

105TH CONGRESS
2D SESSION

H. R. 3514

To prevent violence against women, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1998

Mr. CONYERS (for himself, Mr. SCHUMER, Mrs. MORELLA, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BLAGOJEVICH, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of California, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. CLEMENT, Mr. COYNE, Mr. CRAMER, Mr. CUMMINGS, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DOOLEY of California, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAZIO of California, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GUTIERREZ, Ms. HARMAN, Mr. HILLIARD, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. KENNELLY of Connecticut, Ms. KILPATRICK, Mr. KLECZKA, Mr. LAMPSON, Mr. LANTOS, Mr. LEACH, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. McDERMOTT, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MANTON, Mr. MARKEY, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. SANCHEZ, Mr. SANDERS, Mr. SAWYER, Mr. SCOTT, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mr. TORRES, Mr. UNDERWOOD, Mr. VENTO, Ms. WATERS, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY) 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, National Security, and Government Reform and Oversight, 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 1998”.

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. 191–1. Reauthorization of court-appointed special advocate program.
- Sec. 191–2. Reauthorization of child abuse training programs for judicial personnel and practitioners.
- Sec. 191–3. Reauthorization of grants for televised testimony.
- Sec. 191–4. 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 Among Youth in Schools

- Sec. 221. Grants for violence against women prevention among youth.

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. Technical amendment to Public Law 103–322.

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

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

Subtitle C—Prevention of Custodial Sexual Assault by Correctional Staff

- Sec. 331. Short title.
- Sec. 332. Findings.
- Sec. 333. Establishment of prevention program.
- Sec. 334. Prohibited sexual conduct by correctional staff.
- Sec. 335. National sexual contact hotline for prisoners.
- Sec. 336. Definitions.

Subtitle D—Hate Crimes Prevention

- Sec. 341. Short title.
- Sec. 342. Findings.
- Sec. 343. Definition of hate crime.
- Sec. 344. Prohibition of certain acts of violence.
- Sec. 345. Duties of Federal Sentencing Commission.
- Sec. 346. Grant program.
- Sec. 347. Authorization for additional personnel to assist State and local law enforcement.
- Sec. 348. Severability.

TITLE IV—DOMESTIC VIOLENCE PREVENTION

Subtitle A—Domestic Violence Victims' Housing

- Sec. 401. Short title.
- Sec. 402. Authorization of appropriations.
- Sec. 403. Use of amounts for housing assistance for victims of domestic violence.
- Sec. 404. Definitions relating to domestic violence.
- Sec. 405. Other 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.
 Sec. 454. Application.
 Sec. 455. Funding.
 Sec. 456. Provision of technical assistance and training.
 Sec. 457. Evaluation of access to safety and advocacy grants.
 Sec. 458. Definitions.

Subtitle G—Federal Witness Protection for Victims of Domestic Violence

- Sec. 461. Witness protection.

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 and Health Care for Abused Dependents of Members of the Armed Forces

- Sec. 511. Transitional compensation.
 Sec. 512. Health benefits.

TITLE VI—PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDERSERVED COMMUNITIES

Subtitle A—Older Women’s Protection From Violence

- Sec. 601. Short title; table of contents.
 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. 604–1. Definitions.

- Sec. 604–2. Domestic violence services for older individuals.
- Sec. 604–3. Demonstration grants for community initiatives.

CHAPTER 3—OLDER AMERICANS ACT OF 1965

- Sec. 605–1. Definitions.
- Sec. 605–2. Research about the sexual assault of women who are older individuals.
- Sec. 605–3. State long-term care ombudsman program.
- Sec. 605–4. Training for health professionals on screening for elder abuse, neglect, and exploitation.
- Sec. 605–5. Domestic violence shelters and programs for older individuals.
- Sec. 605–6. Authorization of appropriations.
- Sec. 605–7. Community initiatives and outreach.

CHAPTER 4—PUBLIC HEALTH SERVICE ACT

- Sec. 606–1. Short title.
- Sec. 606–2. Establishment, for certain health professions programs, of provisions regarding identification and referral for elder abuse and neglect.

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

- Sec. 611. Short title.
- Sec. 612. Findings.
- Sec. 613. Omnibus Crime Control and Safe Streets Act of 1968.
- Sec. 614. Public Health and Human Services Act.
- Sec. 615. Family Violence Prevention and Services Act.
- Sec. 616. Violence Against Women Act.
- Sec. 617. Training programs for social service and health providers.
- Sec. 618. Training for health professionals on screening for abuse of women with disabilities.
- Sec. 619. Research about sexual abuse and violence against women with disabilities.
- Sec. 619–1. Grants for technical assistance.

Subtitle C—Battered Immigrant Women

- Sec. 621. Short title.
- Sec. 622. Findings and purposes.
- Sec. 623. Cancellation of removal and adjustment of status for certain non-permanent residents.
- Sec. 624. General classes of aliens ineligible to receive visas and excluded from admission.
- Sec. 625. Procedure for granting immigrant status.
- Sec. 626. General classes of deportable aliens.
- Sec. 627. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
- Sec. 628. Removal proceedings.
- Sec. 629. Married persons and employees of certain nonprofit organizations.
- Sec. 630. Work authorization.
- Sec. 631. Records maintained on individuals.
- Sec. 632. Welfare and public benefits for aliens.
- Sec. 633. Legal services corporation.
- Sec. 634. Violence against women.

- Sec. 635. Powers of immigration officers and employees.
 Sec. 636. Effective date.

Subtitle D—Conforming Amendments to the Violence Against Women Act

- Sec. 641. Law enforcement and prosecution grants.
 Sec. 642. 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. Discrimination.
 Sec. 724. Enforcement.
 Sec. 725. Attorney's fees.
 Sec. 726. Defenses.

Subtitle C—Workplace Violence Against Women Prevention Tax Credit

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

Subtitle D—Battered Women's Employment Protection

- Sec. 741. Short title and reference.
 Sec. 742. Purposes.
 Sec. 743. Unemployment compensation.
 Sec. 744. Entitlement to leave for domestic violence.
 Sec. 745. Entitlement to leave for Federal employees for domestic violence.
 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—EDUCATIONAL INSTITUTIONS AND VIOLENCE
 AGAINST WOMEN

Subtitle A—Grants To Reduce Violent Crimes Against Women on Campus

- Sec. 801. Grants to combat violent crimes against women on campuses.
 Sec. 802. National baseline study on university campus procedures in case of a report of sexual assault.

Subtitle B—Student Safety

- Sec. 811. Short title; references.
 Sec. 812. Disclosure of crimes reported and crime log.
 Sec. 813. Exemption of allegations of criminal activity from education records definition.
 Sec. 814. Program participation agreement enforcement.
 Sec. 815. Report on model programs.

Subtitle C—Violence Against Women Training for Health Professions

- Sec. 821. Short title.
 Sec. 822. Establishment, for certain health professions programs, of provisions regarding domestic violence and sexual assault.

Subtitle D—Campus Hate Crimes Right To Know

- Sec. 831. Disclosure.

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

- Sec. 901. 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 cohabitating with or has cohabitated with
 9 the victim, by a person who is or has been in a con-
 10 tinuing social relationship of a romantic or intimate
 11 nature with the victim, by a person similarly situ-
 12 ated to a spouse of the victim under the domestic or
 13 family violence laws of the jurisdiction, or by any

1 other person against a victim who is protected from
2 that person's acts under the domestic or family vio-
3 lence laws of the jurisdiction.

4 (2) SEXUAL ASSAULT.—The term “sexual as-
5 sault” means any conduct proscribed by chapter
6 109A of title 18, United States Code, whether or not
7 the conduct occurs in the special maritime and terri-
8 torial jurisdiction of the United States or in a Fed-
9 eral prison and includes both assaults committed by
10 offenders who are strangers to the victim and as-
11 saults committed by offenders who are known to the
12 victim or related by blood or marriage to the victim.

13 (3) STALKING.—The term “stalking” means
14 engaging in a course of conduct directed at a spe-
15 cific person that would cause a reasonable person to
16 fear death or bodily injury to himself or herself or
17 a member of his or her immediate family, when the
18 person engaging in such conduct has knowledge or
19 should have knowledge that the specific person will
20 be placed in reasonable fear of death or bodily injury
21 to himself or herself or a member of his or her im-
22 mediate family and when the conduct induces fear in
23 the specific person of bodily injury to himself or her-
24 self or a member of his or her immediate family.

1 **TITLE I—CONTINUING THE COM-**
2 **MITMENT OF THE VIOLENCE**
3 **AGAINST WOMEN ACT**

4 **Subtitle A—Law Enforcement and**
5 **Prosecution Grants To Combat**
6 **Violence Against Women**

7 **SEC. 101. REAUTHORIZATION.**

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

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

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

15 (3) by inserting after subparagraph (F) the fol-
16 lowing:

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

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

19 “(I) \$185,000,000 for fiscal year 2003.”.

20 **SEC. 102. TECHNICAL AMENDMENTS.**

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

24 “(3) up to 20 percent to be allocated to law en-
25 forcement, up to 20 percent to prosecution grants,

1 at least 35 percent to victims' services, and at least
2 10 percent to State court systems; and”.

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

7 “(3) REALLOTMENT OF FUNDS.—

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

17 “(B) For the first 2 fiscal years following
18 the effective date of this Act, the Attorney Gen-
19 eral may waive the qualification requirements of
20 section 2002(c), at the request of the State and
21 with the support of law enforcement, prosecu-
22 tion, and victims services grantees currently
23 funded under this section, if the reallocation of
24 funds among law enforcement, prosecution, vic-
25 tims' services and State court systems man-

1 dated by this Act adversely impacts victims of
2 sexual assault, domestic violence, and stalking,
3 due to the reduction of funds to programs and
4 services funded under this section in the prior
5 fiscal year.”.

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

9 (1) by striking “and” at the end of paragraph
10 (6); and

11 (2) by redesignating paragraph (7) as para-
12 graph (8) and by inserting after paragraph (6) the
13 following new paragraph:

14 “(7) developing, enlarging, or strengthening
15 State court programs, including training for State,
16 local, and tribal judges and court personnel, address-
17 ing violent crimes against women, including sexual
18 assault, domestic violence, and stalking; and”.

19 (d) Section 2002 of Omnibus Crime Control and Safe
20 Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended—

21 (1) by inserting after subsection (d) the follow-
22 ing new subsection:

23 “(e) MONITORING AND COMPLIANCE.—The Attorney
24 General shall deny applications—

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

3 “(2) for failure to provide documentation, in-
4 cluding memoranda of understanding, contract, or
5 other document of any collaborative efforts with
6 other agencies or organizations.”; and

7 (2) by redesignating subsections (e), (f), (g),
8 and (h) as subsections (f), (g), (h), and (i), respec-
9 tively.

10 (e) Section 2003(8) of Omnibus Crime Control and
11 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(8)) is
12 amended by striking “assisting domestic violence or sexual
13 assault victims through the legal process” and inserting
14 “providing advocacy and assistance for victims seeking
15 legal, social, and health care services”, and inserting be-
16 fore the period the following: “, except that such term
17 shall not include programs or activities that are targeted
18 primarily for offenders”.

19 **SEC. 103. STATE COALITION GRANTS.**

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

23 “(c)(1) PURPOSE.—The Attorney General shall make
24 grants to each of the State domestic violence and sexual
25 assault coalitions in the State for the purposes of coordi-

1 nating State victim services activities, and collaborating
2 and coordinating with Federal, State, and local entities
3 engaged in violence against women activities. In no case
4 will such awards preclude the State domestic violence and
5 sexual assault coalitions from receiving grants under Part
6 T of this Act to fulfill the purposes described in section
7 2001.

8 “(2) GRANTS TO STATE COALITIONS.—The Attorney
9 General shall make grants to each of the State domestic
10 violence coalitions, as determined by the Secretary of the
11 Department of Health and Human Services through the
12 Family Violence Prevention Services Act (42 U.S.C.
13 10410 et seq.), and the State sexual assault coalition as
14 determined by the Secretary of Health and Human Serv-
15 ices under the Public Health Service Act. In States in
16 which there exists a combined domestic violence and sex-
17 ual assault coalition, each component shall be eligible for
18 the awards for sexual assault and domestic violence activi-
19 ties, respectively.

20 “(3) ALLOTMENT.—The Attorney General shall make
21 grants under paragraph (2) to each State domestic vio-
22 lence and sexual assault coalition equal to 5 percent of
23 the amount appropriated for such fiscal year in section
24 1001(a)(18). The domestic violence and sexual assault co-
25 alition in each State, the District of Columbia, the Com-

1 monwealth of Puerto Rico, and the combined United
 2 States Territories shall receive an amount equal to $\frac{1}{53}$
 3 of the amount appropriated under this section for each
 4 fiscal year. For purposes of this section, the term ‘com-
 5 bined United States Territories’ means Guam, American
 6 Samoa, the United States Virgin Islands, the Northern
 7 Mariana Islands, and the Trust Territory of the Pacific
 8 Islands and said combined United States Territories shall
 9 not receive less than 1.5 percent of the funds appropriated
 10 for each fiscal year.”.

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 sec-
 19 tion—

20 “(A) \$1,600,000 for fiscal year 1999;

21 “(B) \$1,800,000 for fiscal year 2000;

22 “(C) \$2,000,000 for fiscal year 2001;

23 “(D) \$2,000,000 for fiscal year 2002; and

24 “(E) \$2,000,000 for fiscal year 2003.”.

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 modified herein) as subsection (g)
5 and by inserting after subsection (e) the following new
6 subsection:

7 “(f) Within 90 days after the date of the enactment
8 of this subtitle, all entities receiving funds pursuant to ac-
9 tivities under 42 U.S.C. 10416(a) shall prepare and sub-
10 mit a report to the Secretary that evaluates the effective-
11 ness of the use of amounts received under such grants by
12 such grantee and containing such other information as the
13 Secretary may prescribe. The Secretary shall publish any
14 such reports and provide at least 90 days for notice and
15 opportunity for public comment prior to awarding or re-
16 newing any such grants.

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

19 **SEC. 121. SHORT TITLE.**

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

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

24 Section 310(a) of the Family Violence Prevention and
25 Services Act (42 U.S.C. 10409(a)) is amended to read as
26 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 1999;

4 “(2) \$160,000,000 for fiscal year 2000;

5 “(3) \$200,000,000 for fiscal year 2001;

6 “(4) \$260,000,000 for fiscal year 2002; and

7 “(5) \$260,000,000 for fiscal year 2003.”.

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 10402(a) of this title” the following:
13 “\$500,000, with the remaining funds to be allotted
14 to each State in”;

15 (2) by striking paragraph (1) and redesignating
16 paragraph (2) as paragraph (1);

17 (3) by striking all after paragraph (2).

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

20 (1) by inserting after “to such State in grants
21 under section 10402(a)” the following: “or Indian
22 tribe or tribal organization under section 10402(b)”;

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

1 (3) by inserting after “such amount to States”
2 the following: “or Indian tribes or tribal organiza-
3 tions”;

4 (4) by inserting after “which meet such require-
5 ments” the following: “proportionate to the original
6 allocation made under section 10402(a) or (b), re-
7 spectively”; and

8 (5) by redesignating paragraph (2) as para-
9 graph (3) and adding a new paragraph (2) after
10 paragraph (1) to read as follows:

11 “(2) If, at the end of the sixth month of any
12 fiscal year for which sums are appropriated under
13 section 10409 of this title, the amount allotted to an
14 entity has not been made available to such entity in
15 grants under sections 10407 and 10410 of this title
16 because of the failure of such entity to meet the re-
17 quirements for a grant or because the limitation on
18 expenditure has been reached, then the Secretary
19 shall reallocate such amount to States and Indian tribes
20 and tribal organizations that meet such require-
21 ments proportionate to the original allocation under
22 section 10402(a) or (b), respectively.”

23 (c) Section 308(a)(2) of the Family Violence Preven-
24 tion and Services Act (42 U.S.C. 10407(a)(2)) is amended
25 by adding “on providing training and technical assistance”

1 after “focusing”, and by adding at the end the following:
2 “The Secretary may award grants to nonprofit, non-
3 governmental organizations for technical assistance and
4 training initiatives on the subjects identified in subsection
5 (c), provided such initiatives do not duplicate the work of
6 the entities funded under subsection (c) and provided that
7 total amounts awarded for such initiatives do not exceed
8 \$500,000.”

9 (d) Section 308(c) of the Family Violence Prevention
10 and Services Act (42 U.S.C. 10407(c)) is amended by add-
11 ing “on emerging issues in domestic violence service, pre-
12 vention, or law and” after “service providers, and”, delet-
13 ing “domestic violence service, prevention, or law” after
14 “following areas”, and by adding new paragraphs (8), (9),
15 and (10) as follows:

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

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

22 “(10) Responding to emerging issues in the
23 field of domestic violence that the Secretary may
24 identify in consultation with advocates representing
25 local programs providing shelter or related assist-

1 ance, State domestic violence coalitions, and national
2 domestic violence organizations.”

3 (e) Section 308(e) of the Family Violence Prevention
4 and Services Act (42 U.S.C. 10407(e)) is amended by add-
5 ing a new paragraph after new paragraph (10) as follows:
6 “Nothing in this section shall prohibit the Secretary from
7 making multiple grants to any nonprofit, nongovernmental
8 entity to fulfill the purposes of this section.”

9 (f) Section 310(e) of the Family Violence Prevention
10 and Services Act (42 U.S.C. 10409(e)) is amended by add-
11 ing after “for each fiscal year,” and before “5 percent
12 shall” the following: “the lesser of \$7,500,000 or”.

13 (g) Section 310(d) of the Family Violence Prevention
14 and Services Act (42 U.S.C. 10409(d)) is amended by
15 striking “not less than” and inserting “the lesser of
16 \$22,000,000 or” and by adding at the end the following:
17 “At such time as the appropriation under this subsection
18 exceeds \$11,000,000, the Secretary shall designate that
19 of the amounts appropriated under this subsection up to
20 20 percent of such funds shall be made available in the
21 amounts necessary to State domestic violence coalitions
22 for the specific purpose of providing technical assistance,
23 training and direct assistance in the following areas or
24 other priorities that may be determined by the Secretary

1 in consultation with State domestic violence coalitions and
2 programs that provide shelter or related assistance.

3 (1) MODEL LEADERSHIP GRANTS FOR DOMES-
4 TIC VIOLENCE INTERVENTION IN UNDERSERVED
5 COMMUNITIES.—The Secretary shall award grants of
6 up to 3 years to not more than 10 State domestic
7 violence coalitions and not more than 10 local do-
8 mestic violence programs providing shelter or related
9 assistance to develop model strategies to address do-
10 mestic violence in underserved populations as de-
11 fined in 42 U.S.C. 3796gg-2(7). Such grants shall
12 be made to assess the needs of underserved popu-
13 lations in the State; build collaborative relationships
14 with community-based organizations serving under-
15 served populations; and develop and implement
16 model community intervention strategies to decrease
17 the incidence of domestic violence in underserved
18 populations.

19 (A) ELIGIBILITY.—To be eligible for a 1-
20 year model leadership grant under this para-
21 graph, an applicant shall demonstrate—

22 (i) a plan for assessing the needs of
23 underserved populations and identifying a
24 specific population for development of an

1 intervention strategy in year 1 of the
2 grant; and

3 (ii) inclusion of representatives from
4 community-based organizations in under-
5 served communities in planning, designing,
6 and disseminating the needs assessment
7 instruments.

8 (B) ELIGIBILITY FOR CONTINUED FUND-
9 ING.—To be eligible for continued funding of
10 up to 2 additional years, an applicant shall pro-
11 vide—

12 (i) a plan for implementing the model
13 strategies which includes collaborative
14 partnerships with community-based organi-
15 zations within the underserved populations
16 identified; and

17 (ii) a plan for disseminating the model
18 strategy throughout the State or to other
19 States during year 3 of the grant.

20 (C) PRIORITY FOR COLLABORATIVE FUND-
21 ING.—In awarding grants under this section,
22 the Secretary shall give preference to State do-
23 mestic violence coalitions and local domestic vio-
24 lence shelters and programs that submit appli-
25 cations in collaboration with community-based

1 organizations serving underserved populations.
2 A grant may not be made under this subsection
3 in an amount less than \$100,000 for each fiscal
4 year.

5 (2) DIRECT EMERGENCY ASSISTANCE TO VIC-
6 TIMS OF DOMESTIC VIOLENCE.—The Secretary shall
7 award grants to each State domestic violence coal-
8 tion for the purpose of administering an emergency
9 assistance fund for victims of domestic violence.
10 Funds received under this paragraph may be used
11 only to provide emergency assistance directly to vic-
12 tims of domestic violence who are in the process of
13 fleeing an abusive situation. Emergency assistance
14 shall include transportation, housing, and other ex-
15 penses associated with relocation. Funds shall be re-
16 quested by domestic violence shelters and programs
17 on behalf of victims.

18 (A) APPLICATION.—Prior to receipt of
19 emergency assistance funds under this section,
20 the State domestic violence coalition shall pro-
21 vide to the Secretary—

22 (i) a detailed description of the proc-
23 ess for receiving and reviewing applications
24 for emergency assistance;

1 (ii) a detailed description of the proc-
2 ess for notifying domestic violence shelters
3 and programs about the availability of
4 emergency assistance funds;

5 (iii) an application form that includes
6 the type of assistance requested, a state-
7 ment of need for the funds, a statement
8 about the impact of the funds on the vic-
9 tim's ability to escape domestic violence,
10 and other such information that would be
11 helpful in disbursing emergency assistance
12 funds;

13 (iv) the process used to make pay-
14 ments to recipients; and

15 (v) a statement of procedures used to
16 protect the confidentiality of recipients.

17 (B) REPORTING.—The State domestic vio-
18 lence coalition shall file an annual report to the
19 Secretary describing the distribution of funds to
20 victims of domestic violence by type and
21 amount of assistance provided. For reasons of
22 safety and confidentiality, such report shall not
23 contain individually identifying information.

24 (3) TECHNICAL ASSISTANCE AND TRAINING
25 FOR STATE AND LOCAL DOMESTIC VIOLENCE PRO-

1 GRAMS.—The Secretary shall award grants to a
2 State domestic violence coalition or coalitions for the
3 purpose of providing training and technical assist-
4 ance for State domestic violence coalitions and other
5 nonprofit, nongovernmental State and local domestic
6 violence programs. Funds received under this section
7 shall be used to conduct regional training and tech-
8 nical assistance initiatives to be developed and im-
9 plemented by a nonprofit, nongovernmental State
10 domestic violence coalition or coalitions within each
11 of the regions administered by the Department of
12 Health and Human Services. Funds shall be used to
13 prioritize, plan, and implement solutions to regional
14 problems experienced by domestic violence coalitions
15 and programs providing shelter or related assistance
16 within the region.

17 (A) ELIGIBILITY.—To be eligible for fund-
18 ing the grantee shall have the support of the
19 majority of State domestic violence coalitions
20 within the region and shall have its principal
21 place of operation within the region. Nothing in
22 this section shall prohibit domestic violence pro-
23 grams within Indian tribes from receiving tech-
24 nical assistance and training under this grant
25 program. Grantees shall be encouraged to work

1 in collaboration with domestic violence advo-
2 cates and organizations outside of the region
3 and with the national resource center and spe-
4 cial issue resource centers established in this
5 Act to provide expertise in delivering training
6 and technical assistance within the region.

7 (B) REPORTING.—The grantee State do-
8 mestic violence coalition or coalitions shall file
9 an annual report to the Secretary describing
10 the recipients and the type of technical assist-
11 ance and training received.

12 (h) Section 308(e) of the Family Violence Prevention
13 and Services Act (42 U.S.C. 10407(e)) is amended by add-
14 ing at the end the following: “Within 90 days after the
15 date of the enactment of this subtitle, all entities receiving
16 funds pursuant to activities under 42 U.S.C. 10407(a)
17 shall prepare and submit a report to the Secretary that
18 evaluates the effectiveness of the use of amounts received
19 under such grants by such grantee and containing such
20 other information as the Secretary may prescribe. The
21 Secretary shall publish any such reports and provide at
22 least 90 days for notice and opportunity for public com-
23 ment prior to awarding or renewing any such grants.”.

1 (i) Section 307(a) of the Family Violence Prevention
2 and Services Act (42 U.S.C. 10402(a)) is amended by
3 adding at the end the following:

4 “(3) The Secretary shall deny any application that
5 fails to provide documentation, including memoranda of
6 understanding, of the specific involvement of the State do-
7 mestic violence coalition and other knowledgeable individ-
8 uals and interested organizations, in the development of
9 the State’s application.”.

10 **Subtitle D—Community Initiatives**

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

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

15 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this sec-
17 tion—

18 “(1) \$8,000,000 for fiscal year 1999;

19 “(2) \$9,000,000 for fiscal year 2000;

20 “(3) \$10,000,000 for fiscal year 2001;

21 “(4) \$11,000,000 for fiscal year 2002; and

22 “(5) \$12,000,000 for fiscal year 2003.”.

23 (b) Section 318(I) of the Family Violence Prevention
24 and Services Act (42 U.S.C. 10418(I)) is amended—

1 (1) by inserting “(1)” after “REGULA-
2 TIONS.—”;

3 (2) by striking the period at the end of sub-
4 section (i)(1) (as so redesignated) and inserting
5 “; and”; and

6 (3) by inserting after subsection (i)(1) (as so
7 redesignated) the following:

8 “(2) The Secretary shall annually compile and
9 broadly disseminate (including through electronic
10 publication) information about the use of funds and
11 about the projects funded under this subtitle, includ-
12 ing any evaluations of the projects and information
13 to enable replication and adoption of the strategies
14 identified in the projects. Such dissemination shall
15 target other community-based programs, including
16 domestic violence and sexual assault programs.”

17 **Subtitle E—Education and Train-**
18 **ing for Judges and Court Per-**
19 **sonnel**

20 **SEC. 141. REAUTHORIZATION.**

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

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

1 (A) by striking “and” at the end of paragraph
2 (18);

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

5 (C) by inserting after paragraph (19) the fol-
6 lowing:

7 “(20) the issues raised by domestic violence in
8 determining custody and visitation, including how to
9 protect the safety of the child and of a parent who
10 is not a predominant aggressor of domestic violence,
11 the legitimate reasons parents may report domestic
12 violence, the ways domestic violence may relate to an
13 abuser’s desire to seek custody, and evaluating ex-
14 pert testimony in custody and visitation determina-
15 tions involving domestic violence;

16 “(21) the issues raised by child sexual assault
17 in determining custody and visitation, including how
18 to protect the safety of the child, the legitimate rea-
19 sons parents may report child sexual assault, and
20 evaluating expert testimony in custody and visitation
21 determinations involving child sexual assault, includ-
22 ing the current scientifically-accepted and empiri-
23 cally valid research on child sexual assault; and

1 “(22) the extent to which addressing domestic
2 violence and victim safety contributes to the efficient
3 administration of justice.”.

4 (2) Section 40414(a) of the Equal Justice for Women
5 in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amend-
6 ed by inserting “and \$1,500,000 for each of the fiscal
7 years 1999 through 2003” after “1996”.

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

13 “(d) MODEL PROGRAMS.—The Federal Judicial Cen-
14 ter, in carrying out section 620(b)(3) of title 28, United
15 States Code, shall include in the educational programs it
16 prepares, including the training programs for newly ap-
17 pointed judges, information on the aspects of the topics
18 listed in section 40412 (42 U.S.C. 13992) that pertain
19 to issues within the jurisdiction of the Federal courts, and
20 shall prepare materials necessary to implement this sub-
21 section.”.

22 (2) Section 40422(2) of the Equal Justice for Women
23 in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amend-
24 ed by inserting “and \$500,000 for each of the fiscal years
25 1999 through 2003” after “1996”.

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

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

10 (2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS.—Section
11 40411 of the Equal Justice for Women in the Courts Act (42 U.S.C. 13991) is amended by adding
12 at the end the following: “Nothing shall preclude the attendance of tribal judges and court personnel at
13 programs funded under this section for use by States in training judges and court personnel on the
14 laws of the States.”

17 (3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS.—Section 40414 of the Equal
18 Justice for Women in the Courts Act (42 U.S.C. 13994) is amended by adding at the end the following:
19 ing:

20 “(c) The State Justice Institute may use up to 5 per cent of the funds appropriated under this section for annu-

1 ally compiling and broadly disseminating (including
2 through electronic publication) information about the use
3 of funds and about the projects funded under this section,
4 including any evaluations of the projects and information
5 to enable the replication and adoption of the projects.”

6 **Subtitle F—Grants To Encourage**
7 **Arrest Policies**

8 **SEC. 151. DEFINITIONS.**

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

12 “(1) the term ‘domestic violence’ includes acts
13 or threats of violence, not including acts of self-de-
14 fense, committed by a current or former spouse of
15 the victim, by a person with whom the victim shares
16 a child in common, by a person who is cohabitating
17 with or has cohabitated with the victim, by a person
18 who is or has been in a continuing social relationship
19 of a romantic or intimate nature with the victim, by
20 a person similarly situated to a spouse of the victim
21 under the domestic or family violence laws of the ju-
22 risdiction, or by any other person against a victim
23 who is protected from that person’s acts under the
24 domestic or family violence laws of the jurisdiction.”.

1 **SEC. 152. REAUTHORIZATION.**

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

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

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

9 (3) by inserting after subparagraph (C) the fol-
10 lowing:

11 “(D) \$63,000,000 for fiscal year 1999;

12 “(E) \$67,000,000 for fiscal year 2000;

13 “(F) \$70,000,000 for fiscal year 2001;

14 “(G) \$70,000,000 for fiscal year 2002; and

15 “(H) \$70,000,000 for fiscal year 2003.”.

16 **SEC. 153. TECHNICAL AMENDMENT.**

17 Section 2101 of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3796hh) is amended by
19 adding the following:

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

1 **Subtitle G—Rural Domestic Vio-**
2 **lence and Child Abuse Enforce-**
3 **ment**

4 **SEC. 161. REAUTHORIZATION.**

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

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

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

11 (3) by inserting after subparagraph (C) the fol-
12 lowing:

13 “(D) \$35,000,000 for each of the fiscal
14 years 1999, 2000, 2001, 2002, and 2003.”.

15 **SEC. 162. TECHNICAL AMENDMENTS.**

16 Section 40295(c) of the Safe Homes for Women Act
17 of 1994 (12 U.S.C. 13971(c)) is amended by adding the
18 following:

19 “(3) DISBURSEMENT.—At least 5 percent of
20 the funds appropriated under this subtitle shall be
21 used for grants to Indian tribal governments.”.

1 **Subtitle H—National Stalker and**
2 **Domestic Violence Reduction**

3 **SEC. 171. TECHNICAL AMENDMENTS.**

4 Section 40602(a) of the Safe Homes for Women Act
5 of 1994 (42 U.S.C. 14031(a)) is amended by inserting
6 “and implement” after “improve”.

7 **SEC. 172. REAUTHORIZATION.**

8 Section 40603 of the Safe Homes for Women Act of
9 1994 (42 U.S.C. 14032) is amended—

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

11 (2);

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

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

16 “(4) \$3,000,000 for each of the fiscal years
17 1999, 2000, 2001, 2002, and 2003.”

18 **Subtitle I—Federal Victims’**
19 **Counselors**

20 **SEC. 181. REAUTHORIZATION.**

21 Section 40114 of the Safe Streets for Women Act of
22 1994 is amended to read as follows: “There are authorized
23 to be appropriated for the United States Attorneys for the
24 purpose of appointing Victim/Witness Counselors for the
25 prosecution of domestic violence and sexual assault crimes

1 where applicable (such as the District of Columbia)
2 \$1,000,000 for each of the fiscal years 1999, 2000, 2001,
3 2002, and 2003.”

4 **Subtitle J—Education and Preven-**
5 **tion Grants To Reduce Sexual**
6 **Abuse of Runaway, Homeless,**
7 **and Street Youth**

8 **SEC. 191. REAUTHORIZATION.**

9 Section 316(c) of part A of the Runaway and Home-
10 less Youth Act (42 U.S.C. 5712d(c)) is amended—

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

12 (2);

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

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

17 “(4) \$22,000,000 for each of the fiscal years
18 1999, 2000, 2001, 2002, and 2003.”

19 **SEC. 192. DISSEMINATION OF INFORMATION.**

20 Section 316 of part A of the Runaway and Homeless
21 Youth Act (42 U.S.C. 5712d) is amended by redesignating
22 subsection (d) as subsection (e) and by inserting the fol-
23 lowing new subsection:

24 “(d) The Secretary shall annually compile and broad-
25 ly disseminate (including through electronic publication)

1 information about the use of funds and about the projects
2 funded under this subtitle, including any evaluations of
3 the projects and information to enable replication and
4 adoption of the strategies identified in the projects. Such
5 dissemination shall target community-based programs, in-
6 cluding domestic violence and sexual assault programs.”

7 **Subtitle K—Victims of Child Abuse**
8 **Programs**

9 **SEC. 191-1. REAUTHORIZATION OF COURT-APPOINTED SPE-**
10 **CIAL ADVOCATE PROGRAM.**

11 Section 218(a) of the Victims of Child Abuse Act of
12 1990 (42 U.S.C. 13014(a)) is amended—

13 (1) by striking “and” at the end of paragraph
14 (4);

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

17 (3) by inserting after paragraph (5) the follow-
18 ing:

19 “(6) \$12,000,000 for each of the fiscal years
20 2001, 2002, and 2003.”

21 **SEC. 191-2. REAUTHORIZATION OF CHILD ABUSE TRAINING**
22 **PROGRAMS FOR JUDICIAL PERSONNEL AND**
23 **PRACTITIONERS.**

24 Section 224(a) of the Victims of Child Abuse Act of
25 1990 (42 U.S.C. 13024(a)) is amended—

1 (1) by striking “and” at the end of paragraph
2 (4);

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

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

7 “(6) \$2,300,000 for each of the fiscal years
8 2001, 2002, and 2003.”

9 **SEC. 191-3. REAUTHORIZATION OF GRANTS FOR TELE-**
10 **vised TESTIMONY.**

11 Section 1001(a)(7) of title I of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (42 U.S.C.
13 3793(a)(7)) is amended—

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

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

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

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

22 **SEC. 191-4. DISSEMINATION OF INFORMATION.**

23 Section 40156 of the Violence Against Women Act
24 of 1994 is amended by redesignating subsection (d) as
25 subsection (e) and by adding the following new subsection:

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

10 **TITLE II—LIMITING THE EF-**
11 **FECTS OF VIOLENCE ON**
12 **CHILDREN**

13 **SEC. 201. FINDINGS.**

14 Congress finds as follows:

15 (1) Witnessing domestic violence has a dev-
16 astating impact on children, placing them at high
17 risk for anxiety, depression, and, potentially, suicide.

18 These children may exhibit more aggressive, anti-
19 social, fearful, and inhibited behaviors.

20 (2) Children exposed to domestic violence often
21 have problems in school.

22 (3) Domestic violence is strongly correlated
23 with child abuse. Studies have found that between
24 50 and 70 percent of men who abuse their female
25 partners also abuse their children.

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

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

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

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

19 (8) Children are also at increased risk of harm
20 during separation. In 1 study, 34 percent of women
21 in shelters and callers to hotlines reported threats of
22 kidnapping, 11 percent reported that the batterer
23 had kidnapped the child for some period, and 21
24 percent reported that threats of kidnapping forced
25 the victim to return to the batterer.

1 (9) According to a 1996 report by the American
2 Psychological Association (APA), which Congress
3 views as authoritative on matters of domestic vio-
4 lence and child custody and visitation determina-
5 tions, custody and visitation disputes are more fre-
6 quent when there is a history of domestic violence.
7 Further, fathers who batter mothers are twice as
8 likely to seek sole custody of their children and they
9 may misuse the legal system as a forum for continu-
10 ing abuse through harassing and retaliatory legal ac-
11 tions.

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

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

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

23 (13) Although courts should diligently protect
24 the interests of both parents in frequent and con-
25 tinuing contact with their children, in the case where

1 1 parent has committed domestic violence against
2 the other parent, protection of the other parent and
3 the children is a vital consideration that should take
4 precedence.

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

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

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

19 (17) According to the APA, there is no reliable
20 empirical data to support the so-called phenomenon
21 of “parental alienation syndrome,” although courts
22 and custody evaluators frequently use such terms to
23 discount children’s reasonable fear and anger toward
24 a violent parent. This “syndrome” and similar ones
25 are used almost exclusively against women.

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

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

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

16 **Subtitle A—Safe Havens for**
17 **Children**

18 **SEC. 211. PURPOSES.**

19 The purposes of section 212 are—

20 (1) to provide secure locations for visitation and
21 visitation exchange;

22 (2) to protect children from the trauma of wit-
23 nessing domestic violence, or experiencing abduction,
24 injury, or death during parent and child visitation or
25 visitation exchanges;

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

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

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

11 **SEC. 212. GRANTS TO PROVIDE FOR SUPERVISED VISITA-**
12 **TION CENTERS.**

13 (a) GRANTS.—The Attorney General is authorized to
14 award grants to public or private nonprofit nongovern-
15 mental entities, including tribally chartered organizations
16 and nonprofit organizations operating within the bound-
17 aries of an Indian reservation whose governing body re-
18 flects the populations served, to assist such entities in es-
19 tablishing and operating supervised visitation centers for
20 the purposes of facilitating supervised visitation and visi-
21 tation exchange. At least 50 percent of all grants awarded
22 shall be for contracts and cooperative agreements with pri-
23 vate nonprofit, nongovernmental entities, including enti-
24 ties receiving court referrals.

