necessary without fiscal year limitation.”.

8 (b) ELDER ABUSE PREVENTION PROGRAM.—Section
9 702(b) of the Older Americans Act of 1965 (42 U.S.C.
10 3058a(b)) is amended to read as follows:

11 “(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND
12 EXPLOITATION.—There are authorized to be appropriated
13 to carry out chapter 3 such sums as may be necessary
14 without fiscal year limitation.”.

15 **SEC. 613. COMMUNITY INITIATIVES AND OUTREACH.**

16 Title VII of the Older Americans Act of 1965 (42
17 U.S.C. 3058 et seq.) is amended—

18 (1) by redesignating subtitle C as subtitle D;

19 (2) by redesignating sections 761 through 764
20 as sections 771 through 774, respectively; and

21 (3) by inserting after subtitle B the following:

1 **“Subtitle C—Community Initiatives**
2 **and Outreach**

3 **“SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER**
4 **ABUSE, NEGLECT, AND EXPLOITATION.**

5 “(a) IN GENERAL.—The Assistant Secretary shall
6 make grants to nonprofit private organizations or tribal
7 organizations to support projects in local communities in-
8 volving diverse sectors of each community to coordinate
9 activities concerning intervention in and prevention of
10 elder abuse, neglect, and exploitation, including domestic
11 violence and sexual assault against older individuals.

12 “(b) AWARD REQUIREMENT.—In awarding grants
13 under subsection (a), the Assistant Secretary shall take
14 into consideration—

15 “(1) State and tribal efforts to carry out the
16 activities described in such subsection; and

17 “(2) encouraging coordination among the State
18 and tribal efforts, State adult protective service ac-
19 tivities, and activities of private nonprofit organiza-
20 tions.

21 **“SEC. 762. OUTREACH TO OLDER INDIVIDUALS.**

22 “(a) IN GENERAL.—The Assistant Secretary shall
23 make grants to develop and implement outreach programs
24 directed toward assisting older individuals who are victims
25 of elder abuse, neglect, and exploitation (including domes-

1 tie violence and sexual assault against older individuals),
2 including programs directed toward assisting the individ-
3 uals in senior housing complexes, nursing homes, board
4 and care facilities, and senior centers.

5 “(b) AWARD REQUIREMENT.—In awarding grants
6 under subsection (a), the Assistant Secretary shall take
7 into consideration—

8 “(1) State and tribal efforts to develop and im-
9 plement outreach programs described in such sub-
10 section; and

11 “(2) encouraging coordination among the State
12 and tribal efforts, State adult protective service ac-
13 tivities, and activities of private nonprofit organiza-
14 tions.

15 **“SEC. 763. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated to carry out
17 this subtitle such sums as may be necessary without fiscal
18 year limitation.”.

19 **CHAPTER 4—PUBLIC HEALTH SERVICE**
20 **ACT**

21 **SEC. 614. SHORT TITLE.**

22 This chapter may be cited as the “Elder Abuse Iden-
23 tification and Referral Act of 1999”.

1 **SEC. 615. ESTABLISHMENT, FOR CERTAIN HEALTH PROFES-**
2 **SIONS PROGRAMS, OF PROVISIONS REGARD-**
3 **ING IDENTIFICATION AND REFERRAL FOR**
4 **ELDER ABUSE AND NEGLECT.**

5 (a) TITLE VII PROGRAMS; PREFERENCES IN FINAN-
6 CIAL AWARDS.—Section 791 of the Public Health Service
7 Act (42 U.S.C. 295j), as amended in title III of this Act,
8 is amended by redesignating subsection (d) as subsection
9 (e) and by inserting after subsection (c) the following sub-
10 section:

11 “(d) PREFERENCES REGARDING TRAINING IN IDEN-
12 TIFICATION AND REFERRAL OF VICTIMS OF ELDER
13 ABUSE AND NEGLECT.—

14 “(1) IN GENERAL.—In the case of a health pro-
15 fessions entity specified in paragraph (2), the Sec-
16 retary shall, in making awards of grants or contracts
17 under this title, give preference to any such entity
18 (if otherwise a qualified applicant for the award in-
19 volved) that has in effect the requirement that, as a
20 condition of receiving a degree or certificate (as ap-
21 plicable) from the entity, each student have had sig-
22 nificant training (such as training conducted in ac-
23 cordance with curricula or programs authorized
24 under section 411(f) of the Older Americans Act of
25 1965 (42 U.S.C. 3031(f))), in carrying out the fol-
26 lowing functions as a provider of health care:

1 “(A) Identifying victims of elder abuse and
2 neglect, including domestic violence and sexual
3 assault against older individuals, and maintain-
4 ing complete medical records that include docu-
5 mentation of the examination, treatment given,
6 and referrals made, and recording the location
7 and nature of the victim’s injuries.

8 “(B) Examining and treating such victims,
9 within the scope of the health professional’s dis-
10 cipline, training, and practice, including, at a
11 minimum, providing medical advice regarding
12 the dynamics and nature of elder abuse and ne-
13 glect, including domestic violence and sexual as-
14 sault against older individuals.

15 “(C) Referring the victims to public and
16 nonprofit private entities that provide services
17 for such victims.

18 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
19 TIES.—For purposes of paragraph (1), a health pro-
20 fessions entity specified in this paragraph is any en-
21 tity that is a school of medicine, a school of osteo-
22 pathic medicine, a graduate program in mental
23 health practice, a school of nursing (as defined in
24 section 853), a program for the training of physician

1 assistants, or a program for the training of allied
2 health professionals.

3 “(3) REPORT TO CONGRESS.—Not later than 2
4 years after the date of the enactment of the Elder
5 Abuse Identification and Referral Act of 1999, the
6 Secretary shall submit to the Committee on Com-
7 merce of the House of Representatives, and the
8 Committee on Labor and Human Resources of the
9 Senate, a report specifying—

10 “(A) the health professions entities that
11 are receiving preference under paragraph (1);

12 “(B) the number of hours of training re-
13 quired by the entities for purposes of such
14 paragraph;

15 “(C) the extent of clinical experience so re-
16 quired; and

17 “(D) the types of courses through which
18 the training is being provided.

19 “(4) DEFINITIONS.—In this subsection:

20 “(A) IN GENERAL.—The terms ‘abuse’,
21 ‘neglect’, ‘domestic violence’, and ‘older individ-
22 ual’ have the meanings given the terms in sec-
23 tion 102 of the Older Americans Act of 1965
24 (42 U.S.C. 3002).

1 “(B) ELDER ABUSE AND NEGLECT.—The
2 term ‘elder abuse and neglect’ means abuse and
3 neglect of an older individual.

4 “(C) SEXUAL ASSAULT.—The term ‘sexual
5 assault’ has the meaning given the term in sec-
6 tion 2003 of the Omnibus Crime Control and
7 Safe Streets Act of 1968 (42 U.S.C. 3796gg–
8 2).”.

9 (b) CONFORMING AMENDMENT.—Section 411(f) of
10 the Older Americans Act of 1965 (as added by section
11 610) is amended by adding at the end the following:

12 “(3) In carrying out paragraph (1), the Secretary
13 shall provide information about the curricula and training
14 programs to entities described in sections 791(c)(2) and
15 860(f)(2) of the Public Health Service Act (42 U.S.C.
16 295j(c)(2) and 298b–7(f)(2)) that seek grants or con-
17 tracts under title VII or VIII of such Act.”.

18 **SEC. 616. AREA HEALTH EDUCATION CENTERS.**

19 Subparagraphs (D) and (E) of section 746(d)(2) of
20 the Public Health Service Act (42 U.S.C. 293j(d)(2)) are
21 each amended by inserting “, which may include training
22 in domestic violence, sexual assault, and elder abuse
23 screening and referral protocols” before the semicolon.

1 **SEC. 617. GERIATRIC CENTERS AND TRAINING.**

2 (a) GERIATRIC EDUCATION CENTERS.—Section
3 777(a)(4) of the Public Health Service Act (42 U.S.C.
4 294o(a)(4)) is amended by inserting “, including training
5 and retraining of faculty to provide instruction regarding
6 identification and treatment of older individuals who are
7 the victims of domestic violence, sexual assault, and elder
8 abuse” before the semicolon.

9 (b) GERIATRIC TRAINING REGARDING PHYSICIANS
10 AND DENTISTS.—Section 777(b)(2)(D) of the Public
11 Health Service Act (42 U.S.C. 294o(b)(2)(D)) is
12 amended—

13 (1) by striking “and exposure” and inserting “,
14 exposure”; and

15 (2) by inserting “, and screening for elder
16 abuse, and domestic violence and sexual assault,”
17 after “of elderly individuals”.

18 **Subtitle B—Protections Against Vi-**
19 **olence and Abuse for Women**
20 **With Disabilities**

21 **SEC. 620. SHORT TITLE.**

22 This subtitle may be cited as the “Protections
23 Against Violence and Abuse for Women With Disabilities
24 Act”.

25 **SEC. 621. FINDINGS.**

26 The Congress finds that—

1 (1) women with disabilities are more likely to be
2 the victims of abuse and violence than women with-
3 out disabilities because of their increased physical,
4 economic, social, or psychological dependence on oth-
5 ers;

6 (2) in domestic violence cases, women with dis-
7 abilities stay with their batterers almost twice as
8 long as women without disabilities;

9 (3) violence and abuse against women with dis-
10 abilities takes many forms, including verbal abuse,
11 physical abuse, sexual assault, forced isolation, con-
12 trol over economic resources, and the withholding of
13 equipment, medication, transportation, or personal
14 care assistance;

15 (4) many women with disabilities fail to report
16 abuse because they are dependent on their abusers
17 and fear being abandoned or institutionalized;

18 (5) many women with disabilities are unable to
19 leave abuse or violent spouses or cohabitants because
20 of the inaccessibility of services or the fear of aban-
21 doning dependent children; and

22 (6) law enforcement, the criminal justice sys-
23 tem, legal services, and victim services are often not
24 equipped or trained to effectively identify and re-

1 spond to abuse or violence against women with dis-
2 abilities.

3 **SEC. 622. OMNIBUS CRIME CONTROL AND SAFE STREETS**

4 **ACT OF 1968.**

5 Section 2001(b) of the Omnibus Crime Control and
6 Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amend-
7 ed in paragraph (5) by striking “and domestic violence;”
8 and inserting “, domestic violence, and the forms of vio-
9 lence and abuse particularly suffered by women with dis-
10 abilities;”.

11 **SEC. 623. FAMILY VIOLENCE PREVENTION AND SERVICES**

12 **ACT.**

13 Section 318(b)(2) of the Family Violence Prevention
14 and Services Act (42 U.S.C. 10418(b)(2)) is amended—

15 (1) by striking “and” at the end of subpara-
16 graph (G);

17 (2) by redesignating subparagraph (H) as sub-
18 paragraph (I); and

19 (3) by inserting after subparagraph (G) the fol-
20 lowing new subparagraph:

21 “(H) groups that provide services to or ad-
22 vocate on behalf of persons with disabilities;
23 and”.

1 **SEC. 624. VIOLENCE AGAINST WOMEN ACT.**

2 (a) Section 40291(a) of the Safe Homes for Women
3 Act of 1994 (42 U.S.C. 13961(a)) is amended—

4 (1) by inserting “and toward persons with dis-
5 abilities,” after “language minority communities”;
6 and

7 (2) by inserting “(as defined in section 2003(7)
8 of the Omnibus Crime Control and Safe Streets Act
9 of 1968 (42 U.S.C. 3796gg-2(7))” after “needs of
10 underserved populations”.

11 (b) Section 40412 of the Equal Justice for Women
12 in the Courts Act of 1994 (42 U.S.C. 13992) is
13 amended—

14 (1) in paragraph (6), by inserting “, stereo-
15 typing of persons with disabilities who are victims of
16 rape, sexual assault, abuse, or violence” after “racial
17 stereotyping of rape victims”;

18 (2) in paragraph (13), by inserting “or among
19 persons with disabilities,” after “socioeconomic
20 groups,”;

21 (3) by striking “and” at the end of paragraph
22 (21) (as amended by title I of this Act);

23 (4) by striking the period at the end of para-
24 graph (22) (as amended by title I of this Act); and

25 (5) by inserting after paragraph (22) the fol-
26 lowing:

1 “(23) issues related to violence and abuse
2 against persons with disabilities, including the na-
3 ture of physical, mental, and communications dis-
4 abilities; the special vulnerability to violence of per-
5 sons with disabilities; and the types of violence and
6 abuse experienced by persons with disabilities;

7 “(24) the requirements placed on courts and
8 judges under existing disability laws, including the
9 requirements to provide appropriate auxiliary aids
10 and services and to ensure physical access; and

11 “(25) the stereotypes regarding the fitness of
12 persons with disabilities to retain custody of chil-
13 dren, especially in domestic violence cases.”.

14 **SEC. 625. TRAINING PROGRAMS FOR SOCIAL SERVICE AND**
15 **HEALTH PROVIDERS.**

16 (a) **IN GENERAL.**—The Secretary of Health and
17 Human Services may develop curricula and implement
18 training and continuing education programs for protective
19 services workers, health providers, social workers, clergy,
20 independent living center case workers, and other commu-
21 nity-based disability-related service providers to improve
22 their ability to recognize and address instances of domestic
23 violence directed against women with disabilities.

24 (b) **AUTHORIZATION.**—There are authorized to be ap-
25 propriated to carry out the purposes of this section

1 \$10,000,000 for each of fiscal years 2000, 2001, 2002,
2 2003, and 2004.

3 **SEC. 626. TRAINING FOR HEALTH PROFESSIONALS ON**
4 **SCREENING FOR ABUSE OF WOMEN WITH**
5 **DISABILITIES.**

6 (a) IN GENERAL.—The Secretary of Health and
7 Human Services may make grants and enter into con-
8 tracts to establish and carry out the training of health
9 professionals, including physicians, nurses, physician as-
10 sistants, and nurse practitioners, to ensure they will re-
11 ceive training in screening for abuse of women with dis-
12 abilities and instruction in appropriate actions when cases
13 of abuse are identified.

14 (b) AUTHORIZATION.—There are authorized to be ap-
15 propriated to be used to award grants under this section
16 \$10,000,000 for each of fiscal years 2000, 2001, 2002,
17 2003, and 2004.

18 **SEC. 627. RESEARCH ABOUT SEXUAL ABUSE AND VIOLENCE**
19 **AGAINST WOMEN WITH DISABILITIES.**

20 In establishing research priorities under title VIII of
21 this Act, the Secretary shall consider the importance of
22 research about the sexual assault of, and violence against,
23 women with disabilities.

1 **SEC. 628. GRANTS FOR TECHNICAL ASSISTANCE.**

2 (a) IN GENERAL.—The Attorney General shall make
3 grants to States, nongovernmental private entities, and
4 tribal organizations to provide education and technical as-
5 sistance for the purpose of providing training, consulta-
6 tion, and information on violence, abuse, and sexual as-
7 sault against women who are individuals with disabilities
8 (as defined in section 3 of the Americans with Disabilities
9 Act of 1990 (42 U.S.C. 12102)).

10 (b) PRIORITIES.—In making grants under this sec-
11 tion, the Attorney General shall give priority to applica-
12 tions designed to provide education and technical assist-
13 ance on—

14 (1) the nature, definition, and characteristics of
15 violence, abuse, and sexual assault experienced by
16 women who are individuals with disabilities;

17 (2) outreach activities to ensure that women
18 who are individuals with disabilities who are victims
19 of violence, abuse, and sexual assault receive appro-
20 priate assistance;

21 (3) the requirements of shelters and victim
22 services organizations under Federal anti-discrimina-
23 tion laws, including the Americans with Disabilities
24 Act of 1990 and section 504 of the Rehabilitation
25 Act of 1973; and

1 (4) cost-effective ways that shelters and victim
2 services may accommodate the needs of individuals
3 with disabilities in accordance with the Americans
4 with Disabilities Act of 1990.

5 (c) USES OF GRANTS.—Each recipient of a grant
6 under this section shall provide information and training
7 to national, State, local, and tribal organizations and pro-
8 grams that provide services to individuals with disabilities,
9 including independent living centers, disability-related
10 service organizations, domestic violence programs provid-
11 ing shelter or related assistance, rape crisis centers, and
12 programs providing sexual assault services, other victim
13 services organizations, and women with disabilities.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated from the Violent Crime
16 Reduction Trust Fund established under section 310001
17 of the Violent Crime Control and Law Enforcement Act
18 of 1994 (42 U.S.C. 14211) to carry out this section
19 \$10,000,000 for each of fiscal years 2000 through 2004.

20 **Subtitle C—Battered Immigrant** 21 **Women**

22 **SEC. 630. FINDINGS AND PURPOSES.**

23 (a) FINDINGS.—

24 Congress finds that—

1 (1) the goal of the immigration protections for
2 battered immigrants included in the Violence
3 Against Women Act of 1994 was to remove immi-
4 gration laws as a barrier that kept battered immi-
5 grant women and children locked in abusive relation-
6 ships;

7 (2) providing battered immigrant women and
8 children who were experiencing domestic violence at
9 home with protection against deportation allows
10 them to obtain protection orders against their abus-
11 ers and frees them to cooperate with law enforce-
12 ment and prosecutors in criminal cases brought
13 against their abusers and the abusers of their chil-
14 dren; and

15 (3) there are several groups of battered immi-
16 grant women and children who do not have access
17 to the immigration protections of the Violence
18 Against Women Act of 1994 which means that their
19 abusers are virtually immune from prosecution be-
20 cause their victims can be deported and the Immi-
21 gration and Naturalization Service cannot offer
22 them protection no matter how compelling their case
23 under existing law.

24 (b) PURPOSES.—

25 The purposes of this subtitle are—

1 (1) to promote criminal prosecutions of all per-
2 sons who commit acts of battery or extreme cruelty
3 against immigrant women and children;

4 (2) to offer protection against domestic violence
5 occurring in family and intimate relationships that
6 are covered in State and tribal protection orders, do-
7 mestic violence, and family law statutes; and

8 (3) to correct erosions of Violence Against
9 Women Act of 1994 immigration protections that
10 occurred as a result of the Illegal Immigration Re-
11 form and Immigrant Responsibility Act of 1996 and
12 the Balanced Budget Act of 1997 without otherwise
13 amending the effect of these laws on other aliens.

14 **SEC. 631. VAWA RESTORATION ACT**

15 (a) **SHORT TITLE.**—This subtitle may be cited as the
16 “VAWA Restoration Act”.

17 (b) **REMOVING BARRIERS TO ADJUSTMENT OF STA-**
18 **TUS FOR VICTIMS OF DOMESTIC VIOLENCE.**—

19 (1) **IMMIGRATION AMENDMENTS.**—Section 245
20 of the Immigration and Nationality Act (8 U.S.C.
21 1255) is amended—

22 (A) in subsection (a), by inserting “of an
23 alien who qualifies for classification under sub-
24 paragraph (A)(iii), (A)(iv), (A)(v), (A)(vi),

1 (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)
2 or” after “The status”;

3 (B) in subsection (c)(2), by striking
4 “201(b) or a special” and inserting “201(b), an
5 alien who qualifies for classification under sub-
6 paragraph (A)(iii), (A)(iv), (A)(v), (A)(vi),
7 (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1),
8 or a special”;

9 (C) in subsection (c)(4), by striking
10 “201(b))” and inserting “201(b) or an alien
11 who qualifies for classification under subpara-
12 graph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii),
13 (B)(iii), or (B)(iv) of section 204(a)(1))”;

14 (D) in subsection (c)(5), by inserting
15 “(other than an alien who qualifies for classi-
16 fication under subparagraph (A)(iii), (A)(iv),
17 (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of
18 section 204(a)(1))” after “an alien”; and

19 (E) in subsection (c)(8), by inserting
20 “(other than an alien who qualifies for classi-
21 fication under subparagraph (A)(iii), (A)(iv),
22 (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of
23 section 204(a)(1))” after “any alien”.

24 (2) EFFECTIVE DATE.—The amendments made
25 by subsection (a) shall apply to applications for ad-

1 justment of status pending on or after the date of
2 the enactment of this subtitle.

3 (c) REMOVING BARRIERS TO CANCELLATION OF RE-
4 MOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS
5 OF DOMESTIC VIOLENCE.—

6 (1) SPECIAL RULE FOR CALCULATING CONTIN-
7 UOUS PERIOD FOR BATTERED SPOUSE OR CHILD.—
8 Paragraph (1) of section 240A(d) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1229b(d)(1)) is
10 amended to read as follows:

11 “(1) TERMINATION OF CONTINUOUS PERIOD.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), for purposes of this section,
14 any period of continuous residence or continu-
15 ous physical presence in the United States shall
16 be deemed to end when the alien is served a no-
17 tice to appear under section 239(a) or when the
18 alien has committed an offense that renders the
19 alien inadmissible to the United States under
20 section 212(a)(2) or removable from the United
21 States under section 237(a)(2) or 237(a)(4),
22 whichever is earliest.

