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. ABER-crombie, 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. ESHEE, Mr. EVANS, Mr. FALkonAVAEGA, Mr. FAZIO of California, Mr. FilNER, Mr. FOLEY, Mr. FORD, Mr. FROST, MS. FURSE, Mr. GejDENSOn, Mr. GEP-HARDT, 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. MatsuRI, 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. Slaugh-TER, 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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the
“Violence Against Women Act of 1998”.

(b) TABLE OF CONTENTS.—The table of contents for
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 II—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


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. 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. 346. Grant program.
Sec. 347. Authorization for additional personnel to assist State and local law enforcement.
Sec. 348. Severability.

TITLE IV—DOMESTIC VIOLENCE PREVENTION

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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.
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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. 452. Purpose.
Sec. 453. Grants to improve access to the justice system.
Sec. 454. Application.
Sec. 455. Funding.
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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.

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Sec. 511. Transitional compensation.
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TITLE VI—PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDERSERVED COMMUNITIES

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Sec. 601. Short title; table of contents.
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Chapter 1—Violence Against Women Act of 1994

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

Chapter 2—Family Violence Prevention and Services Act

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CHAPTER 3—OLDER AMERICANS ACT OF 1965

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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.
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CHAPTER 4—PUBLIC HEALTH SERVICE ACT

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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. 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 nonpermanent 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 programs 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.
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Sec. 747. Effect on other laws and employment benefits.
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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.

For purposes of this Act—

(1) DOMESTIC VIOLENCE.—The term “domestic violence” includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any
other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

(2) SEXUAL ASSAULT.—The term “sexual assault” means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

(3) STALKING.—The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily injury to himself or herself or a member of his or her immediate family, when the person engaging in such conduct has knowledge or should have knowledge that the specific person will be placed in reasonable fear of death or bodily injury to himself or herself or a member of his or her immediate family and when the conduct induces fear in the specific person of bodily injury to himself or herself or a member of his or her immediate family.
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.


(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by inserting after subparagraph (F) the following:

“(G) $185,000,000 for fiscal year 2001;
“(H) $185,000,000 for fiscal year 2002; and
“(I) $185,000,000 for fiscal year 2003.”.

SEC. 102. TECHNICAL AMENDMENTS.

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

“(3) up to 20 percent to be allocated to law enforcement, up to 20 percent to prosecution grants,
at least 35 percent to victims’ services, and at least
10 percent to State court systems; and”.
(b) Section 2002(e) of the Omnibus Crime Control
and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(e))
is amended by adding at the end the following new para-

“(3) Reallocation of funds.—

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

“(B) For the first 2 fiscal years following
the effective date of this Act, the Attorney Gen-
eral may waive the qualification requirements of
section 2002(e), at the request of the State and
with the support of law enforcement, prosecu-
tion, and victims services grantees currently
funded under this section, if the reallocation of
funds among law enforcement, prosecution, vic-
tims’ services and State court systems man-
dated by this Act adversely impacts victims of
sexual assault, domestic violence, and stalking,
due to the reduction of funds to programs and
services funded under this section in the prior
fiscal year.”.

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

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

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

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

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

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

“(e) MONITORING AND COMPLIANCE.—The Attorney
General shall deny applications—
“(1) that do not meet the requirements set forth in subsections (e) and (d); and

“(2) for failure to provide documentation, including memoranda of understanding, contract, or other document of any collaborative efforts with other agencies or organizations.”; and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively.

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

SEC. 103. STATE COALITION GRANTS.

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

“(c)(1) PURPOSE.—The Attorney General shall make grants to each of the State domestic violence and sexual assault coalitions in the State for the purposes of coordi-
nating State victim services activities, and collaborating
and coordinating with Federal, State, and local entities
engaged in violence against women activities. In no case
will such awards preclude the State domestic violence and
sexual assault coalitions from receiving grants under Part
T of this Act to fulfill the purposes described in section

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

“(3) ALLOTMENT.—The Attorney General shall make
grants under paragraph (2) to each State domestic vio-
ence and sexual assault coalition equal to 5 percent of
the amount appropriated for such fiscal year in section
1001(a)(18). The domestic violence and sexual assault co-
alition in each State, the District of Columbia, the Com-
monwealth of Puerto Rico, and the combined United
States Territories shall receive an amount equal to $1.53
of the amount appropriated under this section for each
fiscal year. For purposes of this section, the term ‘com-
bined United States Territories’ means Guam, American
Samoa, the United States Virgin Islands, the Northern
Mariana Islands, and the Trust Territory of the Pacific
Islands and said combined United States Territories shall
not receive less than 1.5 percent of the funds appropriated
for each fiscal year.”.

Subtitle B—National Domestic
Violence Hotline

SEC. 111. REAUTHORIZATION.