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

4 (1) the number of families to be served by the
5 proposed visitation center to be established under
6 the grant, contract, or agreement;

7 (2) the extent to which supervised visitation
8 centers serve underserved populations as that term
9 is defined in section 2003(7) of the Omnibus Crime
10 Control and Safe Streets Act of 1968 (42 U.S.C.
11 3796gg-2(7)), as amended by title VI of this Act;

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

20 (4) the extent to which the applicant dem-
21 onstrates coordination and collaboration with State
22 and local court systems, including mechanisms for
23 communication and referral; and

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

4 (c) USE OF FUNDS.—

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

19 (2) REGULATIONS AND APPLICANT REQUIRE-
20 MENTS.—The Attorney General shall award grants,
21 contracts, and cooperative agreements under this
22 section in accordance with such regulations as the
23 Attorney General may promulgate. The regulations
24 shall establish a multi-year grant process. The At-
25 torney General shall give priority in awarding

1 grants, contracts, and cooperative agreements under
2 this title to entities in States that consider domestic
3 violence in making a custody decision. An applicant
4 awarded such a grant, contract, or cooperative
5 agreement shall—

6 (A) for applicants under section 201(b)(1)

7 or (2)—

8 (i) demonstrate recognized expertise
9 in the area of domestic violence, including
10 addressing the impact of domestic violence
11 on children, and a record of high quality
12 service to victims of domestic violence; and

13 (ii) demonstrate through a memoran-
14 dum of understanding collaboration with
15 and support of the State domestic violence
16 coalition and local domestic violence shelter
17 or program in the locality in which the su-
18 pervised visitation center will be operated;

19 (B) for applicants under section

20 201(b)(3)—

21 (i) demonstrate recognized expertise
22 in the area of child sexual assault and
23 abuse and a record of high quality service
24 to victims of sexual assault; and

1 (ii) demonstrate through a memoran-
2 dum of understanding collaboration with
3 and support of the State sexual assault co-
4 alition and local rape crisis center or sex-
5 ual assault program in the locality where
6 the supervised visitation center will be op-
7 erated;

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

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

16 (E) describe in detail the standards by
17 which the supervised visitation center will oper-
18 ate.

19 (d) REPORTING.—Not later than 60 days after the
20 end of each fiscal year, the Attorney General shall report
21 to Congress, categorized by State, information concern-
22 ing—

23 (1) the number of individuals including number
24 of parents and children served and the number of in-
25 dividuals turned away from services, the number of

1 individuals from underserved populations (as such
2 term is defined in section 2003(7) of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (42
4 U.S.C. 3796gg-2(7))), as amended by title VI of
5 this Act, served and turned away from services, and
6 the type of presenting problems that underlie the
7 need for supervised visitation or visitation exchange,
8 such as domestic violence, child sexual abuse, emo-
9 tional abuse or other physical abuse of children, or
10 a combination of such factors;

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

18 (3) the process by which children or abused
19 partners are protected during visitations, temporary
20 custody transfers and other activities for which the
21 supervised visitation centers are created;

22 (4) safety and security problems occurring dur-
23 ing the reporting period during supervised visitations
24 or at visitation centers including the number of pa-
25 rental abductions;

1 (5) the number of parental abduction cases in
2 a judicial district using supervised visitation services,
3 both as identified in criminal prosecution and cus-
4 tody violations;

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

8 (7) any other appropriate information des-
9 igned in regulations promulgated by the Attorney
10 General.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—For the purpose of awarding
13 grants, contracts, and cooperative agreements under
14 this section, there are authorized to be appropriated
15 \$75,000,000 for fiscal year 1999, \$85,000,000 for
16 fiscal year 2000, \$95,000,000 for fiscal year 2001,
17 \$105,000,000 for fiscal year 2002, and
18 \$115,000,000 for fiscal year 2003.

19 (2) DISTRIBUTION.—Of the amounts appro-
20 priated under subparagraph (A) for each fiscal year,
21 not less than 95 percent shall be used to award
22 grants, contracts, or cooperative agreements. At
23 least 5 percent of the funds appropriated under this
24 subtitle shall be used for grants to tribal organiza-
25 tions.

1 **Subtitle B—Violence Against**
2 **Women Prevention Among**
3 **Youth in Schools**

4 **SEC. 221. GRANTS FOR VIOLENCE AGAINST WOMEN PRE-**
5 **VENTION AMONG YOUTH.**

6 (a) IN GENERAL.—For purposes of this section, the
7 Secretary of Education shall in consultation with the Sec-
8 retary of the Department of Health and Human Services,
9 implement a program to educate young people about vio-
10 lence against women.

11 (b) USE OF FUNDS.—

12 (1) The Secretary shall make grants to pri-
13 mary, middle, and secondary schools to develop,
14 adopt, implement, and disseminate educational cur-
15 ricula and materials on violence against women, in-
16 cluding training for school personnel. Such curricula
17 and materials should be developed, adopted, imple-
18 mented, and disseminated in consultation and col-
19 laboration with experts on violence against women
20 and girls from the educational, legal, cultural com-
21 petence, youth and victim advocacy fields, such as
22 domestic violence shelters, domestic violence pro-
23 grams, and State domestic violence coalitions, State
24 sexual assault coalitions and rape crisis centers and
25 community-based youth organizations. Priority shall

1 be given to initiatives that address particularly the
2 needs of underserved communities that may be re-
3 cipients of the curricula and materials and training.

4 (2) The Secretary shall disseminate any exist-
5 ing Department of Education policy guidance re-
6 garding preventing and remedying violence against
7 women in schools.

8 (3) The Secretary shall study and report to
9 Congress recommendations regarding policies for
10 primary, middle, and secondary schools in screening
11 and referring children for services when children
12 may be experiencing the effects of domestic violence
13 or sexual assault. The study shall consider victim
14 safety and confidentiality as significant factors in
15 any policy recommendations.

16 (4) The Secretary shall study and report to
17 Congress the link between the victimization of girls
18 and their perpetration of crimes. This study will ex-
19 amine the nature of the link, types of crimes in
20 which girls who are victims of domestic violence and
21 sexual assault engage, and the short- and long-term
22 effect of girls' violent victimization. In addition, the
23 report will explore the extent to which local, State,
24 and Federal policies that govern social welfare,
25 health education, and juvenile justice systems ad-

1 dress the needs of girls as victims of domestic vio-
2 lence or sexual assault.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$10,000,000 for each of fiscal years 1999, 2000, 2002,
6 and 2003.

7 **Subtitle C—Family Safety**

8 **SEC. 231. SHORT TITLE.**

9 This subtitle may be cited as the “Family Safety
10 Act”.

11 **SEC. 232. FINDINGS AND PURPOSES.**

12 (a) FINDINGS.—Section 7(a) of the Parental Kidnap-
13 ing Prevention Act of 1980 (94 Stat. 3568; 42 U.S.C.
14 1305 note) is amended—

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

16 (3);

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

19 (3) by inserting after paragraph (4) the follow-
20 ing new paragraphs:

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

1 “(6) failures of State judicial and child protec-
2 tion systems may result in the inappropriate place-
3 ment of children in the custody of abusive parents
4 or punishment of nonabusing parents who attempt
5 to protect themselves or their children.”.

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

10 (c) PURPOSES.—Section 7(c) of such Act is amend-
11 ed—

12 (1) by redesignating paragraphs (3) through
13 (6) as paragraphs (5) through (8), respectively;

14 (2) by inserting after paragraph (2) the follow-
15 ing:

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

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

24 (3) in paragraph (7) (as so redesignated), by
25 inserting before the semicolon at the end the follow-

1 ing: “, consistent with not endangering or inappro-
2 priately punishing parents who are victims of domes-
3 tic violence or children who are victims of sexual as-
4 sault”; and

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

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

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

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

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

1 “(A) which granted the defendant legal
2 custody or visitation rights;

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

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

9 “(D) which was in effect at the time the
10 defendant left the State;

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

13 “(3) would otherwise have a defense under the
14 terms of the International Parental Kidnapping Pre-
15 vention Act (18 U.S.C. 1204).

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

22 **SEC. 234. FULL FAITH AND CREDIT GIVEN TO CHILD CUS-**
23 **TODY DETERMINATIONS.**

24 (a) SECTION INTENT.—Section 1738A(a) of title 28,
25 United States Code, is amended by adding at the end the

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

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

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

17 “(4) ‘domestic violence’ includes acts or threats
18 of violence, not including acts of self defense, com-
19 mitted by a current or former spouse of the victim,
20 by a person with whom the victim shares a child in
21 common, by a person who is cohabitating with or
22 has cohabitated with the victim, by a person who is
23 or has been in a continuing social relationship of a
24 romantic or intimate nature with the victim, by a
25 person similarly situated to a spouse of the victim

1 under the domestic or family violence laws of the ju-
2 risdiction, or by any other person against a victim
3 who is protected from that person’s acts under the
4 domestic or family violence laws of the jurisdiction;

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

14 (2) by redesignating paragraphs (4), (5), and
15 (6) as paragraphs (6), (7), and (8), respectively;

16 (3) by redesignating paragraph (7) as para-
17 graph (9) and by striking “and” after the semicolon;

18 (4) by inserting after paragraph (9) (as so re-
19 designated) the following:

20 “(10) ‘predominant aggressor’ means the indi-
21 vidual who has been determined to be the principal
22 perpetrator of violence, by factors including—

23 “(A) history of domestic violence;

24 “(B) relative severity of the injuries in-

25 flicted on each person;

1 “(C) the likelihood of future injury to each
2 person;

3 “(D) whether one of the persons acted in
4 self-defense; and/or

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

10 (5) by redesignating paragraph (8) as para-
11 graph (11).

12 (c) **CONDITION FOR CUSTODY DETERMINATION.**—
13 Section 1738A(c)(2)(C) of such title is amended—

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

16 (2) by inserting “, including acts of domestic vi-
17 olence by the other parent” after “abuse”.

18 (d) **JURISDICTION.**—Section 1738A(d) of such title
19 is amended by inserting before the period at the end the
20 following: “, except that after 2 years have passed while
21 a child is living in another State after relocation due to
22 domestic violence or sexual assault of the child, the court
23 of the original State shall decline jurisdiction provided
24 that the courts of the new State would have personal juris-
25 diction over the other parent under that State’s law”.

1 (e) CHILD CUSTODY DETERMINATIONS.—Section
2 1738A of such title is amended by adding at the end the
3 following:

4 “(h) A court may decline to exercise jurisdiction on
5 behalf of a parent who has engaged in domestic violence
6 as a predominant aggressor, if a court of another State
7 has emergency jurisdiction under subsection (c)(2)(C)(ii).
8 A court may decline to exercise jurisdiction on behalf of
9 a parent who has wrongfully taken the child from a State
10 without justification, or engaged in similar unjustifiable
11 conduct, unless no other State would have jurisdiction
12 under any provision of subsection (c).

13 **Subtitle D—Domestic Violence and**
14 **Children**

15 **SEC. 241. CHILD CUSTODY, CHILD ABUSE, AND VICTIMS OF**
16 **DOMESTIC VIOLENCE.**

17 It is the sense of Congress that—

18 (1) for purposes of determining child custody, it
19 is in the best interest of children to have a presump-
20 tion that children should have their main physical
21 residence with their primary caretaker parent unless
22 that parent is unfit;

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

1 (A) force parents to share custody over the
2 objection of one or both parents when there is
3 a history of domestic violence;

4 (B) punish abused or protective parents
5 who protect themselves or their children;

6 (C) presume that allegations of domestic
7 violence or child sexual assault are likely to be
8 made falsely or for tactical advantage during
9 custody and divorce proceedings; and

10 (D) make “friendly parent” provisions a
11 factor when there is abuse by one parent
12 against the other or a child;

13 (3) child abuse and child sexual abuse allega-
14 tions should be fully and impartially investigated re-
15 gardless of when they are raised or whether the child
16 has withdrawn the allegation;

17 (4) States should be far more protective of vic-
18 tims of domestic violence and sexual assault in cus-
19 tody and visitation determinations and not order me-
20 diation, couples counseling, shared custody, mutual
21 orders of protection, unsupervised visitation, or
22 other measures when they may endanger the other
23 parent or the child; and

24 (5) States should provide training in domestic
25 violence and sexual assault, as they impact custody,

1 child support and visitation determinations, to all
2 professionals who interact with children and parents
3 (including judges, attorneys, guardians ad litem and
4 other individuals appointed to represent children,
5 therapists and mental health professionals, custody
6 evaluators, child protective services personnel, and
7 court appointed special advocates).

8 **Subtitle E—Child Welfare Worker**
9 **Training on Domestic Violence**
10 **and Sexual Assault**

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

13 (a) **PURPOSE.**—The purpose of this program is to en-
14 courage States, Indian tribal governments, and units of
15 local government to recognize and treat, as part of their
16 ongoing child welfare responsibilities, domestic violence as
17 and sexual assault as serious problems threatening the
18 safety and well-being of its child and adult victims.

19 (b) **GRANT AUTHORITY.**—The Attorney General shall
20 make grants jointly with the Secretary of Health and
21 Human Services (the Secretary) to eligible States, Indian
22 tribal governments, or units of local government to enable
23 child welfare service agencies to train staff and modify
24 policies, procedures, programs, and practices so that poli-

1 cies, practices, and services are consistent with the follow-
2 ing principles:

3 (1) They protect the children.

4 (2) They increase the safety and well-being of
5 the children, including increasing the safety of the
6 nonabusing parents.

7 (3) They increase the safety of the children by
8 supporting the autonomy and capacity of the adult
9 victims.

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

12 (c) GOALS OF GRANT.—The activities under the
13 grant shall be directed to achieve at least 1 or more of
14 the following goals:

15 (1) Identify and assess the presence of domestic
16 violence and sexual assault in child protection cases,
17 in a way that assures the safety and confidentiality
18 of those involved.

19 (2) Recognize the overlap between child abuse
20 and domestic violence in families, the dangers posed
21 to both child and adult victims, and the physical,
22 emotional, and developmental impact on children.

23 (3) Develop appropriate responses in cases of
24 domestic violence and sexual assault, including a

1 safety plan and appropriate services and other inter-
2 ventions for both the child and adult victims.

3 (4) Establish and enforce policies to ensure the
4 confidentiality of information on families shared be-
5 tween child welfare service agencies and local domes-
6 tic violence and sexual assault programs, consistent
7 with existing laws, regulations, and guidelines.

8 (5) Promote increased coordination among
9 agencies and other entities to better serve victims of
10 domestic violence and sexual assault, with special at-
11 tention to links between child welfare service agen-
12 cies, community-based domestic violence and sexual
13 assault programs and rape crisis centers, and other
14 entities addressing the safety, health, mental health,
15 social service, and economic needs of victims of do-
16 mestic violence and sexual assault.

17 (d) ELIGIBILITY.—Eligible grantees are States, In-
18 dian tribal organizations, or units of local government that
19 submit an application to the Attorney General and the
20 Secretary of Health and Human Services that—

21 (1) outlines the specific activities that will be
22 undertaken to achieve the goals set forth in sub-
23 section (c) above;

24 (2) agrees to develop over the next 3 years, in
25 collaboration with other organizations, a range of

1 training resources, policies, procedures, and services
2 for child and adult victims of domestic violence and
3 sexual assault that include at least the following:

4 (A) Relevant protocols for the screening,
5 intake, assessment, investigation, and followup
6 to reports of abuse and neglect and a procedure
7 and schedule for training child welfare staff
8 about domestic violence and sexual assault and
9 their impact on children and adult victims and
10 the appropriate use of these protocols. The
11 training must include line staff, supervisors,
12 and administrators, and begin with staff re-
13 sponsible for screening, intake, assessment, and
14 investigation of reports of child abuse and ne-
15 glect. The training must be conducted in col-
16 laboration with domestic violence experts and
17 staff from community-based domestic violence
18 and sexual assault programs, rape crisis cen-
19 ters, and relevant law enforcement representa-
20 tives. At a minimum, the protocols and training
21 must address the following:

22 (i) Dynamics of domestic violence and
23 its relationship to child abuse.

1 (ii) Screening for domestic violence
2 and sexual assault and assessing danger to
3 the child and adult victims.

4 (iii) Applicable Federal, State, and
5 local laws pertaining to domestic violence
6 and sexual assault.

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

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

16 (vi) Protecting the confidentiality of
17 the child and adult victims.

18 (B) Community-based networks of services
19 and supports that respond effectively to the
20 comprehensive needs of child and adult victims
21 of domestic violence and sexual assault and in-
22 clude at least the following:

23 (i) Appropriate referrals to commu-
24 nity-based domestic violence and sexual as-
25 sault programs and rape crisis centers.

1 (ii) Emergency shelter and transi-
2 tional housing for abused parents and their
3 children.

4 (iii) Legal assistance and advocacy for
5 victims, including, when appropriate, as-
6 sistance in obtaining and entering orders
7 of protection.

8 (iv) Support and training to assist
9 parents to help their children cope with the
10 impact of domestic violence and sexual as-
11 sault.

12 (v) Programs to help children who
13 have witnessed domestic violence.

14 (vi) Health, mental health, and other
15 necessary supportive services.

16 (vii) Assistance to obtain necessary
17 economic supports; and

18 (3) identifies the agencies that will be respon-
19 sible for carrying out the initiative and includes doc-
20 umentation from community-based domestic violence
21 and sexual assault programs and rape crisis centers
22 that they have been involved in the development of
23 the application and describes their ongoing involve-
24 ment in the development of the training and modi-
25 fication of policies, procedures, programs, and prac-

1 tices, including their potential roles as subcontractors.
2

3 (e) PRIORITY.—In awarding grants under this part,
4 the Attorney General and the Secretary of Health and
5 Human Services shall give priority to applicants that al-
6 ready have demonstrated a commitment to educate staff
7 of child welfare service agencies and domestic violence pro-
8 grams about the impact of domestic violence on children,
9 the special risks of child abuse and neglect, and appro-
10 priate services and interventions for protecting both the
11 child and adult victims of domestic violence and sexual as-
12 sault.

13 (f) EVALUATION, REPORTING, AND DISSEMINA-
14 TION.—Each grantee receiving funds under this program
15 shall submit annually a report to the Attorney General
16 and the Secretary of Health and Human Services evaluat-
17 ing the effectiveness of activities developed with the funds
18 provided under this program and containing such addi-
19 tional information as the Attorney General and the Sec-
20 retary shall require. In addition, the Attorney General and
21 the Secretary shall within 6 months of the conclusion of
22 these 3-year grants distribute to all State child welfare
23 agencies, State domestic violence and sexual assault coal-
24 itions, and to the Congress summaries of the activities im-
25 plemented by these grantees, and related initiatives under-

1 taken by the Departments of Justice and Health and
2 Human Services to promote attention by child welfare
3 staff and staff of domestic violence and sexual assault
4 agencies to domestic violence and sexual assault and its
5 impact on its child and adult victims.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this grant
8 program: \$3,000,000 for fiscal year 1999, \$4,000,000 for
9 fiscal year 2000, \$5,000,000 for fiscal year 2001,
10 \$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal
11 year 2003. Each eligible grantee shall receive an amount
12 to be determined by the Attorney General and the Sec-
13 retary, but not less than \$250,000 a year.

14 **Subtitle F—Child Abuse**

15 **Accountability**

16 **SEC. 261. SHORT TITLE.**

17 This subtitle may be cited as the “Child Abuse Ac-
18 countability Act”.

19 **SEC. 262. AMENDMENTS TO TITLE I OF THE EMPLOYEE RE-**

20 **TIREMENT INCOME SECURITY ACT OF 1974.**

21 (a) CREATION OR ASSIGNMENT OF RIGHTS TO BENE-
22 FITS UNDER QUALIFIED CHILD ABUSE ORDERS.—Sec-
23 tion 206(d)(3)(A) of the Employee Retirement Income Se-
24 curity Act of 1974 (29 U.S.C. 1056(d)(3)(A)) is amend-
25 ed—

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

3 (2) by inserting “or a qualified child abuse
4 order” after “a qualified domestic relations order”;
5 and

6 (3) by inserting “or any qualified child abuse
7 order” after “any qualified domestic relations
8 order”.

9 (b) QUALIFIED CHILD ABUSE ORDERS.—Section
10 206(d)(3)(B) of such Act (29 U.S.C. 1056(d)(3)(B)) is
11 amended—

12 (1) in clause (i), by striking “the term” and in-
13 serting “The term”, and by striking “, and” at the
14 end and inserting a period;

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

17 (3) by adding at the end the following new
18 clauses:

19 “(iii) The term ‘qualified child abuse order’
20 means a child abuse order—

21 “(I) which creates or recognizes the
22 existence of an alternate payee’s right to,
23 or assigns to an alternate payee the right
24 to, receive all or a portion of the benefits

1 payable with respect to a participant under
2 a plan, and

3 “(II) with respect to which the re-
4 quirements of subparagraphs (C) and (D)
5 are met.

6 “(iv) The term ‘child abuse order’ means
7 any court order or other similar process for the
8 enforcement of a judgment rendered against a
9 participant or beneficiary under a plan for
10 physically, sexually, or emotionally abusing a
11 child. For purposes of this clause—

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

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

24 (c) EXEMPTION FROM PREEMPTION.—Section
25 514(b)(7) of such Act (29 U.S.C. 1144(b)(7)) is amended

1 by inserting “or qualified child abuse orders (within the
2 meaning of section 206(d)(3)(B)(iii))” before the period.

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

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

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

9 (3) in subparagraph (E)(i), by inserting “or
10 child abuse order” after “A domestic relations
11 order”;

12 (4) in subparagraph (G)(i), by inserting “or
13 child abuse order” after “any domestic relations
14 order”, by striking “domestic relations orders” in
15 subclause (I) and inserting “such an order”, and by
16 inserting “or a qualified child abuse order” in sub-
17 clause (II) after “a qualified domestic relations
18 order”;

19 (5) in subparagraph (G)(ii), by inserting “and
20 child abuse orders” after “domestic relations or-
21 ders”, and by inserting “or child abuse order” after
22 “domestic relations order” each place it appears in
23 subclauses (II) and (III);

24 (6) in subparagraph (H)(i), by inserting “or
25 whether a child abuse order is a qualified child

1 abuse order” after “whether a domestic relations
2 order is a qualified domestic relations order”, and by
3 inserting “or a qualified child abuse order” after “to
4 be a qualified domestic relations order”;

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

8 (8) in subparagraph (H)(iii), by inserting “(in
9 the case of a domestic relations order) or a qualified
10 child abuse order (in the case of a child abuse
11 order)” after “a qualified domestic relations order”
12 each place it appears in subclauses (I) and (II);

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

16 (10) in subparagraph (H)(v), by inserting “or
17 child abuse order” after “the domestic relations
18 order”;

19 (11) in subparagraph (I)(i), by inserting “or
20 child abuse order” after “a domestic relations
21 order”, and by inserting “or qualified child abuse
22 order, respectively” after “a qualified domestic rela-
23 tions order”;

1 (12) in subparagraph (J), by inserting “or a
2 qualified child abuse order” after “a qualified do-
3 mestic relations order”;

4 (13) in subparagraph (K), by inserting “or
5 child abuse order” after “a domestic relations
6 order”; and

7 (14) in subparagraph (M), by inserting “or a
8 qualified child abuse order” after “a qualified do-
9 mestic relations order”.

10 **SEC. 263. AMENDMENTS TO THE INTERNAL REVENUE CODE**

11 **OF 1986.**

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

17 (1) by inserting “OR CHILD ABUSE ORDERS”
18 after “DOMESTIC RELATIONS ORDERS” in the head-
19 ing;

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

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

1 (b) QUALIFIED CHILD ABUSE ORDERS.—Section
2 414(p) of such Code (defining qualified domestic relations
3 order) is amended—

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

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

8 “(C) QUALIFIED CHILD ABUSE ORDER.—

9 The term ‘qualified child abuse order’ means a
10 child abuse order—

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

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

20 “(D) CHILD ABUSE ORDER.—

21 “(i) IN GENERAL.—The term ‘child
22 abuse order’ means any court order or
23 other similar process for the enforcement
24 of a judgment rendered against a partici-
25 pant or beneficiary under a plan for phys-

1 ically, sexually, or emotionally abusing a
2 child.

3 “(ii) DEFINITIONS.—For purposes of
4 this subparagraph—

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

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

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

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

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

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

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

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

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

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

21 (8) in paragraph (7)(C), by inserting “(in the
22 case of a domestic relations order) or a qualified
23 child abuse order (in the case of a child abuse
24 order)” after “a qualified domestic relations order”
25 each place it appears in clauses (i) and (ii);

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

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

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

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

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

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

21 (d) TAX TREATMENT OF DISTRIBUTIONS PURSUANT
22 TO QUALIFIED CHILD ABUSE ORDERS.—

23 (1) ALTERNATE PAYEE MUST INCLUDE BENE-
24 FITS IN GROSS INCOME.—Paragraph (1) of section
25 402(e) of such Code (relating to alternate payee

1 under qualified domestic relations order treated as
2 distributee) is amended by inserting “or qualified
3 child abuse order” after “a qualified domestic rela-
4 tions order” each place it appears.

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

10 (A) in the heading, by inserting “AND
11 QUALIFIED CHILD ABUSE ORDERS” after
12 “QUALIFIED DOMESTIC RELATIONS ORDERS”;
13 and

14 (B) by inserting “or qualified child abuse
15 order” after “a qualified domestic relations
16 order”.

17 (3) CLARIFICATION OF ELIGIBILITY OF PARTIC-
18 IPANT FOR LUMP SUM TREATMENT.—

19 (A) Subparagraph (H) of section 402(d)(4)
20 of such Code (relating to balance to credit of
21 employee not to include amounts payable under
22 qualified domestic relations order) is amend-
23 ed—

24 (i) in the heading, by inserting “OR
25 QUALIFIED CHILD ABUSE ORDER” after

1 “QUALIFIED DOMESTIC RELATIONS
2 ORDER”; and

3 (ii) by inserting “or qualified child
4 abuse order” after “a qualified domestic
5 relations order”.

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

12 **SEC. 264. EFFECTIVE DATE.**

13 The amendments made by this subtitle shall take ef-
14 fect on January 1, 1998, except that, in the case of a child
15 abuse order entered before such date, the plan adminis-
16 trator—

17 (1) shall treat such order as a qualified child
18 abuse order if such administrator is paying benefits
19 pursuant to such order on such date, and

20 (2) may treat any other such order entered be-
21 fore such date as a qualified child abuse order even
22 if such order does not meet the requirements of such
23 amendments.

1 **TITLE III—SEXUAL ASSAULT**
2 **PREVENTION**
3 **Subtitle A—Rape Prevention**
4 **Education**

5 **SEC. 301. TRANSFER OF RAPE PREVENTION AND EDU-**
6 **CATION PROGRAM.**

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

10 **“SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION**
11 **EDUCATION.**

12 “(a) **PERMITTED USE.**—Notwithstanding section
13 1904(a)(1), amounts transferred by the State for use
14 under this part shall be used for rape prevention and edu-
15 cation programs conducted by rape crisis centers and non-
16 profit State sexual assault coalitions for—

17 “(1) educational seminars;

18 “(2) the operation of hotlines;

19 “(3) training programs for professionals;

20 “(4) the preparation of informational material;

21 and

22 “(5) other efforts to increase awareness of the
23 facts about, or to help prevent, sexual assault, in-
24 cluding efforts to increase awareness in underserved

1 communities as defined in 42 U.S.C. 3796gg–2(7)
2 as modified by title VI of this Act.

3 “(b) NATIONAL RESOURCE CENTER.—The Secretary
4 of the Department of Health and Human Services shall,
5 through the National Center for Injury Prevention and
6 Control at the Centers for Disease Control and Preven-
7 tion, establish a National Resource Center on Sexual As-
8 sault to provide resource information, policy, training, and
9 technical assistance to Federal, State, and Indian tribal
10 agencies, as well as to State sexual assault coalitions and
11 local sexual assault programs and to other professionals
12 and interested parties on issues relating to sexual assault.
13 The Resource Center shall maintain a central resource li-
14 brary in order to collect, prepare, analyze, and disseminate
15 information and statistics and analyses thereof relating to
16 the incidence and prevention of sexual assault.

17 “(c) TARGETING OF EDUCATION PROGRAMS.—States
18 providing grant moneys must ensure that at least 25 per-
19 cent of the moneys are devoted to educational programs
20 targeted for middle school, junior high, and high school
21 aged students. The programs targeted under this sub-
22 section shall be conducted by rape crisis centers and State
23 sexual assault coalitions.

24 “(d) AUTHORIZATION OF APPROPRIATIONS.—

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

3 “(A) \$75,000,000 for fiscal year 1999;

4 “(B) \$75,000,000 for fiscal year 2000;

5 “(C) \$100,000,000 for fiscal year 2001;

6 “(D) \$100,000,000 for fiscal year 2002;

7 and

8 “(E) \$150,000,000 for fiscal year 2003.

9 Funds authorized to be appropriated under this sec-
10 tion are appropriated from the Violent Crime Reduc-
11 tion Fund pursuant to 42 U.S.C. 14211(c) and sub-
12 paragraph (16) under the definition of “prevention
13 program” in 42 U.S.C. 14214(d).

14 “(2) SEXUAL ASSAULT COALITIONS.—Of the
15 amount appropriated for any fiscal year under this
16 section, at least 15 percent of the total amount ap-
17 propriated shall be used for making grants to State
18 sexual assault coalitions to address public health
19 issues associated with sexual assault through train-
20 ing, resource development, or similar research.

21 “(3) SUBSECTION (b) ALLOTMENT.—Of the
22 amount appropriated for any fiscal year under this
23 section, at least 1 percent shall be made available for
24 allotment under subsection (b).

25 “(e) LIMITATIONS.—

1 “(1) A State may use funds under this section
2 only so as to supplement and, to the extent prac-
3 ticable, increase the level of funds that would be
4 available from non-Federal sources for the activities
5 described in subsection (a), and in no case may such
6 funds be used to supplant funds from other sources.

7 “(2) A State may not use more than 2 percent
8 of the funds received in each fiscal year under this
9 section for surveillance studies or prevalence studies.

10 “(3) A State may not use more than 5 percent
11 of funds received in each fiscal year under this sec-
12 tion for administrative expenses.

13 “(f) ELIGIBLE ORGANIZATIONS.—The Secretary
14 shall award a grant under subsection (b) of this section
15 to a private nonprofit organization which can—

16 “(1) demonstrate that it has recognized exper-
17 tise in the area of sexual assault, a record of high-
18 quality services to victims of sexual assault, includ-
19 ing a demonstration of support from advocacy
20 groups, such as State sexual assault coalitions or
21 recognized national sexual assault groups; and

22 “(2) demonstrate a commitment to diversity
23 and to the provision of services to underserved popu-
24 lations as defined in 42 U.S.C. 3799gg–7 as modi-
25 fied by title VI of this Act.

1 “(g) DEFINITIONS.—

2 “(1) For purposes of this section, the term
3 ‘rape prevention and education’ includes education
4 and prevention efforts directed at sexual offenses
5 committed by offenders who are not known to the
6 victim as well as offenders who are known to the vic-
7 tim.

8 “(2) The term ‘sexual assault’ means any con-
9 duct proscribed by chapter 109A of title 18, United
10 States Code, whether or not the conduct occurs in
11 the special maritime and territorial jurisdiction of
12 the United States or in a Federal prison and in-
13 cludes 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 “(3) The term ‘rape crisis center’ means a pri-
18 vate nonprofit organization that is organized, or has
19 as one of its primary purposes, to provide services
20 for victims of sexual assault and has a record of
21 commitment and demonstrated experience in provid-
22 ing services to victims of sexual assault.

23 “(h) TERMS.—

1 “(1) The Secretary shall make allotments to
2 each State on the basis of the population of the
3 State.

4 “(2) No State may use funds made available by
5 reason of subsection (a) in any fiscal year for admin-
6 istration of any prevention program other than the
7 rape prevention and education program for which al-
8 lotments are made under this section.

9 “(3) Any amount paid to a State for a fiscal
10 year and remaining unobligated at the end of such
11 year shall remain available for the next fiscal year
12 to such State for the purposes for which it was
13 made.”.

14 **SEC. 302. TECHNICAL AMENDMENT TO PUBLIC LAW 103-322.**

15 (a) **REPEAL.**—Section 1910A of the Public Health
16 and Human Services Act is repealed.

17 (b) **EFFECTIVE DATE.**—The repeal made by sub-
18 section (a) of this section shall take effect the day after
19 the date of enactment of this Act.

20 **Subtitle B—Standards, Practice,**
21 **and Training for Sexual Assault**
22 **Examinations**

23 **SEC. 311. SHORT TITLE.**

24 This subtitle may be cited as the “Standards, Prac-
25 tice, and Training for Sexual Assault Examinations Act”.

1 **SEC. 312. STANDARDS, PRACTICE, AND TRAINING FOR SEX-**
2 **UAL ASSAULT EXAMINATIONS.**

3 (a) IN GENERAL.—The Attorney General shall—

4 (1) evaluate existing standards of training and
5 practice for licensed health care professionals per-
6 forming sexual assault forensic examinations and de-
7 velop a national recommended standard for training;

8 (2) recommend sexual assault examination
9 training for all health care students to improve the
10 recognition of injuries suggestive of rape and sexual
11 assault and baseline knowledge of appropriate refer-
12 rals in victim treatment and evidence collection; and

13 (3) review existing national, State, and local
14 protocols on sexual assault for forensic examina-
15 tions, and based on this review, develop a rec-
16 ommended national protocol, and establish a mecha-
17 nism for its nationwide dissemination.

18 (b) CONSULTATION.—The Attorney General shall
19 consult with national, State, and local experts in the area
20 of rape and sexual assault, including but not limited to,
21 rape crisis centers, State sexual assault and domestic vio-
22 lence coalitions and programs, criminal justice, forensic
23 nursing, forensic science, emergency room medicine, law,
24 social services, sex crimes in underserved communities as
25 defined in 42 U.S.C. 3796gg–2(7) as modified by title VI
26 of this Act.

1 (c) REPORT.—The Attorney General shall ensure
2 that no later than 1 year after the date of enactment of
3 this Act, a report of the directives in subsection (a) is sub-
4 mitted to Congress.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 \$200,000 for fiscal year 1999.

8 **Subtitle C—Prevention of Custodial Sexual Assault by Correctional Staff**
9
10

11 **SEC. 331. SHORT TITLE.**

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

14 **SEC. 332. FINDINGS.**

15 Congress finds the following:

16 (1) According to an extensive 1996 report by
17 the Women’s Rights Project of Human Rights
18 Watch, sexual abuse of women prisoners by correc-
19 tional officers is a serious problem in our Nation’s
20 prisons, jails, and correctional facilities.

21 (2) Custodial sexual assault of women by cor-
22 rectional officers includes documented incidents of
23 vaginal, oral, and anal rape.

24 (3) Because correctional officers wield near ab-
25 solute power over female prisoners, officers may

1 abuse that power to sexually assault and abuse fe-
2 male prisoners, as well as engage in constant grop-
3 ing, harassment, and other abuse.

4 **SEC. 333. ESTABLISHMENT OF PREVENTION PROGRAM.**

5 (a) PROGRAM GUIDELINES.—

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

10 (2) REQUIREMENTS.—Such guidelines shall in-
11 clude requirements that—

12 (A) prohibit a State department of correc-
13 tions from hiring correctional staff who have
14 been convicted on criminal charges, or found
15 liable in civil suits, for custodial sexual mis-
16 conduct; and

17 (B) each State department of corrections
18 maintain databases, including the names and
19 identifying information of individuals who have
20 been convicted on criminal charges or found lia-
21 ble in civil suits for custodial sexual misconduct
22 and to check these databases prior to hiring
23 any correctional staff.

24 (3) NATIONAL DATABASE.—This information
25 shall also be submitted to the Department of Justice

1 where it will be maintained and updated on a na-
2 tional database.

3 (b) RELEASE OF INFORMATION.—The information
4 collected under subsection (a)(2) shall be treated as pri-
5 vate data except that—

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

8 (2) such information may be disclosed to gov-
9 ernment agencies conducting confidential back-
10 ground checks; and

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

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

24 (d) INELIGIBILITY FOR FUNDS.—

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

7 (2) REALLOCATION.—Any funds that are not
8 allocated for failure to comply with this section shall
9 be reallocated to States that comply with this sec-
10 tion.

11 (3) COMPLIANCE DATE.—Each State shall have
12 not more than 3 years from the date of enactment
13 of this Act in which to implement this section, ex-
14 cept that the Attorney General may grant an addi-
15 tional 2 years to a State that is making good faith
16 efforts to implement this section.

17 **SEC. 334. PROHIBITED SEXUAL CONDUCT BY CORREC-**
18 **TIONAL STAFF.**

19 (a) REDUCTION OF FUNDS.—In addition to the re-
20 duction of funds under section 343(d), a State that does
21 not have criminal penalties or a State that fails to imple-
22 ment criminal penalties explicitly prohibiting custodial
23 sexual misconduct by correctional staff against prisoners
24 shall not receive 10 percent of the funds that would other-
25 wise be allocated to the State under part A of title II of

1 the Violent Crime Control and Law Enforcement Act of
2 1994 (42 U.S.C. 13701).