23 “(B) SPECIAL RULE FOR BATTERED
24 SPOUSE OR CHILD.—For purposes of subsection
25 (b)(2), the service of a notice to appear referred

1 to in subparagraph (A) shall not be deemed to
2 end any period of continuous physical presence
3 in the United States.”.

4 (2) EXEMPTION FROM ANNUAL LIMITATION ON
5 CANCELLATION OF REMOVAL FOR BATTERED
6 SPOUSE OR CHILD.—Section 240A(e)(3) of the Im-
7 migration and Nationality Act (8 U.S.C.
8 1229b(e)(3)) is amended by adding at the end the
9 following:

10 “(C) REMOVAL CANCELLATION.—Aliens
11 whose removal is canceled under subsection
12 (b)(2).”.

13 (3) EFFECTIVE DATE.—The amendments made
14 by paragraphs (1) and (2) shall take effect as if in-
15 cluded in the enactment of section 304 of the Illegal
16 Immigration Reform and Immigrant Responsibility
17 Act of 1996 (Public Law 104–208, 110 Stat. 587).

18 (4) MODIFICATION OF CERTAIN TRANSITION
19 RULES FOR BATTERED SPOUSE OR CHILD.—

20 (A) Subparagraph (C) of section 309(e)(5)
21 of the Illegal Immigration Reform and Immig-
22 rant Responsibility Act of 1996 (8 U.S.C.
23 1101 note) is amended by amending the sub-
24 paragraph heading to read as follows:

1 “(C) SPECIAL RULE FOR CERTAIN ALIENS
2 GRANTED TEMPORARY PROTECTION FROM DE-
3 PORTATION AND FOR BATTERED SPOUSES AND
4 CHILDREN.—”; and

5 (B) in clause (i)—

6 (i) by striking, “or” at the end of sub-
7 clause (IV);

8 (ii) by striking the period at the end
9 of subclause (V) and inserting “; or”; and

10 (iii) by adding at the end the follow-
11 ing:

12 “(VI) is an alien who was issued
13 an order to show cause or was in de-
14 portation proceedings prior to April 1,
15 1997, and who applied for suspension
16 of deportation under section 244(a)(3)
17 of the Immigration and Nationality
18 Act (as in effect before the date of the
19 enactment of this Act).”.

20 (5) EFFECTIVE DATE.—The amendments made
21 by paragraph (4) shall take effect as if included in
22 the enactment of section 309 of the Illegal Immigra-
23 tion Reform and Immigrant Responsibility Act of
24 1996 (8 U.S.C. 1101 note).

1 (d) ELIMINATING TIME LIMITATIONS ON MOTIONS
2 TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS
3 FOR VICTIMS OF DOMESTIC VIOLENCE.—

4 (1) REMOVAL PROCEEDINGS.—

5 (A) IN GENERAL.—Section 240(c)(6)(C) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1229a(c)(6)(C)) amended by adding at the end
8 the following:

9 “(iv) SPECIAL RULE FOR BATTERED
10 SPOUSES AND CHILDREN.—There is no
11 time limit on the filing of a motion to re-
12 open, and the deadline specified in sub-
13 section 240(b)(5)(C) does not apply, if the
14 basis for the motion is to apply for adjust-
15 ment of status based on a petition filed
16 under clause (iii), (iv), (v), or (vi) of sec-
17 tion 204(a)(1)(A), clause (ii), (iii), or (iv)
18 of section 204(a)(1)(B), or section
19 240A(b)(2) and if the motion is accom-
20 panied by a cancellation of removal appli-
21 cation to be filed with the Attorney Gen-
22 eral or by a copy of the self-petition that
23 has been or will be filed with the Immigra-
24 tion and Naturalization Service upon the
25 granting of the motion to reopen.

1 (B) EFFECTIVE DATE.—The amendments
2 made by subparagraph (A) shall take effect as
3 if included in the enactment of the amendments
4 made by section 304 of the Illegal Immigration
5 Reform and Immigrant Responsibility Act of
6 1996 (8 U.S.C. 1229–1229c).

7 (2) DEPORTATION PROCEEDINGS.—

8 (A) IN GENERAL.—Notwithstanding any
9 limitation imposed by law on motions to reopen
10 or rescind deportation proceedings under the
11 Immigration and Nationality Act (as in effect
12 before the title III–A effective date in section
13 309 of the Illegal Immigration Reform and Im-
14 migrant Responsibility Act of 1996 (8 U.S.C.
15 1101 note)), there is no time limit on the filing
16 of a motion to reopen such proceedings, and the
17 deadline specified in section 242B(c)(3) of the
18 Immigration and Nationality Act (as so in ef-
19 fect) (8 U.S.C. 1252b(c)(3)) does not apply if
20 the basis of the motion is to apply for relief
21 under clause (iii), (iv), (v), or (vi) of section
22 204(a)(1)(A) of the Immigration and National-
23 ity Act (8 U.S.C. 1154(a)(1)(A)), clause (ii),
24 (iii), or (iv) of section 204(a)(1)(B) of such Act
25 (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3)

1 of such Act (as so in effect) (8 U.S.C.
2 1254(a)(3)) and if the motion is accompanied
3 by a suspension of deportation application to be
4 filed with the Attorney General or by a copy
5 of the self-petition that will be filed with the
6 Immigration and Naturalization Service upon
7 the granting of the motion to reopen.

8 (B) APPLICABILITY.—Paragraph (1) shall
9 apply to motions filed by aliens who—

10 (i) are, or were, in deportation pro-
11 ceedings under the Immigration and Na-
12 tionality Act (as in effect before the title
13 IIIA effective date in section 309 of the Il-
14 legal Immigration Reform and Immigrant
15 Responsibility Act of 1996 (8 U.S.C. 1101
16 note)); and

17 (ii) have become eligible to apply for
18 relief under clause (iii), (iv), (v), or (vi) of
19 section 204(a)(1)(A) of the Immigration
20 and Nationality Act (8 U.S.C.
21 1154(a)(1)(A)), clause (ii), (iii), or (iv) of
22 section 204(a)(1)(B) of such Act (8 U.S.C.
23 1154(a)(1)(B)), or section 244(a)(3) of
24 such Act (as in effect before the title III-
25 A effective date in section 309 of the Ille-

1 gal Immigration Reform and Immigrant
2 Responsibility Act of 1996 (8 U.S.C. 1101
3 note)) as a result of the amendments made
4 by—

5 (I) subtitle G of title IV of the
6 Violent Crime Control and Law En-
7 forcement Act of 1994 (Public Law
8 103–322; 108 Stat. 1953 et seq.); or

9 (II) section 627(c) of this sub-
10 title.

11 **SEC. 632. REMEDYING PROBLEMS WITH IMPLEMENTATION**
12 **OF THE VIOLENCE AGAINST WOMEN ACT'S**
13 **IMMIGRATION PROVISIONS.**

14 (a) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP
15 STATUS ON SELF-PETITION.—

16 (1) RECLASSIFICATION.—Section 204(a)(1)(A)
17 of the Immigration and Nationality Act (8 U.S.C.
18 1154(a)(1)(A)) is amended by adding at the end the
19 following new clause:

20 “(vii) For the purposes of any petition filed under
21 clause (iii), (iv), (v), or (vi) of section 204(a)(1)(A),
22 denaturalization, loss or renunciation, or changes to the
23 abuser's citizenship status after filing of the petition shall
24 not preclude the classification of the eligible self-petition-
25 ing spouse, child, or son or daughter.”

1 (2) LOSS OF STATUS.—Section 204(a)(1)(B) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1154(a) (1) (A)) is amended by adding at the end
4 the following new clause:

5 “(v)(I) For the purposes of petitions filed or approved
6 under clauses (ii), (iii), and (iv) of section 204(a)(1)(B),
7 loss of lawful permanent residence status by a spouse or
8 parent after the filing of a petition under that clause shall
9 not adversely affect adjudication of the petition, and, for
10 an approved petition, shall not affect the alien’s ability to
11 adjust status under section 245(a) or obtain status as a
12 lawful permanent resident based on the approved self-peti-
13 tion under clauses (ii), (iii), and (iv) of section
14 204(a)(1)(B).

15 “(II) Upon the lawful permanent resident spouse or
16 parent becoming a United States citizen through natu-
17 ralization, acquisition of citizenship, or other means, any
18 petition filed with the Immigration and Naturalization
19 Service and pending or approved under clause (ii), (iii),
20 or (iv) of section 204(a)(1)(B) shall be automatically re-
21 classified as a petition filed under section 204(a)(1)(A) of
22 this Act even if the acquisition of citizenship occurs after
23 divorce or termination of parental rights.”.

24 (b) EXEMPTION FOR BATTERED IMMIGRANT WOMEN
25 WHO ENTERED THE UNITED STATES ON FIANCÉ VISAS

1 FROM CONDITIONAL RESIDENCY STATUS REQUIRE-
2 MENT.—

3 (1) Section 245(d) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1255(d)) is amended by add-
5 ing at the end the following: “This subsection shall
6 not apply to aliens who seek adjustment of status on
7 the basis of an approved self-petition under clause
8 (iii), (iv), (v), or (vi) of section 204(a)(1)(A) or clas-
9 sification under clause (ii), (iii), or (iv) of section
10 204(a)(1)(B).”.

11 (c) GRANTING VAWA SELF-PETITIONERS ACCESS
12 TO EVIDENCE THE IMMIGRATION AND NATURALIZATION
13 SERVICE HOLDS IN THE IMMIGRATION FILE OF AN ABU-
14 SIVE SPOUSE.—

15 (1) FREEDOM OF INFORMATION.—Section
16 552a(b) of title 5, United States Code, is amended:

17 (A) at the end of paragraph (11) by strik-
18 ing “and”;

19 (B) at the end of paragraph (12) by strik-
20 ing the period and inserting “; and”; and

21 (C) by adding after paragraph (12) the fol-
22 lowing new paragraph:

23 “(13) to the spouse, child, or son or daughter
24 of a naturalized United States citizen or lawful per-
25 manent resident who requests information from the

1 Immigration and Naturalization Service regarding
2 the immigration status of their spouse or parent, or
3 who needs to obtain documentation in the form of
4 official document or public records or copies thereof
5 contained in the immigration file of a spouse or par-
6 ent for the purpose of obtaining immigration relief
7 or other domestic violence-related court or adminis-
8 trative remedies. This subsection shall not apply to
9 the file or records of a person who has presented
10 to the Immigration and Naturalization Service evi-
11 dence in the form of a judicial finding, administra-
12 tive determination, or a police report demonstrating
13 that the naturalized citizen or lawful permanent
14 resident has been battered or subjected to extreme
15 cruelty.”.

16 (d) REQUIRING PROSECUTOR COOPERATION WITH
17 BATTERED IMMIGRANT VAWA APPLICANTS.—

18 (1) GRANTING ACCESS.—Section 2101(c) of the
19 Omnibus Crime Control and Safe Streets Act of
20 1968 (42 U.S.C. 3796hh(c)) is amended by inserting
21 before the period “, certify that their laws, policies,
22 and practices do not discourage or prohibit prosecu-
23 tors and law enforcement officers from granting ac-
24 cess to information about the immigration status of
25 a domestic violence perpetrator to the victim, the

1 child, son, or daughter or their advocate so long as
2 release of the information does not jeopardize ongoing
3 prosecution of the abuser”.

4 **SEC. 633. WAIVERS AND EXCEPTIONS TO INADMISSIBILITY**
5 **FOR OTHERWISE QUALIFIED BATTERED IM-**
6 **MIGRANTS.**

7 (a) WAIVERS.—

8 (1) DISCRETIONARY WAIVERS FOR CERTAIN IN-
9 ADMISSIBILITY AND REMOVAL GROUNDS.—Section
10 212 of the Immigration and Nationality Act (8
11 U.S.C. 1182) is amended by adding at the end the
12 following:

13 “(r) WAIVER OF SECTION 212.—The Attorney Gen-
14 eral, in the Attorney General’s discretion, may waive any
15 provision of section 212 (other than paragraphs (3),
16 (10)(A), (10)(D), and (10)(E) of subsection (a)) for hu-
17 manitarian purposes, to assure family unity, or when it
18 is otherwise in the public interest except in the case of
19 section 212(a)(2) or section 212(a)(6)(C) waivers, the
20 alien must demonstrate a connection between the crime
21 or disqualifying act and battery or extreme cruelty for any
22 alien who qualifies for—

23 “(1) status under clause (iii), (iv), (v), or (vi)
24 of section 204(a)(1)(A) or classification under clause
25 (ii), (iii), or (iv) of section 204(a)(1)(B); or

1 “(2) relief under section 240A(b)(2) or
2 244(a)(3) (as in effect before the enactment of the
3 Illegal Immigration Reform and Immigrant Respon-
4 sibility Act of 1996).”.

5 (b) OFFERING EQUAL ACCESS TO VAWA IMMIGRA-
6 TION PROTECTIONS FOR ALL QUALIFIED BATTERED IM-
7 MIGRANT SELF-PETITIONERS.—

8 (1) ELIMINATING CONNECTION BETWEEN BAT-
9 TERY AND UNLAWFUL ENTRY.—Section
10 212(a)(6)(A)(ii) of the Immigration and Nationality
11 Act (8 U.S.C. 1182) is amended by:

12 (A) striking subclause (III) and

13 (B) striking the comma at the end of sub-
14 clause (I) and inserting “, and”; and

15 (C) striking “; and” in subclause (II) and
16 inserting a period.

17 (2) ADDITIONAL WAIVERS.—Section
18 212(a)(9)(A)(iii) of the Immigration and Nationality
19 Act (8 U.S.C. 1182(a)(9)(A)(iii)) is amended by
20 adding at the end the following: “Clauses (i) and (ii)
21 shall also not apply to aliens to whom the Attorney
22 General has granted status under clause (iii), (iv),
23 (v), or (vi) of section 204(a)(1)(A) or classification
24 under clause (ii), (iii), or (iv) of section
25 204(a)(1)(B).”.

1 (3) EXCEPTION.—Section 212(a)(9)(B)(iii)(IV)
2 of the Immigration and Nationality Act (8 U.S.C.
3 1182(a)(9)(B)(iii)(IV)) is amended by striking “if,
4 ‘violation of the terms of the alien’s nonimmigrant
5 visa’ were substituted for ‘unlawful entry into the
6 United States’ in subclause (III) of that paragraph”.

7 (4) ADDITIONAL WAIVERS.—Section
8 212(a)(9)(C)(ii) of the Immigration and Nationality
9 Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by add-
10 ing at the end the following: “Clause (i) shall also
11 not apply to aliens to whom the Attorney General
12 has granted status under clause (iii), (iv), (v), or (vi)
13 of section 204(a)(1)(A) or classification under clause
14 (ii), (iii), or (iv) of section 204(a)(1)(B).”.

15 (5) WAIVER OF CERTAIN REMOVAL GROUNDS.—
16 Section 237(a)(2)(E) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1227(a)(2)(E)) is amended
18 by inserting at the end the following:

19 “(iii) WAIVER FOR VICTIMS OF DO-
20 MESTIC VIOLENCE.—The Attorney General
21 may waive the application of clauses (i)
22 and (ii)—

23 “(I) upon determination that—

24 “(aa) the alien was acting in
25 self-defense;

1 “(bb) the alien was not the
2 principal or primary perpetrator
3 of violence in the relationship;

4 “(cc) the alien was found to
5 have violated a protection order
6 intended to protect the alien; or

7 “(dd) the alien committed
8 the crime for which the alien was
9 convicted under duress from the
10 person who subjected the alien to
11 battering or extreme cruelty; or
12 (II) for humanitarian purposes.”.

13 **SEC. 634. CALCULATION OF PHYSICAL PRESENCE IN VAWA**
14 **CANCELLATION OF REMOVAL AND SUSPEN-**
15 **SION OF DEPORTATION.**

16 (a) CANCELLATION OF REMOVAL PROCEEDINGS.—
17 Section 240A(d)(2) of the Immigration and Nationality
18 Act (8 U.S.C. 1229b(d)(2)) is amended to read as follows:

19 “(2) TREATMENT OF CERTAIN BREAKS IN
20 PRESENCE.—An alien shall be considered to have
21 failed to maintain continuous physical presence in
22 the United States under subsections (b)(1) and
23 (b)(2) if the alien has departed from the United
24 States for any period in excess of 90 days or for pe-
25 riods in the aggregate exceeding 180 days. In the

1 case of an alien applying for cancellation of removal
2 under subsection (b)(2), the Attorney General may
3 waive the provisions of this subsection for humani-
4 tarian purposes, if the alien demonstrates a substan-
5 tial connection between the absences and the battery
6 or extreme cruelty forming the basis of the applica-
7 tion for cancellation of removal under section
8 240A(b)(2).”.

9 (b) SUSPENSION OF DEPORTATION PROCEEDINGS.—

10 Section 244(a)(3) of the Immigration and Nationality
11 Act (as in effect before the title III–A effective date of
12 the Illegal Immigration Reform and Immigrant Respon-
13 sibility Act of 1996 (Public Law 104–208; 110 Stat.
14 3009–625)) (8 U.S.C. 1254(a)(3)) is amended by adding
15 at the end the following: “The Attorney General may
16 waive the physical presence requirement for humanitarian
17 purposes if the alien demonstrates a substantial connec-
18 tion between the absences and the battery or extreme cru-
19 elty forming the basis of the application for suspension
20 of deportation.”.

1 **SEC. 635. IMPROVED ACCESS TO VAWA IMMIGRATION PRO-**
2 **TECTIONS FOR BATTERED IMMIGRANT**
3 **WOMEN.**

4 (a) DEFINITION.—Section 101(a) of the Immigration
5 and Nationality Act (8 U.S.C. 1101(a)) is amended by
6 adding at the end the following new paragraph:

7 “(50) The term ‘intended spouse’ means any
8 alien who meets the criteria set forth in section
9 204(j)(1)(B) or 204(k)(1)(B).”.

10 (b) ENSURING PROTECTION FOR ABUSED CHILDREN
11 AND CHILDREN OF BATTERED IMMIGRANTS.—Section
12 101(b)(1) of the Immigration and Nationality Act (8
13 U.S.C. 1101(b)(1)) is amended by striking “or” at the end
14 of subparagraph (E), by striking the period at the end
15 of subparagraph (F) and inserting “; or”, and by adding
16 at the end the following:

17 “(G) a child who turns 21 years old re-
18 mains a child under this section for the pur-
19 poses of clauses (iii) and (iv) of section
20 204(a)(1)(A), clauses (ii) and (iii) of section
21 204 (a)(1)(B), section 240A(b)(2), and section
22 244(a)(3) (as in effect before the date of the
23 enactment of the Illegal Immigration Reform
24 and Immigrant Responsibility Act of 1996) if,
25 on the date a petition or application was filed

1 by the child or their parent under any of these
2 sections the child—

3 “(i) met the definition of child in sub-
4 paragraphs (A) through (F) of this para-
5 graph; and

6 “(ii) was under the age of 21 on the
7 date the application or petition was filed.”.

8 (c) IMMEDIATE RELATIVE STATUS FOR SELF-PETI-
9 TIONERS MARRIED TO U.S. CITIZENS.—

10 (1) SELF-PETITIONING SPOUSES.—

11 (A) BATTERY OR CRUELTY TO ALIEN OR
12 ALIEN’S CHILD.—Section 204(a)(1)(A)(iii) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1154(a)(1)(A)(iii)) is amended to read as fol-
15 lows:

16 “(iii) An alien who is described in subsection (j) may
17 file a petition with the Attorney General under this clause
18 for classification of the alien (and any child of the alien
19 as defined in section 101(b)(1)(G) if such a child has not
20 been classified under clause (iv) of section
21 201(b)(2)(A)(i)) if the alien demonstrates to the Attorney
22 General that—

23 “(I) the marriage or the intent to marry the
24 United States citizen was entered into in good faith
25 by the alien; and

1 “(II) during the marriage or relationship in-
2 tended by the alien to be legally a marriage, the
3 alien or a child of the alien has been battered or has
4 been the subject of extreme cruelty perpetrated by
5 the alien’s spouse or intended spouse.”.