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

“(1) IN GENERAL.—There are authorized to be
appropriated to carry out the purposes of this sec-
tion—

“(A) $1,600,000 for fiscal year 1999;
“(B) $1,800,000 for fiscal year 2000;
“(C) $2,000,000 for fiscal year 2001;
“(D) $2,000,000 for fiscal year 2002; and
“(E) $2,000,000 for fiscal year 2003.”.
SEC. 112. TECHNICAL AMENDMENTS.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended by redesignating subsection (f) (as modified herein) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) Within 90 days after the date of the enactment of this subtitle, all entities receiving funds pursuant to activities under 42 U.S.C. 10416(a) shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.

Subtitle C—Battered Women’s Shelters and Services

SEC. 121. SHORT TITLE.

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

SEC. 122. AUTHORIZATION OF APPROPRIATIONS FOR FAMILY VIOLENCE PREVENTION AND SERVICES.

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

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“(a) In General.—There are authorized to be ap-
propriated to carry out this title—
“(1) $120,000,000 for fiscal year 1999;
“(2) $160,000,000 for fiscal year 2000;
“(3) $200,000,000 for fiscal year 2001;
“(4) $260,000,000 for fiscal year 2002; and
“(5) $260,000,000 for fiscal year 2003.”.

SEC. 123. FVPSA IMPROVEMENTS.

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

(1) by inserting after “grant authorized under
section 10402(a) of this title” the following:
“$500,000, with the remaining funds to be allotted
to each State in”;

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

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

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

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

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

(4) by inserting after “which meet such requirements” the following: “proportionate to the original allocation made under section 10402(a) or (b), respectively”; and 

(5) by redesignating paragraph (2) as paragraph (3) and adding a new paragraph (2) after paragraph (1) to read as follows:

“(2) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 10409 of this title, the amount allotted to an entity has not been made available to such entity in grants under sections 10407 and 10410 of this title because of the failure of such entity to meet the requirements for a grant or because the limitation on expenditure has been reached, then the Secretary shall reallocate such amount to States and Indian tribes and tribal organizations that meet such requirements proportionate to the original allocation under section 10402(a) or (b), respectively.”

(e) Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by adding “on providing training and technical assistance”
after “focusing”, and by adding at the end the following:

“The Secretary may award grants to nonprofit, non-
governmental organizations for technical assistance and
training initiatives on the subjects identified in subsection
(c), provided such initiatives do not duplicate the work of
the entities funded under subsection (c) and provided that
total amounts awarded for such initiatives do not exceed
$500,000.”

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

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

“(9) Improving access to services, information,
and training within Indian tribes and tribal organi-
izations.

“(10) Responding to emerging issues in the
field of domestic violence that the Secretary may
identify in consultation with advocates representing
local programs providing shelter or related assist-
ance, State domestic violence coalitions, and national
domestic violence organizations.”

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

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

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

(1) Model leadership grants for domestic violence intervention in underserved communities.—The Secretary shall award grants of up to 3 years to not more than 10 State domestic violence coalitions and not more than 10 local domestic violence programs providing shelter or related assistance to develop model strategies to address domestic violence in underserved populations as defined in 42 U.S.C. 3796gg–2(7). Such grants shall be made to assess the needs of underserved populations in the State; build collaborative relationships with community-based organizations serving underserved populations; and develop and implement model community intervention strategies to decrease the incidence of domestic violence in underserved populations.

(A) Eligibility.—To be eligible for a 1-year model leadership grant under this paragraph, an applicant shall demonstrate—

(i) a plan for assessing the needs of underserved populations and identifying a specific population for development of an
intervention strategy in year 1 of the
grant; and

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

(B) Eligibility for continued fund-
ing.—To be eligible for continued funding of
up to 2 additional years, an applicant shall pro-
vide—

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

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

(C) Priority for Collaborative Fund-
ing.—In awarding grants under this section,
the Secretary shall give preference to State do-
meric violence coalitions and local domestic vio-
ence shelters and programs that submit appli-
cations in collaboration with community-based
organizations serving underserved populations.

A grant may not be made under this subsection in an amount less than $100,000 for each fiscal year.

(2) **DIRECT EMERGENCY ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE.**—The Secretary shall award grants to each State domestic violence coalition for the purpose of administering an emergency assistance fund for victims of domestic violence. Funds received under this paragraph may be used only to provide emergency assistance directly to victims of domestic violence who are in the process of fleeing an abusive situation. Emergency assistance shall include transportation, housing, and other expenses associated with relocation. Funds shall be requested by domestic violence shelters and programs on behalf of victims.