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

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

12 **SEC. 335. NATIONAL SEXUAL CONTACT HOTLINE FOR PRIS-**
13 **ONERS.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of the enactment of this Act, the Attorney General
16 shall create a national, confidential, toll-free telephone
17 hotline to collect data and to provide information and as-
18 sistance to prisoners who have experienced custodial sex-
19 ual misconduct by corrections staff.

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

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

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

4 (3) assembling, maintaining, and continually
5 updating a database of information and resources to
6 which callers may be referred throughout the United
7 States;

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

10 (5) tracking of the number of reports, including
11 the name and location of the individual reporting the
12 offender, and the incident.

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

17 (d) PROCESSING REPORTS.—Reports may be re-
18 ferred to the criminal section of the Civil Rights Division
19 of the Department of Justice for investigation or for refer-
20 ral to the appropriate State agency for investigation.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 \$300,000 for fiscal year 1999 and \$100,000 for each of
24 the fiscal years 2000, 2001, 2002, and 2003.

1 **SEC. 336. DEFINITIONS.**

2 For purposes of this subtitle—

3 (1) the term “correctional staff” means any
4 employee, contractual employee, volunteer, or agent
5 of a correctional department who is working in any
6 contact position with any prisoners under the juris-
7 diction of that department; and

8 (2) the term “custodial sexual misconduct”
9 means any physical contact, directly or through the
10 clothing, with the sexual or intimate parts of a per-
11 son for the purpose of sexual gratification of either
12 party, when the—

13 (A) parties involved are a person in cus-
14 tody of a correctional department and a mem-
15 ber of the correctional staff; or

16 (B) contact occurs under circumstances of
17 coercion, duress, or threat of force by a member
18 of the correctional staff.

19 **Subtitle D—Hate Crimes**
20 **Prevention**

21 **SEC. 341. SHORT TITLE.**

22 This Act may be cited as the “Hate Crimes Preven-
23 tion Act of 1998”.

24 **SEC. 342. FINDINGS.**

25 Congress finds that—

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

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

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

9 (4) such violence affects interstate commerce in
10 many ways, including—

11 (A) by impeding the movement of members
12 of targeted groups and forcing such members to
13 move across State lines to escape the incidence
14 or risk of such violence; and

15 (B) by preventing members of targeted
16 groups from purchasing goods and services, ob-
17 taining or sustaining employment or participat-
18 ing in other commercial activity;

19 (5) perpetrators cross State lines to commit
20 such violence;

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

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

1 (8) violence motivated by bias that is a relic of
2 slavery can constitute badges and incidents of slav-
3 ery;

4 (9) although many local jurisdictions have at-
5 tempted to respond to the challenges posed by such
6 violence, the problem is sufficiently serious, wide-
7 spread, and interstate in scope to warrant Federal
8 intervention to assist such jurisdictions; and

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

14 **SEC. 343. DEFINITION OF HATE CRIME.**

15 In this Act, the term “hate crime” has the same
16 meaning as in section 280003(a) of the Violent Crime
17 Control and Law Enforcement Act of 1994 (28 U.S.C.
18 994 note).

19 **SEC. 344. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.**

20 Section 245 of title 18, United States Code, is
21 amended—

22 (1) by redesignating subsections (c) and (d) as
23 subsections (d) and (e), respectively; and

24 (2) by inserting after subsection (b) the follow-
25 ing:

1 “(c)(1) Whoever, whether or not acting under color
2 of law, willfully causes bodily injury to any person or,
3 through the use of fire, a firearm, or an explosive device,
4 attempts to cause bodily injury to any person, because of
5 the actual or perceived race, color, religion, or national
6 origin of any person—

7 “(A) shall be imprisoned not more than 10
8 years, or fined in accordance with this title, or both;
9 or

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

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

15 “(ii) the acts committed in violation of this
16 paragraph include kidnapping or an attempt to
17 kidnap, aggravated sexual abuse or an attempt
18 to commit aggravated sexual abuse, or an at-
19 tempt to kill.

20 “(2)(A) Whoever, whether or not acting under color
21 of law, in any circumstance described in subparagraph
22 (B), willfully causes bodily injury to any person or,
23 through the use of fire, a firearm, or an explosive device,
24 attempts to cause bodily injury to any person, because of

1 the actual or perceived religion, gender, sexual orientation,
2 or disability of any person—

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

6 “(ii) 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
12 this paragraph include kidnapping or an at-
13 tempt to kidnap, aggravated sexual abuse or an
14 attempt to commit aggravated sexual abuse, or
15 an attempt to kill.

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

18 “(i) in connection with the offense, the defend-
19 ant or the victim travels in interstate or foreign
20 commerce, uses a facility or instrumentality of inter-
21 state or foreign commerce, or engages in any activity
22 affecting interstate or foreign commerce; or

23 “(ii) the offense is in or affects interstate or
24 foreign commerce.”.

1 **SEC. 345. DUTIES OF FEDERAL SENTENCING COMMISSION.**

2 (a) AMENDMENT OF FEDERAL SENTENCING GUIDE-
3 LINES.—Pursuant to its authority under section 994 of
4 title 28, United States Code, the United States Sentencing
5 Commission shall study the issue of adult recruitment of
6 juveniles to commit hate crimes and shall, if appropriate,
7 amend the Federal sentencing guidelines to provide sen-
8 tencing enhancements (in addition to the sentencing en-
9 hancement provided for the use of a minor during the
10 commission of an offense) for adult defendants who recruit
11 juveniles to assist in the commission of hate crimes.

12 (b) CONSISTENCY WITH OTHER GUIDELINES.—In
13 carrying out this section, the United States Sentencing
14 Commission shall—

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

17 (2) avoid duplicative punishments for substan-
18 tially the same offense.

19 **SEC. 346. GRANT PROGRAM.**

20 (a) AUTHORITY TO MAKE GRANTS.—The Adminis-
21 trator of the Office of Juvenile Justice and Delinquency
22 Prevention of the Department of Justice shall make
23 grants, in accordance with such regulations as the Attor-
24 ney General may prescribe, to State and local programs
25 designed to combat hate crimes committed by juveniles.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out this section.

4 **SEC. 347. AUTHORIZATION FOR ADDITIONAL PERSONNEL**
5 **TO ASSIST STATE AND LOCAL LAW ENFORCE-**
6 **MENT.**

7 There are authorized to be appropriated to the De-
8 partment of the Treasury and the Department of Justice,
9 including the Community Relations Service, for fiscal
10 years 1999, 2000, 2001, 2002, and 2003 such sums as
11 are necessary to increase the number of personnel to pre-
12 vent and respond to alleged violations of section 245 of
13 title 18, United States Code (as amended by this Act).

14 **SEC. 348. SEVERABILITY.**

15 If any provision of this Act, an amendment made by
16 this Act, or the application of such provision or amend-
17 ment to any person or circumstance is held to be unconsti-
18 tutional, the remainder of this Act, the amendments made
19 by this Act, and the application of the provisions of such
20 to any person or circumstance shall not be affected there-
21 by.

1 **TITLE IV—DOMESTIC VIOLENCE**
2 **PREVENTION**
3 **Subtitle A—Domestic Violence**
4 **Victims’ Housing**

5 **SEC. 401. SHORT TITLE.**

6 This subtitle may be cited as the “Domestic Violence
7 Victims Housing Act”.

8 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

9 The budget authority under section 5(c) of the
10 United States Housing Act of 1937 for assistance under
11 subsections (b) and (o) of section 8 of such Act is author-
12 ized to be increased by \$50,000,000 on or after October
13 1, 1997 and by such sums as may be necessary on or after
14 October 1, 1998.

15 **SEC. 403. USE OF AMOUNTS FOR HOUSING ASSISTANCE**
16 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

17 (a) **IN GENERAL.**—Amounts available pursuant to
18 section 402 shall be made available by the Secretary of
19 Housing and Urban Development only to public housing
20 agencies and qualified nonprofit organizations only for use
21 for providing tenant-based rental assistance on behalf of
22 families victimized by domestic violence (as such term is
23 defined in section 404 of this subtitle) who have left or
24 are leaving a residence as a result of the domestic violence.

1 (b) DETERMINATION.—For purposes of subsection
2 (a), a family victimized by domestic violence shall be con-
3 sidered to have left or to be leaving a residence as a result
4 of domestic violence if the public housing agency or quali-
5 fied nonprofit organization providing rental assistance
6 under this subtitle determines that the member of the
7 family who was a victim of the domestic violence reason-
8 ably believes that relocation from such residence will assist
9 in avoiding future domestic violence against such member
10 or another member of the family.

11 (c) ALLOCATION.—Amounts made available pursuant
12 to section 402 shall be allocated by the Secretary on the
13 basis of a national competition to the public housing agen-
14 cies and qualified nonprofit organizations that submit ap-
15 plications to the Secretary that best demonstrate a need
16 for such assistance, including the extent of service to un-
17 derserved populations as defined in 42 U.S.C. 3796gg-
18 2(7) as modified by title VI of this Act, and the ability
19 to undertake and carry out a program under this subtitle,
20 as the Secretary shall determine. At least 25 percent of
21 the total grants awarded shall go to qualified nonprofit
22 organizations.

1 **SEC. 404. DEFINITIONS RELATING TO DOMESTIC VIO-**
2 **LENCE.**

3 For purposes of this subtitle, the following definitions
4 shall apply:

5 (1) DOMESTIC VIOLENCE.—The term ‘domestic
6 violence’ includes acts or threats of violence, not in-
7 cluding acts of self defense, committed by a current
8 or former spouse of the victim, by a person with
9 whom the victim shares a child in common, by a per-
10 son who is cohabitating with or has cohabitated with
11 the victim, by a person who is or has been in a con-
12 tinuing social relationship of a romantic or intimate
13 nature with the victim, by a person similarly situ-
14 ated to a spouse of the victim under the domestic or
15 family violence laws of the jurisdiction, or by any
16 other person against a victim who is protected from
17 that person’s acts under the domestic or family vio-
18 lence laws of the jurisdiction.

19 (2) FAMILY VICTIMIZED BY DOMESTIC VIO-
20 LENCE.—

21 (A) IN GENERAL.—The term “family vic-
22 timized by domestic violence” means a family or
23 household that includes an individual who has
24 been determined under subparagraph (B) to
25 have been a victim of domestic violence, but
26 does not include any individual described in

1 paragraph (3) who committed the domestic vio-
2 lence. The term includes any such family or
3 household in which only a minor or minors are
4 the individual or individuals who was or were a
5 victim of domestic violence only if such family
6 or household also includes a parent, stepparent,
7 legal guardian, or other responsible caretaker
8 for the child.

9 (B) DETERMINATION THAT FAMILY OR IN-
10 DIVIDUAL WAS A VICTIM OF DOMESTIC VIO-
11 LENCE.—For purposes of subparagraph (A), a
12 determination under this subparagraph is a de-
13 termination that domestic violence has been
14 committed, which is made by any agency or of-
15 ficial of a State or unit of general local govern-
16 ment (including a public housing agency) based
17 upon—

18 (i) information provided by any medi-
19 cal, legal, counseling, or other clinic, shel-
20 ter, sexual assault program, or other pro-
21 gram or entity licensed, recognized, or au-
22 thorized by the State or unit of general
23 local government to provide services to vic-
24 tims of domestic violence or sexual assault;

1 (ii) information provided by any agen-
2 cy of the State, unit of general local gov-
3 ernment, or nonprofit nongovernmental or-
4 ganization that provides or administers the
5 provision of social, medical, legal, or health
6 services;

7 (iii) information provided by any cler-
8 gy;

9 (iv) information provided by any hos-
10 pital, clinic, medical facility, or doctor li-
11 censed or authorized by the State or unit
12 of general local government to provide
13 medical services;

14 (v) a petition or complaint filed in a
15 court or law or documents or records of ac-
16 tion of any court or law enforcement agen-
17 cy, including any record of any protection
18 order, injunction, or temporary or final
19 order issued by civil or criminal courts or
20 any police report; or

21 (vi) any other reliable evidence that
22 domestic violence has occurred. A victim's
23 statement that domestic violence has oc-
24 curred shall be sufficient unless the agency

1 has an independent, reasonable basis to
2 find the individual not credible.

3 **SEC. 405. OTHER DEFINITIONS.**

4 For purposes of this subtitle, the following definitions
5 shall apply:

6 (1) PUBLIC HOUSING AGENCY.—The term
7 “public housing agency” has the meaning given the
8 term in section 3(b) of the United States Housing
9 Act of 1937 (42 U.S.C. 1437a(b)).

10 (2) QUALIFIED NONPROFIT ORGANIZATION.—
11 The term “qualified nonprofit organization” means
12 a private organization that—

13 (A) is organized, or has as one of its pri-
14 mary purposes, to provide shelter or transi-
15 tional housing for victims of domestic violence;

16 (B) is organized under State or local laws;

17 (C) has no part of its net earnings inuring
18 to the benefit of any member, shareholder,
19 founder, contributor, or individual;

20 (D) is approved by the Secretary as to fi-
21 nancial responsibility; and

22 (E) demonstrates experience in providing
23 services to victims of domestic violence.

24 (3) SECRETARY.—The term “Secretary” means
25 the Secretary of Housing and Urban Development.

1 (4) STATE.—The term “State” means the
2 States of the United States, the District of Colum-
3 bia, the Commonwealth of Puerto Rico, the Com-
4 monwealth of the Northern Mariana Islands, Guam,
5 the Virgin Islands, American Samoa, and any other
6 territory or possession of the United States.

7 (5) UNIT OF GENERAL LOCAL GOVERNMENT.—
8 The term “unit of general local government” has the
9 meaning given the term in section 102(a) of the
10 Housing and Community Development Act of 1974
11 (42 U.S.C. 5302(a)).

12 **Subtitle B—Full Faith and Credit**
13 **for Protection Orders**

14 **SEC. 411. FULL FAITH AND CREDIT FOR PROTECTION OR-**
15 **DERS.**

16 (a) Section 2265 of title 18, United States Code, is
17 amended by adding at the end the following:

18 “(d) FORMULA GRANT REDUCTION FOR NONCOMPLI-
19 ANCE.—

20 “(1) REDUCTION.—The Attorney General shall
21 reduce by 10 percent (for redistribution to other
22 participating States that comply with subsections (a)
23 and (b)) the amount a State would receive under
24 subpart 1 of part E of title I of the Omnibus Crime
25 Control and Safe Streets Act of 1968 if such State

1 fails to comply with the requirements of subsections
2 (a), (b), and (c).

3 “(2) EFFECTIVE DATE.—The Attorney General
4 may begin to reduce funds described in paragraph
5 (1) on the first day of each fiscal year succeeding
6 the first fiscal year beginning after the date of the
7 enactment of this subsection.

8 “(e) REGISTRATION.—Nothing in this section shall
9 require prior filing or registration of a protection order
10 in the enforcing State in order to secure enforcement pur-
11 suant to subsection (a). Nothing in this section shall per-
12 mit a State to notify the party against whom the order
13 has been made that a protection order has been registered
14 and/or filed in that State.”

15 “(f) NOTICE.—Nothing in this section shall require
16 notification of the party against whom the order was made
17 in order to secure enforcement by a law enforcement offi-
18 cer pursuant to subsection (a).”

19 (b) DEFINITIONS.—Section 2266 of title 18, United
20 States Code, is amended—

21 (1) by inserting “issued pursuant to State di-
22 vorce and child custody codes” after “custody or-
23 ders”; and

1 (2) by adding “Custody and visitation provi-
2 sions in protection orders are subject to the man-
3 dates of this chapter.” after “seeking protection.”.

4 (b) COMPLIANCE—FULL FAITH AND CREDIT.—

5 Within 180 days, the Attorney General shall issue regula-
6 tions to determine whether a State is in compliance with
7 18 U.S.C. 2265(a), (b), and (c), taking into account the
8 following factors:

9 (1) The State’s documented good faith efforts
10 to ensure compliance by judicial, law enforcement,
11 and other State officials, including the extent and
12 nature of any training programs, outreach, and
13 other activities.

14 (2) The degree to which any case of noncompli-
15 ance by a State official represents an isolated inci-
16 dent, rather than a pattern of nonenforcement.

17 (3) Any barriers to compliance presented by
18 outdated technology, recordkeeping problems, or
19 similar issues, and the State’s documented good
20 faith efforts to removing those barriers.

21 **SEC. 412. GRANT PROGRAM.**

22 (a) IN GENERAL.—The Attorney General may pro-
23 vide grants to assist States, Indian tribal governments,
24 and units of local government to develop and strengthen
25 effective law enforcement and recordkeeping strategies to

1 assist States, Indian tribal governments, and units of local
2 government to enforce protective orders issued by other
3 States, Indian tribal governments, or units of local govern-
4 ment.

5 (b) USES OF FUNDS.—

6 (1) IN GENERAL.—Grants under this section
7 shall provide training and enhanced technology com-
8 patible with existing law enforcement systems in-
9 cluding the National Crime Information Center to
10 enforce protection orders.

11 (2) USES OF FUNDS.—Funds received under
12 this section may be used to train law enforcement,
13 prosecutors, court personnel, victim service provid-
14 ers, and others responsible for the enforcement of
15 protection orders, and to develop, install, or expand
16 data collection and communication systems, includ-
17 ing computerized systems, linking police, prosecu-
18 tors, and courts for the purpose of identifying and
19 tracking protection orders and violations of protec-
20 tion orders and training.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to carry out this section, \$5,000,000 for
23 each of fiscal years 1999, 2000, 2001, 2002, and 2003.

1 **Subtitle C—Victims of Abuse**
2 **Insurance Protection**

3 **SEC. 421. SHORT TITLE.**

4 This subtitle may be cited as the “Victims of Abuse
5 Insurance Protection Act”.

6 **SEC. 422. DEFINITIONS.**

7 As used in this subtitle:

8 (1) The term “abuse” means the occurrence of
9 one or more of the following acts by a current or
10 former household or family member, intimate part-
11 ner, or caretaker:

12 (A) Attempting to cause or causing an-
13 other person bodily injury, physical harm, sub-
14 stantial emotional distress, psychological trau-
15 ma, rape, sexual assault, or involuntary sexual
16 intercourse.

17 (B) Engaging in a course of conduct or re-
18 peatedly committing acts toward another per-
19 son, including following the person without
20 proper authority and under circumstances that
21 place the person in reasonable fear of bodily in-
22 jury or physical harm.

23 (C) Subjecting another person to false im-
24 prisonment or kidnapping.

1 (D) Attempting to cause or causing dam-
2 age to property so as to intimidate or attempt
3 to control the behavior of another person.

4 (2) The term “abuse-related medical condition”
5 means a medical condition which arises in whole or
6 in part out of an action or pattern of abuse.

7 (3) The term “abuse status” means the fact or
8 perception that a person is, has been, or may be a
9 subject of abuse, irrespective of whether the person
10 has sustained abuse-related medical conditions or
11 has incurred abuse-related claims.

12 (4) The term “health benefit plan” means any
13 public or private entity or program that provides for
14 payments for health care, including—

15 (A) a group health plan (as defined in sec-
16 tion 607 of the Employee Retirement Income
17 Security Act of 1974 (29 U.S.C. 1167)) or a
18 multiple employer welfare arrangement (as de-
19 fined in section 3(40) of such Act (29 U.S.C.
20 1102(40)) that provides health benefits;

21 (B) any other health insurance arrange-
22 ment, including any arrangement consisting of
23 a hospital or medical expense incurred policy or
24 certificate, hospital or medical service plan con-

1 tract, or health maintenance organization sub-
2 scriber contract;

3 (C) workers' compensation or similar in-
4 surance to the extent that it relates to workers'
5 compensation medical benefits (as defined by
6 the Federal Trade Commission); and

7 (D) automobile medical insurance to the
8 extent that it relates to medical benefits (as de-
9 fined by the Federal Trade Commission).

10 (5) The term "health carrier" means a person
11 that contracts or offers to contract on a risk-assum-
12 ing basis to provide, deliver, arrange for, pay for or
13 reimburse any of the cost of health care services, in-
14 cluding a sickness and accident insurance company,
15 a health maintenance organization, a nonprofit hos-
16 pital and health service corporation or any other en-
17 tity providing a plan of health insurance, health ben-
18 efits or health services.

19 (6) The term "insured" means a party named
20 on a policy, certificate, or health benefit plan, in-
21 cluding an individual, corporation, partnership, asso-
22 ciation, unincorporated organization or any similar
23 entity, as the person with legal rights to the benefits
24 provided by the policy, certificate, or health benefit
25 plan. For group insurance, such term includes a per-

1 son who is a beneficiary covered by a group policy,
2 certificate, or health benefit plan. For life insurance,
3 the term refers to the person whose life is covered
4 under an insurance policy.

5 (7) The term “insurer” means any person, re-
6 ciprocal exchange, interinsurer, Lloyds insurer, fra-
7 ternal benefit society, or other legal entity engaged
8 in the business of insurance, including agents, bro-
9 kers, adjusters, and third party administrators. The
10 term also includes health carriers, health benefit
11 plans, and life, disability, and property and casualty
12 insurers.

13 (8) The term “policy” means a contract of in-
14 surance, certificate, indemnity, suretyship, or annu-
15 ity issued, proposed for issuance or intended for
16 issuance by an insurer, including endorsements or
17 riders to an insurance policy or contract.

18 (9) The term “subject of abuse” means a per-
19 son against whom an act of abuse has been directed,
20 a person who has prior or current injuries, illnesses,
21 or disorders that resulted from abuse, or a person
22 who seeks, may have sought, or had reason to seek
23 medical or psychological treatment for abuse, protec-
24 tion, court-ordered protection, or shelter from abuse.

1 **SEC. 423. DISCRIMINATORY ACTS PROHIBITED.**

2 (a) No insurer may, directly or indirectly, engage in
3 any of the following acts or practices on the basis that
4 the applicant or insured, or any person employed by the
5 applicant or insured or with whom the applicant or in-
6 sured is known to have a relationship or association, is,
7 has been, or may be the subject of abuse or has incurred
8 or may incur abuse-related claims:

9 (1) Denying, refusing to issue, renew or reissue,
10 or canceling or otherwise terminating an insurance
11 policy or health benefit plan.

12 (2) Restricting, excluding, or limiting insurance
13 coverage for losses or denying a claim, except as oth-
14 erwise permitted or required by State laws relating
15 to life insurance beneficiaries.

16 (3) Adding a premium differential to any insur-
17 ance policy or health benefit plan.

18 (b) No insurer may, directly or indirectly, deny or
19 limit payment of a claim incurred by an innocent insured
20 as a result of abuse.

21 (c) No insurer or health carrier may terminate health
22 coverage for a subject of abuse because coverage was origi-
23 nally issued in the name of the abuser and the abuser has
24 divorced, separated from, or lost custody of the subject
25 of abuse or the abuser's coverage has terminated volun-
26 tarily or involuntarily and the subject of abuse does not

1 qualify for extension of coverage under part 6 of subtitle
2 B of title I or the Employee Retirement Income Security
3 Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of the
4 Internal Revenue Code of 1986. Nothing in this paragraph
5 prohibits the insurer from requiring the subject of abuse
6 to pay the full premium for the subject's coverage under
7 the health plan if the requirements are applied to all in-
8 sureds of the health carrier. The insurer may terminate
9 group coverage after the continuation coverage required
10 by this paragraph has been in force for 18 months if it
11 offers conversion to an equivalent individual plan. The
12 continuation of health coverage required by this paragraph
13 shall be satisfied by any extension of coverage under part
14 6 of subtitle B of title I or the Employee Retirement In-
15 come Security Act of 1974 (29 U.S.C. 1161 et seq.) or
16 4980B of the Internal Revenue Code of 1986 provided to
17 a subject of abuse and is not intended to be in addition
18 to any extension of coverage provided under part 6 of sub-
19 title B of title I or the Employee Retirement Income Secu-
20 rity Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of
21 the Internal Revenue Code of 1986.

22 (d) USE OF INFORMATION.—

23 (1) In order to protect the safety and privacy
24 of subjects of abuse, no person employed by or con-
25 tracting with an insurer or health benefit plan may

1 use, disclose, or transfer information relating to
2 abuse status, acts of abuse, abuse-related medical
3 conditions or the applicant's or insured's status as
4 a family member, employer, or associate, person in
5 a relationship with a subject of abuse for any pur-
6 pose unrelated to the direct provision of health care
7 services unless such use, disclosure, or transfer is re-
8 quired by an order of an entity with authority to
9 regulate insurance or an order of a court of com-
10 petent jurisdiction. In addition, such a person may
11 not disclose or transfer information relating to an
12 applicant's or insured's location or telephone number
13 or the location and telephone number of a shelter for
14 subjects of abuse except where such disclosure or
15 transfer is required in order to provide insurance
16 coverage, provided such disclosure or transfer does
17 not have the potential to endanger the safety of a
18 subject of abuse. Nothing in this paragraph shall be
19 construed as limiting or precluding a subject of
20 abuse from obtaining the subject's own insurance
21 records from an insurer.

22 (2) AUTHORITY OF SUBJECT OF ABUSE.—A
23 subject of abuse, at the absolute discretion of the
24 subject of abuse, may provide evidence of abuse to
25 an insurer for the limited purpose of facilitating

1 treatment of an abuse-related condition or dem-
2 onstrating that a condition is abuse-related. Nothing
3 in this paragraph shall be construed as authorizing
4 an insurer or health carrier to disregard such pro-
5 vided evidence.

6 **SEC. 424. INSURANCE PROTOCOLS FOR SUBJECTS OF**
7 **ABUSE.**

8 Insurers shall develop and adhere to written policies
9 specifying procedures to be followed by employees, con-
10 tractors, producers, agents and brokers for the purpose
11 of protecting the safety and privacy of a subject of abuse
12 and otherwise implementing the provisions of this subtitle
13 when taking an application, investigating a claim, or tak-
14 ing any other action relating to a policy or claim involving
15 a subject of abuse.

16 **SEC. 425. REASONS FOR ADVERSE ACTIONS.**

17 An insurer that takes an action that adversely affects
18 a subject of abuse, shall advise the subject of abuse appli-
19 cant or insured of the specific reasons for the action in
20 writing. Reference to general underwriting practices or
21 guidelines does not constitute a specific reason.

22 **SEC. 426. LIFE INSURANCE.**

23 Nothing in this subtitle shall be construed to prohibit
24 a life insurer from declining to issue a life insurance policy
25 if the applicant or prospective owner of the policy is or

1 would be designated as a beneficiary of the policy, and
2 if—

3 (1) the applicant or prospective owner of the
4 policy lacks an insurable interest in the insured; or

5 (2) the applicant or prospective owner of the
6 policy is known, on the basis of police or court
7 records, to have committed an act of abuse against
8 the proposed insured.

9 **SEC. 427. SUBROGATION WITHOUT CONSENT PROHIBITED.**

10 Subrogation of claims resulting from abuse is prohib-
11 ited without the informed consent of the subject of abuse.

12 **SEC. 428. ENFORCEMENT.**

13 (a) FEDERAL TRADE COMMISSION.—The Federal
14 Trade Commission shall have the power to examine and
15 investigate any insurer to determine whether such insurer
16 has been or is engaged in any act or practice prohibited
17 by this subtitle. If the Federal Trade Commission deter-
18 mines an insurer has been or is engaged in any act or
19 practice prohibited by this subtitle, the Commission may
20 take action against such insurer by the issuance of a cease
21 and desist order as if the insurer was in violation of sec-
22 tion 5 of the Federal Trade Commission Act. Such cease
23 and desist order may include any individual relief war-
24 ranted under the circumstances, including temporary, pre-

1 liminary, and permanent injunctive and compensatory re-
2 lief.

3 (b) PRIVATE CAUSE OF ACTION.—An applicant or in-
4 sured who believes that the applicant or insured has been
5 adversely affected by an act or practice of an insurer in
6 violation of this subtitle may maintain an action against
7 the insurer in a Federal or State court of original jurisdic-
8 tion. Upon proof of such conduct by a preponderance of
9 the evidence, the court may award appropriate relief, in-
10 cluding temporary, preliminary, and permanent injunctive
11 relief and compensatory and punitive damages, as well as
12 the costs of suit and reasonable fees for the aggrieved indi-
13 vidual’s attorneys and expert witnesses. With respect to
14 compensatory damages, the aggrieved individual may
15 elect, at any time prior to the rendering of final judgment,
16 to recover in lieu of actual damages, an award of statutory
17 damages in the amount of \$5,000 for each violation.

18 **SEC. 429. EFFECTIVE DATE.**

19 This subtitle shall apply with respect to any action
20 taken on or after the date of the enactment of this Act,
21 except that section 424 shall only apply to actions taken
22 after the expiration of 60 days after such date.

1 **Subtitle D—National Summit on**
2 **Sports and Violence**

3 **SEC. 431. SENSE OF THE CONGRESS THAT A NATIONAL**
4 **SUMMIT OF SPORTS, POLITICAL, COMMU-**
5 **NITY, AND MEDIA LEADERS SHOULD BE**
6 **PROMPTLY CONVENED TO DEVELOP A**
7 **MULTIFACETED ACTION PLAN TO DETER**
8 **ACTS OF VIOLENCE, ESPECIALLY DOMESTIC**
9 **VIOLENCE AND SEXUAL ASSAULT.**

10 (a) FINDINGS.—

11 (1) Involvement in sports commonly places indi-
12 viduals in a unique context of competition that pro-
13 vides an opportunity to teach, learn, and hone quali-
14 ties of responsible citizenship, including values that
15 promote self-respect and respect for others, and
16 deter acts of violence, especially domestic violence
17 and sexual assault.

18 (2) Professional and amateur athletes and
19 sports coaches are role models with great national
20 influence and have helped to positively shape the
21 lives of countless individuals.

22 (3) Professional and amateur athletes, and
23 sports coaches, administrators, volunteers, and team
24 owners have participated in a variety of outstanding

1 and valuable community service projects throughout
2 the Nation.

3 (4) Many professional and amateur sports orga-
4 nizations have instituted educational programs and
5 other measures to deter and sanction misconduct, in-
6 cluding abuse of legal and illegal drugs, illegal gam-
7 bling, discriminatory practices, and other unethical
8 behavior.

9 (5) Acts of domestic violence and sexual assault
10 are serious, indefensible crimes.

11 (6) Acts of domestic violence and sexual assault
12 committed by athletes are often not taken seriously
13 and go unpunished, sending an insidious and harm-
14 ful message that this behavior is excusable and is
15 not criminal.

16 (7) Most athletes do not commit acts of domes-
17 tic violence or sexual assault and these athletes, as
18 role models, can have a profound impact in deterring
19 others from committing acts of domestic violence
20 and sexual assault.

21 (8) There exists a Citizenship Through Sports
22 Alliance that is made up of the National Collegiate
23 Athletic Association, the National Junior College
24 Athletic Association, the National Association of
25 Intercollegiate Athletics, the National Federation of

1 State High School Associations, the United States
2 Olympic Committee, Major League Baseball, the
3 National Football League, the National Basketball
4 Association, and the National Hockey League.

5 (9) The Congress supports the existing activi-
6 ties of the Citizenship Through Sports Alliance and
7 its member organizations and encourages a broader
8 array of efforts to promote responsible citizenship by
9 teaching administrators, coaches, and athletes values
10 that will help all who participate in our Nation's
11 sports culture to become better citizens.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that—

14 (1) a national summit should be promptly con-
15 vened to develop a multifaceted action plan to deter
16 acts of violence, especially domestic violence and sex-
17 ual assault;

18 (2) the members of the national summit re-
19 ferred to in paragraph (1) should include—

20 (A) sports, community, political, and media
21 leaders;

22 (B) individuals with experience in youth
23 advocacy;

24 (C) individuals with experience in
25 antiviolence advocacy;

1 (D) members of the Citizenship Through
2 Sports Alliance;

3 (E) Members of Congress; and

4 (F) other governmental and community
5 leaders with specific expertise in education,
6 services, and advocacy programs that serve to
7 deter acts of violence, specifically national,
8 State, and local domestic violence and sexual
9 assault coalitions and programs;

10 (3) the action plan referred to in paragraph (1)
11 should—

12 (A) be designed to encourage the participa-
13 tion of all administrators, coaches, and athletes,
14 from those involved in youth leagues to those
15 who are involved in professional sports;

16 (B) emphasize and promote values such as
17 self-respect and respect for others, tolerance,
18 non-discrimination, and gender equality as well
19 as teamwork, discipline, responsibility, and com-
20 mitment;

21 (C) encourage and promote participation in
22 sports as a positive character building activity;

23 (D) promote a sports culture that encour-
24 ages integrity, honesty, fairness, inclusion, tol-

1 erance, nonviolence, and a commitment to excel-
2 lence; and

3 (E) include a high-profile public education
4 program and media campaign to deter acts of
5 violence, especially domestic violence and sexual
6 assault; and

7 (4) the members of the national summit re-
8 ferred to in paragraph (1), and other sports, com-
9 munity, political and media leaders should assume
10 leadership roles deterring acts of domestic violence
11 and sexual assault and should support the measures
12 developed by the national summit referred to in
13 paragraph (1).

14 **Subtitle E—Keeping Firearms** 15 **From Intoxicated Persons**

16 **SEC. 441. PROHIBITION AGAINST TRANSFER OF A FIREARM**
17 **TO, AND POSSESSION OF A FIREARM BY, A**
18 **PERSON WHO IS INTOXICATED.**

19 (a) **TRANSFER PROHIBITION.**—Section 922(d) of
20 title 18, United States Code, is amended—

21 (1) by striking “or” at the end of paragraph
22 (8);

23 (2) by striking the period at the end of para-
24 graph (9) and inserting “; or”; and

1 (3) by inserting after paragraph (9) the follow-
2 ing:

3 “(10) is intoxicated.”.

4 (b) POSSESSION PROHIBITION.—Section 922(g) of
5 such title is amended—

6 (1) by striking “or” at the end of paragraph
7 (8);

8 (2) by inserting “or” at the end of paragraph
9 (9); and

10 (3) by inserting after paragraph (9) the follow-
11 ing:

12 “(10) who is intoxicated,”.

13 (c) STATEMENT REQUIRED BY THE BRADY LAW.—
14 Section 922(s)(3)(B) of such title is amended—

15 (1) by striking “and” at the end of clause (vii);

16 (2) by inserting “and” at the end of clause
17 (viii); and

18 (3) by inserting after clause (viii) the following:

19 “(ix) is not intoxicated;”.

20 (d) INTOXICATED DEFINED.—Section 921(a) of such
21 title is amended by adding at the end the following:

22 “(34) The term ‘intoxicated’ means, with respect to
23 a person, that the mental or physical condition of the per-
24 son is sufficiently impaired, as a result of the presence
25 in the person’s body of alcohol, a drug, or another sub-

1 stance, to be prohibited by the law of the State in which
2 the person is located from operating a motor vehicle in
3 the State.”.

4 **Subtitle F—Access to Safety and** 5 **Advocacy**

6 **SEC. 451. SHORT TITLE.**

7 This subtitle may be cited as the “Access to Safety
8 and Advocacy Act”.

9 **SEC. 452. PURPOSE.**

10 The purpose of this subtitle is to enhance safety and
11 justice for victims of domestic violence in every State, ju-
12 risdiction under military or Federal control, tribal land,
13 territory, or commonwealth, through access to the justice
14 system and improved legal advocacy and representation.

15 **SEC. 453. GRANTS TO IMPROVE ACCESS TO THE JUSTICE** 16 **SYSTEM.**

17 (a) **ELIGIBLE GRANTEEES.**—Eligible grantees are—

- 18 (1) domestic violence programs;
- 19 (2) State, tribal, and local bar associations;
- 20 (3) law school clinical programs;
- 21 (4) nonprofit legal services;
- 22 (5) court-based pro se programs;
- 23 (6) bar association or domestic violence legal in-
24 formation and referral services or hotlines;

1 (7) State coalitions of domestic violence pro-
2 grams; and

3 (8) tribes and tribally recognized organizations.

4 (b) ELIGIBLE SERVICES.—Activities funded under
5 this subtitle shall be designed to further the health, safety,
6 and economic needs of victims of domestic violence
7 through legal assistance for victims of domestic violence
8 in any civil action, administrative proceeding, criminal
9 cases where the defendant advances a claim of duress or
10 defense of self or other or in clemency proceedings. Activi-
11 ties funded under this subtitle shall include legal assist-
12 ance on behalf of—

13 (1) low-income and indigent persons; or

14 (2) persons who have inadequate access to suf-
15 ficient financial resources to secure appropriate legal
16 assistance.

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

19 (1) To enhance the availability and quality of
20 legal assistance to victims of domestic violence
21 through efforts directed at stopping the violence, en-
22 hancing victim safety, assuring economic protection
23 and well-being or protecting child victims of domes-
24 tic violence.

1 (2) To encourage the development of partner-
2 ships between domestic violence programs and the
3 full spectrum of legal representation and advocacy
4 programs, including the following: private practition-
5 ers, Government and public sector lawyers, direct
6 legal services programs, bar associations, legal hot-
7 lines, and clinical law school initiatives.

8 (3) To increase the participation of the private
9 bar in pro bono or low-cost representation of and as-
10 sistance to victims of domestic violence.

11 (4) To improve judicial and administrative han-
12 dling of pro se cases involving victims of domestic vi-
13 olence.

14 (5) To enhance the availability and quality of
15 legal representation through increasing programs on
16 domestic violence in law schools and in continuing
17 professional education programs.