6 (B) DEFINITION.—Section 204 of the Im-
7 migration and Nationality Act is amended (8
8 U.S.C. 1154) by adding at the end the follow-
9 ing:

10 “(j) DEFINITION.—An alien described in subsection
11 (a)(1)(A)(iii) is an alien—

12 “(1)(A) who is the spouse of a citizen of the
13 United States;

14 “(B)(i) who believed in good faith that he or
15 she had married a citizen of the United States;

16 “(ii) whose marriage to such citizen would oth-
17 erwise meet the definition of qualifying marriage
18 under section 216(d)(1)(A)(i); and

19 “(iii) who otherwise meets any applicable re-
20 quirements under this Act to establish the existence
21 of and bona fides of a marriage; but whose marriage
22 is not legitimate solely because of the bigamy of
23 such citizen of the United States; or

24 “(C) who was a bona fide spouse of a United
25 States citizen within the past two years (and who

1 demonstrates a substantial connection between the
2 legal termination of the marriage and battering or
3 extreme cruelty by the United States citizen spouse;

4 “(2) who is a person of good moral character;

5 “(3) who is eligible to be classified as an imme-
6 diate relative under section 201(b)(2)(A)(i) or who
7 would have been so classified but for the bigamy of
8 the citizen of the United States that the alien in-
9 tended to marry; and

10 “(4) who has resided with the alien’s spouse or
11 intended spouse.”.

12 (2) GUARANTEEING ACCESS TO VAWA RELIEF
13 FOR BATTERED IMMIGRANTS BROUGHT INTO THE
14 UNITED STATES ON FIANCÉ VISAS.—For aliens who
15 entered the country on fiancé visas, failure to marry
16 the sponsor or failure to marry the sponsor within
17 90 days as required under section 101(a)(15)(K) (8
18 U.S.C. 1101(a)(15)(K)) shall not bar access to relief
19 under this section to aliens who otherwise qualify.

20 (3) SELF-PETITIONING CHILDREN.—Section
21 204(a)(1)(A)(iv) of the Immigration and Nationality
22 Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read
23 as follows:

24 “(iv) An alien who is the child of a citizen of the
25 United States (as defined in section 101(a)(1)(G)), who

1 is a person of good moral character, who is eligible to be
2 classified as an immediate relative under section
3 201(b)(2)(A)(i), and who has resided with the citizen par-
4 ent may file a petition with the Attorney General under
5 this subparagraph for classification of the alien under
6 such section if the alien demonstrates to the Attorney
7 General that the alien has been battered by or has been
8 the subject of extreme cruelty perpetrated by the alien's
9 citizen parent. An alien child filing under this section shall
10 continue to be considered a child for purposes of this sec-
11 tion and section 245 if on the date of filing the child was
12 under the age of 21.”.

13 (4) SELF-PETITIONING PARENTS.—Section
14 204(a)(1)(A) of the Immigration and Nationality
15 Act (8 U.S.C. 1154(a)(1)(A)), as amended by sec-
16 tion 632(a), is amended by adding at the end the
17 following:

18 “(v) An alien who is the parent of a citizen of the
19 United States, who is a person of good moral character,
20 who is eligible to be classified as an immediate relative
21 under section 201(b)(2)(A)(i), and who has resided with
22 citizen daughter or son may file a petition with the Attor-
23 ney General under this subparagraph for classification of
24 the alien under such section if the alien demonstrates to
25 the Attorney General that during the period of residence

1 with the citizen son or daughter the alien has been bat-
2 tered by or has been the subject of extreme cruelty per-
3 petrated by the alien's citizen son or daughter.”.

4 (5) SELF-PETITIONING SON OR DAUGHTER.—

5 Section 204(a)(1)(A) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1154(a)(1)(A)), as amended
7 by paragraph (4), is amended by adding at the end
8 the following:

9 “(vi) An alien who is the son or daughter of a citizen
10 of the United States, who is a person of good moral char-
11 acter, who is eligible for classification by reason of a rela-
12 tionship described in paragraph (1) of section 203(a), and
13 who resides or has resided in the past with the citizen par-
14 ent may file a petition with the Attorney General under
15 this clause for classification of the alien under such section
16 if the alien demonstrates to the Attorney General that
17 during the period of residence with the citizen parent the
18 alien has been battered by, or has been the subject of ex-
19 treme cruelty perpetrated by, the alien's citizen parent.”.

20 (6) FILING OF PETITIONS.—Section

21 204(a)(1)(A) of the Immigration and Nationality
22 Act (8 U.S.C. 1154 (a)(1)(A)(iv)), as amended by
23 paragraph (5), is amended by adding at the end the
24 following new clause:

1 “(vii) An alien who is the spouse, intended spouse,
2 child, parent, son, or daughter of a United States citizen
3 abroad and who is eligible to file a petition under this sub-
4 section shall file such petition with the Attorney General
5 under the procedures that apply to applicants under
6 clauses (iii), (iv), (v), and (vi) of this section.”.

7 (d) SECOND PREFERENCE IMMIGRATION STATUS
8 FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMA-
9 NENT RESIDENTS.—

10 (1) SELF-PETITIONING SPOUSES.—Section
11 204(a)(1)(B)(ii) of the Immigration and Nationality
12 Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read
13 as follows:

14 “(ii) An alien who is described in subsection (k) may
15 file a petition with the Attorney General under this clause
16 for classification of the alien (and any child of the alien
17 as defined in section 101(b)(1)(G)) if such a child has not
18 been classified under clause (iii) of section 203(a)(2)(A)
19 and if the alien demonstrates to the Attorney General
20 that—

21 “(I) the marriage or the intent to marry the
22 lawful permanent resident was entered into in good
23 faith by the alien; and

24 “(II) during the marriage or relationship in-
25 tended by the alien to be legally a marriage, the

1 alien or a child of the alien has been battered or has
2 been the subject of extreme cruelty perpetrated by
3 the alien’s spouse or intended spouse.”.

4 (2) DEFINITION.—Section 204 of the Immigra-
5 tion and Nationality Act (8 U.S.C. 1154), as amend-
6 ed by paragraph (3)(A)(ii), is amended by adding at
7 the end the following:

8 “(k) DEFINITION.—An alien described in subsection
9 (a)(1)(B)(ii) is an alien—

10 “(1)(A) who is the spouse of a lawful perma-
11 nent resident of the United States; or

12 “(B)(i) who believed in good faith that he or
13 she had married a lawful permanent resident of the
14 United States;

15 “(ii) whose marriage to such lawful permanent
16 resident would otherwise meet the definition of
17 qualifying marriage under section 216(d)(1)(A)(i);
18 and

19 “(iii) who otherwise meets any applicable re-
20 quirements under this Act to establish the existence
21 of and bona fides of a marriage; but whose marriage
22 is not legitimate solely because of the bigamy of
23 such lawful permanent resident of the United States;
24 or

1 “(iv) who was a bona fide spouse of a United
2 States citizen within the past two years (and who
3 demonstrates a substantial connection between the
4 legal termination of the marriage and battering or
5 extreme cruelty by the United States citizen spouse;

6 “(2) who is a person of good moral character;

7 “(3) who is eligible to be classified as a spouse
8 of an alien lawfully admitted for permanent resi-
9 dence under section 203(a)(2)(A) or who would have
10 been so classified but for the bigamy of the lawful
11 permanent resident of the United States that the
12 alien intended to marry; and

13 “(4) who has resided in the United States with
14 the alien’s spouse or intended spouse.”.

15 (3) SELF-PETITIONING CHILDREN.—Section
16 204(a)(1)(B)(iii) of the Immigration and Nationality
17 Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to
18 read as follows:

19 “(iii) An alien who is the child of an alien lawfully
20 admitted for permanent residence as defined in section
21 101(b)(1)(G), who is a person of good moral character,
22 who is eligible for classification under section
23 203(a)(2)(A), and who has resided with the alien’s perma-
24 nent resident alien parent may file a petition with the At-
25 torney General under this subparagraph for classification

1 of the alien under such section if the alien demonstrates
2 to the Attorney General that the alien has been battered
3 by or has been the subject of extreme cruelty perpetrated
4 by the alien's permanent resident parent. An alien child
5 filing under this section shall continue to be considered
6 a child for purposes of this section and section 245 if on
7 the date of filing the child was under the age of 21.”.

8 (4) SELF-PETITIONING SON OR DAUGHTER.—

9 Section 204(a)(1)(B) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1154(a)(1)(B)), as amended
11 by section 632(a)(2), is amended by adding at the
12 end the following:

13 “(vi) An alien who is the son or daughter of a citizen
14 of the United States, who is a person of good moral char-
15 acter, who is eligible for classification by reason of a rela-
16 tionship described in paragraph (2) of section 203(a), and
17 who resides or has resided in the past with the citizen par-
18 ent may file a petition with the Attorney General under
19 this clause for classification of the alien under such section
20 if the alien demonstrates to the Attorney General that
21 during the period of residence with the citizen parent the
22 alien has been battered by, or has been the subject of ex-
23 treme cruelty perpetrated by, the alien's citizen parent.”.

24 (5) FILING OF PETITIONS.—Section
25 204(a)(1)(B) of the Immigration and Nationality

1 Act (8 U.S.C. 1154(a)(1)(B)), as amended by para-
2 graph (4), is amended by adding at the end the fol-
3 lowing new clause:

4 “(vii) An alien who is the spouse, intended spouse,
5 child, son, or daughter of a lawful permanent resident liv-
6 ing abroad is eligible to file a petition under this sub-
7 section shall file such petition with the Attorney General
8 under the procedures that apply to applicants under sec-
9 tion 204(a)(1)(B)(ii) and (iii).”.

10 (6) TREATMENT OF DERIVATIVES.—Section
11 203(d) of the Immigration and Nationality Act (8
12 U.S.C. 1153(d)) is amended by adding at the end
13 the following: “Alien sons and daughters included as
14 children in self-petitions filed under sections
15 204(a)(1)(A)(iii) and 204(a)(1)(B)(ii) shall be enti-
16 tled to the same status and the same order of con-
17 sideration of accompanying or following to join, as
18 the self-petitioner.”.

19 **SEC. 636. IMPROVED ACCESS TO VAWA CANCELLATION OF**
20 **REMOVAL.**

21 (a) CANCELLATION OF REMOVAL AND ADJUSTMENT
22 OF STATUS FOR CERTAIN NONPERMANENT RESI-
23 DENTS.—Section 240A(b)(2) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1229b(b)(2)) is amended to read
25 as follows:

1 “(2) SPECIAL RULE FOR BATTERED SPOUSE OR
2 CHILD.—

3 “(A) IN GENERAL.—The Attorney General may
4 cancel removal of, and adjust to the status of an
5 alien lawfully admitted for permanent residence, an
6 alien who is inadmissible or deportable from the
7 United States if the alien demonstrates that—

8 “(i) the alien has been battered or sub-
9 jected to extreme cruelty in the United States
10 by a spouse, parent, son, or daughter who is a
11 United States citizen (or is the parent of a child
12 of a United States citizen and the child has
13 been battered or subjected to extreme cruelty in
14 the United States by such citizen parent), or by
15 a spouse or parent who is a lawful permanent
16 resident (or is the parent of a child of a lawful
17 permanent resident and the child has been bat-
18 tered or subjected to extreme cruelty in the
19 United States by such permanent resident par-
20 ent), or by a United States citizen or lawful
21 permanent resident whom the alien intended to
22 marry, but whose marriage is not legitimate be-
23 cause of that United States citizen’s or lawful
24 permanent resident’s bigamy;

1 “(ii) the alien has been physically present
2 in the United States for a continuous period of
3 not less than 3 years immediately preceding the
4 date of such application; the issuance of a
5 charging document for removal proceedings
6 shall not toll the 3-year period of continuous
7 physical presence in the United States;

8 “(iii) the alien has been a person of good
9 moral character during such period; and

10 “(iv) the alien is not inadmissible under
11 paragraph (2) or (3) of section 212(a), is not
12 deportable under paragraphs (1)(G) or (2)
13 through (4) of section 237(a), and has not been
14 convicted of an aggravated felony, unless the
15 Attorney General waives application of this
16 clause for humanitarian purposes, to assure
17 family unity or when it is otherwise in the pub-
18 lic interest.

19 In acting on applications under this paragraph, the
20 Attorney General shall consider any credible evi-
21 dence relevant to the application. The determination
22 of what evidence is credible and the weight to be
23 given that evidence shall be within the sole discretion
24 of the Attorney General. For aliens who entered the
25 country on fiancé visas failure to marry the sponsor,

1 or failure to marry the sponsor within 90 days as re-
2 quired under section 101(a)(15)(K) shall not bar ac-
3 cess to relief under this section to aliens who other-
4 wise qualify.

5 “(B) INCLUSION OF OTHER ALIENS IN PETI-
6 TION.—An alien applying for relief under this sec-
7 tion may include—

8 “(i) the alien’s children, sons, or daughters
9 in the alien’s application and, if the alien is
10 found eligible for suspension or cancellation, the
11 Attorney General may adjust the status of the
12 alien’s children, sons, daughters; or

13 “(ii) the alien’s parent in the alien child’s
14 (as defined in section 101(b)(1)(G)) application
15 in the case of an application filed by an alien
16 who was abused by a citizen or lawful perma-
17 nent resident parent and, if the alien child is
18 found eligible for suspension or cancellation, the
19 Attorney General may adjust the status of both
20 the alien child applicant and the alien child’s
21 parent.

22 “(C) INCLUSION OF OTHER ALIENS IN PETITIONS.—
23 An alien applying for relief under section 244(a)(3) (as
24 in effect before the date of the enactment of Illegal Immi-

1 gration Reform and Immigrant Responsibility Act of
2 1996) may include—

3 “(i) the alien’s children, sons, or daughters in
4 the alien child’s application and, if the alien is found
5 eligible for suspension or cancellation, the Attorney
6 General may adjust the status of the alien’s chil-
7 dren, sons, or daughters; or

8 “(ii) the alien’s parent in the alien child’s (as
9 defined in section 101(b)(1)(G)) application in the
10 case of an application filed by an alien who was
11 abused by a citizen or lawful permanent resident
12 parent and, if the alien child is found eligible for
13 suspension or cancellation, the Attorney General
14 may adjust the status of both the alien child appli-
15 cant and the alien child’s parent.”.

16 (b) EFFECTIVE DATE.—The change in law rep-
17 resented by clause (ii) of section 240A(b)(2)(A) of the Im-
18 migration and Nationality Act (8 U.S.C. 1229b(b)(2))
19 shall take effect as if included in the enactment of section
20 304 of the Illegal Immigration Reform and Immigrant Re-
21 sponsibility Act of 1996 (Public Law 104–208 110 Stat.
22 587).

23 **SEC. 637. GOOD MORAL CHARACTER DETERMINATIONS.**

24 (a) DETERMINATIONS OF GOOD MORAL CHARACTER
25 FOR SELF-PETITIONING IMMEDIATE RELATIVES.—

1 Section 204(a)(1)(A) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
3 at the end the following:

4 “(ix)(I) For the purposes of making good moral char-
5 acter determinations under this subparagraph, the Attor-
6 ney General is not limited by the criminal court record
7 and may waive the bar to issuing a finding of good moral
8 character in the case of an alien who otherwise qualifies
9 for relief under clause (iii), (iv), (v), or (vi) of section
10 204(a)(1)(A), but who—

11 “(aa) has been convicted of, or who pled guilty
12 to, violating a court order issued to protect the alien;

13 “(bb) has been convicted of, or pled guilty to,
14 prostitution if the alien was forced into prostitution
15 by an abuser;

16 “(cc) has been convicted of, or pled guilty to,
17 committing a crime under duress from the person
18 who battered or subjected the alien to extreme cru-
19 elty;

20 “(dd) has been convicted of, or pled guilty to,
21 a domestic violence-related crime, if the Attorney
22 General determines that the alien acted in self-de-
23 fense; or

24 “(ee) has been convicted of, or pled guilty to,
25 committing a crime where there was a connection

1 between the commission of the crime and having
2 been battered or subjected to extreme cruelty.

3 “(II) After finding that an alien has been battered
4 or subjected to extreme cruelty and is otherwise eligible
5 for relief under clause (iii), (iv), (v), or (vi) of section
6 204(a)(1)(A), the Attorney General may make a finding
7 of good moral character under section 101(f) with respect
8 to the alien despite the existence of any conviction listed
9 in subclause (I) or any other disqualifying act that is con-
10 nected to the battery or extreme cruelty.”

11 (b) DETERMINATIONS OF GOOD MORAL CHARACTER
12 FOR SELF-PETITIONERS SEEKING SECOND PREFERENCE
13 IMMIGRATION STATUS.—Section 204(a)(1)(B) of the Im-
14 migration and Nationality Act (8 U.S.C. 1154(a)(1)(B)),
15 as amended by section 630(a)(4)(D), is amended by add-
16 ing at the end the following:

17 “(vii)(I) For the purposes of making good moral
18 character determinations under this subparagraph, the At-
19 torney General is not limited by the criminal court record
20 and may waive the bar to issuing a finding of good moral
21 character in the case of an alien who otherwise qualifies
22 for relief under clause (ii), (iii), or (iv) of section
23 204(a)(1)(B), but who—

24 “(aa) has been convicted of, or who pled guilty
25 to, violating a court order issued to protect the alien;

1 “(bb) has been convicted of, or pled guilty to,
2 prostitution where the alien was forced into prostitu-
3 tion by an abuser;

4 “(cc) has been convicted of, or pled guilty to,
5 committing a crime under duress from the person
6 who battered or subjected the alien to extreme cru-
7 elty;

8 “(dd) has been convicted of, or pled guilty to,
9 a domestic violence-related crime, if the Attorney
10 General determines that the alien acted in self-de-
11 fense; or

12 “(ee) has been convicted of, or pled guilty to,
13 committing a crime where there was a connection
14 between the commission of the crime and having
15 been battered or subjected to extreme cruelty.

16 “(II) After finding that an alien has been battered
17 or subjected to extreme cruelty and is otherwise eligible
18 for relief under clauses (ii), (iii), and (iv) of section
19 204(a)(1)(B), the Attorney General may in the Attorney
20 General’s sole discretion make a finding of good moral
21 character despite the existence of any conviction listed in
22 subclause (I) of this clause or any other disqualifying
23 criminal act that is connected to the battery or extreme
24 cruelty.”.

1 (c) DETERMINATIONS OF GOOD MORAL CHARACTER
2 IN VAWA CANCELLATION OF REMOVAL PROCEEDINGS.—
3 Section 240A(b)(2) of the Immigration and Nationality
4 Act (8 U.S.C. 1229b(b)(2)), as amended by section
5 636(a), is amended by adding at the end the following—

6 “(D) GOOD MORAL CHARACTER DETER-
7 MINATIONS.—For the purposes of making good
8 moral character determinations under sub-
9 sections (b)(2) and (b)(3) the Attorney General
10 is not limited by the criminal court record and
11 may make a finding of good moral character in
12 the case of an alien who has been battered or
13 subjected to extreme cruelty but who—

14 “(i) has been convicted of, or who
15 pled guilty to, violating a court order is
16 sued to protect the alien;

17 “(ii) has been convicted of, or pled
18 guilty to, prostitution, if the alien was
19 forced into prostitution by an abuser;

20 “(iii) has been convicted of or pled
21 guilty to committing a crime if the alien
22 committed the crime under duress from
23 the person who battered or subjected the
24 alien to extreme cruelty;

1 “(iv) has been convicted of or pled
2 guilty to a domestic violence-related crime
3 if the Attorney General determines that
4 the alien acted in self-defense; or

5 “(v) has been convicted of, or pled
6 guilty to, committing a crime where there
7 was a connection between the commission
8 of the crime and having been battered or
9 subjected to extreme cruelty.

10 “(E) EFFECT OF CRIMINAL ACT OR CON-
11 VICTION.—After finding that an alien has been
12 battered or subject to extreme cruelty and is
13 otherwise eligible for relief under this para-
14 graph, the Attorney General may make a find-
15 ing of good moral character with respect to the
16 alien despite the existence of any conviction list-
17 ed in subparagraph (A) or any other disqualify-
18 ing criminal act that is connected to the battery
19 or extreme cruelty.”.