18 **SEC. 454. APPLICATION.**

19 (a) REQUIREMENTS.—Eligible grantees must—

20 (1) for entities described in section 453(a)(2)
21 through (6), include documentation of an ongoing
22 partnership and working relationship with a domes-
23 tic violence program;

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

4 (3) certify that—

5 (A) any person providing legal assistance
6 through a program funded under this subtitle
7 has completed training on domestic violence law
8 and practice;

9 (B) any training programs conducted in
10 satisfaction of the requirement of section
11 455(a)(3)(A) be developed with input from and
12 in collaboration with a domestic violence pro-
13 gram;

14 (C) the grantee's organizational policies do
15 not require or encourage mediation in cases
16 where domestic violence is a significant issue;
17 and

18 (D) any person providing legal assistance
19 through a program funded under this subtitle
20 has informed any State domestic violence coali-
21 tions of their work and participates in any
22 statewide networking among legal assistance
23 providers to victims of domestic violence.

1 **SEC. 455. FUNDING.**

2 (a) ALLOCATION OF FUNDS.—Of the total amounts
3 appropriated under this subtitle in any fiscal year, at least
4 45 percent shall be allocated to projects that provide direct
5 representation to victims of domestic violence, through
6 staff, volunteers or partnerships, particularly for cases in-
7 cluding custody and visitation, protection order, support,
8 housing and divorce matters, and other actions under-
9 taken to achieve or preserve victim safety. At least 5 per-
10 cent of the funds appropriated under this subtitle shall
11 be used for grants to tribes and tribal organizations, in-
12 cluding tribal courts and bar associations. No more than
13 15 percent of the funds appropriated under this subtitle
14 shall be awarded to technical assistance and training ini-
15 tiatives. No more than 5 percent of the funds appropriated
16 under this subtitle shall be awarded to evaluation. No
17 more than 5 percent of the funds appropriated under this
18 subtitle shall be utilized for the costs of administration.

19 (b) FUNDING LEVELS.—There are authorized to be
20 appropriated for grants under this subtitle \$19,000,000
21 for fiscal 1999, \$27,000,000 for fiscal 2000, \$35,000,000
22 for fiscal 2001, \$44,000,000 for fiscal 2002, and
23 \$57,000,000 for fiscal 2003.

24 (c) MATCHING REQUIREMENTS.—Applicants shall be
25 required to identify an actual or in-kind match for any
26 proposed award under this subtitle of no more than 20

1 percent. Other Federal funding may not be allocated as
2 match.

3 (d) NONSUPPLANTATION.—Federal funds received
4 under this subtitle shall be used to supplement, not sup-
5 plant, other Federal and non-Federal funds that would
6 otherwise be available for expenditures on activities de-
7 scribed in this part. Moneys disbursed under this subtitle
8 must be used to fund new projects or to expand or enhance
9 existing projects.

10 (e) DISCRIMINATION.—Activities funded under this
11 subtitle shall be conducted pursuant to any applicable
12 Federal, State, or local law governing discrimination on
13 the basis of race, national origin, religion, age, gender,
14 sexual orientation, or disability, and shall be subject to
15 section 307(a)(2) of the Family Violence Prevention and
16 Services Act. Entities funded under this subtitle shall not
17 be restricted from providing services because of the immi-
18 gration status or sexual orientation of the person seeking
19 services.

20 **SEC. 456. PROVISION OF TECHNICAL ASSISTANCE AND**
21 **TRAINING.**

22 The Attorney General may provide technical assist-
23 ance and training in furtherance of the purposes of this
24 subtitle. The technical assistance and training authorized
25 by this section may be carried out directly by the Attorney

1 General or through contracts or other arrangements with
2 entities, and may include consultation and problem solv-
3 ing, the development of training programs, materials, and
4 information on domestic violence law and practice, the
5 identification of promising practices, development of data-
6 bases, developing partnerships, and creating multidisci-
7 plinary, community-based approaches.

8 **SEC. 457. EVALUATION OF ACCESS TO SAFETY AND ADVOCACY GRANTS.**
9

10 The Attorney General may evaluate the grants fund-
11 ed under this subtitle through contracts or other arrange-
12 ments with entities expert on domestic violence and eval-
13 uation research.

14 **SEC. 458. DEFINITIONS.**

15 In this subtitle the following definitions apply:

16 (1) DOMESTIC VIOLENCE.—The term “domestic
17 violence” includes acts or threats of violence, and
18 stalking, not including acts of self-defense, commit-
19 ted by a current or former spouse of the victim, by
20 a person with whom the victim shares a child in
21 common, by a person who is cohabiting with or has
22 cohabited with the victim, by a person who is or has
23 been in a continuing social relationship of a roman-
24 tic or intimate nature with the victim, by a person
25 similarly situated to a spouse of the victim under the

1 domestic or family violence laws of the jurisdiction,
2 or by any other person against a victim who is pro-
3 tected from that person's acts under the domestic or
4 family violence laws of the jurisdiction.

5 (2) DOMESTIC VIOLENCE PROGRAM.—The term
6 “domestic violence program” means a nonprofit or-
7 ganization, the primary purpose of which is to pro-
8 vide advocacy on behalf of and comprehensive serv-
9 ices to victims of domestic violence, including some
10 combination of the following: crisis hotlines, shelter
11 or safe homes, transitional housing, task forces or
12 coordinating councils, food assistance, counseling,
13 systems advocacy, transportation, safety planning,
14 information and referral, and legal assistance.

15 (3) LAW SCHOOL PROGRAM.—The term “law
16 school program” means an internship, externship,
17 clinic, or other legal representation program or ini-
18 tiative located at an accredited school of law which
19 has as its primary purpose the provision of legal rep-
20 resentation, information, or assistance to victims of
21 domestic violence directed at stopping the violence,
22 enhancing the victim safety, assuring economic pro-
23 tection and well-being, or protecting child victims of
24 domestic violence.

1 (4) LEGAL ASSISTANCE.—The term “legal as-
2 sistance” includes—

3 (A) direct representation of and assistance
4 to victims of domestic violence from intake
5 through adjudication, enforcement, and appeal,
6 in any civil action, administrative proceeding,
7 criminal cases where the defendant advances a
8 claim of duress or a defense of self or other or
9 in clemency proceedings; to include representa-
10 tion from intake through adjudication, enforce-
11 ment and appeal directed at stopping the vio-
12 lence, enhancing victim safety, assuring eco-
13 nomic protection and well-being, or protecting
14 child victims of domestic violence; and

15 (B) legal advocacy, including issue identi-
16 fication, safety planning, evaluating options,
17 policy analysis, representation enhancement,
18 outreach activities, accompaniment, informa-
19 tion, directories and referral, monitoring the
20 civil and criminal justice process, and coordina-
21 tion among legal, social, and health care sys-
22 tems, offered by personnel of domestic violence
23 programs, which is directed at stopping the vio-
24 lence, enhancing victim safety, assuring eco-

1 nomic protection and well-being or protecting
2 child victims of domestic violence.

3 (5) NONPROFIT DIRECT LEGAL SERVICES.—The
4 term “nonprofit direct legal services” means a non-
5 profit legal organization which has as its primary
6 purpose the provision of legal assistance to persons
7 on a no-cost, sliding scale, deferred payment, or
8 fixed fee basis on civil or criminal legal matters and
9 which provides specialized representation to victims
10 of domestic violence directed at stopping the vio-
11 lence, enhancing victim safety, assuring economic
12 protection and well-being or protecting child victims
13 of domestic violence.

14 (6) PRO BONO PROGRAM.—The term “pro bono
15 program” means a program affiliated with a State,
16 tribal, or local court, bar association, nonprofit di-
17 rect legal services organization, or a domestic vio-
18 lence program that offers no-cost representation,
19 legal educational programs, or information and re-
20 ferral services to victims of domestic violence di-
21 rected at stopping the violence, enhancing victim
22 safety, assuring economic protection and well-being,
23 or protecting child victims of domestic violence.

24 (7) PRO SE PROGRAM.—The term “pro se pro-
25 gram” means a program based in the State, tribal,

1 or local courts, in nonprofit direct legal services or-
2 ganizations, or in domestic violence programs to as-
3 sist victims of domestic violence—

4 (A) in preparation and filing of court
5 pleadings, forms, memos, proposed orders, and
6 related documents, in effecting service, and in
7 representation of themselves in any civil or ad-
8 ministrative matters or proceedings directed at
9 stopping the violence, enhancing victim safety,
10 assuring economic protection and well-being, or
11 protecting child victims of domestic violence;

12 (B) to develop comprehensive safety plans;

13 and

14 (C) to offer information and referral serv-
15 ices.

16 (8) STATE, TRIBAL, OR LOCAL BAR ASSOCIA-
17 TION.—The term “State, tribal, or local bar associa-
18 tion” means a State, tribal, or local association of
19 attorneys of a specified geographic area whose mem-
20 bers are licensed to practice in the jurisdiction(s)
21 and that offers information, referral, or pro bono
22 legal services to victims of domestic violence directed
23 at stopping the violence, enhancing victim safety,
24 achieving economic justice, or protecting child vic-
25 tims of domestic violence.

1 (9) TRIBAL ORGANIZATION.—The term “tribal
2 organization” means a tribally chartered organiza-
3 tion or a nonprofit organization operating within the
4 boundaries of an Indian reservation whose governing
5 body reflects the populations served.

6 (10) STATE COALITION OF DOMESTIC VIOLENCE
7 PROGRAMS.—The term “State coalition of domestic
8 violence programs” means a statewide membership
9 organization of domestic violence programs that,
10 among other activities, provides training and tech-
11 nical assistance to domestic violence programs within
12 the State, commonwealth, territory, or lands under
13 military, Federal, or tribal authority.

14 **Subtitle G—Federal Witness Pro-**
15 **tection for Victims of Domestic**
16 **Violence**

17 **SEC. 461. WITNESS PROTECTION.**

18 (a) GENERALLY.—Section 3521(a)(1) of title 18,
19 United States Code, is amended by inserting “or of a vic-
20 tim of an offense set forth in chapter 110A of this title
21 directed at victims of domestic violence or a similar State
22 offense,” after “other serious offense,”.

23 (b) OTHER ACTIONS.—Section 3521(b)(1) of title 18,
24 United States Code, is amended by inserting “or a victim
25 of domestic violence,” after “potential witness,”.

1 **TITLE V—VIOLENCE AGAINST**
 2 **WOMEN IN THE MILITARY**
 3 **SYSTEM**

4 **Subtitle A—Civilian Jurisdiction**
 5 **for Crimes of Sexual Assault**
 6 **and Domestic Violence**

7 **SEC. 501. CRIMINAL OFFENSES COMMITTED OUTSIDE THE**
 8 **UNITED STATES BY PERSONS ACCOMPANY-**
 9 **ING THE ARMED FORCES.**

10 (a) IN GENERAL.—Title 18, United States Code, is
 11 amended by inserting after chapter 211 the following new
 12 chapter:

13 **“CHAPTER 212—DOMESTIC VIOLENCE AND**
 14 **SEXUAL ASSAULT OFFENSES COMMIT-**
 15 **TED OUTSIDE THE UNITED STATES**

“Sec.

“3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or 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.

16 **“§ 3261. Domestic violence and sexual assault of-**
 17 **fenses committed by persons formerly**
 18 **serving with, or presently employed by or**
 19 **accompanying, the Armed Forces outside**
 20 **the United States**

21 “(a) IN GENERAL.—Whoever, while serving with, em-
 22 ployed by, or accompanying the Armed Forces outside of

1 the United States, engages in conduct that would con-
2 stitute a misdemeanor or felony domestic violence or sex-
3 ual assault offense, if the conduct had been engaged in
4 within the special maritime and territorial jurisdiction of
5 the United States, shall be subject to prosecution in the
6 Federal District Court of the jurisdiction of origin.

7 “(b) CONCURRENT JURISDICTION.—Nothing con-
8 tained in this chapter deprives courts-martial, military
9 commissions, provost courts, or other military tribunals of
10 concurrent jurisdiction with respect to offenders or of-
11 fenses that by statute or by the law of war may be tried
12 by courts-martial, military commissions, provost courts, or
13 other military tribunals.

14 “(c) ACTION BY FOREIGN GOVERNMENT.—No pros-
15 ecution may be commenced under this section if a foreign
16 government, in accordance with jurisdiction recognized by
17 the United States, has prosecuted or is prosecuting such
18 person for the conduct constituting such offense, except
19 upon the approval of the Attorney General of the United
20 States or the Deputy Attorney General of the United
21 States (or a person acting in either such capacity), which
22 function of approval shall not be delegated.

23 “(d) ARRESTS.—

24 “(1) LAW ENFORCEMENT PERSONNEL.—The
25 Secretary of Defense may designate and authorize

1 any person serving in a law enforcement position in
2 the Department of Defense to arrest outside of the
3 United States any person described in subsection (a)
4 if there is probable cause to believe that such person
5 engaged in conduct which constitutes a criminal of-
6 fense under subsection (a).

7 “(2) RELEASE TO CIVILIAN LAW ENFORCE-
8 MENT.—A person arrested under paragraph (1)
9 shall be released to the custody of civilian law en-
10 forcement authorities of the United States for re-
11 moval to the United States for judicial proceedings
12 in the Federal district court of the named jurisdic-
13 tion of origin of the person arrested in relation to
14 conduct referred to in such paragraph unless—

15 “(A) such person is delivered to authorities
16 of a foreign country under section 3262; or

17 “(B) such person has had charges brought
18 against him or her under chapter 47 of title 10
19 for such conduct.

20 **“§ 3262. Delivery to authorities of foreign countries**

21 “(a) IN GENERAL.—Any person designated and au-
22 thorized under section 3261(d) may deliver a person de-
23 scribed in section 3261(a) to the appropriate authorities
24 of a foreign country in which the person is alleged to have
25 engaged in conduct described in subsection (a) if—

1 “(1) the appropriate authorities of that country
2 request the delivery of the person to such country
3 for trial for such conduct as an offense under the
4 laws of that country; and

5 “(2) the delivery of such person to that country
6 is authorized by a treaty or other international
7 agreement to which the United States is a party.

8 “(b) DETERMINATION BY THE SECRETARY.—The
9 Secretary of Defense shall determine which officials of a
10 foreign country constitute appropriate authorities for pur-
11 poses of this section.

12 **“§ 3263. Regulations**

13 “The Secretary of Defense shall issue regulations
14 governing the apprehension, detention, and removal of
15 persons under this chapter. Such regulations shall be uni-
16 form throughout the Department of Defense.

17 **“§ 3264. Definitions for chapter**

18 “As used in this chapter—

19 “(1) the term ‘Armed Forces’ has the same
20 meaning as in section 101(a)(4) of title 10;

21 “(2) a person is ‘employed by the Armed
22 Forces outside of the United States’ if the person—

23 “(A) is employed as a civilian employee of
24 the Department of Defense, as a Department of

1 Defense contractor, or as an employee of a De-
2 partment of Defense contractor;

3 “(B) is present or residing outside of the
4 United States in connection with such employ-
5 ment; and

6 “(C) is not a national of the host nation;
7 and

8 “(3) a person is ‘accompanying the Armed
9 Forces outside of the United States’ if the person—

10 “(A) is a dependent of a member of the
11 armed forces;

12 “(B) is a dependent of a civilian employee
13 of the Department of Defense;

14 “(C) is residing with the member or civil-
15 ian employee outside of the United States; and

16 “(D) is not a national of the host nation.”

17 (b) CLERICAL AMENDMENT.—The table of chapters
18 at the beginning of part II of title 18, United States Code,
19 is amended by inserting after the item relating to chapter
20 211 the following:

**“212. Domestic Violence and Sexual Assault Offenses
Committed Outside the United States 3261”.**

21 **SEC. 502. RECORDS OF MILITARY JUSTICE ACTIONS.**

22 (a) IN GENERAL.—Chapter 59 of title 10, United
23 States Code, is amended by adding at the end the follow-
24 ing new section:

1 **“§ 1178. Military justice information and DNA speci-**
2 **mens: transmission to Director of Federal**
3 **Bureau of Investigation upon member’s**
4 **separation**

5 “(a) RECORDS OF MILITARY JUSTICE ACTIONS.—
6 Whenever a member of the armed forces is discharged
7 from a period of service in the armed forces or is released
8 from a period of active duty, the Secretary of the military
9 department concerned shall transmit to the Director of the
10 Federal Bureau of Investigation a copy of records of any
11 penal action taken against the member during that period
12 under chapter 47 of this title (the Uniform Code of Mili-
13 tary Justice).

14 “(b) DNA SPECIMENS OF PERSONS CONVICTED OF
15 SEXUAL OFFENSES.—(1) Any member of the armed
16 forces who is convicted by a court-martial of an offense
17 of a sexual nature shall, before being separated from the
18 member’s armed force, provide to the Secretary of the
19 military department concerned a sample of blood, saliva,
20 or other specimen collected from that member necessary
21 to conduct DNA analysis consistent with established pro-
22 cedures for DNA testing by the Director of the Federal
23 Bureau of Investigation.

24 “(2) The Secretary concerned shall transmit each
25 sample provided under paragraph (1) in a timely manner
26 to the Director of the Federal Bureau of Investigation for

1 inclusion in the Combined DNA Identification System
2 (CODIS) of the Federal Bureau of Investigation.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 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.”.

6 **Subtitle B—Transitional Com-**
7 **penensation and Health Care for**
8 **Abused Dependents of Members**
9 **of the Armed Forces**

10 **SEC. 511. TRANSITIONAL COMPENSATION.**

11 Section 1059 of title 10, United States Code, is
12 amended—

13 (1) in subsection (e)(1)(A), by inserting “that
14 includes dependent-abuse as an underlying or prin-
15 cipal factor” after “for a dependent-abuse offense”;

16 (2) in subsection (e)(1)(B), by inserting “un-
17 derlying, partial, or principal” before “basis”; and

18 (3) in subsection (g)(2), by striking “the Sec-
19 retary may not resume such payments” and insert-
20 ing “the Secretary may resume such payments if the
21 Secretary determines that there was ongoing abuse.
22 Any such determination as to such a resumption of
23 payments shall be reviewed by the Secretary on a
24 case-by-case basis.”.

1 **SEC. 512. HEALTH BENEFITS.**

2 Paragraph (1) of section 1076(e) of title 10, United
3 States Code, is amended to read as follows:

4 “(1) The administering Secretary shall furnish
5 an abused dependent of a former member of a uni-
6 formed service described in paragraph (4), during
7 that period that the abused dependent is in receipt
8 of transitional compensation under section 1059 of
9 this title, with medical and dental care, including
10 mental health services, in facilities of the uniformed
11 services in accordance with the same eligibility and
12 benefits as were applicable for that abused depend-
13 ent during the period of active service of the former
14 member.”.

15 **TITLE VI—PREVENTING VIO-**
16 **LENCE AGAINST WOMEN IN**
17 **TRADITIONALLY UNDER-**
18 **SERVED COMMUNITIES**

19 **Subtitle A—Older Women’s**
20 **Protection From Violence**

21 **SEC. 601. SHORT TITLE; TABLE OF CONTENTS.**

22 (a) **SHORT TITLE.**—This Act may be cited as the
23 “Older Women’s Protection From Violence Act”.

24 (b) **TABLE OF CONTENTS.**—The table of contents for
25 this Act is as follows:

Sec. 601. Short title; table of contents.

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. 604–1. Definitions.

Sec. 604–2. Domestic violence services for older individuals.

Sec. 604–3. Demonstration grants for community initiatives.

CHAPTER 3—OLDER AMERICANS ACT OF 1965

Sec. 605–1. Definitions.

Sec. 605–2. Research about the sexual abuse of women who are older individuals.

Sec. 605–3. State Long-Term Care Ombudsman program.

Sec. 605–4. Training for health professionals on screening for elder abuse, neglect, and exploitation.

Sec. 605–5. Domestic violence shelters and programs for older individuals.

Sec. 605–6. Authorization of appropriations.

Sec. 605–7. Community initiatives and outreach.

CHAPTER 4—PUBLIC HEALTH SERVICE ACT

Sec. 606–1. Short title.

Sec. 606–2. Establishment, for certain health professions programs, of provisions regarding identification and referral for elder abuse and neglect.

1 **SEC. 602. FINDINGS.**

2 Congress finds that—

3 (1) of the more than 1,000,000 persons age 65
4 and over who are victims of abuse each year, at least
5 two-thirds are women;

6 (2) the number of reports of elder abuse in the
7 United States increased by 94 percent between 1986
8 and 1991 and is expected to continue growing;

9 (3) it is estimated that at least 5 percent of the
10 Nation's elderly are victims of moderate to severe
11 abuse and that the rate for all forms of abuse may
12 be as high as 10 percent;

1 (4) elder abuse is severely underreported, with
2 1 in 5 cases being reported in 1980 and 1 in 8 cases
3 being reported today;

4 (5) elder abuse takes on many forms, including
5 physical abuse, sexual abuse, psychological (emo-
6 tional) abuse, neglect (intended or unintended), and
7 financial exploitation;

8 (6) many older persons, particularly women and
9 minorities, fail to report abuse because of shame or
10 as a result of prior unsatisfactory experiences with
11 police, district attorneys, clergy, social workers, or
12 others who lacked sensitivity to the concerns or
13 needs of older people;

14 (7) many older persons fail to report abuse be-
15 cause they are dependent on their abusers and fear
16 being abandoned or institutionalized;

17 (8) public and professional awareness and iden-
18 tification of elder abuse is difficult because many
19 older persons are not tied into social networks (such
20 as schools or jobs), and may become isolated in their
21 homes, which can increase the risk of elder abuse;

22 (9) the Department of Justice does not include
23 age as a category for criminal statistics reporting;

1 (10) there are relatively few statistics and re-
 2 search studies regarding violence against older
 3 women; and

4 (11) older persons critically need activities that
 5 develop, strengthen, and carry out actions for the
 6 prevention of abuse, including neglect and exploi-
 7 tation, and provide related assistance for victims.

8 **CHAPTER 1—VIOLENCE AGAINST WOMEN**
 9 **ACT OF 1994**

10 **SEC. 603. ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

11 The Violence Against Women Act of 1994 (108 Stat.
 12 1902) is amended by adding at the end the following:

13 **“Subtitle H—Elder Abuse, Neglect,**
 14 **and Exploitation, Including Do-**
 15 **mestic Violence and Sexual As-**
 16 **sault Against Older Individuals**

17 **“SEC. 40801. DEFINITIONS.**

18 “In this subtitle:

19 “(1) IN GENERAL.—The terms ‘elder abuse, ne-
 20 glect, and exploitation’, ‘domestic violence’, and
 21 ‘older individual’ have the meanings given the terms
 22 in section 102 of the Older Americans Act of 1965
 23 (42 U.S.C. 3002).

24 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
 25 sault’ has the meaning given the term in section

1 2003 of the Omnibus Crime Control and Safe
2 Streets Act of 1968 (42 U.S.C. 3796gg-2).

3 **“SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER**
4 **ABUSE, NEGLECT, AND EXPLOITATION.**

5 “The Attorney General shall make grants to law
6 school clinical programs for the purposes of funding the
7 inclusion of cases addressing issues of elder abuse, neglect,
8 and exploitation, including domestic violence, and sexual
9 assault, against older individuals.

10 **“SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCE-**
11 **MENT OFFICERS.**

12 “The Attorney General shall develop curricula and
13 offer, or provide for the offering of, training programs to
14 assist law enforcement officers and prosecutors in rec-
15 ognizing, addressing, investigating, and prosecuting in-
16 stances of elder abuse, neglect, and exploitation, including
17 domestic violence, and sexual assault, against older indi-
18 viduals.

19 **“SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated such sums
21 as may be necessary to carry out this subtitle.”.

1 **CHAPTER 2—FAMILY VIOLENCE**
2 **PREVENTION AND SERVICES ACT**

3 **SEC. 604-1. DEFINITIONS.**

4 Section 309 of the Family Violence Prevention and
5 Services Act (42 U.S.C. 10408) is amended by adding at
6 the end the following:

7 “(7) The term ‘older individual’ has the mean-
8 ing given the term in section 102 of the Older Amer-
9 icans Act of 1965.”.

10 **SEC. 604-2. DOMESTIC VIOLENCE SERVICES FOR OLDER IN-**
11 **DIVIDUALS.**

12 Section 311(a) of the Family Violence Prevention and
13 Services Act (42 U.S.C. 10410(a)) is amended—

14 (1) in paragraph (4), by striking “and” at the
15 end;

16 (2) in paragraph (5), by striking the period at
17 the end and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(6) work with domestic violence programs to
20 encourage the development of programs targeted to
21 older individuals, including outreach, support
22 groups, and counseling.”.

1 **SEC. 604-3. DEMONSTRATION GRANTS FOR COMMUNITY**
2 **INITIATIVES.**

3 Section 318(b)(2)(F) of the Family Violence Preven-
4 tion and Services Act (42 U.S.C. 10418(b)(2)(F)) is
5 amended by inserting “and adult protective services enti-
6 ties” before the semicolon.

7 **CHAPTER 3—OLDER AMERICANS ACT OF**
8 **1965**

9 **SEC. 605-1. DEFINITIONS.**

10 Section 102 of the Older Americans Act of 1965 (42
11 U.S.C. 3002) is amended by adding at the end the follow-
12 ing:

13 “(45) The term ‘domestic violence’ includes acts
14 or threats of violence, not including acts of self de-
15 fense, committed by a current or former spouse of
16 the victim, by a person related by blood or marriage
17 to the victim, by a person who is cohabiting with or
18 has cohabited with the victim, by a person with
19 whom the victim shares a child in common, by a per-
20 son who is or has been in a continuing social rela-
21 tionship of a romantic or intimate nature with the
22 victim, by a person similarly situated to a spouse of
23 the victim under the domestic or family violence laws
24 of the jurisdiction of the victim, or by any other per-
25 son against a victim who is protected from that per-

1 son’s acts under the domestic or family violence laws
2 of the jurisdiction.

3 “(46) The term ‘sexual assault’ has the mean-
4 ing given the term in section 2003 of the Omnibus
5 Crime Control and Safe Streets Act of 1968 (42
6 U.S.C. 3796gg-2).”.

7 **SEC. 605-2. RESEARCH ABOUT THE SEXUAL ASSAULT OF**
8 **WOMEN WHO ARE OLDER INDIVIDUALS.**

9 Section 202(d)(3)(C) of the Older Americans Act of
10 1965 (42 U.S.C. 3012(d)(3)(C)) is amended—

11 (1) by striking “and” at the end of clause (i);

12 (2) by striking the period at the end of clause
13 (ii) and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(iii) in establishing research priorities under
16 clause (i), consider the importance of research about
17 the sexual assault of women who are older individ-
18 uals.”.

19 **SEC. 605-3. STATE LONG-TERM CARE OMBUDSMAN PRO-**
20 **GRAM.**

21 Section 303(a)(1) of the Older Americans Act of
22 1965 (42 U.S.C. 3023(a)(1)) is amended by inserting be-
23 fore the period the following: “, except that for grants to
24 carry out section 321(a)(10), there are authorized to be

1 appropriated such sums as may be necessary without fiscal
2 year limitation”.

3 **SEC. 605-4. TRAINING FOR HEALTH PROFESSIONALS ON**
4 **SCREENING FOR ELDER ABUSE, NEGLECT,**
5 **AND EXPLOITATION.**

6 Section 411 of the Older Americans Act of 1965 (42
7 U.S.C. 3031) is amended by adding at the end the follow-
8 ing:

9 “(f)(1) The Secretary shall, in consultation with the
10 Assistant Secretary, develop curricula and implement con-
11 tinuing education training programs for protective service
12 workers, health care providers, social workers, clergy, and
13 other community-based social service providers in settings,
14 including senior centers, adult day care settings, and sen-
15 ior housing, to improve their ability to recognize and ad-
16 dress instances of elder abuse, neglect, and exploitation,
17 including domestic violence, and sexual assault, against
18 older individuals.

19 “(2) In carrying out paragraph (1), the Secretary
20 shall develop and implement separate curricula and train-
21 ing programs for adult protective services workers, medi-
22 cal students, physicians, physician assistants, nurse prac-
23 titioners, nurses, and clergy.”.

1 **SEC. 605-5. DOMESTIC VIOLENCE SHELTERS AND PRO-**
2 **GRAMS 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 shel-
11 ters and programs for older individuals and encour-
12 age the use of senior housing, nursing homes, or
13 other suitable facilities or services when appropriate
14 as emergency short-term shelters or measures for
15 older individuals who are the victims of elder abuse,
16 including domestic violence, and sexual assault,
17 against older individuals; and

18 “(14) promote research on legal, organizational,
19 or training impediments to providing services to
20 older individuals through shelters, such as impedi-
21 ments to provision of the services in coordination
22 with delivery of health care or senior services.”.

23 **SEC. 605-6. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) OMBUDSMAN PROGRAM.—Section 702(a) of the
25 Older Americans Act of 1965 (42 U.S.C. 3058a(a)) is
26 amended to read as follows:

1 “(a) OMBUDSMAN PROGRAM.—There are authorized
2 to be appropriated to carry out chapter 2 such sums as
3 may be necessary without fiscal year limitation.”.

4 (b) ELDER ABUSE PREVENTION PROGRAM.—Section
5 702(b) of the Older Americans Act of 1965 (42 U.S.C.
6 3058a(b)) is amended to read as follows:

7 “(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND
8 EXPLOITATION.—There are authorized to be appropriated
9 to carry out chapter 3 such sums as may be necessary
10 without fiscal year limitation.”.

11 **SEC. 605-7. COMMUNITY INITIATIVES AND OUTREACH.**

12 Title VII of the Older Americans Act of 1965 (42
13 U.S.C. 3058 et seq.) is amended—

14 (1) by redesignating subtitle C as subtitle D;

15 (2) by redesignating sections 761 through 764
16 as sections 771 through 774, respectively; and

17 (3) by inserting after subtitle B the following:

18 **“Subtitle C—Community Initiatives**
19 **and Outreach**

20 **“SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER**
21 **ABUSE, NEGLECT, AND EXPLOITATION.**

22 “The Secretary shall make grants to nonprofit pri-
23 vate organizations to support projects in local commu-
24 nities, involving diverse sectors of each community, to co-
25 ordinate activities concerning intervention in and preven-

1 **SEC. 606-2. ESTABLISHMENT, FOR CERTAIN HEALTH PRO-**
2 **FESSIONS PROGRAMS, OF PROVISIONS RE-**
3 **GARDING IDENTIFICATION AND REFERRAL**
4 **FOR 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 VIII 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.

14 “(C) Referring the victims to public and
15 nonprofit private entities that provide services
16 for such victims.

17 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
18 TIES.—For purposes of paragraph (1), a health pro-
19 fessions entity specified in this paragraph is any en-
20 tity that is a school of medicine, a school of osteo-
21 pathic medicine, a graduate program in mental
22 health practice, a school of nursing (as defined in
23 section 298b), a program for the training of physi-
24 cian assistants, or a program for the training of al-
25 lied health professionals.

1 “(3) REPORT TO CONGRESS.—Not later than 2
2 years after the date of the enactment of the Elder
3 Abuse Identification and Referral Act of 1998, the
4 Secretary shall submit to the Committee on Com-
5 merce of the House of Representatives, and the
6 Committee on Labor and Human Resources of the
7 Senate, a report specifying—

8 “(A) the health professions entities that
9 are receiving preference under paragraph (1);

10 “(B) the number of hours of training re-
11 quired by the entities for purposes of such
12 paragraph;

13 “(C) the extent of clinical experience so re-
14 quired; and

15 “(D) the types of courses through which
16 the training is being provided.

17 “(4) DEFINITIONS.—In this subsection:

18 “(A) IN GENERAL.—The terms ‘abuse’,
19 ‘neglect’, ‘domestic violence’, and ‘older individ-
20 ual’ have the meanings given the terms in sec-
21 tion 102 of the Older Americans Act of 1965
22 (42 U.S.C. 3002).

23 “(B) ELDER ABUSE AND NEGLECT.—The
24 term ‘elder abuse and neglect’ means abuse and
25 neglect of an older individual.

1 “(C) SEXUAL ASSAULT.—The term ‘sexual
2 assault’ has the meaning given the term in sec-
3 tion 2003 of the Omnibus Crime Control and
4 Safe Streets Act of 1968 (42 U.S.C. 3796gg–
5 2).”.

6 (b) TITLE VIII PROGRAMS; PREFERENCES IN FI-
7 NANCIAL AWARDS.—Section 860 of the Public Health
8 Service Act (42 U.S.C. 298b–7) as amended by title VIII
9 of this Act is amended by adding at the end the following:

10 “(g) PREFERENCES REGARDING TRAINING IN IDEN-
11 TIFICATION AND REFERRAL OF VICTIMS OF ELDER
12 ABUSE AND NEGLECT.—

13 “(1) IN GENERAL.—In the case of a health pro-
14 fessions entity specified in paragraph (2), the Sec-
15 retary shall, in making awards of grants or contracts
16 under this title, give preference to any such entity
17 (if otherwise a qualified applicant for the award in-
18 volved) that has in effect the requirement that, as a
19 condition of receiving a degree or certificate (as ap-
20 plicable) from the entity, each student have had sig-
21 nificant training (such as training conducted in ac-
22 cordance with curricula or programs authorized
23 under section 411(g) of the Older Americans Act of
24 1965 (42 U.S.C. 3031(f))), in carrying out the fol-
25 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.

14 “(C) Referring the victims to public and
15 nonprofit private entities that provide services
16 for such victims.

17 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
18 TIES.—For purposes of paragraph (1), a health pro-
19 fessions entity specified in this paragraph is any en-
20 tity that is a school of nursing or other public or
21 nonprofit private entity that is eligible to receive an
22 award described in such paragraph.

23 “(3) REPORT TO CONGRESS.—Not later than 2
24 years after the date of the enactment of the Elder
25 Abuse Identification and Referral Act of 1998, the

1 Secretary shall submit to the Committee on Com-
2 merce of the House of Representatives, and the
3 Committee on Labor and Human Resources of the
4 Senate, a report specifying—

5 “(A) the health professions entities that
6 are receiving preference under paragraph (1);

7 “(B) the number of hours of training re-
8 quired by the entities for purposes of such
9 paragraph;

10 “(C) the extent of clinical experience so re-
11 quired; and

12 “(D) the types of courses through which
13 the training is being provided.

14 “(4) DEFINITIONS.—In this subsection:

15 “(A) IN GENERAL.—The terms ‘abuse’,
16 ‘neglect’, ‘domestic violence’, and ‘older individ-
17 ual’ have the meanings given the terms in sec-
18 tion 102 of the Older Americans Act of 1965
19 (42 U.S.C. 3002).

20 “(B) ELDER ABUSE AND NEGLECT.—The
21 term ‘elder abuse and neglect’ means abuse and
22 neglect of an older individual.

23 “(C) SEXUAL ASSAULT.—The term ‘sexual
24 assault’ has the meaning given the term in sec-
25 tion 2003 of the Omnibus Crime Control and

1 Safe Streets Act of 1968 (42 U.S.C. 3796gg–
2 2).”.

3 (c) CONFORMING AMENDMENT.—Section 411(f) of
4 the Older Americans Act of 1965 (as added by section
5 605–4) is amended by adding at the end the following:
6 “(3) In carrying out paragraph (1), the Secretary
7 shall provide information about the curricula and training
8 programs to entities described in sections 791(c)(2) and
9 860(f)(2) of the Public Health Service Act (42 U.S.C.
10 295j(c)(2) and 298b–7(f)(2)) that seek grants or con-
11 tracts under title VII or VIII of such Act.”.

12 **Subtitle B—Protection Against Vio-**
13 **lence and Abuse for Women**
14 **With Disabilities**

15 **SEC. 611. SHORT TITLE.**

16 This subtitle may be cited as the “Protections
17 Against Violence and Abuse for Women With Disabilities
18 Act”.

19 **SEC. 612. FINDINGS.**

20 The Congress finds that—

21 (1) women with disabilities are more likely to be
22 the victims of abuse and violence than women with-
23 out disabilities because of their increased physical,
24 economic, social, or psychological dependence on oth-
25 ers;

1 (2) in domestic violence cases, women with dis-
2 abilities stay with their batterers almost twice as
3 long as women without disabilities;

4 (3) violence and abuse against women with dis-
5 abilities takes many forms, including verbal abuse,
6 physical abuse, sexual assault, forced isolation, con-
7 trol over economic resources, and the withholding of
8 equipment, medication, transportation, or personal
9 care assistance;

10 (4) many women with disabilities fail to report
11 abuse because they are dependent on their abusers
12 and fear being abandoned or institutionalized;

13 (5) many women with disabilities are unable to
14 leave abuse or violent spouses or cohabitants because
15 of the inaccessibility of services or the fear of aban-
16 doning dependent children; and

17 (6) law enforcement, the criminal justice sys-
18 tem, legal services, and victim services are often not
19 equipped or trained to effectively identify and re-
20 spond to abuse or violence against women with dis-
21 abilities.

22 **SEC. 613. OMNIBUS CRIME CONTROL AND SAFE STREETS**
23 **ACT OF 1968.**

24 Section 2001(b) of the Omnibus Crime Control and
25 Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amend-

1 ed in paragraph (5) by striking “and domestic violence;”
2 and inserting “, domestic violence, and the forms of vio-
3 lence and abuse particularly suffered by women with dis-
4 abilities;”.

5 **SEC. 614. PUBLIC HEALTH AND HUMAN SERVICES ACT.**

6 Section 1910A(5) of the Public Health and Human
7 Services Act (42 U.S.C. 300w-10(a)(5)) is amended by
8 striking the period at the end of paragraph (5) and insert-
9 ing “, and among persons with disabilities.”.

10 **SEC. 615. FAMILY VIOLENCE PREVENTION AND SERVICES**
11 **ACT.**

12 Section 318(b)(2) of the Family Violence Prevention
13 and Services Act (42 U.S.C. 10418(b)(2)) is amended—

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

16 (2) by redesignating subparagraph (H) as sub-
17 paragraph (I); and

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

20 “(H) groups that provide services to or ad-
21 vocate on behalf of persons with disabilities;
22 and”.

23 **SEC. 616. VIOLENCE AGAINST WOMEN ACT.**

24 (a) Section 40291(a) of the Safe Homes for Women
25 Act of 1994 (42 U.S.C. 13961(a)) is amended—

1 (1) by inserting “and toward persons with dis-
2 abilities,” after “language minority communities”;
3 and

4 (2) by inserting “, as defined in section 2003(7)
5 of the Omnibus Crime Control and Safe Streets Act
6 of 1968 (42 U.S.C. 3796gg-2(7))” after “needs of
7 underserved populations”.

8 (b) Section 40412 of the Equal Justice for Women
9 in the Courts Act of 1994 (42 U.S.C. 13992) is amend-
10 ed—

11 (1) in paragraph (6), by inserting “, stereo-
12 typing of persons with disabilities who are victims of
13 rape, sexual assault, abuse, or violence” after “racial
14 stereotyping of rape victims”;

15 (2) in paragraph (13), by inserting “or among
16 persons with disabilities,” after “socioeconomic
17 groups,”;

18 (3) by striking “and” at the end of paragraph
19 (21) (as amended by title I of this Act);

20 (4) by striking the period at the end of para-
21 graph (22) (as amended by title I of this Act); and

22 (5) by inserting after paragraph (22) the fol-
23 lowing:

24 “(23) issues related to violence and abuse
25 against persons with disabilities, including the na-

1 ture of physical, mental, and communications dis-
2 abilities; the special vulnerability to violence of per-
3 sons with disabilities; and the types of violence and
4 abuse experienced by persons with disabilities;

5 “(24) the requirements placed on courts and
6 judges under existing disability laws, including the
7 requirements to provide appropriate auxiliary aids
8 and services and to ensure physical access; and

9 “(25) the stereotypes regarding the fitness of
10 persons with disabilities to retain custody of chil-
11 dren, especially in domestic violence cases.”.

12 **SEC. 617. TRAINING PROGRAMS FOR SOCIAL SERVICE AND**
13 **HEALTH PROVIDERS.**

14 (a) The Secretary of Health and Human Services
15 may develop curricula and implement training and con-
16 tinuing education programs for protective services work-
17 ers, health providers, social workers, clergy, independent
18 living center case workers, and other community-based
19 disability-related service providers to improve their ability
20 to recognize and address instances of domestic violence di-
21 rected against women with disabilities.

22 (b) There are authorized to be appropriated to carry
23 out the purposes of this section \$10,000,000 for each of
24 fiscal years 1999, 2000, 2001, 2002, and 2003.

1 **SEC. 618. TRAINING FOR HEALTH PROFESSIONALS ON**
2 **SCREENING FOR ABUSE OF WOMEN WITH**
3 **DISABILITIES.**

4 (a) The Secretary of Health and Human Services
5 may make grants and enter into contracts to establish and
6 carry out the training of health professionals, including
7 physicians, nurses, physician assistants, and nurse practi-
8 tioners, to ensure they will receive training in screening
9 for abuse of women with disabilities and instruction in ap-
10 propriate actions when cases of abuse are identified.

11 (b) There are authorized to be appropriated to be
12 used to award grants under this section \$10,000,000 for
13 each of fiscal years 1999, 2000, 2001, 2002, and 2003.

14 **SEC. 619. RESEARCH ABOUT SEXUAL ABUSE AND VIOLENCE**
15 **AGAINST WOMEN WITH DISABILITIES.**

16 In establishing research priorities under title IX of
17 this Act, the Secretary shall consider the importance of
18 research about the sexual assault of, and violence against,
19 women with disabilities.

20 **SEC. 619-1. GRANTS FOR TECHNICAL ASSISTANCE.**

21 (a) The Attorney General may establish a grants pro-
22 gram for States and nongovernmental private entities to
23 provide education and technical assistance for the purpose
24 of distributing information on abuse and violence against
25 women with disabilities. Information shall be distributed
26 to independent living centers, disability-related service or-

1 ganizations, domestic violence programs providing shelter
2 or related assistance, other victim services organizations,
3 and to women with disabilities. Education and technical
4 assistance may include providing information on—

5 (1) what is required of shelters and victim serv-
6 ices organizations under the Americans with Disabil-
7 ities Act and section 504 of the 1973 Rehabilitation
8 Act;

9 (2) suggestions as to low-cost ways that shelters
10 and victim services may implement the Americans
11 with Disabilities Act; and

12 (3) the particular nature, definition, and char-
13 acteristics of violence and abuse experienced by
14 women with disabilities.

15 (b) There are authorized to be appropriated to carry
16 out the purposes of this section \$10,000,000 for each of
17 fiscal years 1999, 2000, 2001, 2002, and 2003.

18 **Subtitle C—Battered Immigrant** 19 **Women**

20 **SEC. 621. SHORT TITLE.**

21 This subtitle may be cited as the “Battered Immi-
22 grant Women’s Protection Act”.

23 **SEC. 622. FINDINGS AND PURPOSES.**

24 (a) FINDINGS.—Congress finds that—

1 (1) the goal of the immigration protections for
2 battered immigrants included in the Violence
3 Against Women Act was to remove immigration laws
4 as a barrier that kept battered immigrant women
5 and children locked in abusive relationships;

6 (2) providing battered immigrant women and
7 children who were experiencing domestic violence at
8 home with protection against deportation allows
9 them to obtain protection orders against their abus-
10 ers and frees them to cooperate with law enforce-
11 ment and prosecutors in criminal cases brought
12 against their abusers and the abusers of their chil-
13 dren; and

14 (3) there are several groups of battered immi-
15 grant women and children who do not have access
16 to VAWA's immigration protections, which means
17 that their abusers are virtually immune from pros-
18 ecution because their victims can be deported and
19 the Immigration and Naturalization Service cannot
20 offer them protection no matter how compelling
21 their case under existing law.

22 (b) PURPOSES.—The purposes of this subtitle are—

23 (1) to promote criminal prosecutions of all per-
24 sons who commit acts of battery or extreme cruelty
25 against immigrant women and children;

1 “(A) IN GENERAL.—The Attorney General
2 may cancel removal of, and adjust to the status
3 of an alien lawfully admitted for permanent res-
4 idence, an alien who is inadmissible or deport-
5 able from the United States if the alien dem-
6 onstrates that—

7 “(i) the alien has been battered or
8 subjected to extreme cruelty in the United
9 States by a spouse, parent, son, or daugh-
10 ter who is a United States citizen (or is
11 the parent of a child of a United States
12 citizen and the child has been battered or
13 subjected to extreme cruelty in the United
14 States by such citizen parent), or by a
15 United States citizen who filed a non-
16 immigrant visa for the alien under section
17 101(a)(15)(K) who has not married the
18 alien or has married the alien more than
19 90 days after the alien’s entry, or by a
20 spouse or parent who is a lawful perma-
21 nent resident (or is the parent of a child
22 of a lawful permanent resident and the
23 child has been battered or subjected to ex-
24 treme cruelty in the United States by such
25 permanent resident parent), or by a United

1 States citizen or lawful permanent resident
2 whom the alien intended to marry, but
3 who's marriage is not legitimate because of
4 that United States citizen or lawful perma-
5 nent resident's bigamy, or by a non-
6 immigrant visa holder;

7 “(ii) the alien has been physically
8 present in the United States for a continu-
9 ous period of not less than 3 years imme-
10 diately preceding the date of such applica-
11 tion; the issuance of a charging document
12 for removal proceedings shall not toll the
13 3-year period of continuous physical pres-
14 ence in the United States;

15 “(iii) the alien has been a person of
16 good moral character during such period;
17 and

18 “(iv) the alien is not inadmissible
19 under paragraph (2) or (3) of section
20 212(a), is not deportable under paragraph
21 (1)(G) or (2) through (4) of section
22 237(a), and has not been convicted of an
23 aggravated felony, unless the Attorney
24 General in the exercise of discretion waives
25 application of this clause for humanitarian

1 purposes, to assure family unity or when
2 it is otherwise in the public interest, in the
3 exercise of discretion.

4 In acting on applications under this paragraph, the
5 Attorney General shall consider any credible evi-
6 dence relevant to the application. The determination
7 of what evidence is credible and the weight to be
8 given that evidence shall be within the sole discretion
9 of the Attorney General. The amendment made by
10 clause (ii) shall take effect as if included in the en-
11 actment of section 304 of the Illegal Immigration
12 Reform and Immigrant Responsibility Act of 1996
13 (Public Law 104–208; 110 Stat. 587).

14 “(B) GOOD MORAL CHARACTER DETER-
15 MINATIONS.—For the purposes of making ‘good
16 moral character’ determinations under this sec-
17 tion, the Attorney General may waive the bar to
18 issuing a finding of good moral character in the
19 case of an alien who has been battered or sub-
20 jected to extreme cruelty but who has also been
21 convicted of, or who pled guilty to, violating a
22 court order issued to protect the alien or forced
23 prostitution, or who committed, or who was
24 convicted of or pled guilty to committing a
25 crime if the alien committed the crime under

1 duress from the person who battered or sub-
2 jected the alien to extreme cruelty, or to a do-
3 mestic violence-related crime when the Attorney
4 General determines that the alien acted in self-
5 defense. After finding that an alien has been
6 battered or subject to extreme cruelty and is
7 otherwise eligible for relief under this para-
8 graph, the Attorney General may enter a find-
9 ing of ‘good moral character’ despite the exist-
10 ence of a disqualifying criminal act or a crimi-
11 nal conviction.

12 “(C) INCLUSION OF OTHER ALIENS IN PETI-
13 TION.—An alien applying for relief under section
14 244(a)(3) (as in effect before the enactment of the
15 Illegal Immigration Reform and Immigrant Respon-
16 sibility Act of 1996) or this paragraph may include
17 alien children, sons, or daughters in their applica-
18 tions and the Attorney General may adjust the sta-
19 tus of the alien’s children, sons, daughters, or in the
20 case of an application filed by an alien child, par-
21 ent.”.

22 (b) Section 240A(d)(2) of the Immigration and Na-
23 tionality Act is amended to read as follows:

24 “(2) An alien shall be considered to have failed
25 to maintain continuous physical presence in the

1 United States under subsections (b)(1) and (b)(2) if
2 the alien has departed from the United States for
3 any period in excess of 90 days or for periods in the
4 aggregate exceeding 180 days. In the case of an
5 alien who has been battered or subjected to extreme
6 cruelty, the Attorney General may waive the provi-
7 sions of this section for humanitarian purposes.”.

8 (c) Section 244(a)(3) of the Immigration and Nation-
9 ality Act (as in effect before the enactment of the Illegal
10 Immigration Reform and Immigrant Responsibility Act of
11 1996) is amended by adding at the end the following new
12 subparagraph:

13 “(I)(i) For the purposes of making good
14 moral character determinations under this sec-
15 tion, the Attorney General may waive the bar to
16 issuing a finding of good moral character in the
17 case of an alien who has been battered or sub-
18 jected to extreme cruelty but who has also been
19 convicted of, or who pled guilty to, violating a
20 court order issued to protect the alien or forced
21 prostitution or committed or who was convicted
22 of or pled guilty to committing a crime under
23 duress from the person who battered or sub-
24 jected the alien to extreme cruelty, or who was
25 convicted of or pled guilty to a domestic vio-

1 lence-related crime if the Attorney General de-
2 termines that the alien acted in self-defense.

3 “(ii) After finding that an alien has been
4 battered or subjected to extreme cruelty and
5 would otherwise qualify for relief under this sec-
6 tion, the Attorney General may in his or her
7 sole discretion enter a finding of good moral
8 character despite the existence of a disqualify-
9 ing criminal act or a criminal conviction.”.

10 (d) Section 240A(b)(2) of the Immigration and Na-
11 tionality Act is amended—

12 (1) by inserting “and the alien’s children, sons,
13 or daughters if the alien” after “alien lawfully ad-
14 mitted for permanent residence, an alien”;

15 (2) by striking “who” before “is inadmissible or
16 deportable”; and

17 (3) by inserting “and” before “if the alien dem-
18 onstrates that—”.

19 (e)(1) Section 244(a)(3) of the Immigration and Na-
20 tionality Act (as in effect before the enactment of the Ille-
21 gal Immigration Reform and Immigrant Responsibility
22 Act of 1996) is amended by inserting “, son or daughter
23 who is a United States citizen” after “(or is the parent
24 of a child of a United States citizen or lawful permanent
25 resident and the child has been battered or subjected to

1 extreme cruelty in the United States by such citizen or
2 permanent resident parent)”.’

3 (2) Section 244(a)(3) of the Immigration and Nation-
4 ality Act (as in effect before the enactment of the Illegal
5 Immigration Reform and Immigrant Responsibility Act of
6 1996) is amended by striking “child” at the end and in-
7 serting “son or daughter”.

8 (f) Section 244(a)(3) of the Immigration and Nation-
9 ality Act (as in effect before the enactment of the Illegal
10 Immigration Reform and Immigrant Responsibility Act of
11 1996) is amended by striking all that follows “and is a
12 person of good moral character.”.

13 (g) Section 244(a)(3) of the Immigration and Nation-
14 ality Act (as in effect before the enactment of the Illegal
15 Immigration Reform and Immigrant Responsibility Act of
16 1996) is amended by adding at the end the following:
17 “The Attorney General, in his or her discretion, may de-
18 termine that an alien may apply for benefits under this
19 subparagraph notwithstanding the fact that he or she is
20 deportable under paragraph (2) of section 237(a), for hu-
21 manitarian purposes, to assure family unity or when it is
22 otherwise in the public interest.”.

23 (h) Section 244(a)(3) of the Immigration and Nation-
24 ality Act (as in effect before the title III–A effective date
25 of the Illegal Immigration Reform and Immigrant Respon-

1 sibility Act of 1996 (Public Law 104–208; division C; 110
2 Stat. 3009–625)) is amended by adding at the end the
3 following: “The Attorney General may waive the physical
4 presence requirement for humanitarian purposes.”.

5 (i)(1) IN GENERAL.—Section 309(c)(5)(C) of the Il-
6 legal Immigration Reform and Immigrant Responsibility
7 Act of 1996 (8 U.S.C. 1101 note) (as amended by section
8 203 of the Nicaraguan Adjustment and Central American
9 Relief Act) is amended

10 (A) by amending the subparagraph heading to
11 read as follows:

12 “(C) SPECIAL RULE FOR CERTAIN ALIENS
13 GRANTED TEMPORARY PROTECTION FROM DE-
14 PORTATION AND FOR BATTERED SPOUSES AND
15 CHILDREN.—”; and

16 (B) in clause (i)—

17 (i) by striking “or” at the end of subclause
18 (IV);

19 (ii) by striking the period at the end of
20 subclause (V) and inserting “; or”; and

21 (iii) by adding at the end the following:

22 “(VI) is an alien who was issued
23 an order to show cause or was in de-
24 portation proceedings prior to April 1,
25 1997, and who applied for suspension

1 of deportation under section 244(a)(3)
2 of the Immigration and Nationality
3 Act (as in effect before the date of the
4 enactment of the Act).”.

5 (2) EFFECTIVE DATE.—The amendments made by
6 paragraph (1) shall take effect as if included in the enact-
7 ment of section 309 of the Illegal Immigration Reform and
8 Immigrant Responsibility Act of 1996 (8 U.S.C. 1101
9 note).

10 **SEC. 624. GENERAL CLASSES OF ALIENS INELIGIBLE TO RE-**
11 **CEIVE VISAS AND EXCLUDED FROM ADMIS-**
12 **SION.**

13 (a) Section 212(a)(9)(A)(iii) of the Immigration and
14 Nationality Act is amended by adding at the end the fol-
15 lowing:

16 “Clauses (i) and (ii) shall also not apply to aliens to whom
17 the Attorney General has granted status under section
18 204(a)(1)(A)(iii), (iv), or (v) or classification under sec-
19 tion 204(a)(1)(B)(ii) or (iii).”.

20 (b) Section 212(a)(6)(A)(ii) of the Immigration and
21 Nationality Act is amended by striking subclause (III).

22 (c) Section 212(a)(9)(B)(iii)(IV) of the Immigration
23 and Nationality Act is amended by striking “if ‘violation
24 of the terms of the alien’s nonimmigrant visa’ were sub-

1 stituted for ‘unlawful entry into the United States’ in sub-
2 clause (III) of that paragraph”.

3 (d) Section 212(a)(6)(A)(ii)(I) of the Immigration
4 and Nationality Act is amended by inserting “(A)(v),”
5 after “(A)(iv)”.

6 (e)(1) Section 212(a)(6)(A)(ii)(II)(a) of the Immigra-
7 tion and Nationality Act is amended by striking “by a
8 spouse or parent or by a member of the spouse or parent’s
9 family residing in the same household as the alien and
10 the spouse or parent consented to, or acquiesced in, such
11 battering or cruelty” and inserting “by a spouse, parent,
12 son, or daughter, or by any person having a relationship
13 with the alien covered by the civil or criminal domestic
14 violence statutes of the State or Indian country where the
15 alien resides, or the State or Indian country in which the
16 alien, the alien’s child, or the alien child’s parent received
17 a protection order, any individual against whom the alien
18 could obtain a protection order”.

19 (2) Section 212(a)(6)(A)(ii)(II)(b) of the Immigra-
20 tion and Nationality Act is amended by striking “or by
21 a member of the spouse’s or parent’s family residing in
22 the same household as the alien when the spouse or parent
23 consented to or acquiesced in such battery or cruelty” and
24 inserting “or by any person having a relationship with the
25 alien covered by the civil or criminal domestic violence

1 statutes of the State or Indian country where the alien
2 resides, or the State or Indian country in which the alien,
3 the alien's child, or the alien child's parent received a pro-
4 tection order, any individual against whom the alien could
5 obtain a protection order”.

6 (f) Section 212(a)(4) of the Immigration and Nation-
7 ality Act is amended by adding at the end the following
8 new subparagraph:

9 (E) EXCEPTION.—Subparagraph (A)
10 shall not apply to—

11 (i) an alien who qualifies for status
12 as a spouse, parent, or child of a United
13 States citizen or lawful permanent resident
14 pursuant to clause (iii), (iv), or (v) of sec-
15 tion 204(a)(1)(A) or clause (ii) or (iii) of
16 section 204(a)(1)(B);

17 (ii) an alien who qualifies for status
18 as the spouse, parent, or child of a United
19 States citizen or lawful permanent resident
20 under section 204(a)(1)(A)(i) or (ii) or sec-
21 tion 204(a)(1)(B)(i) and who has been bat-
22 tered or subjected to extreme cruelty shall
23 be exempted from the provisions of this
24 paragraph, as shall derivative children in-
25 cluded in the alien's application ‘of an

1 alien lawfully admitted for permanent resi-
2 dence'; or

3 “(iii) derivatives of aliens under clause
4 (i) or (ii) of this subparagraph.”.

5 (g) Section 212(a)(9)(C)(ii) of the Immigration and
6 Nationality Act is amended by inserting “to an alien de-
7 scribed in paragraph (6)(A)(ii)(I) and (II), or” after
8 “clause (i) shall not apply”.

9 (h) Section 212(i) of the Immigration and National-
10 ity Act is amended—

11 (1) in paragraph (1), by inserting before the pe-
12 riod at the end the following: “or in the case of an
13 alien granted status under section 204(a)(1)(A)(iii),
14 (iv), or (v) or classification under section
15 204(a)(1)(B)(ii) or (iii), the alien demonstrates ex-
16 treme hardship to the alien or the alien’s United
17 States citizen or lawful permanent resident parent,
18 child, son, or daughter”; and

19 (2) by adding at the end the following:

20 “(3) The Attorney General may also waive the appli-
21 cation of clause (ii) of subsection (a)(6)(C) in the case
22 of an alien who qualifies for status under clause (iii), (iv),
23 or (v) of section 204(a)(1)(A) or classification under
24 clause (ii) or (iii) of section 204(a)(1)(B), for humani-

1 tarian purposes, to assure family unity or when it is other-
2 wise in the public interest.”.

3 (i) Section 212(a)(6)(G) of the Immigration and Na-
4 tionality Act is amended by adding immediately before the
5 period at the end the following:

6 “, unless the nonimmigrant qualifies for relief because of
7 battering or extreme cruelty under section
8 204(a)(1)(A)(iii), (iv), or (v), 204(a)(1)(B)(ii) or (iii), or
9 section 240A(b)(2)”.

10 (j) Section 212(g) of the Immigration and National-
11 ity Act is amended by adding at the end the following new
12 paragraph:

13 “(4) subsection (a)(1)(A)(iv) in the case of any
14 alien granted status under section 204(a)(1)(A)(iii),
15 (iv), or (v) or classification under section
16 204(a)(1)(B)(ii) or (iii) when the alien demonstrates
17 a substantial connection between the battering or ex-
18 treme cruelty and use of alcohol or illicit sub-
19 stances.”

20 (k)(1) Section 212(h)(1)(B) of the Immigration and
21 Nationality Act is amended by deleting “and” at the end
22 and replacing it with “or”.

23 (2) Section 212(h)(1) of the Immigration and Na-
24 tionality Act is amended by adding the following new sub-
25 paragraph after subparagraph (B):

1 “(C) In the case of an alien who qualifies
2 for status under clause (iii), (iv), or (v) of sec-
3 tion 204(a)(1)(A) or classification under clause
4 (ii) or (iii) of section 204(a)(1)(B) if it is estab-
5 lished to the satisfaction of the Attorney Gen-
6 eral that the alien’s denial of admissibility
7 would result in extreme hardship to the alien or
8 the alien’s United States citizen or lawful per-
9 manent resident parent, child, son, or daugh-
10 ter”.

11 (3) Section 212(h) of the Immigration and National-
12 ity Act is amended by adding at the end the following new
13 paragraph:

14 “(3) SPECIAL RULE FOR BATTERED IMMIGRANT
15 WOMEN AND CHILDREN.—The Attorney General, in
16 her discretion, may waive the application of sub-
17 section (a)(2) in the case of an alien granted status
18 under section 204(a)(1)(A)(iii), (iv), or (v) and sec-
19 tion 204(a)(1)(B)(ii) or (iii) for humanitarian pur-
20 poses, to assure family unity or when it is otherwise
21 in the public interest.”.

22 (1) Section 212(a)(2)(A)(ii) is amended—

23 (1) in subclause (II), by striking the period and
24 inserting “, or”; and

25 (2) by adding after subclause (II) the following:

1 “(III) the crime was committed
2 by the alien acting in self-defense or
3 under duress caused by a person who
4 subjected the alien to battering or ex-
5 treme cruelty.”.

6 **SEC. 625. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

7 (a) Section 204(a)(1)(A) of the Immigration and Na-
8 tionality Act is amended by adding at the end the follow-
9 ing new clause:

10 “(vi)(I) For the purposes of making
11 good moral character determinations under
12 this section, the Attorney General may
13 waive the bar to issuing a finding of ‘good
14 moral character’ in the case of an alien
15 who otherwise qualifies for relief under
16 section 204(a)(1)(A)(iii), (iv), and (v), but
17 who has also been convicted of, or who
18 pled guilty to, violating a court order
19 issued to protect the alien or forced pros-
20 titution, or committed or who was con-
21 victed of or pled guilty to committing a
22 crime under duress from the person who
23 battered or subjected the alien to extreme
24 cruelty, or to a domestic violence-related

1 crime, when the Attorney General deter-
2 mines that the alien acted in self-defense.

3 “(II) After finding that an alien has
4 been battered or subjected to extreme cru-
5 elty and is otherwise eligible for relief
6 under section 204(a)(1)(A)(iii), (iv), or (v),
7 the Attorney General may enter a finding
8 of ‘good moral character’ despite the exist-
9 ence of a disqualifying criminal act or
10 criminal conviction.”.

11 (b) Section 204(a)(1)(B) of the Immigration and Na-
12 tionality Act is amended by adding at the end the follow-
13 ing new clause:

14 “(iv)(I) For the purposes of making
15 good moral character determinations under
16 this section, the Attorney General may
17 waive the bar to issuing a finding of good
18 moral character in the case of an alien who
19 otherwise qualifies for relief under section
20 204(a)(1)(B)(ii) and (iii), but who has also
21 been convicted of, or who pled guilty to,
22 violating a court order issued to protect
23 the alien or forced prostitution, or commit-
24 ted or was convicted of or pled guilty to
25 committing a crime under duress from the

1 person who battered or subjected the alien
2 to extreme cruelty, or to a domestic vio-
3 lence-related crime, when the Attorney
4 General determines that the alien acted in
5 self-defense.

6 “(II) After finding that an alien has
7 been battered or subjected to extreme cru-
8 elty and is otherwise eligible for relief
9 under section 204(a)(1)(B)(ii) and (iii),
10 the Attorney General may in his or her
11 sole discretion enter a finding of good
12 moral character despite the existence of a
13 disqualifying criminal act or criminal con-
14 viction.”.

15 (c) Section 204(a)(1)(A) of the Immigration and Na-
16 tionality Act is amended by adding at the end the follow-
17 ing new clause:

18 “(vii) For the purposes of petitions
19 filed under section 204(a)(1)(A)(iii) and
20 (iv), loss or renunciation or changes to the
21 abuser’s citizenship status after filing of
22 the petition shall not preclude the cat-
23 egorization of the eligible self-petitioning
24 spouse or children as an immediate rel-
25 ative.”.

1 (d) Section 204(a)(1)(B) of the Immigration and Na-
2 tionality Act is amended by adding at the end the follow-
3 ing new clause:

4 “(v)(I) For the purposes of petitions
5 filed or approved under section
6 204(a)(1)(B)(ii) and (iii), changes in the
7 immigration status of a lawful permanent
8 resident spouse or parent subsequent to
9 the filing of a petition under these sections
10 shall not adversely affect adjudication of
11 the petition and for approved petitions,
12 shall not affect the alien’s ability to adjust
13 status under section 245(a) or obtain sta-
14 tus as a lawful permanent resident based
15 on the approved self-petition under section
16 204(a)(1)(B)(ii) and (iii).

17 “(II) Upon the lawful permanent resi-
18 dent spouse or parent becoming a United
19 States citizen through naturalization, ac-
20 quisition of citizenship, or other means,
21 any petition filed with the Immigration
22 and Naturalization Service, and pending or
23 approved under section 204(a)(1)(B) on
24 behalf of an alien who has been battered or
25 subjected to extreme cruelty to be auto-

1 matically reclassified as a petition filed
2 under section 204(a)(1)(A) of this Act
3 even if the reclassification occurs after di-
4 vorce.”.

5 (e) Section 204(a)(1)(A)(iii) of the Immigration and
6 Nationality Act is amended to read as follows:

7 “(iii) An alien who—

8 “(I) is the spouse of a citizen of
9 the United States, or intended spouse
10 of a citizen of the United States, who
11 is the beneficiary of a nonimmigrant
12 visa filed for the alien by a United
13 States citizen under section
14 101(a)(15)(K), but did not marry the
15 citizen within 90 days of the alien’s
16 entry, or is an illegitimate spouse due
17 to the citizen’s bigamy, and is not le-
18 gally married to the citizen;

19 “(II) who is a person of good
20 moral character;

21 “(III) who is eligible to be classi-
22 fied as an immediate relative under
23 section 201(b)(2)(A)(i) or who would
24 have been so classified but for the ac-
25 tions of the United States citizen with

1 whom the alien intended to legally
2 marry; and

3 “(IV) who has resided in the
4 United States with the alien’s spouse
5 or intended spouse,

6 may file a petition with the Attorney Gen-
7 eral under this subparagraph for classifica-
8 tion of the alien (and any child of the alien
9 if such a child has not been classified
10 under clause (iv)) under such section if the
11 alien demonstrates to the Attorney General
12 that the alien is residing in the United
13 States, the marriage or the intent to marry
14 the United States citizen or lawful perma-
15 nent resident batterer was entered into in
16 good faith by the alien, and during the
17 marriage or relationship intended by the
18 alien to be legally a marriage, the alien or
19 a child of the alien has been battered or
20 has been the subject of extreme cruelty
21 perpetrated by the alien’s spouse or in-
22 tended spouse.”.

23 (f) Section 204(a)(1)(A) of the Immigration and Na-
24 tionality Act is further amended—

1 (1) by inserting “(or if the alien’s spouse is a
2 member of the United States Armed Forces sta-
3 tioned abroad the alien may file a petition at a
4 United States consulate abroad)” after “Attorney
5 General” the first place it appears, and;

6 (2) in clause (iii), by inserting “(or has resided
7 either within or outside the territory of the United
8 States with the citizen spouse if the alien’s spouse
9 is a member of the United States Armed Forces)”
10 after “and who has resided in the United States
11 with the alien’s spouse”.

12 (g) Section 204(a)(1)(A)(iii)(I) of the Immigration
13 and Nationality Act is amended by striking “States,” and
14 inserting “States (unless the alien’s spouse is a member
15 of the United States military)”.

16 (h) Section 204(a)(1)(A) of the Immigration and Na-
17 tionality Act is further amended—

18 (1) by inserting “(or if the alien’s parent is a
19 member of the United States military stationed
20 abroad the alien may file a petition at a United
21 States consulate abroad)” after “Attorney General”
22 the first place it appears; and

23 (2) in clause (iv), by inserting “(or has resided
24 either within or outside the territory of the United
25 States with the citizen parent if the alien’s parent

1 is a member of the United States Armed Forces)”
2 after “and who has resided in the United States
3 with the citizen parent”.

4 (i) Section 204(a)(1)(A)(iv)(I) of the Immigration
5 and Nationality Act is amended by inserting “(unless the
6 alien’s parent is a member of the United States military
7 stationed abroad)” after “United States”.

8 (j) Section 204(a)(1)(B) of the Immigration and Na-
9 tionality Act is amended—

10 (1) by inserting “(or if the alien’s spouse is a
11 member of the United States Armed Forces sta-
12 tioned abroad the alien may file a petition at a
13 United States consulate abroad)” after “Attorney
14 General” the first place it appears; and

15 (2) in clause (ii), by inserting “(or has resided
16 either within or outside the territory of the United
17 States with the legal permanent resident spouse if
18 the alien’s spouse is a member of the United States
19 Armed Forces)” after “and who has resided in the
20 United States with the legal permanent resident
21 spouse”.

22 (k) Section 204(a)(1)(B) of the Immigration and Na-
23 tionality Act is amended—

24 (1) by inserting “(or if the alien’s parent is a
25 member of the United States military stationed

1 abroad the alien may file a petition at a United
2 States consulate abroad)” after “Attorney General”
3 the first place it appears; and

4 (2) in clause (iii), by inserting “or has resided
5 either within or outside the territory of the United
6 States with the permanent resident parent if the
7 alien’s parent is a member of the United States
8 Armed Forces)” after “and who has resided in the
9 United States with the alien’s permanent resident
10 alien parent.”

11 (l) Section 204(a)(1)(A) of the Immigration and Na-
12 tionality Act is amended by adding at the end the follow-
13 ing:

14 “(v) An alien who is the parent of a
15 citizen of the United States, who is a per-
16 son of good moral character, who is eligible
17 to be classified as an immediate relative
18 under section 201(b)(2)(A)(i), and who has
19 resided in the United States with citizen
20 daughter or son (or has resided either
21 within or outside the territory of the of the
22 United States with the citizen daughter or
23 son if the alien’s daughter or son is a
24 member of the United States Armed
25 Forces) may file a petition with the Attor-

1 ney General (or if the alien’s daughter or
2 son is a member of the United States
3 Armed Forces stationed abroad the alien
4 may file a petition at a United States con-
5 sulate abroad) under this subparagraph for
6 classification of the alien under such sec-
7 tion if the alien demonstrates to the Attor-
8 ney General that the alien is residing in
9 the United States (unless the alien’s son or
10 daughter is a member of the United States
11 Armed Forces) and during the period of
12 residence with the citizen son or daughter
13 the alien has been battered by or has been
14 the subject of extreme cruelty perpetrated
15 by the alien’s citizen son or daughter.”

16 (m) Section 204(a)(1)(A)(iii) of the Immigration and
17 Nationality Act is further amended by striking “who is
18 eligible to be classified as an immediate relative under sec-
19 tion 201(b)(2)(A)(i),” and inserting “who is or would have
20 been eligible to be classified as an immediate relative
21 under section 201(b)(2)(A)(i) or who could have been so
22 classified within 5 years prior to petitioning for immigra-
23 tion status as an immediate relative under section
24 201(b)(2)(A)(i),”.

1 (n) Section 204(a)(1)(A)(iv) of the Immigration and
2 Nationality Act is further amended by striking “who is
3 eligible to be classified as an immediate relative under sec-
4 tion 201(b)(2)(A)(i),” and inserting “who is or would have
5 been eligible to be classified as an immediate relative
6 under section 201(b)(2)(A)(i) or who could have been so
7 classified within 5 years prior to petitioning for immigra-
8 tion status as an immediate relative under section
9 201(b)(2)(A)(i),”.

10 (o) Section 204(a)(1)(B)(ii) of the Immigration and
11 Nationality Act is amended by striking “who is eligible
12 for classification under section 203(a)(2)(A),” and insert-
13 ing “who is or would have been eligible for classification
14 as a spouse of a lawful permanent resident under section
15 203(a)(2)(A), or who could have been so classified within
16 5 years prior to petitioning for immigration status as a
17 spouse of a lawful permanent resident under section
18 203(a)(2)(A),”.

19 (p) Section 204(a)(1)(B)(iii) of the Immigration and
20 Nationality Act is amended by striking “who is eligible
21 for classification under section 203(a)(2)(A) as a child of
22 a lawful permanent resident,” and inserting “who is or
23 would have been eligible for classification under section
24 203(a)(2)(A), or who could have been so classified within
25 5 years prior to petitioning for immigration status as a

1 child of a lawful permanent resident under section
2 203(a)(2)(A),”.

3 **SEC. 626. GENERAL CLASSES OF DEPORTABLE ALIENS.**

4 (a) Section 237(a)(2)(E) of the Immigration and Na-
5 tionality Act is amended by inserting at the end the follow-
6 ing new clause:

7 “(iii) The Attorney General may,
8 upon determination that the alien was act-
9 ing in self-defense, that the alien was not
10 the primary perpetrator of violence in the
11 relationship, that the alien was found to
12 have violated a protection order intended
13 to protect the alien, that the alien was con-
14 victed of committing a crime under duress
15 from the person who subjected the alien to
16 battering or extreme cruelty or for human-
17 itarian purposes waive application of clause
18 (i) and clause (ii).”.

19 (b)(1) Section 237(a)(2)(E)(ii) of the Immigration
20 and Nationality Act is amended by striking “the court de-
21 termines has engaged in conduct that violates” and insert-
22 ing “a court has convicted in a criminal prosecution or
23 a criminal contempt action of violating”.

24 (2) Section 237(a)(2)(E) is amended by adding at the
25 end the following new clause:

1 “(iii) LIMITED EXCEPTION FOR FIRST
2 OFFENDERS.—The Attorney General may
3 waive deportability grounds for any alien
4 convicted under clause (i) or (ii) of this
5 subparagraph if the conviction was a first
6 offense only for aliens who are making
7 court ordered child support payments to
8 the crime victim through a State court
9 (through wage withholding whenever avail-
10 able) and who are participating in or have
11 successfully completed a State certified
12 batterers treatment program. Aliens con-
13 victed under clause (i) or (ii) for whom the
14 Attorney General waives deportability shall
15 again become deportable if they cease mak-
16 ing court ordered child support payments
17 or fail to comply with the terms of or fail
18 to complete the certified batterers treat-
19 ment program.”.

20 **SEC. 627. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**
21 **THAT OF PERSON ADMITTED FOR PERMA-**
22 **NENT RESIDENCE.**

23 (a) Section 245(d) of the Immigration and National-
24 ity Act is amended by adding at the end the following:

1 “(l) Aliens who are self-petitioning for permanent resident
2 status under section 204(a)(1)(A)(iii) or 204(a)(1)(A)(iv)
3 are exempt from the application of this subsection.”.

4 (b) Section 245(a) of the Immigration and National-
5 ity Act is amended by striking “The status” and inserting
6 “The status of an alien who qualifies for classification
7 under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv),
8 204(a)(1)(A)(v), 204(a)(1)(B)(ii) and 204(a)(1)(B)(iii) or
9 the status”.

10 (c) Section 245(c)(2) of the Immigration and Nation-
11 ality Act is amended by inserting “, an alien who qualifies
12 for classification under sections 204(a)(1)(A)(iii),
13 204(a)(1)(A)(iv), 204(a)(1)(A)(v), 204(a)(1)(B)(ii) and
14 (iii), of this title” after “1151(b) of this title”.

15 (d) Section 245(c)(4) of the Immigration and Nation-
16 ality Act is amended by inserting “, or an alien who quali-
17 fies for classification under sections 204(a)(1)(A)(iii),
18 204(a)(1)(A)(iv), 204(a)(1)(A)(v), 204(a)(1)(B)(ii), and
19 204(a)(1)(B)(iii),” after “section 1151(b) of this title”.