20 (d) DETERMINATIONS UNDER SUSPENSION OF DE-
21 PORTATION.—

22 (1) IN GENERAL.—For the purposes of making
23 good moral character determinations under section
24 244(a)(3) of the Immigration and Nationality Act
25 (as in effect before the enactment of the Illegal Im-

1 migration Reform and Immigrant Responsibility Act
2 of 1996) (8 U.S.C. 1254(a)(3)), the Attorney Gen-
3 eral is not limited by the criminal court record and
4 may make a finding of good moral character in the
5 case of an alien who has been battered or subjected
6 to extreme cruelty but who—

7 (A) has been convicted of, or who pled
8 guilty to, violating a court order issued to pro-
9 tect the alien;

10 (B) has been convicted of, or who pled
11 guilty to, prostitution if the alien was forced
12 into prostitution by an abuser;

13 (C) has been convicted of, or pled guilty to
14 committing, a crime under duress from the per-
15 son who battered or subjected the alien to ex-
16 treme cruelty;

17 (D) has been convicted of, or pled guilty
18 to, a domestic violence-related crime if the At-
19 torney General determines that the alien acted
20 in self-defense; or

21 (E) has been convicted of, or pled guilty
22 to, committing a crime where there was a con-
23 nection between the commission of the crime
24 and having been battered or subjected to ex-
25 treme cruelty.

1 (2) EFFECT OF CRIMINAL ACT OR CONVICT-
2 TION.—After finding that an alien has been battered
3 or subjected to extreme cruelty and would otherwise
4 qualify for relief under this subsection, the Attorney
5 General may in the Attorney General’s sole discre-
6 tion make a finding of good moral character with re-
7 spect to the alien despite the existence of any convic-
8 tion listed in paragraph (1) or any other disqualify-
9 ing criminal act or that is connected to the battery
10 or extreme cruelty.

11 **SEC. 638. BATTERED IMMIGRANT WOMEN’S ECONOMIC SE-**
12 **CURITY ACT.**

13 (a) NONAPPLICABILITY OF SPECIAL RULES RELAT-
14 ING TO THE TREATMENT OF NON-213a ALIENS.—Section
15 408(f)(6) of the Social Security Act (42 U.S.C. 608(f)(6))
16 is amended—

17 (1) in subparagraph (B), by striking ‘or’ at the
18 end;

19 (2) in subparagraph (C), by striking the period
20 and inserting “; or”; and

21 (3) by adding at the end the following:

22 “(D) described in section 421 (f) of the
23 Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996 (8 U.S.C. 1631(f))

1 but for the fact that the individual is a non-
2 213A alien.”.

3 (b) DISCRETIONARY FIRST TIME OFFENDER WAIV-
4 ERS FOR ALIENS MAKING CHILD SUPPORT PAYMENTS.—
5 Section 237(a)(2)(E) of the Immigration and Nationality
6 Act (8 U.S.C. 1227(a)(2)(E)), as amended by section
7 633(b)(7), is amended by adding at the end the following:

8 “(iv) DISCRETIONARY WAIVER OF DE-
9 PORTATION GROUND FOR FIRST OFFEND-
10 ERS PAYING COURT ORDERED CHILD SUP-
11 PORT.—At the sole and unreviewable dis-
12 cretion of the Attorney General, the Attor-
13 ney General may waive deportability of an
14 alien who is convicted under clause (i) or
15 who is found in violation of a protection
16 order by a determination entered by a
17 court under clause (ii), if—

18 “(I) the conviction or finding was
19 the alien’s first conviction or violation;

20 “(II) the alien is not otherwise
21 deportable under this paragraph, un-
22 less the alien has obtained a waiver
23 available under the provisions of this
24 paragraph;

1 “(III) the waiver is requested by
2 the person against whom the domestic
3 violence crime or protection order vio-
4 lation was committed;

5 “(IV) the judge determines that
6 granting the waiver will not jeopardize
7 the safety of the victim or her chil-
8 dren;

9 “(V) any ongoing cohabitation
10 with the abuse victim will not be in
11 violation of any court order; and

12 “(VI) the alien is paying ade-
13 quate child support to the person
14 against whom the domestic violence
15 crime or protection order violation
16 was committed and the alien—

17 “(aa) is separated from the
18 person against whom the domes-
19 tic violence crime or the protec-
20 tion order violation was commit-
21 ted and who is subject to a court
22 order requiring him to pay child
23 support for any children he has
24 in common with the person
25 against whom he committed the

1 crime of domestic violence or pro-
2 tection order violation, and is
3 current on all child support pay-
4 ments due under such order or is
5 in compliance with a court-ap-
6 proved payment plan; or

7 “(bb) resides in the same
8 household as the person against
9 whom he committed the crime of
10 domestic violence or protection
11 order violation and who dem-
12 onstrates to the immigration
13 judge in the removal proceeding
14 that the alien has been and will
15 continue to provide adequate, on-
16 going support for the victim and
17 any children in common, if the
18 parties have children in common.

19 “(II) ADEQUATE SUPPORT DE-
20 TERMINED UNDER APPLICABLE CHILD
21 SUPPORT GUIDELINES.—For purposes
22 of the determination of the adequacy
23 of child support provided under sub-
24 clause (I)(bb), the immigration judge
25 shall refer to the child support guide-

1 lines of the jurisdiction in which the
2 parties reside.

3 “(vi) REINSTATEMENT OF DEPORTA-
4 TION GROUNDS.—Any person who obtains
5 a waiver under clause (iii) who thereafter
6 is found by a court with jurisdiction over
7 the child support matter to have failed to
8 make court-ordered child support payments
9 or failed to comply with a court-approved
10 payment plan is deportable and no further
11 waiver is available under clause (iii).”.

12 (c) MISREPRESENTATION WAIVERS FOR BATTERED
13 SPOUSES OF UNITED STATES CITIZENS AND LAWFUL
14 PERMANENT RESIDENTS.—

15 (1) WAIVER OF INADMISSIBILITY.—Section
16 212(i) of the Immigration and Nationality Act (8
17 U.S.C. 1182(i)) is amended in paragraph (1), by in-
18 serting before the period at the end the following:
19 “or in the case of an alien granted classification
20 under clause (iii), (iv), (v), or (vi) of section
21 204(a)(1)(A) or clause (ii), (iii), or (iv) of section
22 204(a)(1)(B), or who qualifies for relief under sec-
23 tion 240A(b)(2) or section 244(a)(3) (as in effect
24 before the date of enactment of the Illegal Immigra-
25 tion Reform and Immigrant Responsibility Act of

1 1996), the alien demonstrates extreme hardship to
2 the alien or the alien's United States citizen or law-
3 ful permanent resident or qualified alien parent,
4 child, son, or daughter"; and

5 (2) WAIVER OF DEPORTABILITY.—Section
6 237(a) of the Immigration and Nationality Act (8
7 U.S.C. 1227(a)) is amended—

8 (A) in paragraph (1)(H)—

9 (i) in clause (ii), by striking the pe-
10 riod and inserting “; or”; and

11 (ii) by inserting after clause (ii) the
12 following:

13 “(iii) is an alien who qualifies for clas-
14 sification under clause (iii), (iv), (v), or (vi)
15 of section 204(a)(1)(A) or clause (ii), (iii),
16 or (iv) of section 204(a)(1)(B), or who
17 qualifies for relief under section
18 240A(b)(2), or 244(a)(3) (as in effect be-
19 fore the date of enactment of the Illegal
20 Immigration Reform and Immigrant Re-
21 sponsibility Act of 1996).”; and

22 (B) in paragraph (3)(D)—

23 (i) by inserting “(i) IN GENERAL.—”
24 before “Any alien”; and

1 (ii) by adding at the end the follow-
2 ing:

3 “(ii) WAIVER AUTHORIZED.—The At-
4 torney General may waive clause (i) in the
5 case of an alien who qualifies for classifica-
6 tion under clause (iii), (iv) (v), or (vi) of
7 section 204(a)(1)(A) or clause (ii), (iii), or
8 (iv) of section 204(a)(1)(B), or who quali-
9 fies for relief under section 240(A)(b)(2),
10 or 244(a)(3) (as in effect before the date
11 of enactment of the Illegal Immigration
12 Reform and Immigrant Responsibility Act
13 of 1996).”.

14 (d) PUBLIC CHARGE.—Section 212(a)(4) of the Im-
15 migration and Nationality Act (8 U.S.C. 1182(a)(4)) is
16 amended by adding at the end the following:

17 “(E) EXCEPTION.—The following aliens
18 are not subject to public charge determinations
19 under this paragraph:

20 “(i) An alien who qualifies for classi-
21 fication as a spouse, parent, child, son, or
22 daughter of a United States citizen or law-
23 ful permanent resident under clause (iii),
24 (iv) (v), or (vi) of section 204(a)(1)(A) or

1 clause (ii), (iii), or (iv) of section
2 204(a)(1)(B).

3 “(ii) An alien who qualifies for classi-
4 fication as the spouse, child, son, or
5 daughter of a United States citizen or law-
6 ful permanent resident under clause (i) or
7 (ii) of section 204(a)(1)(A) or section
8 204(a)(1)(B)(i) and who has been battered
9 or subjected to extreme cruelty.

10 “(iii) Any derivatives or immediate
11 relative children of aliens under clause (i)
12 or (ii) of this subparagraph.”.

13 (e) ACCESS TO NATURALIZATION FOR DIVORCED
14 VICTIMS OF ABUSE.—Section 319(a) of the Immigration
15 and Nationality Act (8 U.S.C. 1430(a)) is amended—

16 (1) by inserting “, or any person who obtained
17 status as a lawful permanent resident by reason of
18 his or her status as a spouse, child, son, or daughter
19 of a United States citizen who battered him or her
20 or subjected him or her to extreme cruelty,” after
21 “United States” the first place such term appears;
22 and

23 (2) by inserting “(except in the case of a person
24 who obtained lawful permanent residence because he
25 or she was the spouse, child, son, or daughter of a

1 United States citizen who battered or subjected him
2 or her to extreme cruelty)” after “has been living in
3 marital union with the citizen spouse”.

4 (f) WORK AUTHORIZATION.—The Attorney General
5 may authorize an alien who has properly filed an applica-
6 tion for relief under clause (iii), (iv), (v), or (vi) of section
7 204(a)(1)(A) or clause (ii), (iii), or (iv) of section
8 204(a)(1)(B) (8 U.S.C. 1154(a)(1)(B)), section
9 240A(b)(2) (8 U.S.C. 1229b(b)(2)), or section 244(c)(3)
10 (8 U.S.C. 1254(c)(3)) (as in effect before the date of en-
11 actment of the Illegal Immigration Reform and Immigrant
12 Responsibility Act of 1996) of the Immigration and Na-
13 tionality Act to engage in employment in the United
14 States during the pendency of such application and may
15 provide the alien with an employment authorized endorse-
16 ment or other appropriate document signifying authoriza-
17 tion of employment. The Attorney General shall authorize
18 such employment in all cases in which an application has
19 been pending for a period exceeding 180 days and has not
20 been denied.

21 (g) FILING FEES.—

22 (1) PETITIONS FOR CLASSIFICATION.—Section
23 204(a)(1)(A)(iii)(I) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1154(a)(1)(A)(iii)(I)), as amend-

1 ed by section 635(c), is amended by adding at the
2 end the following:

3 “No fee shall be charged for the filing or processing of
4 any application under clause (iii), (iv) (v), or (vi) of section
5 204(a)(1)(A) or clause (ii), (iii), or (iv) of subparagraph
6 (B), or any application for work authorization or renewal
7 thereof where such applications formed the basis for the
8 alien’s work authorization eligibility.”.

9 (2) CANCELLATIONS OF REMOVAL.—Section
10 240A(b)(2) of the Immigration and Nationality Act
11 (8 U.S.C. 1229b), as amended by section 637(c), is
12 amended by adding at the end the following:

13 “No fee shall be charged for the filing or processing
14 of any application under this subsection or any ap-
15 plication for work authorization or renewal thereof,
16 if the application forms the basis for the alien’s
17 work authorization eligibility.”.

18 (3) SUSPENSION OF DEPORTATION.—No fee
19 shall be charged for the filing or processing of any
20 application under section 244(a)(3) of the Immigra-
21 tion and Nationality Act (as in effect before the date
22 of enactment of the Illegal Immigration Reform and
23 Immigrant Responsibility Act of 1996) (8 U.S.C.
24 1254(a)(3)), or any application for work authoriza-

1 tion or renewal thereof, if the applications forms the
2 basis for the alien’s work authorization eligibility.

3 (h) ACCESS TO FOOD STAMPS AND SSI FOR QUALI-
4 FIED BATTERED ALIENS.—Section 402(a)(2) of the Per-
5 sonal Responsibility and Work Opportunity Reconciliation
6 Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding
7 at the end the following:

8 “(L) EXCEPTION FOR CERTAIN BATTERED
9 ALIENS.—With respect to eligibility for benefits
10 for the specified Federal program described in
11 paragraph (3), paragraph (1) shall not apply to
12 any individual who has been battered or sub-
13 jected to extreme cruelty (as defined under
14 guidance issued by the Attorney General in ac-
15 cordance with section 431) in the United States
16 and is a qualified alien under section 431(c).”.

17 (i) ACCESS TO HOUSING FOR QUALIFIED IMMI-
18 GRANTS.—Section 214 of the Housing and Community
19 Development Act of 1980 (42 U.S.C. 1436(a)) is amended
20 by adding at the end the following:

21 “(j) ELIGIBILITY FOR HOUSING ASSISTANCE FOR
22 QUALIFIED BATTERED ALIENS.—Notwithstanding any
23 other provision of this section—

24 “(1) the restrictions on use of assisted housing
25 by aliens under this section shall not apply to any—

1 “(A) qualified alien under subsection (b) or
2 (c) of section 431 of the Personal Responsibility
3 and Work Opportunity Reconciliation Act of
4 1986 (8 U.S.C. 1641); or

5 “(B) child included in the application for
6 lawful immigration status of an alien described
7 in subparagraph (A); and

8 “(2) no private, government, or nonprofit orga-
9 nization providing shelter or services to battered
10 women or abused children receiving any Federal
11 funds shall deny, restrict, or condition assistance to
12 any applicant based on alienage.”.

13 (j) CLARIFYING WELFARE REPORTING REQUIRE-
14 MENTS FOR BENEFIT APPLICANTS.—The Social Security
15 Act (42 U.S.C. 301 et seq.) is amended—

16 (1) in section 411(a)(1)(A) (42 U.S.C.
17 611(a)(1)(A)), by adding after clause (xviii) the fol-
18 lowing:

19 “Collection of information about, and inquiries
20 into, the immigration status of an individual
21 who is a parent applying on behalf of his or her
22 child who is a United States citizen or a quali-
23 fied alien (as defined in section 431(b) of the
24 Personal Responsibility and Work Opportunity
25 Reconciliation Act of 1996 (8 U.S.C. 1641(b))

1 for assistance under the State program funded
2 under this part, shall not be made if the indi-
3 vidual is not applying for benefits for them-
4 selves, whether or not the individual is deter-
5 mined, under Federal or State law, to be part
6 of a family unit receiving assistance under that
7 program.”; and

8 (2) in section 1631(e)(9) (42 U.S.C.
9 1383(e)(9)), by adding at the end the following:
10 “Collection of information about, and inquiries into,
11 the immigration status of an individual who is a par-
12 ent applying on behalf of his or her child who is a
13 United States citizen or a qualified alien (as defined
14 in section 431(b) of the Personal Responsibility and
15 Work Opportunity Reconciliation Act of 1996 (8
16 U.S.C. 1641(b))) for benefits under this title (or for
17 benefits supplemented by a State with an agreement
18 under section 1616), shall not be made if the indi-
19 vidual is not applying for benefits for themselves,
20 whether or not the individual is determined, under
21 Federal or State law, to be part of a family unit re-
22 ceiving such benefits.”.

23 (k) CONFORMING DEFINITION OF “FAMILY” USED
24 IN LAWS GRANTING WELFARE ACCESS FOR BATTERED
25 IMMIGRANTS TO STATE FAMILY LAW.—Section 431(c) of

1 the Personal Responsibility and Work Opportunity Rec-
2 onciliation Act of 1996 (8 U.S.C. 1641(c)) is amended—

3 (1) in paragraph (1)(A), by striking “by a
4 spouse or a parent, or by a member of the spouse
5 or parent’s family residing in the same household as
6 the alien and the spouse or parent consented to, or
7 acquiesced in, such battery or cruelty,” and insert-
8 ing “by a spouse, parent, son, or daughter, or by
9 any individual having a relationship with the alien
10 covered by the civil or criminal domestic violence
11 statutes of the State or Indian country where the
12 alien resides, or the State or Indian country in
13 which the alien, the alien’s child, or the alien child’s
14 parents received a protection order, or by any indi-
15 vidual against whom the alien could obtain a protec-
16 tion order,”; and

17 (2) in paragraph (2)(A), by striking “by a
18 spouse or parent of the alien (without the active par-
19 ticipation of the alien in the battery or cruelty), or
20 by a member of the spouse or parent’s family resid-
21 ing in the same household as the alien and the
22 spouse or parent consented or acquiesced to such
23 battery or cruelty,” and inserting “by a spouse, par-
24 ent, son or daughter of the alien (without the active
25 participation of the alien in the battery or cruelty)

1 or by any person having a relationship with the alien
2 covered by the civil or criminal domestic violence
3 statutes of the State or Indian country where the
4 alien resides, or the State or Indian country in
5 which the alien, the alien's child or the alien child's
6 parent received a protection order, or by any individ-
7 ual against whom the alien could obtain a protection
8 order,".

9 (1) ENSURING THAT BATTERED IMMIGRANTS HAVE
10 ACCESS TO FOOD STAMPS AND SSI.—

11 (1) QUALIFYING QUARTERS.—Section 435 of
12 the Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996 (8 U.S.C. 1645) is
14 amended in paragraph (2) by striking “and the alien
15 remains married to such spouse or such spouse is
16 deceased” and inserting “if such spouse is deceased
17 or if the alien remains married to such spouse (ex-
18 cept that qualified aliens covered by section 431(c)
19 may continue after divorce to count the qualifying
20 quarters worked by their spouse during the mar-
21 riage)”.

22 (2) FOOD STAMPS ACCESS FOR BATTERED IM-
23 MIGRANT QUALIFIED ALIENS AND THEIR CHIL-
24 DREN.—Section 741 of the Personal Responsibility
25 and Work Opportunity Reconciliation Act of 1996

1 (42 U.S.C. 1751 note) is amended by adding at the
2 end the following:

3 “(c) FOOD STAMPS.—Section 7 of the Food Stamp
4 Act of 1977 (7 U.S.C. 2016) is amended by adding at
5 the end the following:

6 ““(k) BATTERED IMMIGRANT QUALIFIED ALIEN
7 ELIGIBILITY FOR FOOD STAMPS.—Qualified alien bat-
8 tered immigrants under subsection (c) of the Personal Re-
9 sponsibility and Work Opportunity Reconciliation Act of
10 1996 (8 U.S.C. 1641) and their children are eligible to
11 receive food stamps.’”.

12 (3) CERTAIN BATTERED IMMIGRANT WOMEN
13 AND CHILDREN.—Section 403(b) of the Personal
14 Responsibility and Work Opportunity Reconciliation
15 Act of 1996 (8 U.S.C. 1613(b)) is amended by add-
16 ing at the end the following:

17 “(3) CERTAIN BATTERED IMMIGRANT WOMEN
18 AND CHILDREN.—Qualified alien battered immi-
19 grants as defined in section 431(c)(1)(B).”.

20 (m) TECHNICAL CORRECTION TO QUALIFIED ALIEN
21 DEFINITION FOR BATTERED IMMIGRANTS.—

22 (1) Clause (iii) of section 431(c)(1)(B) of the
23 Personal Responsibility and Work Opportunity Rec-
24 onciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) is
25 amended by inserting “(as in effect before the date

1 of the enactment of the Illegal Immigration Reform
2 and Immigrant Responsibility Act of 1996)” after
3 “pursuant to section 244(a)(3) of such Act”
4 **[NOTE: The phrase “pursuant...” does not**
5 **appear in the law].**

6 (2) Section 431(c)(1)(B) of such Act (8 U.S.C.
7 1641(c)(1)(B)) is amended by adding at the end the
8 following:

9 “(vi) cancellation of removal and ad-
10 justment of status pursuant to section
11 240A(b)(2) of such Act;”

12 (3) Section 431(c)(2)(B) of such Act (8 U.S.C.
13 1641(c)(2)(B)) is amended by striking “clause (ii) of
14 subparagraph (A)” **[NOTE: The material to be**
15 **struck is not in the law]** and inserting “clause
16 (i), (ii), (iii), (iv), (v), or (vi) of paragraph (1)(A)”.
17 (v) of subparagraph (1)(B) of this subsection”.

18 **SEC. 639. ACCESS TO LEGAL SERVICES CORPORATION**
19 **FUNDS.**

20 (a) **STATUTORY CONSTRUCTION ON LEGAL ASSIST-**
21 **ANCE FUNDS.—**

22 Section 502 of the Departments of Commerce, Jus-
23 tice, and State, the Judiciary and Related Agencies Appro-
24 priations Act, 1998 (Public Law 105–119) is amended by
25 adding at the end the following:

1 “(c) This section shall not be construed to prohibit
2 a recipient from—

3 “(1) using funds derived from a source other
4 than the Legal Services Corporation to provide relat-
5 ed legal assistance (as that term is defined in sub-
6 section (b)(2)) to any alien who has been battered
7 or subjected to extreme cruelty by a person with
8 whom the alien has a relationship covered by the do-
9 mestic violence laws of the State in which the alien
10 resides or in which an incidence of violence occurred;

11 “(2) using Legal Services Corporation funds to
12 provide related legal assistance to any alien who has
13 been battered or subjected to extreme cruelty who
14 qualifies for relief under clause (iii), (iv), (v), or (vi)
15 of section 204(a)(1)(A) or clause (ii), (iii), or (iv) of
16 section 204(a)(1)(B) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1154(a)(1)(B)).”.

18 **SEC. 640. VIOLENCE AGAINST WOMEN ACT TRAINING FOR**
19 **INS OFFICERS, IMMIGRATION JUDGES, AND**
20 **CIVIL AND CRIMINAL COURT JUSTICE SYS-**
21 **TEM PERSONNEL.**

22 (a) VIOLENCE AGAINST WOMEN.—

23 (1) MILITARY TRAINING CONCERNING DOMES-
24 TIC VIOLENCE.—The Omnibus Crime Control and
25 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)

1 is amended by adding after section 2006 (42 U.S.C.
2 3796gg-5) the following new section:

3 **“SEC. 2007. MILITARY TRAINING CONCERNING DOMESTIC**
4 **VIOLENCE.**

5 “Each branch of the United States military is re-
6 quired to train its supervisory military officers on domestic
7 violence, the dynamics of domestic violence in military
8 families, the types of protection available for battered im-
9 migrant women and children in the Violence Against
10 Women Act, and the problems of domestic violence in fam-
11 ilies in which a United States citizen or lawful permanent
12 resident member of the military is married to a non-
13 United States citizen.”.

14 (2) TECHNICAL.—Section 2001(a) of the Omni-
15 bus Crime Control and Safe Streets Act of 1968 (42
16 U.S.C. 3795gg(a)) is amended by inserting “the Im-
17 migration and Naturalization Service and the Execu-
18 tive Office of Immigration Review,” after “Indian
19 tribal governments,”.

20 (3) TECHNICAL.—Section 2001(b)(1) of the
21 Omnibus Crime Control and Safe Streets Act of
22 1968 (42 U.S.C. 3796gg(b)(1)) is amended by in-
23 serting “, immigration and asylum officers, immigra-
24 tion judges,” after “law enforcement officers”.

1 **[NOTE: Review the amendments**
2 **made by section 102(C) which are dupli-**
3 **cative of this]** (4) TRAINING.—Section 2001(b)

4 of the Omnibus Crime Control and Safe Streets Act
5 of 1968 (42 U.S.C. 3796gg(b)(1)) is amended—

6 (A) at the end of paragraph (6) by striking

7 “and”;

8 (B) at the end of paragraph (7) by striking

9 the period and inserting “; and”; and

10 (C) by inserting after paragraph (7) the

11 following new paragraph:

12 “(8) training justice system personnel on the
13 immigration provisions of the Violence Against
14 Women Act of 1994 and their ramifications for vic-
15 tims of domestic violence appearing in civil and
16 criminal court proceedings and potential immigra-
17 tion consequences for the perpetrators of domestic
18 violence.”.

19 (b) POWERS OF IMMIGRATION OFFICERS AND EM-

20 PLOYEES.—

21 Section 287(g)(10) of the Immigration and National-

22 ity Act (8 U.S.C. 1357(g)(10)) is amended by adding at

23 the end the following: “It is the intent of the Congress

24 that none of the provisions of this section have the effect

25 of discouraging crime victim cooperation with law enforce-

1 ment and prosecutors. Public policy favors encouraging
2 prosecution of criminals and nothing in this section shall
3 be construed to discourage crime victims and domestic vio-
4 lence victims from reporting crimes committed against
5 them to police, from cooperating in criminal prosecutions,
6 or from obtaining from courts protection orders or other
7 legal relief needed to protect crime victims from ongoing
8 violence under State or Federal laws.”.

9 (c) REPORT.—Not later than 6 months after the date
10 of enactment of this Act, the Attorney General shall sub-
11 mit a report to the Committees on the Judiciary of the
12 Senate and House of Representatives on—

13 (1) the number of and processing times of peti-
14 tions under clauses (iii) and (iv) of section
15 204(a)(1)(A) (8 U.S.C. 1154(a)(1)(A)) and clauses
16 (ii) and (iii) of section 204(a)(1)(B) (8 U.S.C.
17 1154(a)(1)(B)) at district offices of the Immigration
18 and Naturalization Service and at the regional office
19 of the Service in St. Albans, Vermont;

20 (2) the policy and procedures of the Immigra-
21 tion and Naturalization Service by which an alien
22 who has been battered or subjected to extreme cru-
23 elty who is eligible for suspension of deportation or
24 cancellation of removal can place such alien in de-
25 portation or removal proceedings so that such alien

1 may apply for suspension of deportation or cancella-
2 tion of removal, the number of requests filed at each
3 district office under this policy and the number of
4 these requests granted broken out by District; and

5 (3) the average length of time at each Immigra-
6 tion and Naturalization office between the date that
7 an alien who has been subject to battering or ex-
8 treme cruelty eligible for suspension of deportation
9 or cancellation of removal requests to be placed in
10 deportation or removal proceedings and the date
11 that immigrant appears before an immigration judge
12 to file an application for suspension of deportation
13 or cancellation of removal.

14 **SEC. 641. PROTECTION FOR CERTAIN VICTIMS OF CRIMES**
15 **AGAINST WOMEN.**

16 (a) DEFINITION.—

17 Section 101(a)(27) of the Immigration and National-
18 ity Act (8 U.S.C. 1101(a)(27)) is amended by adding at
19 the end the following:

20 “(M)(i) an immigrant who—

21 “(I) is a victim of one of the following
22 crimes committed in the United States: rape,
23 torture, incest, battery or extreme cruelty, sex-
24 ual assault, female genital mutilation, forced

1 prostitution, trafficking, being held hostage, or
2 any other violent crime where—

3 “(aa) the perpetrator has been ar-
4 rested;

5 “(bb) the victim has filed a complaint,
6 the complaint has been investigated by a
7 law enforcement agency that referred the
8 case to a prosecutor;

9 “(cc) a prosecutor has filed a case
10 charging the perpetrator;

11 “(dd) a Federal or State administra-
12 tive agency has brought an enforcement
13 action against the perpetrator based upon
14 actions that would constitute a crime listed
15 in section 101(a)(27)(v)(I); or

16 “(ee) a Federal or State court has
17 made a judicial finding in a civil or crimi-
18 nal case that actions that would constitute
19 a crime listed in section 101(a)(27)(v)(I)
20 occurred;

21 “(II) is a person of good moral character;

22 and

23 “(III) can demonstrate that their deporta-
24 tion will cause extreme hardship to themselves

1 or their children or (in the case of an alien who
2 is a child) to the alien's parent; and

3 “(IV) who submits to the Attorney General
4 certification from a Federal or State law en-
5 forcement officer, prosecutor, judge or a Fed-
6 eral or State administrative staff person respon-
7 sible for bringing enforcement actions that the
8 alien is willing to cooperate and has cooperated
9 in a criminal or civil court action or Federal or
10 State administrative agency enforcement action.

11 .

12 “(ii) For purposes of making good moral char-
13 acter determinations under this subparagraph, the
14 Attorney General is not limited by the criminal court
15 record and may waive the bar to issuing a finding
16 of good moral character under subsection (f) in the
17 case of an immigrant who otherwise qualifies for re-
18 lief under clause (i) despite the existence of any dis-
19 qualifying act or criminal conviction.

20 “(iii) For the purposes of this section, traffick-
21 ing consists of all acts involved in the recruitment,
22 transportation, or holding of persons within or
23 across borders, involving deception, coercion or
24 force, abuse of authority, debt bondage, or fraud for
25 the purpose of placing persons in situations of abuse

1 or exploitation such as forced prostitution, battering
2 and extreme cruelty, sweatshop labor, or exploitative
3 domestic servitude.”.

4 (b) ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS
5 OF CRIMES.—Section 245 of the Immigration and Nation-
6 ality Act (8 U.S.C. 1255) is amended by adding at the
7 end the following:

8 “(1) SPECIAL IMMIGRANT UNDER SECTION
9 101(a)(27)(v).—In applying this section to a special immi-
10 grant described in section 101(a)(27)(v)—

11 “(1) such an immigrant shall be deemed, for
12 purposes of subsection (a), to have been paroled into
13 the United States; and

14 “(2) none of the provisions of subsection (c)
15 shall apply with the exception of subsections (c)(5)
16 and (c)(6).”.

17 (c) CANCELLATION OF REMOVAL FOR CERTAIN VIC-
18 TIMS OF CRIMES.—Section 240A(b) of the Immigration
19 and Nationality Act (8 U.S.C. 1229b(b)) is amended by
20 redesignating paragraph (3) as paragraph (4) and insert-
21 ing after paragraph (2) the following:

22 “(3) SPECIAL RULE FOR CERTAIN VICTIMS OF
23 CRIME.—The Attorney General may cancel removal
24 of, and adjust to the status of an alien lawfully ad-
25 mitted for permanent residence, an alien who—

1 “(A) is inadmissible or deportable from the
2 United States;

3 “(B) meets the qualifications for designa-
4 tion as a special immigrant as described in sec-
5 tion 101(a)(27)(v);

6 “(C) has been physically present in the
7 United States for a continuous period of not
8 less than 3 years immediately preceding the
9 date of such application;

10 “(D) the alien has been a person of good
11 moral character during such period;

12 “(E) the alien is not admissible under sec-
13 tion 212(a)(3), is not deportable under para-
14 graph (1)(G), (3) or (4) of section 237(A) and
15 has not been convicted of an aggravated felony;
16 and

17 “(F) the removal would result in extreme
18 hardship to the alien, the alien’s child, or (in
19 the case of an alien who is a child) to the
20 alien’s parent.”.

1 **Subtitle D—Conforming Amend-**
2 **ments to the Violence Against**
3 **Women Act**

4 **SEC. 651. LAW ENFORCEMENT AND PROSECUTION GRANTS.**

5 (a) Section 2001(b)(5) of the Omnibus Crime Control
6 and Law Enforcement Act of 1968 (42 U.S.C.
7 3796gg(b)(5)) is amended by striking “to racial, cultural,
8 ethnic, and language minorities” and inserting “to under-
9 served populations”.

10 (b) Section 2002(d)(1)(D) of the Omnibus Crime
11 Control and Law Enforcement Act of 1968 (42 U.S.C.
12 3796gg–1(d)(1)(D)) is amended to read as follows:

13 “(D) demographic characteristics of the
14 populations to be served, including marital sta-
15 tus and the characteristics of any underserved
16 populations;”.

17 (c) Section 2003(7) of the Omnibus Crime Control
18 and Law Enforcement Act of 1968 (42 U.S.C. 3796gg–
19 2(7)) is amended to read as follows:

20 “(7) the term ‘underserved populations’ in-
21 cludes populations underserved because of race, eth-
22 nicity, age, disability, sexual orientation, religion,
23 alienage status, geographic location (including rural
24 isolation), language barriers, and any other popu-

1 lations determined to be underserved by the State
2 planning process; and”.

3 (d) Section 2004(b)(3) of the Omnibus Crime Control
4 and Law Enforcement Act of 1968 (42 U.S.C. 3796gg–
5 3(b)(3)) is amended by striking all that follows “relation-
6 ship of victim to offender” and inserting “and the mem-
7 bership of persons served in any underserved populations;
8 and”

9 **SEC. 652. FAMILY VIOLENCE PREVENTION AND SERVICES**

10 **ACT.**

11 (a) Section 303(a)(2)(C) of the Family Violence Pre-
12 vention and Services Act (42 U.S.C. 10402(a)(2)(C)) is
13 amended by striking “populations underserved because of
14 ethnic, racial, cultural, language diversity or geographic
15 isolation;” and inserting “populations underserved be-
16 cause of race, ethnicity, age, disability, sexual orientation,
17 religion, alienage status, geographic location (including
18 rural isolation), language barriers, and any other popu-
19 lations determined to be underserved;”

20 (b) Section 311(a)(4) (42 U.S.C. 10410(a)(4)) of the
21 Family Violence Prevention and Services Act is amended
22 by striking “underserved racial, ethnic or language-minor-
23 ity populations” and inserting “underserved populations,
24 as that term is used in section 303(a)(2)(C)”.

1 (c) Section 316(e)(4) (42 U.S.C. 10416(e)(4)) is
2 amended by striking all that follows “to the provision of
3 services” and inserting “to underserved populations, as
4 that term is used in section 303(a)(2)(C); and”.

5 **TITLE VII—VIOLENCE AGAINST**
6 **WOMEN AND THE WORKPLACE**

7 **SEC. 701. FINDINGS.**

8 Congress finds that—

9 (1) victims and their families suffer from crime
10 and its effects on a daily basis;

11 (2) domestic crime against adults accounts for
12 approximately 15 percent of total crime costs in the
13 United States each year;

14 (3) violence against women has been reported to
15 be the leading cause of physical injury to women,
16 and it has a devastating impact on women’s physical
17 and emotional health and financial security;

18 (4) the Department of Justice estimates that
19 intimate partners commit more than 1,000,000 vio-
20 lent crimes against women every year;

21 (5) American workers who have been victims of
22 crime too often suffer adverse consequences in the
23 workplace as a result of their experiences as crime
24 victims;

1 (6) crime victims are particularly vulnerable to
2 changes in employment, pay, and benefits as a result
3 of their victimizations, and are, therefore, in need of
4 legal protection;

5 (7) the prevalence of violence against women at
6 work is dramatic: homicide is the leading cause of
7 death for women on the job; 8 percent of all rapes
8 occur in the workplace; women who are victims of
9 violent workplace crimes are twice as likely as men
10 to know their attackers; husbands, boyfriends, and
11 ex-partners commit 15 percent of workplace homi-
12 cides against women; one study found that three-
13 quarters of battered women who work were harassed
14 by telephone by their abuser at work;

15 (8) nearly 50 percent of rape victims lose their
16 employment or are forced to quit their jobs following
17 the crime, and one quarter of battered women sur-
18 veyed have lost a job due in part to the effects of
19 domestic violence;

20 (9) the availability of economic support is a
21 critical factor in battered women's ability to leave
22 abusive situations that threaten them and their chil-
23 dren, and over half of battered women surveyed
24 stayed with their batterers because they lacked re-
25 sources to support themselves and their children;

1 (10) according to the National Institute of Jus-
2 tice, crime costs an estimated \$450,000,000,000 an-
3 nually in medical expenses, lost earnings, social serv-
4 ice costs, pain, suffering, and reduced quality of life
5 for victims, all of which harm our Nation's produc-
6 tivity and drain our Nation's resources. Violent
7 crime accounts for \$426,000,000,000 of this
8 amount;

9 (11) rape exacts the highest costs-per-victim of
10 any criminal offense, an estimated total of
11 \$127,000,000,000 per year, and recent govern-
12 mental estimates indicate that between 300,000 and
13 600,000 rapes and sexual assaults occur annually in
14 the United States;

15 (12) other violent offenses take unacceptably
16 high tolls on the economy as well, including assault
17 (\$93,000,000,000), murder (\$71,000,000,000),
18 drunk driving (excluding fatalities)
19 (\$61,000,000,000), and child abuse
20 (\$56,000,000,000);

21 (13) violent crime results in wage losses equiva-
22 lent to 1 percent of all American earnings, causes 3
23 percent of the Nation's medical spending and 14
24 percent of injury-related medical spending;

1 (14) estimates show that employers pay be-
2 tween \$3,000,000,000 and \$5,000,000,000 annually
3 to cover the cost of crimes against employees and
4 their families;

5 (15) surveys of business executives and cor-
6 porate security directors also underscore the heavy
7 toll that workplace violence takes on American
8 women, businesses, and interstate commerce;

9 (16) 94 percent of corporate security and safety
10 directors at companies nationwide rank domestic vio-
11 lence as a high-risk security problem;

12 (17) 49 percent of senior executives recently
13 surveyed said domestic violence has a harmful effect
14 on their company's productivity, 47 percent said do-
15 mestic violence negatively affects attendance, and 44
16 percent said domestic violence increases health care
17 costs;

18 (18) only 12 States have enacted statutes for-
19 bidding employers from taking adverse action
20 against employees who have been victims of crime
21 and must participate in the criminal justice process
22 during working hours, and no State explicitly pro-
23 tects crime victims from other adverse action which
24 may result from their experiences and status as
25 crime victims; and

1 (19) existing Federal law neither expressly au-
2 thorizes battered women to take leave from work to
3 seek legal assistance and redress, counseling, or as-
4 sistance with safety planning activities nor does it
5 protect crime victims from retaliation, discharge, or
6 other workplace penalties that may result from their
7 experiences and status as crime victims.

8 **Subtitle A—National Clearinghouse**
9 **on Domestic Violence and Sex-**
10 **ual Assault and the Workplace**
11 **Grant**

12 **SEC. 711. NATIONAL CLEARINGHOUSE ON DOMESTIC VIO-**
13 **LENCE AND SEXUAL ASSAULT AND THE**
14 **WORKPLACE GRANT.**

15 (a) **AUTHORITY.**—The Attorney General may make
16 a grant in accordance with this section to a private, non-
17 profit entity, tribal organization, or nonprofit private orga-
18 nization that meets the requirements of subsection (b) in
19 order to provide for the establishment and operation of
20 a national clearinghouse and resource center to provide
21 information and assistance to employers, labor organiza-
22 tions, and domestic violence and sexual assault advocates
23 in their efforts to develop and implement appropriate re-
24 sponses to assist victims of domestic violence and sexual
25 assault.

1 (b) GRANTEES.—Each applicant for a grant under
2 subsection (a) shall submit to the Attorney General an ap-
3 plication, which shall—

4 (1) demonstrate that the applicant—

5 (A) has a nationally recognized expertise in
6 the area of domestic violence and sexual assault
7 and a record of commitment and quality re-
8 sponses to reduce domestic violence and sexual
9 assault; and

10 (B) will provide matching funds from non-
11 Federal sources in an amount equal to not less
12 than 10 percent of the total amount of the
13 grant under this section; and

14 (2) include a plan to maximize, to the extent
15 practicable, outreach to employers (including private
16 companies, as well as public entities such as univer-
17 sities and State and local governments) in develop-
18 ing and implementing appropriate responses to as-
19 sist employees who are victims of domestic violence
20 and sexual assault.

21 (c) USE OF GRANT AMOUNT.—A grant under sub-
22 section (a) may be used for staff salaries, travel expenses,
23 equipment, printing, and other reasonable expenses nec-
24 essary to assemble, maintain, and disseminate to employ-
25 ers, labor organizations, and domestic violence and sexual

1 assault advocates information on and appropriate re-
2 sponses to domestic violence and sexual assault,
3 including—

4 (1) training materials to promote a better un-
5 derstanding of appropriate assistance to employee
6 victims;

7 (2) conferences and other educational opportu-
8 nities;

9 (3) model protocols and workplace policies;

10 (4) employer and union sponsored victim serv-
11 ices and outreach counseling; and

12 (5) assessments of the workplace costs of do-
13 mestic violence and sexual assault.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$500,000 for each of fiscal years 2000 through 2004.

17 (e) For purposes of this section:

18 (1) DOMESTIC VIOLENCE.—The term “domestic
19 violence” includes acts or threats of violence, not in-
20 cluding acts of self defense, committed by a current
21 or former spouse of the victim, by a person with
22 whom the victim shares a child in common, by a per-
23 son who is cohabiting with or has cohabited with the
24 victim, by a person who is or has been in a continu-
25 ing social relationship of a romantic or intimate na-

1 tion relating to regulation of commerce among the several
2 States—

3 (1) to promote the national interest in ensuring
4 that victims and survivors of domestic violence, sex-
5 ual assault, and stalking can recover from and cope
6 with the effects of those crimes and participate in
7 the criminal and civil justice processes without fear
8 of adverse economic consequences from their employ-
9 ers;

10 (2) to minimize the negative impact on inter-
11 state commerce from dislocations of employees and
12 decreases in productivity that may arise when em-
13 ployees are victimized by those crimes;

14 (3) to promote the purposes of the 14th amend-
15 ment by addressing the failure of existing laws to
16 protect the employment rights of victims of domestic
17 violence, sexual assault, and stalking and by further-
18 ing the right of domestic violence, sexual assault,
19 and stalking victims to employment free from dis-
20 crimination; and

21 (4) to accomplish the purposes described in
22 paragraphs (1), (2), and (3) in a manner that ac-
23 commodates the legitimate interests of employers
24 and protects the safety of all persons in the work-
25 place.