20 (e) Section 245(c)(5) of the Immigration and Nation-
21 ality Act is amended by adding before the semicolon at
22 the end “(other than an alien who qualifies for classifica-
23 tion under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv),
24 204(a)(1)(A)(v), 204(a)(1)(B)(ii), and
25 204(a)(1)(B)(iii))”.

1 (f) Section 245(c)(8) of the Immigration and Nation-
2 ality Act is amended by adding before the semicolon at
3 the end “(other than an alien who qualifies for classifica-
4 tion under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv),
5 204(a)(1)(A)(v), 204(a)(1)(B)(ii), and
6 204(a)(1)(B)(iii))”. The amendments made in these sec-
7 tions shall apply to applications for adjustment of status
8 pending on or after the date of enactment.

9 **SEC. 628. REMOVAL PROCEEDINGS.**

10 Section 240(c)(6)(C) of the Immigration and Nation-
11 ality Act is amended by adding the following new clause:

12 “(iv) SPECIAL RULE FOR BATTERED
13 IMMIGRANT WOMEN AND CHILDREN.—
14 There is no time limit on the filing of a
15 motion to reopen and the requirements of
16 subparagraph (C)(iii) of this subsection do
17 not apply and if the basis of the motion is
18 to apply for relief under section
19 204(a)(1)(A)(iii), (iv), or (v), section
20 204(a)(1)(B)(ii) or (iii), section
21 240A(b)(2), or section 244(a)(3) (as in ef-
22 fect before the title III–A effective date of
23 the Illegal Immigration Reform and Immig-
24 rant Responsibility Act of 1996 (Public

1 Law 104–208; division C; 110 Stat. 3009–
2 625)).”.

3 **SEC. 629. MARRIED PERSONS AND EMPLOYEES OF CERTAIN**
4 **NONPROFIT ORGANIZATIONS.**

5 Section 319(a) of the Immigration and Nationality
6 Act is amended—

7 (1) by inserting “, or any person who obtained
8 status as a lawful permanent resident because he or
9 she was married to or was the child of a United
10 States citizen spouse who battered him or her or
11 subjected him or her to extreme cruelty,” after
12 “United States” the first place such term appears;

13 (2) by inserting “who (except in the case of a
14 person who obtained lawful permanent residence be-
15 cause he or she was married to or was the child of
16 a United States citizen who battered or subjected
17 him or her to extreme cruelty)” after “within the
18 United States for at least three years; and”; and

19 (3) by inserting “or parent” after “has been liv-
20 ing in marital union with the citizen spouse”.

21 **SEC. 630. WORK AUTHORIZATION.**

22 The Attorney General may authorize an alien who
23 has properly filed an application for relief under sections
24 204(a)(1)(A)(iii), (iv), or (v), 204(a)(1)(B)(ii) or (iii),
25 240A(b)(2) or 244(c)(3) (as in effect before the enactment

1 of the Illegal Immigration Reform and Immigrant Respon-
2 sibility Act of 1996) of the Immigration and Nationality
3 Act to engage in employment in the United States during
4 the pendency of such application and may provide the
5 alien with an “employment authorized” endorsement or
6 other appropriate document signifying authorization of
7 employment, except that if such application is pending for
8 a period exceeding 180 days, and has not been denied,
9 the Attorney General shall authorize such employment.

10 **SEC. 631. RECORDS MAINTAINED ON INDIVIDUALS.**

11 Section 552a(b) of title 5, United States Code, is
12 amended—

13 (1) at the end of paragraph (11) by striking
14 “or”;

15 (2) at the end of paragraph (12) by striking the
16 period and inserting “; or”; and

17 (3) by adding after paragraph (12) the follow-
18 ing new paragraph:

19 “(13) to the spouse or child of a naturalized
20 United States citizen or lawful permanent resident
21 who requests information from the Immigration and
22 Naturalization Service regarding the immigration
23 status of their spouse or parent, or who needs to ob-
24 tain documentation in the form of official or public
25 records or copies thereof contained in the immigra-

1 tion file of a spouse or parent for the purpose of an
2 immigration case or other domestic violence-related
3 court or administrative court hearing; unless the
4 records are those of a person who has presented to
5 the Immigration and Naturalization Service evidence
6 in the form of a judicial finding, administrative de-
7 termination, or a police report demonstrating that
8 the naturalized citizen or lawful permanent resident
9 has been battered or subjected to extreme cruelty by
10 their spouse or parent.”.

11 **SEC. 632. WELFARE AND PUBLIC BENEFITS FOR ALIENS.**

12 (a)(1) Section 501(c)(1)(A) of the Personal Respon-
13 sibility and Work Opportunity Reconciliation Act of 1996
14 (8 U.S.C. 1641(c)(1)(A)) is amended by striking “by a
15 spouse or a parent, or by a member of the spouse or par-
16 ent’s family residing in the same household as the alien
17 and the spouse or parent consented to, or acquiesced in,
18 such battery or cruelty,” and inserting “by a spouse, par-
19 ent, son, or daughter or by any person having a relation-
20 ship with the alien covered by the civil or criminal domes-
21 tic violence statutes of the State or Indian country where
22 the alien resides, or the State or Indian country in which
23 the alien, the alien’s child or the alien child’s parents re-
24 ceived a protection order, or by any individual against
25 whom the alien could obtain a protection order,”.

1 (2) Section 501(c)(1)(B) of the Personal Responsibil-
2 ity and Work Opportunity Reconciliation Act of 1996 (8
3 U.S.C. 1641(c)(1)(B)) is amended—

4 (1) by striking “or” at the end of clause (iii);
5 and

6 (2) by adding at the end the following:

7 “(v) suspension of deportation and adjustment of sta-
8 tus pursuant to section 244(a)(3) of the Immigration and
9 Nationality Act (as in effect before the title III–A effective
10 date of the Illegal Immigration Reform and Immigrant
11 Responsibility Act of 1996 Public Law 104–208; division
12 C, (110 Stat. 3009–625)); or”.

13 (3) Section 501(c)(2)(A) of the Personal Respon-
14 sibility and Work Opportunity Reconciliation Act of 1996
15 (8 U.S.C. 1641(c)(1)(B)) is amended by striking “by a
16 spouse or a parent of the alien (without the active partici-
17 pation of the alien in the battering or cruelty), or by a
18 member of the spouse or parent’s family residing in the
19 same household as the alien and the spouse or parent con-
20 sented or acquiesced to such battery or cruelty,” and in-
21 serting “by a spouse, parent, son or daughter of the alien
22 (without the active participation of the alien in the batter-
23 ing or cruelty) or by any person having a relationship with
24 the alien covered by the civil or criminal domestic violence
25 statutes of the State or Indian country where the alien

1 resides, or the State or Indian country in which the alien,
2 the alien's child or the alien child's parent received a pro-
3 tection order, or by any individual against whom the alien
4 could obtain a protection order,".

5 (b) Section 402(a) of the Personal Responsibility and
6 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
7 1612(a)(2)) is amended adding at the end the following:

8 (I) CERTAIN BATTERED ALIENS.—Para-
9 graph (1) shall not apply to an alien who has
10 been battered or subjected to extreme cruelty in
11 the United States and is a qualified alien under
12 section 1641(c) of title 5, United States Code.".

13 (c)(1) Section 214 of the Housing and Community
14 Development Act of 1980 (42 U.S.C. 1436(a)) is amended
15 by adding at the end the following new subsection:

16 (i) EXCEPTION TO INELIGIBILITY FOR HOUSING
17 ASSISTANCE FOR CERTAIN BATTERED ALIENS.—The re-
18 strictions on use of assisted housing by aliens shall not
19 apply to an alien who has been battered or subjected to
20 extreme cruelty and is a qualified alien under section
21 431(c) of the Personal Responsibility and Work Oppor-
22 tunity Reconciliation Act of 1986 (8 U.S.C. 1641(c)) and
23 shall not apply to any child included in the alien's applica-
24 tion for lawful immigration status. No private, government
25 or non-profit organization providing shelter or services to

1 battered women or abused children receiving any Federal
2 funds shall deny assistance to applicants based on
3 alienage.”.

4 (2) Section 411A of the Social Security Act (42
5 U.S.C. 611a) is amended by adding at the end “Collection
6 or information about and inquiries into the immigration
7 status of a parent who is a United States citizen, lawful
8 permanent resident or qualified alien child is applying for
9 benefits shall not be made if the parent presents credible
10 evidence of battering or extreme cruelty whether or not
11 the parent is deemed to be part of the assistance unit and
12 State or Federal law.”.

13 (3) Section 1631(e)(9) of the Social Security Act (42
14 U.S.C. 1383(e)(9)) is amended by adding at the end “Col-
15 lection or information about and inquiries into the immi-
16 gration status of a parent who is a United States citizen,
17 lawful permanent resident or qualified alien child is apply-
18 ing for benefits shall not be made if the parent presents
19 credible evidence of battering or extreme cruelty whether
20 or not the parent is deemed to be part of the assistance
21 unit under State or Federal law.”.

22 (4) Section 27 of the United States Housing Act of
23 1937 (42 U.S.C. 1437y) is amended by adding at the end
24 “Collection or information about and inquiries into the im-
25 migration status of a parent who is a United States citi-

1 zen, lawful permanent resident or qualified alien child is
2 applying for benefits shall not be made if the parent pre-
3 sents credible evidence of battering or extreme cruelty
4 whether or not the parent is deemed to be part of the
5 assistance unit under State or Federal law.”.

6 **SEC. 633. LEGAL SERVICES CORPORATION.**

7 Section 502 of the Departments of Commerce, Jus-
8 tice, and State, the Judiciary and Related Agencies Appro-
9 priations Act, 1998 (Public Law 105–119) is amended by
10 adding at the end the following:

11 “(c) This section shall not be construed to prohibit
12 a recipient from—

13 “(1) using funds derived from a source other
14 than the Legal Services Corporation to provide relat-
15 ed legal assistance (as that term is defined in sub-
16 section (b)(2)) to any alien who has been battered
17 or subjected to extreme cruelty by a person with
18 whom the alien has a relationship covered by the do-
19 mestic violence laws of the State in which the alien
20 resides or in which an incidence of violence occurred;

21 “(2) using Legal Services Corporation funds to
22 provide related legal assistance to any alien who has
23 been battered or subjected to extreme cruelty who
24 qualifies for relief under sections 204(a)(1)(A)(iii),

1 (iv), or (v) or section 204(a)(1)(B)(ii) or (iii) of the
2 Immigration and Nationality Act.”.

3 **SEC. 634. VIOLENCE AGAINST WOMEN.**

4 (a) The Omnibus Crime Control and Safe Streets Act
5 of 1968 (42 U.S.C. 3711 et seq.) is amended by adding
6 after section 2006 the following new section:

7 **“SEC. 2007. MILITARY TRAINING CONCERNING DOMESTIC**
8 **VIOLENCE.**

9 “Each branch of the United States military is re-
10 quired to train its supervisory military officers on domestic
11 violence, the dynamics of domestic violence in military
12 families, the types of protection available for battered im-
13 migrant women and children in the Violence Against
14 Women Act, and the problems of domestic violence in fam-
15 ilies in which a United States citizen or lawful permanent
16 resident member of the military is married to a non-
17 United States citizen.”

18 (b) Section 2001(a) of the Omnibus Crime Control
19 and Safe Streets Act of 1968 is amended by inserting “,
20 the Immigration and Naturalization Service and the Exec-
21 utive Office of Immigration Review,” after “Indian tribal
22 governments”.

23 (c) Section 2001(b)(1) of the Omnibus Crime Control
24 and Safe Streets Act of 1968 is amended by inserting “,

1 immigration and asylum officers, immigration judges,”
2 after “law enforcement officers”.

3 (d) Section 2001(b) of the Omnibus Crime Control
4 and Safe Streets Act of 1968 is amended—

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

7 (2) at the end of paragraph (7) by striking the
8 period and inserting “; and”; and

9 (3) by inserting after paragraph (7) the follow-
10 ing new paragraph:

11 “(8) training justice system personnel on the
12 immigration provisions of the Violence Against
13 Women Act and their ramifications for victims of
14 domestic violence appearing in civil and criminal
15 court proceedings and potential immigration con-
16 sequences for the perpetrators of domestic violence.”

17 (e) Section 2101(c) of the Omnibus Crime Control
18 and Safe Streets Act of 1968 is amended by inserting be-
19 fore the period “certify that their laws, policies, and prac-
20 tices do not discourage or prohibit prosecutors and law
21 enforcement officers from granting access to information
22 about the immigration status of a domestic violence per-
23 petrator to the victim, the child, or their advocate.”.

1 **SEC. 635. POWERS OF IMMIGRATION OFFICERS AND EM-**
2 **PLOYEES.**

3 Section 287(g)(10) of the Immigration and National-
4 ity Act is amended by adding at the end the following:
5 “It is the intent of the Congress that none of the provi-
6 sions of this section have the effect of discouraging crime
7 victim cooperation with law enforcement and prosecutors.
8 Public policy favors encouraging prosecution of criminals,
9 and nothing in this section shall be construed to discour-
10 age crime victims and domestic violence victims from re-
11 porting crimes committed against them to police, from co-
12 operating in criminal prosecutions, or from obtaining from
13 courts protection orders or other legal relief needed to pro-
14 tect crime victims from ongoing violence under State or
15 Federal laws.”.

16 **SEC. 636. EFFECTIVE DATE.**

17 The amendments made by this subtitle shall be effec-
18 tive as if included in the Violence Against Women Act of
19 1994 (Public Law 103–322; 108 Stat. 1902–1955).

20 **Subtitle D—Conforming Amend-**
21 **ments to the Violence Against**
22 **Women Act**

23 **SEC. 641. LAW ENFORCEMENT AND PROSECUTION GRANTS.**

24 (a) Section 2001(b)(5) of the Omnibus Crime Control
25 and Law Enforcement Act of 1968 (42 U.S.C.
26 3796gg(b)(5)) is amended by striking “to racial, cultural,

1 ethnic, and language minorities” and inserting “to under-
2 served populations”.

3 (b) Section 2002 of the Omnibus Crime Control and
4 Law Enforcement Act of 1968 (42 U.S.C. 3796gg-
5 1(d)(1)(D)) is amended to read as follows: “demographic
6 characteristics of the populations to be served, including
7 marital status and the characteristics of any underserved
8 populations”.

9 (c) Section 2003 of the Omnibus Crime Control and
10 Law Enforcement Act of 1968 (42 U.S.C. 3796gg-2(7))
11 is amended to read as follows: “the term ‘underserved pop-
12 ulations’ includes populations underserved because of race,
13 ethnicity, age, disability, sexual orientation, religion,
14 alienage status, geographic location (including rural isola-
15 tion), language barriers, and any other populations deter-
16 mined to be underserved by the State planning process;
17 and”.

18 (d) Section 2004 of the Omnibus Crime Control and
19 Law Enforcement Act of 1968 (42 U.S.C. 3796gg-
20 3(b)(3)) is amended by striking all that follows “relation-
21 ship of victim to offender” and inserting “and the mem-
22 bership of persons served in any underserved populations;
23 and”

1 **SEC. 642. FAMILY VIOLENCE PREVENTION AND SERVICES**
2 **ACT.**

3 (a) Section 303(a)(2)(C) of the Family Violence Pre-
4 vention and Services Act (42 U.S.C. 10402(a)(2)(C)) is
5 amended by striking “populations underserved because of
6 ethnic, racial, cultural, language diversity or geographic
7 isolation;” and inserting “populations underserved be-
8 cause of race, ethnicity, age, disability, sexual orientation,
9 religion, alienage status, geographic location (including
10 rural isolation), language barriers, and any other popu-
11 lations determined to be underserved;”

12 (b) Section 311(a)(4) (42 U.S.C. 10410(a)(4)) of the
13 Family Violence Prevention and Services Act is amended
14 by striking “underserved racial, ethnic or language-minor-
15 ity populations” and inserting “underserved populations,
16 as that term is used in section 303(a)(2)(C)”.

17 (c) Section 316(e)(4) (42 U.S.C. 10416(e)(4)) is
18 amended by striking all that follows “to the provision of
19 services” and inserting “to underserved populations, as
20 that term is used in section 303(a)(2)(C); and”.

21 **TITLE VII—VIOLENCE AGAINST**
22 **WOMEN AND THE WORKPLACE**

23 **SEC. 701. FINDINGS.**

24 Congress finds that—

25 (1) victims and their families suffer from crime
26 and its effects on a daily basis;

1 (2) domestic crime against adults accounts for
2 approximately 15 percent of total crime costs in the
3 United States each year;

4 (3) violence against women has been reported to
5 be the leading cause of physical injury to women. It
6 has a devastating impact on women's physical and
7 emotional health and financial security;

8 (4) the Department of Justice estimates that
9 intimate partners commit more than 1,000,000 vio-
10 lent crimes against women every year;

11 (5) American workers who have been victims of
12 crime too often suffer adverse consequences in the
13 workplace as a result of their experiences as crime
14 victims;

15 (6) crime victims are particularly vulnerable to
16 changes in employment, pay, and benefits as a result
17 of their victimizations, and are, therefore, in need of
18 legal protection;

19 (7) the prevalence of violence against women at
20 work is dramatic: homicide is the leading cause of
21 death for women on the job; 8 percent of all rapes
22 occur in the workplace; women who are victims of
23 violent workplace crimes are twice as likely as men
24 to know their attackers; husbands, boyfriends, and
25 ex-partners commit 15 percent of workplace homi-

1 cides against women; one study found that three-
2 quarters of battered women who work were harassed
3 by telephone by their abuser at work;

4 (8) nearly 50 percent of rape victims lose their
5 employment or are forced to quit their jobs following
6 the crime. One quarter of battered women surveyed
7 have lost a job due in part to the effects of domestic
8 violence;

9 (9) the availability of economic support is a
10 critical factor in battered women's ability to leave
11 abusive situations that threaten them and their chil-
12 dren. Over half of battered women surveyed stayed
13 with their batterers because they lacked resources to
14 support themselves and their children;

15 (10) according to the National Institute of Jus-
16 tice, crime costs an estimated \$450,000,000,000 an-
17 nually in medical expenses, lost earnings, social serv-
18 ice costs, pain, suffering, and reduced quality of life
19 for victims, all of which harm our Nation's produc-
20 tivity and drain our Nation's resources. Violent
21 crime accounts for \$426,000,000,000 of this
22 amount;

23 (11) rape exacts the highest costs-per-victim of
24 any criminal offense, an estimated total of
25 \$127,000,000,000 per year. Recent governmental es-

1 estimates indicate that between 300,000 and 600,000
2 rapes and sexual assaults occur annually in the
3 United States;

4 (12) other violent offenses take unacceptably
5 high tolls on the economy as well, including assault
6 (\$93,000,000,000), murder (\$71,000,000,000),
7 drunk driving (excluding fatalities)
8 (\$61,000,000,000), and child abuse
9 (\$56,000,000,000);

10 (13) violent crime results in wage losses equiva-
11 lent to 1 percent of all American earnings, causes 3
12 percent of the Nation's medical spending and 14
13 percent of injury-related medical spending;

14 (14) estimates show that employers pay be-
15 tween \$3,000,000,000 and \$5,000,000,000 annually
16 to cover the cost of crimes against employees and
17 their families;

18 (15) surveys of business executives and cor-
19 porate security directors also underscore the heavy
20 toll that workplace violence takes on American
21 women, businesses, and interstate commerce;

22 (16) 94 percent of corporate security and safety
23 directors at companies nationwide rank domestic vio-
24 lence as a high-risk security problem;

1 (17) 49 percent of senior executives recently
2 surveyed said domestic violence has a harmful effect
3 on their company's productivity, 47 percent said do-
4 mestic violence negatively affects attendance, and 44
5 percent said domestic violence increases health care
6 costs;

7 (18) only 12 States have enacted statutes for-
8 bidding employers from taking adverse action
9 against employees who have been victims of crime
10 and must participate in the criminal justice process
11 during working hours. No State explicitly protects
12 crime victims from other adverse action which may
13 result from their experiences and status as crime
14 victims; and

15 (19) existing Federal law neither expressly au-
16 thorizes battered women to take leave from work to
17 seek legal assistance and redress, counseling, or as-
18 sistance with safety planning activities nor does it
19 protect crime victims from retaliation, discharge, or
20 other workplace penalties that may result from their
21 experiences and status as crime victims.

1 **Subtitle A—National Clearinghouse**
2 **on Domestic Violence and Sex-**
3 **ual Assault and the Workplace**
4 **Grant**

5 **SEC. 711. NATIONAL CLEARINGHOUSE ON DOMESTIC VIO-**
6 **LENCE AND SEXUAL ASSAULT AND THE**
7 **WORKPLACE GRANT.**

8 (a) DEFINITION OF DOMESTIC VIOLENCE.—The
9 term “domestic violence” includes acts or threats of vio-
10 lence, not including acts of self defense, committed by a
11 current or former spouse of the victim, by a person with
12 whom the victim shares a child in common, by a person
13 who is cohabitating with or has cohabitated with the vic-
14 tim, by a person who is or has been in a continuing social
15 relationship of a romantic or intimate nature with the vic-
16 tim, by a person similarly situated to a spouse of the vic-
17 tim under the domestic or family violence laws of the juris-
18 diction, or by any other person against a victim who is
19 protected from that person’s acts under the domestic or
20 family violence laws of the jurisdiction.

21 (b) DEFINITION OF SEXUAL ASSAULT.—For pur-
22 poses of this section, the term “sexual assault” means any
23 conduct proscribed by chapter 109A of title 18, United
24 States Code, whether or not the conduct occurs in the spe-
25 cial maritime and territorial jurisdiction of the United

1 States or in a Federal prison and includes both assaults
2 committed by offenders who are strangers to the victim
3 and assaults committed by offenders who are known to
4 the victim or related by blood or marriage to the victim.

5 (c) AUTHORITY.—The Attorney General may make a
6 grant in accordance with this section to a private, non-
7 profit entity that meets the requirements of subsection
8 (d), including a nonprofit entity operating within the
9 boundaries of an Indian reservation, in order to provide
10 for the establishment and operation of a national clearing-
11 house and resource center to provide information and as-
12 sistance to employers and labor organizations in their ef-
13 forts to develop and implement appropriate responses to
14 assist victims of domestic violence and sexual assault.

15 (d) GRANTEES.—Each applicant for a grant under
16 this section shall submit to the Attorney General an appli-
17 cation, which shall—

18 (1) demonstrate that the applicant—

19 (A) has a nationally recognized expertise in
20 the area of domestic violence and sexual assault
21 and a record of commitment and quality re-
22 sponses to reduce domestic violence and sexual
23 assault; and

24 (B) will provide matching funds from non-
25 Federal sources in an amount equal to not less

1 than 10 percent of the total amount of the
2 grant under this section; and

3 (2) include a plan to maximize, to the extent
4 practicable, outreach to employers (including private
5 companies, as well as public entities such as univer-
6 sities, and State and local governments) in develop-
7 ing and implementing appropriate responses to as-
8 sist employees who are victims of domestic violence
9 and sexual assault.

10 (e) USE OF GRANT AMOUNT.—A grant under this
11 section may be used for staff salaries, travel expenses,
12 equipment, printing, and other reasonable expenses nec-
13 essary to assemble, maintain, and disseminate to employ-
14 ers and labor organizations information on and appro-
15 priate responses to domestic violence and sexual assault,
16 including—

17 (1) training to promote a better understanding
18 of appropriate assistance to victims;

19 (2) conferences;

20 (3) outreach counseling;

21 (4) development of protocols and model work-
22 place policies;

23 (5) coordination of victim services; and

24 (6) assessments of the workplace costs of do-
25 mestic violence and sexual assault.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$500,000 for each of fiscal years 1999 through 2003.

4 **Subtitle B—Victims’ Employment**
5 **Rights**

6 **SEC. 721. SHORT TITLE.**

7 This subtitle may be cited as the “Victims’ Employ-
8 ment Rights Act”.

9 **SEC. 722. PURPOSES.**

10 Pursuant to the affirmative power of Congress to
11 enact this Act under section 5 of the fourteenth amend-
12 ment to the Constitution, as well as under clause 3, section
13 8 of article I of the Constitution, the purposes of this sub-
14 title are—

15 (1) to promote the national interest in ensuring
16 that crime victims can recover from the effects of
17 crime and participate in the criminal justice process
18 without fear of adverse economic consequences from
19 their employers;

20 (2) to minimize the negative impact on inter-
21 state commerce from dislocations of employees and
22 decreases in productivity that may arise when em-
23 ployees are victimized by violent crime;

24 (3) to promote the purposes of the fourteenth
25 amendment by protecting the rights of victims of

1 crime and by furthering the right of crime victims
2 to employment free from discrimination; and

3 (4) to accomplish the purposes set forth in
4 paragraphs (1) through (3) in a manner that accom-
5 modates the legitimate interests of employers and
6 protects the safety of all of those in the workplace.

7 **SEC. 723. DISCRIMINATION.**

8 (a) GENERAL RULE.—An employer shall not take or
9 threaten to take any adverse job action against any em-
10 ployee who is or has been a victim of crime based upon
11 that employee’s status, experience, or condition as a victim
12 of crime.

13 (b) DEFINITIONS.—For the purposes of this sub-
14 title—

15 (1) the term “employer” includes any person
16 acting directly or indirectly in the interest of an em-
17 ployer in relation to an employee, and includes a
18 public agency, but does not include any labor organi-
19 zation (other than when acting as an employer) or
20 anyone acting in the capacity of officer or agent of
21 such labor organization;

22 (2) the term “employ” includes to suffer or per-
23 mit to work for wages, benefits, or other compensa-
24 tion;

1 (3) the term “employee” means any person em-
2 ployed by an employer; this term includes full- or
3 part-time persons employed for a fixed time period,
4 temporary or leased basis, independent contractors,
5 and persons participating in work assignments as a
6 condition of receipt of State or Federal welfare bene-
7 fits;

8 (4) the term “victim of crime” includes any em-
9 ployee who an employer knows or has reason to
10 know has been the target of an Act or series of Acts
11 that would come within the meaning of State or
12 Federal offenses described in section 16 of title 18,
13 United States Code, or that would form the basis for
14 a felony or misdemeanor crime of domestic violence,
15 assault, battery, sexual assault or stalking under
16 State or Federal law, or that would form the basis
17 for obtaining an order of protection as defined in 18
18 U.S.C. 2266 under applicable civil or criminal State
19 or local law; this term also includes those employees
20 against whom threats to commit such criminal of-
21 fenses have been made, provided the employer knows
22 or has reason to know that such threats have oc-
23 curred;

1 (5) the term “adverse job action” means any
2 action adversely affecting the employment status,
3 wages, or benefits payable to the victim, including—

4 (A) demotion or suspension;

5 (B) dismissal from employment;

6 (C) refusal to hire;

7 (D) involuntary transfers;

8 (E) failure to make a reasonable accommo-
9 dation as requested by the employee of the vic-
10 tim’s health and safety needs arising from the
11 offense;

12 (F) loss of pay or benefits; and

13 (G) disciplinary procedure or action;

14 this provision shall not interfere with lawful employ-
15 ment policies providing for unpaid leave, except
16 where State or Federal law or the employer’s exist-
17 ing leave policies provide for paid leave or continued
18 benefits, that can lawfully be exercised to attend
19 court proceedings or other activities related to the
20 criminal offense;

21 (6) the term “based upon the employee’s status,
22 condition, or experience as a crime victim” means
23 any action affecting the terms or conditions of em-
24 ployment, as defined in subsection (b)(4) of this sec-
25 tion, which would not have been made in the absence

1 of the employee’s status, condition, or experience as
2 a crime victim, and which does not qualify for the
3 exemptions allowed by section 726 of this subtitle;

4 (7) the term “reasonable accommodation” may
5 include—

6 (A) job restructuring, part-time or modi-
7 fied work schedules, or reassignment to a va-
8 cant position or to another department or facil-
9 ity with equivalent wages and benefits or reas-
10 signment of the perpetrator if the perpetrator is
11 also an employee, if necessary to protect the
12 health or safety of the crime victim;

13 (B) making adjustments to existing facili-
14 ties, for example, installing locks or alarms,
15 which are necessary to protect the safety of the
16 crime victim and others in the workplace;

17 (C) delaying disciplinary action for a rea-
18 sonable period of time while the employee seeks
19 assistance; and

20 (D) authorizing reasonable leave from
21 work to seek medical help, legal assistance,
22 counseling, safety planning, and any other ac-
23 tivity necessitated by the crime that must be
24 undertaken during hours of employment;

1 (8) the term “undue hardship” means an action
2 requiring significant difficulty or expense, or any ac-
3 tion that would be unduly costly, extensive, substan-
4 tial, or disruptive, or that would fundamentally alter
5 the nature of operation of the business, when consid-
6 ered in light of the following factors:

7 (A) The nature and cost of the accommo-
8 dation needed under this section.

9 (B) The overall financial resources of the
10 employer; the number of persons employed at
11 the facility; the effect on expenses and re-
12 sources, or the impact otherwise of such accom-
13 modation upon the operation of the facility.

14 (C) The relationship between the serious-
15 ness of the crime and injuries suffered by the
16 employee, or threatened to be made against the
17 employee, and the proposed accommodation. In
18 cases where the employee is a victim of domes-
19 tic violence, the employer shall take into ac-
20 count the fact that incidents of domestic vio-
21 lence frequently escalate in seriousness, and
22 that threats against the employee may result in
23 violence.

24 (c) CONSTRUCTION.—

1 (1) NO DISQUALIFICATION FOR FAILURE TO
2 PROSECUTE.—An employee who otherwise meets the
3 definition of “victim of crime” under subsection
4 (b)(4) shall not be disqualified from this subtitle’s
5 protections if the crime alleged does not result in
6 criminal prosecution or conviction of the perpetrator,
7 provided the employer’s actions otherwise fall within
8 the prohibitions of this subtitle.

9 (2) NO LIMITATION TO VICTIMS OF WORKPLACE
10 CRIMES.—A crime victim shall be eligible for the
11 protections of this subtitle regardless of the location
12 of the crime or threats to commit crime which have
13 been perpetrated against the employee.

14 (3) NO ADVERSE JOB ACTION FOR PARTICIPA-
15 TION IN CRIMINAL JUSTICE OR CIVIL PROCEED-
16 INGS.—It shall be unlawful under this section to
17 take an adverse job action against an employee who
18 has been a victim of crime because that employee
19 was absent from work to testify in a criminal or civil
20 proceeding or to assist in the preparation of a crimi-
21 nal or civil proceeding arising from the alleged of-
22 fense, and that testimony or preparation could not
23 be made outside the employee’s regular working
24 hours. An employee who seeks protection from ad-
25 verse job actions under this subsection must provide

1 the employer with a minimum of twenty-four hours
2 notice prior to any such absences, and should make
3 all good faith efforts to provide as much notice as
4 possible.

5 **SEC. 724. ENFORCEMENT.**

6 (a) CIVIL ACTION BY EMPLOYEES—

7 (1) LIABILITY.—Any employer who violates the
8 provisions of this subtitle shall be liable to any eligi-
9 ble employee affected for—

10 (A) damages equal to the amount of any
11 wages, salary, employment benefits, or other
12 compensation denied or lost to such employee
13 by reason of the violation, and any interest on
14 that amount calculated at the prevailing rate;

15 (B) any punitive damages, up to three
16 times the amount of actual damages sustained,
17 as the finder of fact shall deem appropriate;
18 and

19 (C) equitable relief as the court may deem
20 appropriate, including employment, reinstatement,
21 transfer, promotion, and adoption of poli-
22 cies to prevent future violations.

23 (b) ACTION BY DEPARTMENT OF JUSTICE.—The De-
24 partment of Justice may bring a civil action in any court

1 of competent jurisdiction to recover the damages described
2 in subsection (a)(1) of this section.

3 (c) REMEDIES.—The powers, remedies, and proce-
4 dures set forth in title VII of the Civil Rights Act of 1964
5 shall be the powers, remedies and procedures to enforce
6 this subtitle, except that the time for filing charges speci-
7 fied in section 706(e) of title VII of the Civil Rights Act
8 of 1961 shall not apply to causes of action arising under
9 this subtitle; a charge under this title shall be filed within
10 365 days after the unlawful employment practice occurred.

11 (d) EXCLUSIVITY OF REMEDIES.—These remedies
12 shall be applicable to a claim under this section, unless
13 after such claim arises the claimant voluntarily enters into
14 an agreement to resolve the claim through arbitration or
15 another procedure.

16 **SEC. 725. ATTORNEY'S FEES.**

17 Section 722(b) of the Revised Statutes (42 U.S.C.
18 1988(b)) is amended in the last sentence by inserting
19 “title VII of the Violence Against Women Act of 1998,”
20 after “title VI of the Civil Rights Act of 1964,”.

21 **SEC. 726. DEFENSES.**

22 (a) EXTRAORDINARY THREATS TO WORKPLACE
23 SAFETY.—It may be a defense to liability under this sub-
24 title if an adverse job action was necessary to protect the
25 safety of an employee or other persons at the place of em-

1 ployment; provided, to qualify for this exception, an em-
2 ployer must prove—

3 (1) that the employer took all reasonable steps
4 to protect the safety of the crime victim and others
5 at the workplace which, if successful, would not have
6 required the adverse job action; and

7 (2) no less adverse action was reasonably pos-
8 sible without endangering the safety of the employee
9 or others at the workplace.

10 (b) ESSENTIAL JOB FUNCTIONS IMPAIRED.—It may
11 be a defense to liability under this subtitle if, despite rea-
12 sonable accommodation by the employer, the employee’s
13 experience as a crime victim has left the employee unable
14 to perform the essential functions of the employee’s job.
15 For purposes of this section, consideration shall be given
16 to the employer’s judgment as to what functions of a job
17 are essential.

18 (c) UNDUE HARDSHIP.—It may be a defense to li-
19 ability under this subtitle if the employer can demonstrate
20 that reasonably accommodating the health and safety of
21 the crime victim would impose an undue hardship on the
22 operation of the business of the employer or would severely
23 threaten the integrity of the employer’s physical plant or
24 facilities. To qualify for this exemption, an employer shall

1 make good faith efforts to implement the employee's pro-
2 posals for such reasonable accommodations.

3 (d) RESTORATION TO POSITION.—An employee who
4 is lawfully discharged, transferred, demoted, or suspended
5 under subsection (a) of this section shall be entitled to
6 restoration to the employee's former position provided the
7 conditions necessitating the change in employment no
8 longer persist, and provided that restoration does not con-
9 stitute an undue burden. The employee shall be entitled—

10 (1) to be restored by the employer to the posi-
11 tion of employment held by the employee when the
12 discharge, transfer, or suspension commenced; or

13 (2) to be restored to an equivalent position with
14 equivalent employment benefits, pay, and other
15 terms and conditions of employment.

16 (e) BURDEN OF PROOF.—Once an employee estab-
17 lishes that an employer took an adverse job action against
18 the employee after it knew or had reason to know that
19 the employee had been a victim of crime, it shall be the
20 employer's burden to prove—

21 (1) that the adverse job action was not based
22 upon the employee's status, condition, or experience
23 as a victim of crime; or

24 (2) that the employer's actions fall within the
25 defenses allowed under this section.

1 **Subtitle C—Workplace Violence**
2 **Against Women Prevention Tax**
3 **Credit**

4 **SEC. 731. SHORT TITLE.**

5 This subtitle may be cited as the “Workplace Vio-
6 lence Against Women Prevention Tax Credit Act”.

7 **SEC. 732. CREDIT FOR COSTS TO EMPLOYERS OF IMPLE-**
8 **MENTING WORKPLACE SAFETY PROGRAMS**
9 **TO COMBAT VIOLENCE AGAINST WOMEN.**

10 (a) **IN GENERAL.**—Subpart D of part IV of sub-
11 chapter A of chapter 1 of the Internal Revenue Code of
12 1986 is amended by adding at the end the following new
13 section:

14 **“SEC. 45D. WORKPLACE SAFETY PROGRAM CREDIT.**

15 “(a) **IN GENERAL.**—For purposes of section 38, the
16 workplace safety program credit determined under this
17 section for the taxable year is, for any employer, an
18 amount equal to 40 percent of the violence against women
19 safety and education costs paid or incurred by such em-
20 ployer during the taxable year.

21 “(b) **DEFINITIONS.**—For purposes of this section—

22 “(1) **VIOLENCE AGAINST WOMEN SAFETY AND**
23 **EDUCATION COST.**—

24 “(A) **IN GENERAL.**—The term ‘violence
25 against women safety and education cost’

1 means any cost certified by the Attorney Gen-
2 eral to the Secretary as being for the purpose
3 of—

4 “(i) ensuring the safety of employees
5 from violent crimes against women,

6 “(ii) providing assistance to employ-
7 ees, their spouses, and dependents with re-
8 spect to violent crimes against women,

9 “(iii) providing legal or medical serv-
10 ices to employees, their spouses, and de-
11 pendents subjected to, or at risk from, vio-
12 lent crimes against women,

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

15 “(v) implementing human resource or
16 personnel policies initiated to protect em-
17 ployees from violent crimes against women
18 or to support employees who have been vic-
19 tims of violent crimes against women.