1 **SEC. 723. DEFINITIONS.**

2 In this subtitle:

3 (1) EMPLOYEE.—

4 (A) IN GENERAL.—The term “employee”
5 means any person employed by an employer. In
6 the case of an individual employed by a public
7 agency, such term means an individual em-
8 ployed as described in section 3(e) of the Fair
9 Labor Standards Act of 1938 (29 U.S.C.
10 203(e)).

11 (B) BASIS.—The term includes a person
12 employed as described in subparagraph (A) on
13 a full- or part-time basis, for a fixed time pe-
14 riod, on a temporary basis, pursuant to a detail,
15 as an independent contractor, or as a partici-
16 pant in a work assignment as a condition of re-
17 ceipt of Federal or State income-based public
18 assistance.

19 (2) EMPLOYER.—The term “employer”—

20 (A) means any person engaged in com-
21 merce or in any industry or activity affecting
22 commerce who employs individuals; and

23 (B) includes any person acting directly or
24 indirectly in the interest of an employer in rela-
25 tion to an employee, and includes a public agen-
26 cy, but does not include any labor organization

1 (other than when acting as an employer) or
2 anyone acting in the capacity of officer or agent
3 of such labor organization.

4 (3) PERSON.—The term “person” means an in-
5 dividual, partnership, association, corporation, busi-
6 ness trust, legal representative, or any organized
7 group of individuals.

8 (4) PUBLIC AGENCY.—The term “public agen-
9 cy” has the meaning given the term in section 3 of
10 the Fair Labor Standards Act of 1938 (29 U.S.C.
11 203).

12 **SEC. 724. PROHIBITED DISCRIMINATORY ACTS.**

13 An employer shall not fail to hire, refuse to hire, or
14 discharge any individual, or otherwise discriminate (in-
15 cluding retaliation in any form or manner) against any
16 individual with respect to compensation, terms, conditions,
17 or privileges of employment because the individual—

18 (1) is or is perceived to be a victim of domestic
19 violence, sexual assault, or stalking;

20 (2) attended, participated in, prepared for, or
21 requested leave to attend, participate in, or prepare
22 for a criminal or civil court proceeding relating to an
23 incident of domestic violence, sexual assault, or
24 stalking of which the employee was a victim;

1 (3) requested an adjustment to a job structure
2 or workplace facility, including a transfer, reassign-
3 ment, or modified schedule, leave, a changed tele-
4 phone number or seating assignment, or installation
5 of a lock or implementation of a safety procedure, in
6 response to actual or threatened domestic violence,
7 sexual assault, or stalking, regardless of whether the
8 request was granted; or

9 (4) because the actions of a person who the em-
10 ployee states has committed or threatened to commit
11 domestic violence, sexual assault, or stalking against
12 such employee or the employee's children has dis-
13 rupted the workplace.

14 **SEC. 725. ENFORCEMENT.**

15 (a) CIVIL ACTION BY EMPLOYEES.—

16 (1) LIABILITY.—Any employer who violates sec-
17 tion 724 shall be liable to any employee affected—

18 (A) for damages equal to the amount of
19 wages, salary, employment benefits (as defined
20 in section 101 of the Family and Medical Leave
21 Act of 1993 (29 U.S.C. 2611)), or any other
22 compensation denied to or lost by such em-
23 ployee by reason of the violation, and the inter-
24 est on that amount calculated at the prevailing
25 rate;

1 (B) compensatory damages, including fu-
2 ture pecuniary losses, emotional pain, suffering,
3 inconvenience, mental anguish, loss of enjoy-
4 ment or life, and other nonpecuniary losses;

5 (C) such punitive damages, up to 3 times
6 the amount of actual damages sustained, as the
7 finder of fact shall determine to be appropriate;
8 and

9 (D) for such equitable relief as may be ap-
10 propriate, including employment, reinstatement,
11 and promotion.

12 (2) RIGHT OF ACTION.—An action to recover
13 the damages or equitable relief prescribed in para-
14 graph (1) may be maintained against any employer
15 (including a public agency) in any Federal or State
16 court of competent jurisdiction by any one or more
17 employees.

18 (b) ACTION BY DEPARTMENT OF JUSTICE.—The At-
19 torney General may bring a civil action in any Federal
20 or State court of competent jurisdiction to recover the
21 damages described in subsection (a)(1).

22 **SEC. 726. ATTORNEY'S FEES.**

23 Section 722(b) of the Revised Statutes (42 U.S.C.
24 1988(b)) is amended in the last sentence, by inserting

1 “the Victims’ Employment Rights Act,” after “title VI of
2 the Civil Rights Act of 1964,”.

3 **Subtitle C—Workplace Violence**
4 **Against Women Prevention Tax**
5 **Credit**

6 **SEC. 731. SHORT TITLE.**

7 This subtitle may be cited as the “Workplace Vio-
8 lence Against Women Prevention Tax Credit Act”.

9 **SEC. 732. CREDIT FOR COSTS TO EMPLOYERS OF IMPLE-**
10 **MENTING WORKPLACE SAFETY PROGRAMS**
11 **TO COMBAT VIOLENCE AGAINST WOMEN.**

12 (a) IN GENERAL.—Subpart D of part IV of sub-
13 chapter A of chapter 1 of the Internal Revenue Code of
14 1986 is amended by adding at the end the following:

15 **“SEC. 45D. WORKPLACE SAFETY PROGRAM CREDIT.**

16 “(a) IN GENERAL.—For purposes of section 38, the
17 workplace safety program credit determined under this
18 section for the taxable year is, for any employer, an
19 amount equal to 40 percent of the violence against women
20 safety and education costs paid or incurred by such em-
21 ployer during the taxable year.

22 “(b) DEFINITIONS.—In this section—

23 “(1) VIOLENCE AGAINST WOMEN SAFETY AND
24 EDUCATION COST.—

1 “(A) IN GENERAL.—The term ‘violence
2 against women safety and education cost’
3 means any cost certified by the Attorney Gen-
4 eral to the Secretary as being for the purpose
5 of—

6 “(i) ensuring the safety of employees
7 from violent crimes against women,

8 “(ii) providing assistance to employ-
9 ees, their spouses, and dependents of em-
10 ployees with respect to violent crimes
11 against women,

12 “(iii) providing legal or medical serv-
13 ices to employees and the spouses and de-
14 pendents of employees subjected to, or at
15 risk from, violent crimes against women,

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

18 “(v) implementing human resource or
19 personnel policies initiated to protect em-
20 ployees from violent crimes against women
21 or to support employees who have been vic-
22 tims of violent crimes against women.

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

1 “(i) the hiring of new security person-
2 nel in order to address violent crimes
3 against women,

4 “(ii) the creation of buddy systems or
5 escort systems for walking employees to
6 parking lots, parked cars, subway stations,
7 or bus stops, in order to address violent
8 crimes against women,

9 “(iii) the purchase or installation of
10 new security equipment, including surveil-
11 lance equipment, lighting fixtures, cardkey
12 access systems, and identification systems,
13 in order to address violent crimes against
14 women,

15 “(iv) the establishment of an employee
16 assistance line or other employee assist-
17 ance services in order to address violent
18 crimes against women, for the use of indi-
19 vidual employees, including counseling or
20 referral services undertaken in consultation
21 and coordination with national, State, trib-
22 al, or local domestic violence and sexual as-
23 sault coalitions or programs,

24 “(v) the retention of an attorney to
25 provide legal services to employees seeking

1 restraining orders or other legal recourse
2 from violent crimes against women,

3 “(vi) the establishment of medical
4 services addressing the medical needs of
5 employees who are victims of violent crimes
6 against women,

7 “(vii) the retention of a financial ex-
8 pert or an accountant to provide financial
9 counseling to employees seeking to escape
10 from violent crimes against women,

11 “(viii) the establishment of an edu-
12 cation program for employees, consisting of
13 seminars or training sessions about violent
14 crimes against women undertaken in con-
15 sultation and coordination with national,
16 State, tribal, or local domestic violence and
17 sexual assault coalitions or programs,

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

24 “(x) the publication of a regularly dis-
25 seminated newsletter or other regularly

1 disseminated educational materials about
2 violent crimes against women,

3 “(xi) the implementation of leave poli-
4 cies for the purpose of allowing or accom-
5 modating the needs of victims of violent
6 crimes against women to pursue legal re-
7 dress against assailants, including leave
8 from work to attend meetings with attor-
9 neys, to give evidentiary statements or
10 depositions, and to attend hearings or
11 trials in court,

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

18 “(xiii) the implementation of transfer
19 policies for the purpose of allowing or ac-
20 commodating the needs of employees sub-
21 jected to violent crimes against women to
22 change office locations within the company
23 in order to avoid assailants or to allow the
24 transfer of an employee who has per-
25 petrated violent crimes against women in

1 order to protect the victim, including pay-
2 ment of costs for the transfer and reloca-
3 tion of an employee to another city, coun-
4 ty, State, or country for the purpose of
5 maintaining an employee's safety from vio-
6 lent crimes against women, or

7 “(xiv) the provision of any of the serv-
8 ices described in clauses (iv) through (viii)
9 to the spouses or dependents of employees.

10 “(C) NOTIFICATION OF POSSIBLE TAX
11 CONSEQUENCES.—In no event shall any cost for
12 goods or services which may be included in the
13 income of any employee receiving or benefiting
14 from such goods or services be treated as a vio-
15 lence against women safety and education cost
16 unless the employer notifies the employee in
17 writing of the possibility of such inclusion.

18 “(2) VIOLENT CRIMES AGAINST WOMEN.—

19 “(A) IN GENERAL.—The term ‘violent
20 crimes against women’ includes sexual assault
21 and domestic violence.

22 “(B) DOMESTIC VIOLENCE.—The term
23 ‘domestic violence’ includes acts or threats of
24 violence, not including acts of self defense, com-
25 mitted by a current or former spouse of the vic-

1 tim, by a person with whom the victim shares
2 a child in common, by a person who is cohabit-
3 ing with or has cohabited with the victim, by a
4 person who is or has been in a continuing social
5 relationship of a romantic or intimate nature
6 with the victim, by a person similarly situated
7 to a spouse of the victim under the domestic or
8 family violence laws of the jurisdiction, or by
9 any other person against a victim who is pro-
10 tected from that person's acts under the domes-
11 tic or family violence laws of the jurisdiction.

12 “(C) SEXUAL ASSAULT.—The term ‘sexual
13 assault’ means any conduct proscribed by chap-
14 ter 109A of title 18, United States Code,
15 whether or not the conduct occurs in the special
16 maritime and territorial jurisdiction of the
17 United States or in a Federal prison and in-
18 cludes both assaults committed by offenders
19 who are strangers to the victim and assaults
20 committed by offenders who are known to the
21 victim or related by blood or marriage to the
22 victim.

23 “(3) EMPLOYEE AND EMPLOYER.—

1 “(A) PARTNERS AND PARTNERSHIPS.—
2 The term ‘employee’ includes a partner and the
3 term ‘employer’ includes a partnership.

4 “(B) RELATED PERSONS.—Persons shall
5 be treated as related to each other if such per-
6 sons are treated as a single employer under
7 subsection (a) or (b) of section 52.

8 “(c) COORDINATION WITH OTHER PROVISIONS.—No
9 credit or deduction shall be allowed under any other provi-
10 sion of this title for any amount for which a credit is al-
11 lowed under this section.”

12 (b) TREATMENT AS GENERAL BUSINESS CREDIT.—

13 (1) IN GENERAL.—Subsection (b) of section 38
14 of such Code (relating to general business credit) is
15 amended by striking “plus” at the end of paragraph
16 (11), by striking the period at the end of paragraph
17 (12) and inserting “, plus”, and by adding at the
18 end the following:

19 “(13) the workplace safety program credit de-
20 termined under section 45D.”

21 (2) TRANSITIONAL RULE FOR CARRYBACKS.—

22 Subsection (d) of section 39 of such Code (relating
23 to transitional rules) is amended by adding at the
24 end the following:

1 “(9) NO CARRYBACK OF SECTION 45D CREDIT
2 BEFORE EFFECTIVE DATE.—No portion of the un-
3 used business credit for any taxable year which is
4 attributable to the workplace safety program credit
5 determined under section 45D may be carried back
6 to a taxable year beginning on or before the date of
7 the enactment of section 45D.”

8 (3) DEDUCTION FOR UNUSED CREDITS.—Sub-
9 section (c) of section 196 of such Code (relating to
10 deduction for certain unused business credits) is
11 amended by striking “and” at the end of paragraph
12 (7), by striking the period at the end of paragraph
13 (8) and inserting “, and”, and by adding at the end
14 the following:

15 “(9) the workplace safety program credit deter-
16 mined under section 45D.”

17 (c) CREDIT NOT A DEFENSE IN LEGAL ACTIONS.—
18 The allowance of a credit under section 45D of the Inter-
19 nal Revenue Code of 1986 (as added by this subtitle) shall
20 not absolve employers of their responsibilities under any
21 other law and shall not be construed as a defense to any
22 legal action (other than legal action by the Secretary of
23 the Treasury under such Code).

24 (d) CLERICAL AMENDMENT.—The table of sections
25 for subpart D of part IV of subchapter A of chapter 1

1 of such Code is amended by adding at the end the follow-
2 ing:

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

3 (e) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply to taxable years beginning after
5 the date of the enactment of this Act.

6 **Subtitle D—Battered Women’s**
7 **Employment Protection**

8 **SEC. 741. SHORT TITLE.**

9 This subtitle may be cited as the “Battered Women’s
10 Employment Protection Act”.

11 **SEC. 742. PURPOSES.**

12 The purposes of this subtitle are, pursuant to the af-
13 firmative power of Congress to enact legislation under sec-
14 tion 5 of the 14th amendment to the Constitution and
15 under the portions of section 8 of article I of the Constitu-
16 tion relating to providing for the general welfare and to
17 regulation of commerce among the several States—

18 (1) to promote the national interest in reducing
19 domestic violence by enabling victims of domestic vi-
20 olence to maintain the financial independence nec-
21 essary to leave abusive situations, to achieve safety
22 and minimize the physical and emotional injuries
23 from domestic violence, and to reduce the devastat-
24 ing economic consequences of domestic violence to
25 employers and employees, by—

1 (A) providing unemployment insurance for
2 victims of domestic violence who are forced to
3 leave their employment as a result of domestic
4 violence; and

5 (B) entitling employed victims of domestic
6 violence to take reasonable leave under the
7 Family and Medical Leave Act of 1993 (29
8 U.S.C. 2601 et seq.) to seek medical help, legal
9 assistance, counseling, and safety planning and
10 assistance without penalty from their employ-
11 ers;

12 (2) to promote the purposes of the 14th amend-
13 ment by protecting the civil and economic rights of
14 victims of domestic violence and by furthering the
15 equal opportunity of women for employment and
16 economic self-sufficiency;

17 (3) to minimize the negative impact on inter-
18 state commerce from dislocations of employees and
19 harmful effects on productivity, health care costs,
20 and employer costs, caused by domestic violence; and

21 (4) to accomplish the purposes described in
22 paragraphs (1), (2), and (3) in a manner that ac-
23 commodates the legitimate interests of employers.

1 **SEC. 743. UNEMPLOYMENT COMPENSATION.**

2 (a) UNEMPLOYMENT COMPENSATION.—Section 3304
3 of the Internal Revenue Code of 1986 is amended—

4 (1) in subsection (a)—

5 (A) by striking “and” at the end of para-
6 graph (18);

7 (B) by striking the period at the end of
8 paragraph (19) and inserting “; and”; and

9 (C) by inserting after paragraph (19) the
10 following:

11 “(20) compensation is to be provided where an
12 individual is separated from employment due to cir-
13 cumstances directly resulting from the individual’s
14 experience of domestic violence.”; and

15 (2) by adding at the end the following:

16 “(g) CONSTRUCTION.—

17 “(1) IN GENERAL.—For purposes of subsection
18 (a)(20), an employee’s separation from employment
19 shall be treated as due to circumstances directly re-
20 sulting from the individual’s experience of domestic
21 violence if the separation resulted from—

22 “(A) the employee’s reasonable fear of fu-
23 ture domestic violence at or en route to or from
24 the employee’s place of employment;

25 “(B) the employee’s wish to relocate to an-
26 other geographic area in order to avoid future

1 domestic violence against the employee or the
2 employee's family;

3 “(C) the employee's need to recover from
4 traumatic stress resulting from the employee's
5 experience of domestic violence;

6 “(D) the employer's denial of the employ-
7 ee's request for the temporary leave from em-
8 ployment authorized by section 102 of the Fam-
9 ily and Medical Leave Act of 1993 to address
10 domestic violence and its effects; or

11 “(E) any other circumstance in which do-
12 mestic violence causes the employee to reason-
13 ably believe that termination of employment is
14 necessary for the future safety of the employee
15 or the employee's family.

16 “(2) REASONABLE EFFORTS TO RETAIN EM-
17 PLOYMENT.—For purposes of subsection (a)(20), if
18 State law requires the employee to have made rea-
19 sonable efforts to retain employment as a condition
20 for receiving unemployment compensation, such re-
21 quirement shall be met if the employee—

22 “(A) sought protection from, or assistance
23 in responding to, domestic violence, including
24 calling the police or seeking legal, social work,
25 medical, clerical, or other assistance;

1 “(B) sought safety, including refuge in a
2 shelter or temporary or permanent relocation,
3 whether or not the employee actually obtained
4 such refuge or accomplished such relocation; or

5 “(C) reasonably believed that options such
6 as taking a leave of absence, transferring jobs,
7 or receiving an alternative work schedule would
8 not be sufficient to guarantee the employee or
9 the employee’s family’s safety.

10 “(3) ACTIVE SEARCH FOR EMPLOYMENT.—For
11 purposes of subsection (a)(20), if State law requires
12 the employee to actively search for employment after
13 separation from employment as a condition for re-
14 ceiving unemployment compensation, such require-
15 ment shall be treated as met where the employee is
16 temporarily unable to actively search for employment
17 because the employee is engaged in seeking safety or
18 relief for the employee or the employee’s family from
19 domestic violence, including—

20 “(A) going into hiding or relocating or at-
21 tempting to do so, including activities associ-
22 ated with such hiding or relocation, such as
23 seeking to obtain sufficient shelter, food, school-
24 ing for children, or other necessities of life for
25 the employee or the employee’s family;

1 “(B) actively pursuing legal protection or
2 remedies, including meeting with the police,
3 going to court to make inquiries or file papers,
4 meeting with attorneys, or attending court pro-
5 ceedings; or

6 “(C) participating in psychological, social,
7 or religious counseling or support activities to
8 assist the employee in coping with domestic vio-
9 lence.

10 “(4) PROVISION OF INFORMATION TO MEET
11 CERTAIN REQUIREMENTS.—In determining if an em-
12 ployee meets the requirements of paragraphs (1),
13 (2), and (3), the unemployment agency of the State
14 in which an employee is requesting unemployment
15 compensation by reason of subsection (a)(20) may
16 require the employee to provide—

17 “(A) a written statement describing the
18 domestic violence and its effects;

19 “(B) documentation of the domestic vio-
20 lence, such as police or court records, or docu-
21 mentation from a shelter worker or an employee
22 of a domestic violence program, an attorney, a
23 clergy member, or a medical or other profes-
24 sional from whom the employee has sought as-

1 sistance in addressing domestic violence and its
2 effects; or

3 “(C) other corroborating evidence, such as
4 a statement from any other individual with
5 knowledge of the circumstances which provide
6 the basis for the claim, or physical evidence of
7 domestic violence, such as photographs, torn or
8 bloody clothes, or other damaged property.

9 All evidence of domestic violence experienced by an
10 employee, including an employee’s statement, any
11 corroborating evidence, and the fact that an em-
12 ployee has applied for or inquired about unemploy-
13 ment compensation available by reason of subsection
14 (a)(20) shall be retained in the strictest confidence
15 of such State unemployment agency, except to the
16 extent the disclosure is requested, or consented to,
17 by the employee for the purpose of protecting the
18 employee or the employee’s family member’s safety
19 or assisting in documenting domestic violence for a
20 court or agency.”.