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

23 “(i) the hiring of new security person-
24 nel in order to address violent crimes
25 against women,

1 “(ii) the creation of buddy systems or
2 escort systems for walking employees to
3 parking lots, parked cars, subway stations,
4 or bus stops, in order to address violent
5 crimes against women,

6 “(iii) the purchase or installation of
7 new security equipment, including surveil-
8 lance equipment, lighting fixtures, cardkey
9 access systems, and identification systems,
10 in order to address violent crimes against
11 women,

12 “(iv) the establishment of an employee
13 assistance line or other employee assist-
14 ance services about violent crimes against
15 women, for the use of individual employees,
16 including counseling or referral services
17 undertaken in consultation and coordina-
18 tion with national, State, or local domestic
19 violence and sexual assault coalitions or
20 programs,

21 “(v) the retention of an attorney to
22 provide legal services to employees seeking
23 restraining orders or other legal recourse
24 from violent crimes against women,

1 “(vi) the establishment of medical
2 services addressing the medical needs of
3 employees who are victims of violent crimes
4 against women,

5 “(vii) the retention of a financial ex-
6 pert or an accountant to provide financial
7 counseling to employees seeking to escape
8 from violent crimes against women,

9 “(viii) the establishment of an edu-
10 cation program for employees, consisting of
11 seminars or training sessions about violent
12 crimes against women undertaken in con-
13 sultation and coordination with national,
14 State, or local domestic violence and sexual
15 assault coalitions or programs,

16 “(ix) studies of the cost, impact, or
17 extent of violent crimes against women at
18 the employer’s place of business, if such
19 studies are made available to the public
20 and protect the identity of employees in-
21 cluded in the study,

22 “(x) the publication of a regularly dis-
23 seminated newsletter or other regularly
24 disseminated educational materials about
25 violent crimes against women,

1 “(xi) the implementation of leave poli-
2 cies for the purpose of allowing or that ac-
3 commodate the needs of victims of violent
4 crimes against women to pursue legal re-
5 dress against assailants, including leave
6 from work to attend meetings with attor-
7 neys, to give evidentiary statements or
8 depositions, and to attend hearings or
9 trials in court,

10 “(xii) the implementation of flexible
11 work policies for the purpose of allowing or
12 that accommodate the needs of employees
13 who are victims of violent crimes against
14 women, or employees at risk with respect
15 to such crimes, to avoid assailants,

16 “(xiii) the implementation of transfer
17 policies for the purpose of allowing or that
18 accommodate the needs of employees sub-
19 jected to violent crimes against women to
20 change office locations within the company
21 in order to avoid assailants or to allow the
22 transfer of an employee who has per-
23 petrated violent crimes against women in
24 order to protect the victim, including pay-
25 ment of costs for the transfer and reloca-

1 tion of an employee to another city, coun-
2 ty, State, or country for the purpose of
3 maintaining an employee’s safety from vio-
4 lent crimes against women, or

5 “(xiv) the provision of any of the serv-
6 ices described in clauses (iv) through (viii)
7 to the spouses and/or the dependents of
8 employees.

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

17 “(2) VIOLENT CRIMES AGAINST WOMEN.—

18 “(A) IN GENERAL.—The term ‘violent
19 crimes against women’ includes sexual assault
20 and domestic violence.

21 “(B) DOMESTIC VIOLENCE.—The term
22 ‘domestic violence’ includes acts or threats of
23 violence, not including acts of self defense, com-
24 mitted by a current or former spouse of the vic-
25 tim, by a person with whom the victim shares

1 a child in common, by a person who is cohabi-
2 tating with or has cohabitated with the victim,
3 by a person who is or has been in a continuing
4 social relationship of a romantic or intimate na-
5 ture with the victim, by a person similarly situ-
6 ated to a spouse of the victim under the domes-
7 tic or family violence laws of the jurisdiction, or
8 by any other person against a victim who is
9 protected from that person's acts under the do-
10 mestic or family violence laws of the jurisdic-
11 tion.

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) CARRYFORWARD, CARRYBACK, AND DEDUCTION
13 FOR UNUSED CREDITS.—

14 (1) CARRYFORWARD AND CARRYBACK.—Sub-
15 section (b) of section 38 of such Code (relating to
16 general business credit) is amended by striking
17 “plus” at the end of paragraph (11), by striking the
18 period at the end of paragraph (12) and inserting “,
19 plus”, and by adding at the end the following new
20 paragraph:

21 “(13) the workplace safety program credit de-
22 termined under section 45D.”

23 (2) TRANSITIONAL RULE FOR CARRYBACKS.—
24 Subsection (d) of section 39 of such Code (relating

1 to transitional rules) is amended by adding at the
2 end the following new paragraph:

3 “(8) NO CARRYBACK OF SECTION 45D CREDIT
4 BEFORE EFFECTIVE DATE.—No portion of the un-
5 used business credit for any taxable year which is
6 attributable to the workplace safety program credit
7 determined under section 45D may be carried back
8 to a taxable year beginning on or before the date of
9 the enactment of section 45D.”

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

17 “(8) the workplace safety program credit deter-
18 mined under section 45D.”

19 (c) CREDIT NOT A DEFENSE IN LEGAL ACTIONS.—
20 The allowance of a credit under section 45D of the Inter-
21 nal Revenue Code of 1986 (as added by this subtitle) shall
22 not absolve employers of their responsibilities under any
23 other law and shall not be construed as a defense to any
24 legal action (other than legal action by the Secretary of
25 the Treasury under such Code).

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

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

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

8 **Subtitle D—Battered Women’s** 9 **Employment Protection**

10 **SEC. 741. SHORT TITLE AND REFERENCE.**

11 (a) SHORT TITLE.—This subtitle may be cited as the
 12 “Battered Women’s Employment Protection Act”.

13 (b) REFERENCE.—Whenever in this subtitle an
 14 amendment or repeal is expressed in terms of an amend-
 15 ment to, or repeal of, a section or other provision, the ref-
 16 erence shall be considered to be made to a section or other
 17 provision of the Family and Medical Leave Act of 1993.

18 **SEC. 742. PURPOSES.**

19 Pursuant to the affirmative power of Congress to
 20 enact this Act under section 5 of the Fourteenth Amend-
 21 ment to the Constitution, as well as under clause 1 of sec-
 22 tion 8 of Article I of the Constitution and clause 3 of sec-
 23 tion 8 of Article I of the Constitution, the purposes of
 24 this subtitle are—

1 (1) to promote the national interest in reducing
2 domestic violence by enabling victims of domestic vi-
3 olence to maintain the financial independence nec-
4 essary to leave abusive situations, to achieve safety
5 and minimize the physical and emotional injuries
6 from domestic violence, and to reduce the devastat-
7 ing economic consequences of domestic violence to
8 employers and employees, by—

9 (A) providing unemployment insurance for
10 victims of domestic violence who are forced to
11 leave their employment as a result of domestic
12 violence; and

13 (B) entitling employed victims of domestic
14 violence to take reasonable leave under the
15 Family and Medical Leave Act of 1993 to seek
16 medical help, legal assistance, counseling, and
17 safety planning and assistance without penalty
18 from their employer;

19 (2) to promote the purposes of the Fourteenth
20 Amendment by protecting the civil and economic
21 rights of victims of domestic violence and by further-
22 ing the equal opportunity of women to employment
23 and economic self-sufficiency;

24 (3) to minimize the negative impact on inter-
25 state commerce from dislocations of employees and

1 harmful effects on productivity, health care costs,
2 and employer costs from domestic violence; and

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

6 **SEC. 743. UNEMPLOYMENT COMPENSATION.**

7 (a) UNEMPLOYMENT COMPENSATION.—Section
8 3304(a) of the Internal Revenue Code of 1986 is amend-
9 ed—

10 (1) by striking “and” at the end of paragraph
11 (18),

12 (2) by striking the period at the end of para-
13 graph (19) and inserting “; and”,

14 (3) by adding after paragraph (19) the follow-
15 ing:

16 “(20) compensation is to be provided where an
17 individual is separated from employment due to cir-
18 cumstances directly resulting from the individual’s
19 experience of domestic violence.”,

20 (4) by redesignating subsections (b) through (f)
21 as subsections (c) through (g), respectively, and

22 (5) by adding after subsection (a) the following:
23 “(b) CONSTRUCTION.—

24 “(1) For the purpose of determining, under
25 subsection (a)(20), whether an employee’s separation

1 from employment is ‘directly resulting’ from the in-
2 dividual’s experience of domestic violence, it shall be
3 sufficient if the separation from employment re-
4 sulted from—

5 “(A) the employee’s reasonable fear of fu-
6 ture domestic violence at or en route to or from
7 her place of employment;

8 “(B) the employee’s wish to relocate to an-
9 other geographic area in order to avoid future
10 domestic violence against the employee or the
11 employee’s family;

12 “(C) the employee’s need to recover from
13 traumatic stress resulting from the employee’s
14 experience of domestic violence;

15 “(D) the employer’s denial of the employ-
16 ee’s request for the temporary leave from em-
17 ployment to address domestic violence and its
18 effects authorized by section 102 of the Family
19 and Medical Leave Act of 1993; or

20 “(E) any other respect in which domestic
21 violence causes the employee to reasonably be-
22 lieve that termination of employment is nec-
23 essary for the future safety of the employee or
24 the employee’s family.

1 “(2) For purposes of subsection (a)(20), where
2 State law requires the employee to have made rea-
3 sonable efforts to retain employment as a condition
4 for receiving unemployment compensation, it shall be
5 sufficient that the employee—

6 “(A) sought protection from or assistance
7 in responding to domestic violence, including
8 calling the police or seeking legal, social work,
9 medical, clergy, or other assistance;

10 “(B) sought safety, including refuge in a
11 shelter or temporary or permanent relocation,
12 whether or not the employee actually obtained
13 such refuge or accomplished such relocation; or

14 “(C) reasonably believed that options such
15 as a leave, transfer, or alternative work sched-
16 ule would not be sufficient to guarantee the em-
17 ployee or the employee’s family’s safety.

18 “(3) For purposes of subsection (a)(20), where
19 State law requires the employee to actively search
20 for employment after separation from employment
21 as a condition for receiving unemployment com-
22 pensation, such requirement shall be deemed to be
23 met where the employee is temporarily unable to ac-
24 tively search for employment because the employee is
25 engaged in seeking safety or relief for the employee

1 or the employee’s family from domestic violence, in-
2 cluding—

3 “(A) going into hiding or relocating or at-
4 tempting to do so, including activities associ-
5 ated with such relocation or hiding, such as
6 seeking to obtain sufficient shelter, food, school-
7 ing for children, or other necessities of life for
8 the employee or the employee’s family;

9 “(B) actively pursuing legal protection or
10 remedies, including meeting with the police,
11 going to court to make inquiries or file papers,
12 meeting with attorneys, or attending court pro-
13 ceedings; or

14 “(C) participating in psychological, social,
15 or religious counseling or support activities to
16 assist the employee in ending domestic violence.

17 “(4) In determining if an employee meets the
18 requirements of paragraphs (1), (2), and (3), the
19 employer of an employee may require the employee
20 to provide—

21 “(A) documentation of the domestic vio-
22 lence, such as police or court records, or docu-
23 mentation of the domestic violence from a shel-
24 ter worker or employee of a domestic violence
25 program, attorney, clergy, or medical or other

1 professional from whom the employee has
2 sought assistance in addressing domestic vio-
3 lence and its effects; or

4 “(B) other corroborating evidence, such as
5 a statement from any other individual with
6 knowledge of the circumstances which provide
7 the basis for the claim, or physical evidence of
8 domestic violence, such as photographs, torn or
9 bloody clothes, etc.”.

10 All evidence of domestic violence experienced by an
11 employee, including an employee’s statement, any
12 corroborating evidence, and the fact that an em-
13 ployee has applied for or inquired about unemploy-
14 ment compensation available under section
15 3304(a)(20) shall be retained in the strictest con-
16 fidence of the employer, except to the extent con-
17 sented to by the employee where disclosure is nec-
18 essary to protect the employee’s safety.”.

19 (b) SOCIAL SECURITY PERSONNEL TRAINING.—Sec-
20 tion 303(a) of the Social Security Act (42 U.S.C.
21 503(a)(4)) is amended by redesignating paragraphs (4)
22 through (10) as paragraphs (5) through (11), respectively,
23 and by adding after paragraph (3) the following:

24 “(4) Such methods of administration as will en-
25 sure that claims reviewers and hearing personnel are

1 adequately trained in the nature and dynamics of
2 domestic violence and in methods of ascertaining
3 and keeping confidential information about possible
4 experiences of domestic violence, so that employment
5 separations stemming from domestic violence are re-
6 liably screened, identified, and adjudicated and full
7 confidentiality is provided for the employee's claim
8 and submitted evidence.”.

9 (c) DEFINITIONS.—Section 3306 of the Internal Rev-
10 enue Code of 1986 is amended by adding at the end the
11 following:

12 “(u) DOMESTIC VIOLENCE.—The term “domestic vi-
13 olence” includes acts or threats of violence, not including
14 acts of self-defense, committed by a current or former
15 spouse of the victim, by a person with whom the victim
16 shares a child in common, by a person who is cohabitating
17 with or has cohabitated with the victim, by a person who
18 is or has been in a continuing social relationship of a ro-
19 mantic or intimate nature with the victim, by a person
20 similarly situated to a spouse of the victim under the do-
21 mestic or family violence laws of the jurisdiction, or by
22 any other person against a victim who is protected from
23 that person's acts under the domestic or family violence
24 laws of the jurisdiction.”.

1 **SEC. 744. ENTITLEMENT TO LEAVE FOR DOMESTIC VIO-**
2 **LENCE.**

3 (a) **AUTHORITY FOR LEAVE.**—Section 102(a)(1) (29
4 U.S.C. 2612(a)(1)) is amended by adding at the end the
5 following:

6 “(E) In order to care for the child or par-
7 ent of the employee, if such child or parent is
8 addressing domestic violence and its effects.

9 “(F) Because the employee is addressing
10 domestic violence and its effects, the employee
11 is unable to perform any of the functions of the
12 position of such employee.”.

13 (b) **DEFINITION.**—Section 101 (29 U.S.C. 2611) is
14 amended by adding at the end the following:

15 “(14) **ADDRESSING DOMESTIC VIOLENCE AND**
16 **ITS EFFECTS.**—The term ‘addressing domestic vio-

17 **lence and its effects’ means—**
18 “(A) experiencing domestic violence,

19 “(B) seeking medical attention for or re-
20 covering from injuries caused by domestic vio-
21 lence,

22 “(C) seeking legal assistance or remedies,
23 including communicating with the police or an
24 attorney, or participating in any legal proceed-
25 ing related to domestic violence,

1 “(D) attending support groups for victims
2 of domestic violence,

3 “(E) obtaining psychological counseling re-
4 lated to experiences of domestic violence,

5 “(F) participating in safety planning and
6 other actions to increase safety from future do-
7 mestic violence, including temporary or perma-
8 nent relocation and

9 “(G) any other activity necessitated by do-
10 mestic violence which must be undertaken dur-
11 ing hours of employment.”.

12 (c) INTERMITTENT OR REDUCED LEAVE.—Section
13 102(b) (29 U.S.C. 2612(b)) is amended by adding at the
14 end the following:

15 “(3) DOMESTIC VIOLENCE.—Leave under sub-
16 paragraph (E) or (F) of subsection (a)(1) may be
17 taken by an employee intermittently or on a reduced
18 leave schedule. The taking of leave intermittently or
19 on a reduced leave schedule pursuant to this para-
20 graph shall not result in a reduction in the total
21 amount of leave to which the employee is entitled
22 under subsection (a) beyond the amount of leave ac-
23 tually taken.”.

1 (d) PAID LEAVE.—Section 102(d)(2) (29 U.S.C.
2 2612(d)) is amended by striking “(C) or (D)” and insert-
3 ing “(C), (D), (E), or (F)”.

4 (e) CERTIFICATION.—Section 103 (29 U.S.C. 2613)
5 is amended by redesignating subsection (e) as subsection
6 (f) and by inserting after subsection (d) the following:

7 “(e) DOMESTIC VIOLENCE.—In determining if an
8 employee meets the requirements of subparagraph (E) or
9 (F) of section 102(a)(1), the employer of an employee may
10 require the employee to provide—

11 “(1) documentation of the domestic violence,
12 such as police or court records, or documentation of
13 the domestic violence from a shelter worker, attor-
14 ney, clergy, or medical or other professional from
15 whom the employee has sought assistance in ad-
16 dressing domestic violence and its effects; or

17 “(2) other corroborating evidence, such as a
18 statement from any other individual with knowledge
19 of the circumstances which provide the basis for the
20 claim, or physical evidence of domestic violence, such
21 as photographs, torn or bloody clothes, etc.”.

22 (f) CONFIDENTIALITY.—Section 103 (29 U.S.C.
23 2613), as amended by subsection (e), is amended—

24 (1) in the title by adding before the period the
25 following: “; **CONFIDENTIALITY**”, and

1 (2) by adding at the end the following:

2 “(g) CONFIDENTIALITY.—All evidence of domestic vi-
3 olence experienced by an employee or the employee’s child
4 or parent, including an employee’s statement, any corrobo-
5 rating evidence, and the fact that an employee has re-
6 quested leave for the purpose of addressing domestic vio-
7 lence and its effects, shall be retained in the strictest con-
8 fidence by the employer, except to the extent consented
9 to by the employee where disclosure is necessary to protect
10 the employee’s safety or the safety of coworkers or re-
11 quested by the employee to document domestic violence
12 to a court or agency.”.

13 **SEC. 745. ENTITLEMENT TO LEAVE FOR FEDERAL EMPLOY-**
14 **EES FOR DOMESTIC VIOLENCE.**

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

18 “(E) In order to care for the child or parent of
19 the employee, if such child or parent is addressing
20 domestic violence and its effects.

21 “(F) Because the employee is addressing do-
22 mestic violence and its effects, the employee is un-
23 able to perform any of the functions of the position
24 of such employee.”.

1 (b) DEFINITION.—Section 6381 of title 5, United
2 States Code is amended by striking “and” at the end of
3 paragraph (5), by striking the period at the end of para-
4 graph (6) and inserting “; and” and by adding at the end
5 the following:

6 “(7) the term ‘addressing domestic violence and
7 its effects’ means—

8 “(A) experiencing domestic violence,

9 “(B) seeking medical attention for or re-
10 covering from injuries caused by domestic vio-
11 lence,

12 “(C) seeking legal assistance or remedies,
13 including communicating with the police or an
14 attorney, or participating in any legal proceed-
15 ing related to domestic violence,

16 “(D) attending support groups for victims
17 of domestic violence,

18 “(E) obtaining psychological counseling re-
19 lated to experiences of domestic violence,

20 “(F) participating in safety planning and
21 other actions to increase safety from future do-
22 mestic violence, including temporary or perma-
23 nent relocation and

1 “(G) any other activity necessitated by do-
2 mestic violence which must be undertaken dur-
3 ing hours of employment.”.

4 (c) INTERMITTENT OR REDUCED LEAVE.—Section
5 6382(b) of title 5, United States Code, is amended by add-
6 ing at the end the following:

7 “(3) Leave under subparagraph (E) or (F) of
8 subsection (a)(1) may be taken by an employee
9 intermittently or on a reduced leave schedule. The
10 taking of leave intermittently or on a reduced leave
11 schedule pursuant to this paragraph shall not result
12 in a reduction in the total amount of leave to which
13 the employee is entitled under subsection (a) beyond
14 the amount of leave actually taken.”.

15 (d) OTHER LEAVE.—Section 6382(d) of title 5,
16 United States Code, is amended by striking “(C) or (D)”
17 and inserting “(C), (D), (E), or (F)”.

18 (e) CERTIFICATION.—Section 6383 of title 5, United
19 States Code, is amended by redesignating subsection (e)
20 as subsection (f) and by inserting after subsection (d) the
21 following:

22 “(e) DOMESTIC VIOLENCE.—In determining if an
23 employee meets the requirements of subparagraph (E) or
24 (F) of section 6382(a)(1), the employer of an employee
25 may require the employee to provide—

1 “(1) documentation of the domestic violence,
2 such as police or court records, or documentation of
3 the domestic violence from a shelter worker, attor-
4 ney, clergy, or medical or other professional from
5 whom the employee has sought assistance in ad-
6 dressing domestic violence and its effects; or

7 “(2) other corroborating evidence, such as a
8 statement from any other individual with knowledge
9 of the circumstances which provide the basis for the
10 claim, or physical evidence of domestic violence, such
11 as photographs, torn or bloody clothes, etc.”.

12 (f) CONFIDENTIALITY.—Section 6383 of title 5,
13 United States Code, as amended by subsection (e), is
14 amended—

15 (1) in the title by adding before the period the
16 following: **“; CONFIDENTIALITY”**, and

17 (2) by adding at the end the following:

18 “(g) CONFIDENTIALITY.—All evidence of domestic vi-
19 olence experienced by an employee or the employee’s child
20 or parent, including an employee’s statement, any corrobo-
21 rating evidence, and the fact that an employee has re-
22 quested leave for the purpose of addressing domestic vio-
23 lence and its effects, shall be retained in the strictest con-
24 fidence by the employer, except to the extent consented
25 to by the employee where disclosure is necessary to protect

1 the employee’s safety or the safety of coworkers or re-
2 quested by the employee to provide documentation to a
3 court or agency.”.

4 **SEC. 746. EXISTING LEAVE USABLE FOR DOMESTIC VIO-**
5 **LENCE.**

6 (a) USE OF EXISTING LEAVE.—Where an employee
7 would be otherwise entitled to take paid or unpaid leave
8 (including family, medical, sick, annual, personal, or simi-
9 lar leave) from employment pursuant to State law, an ex-
10 isting benefits program or plan, or a collective bargaining
11 agreement, employees shall be permitted to use such leave
12 for the purpose of addressing domestic violence and its
13 effects, or for the purpose of caring for a child or parent
14 of the employee, if such child or parent is addressing do-
15 mestic violence and its effects.

16 (b) DEFINITIONS.—As used in this subtitle:

17 (1) The term “addressing domestic violence and
18 its effects” shall have the same meaning as is given
19 such phrase by section 101(14) of the Family and
20 Medical Leave Act of 1993 (29 U.S.C. 2611(14)), as
21 amended by section 744(b) of this Act.

22 (2) The term “employer” includes any person
23 acting directly or indirectly in the interest of an em-
24 ployer in relation to any employee, if such person is
25 also subject to the Family and Medical Leave Act of

1 1993 (29 U.S.C. 2601 et seq.) or to any State law
2 or benefits program or plan addressing paid or un-
3 paid leave from employment (including family, medi-
4 cal, sick, annual, personal, or similar leave). The
5 term “employer” includes a public agency but does
6 not include any labor organization (other than when
7 acting as an employer) or anyone acting in the ca-
8 pacity of officer or agent of such labor organization.

9 (3) The term “employee” shall have the same
10 meaning as is given such term by section 701(f) of
11 the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)).

12 (c) CERTIFICATION.—In determining whether an em-
13 ployee qualifies for the leave described in subsection (a),
14 an employer may require documentation of domestic vio-
15 lence or corroborating evidence consistent with the provi-
16 sions of section 103 of the Family and Medical Leave Act
17 of 1993 (29 U.S.C. 2613(e)), as amended by section
18 744(e) of this Act.

19 (d) CONFIDENTIALITY.—All evidence of domestic vio-
20 lence experienced by an employee or the employee’s child
21 or parent, including an employee’s statement, any docu-
22 mentation or corroborating evidence, and the fact that the
23 employee has requested leave for the purpose of address-
24 ing domestic violence and its effects, shall be retained in
25 the strictest confidence by the employer, except to the ex-

1 tent consented to by the employee in order to protect the
2 employee's safety or the safety of coworkers, or requested
3 by the employee to document domestic violence to a court
4 or agency.

5 (e) ENFORCEMENT.—

6 (1) PUBLIC ENFORCEMENT.—The Secretary of
7 Labor shall have the powers set forth in subsections
8 (b), (c), (d), and (e) of section 107 of the Family
9 and Medical Leave Act of 1993 (29 U.S.C. 2617)
10 for the purpose of public enforcement of any alleged
11 violation of this section against any employer.

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 (29 U.S.C. 2617) shall be the remedies and proce-
16 dures pursuant to which an employee may initiate a
17 legal action against an employer for alleged viola-
18 tions of this section.

19 (3) EMPLOYER LIABILITY UNDER OTHER
20 LAWS.—Nothing in this section shall be construed to
21 limit the liability of an employer to an employee for
22 harm suffered relating to the employee's experience
23 of domestic violence pursuant to any other State or
24 Federal law or legal remedy.

1 **SEC. 747. EFFECT ON OTHER LAWS AND EMPLOYMENT BEN-**
2 **EFITS.**

3 (a) MORE PROTECTIVE.—Nothing in this subtitle or
4 the amendments made by this subtitle shall be construed
5 to supersede any provision of any Federal, State or local
6 law, collective bargaining agreement, or other employment
7 benefit program which provides greater unemployment
8 compensation or leave benefits for employed victims of do-
9 mestic violence than the rights established under this sub-
10 title or such amendments.

11 (b) LESS PROTECTIVE.—The rights established for
12 employees under this subtitle or the amendments made by
13 this subtitle shall not be diminished by any collective bar-
14 gaining agreement, any employment benefit program or
15 plan, or any State or local law.

16 **SEC. 748. EFFECTIVE DATE.**

17 (a) GENERAL RULE.—Except as provided in sub-
18 section (b), this subtitle and the amendments made by this
19 subtitle shall take effect upon the expiration of 180 days
20 from the date of the enactment of this Act.

21 (b) UNEMPLOYMENT COMPENSATION.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), the amendments made by section 743
24 shall apply in the case of compensation paid for
25 weeks beginning on or after the expiration of 180
26 days from the date of the enactment of this Act.

1 (2) MEETING OF STATE LEGISLATURE.—In the
2 case of a State with respect to which the Secretary
3 of Labor has determined that the State legislature
4 is required in order to comply with the amendments
5 made by section 743, the amendments made by sec-
6 tion 743 shall apply in the case of compensation
7 paid for weeks which begin on or after the expiration
8 of 180 days from the date of the enactment of this
9 Act and after the end of the first session of the
10 State legislature which begins after the date of the
11 enactment of this Act or which began prior to the
12 date of the enactment of this Act and remained in
13 session for at least 25 calendar days after such date
14 of enactment. For purposes of the preceding sen-
15 tence, the term “session” means a regular, special,
16 budget, or other session of a State legislature.

17 **Subtitle E—Education and Train-**
18 **ing Grants To Promote Re-**
19 **sponses to Violence Against**
20 **Women**

21 **SEC. 751. EDUCATION AND TRAINING GRANTS TO PROMOTE**
22 **APPROPRIATE RESPONSES TO VIOLENCE**
23 **AGAINST WOMEN.**

24 (a) DEFINITION OF DOMESTIC VIOLENCE.—The
25 term “domestic violence” includes acts or threats of vio-

1 lence, not including acts of self defense, committed by a
2 current or former spouse of the victim, by a person with
3 whom the victim shares a child in common, by a person
4 who is cohabitating with or has cohabitated with the vic-
5 tim, by a person who is or has been in a continuing social
6 relationship of a romantic or intimate nature with the vic-
7 tim, by a person similarly situated to a spouse of the vic-
8 tim under the domestic or family violence laws of the juris-
9 diction, or by any other person against a victim who is
10 protected from that person’s acts under the domestic or
11 family violence laws of the jurisdiction.

12 (b) DEFINITION OF SEXUAL ASSAULT.—The term
13 “sexual assault” means any conduct proscribed by chapter
14 109A of title 18, United States Code, whether or not the
15 conduct occurs in the special maritime and territorial ju-
16 risdiction of the United States or in a Federal prison and
17 includes both assaults committed by offenders who are
18 strangers to the victim and assaults committed by offend-
19 ers who are known to the victim or related by blood or
20 marriage to the victim.

21 (c) AUTHORITY.—The Attorney General may make
22 grants in accordance with this section to public and pri-
23 vate nonprofit nongovernmental entities including tribally
24 chartered organizations and nonprofit organizations oper-
25 ating within the boundaries of an Indian reservation whose

1 governing body reflects the populations served that, in the
2 determination of the Attorney General, have—

3 (1) recognized expertise in the area of domestic
4 violence and sexual assault;

5 (2) a record of commitment and quality re-
6 sponses to reduce domestic violence and sexual as-
7 sault; and

8 (3) demonstrated collaboration and cooperation
9 with groups or individuals with recognized expertise
10 in assisting individuals who are eligible for the bene-
11 fits described in subsection (d).

12 (d) GRANTS.—

13 (1) PURPOSE.—Grants under this section shall
14 be used for the purposes of developing, testing, pre-
15 senting, and disseminating model programs to pro-
16 vide education and training to individuals likely to
17 come into contact with victims of domestic violence
18 or sexual assault due to their employment respon-
19 sibilities, including, but not limited to—

20 (A) campus personnel, such as administra-
21 tors, housing officers, resident advisors, coun-
22 selors, and others;

23 (B) caseworkers, supervisors, administra-
24 tors, administrative law judges, and other indi-
25 viduals administering Federal and State bene-

1 fits programs, such as child welfare and child
2 protective services, Temporary Assistance to
3 Needy Families, social security disability, child
4 support, Medicaid, unemployment, workers'
5 compensation, and similar programs;

6 (C) justice system professionals, such as
7 court personnel, guardians ad litem and other
8 individuals appointed to represent or evaluate
9 children, probation and parole officers, bail
10 commissioners, judges, and attorneys;

11 (D) mental and behavioral health profes-
12 sionals, such as psychologists, psychiatrists, so-
13 cial workers, therapists, counselors, and others;

14 (E) religious professionals, such as
15 clergypersons and lay employees; and

16 (F) health care professionals, such as those
17 from the fields of medicine, osteopathy, and
18 nursing, physicians' assistants, and allied pro-
19 fessionals.

20 (2) PRIORITY.—In awarding such grants, the
21 Attorney General shall give priority to the individual
22 areas, professions, and personnel described in sub-
23 paragraphs (A) through (E) of paragraph (1) that
24 are currently being supported less extensively by
25 other Federal, State, and private funding sources, as

1 well as those that address the needs of underserved
2 populations (as that term is defined in 42 U.S.C.
3 3796gg-2(7), as amended by title VI of this Act).

4 (3) TRIBAL ORGANIZATIONS ELIGIBILITY.—
5 Nothing shall preclude tribally chartered organiza-
6 tions and nonprofit organizations located within the
7 boundaries of an Indian reservation from eligibility
8 for grants under this section.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$5,000,000 each for domestic violence and sexual assault
12 programs for each of fiscal years 1999 through 2003.

13 **Subtitle F—Workers’ Compensation**

14 **SEC. 761. SENSE OF CONGRESS REGARDING WORKPLACE** 15 **VIOLENCE AGAINST WOMEN AND WORKERS’** 16 **COMPENSATION.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) Women are frequently denied legal redress
19 to recover for losses that have resulted from the
20 workplace violence;

21 (2) Women are denied workers’ compensation
22 recovery if they are deemed not to have suffered a
23 physical injury after they are raped;

24 (3) In approximately half the States, interpreta-
25 tions of State workers’ compensation laws may pre-

1 clude women from pursuing legal claims resulting
2 from workplace violence; for example, for an employ-
3 er's negligence that resulted in the violence; con-
4 sequently recovery may be limited to the amount
5 permitted by workers' compensation statutes; and

6 (4) Other States recognize that workplace vio-
7 lence against women, including rapes and sexual as-
8 sault, may fall within various exceptions to State
9 workers' compensation laws.

10 Affording victims of workplace violence against women ac-
11 cess to legal redress outside the workers' compensation
12 system will assist women in recovering from violent
13 crimes, encourage employers to take all reasonable preven-
14 tive measures, and help improve the productivity and safe-
15 ty of American workplaces.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) State workers' compensation laws should
19 provide benefits to women who are victims of work-
20 place violence who are eligible for such benefits, in-
21 cluding full compensation for physical and nonphys-
22 ical injuries; and

23 (2) State workers' compensation laws should
24 also permit the employee to pursue an action at law
25 against an employer, other than statutory workers'

1 compensation benefits, based on the employer's role
2 in the act of workplace violence.

3 **TITLE VIII—EDUCATIONAL IN-**
4 **STITUTIONS AND VIOLENCE**
5 **AGAINST WOMEN**

6 **Subtitle A—Grants To Reduce Vio-**
7 **lent Crimes Against Women on**
8 **Campus**

9 **SEC. 801. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
10 **WOMEN ON CAMPUSES.**

11 (a) IN GENERAL.—Title I of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
13 et seq.) is amended—

14 (1) by redesignating part U as part V;

15 (2) by redesignating section 2101 as section
16 2201; and

17 (3) by inserting after part T the following new
18 part:

19 **“PART U—GRANTS TO COMBAT VIOLENT CRIMES**
20 **AGAINST WOMEN ON CAMPUSES**

21 **“SEC. 2101. PURPOSE OF THE PROGRAM AND GRANTS.**

22 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
23 this part is to assist campus administrators and campus
24 security personnel (including employees, contractors, and
25 volunteers) to develop and strengthen effective security

1 and investigation strategies to combat violent crimes
2 against women on campuses, particularly sexual assault,
3 stalking, and domestic violence and to develop and
4 strengthen victim services in cases involving violent crimes
5 against women on campuses which may include partner-
6 ships with local criminal justice authorities and commu-
7 nity-based victims services agencies.

8 “(b) PURPOSES FOR WHICH GRANTS MAY BE
9 USED.—Grants under this part shall provide personnel,
10 training, technical assistance, data collection, and other
11 equipment for the more widespread apprehension, inves-
12 tigation, and adjudication of persons committing violent
13 crimes against women on campuses, and specifically, for
14 the purposes of—

15 “(1) training campus administrators and cam-
16 pus security personnel to more effectively identify
17 and respond to violent crimes against women on
18 campus, including the crimes of sexual assault,
19 stalking, and domestic violence;

20 “(2) developing and implementing more effec-
21 tive campus security and investigative policies, pro-
22 tocols, orders, and services specifically devoted to
23 preventing, identifying, and responding to violent
24 crimes against women on campus, including the

1 crimes of sexual assault, stalking, and domestic vio-
2 lence;

3 “(3) developing, enlarging, or strengthening vic-
4 tim services programs, as defined in 42 U.S.C.
5 3796gg-2(8), for local campuses, including sexual
6 assault, stalking, and domestic violence programs;
7 developing or improving delivery of victim services
8 on campuses, including on-campus programs that
9 provide counseling, support, and victim advocacy,
10 whether or not organized and staffed by students in
11 coordination with community-based victim services;

12 “(4) supporting improved coordination between
13 campus administrators and campus security person-
14 nel, and local criminal justice authorities to reduce
15 violent crimes against women on campus.

16 **“SEC. 2102. GRANTS.**

17 “(a) GENERAL GRANTS.—The Department of Edu-
18 cation may make grants to institutions of higher education
19 for use by campus personnel and student organizations,
20 and nonprofit nongovernmental victim services programs
21 for the purposes described in section 2101(b).

22 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated \$10,000,000 for each
24 of fiscal years 1999, 2000, 2001, 2002, and 2003, to carry
25 out the purposes of this section.

1 “(c) QUALIFICATION.—Upon satisfying the terms of
2 subsection (d), any entity described in subsection (a) shall
3 be qualified for funds provided under this part upon cer-
4 tification that—

5 “(1) the funds shall be used for any of the pur-
6 poses described in section 2101(b);

7 “(2) grantees shall develop a plan for imple-
8 mentation and shall consult and coordinate with
9 nonprofit, nongovernmental victim services pro-
10 grams, including sexual assault and domestic vio-
11 lence victim services programs and State sexual as-
12 sault and domestic violence coalitions;

13 “(3) of the total grant amount awarded by the
14 Secretary, grantees shall make the following alloca-
15 tions:

16 “(A) at least 20 percent shall be allocated
17 each to campus security and to campus admin-
18 istrators;

19 “(B) at least 10 percent shall be allocated
20 to the purposes described in section 2101(b)(4);
21 and

22 “(C) At least 30 percent shall be allocated
23 to victims’ services programs; and

24 “(4) any Federal funds received under this part
25 shall be used to supplement, not supplant, non-Fed-

1 eral funds that would otherwise be available for ac-
2 tivities funded under this subtitle.

3 “(d) APPLICATION REQUIREMENTS.—The applica-
4 tion requirements provided in section 513 (42 U.S.C.
5 3763) shall apply under this part. In addition, each appli-
6 cation should include the certifications of qualification re-
7 quired by subsection (c), including documentation from
8 nonprofit, nongovernmental victim services programs, de-
9 scribing their participation in developing the plan required
10 by subsection (c)(2). An application shall include—

11 “(1) documentation from the institution and
12 victim services programs to be assisted, demonstrat-
13 ing—

14 “(A) need for the grant funds;

15 “(B) intended use of the grant funds;

16 “(C) expected results from the use of the
17 grants funds; and

18 “(D) characteristics of the population
19 being served, including number of students and
20 type of campus and demographic characteristics
21 of the population and documentation of services
22 to underserved populations, as that term is de-
23 fined in 42 U.S.C. 3796gg-2(7), as amended by
24 title VI of this Act.

25 “(e) DISBURSEMENT.—

1 “(1) IN GENERAL.—Not later than 60 days
2 after the receipt of an application under this part,
3 the Secretary shall—

4 “(A) disburse the appropriate sums pro-
5 vided for under this part; or

6 “(B) inform the applicant why the applica-
7 tion does not conform to the terms of section
8 513 (42 U.S.C. 3763) or to the requirements of
9 this section.

10 “(2) REGULATIONS.—In disbursing moneys
11 under this part, the Secretary shall—

12 “(A) give priority to areas of varying geo-
13 graphic size with the greatest showing of need
14 based on the availability of existing domestic vi-
15 olence, stalking, and sexual assault programs
16 on the campuses to be served in relation to the
17 availability of such programs on other such
18 campuses;

19 “(B) equitably distribute moneys on a geo-
20 graphic basis including nonurban and rural
21 areas of various geographic sizes; and

22 “(C) recognize and address the needs of
23 underserved populations.

24 “(f) FEDERAL SHARE.—The Federal share of a
25 grant made under this subtitle may not exceed 75 percent

1 of the total cost of the projects described in the application
2 submitted.

3 **“SEC. 2103. DEFINITIONS.**

4 “In this part—

5 “(1) the term ‘domestic violence’ includes acts
6 or threats of violence, not including acts of self de-
7 fense, committed by a current or former spouse of
8 the victim, by a person with whom the victim shares
9 a child in common, by a person who is cohabitating
10 with or has cohabitated with the victim, by a person
11 who is or has been in a continuing social relationship
12 of a romantic or intimate nature with the victim, by
13 a person similarly situated to a spouse of the victim
14 under the domestic or family violence laws of the ju-
15 risdiction, or by any other person against a victim
16 who is protected from that person’s acts under the
17 domestic or family violence laws of the jurisdiction;
18 and

19 “(2) the term ‘sexual assault’ means any con-
20 duct proscribed by chapter 109A of title 18, United
21 States Code, whether or not the conduct occurs in
22 the special maritime and territorial jurisdiction of
23 the United States or in a Federal prison and in-
24 cludes both assaults committed by offenders who are
25 strangers to the victim and assaults committed by

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

3 **“SEC. 2104. GENERAL TERMS AND CONDITIONS.**

4 “(a) NONMONETARY ASSISTANCE.—In addition to
5 the assistance provided under this part, the Secretary may
6 request any Federal agency to use its authorities and the
7 resources granted to it under Federal law (including per-
8 sonnel, equipment, supplies, facilities, and managerial,
9 technical, and advisory services) in support of campus se-
10 curity and investigation and victim service efforts.

11 “(b) REGULATIONS OR GUIDELINES.—Not later than
12 120 days after the date of enactment of this part, the Sec-
13 retary shall publish proposed regulations or guidelines im-
14 plementing this part, including a mechanism for the Sec-
15 retary to make individual program evaluations publicly
16 available. Not later than 180 days after the date of enact-
17 ment, the Secretary shall publish final regulations or
18 guidelines implementing this part.”.

19 **SEC. 802. NATIONAL BASELINE STUDY ON UNIVERSITY**
20 **CAMPUS PROCEDURES IN CASE OF A REPORT**
21 **OF SEXUAL ASSAULT.**

22 (a) STUDY.—The Secretary of Education, in con-
23 sultation with the Department of Justice, shall provide for
24 a national baseline study to examine college and university
25 procedures upon receiving the report of a sexual assault.

1 (b) REPORT.—The study required by subsection (a)
2 should include the analysis of—

3 (1) the existence and publication of institution’s
4 and State law definition of sexual assault;

5 (2) the existence and publication of the institu-
6 tion’s formal policy for campus sexual assaults;

7 (3) to whom reports are stated most often—

8 (A) how these authorities are trained to
9 deal with the reports; and

10 (B) the extent to which they are trained;

11 (4) the reporting options which are articulated
12 to the victim or victims of the crime—

13 (A) on campus reporting and procedure
14 options; and

15 (B) off campus (State) reporting and pro-
16 cedure options;

17 (5) the resources available for victim’s safety,
18 support, medical health, and confidentiality—

19 (A) how well these resources are articu-
20 lated both specifically to the victim of a sexual
21 assault and generally to the campus at large;
22 and

23 (B) the security of these resources in
24 terms of confidentiality or reputation or both;

1 (6) policies and practices that may prevent or
2 discourage the reporting of campus sexual assaults
3 to local criminal authorities, or that may otherwise
4 obstruct justice or interfere with the prosecution of
5 perpetrators of campus sexual assaults;

6 (7) policies and practices found successful in
7 aiding the report and any ensuing investigation or
8 prosecution of a campus sexual assault;

9 (8) the on campus procedures for investigation
10 and disciplining the perpetrator—

11 (A) the format for collecting evidence; and

12 (B) the format of the investigation and
13 disciplinary proceeding itself—

14 (i) the faculty responsible for running
15 the disciplinary procedure; and

16 (ii) the persons allowed to attend the
17 disciplinary procedure; and

18 (9) types of punishment for offenders—

19 (A) whether case directed outside to fur-
20 ther punishment; and

21 (B) how individual institutions punish per-
22 petrators.

23 (c) SUBMISSION OF REPORT.—The report required
24 by subsection (b) shall be submitted to Congress no later
25 than September 1, 1998.

1 (d) DEFINITION.—For purposes of this section, the
2 term “campus sexual assaults” includes sexual assaults
3 occurring at institutions of postsecondary education and
4 sexual assaults committed against or by students or em-
5 ployees of such institutions.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 shall be authorized to be appropriated to carry out the
8 purposes of this section \$200,000 for fiscal year 1999.

9 **Subtitle B—Student Safety**

10 **SEC. 811. SHORT TITLE; REFERENCES.**

11 (a) SHORT TITLE.—This subtitle may be cited as the
12 “Student Safety Act”.

13 (b) REFERENCES.—Except as otherwise provided
14 therein, whenever in this subtitle an amendment or repeal
15 is expressed in terms of a section or other provision, such
16 amendment or repeal shall be considered to be made to
17 a section or other provision of the Higher Education Act
18 of 1965 (20 U.S.C. 1001 et seq.).

19 **SEC. 812. DISCLOSURE OF CRIMES REPORTED AND CRIME** 20 **LOG.**

21 (a) ANNUAL STATISTICS.—Section 485(f)(1)(F) (20
22 U.S.C. 1092(f)(1)(F)) is amended—

23 (1) by striking “campus security authorities or
24 local police agencies” and inserting “campus security
25 or law enforcement; other campus officials (including

1 administrators, deans, disciplinary officers, athletic
2 department officials, and resident advisers) to whom
3 crimes are reported; or local law enforcement”;

4 (2) by striking clauses (i) through (vi) and in-
5 serting the following:

6 “(i) homicide, including—

7 “(I) murder or nonnegligent man-
8 slaughter; or

9 “(II) negligent manslaughter;

10 “(ii) sexual assault as defined in section
11 2003(6) of the Omnibus Crime Control and
12 Safe Streets Act (42 U.S.C. 3796gg-2(6));

13 “(iii) robbery;

14 “(iv) aggravated assault;

15 “(v) burglary;

16 “(vi) larceny;

17 “(vii) motor vehicle theft; and

18 “(viii) a hate crime as defined under the
19 Hate Crimes Sentencing Enhancement Act (28
20 U.S.C. 994 note).”.

21 (b) ANNUAL SUBMISSION.—Paragraph (4) of section
22 485(f) (20 U.S.C. 1092(f)(4)) is amended to read as fol-
23 lows:

24 “(4)(A) Each institution participating in any pro-
25 gram under this title shall annually submit to the Sec-

1 retary a copy of the statistics required to be made avail-
2 able pursuant to paragraphs (1)(F) and (1)(H).

3 “(B) The Secretary shall collect such statistics and
4 report each set in its entirety, with each institution and
5 campus clearly identified, to the Committee on Education
6 and the Workforce of the House of Representatives, the
7 Committee on Labor and Human Resources of the Senate,
8 each participating institution, and the public via printed
9 means, the Internet, and such other means as the Sec-
10 retary shall determine. This report shall be issued on or
11 before February 1 of each year.”.

12 (c) COMPILATION METHOD.—Paragraph (6) of sec-
13 tion 485(f) (20 U.S.C. 1092(f)(6)) is amended to read as
14 follows:

15 “(6)(A) The statistics described in paragraphs (1)(F)
16 and (1)(H) shall be compiled in accordance with the stand-
17 ards and definitions used in the uniform crime reporting
18 system of the Department of Justice, Federal Bureau of
19 Investigation, and the modifications in such standards and
20 definitions as implemented pursuant to the Hate Crime
21 Statistics Act (28 U.S.C. 534, note) and shall include in-
22 formation, if available, about any family, marital, or inti-
23 mate partner relationship between the victim and the al-
24 leged perpetrator.

1 “(B)(i) The accuracy of the statistics described in
2 paragraphs (1)(F) and (1)(H) shall be certified by an offi-
3 cial designated by each institution who is charged with
4 compiling statistics for inclusion. Such official shall be re-
5 sponsible for disseminating the information required
6 under this paragraph as well as the monthly reports re-
7 quired under paragraph (4)(B).

8 “(ii) Such official shall ensure, to the maximum ex-
9 tent possible, that the annual statistics required under this
10 paragraph are not duplicative of incidents included in the
11 reports required under paragraph (4)(B).

12 “(iii) Such official shall also be responsible for coordi-
13 nating and disseminating information regarding campus-
14 based and community-based crime prevention programs.

15 “(iv) Such official shall not identify victims of crimes
16 or those accused of crimes in publishing the statistics de-
17 scribed in paragraphs (1)(F) and (1)(H) or in disseminat-
18 ing the reports required under paragraph (4)(B) or the
19 information described in subparagraph (iii).”.

20 (d) CRIME LOGS.—Section 485(f) is further amend-
21 ed—

22 (1) by redesignating paragraphs (4) through
23 (7) as paragraphs (5) through (8), respectively; and

24 (2) by inserting after paragraph (3) the follow-
25 ing new paragraph:

1 “(4)(A) Each institution participating in any pro-
2 gram under this title which maintains either a police or
3 security department of any kind shall make a monthly re-
4 port, written in a form that can be easily understood, that
5 records in chronological order all crimes reported to such
6 police or security department. Such reports shall not iden-
7 tify victims of the crime or persons accused of the crime,
8 but shall include, in a manner determined by the Sec-
9 retary—

10 “(i) the nature, date, time, and general location
11 of each crime; and

12 “(ii) the disposition of the complaint, if known.

13 “(B) Monthly reports shall be disseminated through
14 at least the following means: campus-sponsored publica-
15 tions (including student newspapers), notice through resi-
16 dent advisory organizations, and electronic networks.”.

17 (e) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on September 1, 1998.

19 **SEC. 813. EXEMPTION OF ALLEGATIONS OF CRIMINAL AC-**
20 **TIVITY FROM EDUCATION RECORDS DEFINI-**
21 **TION.**

22 (a) AMENDMENT.—Section 444(a)(4)(B) of the Gen-
23 eral Education Provisions Act (20 U.S.C. 1232g(a)(4)(B))
24 is amended—

1 (1) by redesignating clauses (iii) and (iv) as
2 clauses (iv) and (v), respectively; and

3 (2) by inserting after clause (ii) the following
4 new clause:

5 “(iii) records which are made or maintained by
6 any officer, office, department, or individual em-
7 ployee of an educational agency or institution
8 about—

9 “(I) individuals who have been found guilty
10 of, or have pled guilty to, committing or partici-
11 pating in any criminal activity as defined in
12 local, State, or Federal law alleged to have oc-
13 curred while the individual was a student in at-
14 tendance, including audit or noncredit, at an
15 educational agency or institution;

16 “(II) the findings of any campus discipli-
17 nary proceedings;

18 “(III) the sanctions incurred (if any), and
19 any subsequent findings or amendments to such
20 sanctions;

21 “(IV) findings of guilt of criminal mis-
22 conduct and related sanctions from any pre-
23 viously attended educational agencies or institu-
24 tions where such records were created on or
25 after September 1, 1998, and which are main-

1 tained by the institution currently or most re-
2 cently attended by the individual; and

3 “(V) any criminal acts required to be re-
4 ported under paragraph (1)(F), (1)(H), or (4)
5 of section 485(f) of the Higher Education Act
6 of 1965 (20 U.S.C. 1092(f)).”

7 (b) **EFFECTIVE DATE.**—The amendments made by
8 this section shall take effect on September 1, 1998.

9 **SEC. 814. PROGRAM PARTICIPATION AGREEMENT EN-**
10 **FORCEMENT.**

11 (a) **PROGRAM PARTICIPATION AGREEMENT RE-**
12 **QUIREMENTS.**—Section 487(a)(12) (20 U.S.C.
13 1094(a)(12)) is amended—

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

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

18 (3) by adding at the end the following new sub-
19 paragraph:

20 “(C) the policies and crime statistics dis-
21 closed under section 485(f) are comprehensive
22 and accurate.”

23 (b) **EFFECTIVE DATE.**—The amendments made by
24 this section shall take effect on September 1, 1998.

1 **SEC. 815. REPORT ON MODEL PROGRAMS.**

2 (a) REPORT REQUIRED.—The Attorney General and
3 the Secretary of Education shall publish annually a report
4 identifying model programs for improving campus safety
5 and complying with the requirements of section 485(f) of
6 the Higher Education Act of 1965 (20 U.S.C. 1092(f)),
7 including an identification of programs at institutions of
8 varying sizes and purposes.

9 (b) DISSEMINATION OF REPORT.—The report re-
10 quired by subsection (a) shall—

11 (1) be transmitted to the Committee on the Ju-
12 diciary and the Committee on Education and the
13 Workforce of the House of Representatives, and the
14 Committee on the Judiciary and the Committee on
15 Labor and Human Resources of the Senate; and

16 (2) be provided to each participating institution
17 and the public via printed means, the Internet, and
18 such other means as the Secretary of Education
19 shall determine.

20 **Subtitle C—Violence Against**
21 **Women Training for Health Pro-**
22 **fessions**

23 **SEC. 821. SHORT TITLE.**

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

1 **SEC. 822. ESTABLISHMENT, FOR CERTAIN HEALTH PROFES-**
2 **SIONS PROGRAMS, OF PROVISIONS REGARD-**
3 **ING DOMESTIC VIOLENCE AND SEXUAL AS-**
4 **SAULT.**

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) is amended by redesignating sub-
8 section (c) as subsection (d), and by inserting after sub-
9 section (b) the following subsection:

10 “(c) PREFERENCES REGARDING TRAINING IN IDEN-
11 TIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC
12 VIOLENCE AND SEXUAL ASSAULT.—

13 “(1) IN GENERAL.—In the case of a health pro-
14 fessions entity specified in paragraph (2), the Sec-
15 retary shall, in making awards of grants or contracts
16 under this title, give preference to any such entity
17 (if otherwise a qualified applicant for the award in-
18 volved) that has in effect the requirement that, as a
19 condition of receiving a degree or certificate (as ap-
20 plicable) from the entity, each student have had sig-
21 nificant training developed in consultation and col-
22 laboration with national, State, and local domestic
23 violence and sexual assault coalitions and programs
24 in carrying out the following functions as a provider
25 of health care:

1 “(A) Identifying victims of domestic vio-
2 lence and sexual assault, and maintaining com-
3 plete medical records that include documenta-
4 tion of the examination, treatment given, and
5 referrals made, and recording the location and
6 nature of the victim’s injuries.

7 “(B) Examining and treating such victims,
8 within the scope of the health professional’s dis-
9 cipline, training, and practice, including, at a
10 minimum, providing medical advice regarding
11 the dynamics and nature of domestic violence
12 and sexual assault.

13 “(C) Referring the victims to public and
14 nonprofit private entities that provide services
15 for such victims.

16 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
17 TIES.—For purposes of paragraph (1), a health pro-
18 fessions entity specified in this paragraph is any en-
19 tity that is a school of medicine, a school of osteo-
20 pathic medicine, a graduate program in mental
21 health practice, a school of nursing (as defined in
22 section 853), a program for the training of physician
23 assistants, or a program for the training of allied
24 health professionals.

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

16 “(4) DEFINITIONS.—For purposes of this sub-
17 section—

18 “(A) the term ‘domestic violence’ includes
19 acts or threats of violence, not including acts of
20 self defense, committed by a current or former
21 spouse of the victim, by a person with whom
22 the victim shares a child in common, by a per-
23 son who is cohabitating with or has cohabitated
24 with the victim, by a person who is or has been
25 in a continuing social relationship of a romantic

1 or intimate nature with the victim, by a person
2 similarly situated to a spouse of the victim
3 under the domestic or family violence laws of
4 the jurisdiction, or by any other person against
5 a victim who is protected from that person's
6 acts under the domestic or family violence laws
7 of the jurisdiction; and

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

18 (b) TITLE VIII PROGRAMS; PREFERENCES IN FI-
19 NANCIAL AWARDS.—Section 860 of the Public Health
20 Service Act (42 U.S.C. 298b-7) is amended by adding at
21 the end the following subsection:

22 “(f) PREFERENCES REGARDING TRAINING IN IDEN-
23 TIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC
24 VIOLENCE AND SEXUAL ASSAULT.—

1 “(1) IN GENERAL.—In the case of a health pro-
2 fessions entity specified in paragraph (2), the Sec-
3 retary shall, in making awards of grants or contracts
4 under this title, give preference to any such entity
5 (if otherwise a qualified applicant for the award in-
6 volved) that has in effect the requirement that, as a
7 condition of receiving a degree or certificate (as ap-
8 plicable) from the entity, each student have had sig-
9 nificant training developed in consultation and col-
10 laboration with national, State, and local domestic
11 violence and sexual assault coalitions and programs
12 in carrying out the following functions as a provider
13 of health care:

14 “(A) Identifying victims of domestic vio-
15 lence and sexual assault, and maintaining com-
16 plete medical records that include documenta-
17 tion of the examination, treatment given, and
18 referrals made, and recording the location and
19 nature of the victim’s injuries.

20 “(B) Examining and treating such victims,
21 within the scope of the health professional’s dis-
22 cipline, training, and practice, including, at a
23 minimum, providing medical advice regarding
24 the dynamics and nature of domestic violence
25 and sexual assault.

1 “(C) Referring the victims to public and
2 nonprofit private entities that provide services
3 for such victims.

4 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
5 TIES.—For purposes of paragraph (1), a health pro-
6 fessions entity specified in this paragraph is any en-
7 tity that is a school of nursing or other public or
8 nonprofit private entity that is eligible to receive an
9 award described in such paragraph.

10 “(3) REPORT TO CONGRESS.—Not later than 2
11 years after the date of the enactment of the Violence
12 Against Women Training for Health Professions Act
13 of 1997, the Secretary shall submit to the Commit-
14 tee on Commerce of the House of Representatives,
15 and the Committee on Labor and Human Resources
16 of the Senate, a report specifying the health profes-
17 sions entities that are receiving preference under
18 paragraph (1); the number of hours of training re-
19 quired by the entities for purposes of such para-
20 graph; the extent of clinical experience so required;
21 and the types of courses through which the training
22 is being provided and the extent of involvement of
23 nonprofit nongovernmental domestic violence and
24 sexual assault victims services programs in the train-
25 ing.

1 “(4) DEFINITIONS.—For purposes of this sub-
2 section—

3 “(A) the term ‘domestic violence’ includes
4 acts or threats of violence, not including acts of
5 self defense, committed by a current or former
6 spouse of the victim, by a person with whom
7 the victim shares a child in common, by a per-
8 son who is cohabitating with or has cohabitated
9 with the victim, by a person who is or has been
10 in a continuing social relationship of a romantic
11 or intimate nature with the victim, by a person
12 similarly situated to a spouse of the victim
13 under the domestic or family violence laws of
14 the jurisdiction, or by any other person against
15 a victim who is protected from that person’s
16 acts under the domestic or family violence laws
17 of the jurisdiction; and

18 “(B) the term ‘sexual assault’ means any
19 conduct proscribed by chapter 109A of title 18,
20 United States Code, whether or not the conduct
21 occurs in the special maritime and territorial
22 jurisdiction of the United States or in a Federal
23 prison and includes both assaults committed by
24 offenders who are strangers to the victim and
25 assaults committed by offenders who are known

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

3 **Subtitle D—Campus Hate Crimes**
4 **Right To Know**

5 **SEC. 831. DISCLOSURE.**

6 (a) **SHORT TITLE.**—This subtitle may be cited as the
7 “Campus Hate Crimes Right to Know Act”.

8 (b) **FINDINGS.**—Congress finds that—

9 (1) the incidence of violence on college cam-
10 puses based on race, gender, religion, sexual orienta-
11 tion, ethnicity, or disability poses a serious national
12 problem;

13 (2) such violence disrupts the tranquility and
14 safety of campuses and is deeply divisive;

15 (3) hate crimes include crimes in which the per-
16 petrator intentionally selects a victim because of the
17 actual or perceived race, gender, religion, sexual ori-
18 entation, ethnicity, or disability of the victim;

19 (4) existing Federal reporting requirements
20 only require colleges and universities to report hate
21 crimes that result in murder, rape, or aggravated as-
22 sault;

23 (5) existing reporting requirements are inad-
24 equate to deal with the problem of hate crimes since
25 the vast majority of hate crimes that occur on col-

1 lege campuses do not result in murder, rape, or ag-
2 gravated assault;

3 (6) existing reporting requirements are inad-
4 equate because the requirements do not require col-
5 leges and universities to report hate crimes that tar-
6 get victims because of the victims' gender or disabil-
7 ity;

8 (7) omitting certain hate crimes from official
9 campus crime reports may result in a false sense of
10 security among students and apathy from campus
11 officials;

12 (8) omitting certain hate crimes from official
13 campus crime reports deprives students and parents
14 of the students of vital information necessary to pro-
15 tect the students against such crimes and to make
16 informed decisions in choosing a college or univer-
17 sity;

18 (9) requiring postsecondary institutions to re-
19 port all hate crimes that occur on their campuses
20 will provide students and parents of the students
21 with vital information so that the students may bet-
22 ter protect themselves against such crimes; and

23 (10) requiring postsecondary institutions to re-
24 port all hate crimes that occur on their campuses
25 will encourage college officials to raise awareness

1 about such crimes and develop programs and strate-
2 gies to combat such crimes.

3 (c) AMENDMENT.—Section 485(f)(1)(F) of the High-
4 er Education Act of 1965 (20 U.S.C. 1092(f)(1)(F)) is
5 amended—

6 (1) by redesignating clauses (i) through (viii),
7 as amended by this title, as subclauses (I) through
8 (VIII), respectively;

9 (2) by striking “Statistics” and inserting “(i)
10 Statistics”; and

11 (3) by adding at the end the following:

12 “(ii) Statistics concerning the occurrence on
13 campus, during the most recent calendar year, and
14 during the 2 preceding calendar years for which data
15 are available, of all criminal incidents that manifest
16 evidence of prejudice based on actual or perceived
17 race, gender, religion, sexual orientation, ethnicity,
18 or disability that are reported to campus security
19 authorities or local police agencies. The statistics
20 shall be collected and reported according to category
21 of prejudice.”.

1 **TITLE IX—VIOLENCE AGAINST**
2 **WOMEN INTERVENTION, PRE-**
3 **VENTION, AND EDUCATION**
4 **RESEARCH**

5 **SEC. 901. VIOLENCE AGAINST WOMEN INTERVENTION, PRE-**
6 **VENTION, AND EDUCATION RESEARCH.**

7 The Violence Against Women Act of 1994 (108 Stat.
8 1902), as amended by this Act, is amended by adding at
9 the end of that title the following:

10 **“Subtitle I—Violence Against**
11 **Women Intervention, Preven-**
12 **tion, and Education Research**

13 **“SEC. 40901. FINDINGS.**

14 “(a) FINDINGS.—Congress finds the following:

15 “(1) According to a Panel on Research on Vio-
16 lence Against Women convened by the National Re-
17 search Council in response to the mandates by the
18 Violence Against Women Act of 1994—

19 “(A) significant gaps exist in understand-
20 ing the extent and causes of violence against
21 women and the impact and the effectiveness of
22 education, prevention, and interventions;

23 “(B) funding for research on violence
24 against women is spread across numerous Fed-
25 eral agencies with no mechanism through which

1 to coordinate these efforts or to link with other
2 federally sponsored research initiatives; and

3 “(C) research on violence against women
4 would benefit from an infrastructure that sup-
5 ports interdisciplinary efforts and aids in inte-
6 grating these efforts into practice and policy.

7 “(2) Despite the increased funding to prevent
8 and respond to violence against women in under-
9 served populations, few studies have examined inci-
10 dence and prevalence data from the perspective of
11 racial, ethnic, language, age, disability, and other
12 underserved populations. Moreover, little is known
13 about the types of education, prevention, and inter-
14 vention strategies that are most effective in under-
15 served populations.

16 “(3) Most studies currently focus on aspects of
17 domestic violence related to physical abuse. Few
18 studies explore the harm caused by emotional and
19 psychological abuse and the appropriate intervention
20 and preventions strategies for victims experiencing
21 this form of abuse.

22 “(4) Violence exposure as a risk factor for dis-
23 ease must be examined for a range of diseases and
24 diagnoses to better understand the correlation be-

1 tween violence and disease including intervening
2 variables.

3 “(5) Violence against women occurs within the
4 context of a sociocultural environment that should
5 be studied to assist in a greater understanding of
6 those factors that promote and maintain violence
7 against women and to provide a framework for de-
8 veloping and assessing education, prevention, and
9 intervention strategies.

10 **“SEC. 40902. MULTI-AGENCY TASK FORCE.**

11 “(a) PURPOSES.—The Secretary of Health and
12 Human Services and the Attorney General shall establish
13 a multi-agency task force to coordinate research on vio-
14 lence against women. The task force shall comprise rep-
15 resentation from all Federal agencies that fund such re-
16 search.

17 “(b) USES OF FUNDS.—Funds appropriated under
18 this section shall be used to—

19 “(1) develop a coordinated strategy to strength-
20 en research focussed on education, prevention, and
21 intervention strategies on violence against women;

22 “(2) track and report on all Federal research
23 and expenditures on violence against women;

24 “(3) identify gaps in research and develop cri-
25 teria for all Federal agencies for evaluating research

1 proposals, taking into account the context within
2 which women live their lives, including the broad so-
3 cial and cultural context as well as individual fac-
4 tors; and

5 “(4) set priorities for research efforts that ex-
6 plore factors such as race, social, and economic
7 class, geographic location, age, language, sexual ori-
8 entation, disability, and other factors that shape the
9 context and experience of violence in women’s lives.

10 “(c) AUTHORIZATION OF APPROPRIATION.—There
11 shall be appropriated \$500,000 for each of fiscal years
12 1999, 2000, and 2001 to fulfill the purposes of this sec-
13 tion.

14 **“SEC. 40903. EDUCATION, PREVENTION, AND INTERVEN-**
15 **TION RESEARCH GRANTS.**

16 “(a) PURPOSES.—The Department of Health and
17 Human Services in consultation with the Department of
18 Justice shall make grants to entities, including domestic
19 violence and sexual assault organizations, research organi-
20 zations, and academic institutions, to support research to
21 further the understanding of the causes of violent behavior
22 against women and to evaluate education, prevention, and
23 intervention programs.

24 “(b) USE OF FUNDS.—The research conducted under
25 this section shall include, but not be limited to the follow-

1 ing areas and others that may be identified by the Task
2 Force established under section 902 of this title—

3 “(1) longitudinal research to study the develop-
4 mental trajectory of violent behavior against women
5 and the way such violence differs from other violent
6 behaviors;

7 “(2) examination of risk factors for sexual and
8 intimate partner violence for victims and perpetra-
9 tors, such as poverty, childhood victimization and
10 other traumas;

11 “(3) examination of short- and long-term ef-
12 forts of programs designed to prevent sexual and in-
13 timate partner violence;

14 “(4) outcome evaluations of interventions tar-
15 geted at children and teenagers;

16 “(5) examination of and documentation of the
17 processes and informal strategies women experience
18 in attempting to manage and end the violence in
19 their lives; and

20 “(6) development and testing of effective meth-
21 ods of screening and providing services at all points
22 of entry to the health care system, including mental
23 health, emergency medicine, and primary care.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 shall be appropriated \$6,000,000 for each of the fiscal
3 years 1999, 2000, and 2001.

4 **“SEC. 40904. ADDRESSING GAPS IN RESEARCH.**

5 “(a) PURPOSES.—The Department of Health and
6 Human Services and the Department of Justice shall
7 make grants to domestic violence and sexual assault orga-
8 nizations, research organizations and academic institu-
9 tions for the purpose of expanding knowledge about vio-
10 lence against women, with a particular emphasis on ex-
11 ploring such issues as they affect underserved commu-
12 nities.

13 “(b) USES OF FUNDS.—Funds appropriated under
14 this section shall be used to examine, but not be limited
15 to, the following areas—

16 “(1) development of national- and community-
17 level survey studies to measure the incidence and
18 prevalence of violence against women in underserved
19 populations and the definitions women use to de-
20 scribe their experience of violence;

21 “(2) qualitative and quantitative research to
22 understand how factors such as race, ethnicity, so-
23 cioeconomic status, age, language, disability, and
24 sexual orientation shape the context and experience
25 of violence in women’s lives, as well as the education,

1 prevention, and intervention strategies available to
2 women and girls;

3 “(3) study of the availability and accessibility of
4 State and local legal remedies to victims of intimate
5 partner violence within the context of a same sex in-
6 timate relationship;

7 “(4) study of violence against women as a risk
8 factor for diseases from a multivariate perspective;

9 “(5) examine the prevalence and dynamics of
10 emotional and psychological abuse, the effects on
11 women of such abuse, and the education, prevention,
12 and intervention strategies that are available to ad-
13 dress this type of abuse;

14 “(6) an examination of the need for and avail-
15 ability of legal assistance and services for victims of
16 sexual assault;

17 “(7) the use of nonjudicial alternative dispute
18 resolution (such as mediation, negotiation, concilia-
19 tion, and restorative justice models) in cases where
20 domestic violence is a factor, comparing nonjudicial
21 alternative dispute resolution and traditional judicial
22 methods based upon the quality of representation of
23 the victim, training of mediators or other
24 facilitators, satisfaction of the parties, and outcome

1 of the proceedings, as well as other factors that may
2 be identified;

3 “(8) the examination of effective models to ad-
4 dress domestic violence in child protective services
5 and child welfare agencies, including documenting
6 the scope of the problem, identifying the risk of
7 harm perpetrators of domestic violence pose to chil-
8 dren and pose to parents who are victims of domes-
9 tic violence, and examining effective models to ad-
10 dress domestic violence in the context of child wel-
11 fare and child protection that protect children while
12 protecting parents who are victims of domestic vio-
13 lence; and

14 “(9) other such research as may be determined
15 by the Task Force established under section 40902
16 in consultation with domestic violence and sexual as-
17 sault advocates, coalitions, national experts, and re-
18 searchers.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 shall be appropriated \$4,500,000 for each of fiscal years
21 1999, 2000, and 2001 to carry out this section.

22 **“SEC. 40905. STUDY.**

23 “The United States Sentencing Commission shall
24 study the following and report to the Congress—

1 “(1) sentences given to persons incarcerated in
2 Federal and State prison for assault or homicide
3 crimes in which the relationship to the victim was a
4 spouse, former spouse, or intimate partner;

5 “(2) the effect of illicit drugs and alcohol on do-
6 mestic violence and the sentences imposed for of-
7 fenses involving such illicit drugs and alcohol where
8 domestic violence occurred;

9 “(3) the extent to which acts of domestic vio-
10 lence committed against the defendant, including co-
11 ercion, may play a role in the commission of an of-
12 fense;

13 “(4) analysis delineated by race, gender, type of
14 offense, and any other categories that would be use-
15 ful for understanding the problem; and

16 “(5) recommendations with respect to the of-
17 fenses described in this section particularly any basis
18 for a downward adjustment in any applicable guide-
19 lines determination.

20 **“SEC. 40906. RESEARCH ON PREGNANCY AND SEXUAL AS-**
21 **SAULT.**

22 “(a) PURPOSES.—The Secretary of Health and
23 Human Services, in conjunction with the Attorney Gen-
24 eral, shall award grants to nonprofit entities, including
25 sexual assault organizations, research organizations, and

1 academic institutions, to gather qualitative and quan-
2 titative data on the experiences of women and girls who
3 become pregnant as a result of sexual assault within State
4 health care, judicial, and social services systems.

5 “(b) USE OF FUNDS.—This research shall include
6 issues such as—

7 “(1) the incidence and prevalence of pregnancy
8 resulting from sexual assault, including the ages of
9 the victim and perpetrator, and any relationship of
10 the perpetrator to the victim (such as family, ac-
11 quaintance, intimate partner, spouse, household
12 member, etc.);

13 “(2) the degree to which State adoption, child
14 custody, visitation, child support, parental termi-
15 nation, and child welfare criminal justice laws and
16 policies serve the needs of women and girls who be-
17 come pregnant as a result of sexual assault;

18 “(3) the impact of State social services rules,
19 policies and procedures, such as paternity establish-
20 ment, family cap, medicaid and other health benefits
21 policies and procedures, on women and girls who be-
22 come pregnant as a result of sexual assault and on
23 those children born as a result of the sexual assault;

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 who
2 become pregnant as a result of sexual assault and to
3 the children born as a result of the sexual assault,
4 including the extent to which barriers exist in ac-
5 cessing assistance for women and girls in particular
6 racial, ethnic, language minority, or geographically
7 isolated populations, or because of their alienage sta-
8 tus, disability, sexual orientation or income level;
9 and

10 “(5) recommendations for improvements in
11 State health care, judicial and social services sys-
12 tems to address the needs of women and girls who
13 become pregnant as a result of sexual assault and of
14 the children born as a result of the 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 1999.

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, and local domestic violence and sex-
22 ual assault coalitions and programs, including, nationally
23 recognized experts on sexual assault, such as from the ju-
24 diciary, the legal profession, psychological associations,
25 and sex offender treatment providers, shall conduct a na-

1 tional study to examine the status of the law with respect
2 to rape and sexual assault offenses and the effectiveness
3 of the implementation of laws in addressing such crimes
4 and protecting their victims. The Attorney General may
5 utilize the Bureau of Justice Statistics, the National Insti-
6 tute of Justice, and the Office for Victims of Crime in
7 carrying out this section.

8 “(b) REPORT.—Based on the study required under
9 subsection (a), the Attorney General shall prepare a re-
10 port, including an analysis of the uniformity of the rape
11 and sexual assault laws including sex offenses committed
12 against children and sex offenses involving penetration of
13 any kind among the States and their effectiveness in pros-
14 ecuting crimes of rape and sexual assault offenses as fol-
15 lows:

16 “(1) Definitions of rape and sexual assault, in-
17 cluding any marital rape exception and any other ex-
18 ception or downgrading of offense.

19 “(2) Element of consent and coercive conduct,
20 including deceit.

21 “(3) Element of physical resistance and affirm-
22 ative nonconsent as a precondition for conviction.

23 “(4) Element of force, including penetration re-
24 quirement as aggravating factor and use of coercion.

25 “(5) Evidentiary matters—

1 “(A) inferences—timeliness of complaint
2 under the Model Penal Code;

3 “(B) post traumatic stress disorder (in-
4 cluding rape trauma syndrome) relevancy of
5 scope and admissibility;

6 “(C) rape shield laws—in camera evi-
7 dentiary determinations;

8 “(D) prior bad acts; and

9 “(E) corroboration requirement and cau-
10 tionary jury instructions.

11 “(6) Existence of special rules for rape and sex-
12 ual assault offenses.

13 “(7) Use of experts.

14 “(8) Sentencing—

15 “(A) plea bargains;

16 “(B) presentence reports;

17 “(C) recidivism and remorse;

18 “(D) adolescents;

19 “(E) psychological injuries;

20 “(F) gravity of crime and trauma to vic-
21 tim; and

22 “(G) race.

23 “(9) Any personal or professional relationship
24 between the perpetrator and the victim.

1 “(10) Any recommendations of the Attorney
2 General for reforms to foster uniformity among the
3 States in addressing rape and sexual assault of-
4 fenses in order to protect victims more effectively
5 while safeguarding due process.

6 “(c) DEFINITION.—For purposes of this section, the
7 term ‘rape and sexual assault offenses’ includes carnal
8 knowledge of a child, abduction with intent to defile, inde-
9 cent liberties, bestiality, forcible sodomy, sexual penetra-
10 tion with an animate or inanimate object, forced sexual
11 intercourse (labia majora penetration or anus penetra-
12 tion), cunnilingus, fellatio, anallingus, anal intercourse,
13 sexual battery, aggravated sexual battery, and sexual
14 abuse, accomplished by use of force, threats, or intimidat-
15 tion.

16 “(d) FINDINGS.—The Attorney General shall ensure
17 that no later than 1 year after the date of enactment of
18 this Act, the study required under subsection (a) is com-
19 pleted and a report describing the findings made is sub-
20 mitted to Congress.

21 “(e) AUTHORIZATION OF APPROPRIATION.—It is au-
22 thorized that \$200,000 be appropriated to carry out the
23 study required by this section.

1 **“SEC. 40908. RESEARCH CENTERS.**

2 “The Secretary of Health and Human Services and
3 the Attorney General shall establish 3 research centers to
4 support the development of research and training program
5 to focus on violence against women, to provide mecha-
6 nisms for collaboration between researchers and practi-
7 tioners, and to provide technical assistance for integrating
8 research into service provision. Each Center shall be orga-
9 nized around a research area such as epidemiology and
10 measurement of violence against women, causes and risk
11 factors, and prevention and intervention evaluation re-
12 search. At least one of the centers shall be established at
13 an entity other than an academic institution. There shall
14 be appropriated \$3,000,000 for each of the fiscal years
15 1999, 2000, and 2001 to carry out this section.”.

○