21 (b) SOCIAL SECURITY PERSONNEL TRAINING.—Sec-
22 tion 303(a) of the Social Security Act (42 U.S.C. 503(a))
23 is amended by redesignating paragraphs (4) through (10)
24 as paragraphs (5) through (11), respectively, and by add-
25 ing after paragraph (3) the following:

1 “(A) an inability to attend or perform
2 work due to an incident of domestic violence,
3 including an act or threat of violence, stalking,
4 coercion, or harassment;

5 “(B) seeking medical attention for or re-
6 covering from injuries caused by domestic vio-
7 lence;

8 “(C) seeking legal assistance or remedies,
9 including communicating with the police or an
10 attorney, or participating in any legal proceed-
11 ing, related to domestic violence;

12 “(D) obtaining services from a domestic vi-
13 olence shelter or program or rape crisis center;

14 “(E) obtaining psychological counseling re-
15 lated to experiences of domestic violence;

16 “(F) participating in safety planning and
17 other actions to increase safety from future do-
18 mestic violence, including temporary or perma-
19 nent relocation; and

20 “(G) participating in any other activity ne-
21 cessitated by domestic violence that must be un-
22 dertaken during the hours of employment in-
23 volved.

24 “(15) DOMESTIC VIOLENCE.—The term ‘domes-
25 tic violence’ has the meaning given the term in sec-

1 tion 2 of the Violence Against Women Act of
2 1999.”.

3 (b) LEAVE REQUIREMENT.—Section 102 of such Act
4 (29 U.S.C. 2612) is amended—

5 (1) in subsection (a)(1), by adding at the end
6 the following:

7 “(E) In order to care for the son, daugh-
8 ter, or parent of the employee, if such son,
9 daughter, or parent is addressing domestic vio-
10 lence and its effects.

11 “(F) Because the employee is addressing
12 domestic violence and its effects, which make
13 the employee unable to perform the functions of
14 the position of such employee.”;

15 (2) in subsection (b), by adding at the end the
16 following:

17 “(3) DOMESTIC VIOLENCE.—Leave under sub-
18 paragraph (E) or (F) of subsection (a)(1) may be
19 taken by an eligible employee intermittently or on a
20 reduced leave schedule. The taking of leave intermit-
21 tently or on a reduced leave schedule pursuant to
22 this paragraph shall not result in a reduction in the
23 total amount of leave to which the employee is enti-
24 tled under subsection (a) beyond the amount of leave
25 actually taken.”; and

1 (3) in subsection (d)(2)(B), by striking “(C) or
2 (D)” and inserting “(C), (D), (E), or (F)”.

3 (c) CERTIFICATION.—Section 103 of such Act (29
4 U.S.C. 2613) is amended—

5 (1) in the title of the section, by inserting be-
6 fore the period the following: “; **CONFIDENTIAL-**
7 **ITY**”; and

8 (2) by adding at the end the following:

9 “(f) DOMESTIC VIOLENCE.—In determining if an em-
10 ployee meets the requirements of subparagraph (E) or (F)
11 of section 102(a)(1), the employer of an employee may re-
12 quire the employee to provide—

13 “(1) a written statement describing the domes-
14 tic violence and its effects;

15 “(2) documentation of the domestic violence in-
16 volved, such as a police or court record, or docu-
17 mentation from a shelter worker, attorney, member
18 of the clergy, or medical or other professional from
19 whom the employee has sought assistance in ad-
20 dressing domestic violence and its effects; or

21 “(3) other corroborating evidence, such as a
22 statement from any other individual with knowledge
23 of the circumstances that provide the basis for the
24 claim of domestic violence, or physical evidence of

1 domestic violence, such as a photograph, torn or
2 bloody clothing, or any other damaged property.

3 “(g) CONFIDENTIALITY.—All evidence provided to
4 the employer under subsection (f) of domestic violence ex-
5 perience by an employee or the son, daughter, or parent
6 of an employee, including a statement of an employee, any
7 other documentation or corroborating evidence, and the
8 fact that an employee has requested leave for the purpose
9 of addressing, or caring for a son, daughter, or parent who
10 is addressing, domestic violence and its effects, shall be
11 retained in the strictest confidence by the employer, except
12 to the extent that disclosure is consented to, or requested
13 by, the employee for the purpose of—

14 “(1) protecting the safety of the employee or
15 the employee’s family member or a coworker of the
16 employee; or

17 “(2) assisting in documenting domestic violence
18 for a court or agency.”.

19 **SEC. 745. ENTITLEMENT TO LEAVE FOR ADDRESSING DO-**
20 **MESTIC VIOLENCE FOR FEDERAL EMPLOY-**
21 **EES.**

22 (a) DEFINITIONS.—Section 6381 of title 5, United
23 States Code, is amended—

24 (1) at the end of paragraph (5), by striking
25 “and”;

1 (2) in paragraph (6), by striking the period and
2 inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(7) the term ‘addressing domestic violence and
5 its effects’ means—

6 “(A) an inability to attend or perform
7 work due to an incident of domestic violence,
8 including an act or threat of violence, stalking,
9 coercion, or harassment;

10 “(B) seeking medical attention for or re-
11 covering from injuries caused by domestic vio-
12 lence;

13 “(C) seeking legal assistance or remedies,
14 including communicating with the police or an
15 attorney, or participating in any legal proceed-
16 ing, related to domestic violence;

17 “(D) obtaining services from a domestic vi-
18 olence shelter or program or rape crisis center;

19 “(E) obtaining psychological counseling re-
20 lated to experiences of domestic violence;

21 “(F) participating in safety planning and
22 other actions to increase safety from future do-
23 mestic violence, including temporary or perma-
24 nent relocation; and

1 “(G) participating in any other activity ne-
2 cessitated by domestic violence that must be un-
3 dertaken during the hours of employment in-
4 volved; and

5 “(8) the term ‘domestic violence’ has the mean-
6 ing given the term in section 2 of the Violence
7 Against Women Act of 1999.”.

8 (b) LEAVE REQUIREMENT.—Section 6382 of title 5,
9 United States Code, is amended—

10 (1) in subsection (a)(1), by adding at the end
11 the following:

12 “(E) In order to care for the son, daughter, or
13 parent of the employee, if such son, daughter, or
14 parent is addressing domestic violence and its ef-
15 fects.

16 “(F) Because the employee is addressing do-
17 mestic violence and its effects, which make the em-
18 ployee unable to perform the functions of the posi-
19 tion of such employee.”;

20 (2) in subsection (b), by adding at the end the
21 following:

22 “(3) DOMESTIC VIOLENCE.—Leave under sub-
23 paragraph (E) or (F) of subsection (a)(1) may be
24 taken by an employee intermittently or on a reduced
25 leave schedule. The taking of leave intermittently or

1 on a reduced leave schedule pursuant to this para-
2 graph shall not result in a reduction in the total
3 amount of leave to which the employee is entitled
4 under subsection (a) beyond the amount of leave ac-
5 tually taken.”; and

6 (3) in subsection (d), by striking “(C), or (D)”
7 and inserting “(C), (D), (E), or (F)”.

8 (e) CERTIFICATION.—Section 6383 of title 5, United
9 States Code, is amended—

10 (1) in the section heading, by adding at the end
11 the following: “; **confidentiality**”; and

12 (2) by adding at the end the following:

13 “(f) In determining if an employee meets the require-
14 ments of subparagraph (E) or (F) of section 6382(a)(1),
15 the employing agency of an employee may require the em-
16 ployee to provide—

17 “(1) a written statement describing the domes-
18 tic violence and its effects;

19 “(2) documentation of the domestic violence in-
20 volved, such as a police or court record, or docu-
21 mentation from a shelter worker, attorney, member
22 of the clergy, or medical or other professional from
23 whom the employee has sought assistance in ad-
24 dressing domestic violence and its effects; or

1 “(3) other corroborating evidence, such as a
2 statement from any other individual with knowledge
3 of the circumstances that provide the basis for the
4 claim of domestic violence, or physical evidence of
5 domestic violence, such as a photograph, torn or
6 bloody clothing, or other damaged property.

7 “(g) All evidence provided to the employing agency
8 under subsection (f) of domestic violence experienced by
9 an employee or the son, daughter, or parent of an em-
10 ployee, including a statement of an employee, any other
11 documentation or corroborating evidence, and the fact
12 that an employee has requested leave for the purpose of
13 addressing, or caring for a son, daughter, or parent who
14 is addressing, domestic violence and its effects, shall be
15 retained in the strictest confidence by the employing agen-
16 cy, except to the extent that disclosure is—

17 “(1) consented to by the employee for the pur-
18 pose of protecting the safety of the employee or a co-
19 worker of the employee; or

20 “(2) requested by the employee to document do-
21 mestic violence for a court or agency.”.

22 **SEC. 746. EXISTING LEAVE USABLE FOR DOMESTIC VIO-**
23 **LENCE.**

24 (a) DEFINITIONS.—In this section:

1 (1) ADDRESSING DOMESTIC VIOLENCE AND ITS
2 EFFECTS.—The term “addressing domestic violence
3 and its effects” has the meaning given the term in
4 section 101 of the Family and Medical Leave Act of
5 1993 (29 U.S.C. 2611), as amended by section
6 744(a).

7 (2) EMPLOYEE.—The term “employee” means
8 any person employed by an employer. In the case of
9 an individual employed by a public agency, such
10 term means an individual employed as described in
11 section 3(e) of the Fair Labor Standards Act of
12 1938 (29 U.S.C. 203(e)).

13 (3) EMPLOYER.—The term “employer”—

14 (A) means any person engaged in com-
15 merce or in any industry or activity affecting
16 commerce who employs individuals, if such per-
17 son is also subject to the Family and Medical
18 Leave Act of 1993 (29 U.S.C. 2601 et seq.) or
19 to any provision of a State or local law, collec-
20 tive bargaining agreement, or employment bene-
21 fits program or plan, addressing paid or unpaid
22 leave from employment (including family, medi-
23 cal, sick, annual, personal, or similar leave);
24 and

1 (B) includes any person acting directly or
2 indirectly in the interest of an employer in rela-
3 tion to any employee, and includes a public
4 agency, which is subject to a law, agreement,
5 program, or plan described in subparagraph
6 (A), but does not include any labor organization
7 (other than when acting as an employer) or
8 anyone acting in the capacity of officer or agent
9 of such labor organization.

10 (4) EMPLOYMENT BENEFITS.—The term “em-
11 ployment benefits” has the meaning given the term
12 in section 101 of the Family and Medical Leave Act
13 of 1993 (29 U.S.C. 2611).

14 (5) PARENT; SON OR DAUGHTER.—The terms
15 “parent” and “son or daughter” have the meanings
16 given the terms in section 101 of the Family and
17 Medical Leave Act of 1993 (29 U.S.C. 2611).

18 (6) PUBLIC AGENCY.—The term “public agen-
19 cy” has the meaning given the term in section 3 of
20 the Fair Labor Standards Act of 1938 (29 U.S.C.
21 203).

22 (b) USE OF EXISTING LEAVE.—An employee who is
23 entitled to take paid or unpaid leave (including family,
24 medical, sick, annual, personal, or similar leave) from em-
25 ployment, pursuant to State or local law, a collective bar-

1 gaining agreement, or an employment benefits program or
2 plan, shall be permitted to use such leave for the purpose
3 of addressing domestic violence and its effects, or for the
4 purpose of caring for a son or daughter or parent of the
5 employee, if such son or daughter or parent is addressing
6 domestic violence and its effects.

7 (c) CERTIFICATION.—In determining whether an em-
8 ployee qualifies to use leave as described in subsection (b),
9 an employer may require documentation of domestic vio-
10 lence or corroborating evidence consistent with section
11 103(f) of the Family and Medical Leave Act of 1993 (29
12 U.S.C. 2613(f)), as amended by section 744(c).

13 (d) CONFIDENTIALITY.—All evidence provided to the
14 employer under subsection (c) of domestic violence experi-
15 enced by an employee or the son or daughter or parent
16 of the employee, including a statement of an employee,
17 any other documentation or corroborating evidence, and
18 the fact that the employee has requested leave for the pur-
19 pose of addressing, or caring for a son or daughter or par-
20 ent who is addressing, domestic violence and its effects,
21 shall be retained in the strictest confidence by the em-
22 ployer, except to the extent that disclosure is—

23 (1) consented to by the employee for the pur-
24 pose of protecting the safety of the employee or a co-
25 worker of the employee; or

1 (2) requested by the employee to assist in docu-
2 menting domestic violence for a court or agency.

3 (e) PROHIBITED ACTS.—

4 (1) INTERFERENCE WITH RIGHTS.—

5 (A) EXERCISE OF RIGHTS.—It shall be un-
6 lawful for any employer to interfere with, re-
7 strain, or deny the exercise of or the attempt to
8 exercise, any right provided under subsection
9 (b).

10 (B) DISCRIMINATION.—It shall be unlaw-
11 ful for any employer to discharge or in any
12 other manner discriminate against an individual
13 for opposing any practice made unlawful by
14 subparagraph (A).

15 (2) INTERFERENCE WITH PROCEEDINGS OR IN-
16 QUIRIES.—It shall be unlawful for any person to dis-
17 charge or in any other manner discriminate against
18 any individual because such individual—

19 (A) has filed any charge, or had instituted
20 or caused to be instituted any proceeding,
21 under or related to this section;

22 (B) has given, or is about to give, any in-
23 formation in connection with any inquiry or
24 proceeding relating to any right provided under
25 subsection (b); or

1 (C) has testified, or is about to testify, in
2 any inquiry or proceeding relating to any right
3 provided under subsection (b).

4 (f) ENFORCEMENT.—

5 (1) PUBLIC ENFORCEMENT.—The Secretary of
6 Labor shall have the powers set forth in subsections
7 (b), (c), (d), and (e) of section 107 of the Family
8 and Medical Leave Act of 1993 (29 U.S.C. 2617)
9 for the purpose of public agency enforcement of any
10 alleged violation of subsection (e) against any em-
11 ployer.

12 (2) PRIVATE ENFORCEMENT.—The remedies
13 and procedures set forth in subsection (a) of section
14 107 of the Family and Medical Leave Act of 1993
15 shall be the remedies and procedures pursuant to
16 which an employee may initiate a legal action
17 against an employer for alleged violations of sub-
18 section (e).

19 (3) REFERENCES.—For purposes of paragraph
20 (1) and (2), references in section 107 of the Family
21 and Medical Leave Act of 1993 to section 105 of
22 such Act shall be considered to be references to sub-
23 section (e) of this section.

24 (4) EMPLOYER LIABILITY UNDER OTHER
25 LAWS.—Nothing in this section shall be construed to

1 limit the liability of an employer to an employee for
2 harm suffered relating to the employee's experience
3 of domestic violence pursuant to any other Federal
4 or State law, including a law providing for a legal
5 remedy.

6 **SEC. 747. EFFECT ON OTHER LAWS AND EMPLOYMENT BEN-**
7 **EFITS.**

8 (a) MORE PROTECTIVE LAWS, AGREEMENTS, PRO-
9 GRAMS, AND PLANS.—Nothing in this subtitle or the
10 amendments made by this subtitle shall be construed to
11 supersede any provision of any Federal, State, or local
12 law, collective bargaining agreement, or other employment
13 benefits program or plan that provides greater unemploy-
14 ment compensation or leave benefits for employed victims
15 of domestic violence than the rights established under this
16 subtitle or such amendments.

17 (b) LESS PROTECTIVE LAWS, AGREEMENTS, PRO-
18 GRAMS, AND PLANS.—The rights established for employ-
19 ees under this subtitle or the amendments made by this
20 subtitle shall not be diminished by any State or local law,
21 collective bargaining agreement, or employment benefits
22 program or plan.

23 **SEC. 748. EFFECTIVE DATE.**

24 (a) GENERAL RULE.—Except as provided in sub-
25 section (b), this subtitle and the amendments made by this

1 subtitle take effect 180 days after the date of enactment
2 of this Act.

3 (b) UNEMPLOYMENT COMPENSATION.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the amendments made by section 743
6 shall apply in the case of compensation paid for
7 weeks beginning on or after the expiration of 180
8 days from the date of enactment of this Act.

9 (2) MEETING OF STATE LEGISLATURE.—

10 (A) IN GENERAL.—If the Secretary of
11 Labor identifies a State as requiring a change
12 to its statutes or regulations in order to comply
13 with the amendments made by section 743, the
14 amendments made by section 743 shall apply in
15 the case of compensation paid for weeks begin-
16 ning after the earlier of—

17 (i) the date the State changes its stat-
18 utes or regulations in order to comply with
19 the amendments made by this section; or

20 (ii) the end of the first session of the
21 State legislature which begins after the
22 date of enactment of this Act or which
23 began prior to such date and remained in
24 session for at least 25 calendar days after
25 such date;

1 except that in no case shall the amendments
2 made by this Act apply before the date that is
3 180 days after the date of enactment of this
4 Act.

5 (B) SESSION DEFINED.—In this para-
6 graph, the term “session” means a regular, spe-
7 cial, budget, or other session of a State legisla-
8 ture.

9 **Subtitle E—Education and Train-**
10 **ing Grants To Promote Re-**
11 **sponses to Violence Against**
12 **Women**

13 **SEC. 751 EDUCATION AND TRAINING GRANTS TO PROMOTE**
14 **APPROPRIATE RESPONSES TO VIOLENCE**
15 **AGAINST WOMEN.**

16 (a) AUTHORITY.—The Attorney General may make
17 grants in accordance with this section to public and pri-
18 vate nonprofit nongovernmental entities including tribally
19 chartered organizations and nonprofit organizations oper-
20 ating within the boundaries of an Indian reservation whose
21 governing body reflects the populations served that, in the
22 determination of the Attorney General, have—

23 (1) recognized expertise in the area of domestic
24 violence and sexual assault;

1 (2) a record of commitment and quality re-
2 sponses to reduce domestic violence and sexual as-
3 sault; and

4 (3) demonstrated collaboration and cooperation
5 with groups or individuals with recognized expertise
6 in assisting individuals who are eligible for the
7 grants described in subsection (b).

8 (b) GRANTS.—

9 (1) PURPOSE.—Grants under subsection (a)
10 shall be used for the purposes of developing, testing,
11 presenting, and disseminating model programs to
12 provide education and training to individuals likely
13 to come into contact with victims of domestic vio-
14 lence or sexual assault or the dependents of domestic
15 violence or sexual assault victims due to their em-
16 ployment responsibilities, including—

17 (A) campus personnel, such as administra-
18 tors, housing officers, resident advisers, coun-
19 selors, and others;

20 (B) caseworkers, supervisors, administra-
21 tors, administrative law judges, and other indi-
22 viduals administering Federal and State bene-
23 fits programs, such as child welfare and child
24 protective services, Temporary Assistance to
25 Needy Families, social security disability, child

1 support, Medicaid, unemployment, workers'
2 compensation, and similar programs;

3 (C) justice system professionals, such as
4 court personnel, guardians ad litem and other
5 individuals appointed to represent or evaluate
6 children, probation and parole officers, bail
7 commissioners, judges, immigration judges, im-
8 migration officers, and attorneys;

9 (D) mental and behavioral health profes-
10 sionals, such as psychologists, psychiatrists, so-
11 cial workers, therapists, counselors, and others;

12 (E) religious professionals and lay employ-
13 ees;

14 (F) professionals who regularly work with
15 children such as child care providers, both cen-
16 ter and home-based, teachers, school adminis-
17 trators, school counselors, and school health
18 care professionals; and

19 (G) health care professionals, such as
20 those from the fields of medicine, osteopathy,
21 and nursing, physicians' assistants, and allied
22 health professionals.

23 (2) PRIORITY.—In awarding such grants, the
24 Attorney General shall give priority to the individual
25 areas, professions, and personnel described in sub-

1 paragraphs (A) through (G) of paragraph (1) that
2 are currently being supported less extensively by
3 other Federal, State, and private funding sources, as
4 well as those that address the needs of underserved
5 populations (as that term is defined in section
6 2003(7) of the Omnibus Crime Control and Safe
7 Streets Act of 1968 (42 U.S.C. 3796gg-2(7) as
8 amended by section 651(c)).

9 (3) TRIBAL ORGANIZATIONS ELIGIBILITY.—
10 Nothing shall preclude tribally chartered organiza-
11 tions and nonprofit organizations located within the
12 boundaries of an Indian reservation from eligibility
13 for grants under this section.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$5,000,000 each for domestic violence and sexual assault
17 programs for each of fiscal years 2000 through 2004.

18 (d) For purposes of this section:

19 (1) DOMESTIC VIOLENCE.—The term “domes-
20 tic violence” includes acts or threats of violence, not
21 including acts of self defense, committed by a cur-
22 rent or former spouse of the victim, by a person with
23 whom the victim shares a child in common, by a per-
24 son who is cohabiting with or has cohabited with the
25 victim, by a person who is or has been in a continu-

1 ing social relationship of a romantic or intimate na-
2 ture with the victim, by a person similarly situated
3 to a spouse of the victim under the domestic or fam-
4 ily violence laws of the jurisdiction, or by any other
5 person against a victim who is protected from that
6 person’s acts under the domestic or family violence
7 laws of the jurisdiction.

8 (2) **SEXUAL ASSAULT.**—The term “sexual as-
9 sault” means any conduct proscribed by chapter
10 109A of title 18, United States Code, whether or not
11 the conduct occurs in the special maritime and terri-
12 torial jurisdiction of the United States or in a Fed-
13 eral prison and includes both assaults committed by
14 offenders who are strangers to the victim and as-
15 saults committed by offenders who are known to the
16 victim or related by blood or marriage to the victim.

17 **Subtitle F—Workers’ Compensation**

18 **SEC. 761. SENSE OF CONGRESS REGARDING WORKPLACE**

19 **VIOLENCE AGAINST WOMEN AND WORKERS’** 20 **COMPENSATION.**

21 (a) **FINDINGS.**—Congress finds the following:

22 (1) Women are frequently denied legal redress
23 to recover for losses that have resulted from the
24 workplace violence.

1 (2) Women are denied workers' compensation
2 recovery if they are deemed not to have suffered a
3 physical injury after they are raped.

4 (3) In approximately half the States, interpreta-
5 tions of State workers' compensation laws may pre-
6 clude women from pursuing legal claims resulting
7 from workplace violence, for example, for an employ-
8 er's negligence that resulted in the violence, con-
9 sequently recovery may be limited to the amount
10 permitted by workers' compensation statutes.

11 (4) Other States recognize that workplace vio-
12 lence against women, including rapes and sexual as-
13 sault, may fall within various exceptions to State
14 workers' compensation laws.

15 Affording victims of workplace violence against women ac-
16 cess to legal redress outside the workers' compensation
17 system will assist women in recovering from violent
18 crimes, encourage employers to take all reasonable preven-
19 tive measures, and help improve the productivity and safe-
20 ty of American workplaces.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) State workers' compensation laws should
24 provide benefits to women who are victims of work-
25 place violence who are eligible for such benefits, in-

1 including full compensation for physical and nonphys-
2 ical injuries; and

3 (2) State workers' compensation laws should
4 also permit the employee to pursue an action at law
5 against an employer, other than statutory workers'
6 compensation benefits, based on the employer's role
7 in the act of workplace violence.

8 **TITLE VIII—VIOLENCE AGAINST**
9 **WOMEN INTERVENTION, PRE-**
10 **VENTION, AND EDUCATION**
11 **RESEARCH**

12 **SEC. 801. VIOLENCE AGAINST WOMEN INTERVENTION, PRE-**
13 **VENTION, AND EDUCATION RESEARCH.**

14 The Violence Against Women Act of 1994 (108 Stat.
15 1902), as amended by section 603, is amended by adding
16 at the end of that title the following:

17 **“Subtitle I—Violence Against**
18 **Women Intervention, Preven-**
19 **tion, and Education Research**

20 **“SEC. 40901. FINDINGS.**

21 “(a) FINDINGS.—Congress finds the following:

22 “(1) According to a Panel on Research on Vio-
23 lence Against Women convened by the National Re-
24 search Council in response to the mandates by of
25 this Act—

1 “(A) significant gaps exist in understand-
2 ing the extent and causes of violence against
3 women and the impact and the effectiveness of
4 education, prevention, and intervention initia-
5 tives;

6 “(B) funding for research on violence
7 against women is disbursed to numerous Fed-
8 eral agencies with no mechanism through which
9 to coordinate these efforts or to link the Fed-
10 eral agencies with other federally sponsored re-
11 search initiatives; and

12 “(C) research on violence against women
13 would benefit from an infrastructure that sup-
14 ports interdisciplinary efforts and aids in inte-
15 grating these efforts into practice and policy.

16 “(2) Despite the increased funding to prevent
17 and respond to violence against women in under-
18 served populations, few studies have examined inci-
19 dence and prevalence data from the perspective of
20 racial, ethnic, language, age, disability, and other
21 underserved populations. Moreover, little is known
22 about the types of education, prevention, and inter-
23 vention strategies that are most effective in under-
24 served populations.

1 “(3) Most studies currently focus on aspects of
2 domestic violence related to physical abuse. Few
3 studies explore the harm caused by emotional and
4 psychological abuse and the appropriate intervention
5 and preventions strategies for victims experiencing
6 this form of abuse.

7 “(4) Violence exposure as a risk factor for dis-
8 ease must be examined for a range of diseases and
9 diagnoses to better understand the correlation be-
10 tween violence and disease, including the intervening
11 variables.

12 “(5) Violence against women occurs within the
13 context of a sociocultural environment which must
14 be studied in order to foster a greater understanding
15 of the factors that cause violence against women and
16 allow it to persist, as well as to provide a framework
17 for developing and assessing education, prevention,
18 and intervention strategies to eradicate this epidemic
19 form of violence.

20 **“SEC. 40902. MULTIAGENCY TASK FORCE.**

21 “(a) PURPOSES.—The Secretary of Health and
22 Human Services and the Attorney General, in consultation
23 with national nonprofit, nongovernmental organizations
24 whose primary expertise is in domestic violence and sexual
25 assault, shall establish a multiagency task force to coordi-

1 nate research on violence against women. The task force
2 shall be comprised of representatives from all Federal
3 agencies that fund such research.

4 “(b) USES OF FUNDS.—Funds appropriated under
5 this section shall be used to—

6 “(1) develop a coordinated strategy to strength-
7 en research focused on violence against women edu-
8 cation, prevention, and intervention strategies;

9 “(2) track and report all Federal research and
10 expenditures on violence against women;

11 “(3) identify gaps in violence against women re-
12 search and develop criteria for all Federal agencies
13 for evaluating research proposals, with such criteria
14 taking into account the individual context as well as
15 the broad social and cultural context of womens’
16 lives; and

17 “(4) set priorities for research efforts that ex-
18 plore factors such as race, ethnicity, socioeconomic
19 status, geographic location, age, language, sexual
20 orientation, disability, and other factors that shape
21 the context and experience of violence in women’s
22 lives.

23 “(c) AUTHORIZATION OF APPROPRIATION.—There
24 are authorized to be appropriated \$500,000 for each of

1 the fiscal years 2000, 2001, and 2002 to fulfill the pur-
2 poses of this section.

3 **“SEC. 40903. EDUCATION, PREVENTION, AND INTERVEN-**
4 **TION RESEARCH GRANTS.**

5 “(a) PURPOSES.—The Department of Health and
6 Human Services in consultation with the Department of
7 Justice shall make grants to entities, including domestic
8 violence and sexual assault organizations, research organi-
9 zations, tribal organizations, and academic institutions to
10 support research to further the understanding of the
11 causes of violence against women and to evaluate violence
12 against women education, prevention, and intervention
13 programs.

14 “(b) USE OF FUNDS.—The research conducted under
15 this section shall include the following areas:

16 “(1) Longitudinal research to study the devel-
17 opmental trajectory of violent behavior against
18 women and the way such violence differs from other
19 violent behaviors.

20 “(2) An examination of the risk factors for sex-
21 ual and intimate partner violence for victims and
22 perpetrators, such as poverty, childhood victimiza-
23 tion and other traumas.

1 “(3) An examination of the short- and long-
2 term efforts of programs designed to prevent sexual
3 and intimate partner violence.

4 “(4) An examination of the risk factors, inter-
5 vention strategies, education, and prevention pro-
6 grams for sexual and intimate partner violence in
7 Indian country, including the availability, accessibil-
8 ity, and effectiveness of education and prevention
9 programs.

10 “(5) Outcome evaluations of interventions tar-
11 geted at children and teenagers.

12 “(6) An examination of and documentation of
13 the processes and informal strategies that women
14 employ in attempting to manage and end the vio-
15 lence in their lives.

16 “(7) The development, testing, and evaluation
17 of the economic and health benefits of effective
18 methods of screening and service delivery at all
19 points of entry to the health care system, including
20 mental health, emergency medicine, primary care,
21 obstetrics, gynecology, and pediatrics and an assess-
22 ment of the direct and indirect health care costs of
23 domestic violence.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 shall be authorized to be appropriated \$6,000,000 for each
3 of the fiscal years 2000, 2001, and 2002.

4 **“SEC. 40904. ADDRESSING GAPS IN RESEARCH.**

5 “(a) PURPOSES.—The Secretary of Health and
6 Human Services, in conjunction with the Attorney Gen-
7 eral, shall make grants to domestic violence and sexual
8 assault organizations, research organizations, tribal orga-
9 nizations, and academic institutions for the purpose of ex-
10 panding knowledge about violence against women, with a
11 particular emphasis on women in underserved populations
12 (as defined in section 2003(7) of the Omnibus Crime Con-
13 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg-
14 2(7) as amended by section 651(c)).

15 “(b) USES OF FUNDS.—Grants made under sub-
16 section (a) shall be used as follows:

17 “(1) To develop national- and community-level
18 survey studies to measure the incidence and preva-
19 lence of violence against women in underserved pop-
20 ulations and the ways such women define and de-
21 scribe their experience of violence.

22 “(2) To develop qualitative and quantitative re-
23 search to understand how factors such as race, eth-
24 nicity, socioeconomic status, age, language, alienage,
25 disability, and sexual orientation shape the context

1 and experience of violence in women’s lives, as well
2 as the education, prevention, and intervention strate-
3 gies available to women and girls to combat such vi-
4 olence.

5 “(3) To develop qualitative and quantitative re-
6 search to understand the impact of domestic violence
7 on the workplace, costs to employers, and the effec-
8 tiveness of workplace-based domestic violence pre-
9 vention programs.

10 “(4) To study the availability, accessibility, and
11 effectiveness of State and local legal remedies to vic-
12 tims of intimate partner violence within the context
13 of same sex intimate relationships.

14 “(5) To study violence against women in under-
15 served populations as a risk factor for diseases from
16 a multivariate perspective.

17 “(6) To examine the dynamics of emotional and
18 psychological abuse, its prevalence, its effects on
19 women, and the availability of education, prevention,
20 and intervention strategies to address this type of
21 abuse.

22 “(7) To study the effectiveness of State and
23 local legal remedies available to victims of sexual as-
24 sault and child sexual assault.

1 “(8) To study the use of nonjudicial alternative
2 dispute resolution (such as mediation, negotiation,
3 conciliation, and restorative justice models) in cases
4 where domestic violence is a factor, and to compare
5 nonjudicial alternative dispute resolution and tradi-
6 tional judicial methods based upon the following cri-
7 teria: the quality of representation of the victim, the
8 training and competency of mediators and other
9 facilitators, the satisfaction of the parties, the out-
10 come of the proceedings, and any other relevant fac-
11 tors that may be identified.

12 “(9) To examine effective models that address
13 domestic violence in child protective services and
14 child welfare agencies, with particular emphasis on
15 those models that document the scope of the prob-
16 lem, identify the risk of harm that perpetrators of
17 domestic violence pose to children and their parents,
18 and the best practices for addressing domestic vio-
19 lence in the child welfare and child protection con-
20 text.

21 “(10) The examination of the extent to which
22 child care and other supportive services are offered
23 to children who are the victims of domestic violence
24 or the dependents of such victims by shelters, includ-
25 ing surveying shelters to determine the numbers of

1 women and children served and the extent to which
2 shelter staff have training or contact with profes-
3 sionals in fields of child development, collecting in-
4 formation on shelters that provide on-site child care
5 or have collaborative relationships with nearby child
6 care providers, and examining relationships between
7 shelters and nearby schools attended by children
8 using shelter services.

9 “(11) Other such research as may be deter-
10 mined by the Task Force established under section
11 40902 in consultation with domestic violence and
12 sexual assault advocates, coalitions, national experts,
13 and researchers.

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated \$4,500,000 for each of
16 fiscal years 2000, 2001, and 2002 to carry out this sec-
17 tion.

18 **“SEC. 40905. SENTENCING STUDY.**

19 “The United States Sentencing Commission shall
20 study the following and issue a report to Congress:

21 “(1) The sentences given to persons incarcerated
22 ated in Federal and State prison for assault or
23 homicide in which the relationship of the inmate to
24 the victim was that of spouse, former spouse, or inti-
25 mate partner.

1 “(2) The role of the use of illicit drugs and al-
2 cohol in sentencing imposed for domestic violence of-
3 fenses involving assault or homicide.

4 “(3) The extent to which acts of domestic vio-
5 lence, including coercion, committed against a de-
6 fendant, may have played a role in the commission
7 of the assault or homicide offense.

8 “(4) The role of race, ethnicity, socioeconomic
9 status, gender, geographic location, age, language,
10 sexual orientation, disability, or any other relevant
11 factors that would enhance understanding of the
12 problem.

13 “(5) Recommendations that would provide for a
14 downward adjustment in applicable sentencing
15 guidelines’ determinations with respect to the of-
16 fenses described in this section.

17 **“SEC. 40906. RESEARCH ON PREGNANCY AND SEXUAL AS-**
18 **SAULT.**

19 “(a) PURPOSES.—The Secretary of Health and
20 Human Services, in conjunction with the Attorney Gen-
21 eral, shall award grants to nonprofit, nongovernmental en-
22 tities, including sexual assault organizations, research or-
23 ganizations, tribal organizations, and academic institu-
24 tions, to gather qualitative and quantitative data on the
25 experiences of women and girls, within State and tribal

1 health care, judicial, and social services systems, whose
2 pregnancy resulted from a rape or sexual assault.

3 “(b) USE OF FUNDS.—Research funded by a grant
4 under subsection (a) shall include the following issues:

5 “(1) The incidence and prevalence of pregnancy
6 resulting from rape or sexual assault, including the
7 ages of the victim and perpetrator and the relation-
8 ship of the perpetrator to the victim (such as blood
9 relation, acquaintance, intimate partner, spouse,
10 household member, etc.).

11 “(2) The degree to which State and tribal adop-
12 tion, child custody, visitation, child support, parental
13 termination, and child welfare criminal justice laws
14 and policies serve the needs of women and girls
15 whose pregnancy resulted from a rape or sexual as-
16 sault.

17 “(3) The impact of State and tribal social serv-
18 ices rules, policies, and procedures on women and
19 girls whose pregnancy resulted from a rape or sexual
20 assault and the children born as a result of such
21 rape or sexual assault. Such rules, policies, and pro-
22 cedures shall include paternity establishment, family
23 cap, medicaid, and other health benefits.

24 “(4) The availability of public or private legal,
25 medical, mental health, counseling, financial, and

1 other forms of assistance to women and girls whose
2 pregnancy resulted from a rape or sexual assault
3 and the children born as a result of such rape or
4 sexual assault, including the extent to which racial,
5 ethnic, language, geographic, alienage status, dis-
6 ability, sexual orientation, or socioeconomic barriers
7 exist in accessing assistance for such women and
8 girls.

9 “(5) Recommendations for improvements in
10 State and tribal health care, judicial, and social serv-
11 ices systems to address the needs of women and girls
12 whose pregnancy resulted from rape or sexual as-
13 sault and the children born as a result of such rape
14 or sexual assault.

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 \$500,000 for fiscal year 2000.

18 **“SEC. 40907. STATUS REPORT ON LAWS REGARDING RAPE**
19 **AND SEXUAL ASSAULT OFFENSES.**

20 “(a) STUDY.—The Attorney General, in consultation
21 with national, State, tribal, and local domestic violence
22 and sexual assault coalitions and programs, including na-
23 tionally and tribally recognized experts on sexual assault,
24 the judiciary, the legal profession, psychological associa-
25 tions, and sex offender treatment providers, shall conduct

1 a national study to examine the status, implementation,
2 and effectiveness of the laws with respect to rape and sex-
3 ual assault offenses in addressing such crimes and protect-
4 ing the victims of such crimes. The Attorney General may
5 use the Bureau of Justice Statistics, the National Insti-
6 tute of Justice, the Bureau of Indian Affairs, and the Of-
7 fice for Victims of Crime in carrying out the purposes of
8 this section.

9 “(b) REPORT.—Based on the study required under
10 subsection (a), the Attorney General shall prepare a report
11 analyzing the uniformity of Federal, State, and tribal rape
12 and sexual assault laws, including sex offenses committed
13 against children, and the comparative effectiveness of such
14 laws in prosecuting the crimes of rape and sexual assault.
15 The report shall address—

16 “(1) the definitions of rape and sexual assault,
17 and any exceptions, including marital rape excep-
18 tions and any downgrading provisions;

19 “(2) the element of consent and coercive con-
20 duct, including deceit;

21 “(3) the element of physical resistance and af-
22 firmative nonconsent as a precondition for convic-
23 tion;

24 “(4) the element of force, including penetration
25 as an aggravating factor and the use of coercion;

- 1 “(5) evidentiary matters, including—
- 2 “(A) inferences, including the timeliness of
- 3 the complaint under the Model Penal Code;
- 4 “(B) posttraumatic stress disorder (includ-
- 5 ing rape trauma syndrome) and the relevancy,
- 6 scope, and admissibility of such evidence;
- 7 “(C) rape shield laws, including in camera
- 8 evidentiary determinations;
- 9 “(D) prior bad acts;
- 10 “(E) corroboration requirements and cau-
- 11 tionary jury instructions; and
- 12 “(F) the use of victim polygraphs, voice
- 13 analysis, and other truth-assessment devices;
- 14 “(6) the existence of special rules for rape and
- 15 sexual assault offenses;
- 16 “(7) the use of experts;
- 17 “(8) sentencing, including—
- 18 “(A) plea bargains;
- 19 “(B) presentence reports;
- 20 “(C) recidivism and remorse;
- 21 “(D) adolescents;
- 22 “(E) psychological injuries;
- 23 “(F) gravity of crime and trauma to vic-
- 24 tims; and
- 25 “(G) race;

1 “(9) the personal or professional relationship
2 between the perpetrator and the victim; and

3 “(10) a law reform recommendation of the At-
4 torney General in consultation with national, State,
5 tribal, and local domestic violence and sexual assault
6 coalitions and programs, including nationally and
7 tribally recognized experts on sexual assault as de-
8 scribed in section 40907(a) to foster uniformity
9 among the Federal, State, and tribal jurisdictions to
10 more effectively address rape and sexual assault of-
11 fenses while safeguarding due process.

12 “(c) DEFINITION.—For purposes of this section, the
13 term ‘rape and sexual assault offenses’ includes carnal
14 knowledge of a child, abduction with intent to defile, inde-
15 cent liberties, bestiality, forcible sodomy, sexual penetra-
16 tion with an animate or inanimate object, forced sexual
17 intercourse (labia majora penetration or anus penetra-
18 tion), cunnilingus, fellatio, anallingus, anal intercourse,
19 sexual battery, aggravated sexual battery, and sexual
20 abuse, accomplished by use of force, threats, or intimidat-
21 tion.

22 “(d) FINDINGS.—The Attorney General shall ensure
23 that no later than 1 year after the date of enactment of
24 this subtitle, the study required under subsection (a) is

1 completed and a report describing the findings is submit-
2 ted to Congress.

3 “(e) AUTHORIZATION OF APPROPRIATION.—There is
4 authorized to be appropriated \$200,000 to carry out the
5 study required by this section.

6 **“SEC. 40908. RESEARCH CENTERS.**

7 “The Secretary of Health and Human Services and
8 the Attorney General shall establish 3 research centers to
9 support the development of research and training pro-
10 grams which focus on violence against women, to provide
11 mechanisms for collaboration between researchers and
12 practitioners, and to provide technical assistance for inte-
13 grating research into the provision of services. Each Cen-
14 ter shall be organized around a research area relevant to
15 violence against women, such as epidemiology, correlates,
16 causes, and risk factors, and prevention and intervention
17 evaluation strategies. At least one of the centers shall be
18 established at an entity other than an academic institu-
19 tion. There are authorized to be appropriated \$3,000,000
20 for each of the fiscal years 2000 through 2002 to carry
21 out this section.”.

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