(A) **APPLICATION.**—Prior to receipt of emergency assistance funds under this section, the State domestic violence coalition shall provide to the Secretary—

(i) a detailed description of the process for receiving and reviewing applications for emergency assistance;
(ii) a detailed description of the process for notifying domestic violence shelters and programs about the availability of emergency assistance funds;

(iii) an application form that includes the type of assistance requested, a statement of need for the funds, a statement about the impact of the funds on the victim’s ability to escape domestic violence, and other such information that would be helpful in disbursing emergency assistance funds;

(iv) the process used to make payments to recipients; and

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

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

(3) TECHNICAL ASSISTANCE AND TRAINING FOR STATE AND LOCAL DOMESTIC VIOLENCE PRO-
GRAMS.—The Secretary shall award grants to a State domestic violence coalition or coalitions for the purpose of providing training and technical assistance for State domestic violence coalitions and other nonprofit, nongovernmental State and local domestic violence programs. Funds received under this section shall be used to conduct regional training and technical assistance initiatives to be developed and implemented by a nonprofit, nongovernmental State domestic violence coalition or coalitions within each of the regions administered by the Department of Health and Human Services. Funds shall be used to prioritize, plan, and implement solutions to regional problems experienced by domestic violence coalitions and programs providing shelter or related assistance within the region.

(A) ELIGIBILITY.—To be eligible for funding the grantee shall have the support of the majority of State domestic violence coalitions within the region and shall have its principal place of operation within the region. Nothing in this section shall prohibit domestic violence programs within Indian tribes from receiving technical assistance and training under this grant program. Grantees shall be encouraged to work
in collaboration with domestic violence advocates and organizations outside of the region and with the national resource center and special issue resource centers established in this Act to provide expertise in delivering training and technical assistance within the region.

(B) REPORTING.—The grantee State domestic violence coalition or coalitions shall file an annual report to the Secretary describing the recipients and the type of technical assistance and training received.

(h) Section 308(e) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(e)) is amended by adding at the end the following: “Within 90 days after the date of the enactment of this subtitle, all entities receiving funds pursuant to activities under 42 U.S.C. 10407(a) shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.”.
(i) Section 307(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

“(3) The Secretary shall deny any application that fails to provide documentation, including memoranda of understanding, of the specific involvement of the State domestic violence coalition and other knowledgeable individuals and interested organizations, in the development of the State’s application.”.

Subtitle D—Community Initiatives

SEC. 131. GRANTS FOR COMMUNITY INITIATIVES.

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

“(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

“(1) $8,000,000 for fiscal year 1999;
“(2) $9,000,000 for fiscal year 2000;
“(3) $10,000,000 for fiscal year 2001;
“(4) $11,000,000 for fiscal year 2002; and
“(5) $12,000,000 for fiscal year 2003.”.

(b) Section 318(I) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(I)) is amended—
(1) by inserting “(1)” after “Regulations.”;

(2) by striking the period at the end of subsection (i)(1) (as so redesignated) and inserting “; and”; and

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

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

Subtitle E—Education and Training for Judges and Court Personnel

Sec. 141. Reauthorization.

(a) Grants for Education and Training for Judges and Court Personnel in State Courts.—

(1) Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended—
(A) by striking “and” at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19); and

(C) by inserting after paragraph (19) the following:

“(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways domestic violence may relate to an abuser’s desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

“(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault; and
“(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice.”.

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

(b) Grants for Education and Training for Judges and Court Personnel in Federal Courts.—(1) Section 40421(d) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14001(d)) is amended to read as follows:

“(d) Model Programs.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 40412 (42 U.S.C. 13992) that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.”.

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

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(c) Technical Amendments to the Equal Justice for Women in the Courts Act.—

(1) Ensuring collaboration with domestic violence and sexual assault programs.—Section 40413 of the Equal Justice for Women in the Courts Act (42 U.S.C. 13993) is amended by adding the words “, including national, State, and local domestic violence and sexual assault programs and coalitions” after “victim advocates.”

(2) Participation of tribal courts in state training and education programs.—Section 40411 of the Equal Justice for Women in the Courts Act (42 U.S.C. 13991) is amended by adding at the end the following: “Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for use by States in training judges and court personnel on the laws of the States.”

(3) Use of funds for dissemination of model programs.—Section 40414 of the Equal Justice for Women in the Courts Act (42 U.S.C. 13994) is amended by adding at the end the following:

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

Subtitle F—Grants To Encourage Arrest Policies

SEC. 151. DEFINITIONS.

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

“(1) the term ‘domestic violence’ includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”.
SEÇ. 152. REAUTHORIZATION.


(1) by striking “and” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(3) by inserting after subparagraph (C) the following:

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

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

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

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

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

SEÇ. 153. TECHNICAL AMENDMENT.

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

“(d) DISBURSEMENT.—At least 5 percent of the funds appropriated under this section shall be used for grants to Indian tribal governments.”.
Subtitle G—Rural Domestic Violence and Child Abuse Enforcement

SEC. 161. REAUTHORIZATION.

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

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(3) by inserting after subparagraph (C) the following:

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

SEC. 162. TECHNICAL AMENDMENTS.

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

“(3) DISBURSEMENT.—At least 5 percent of the funds appropriated under this subtitle shall be used for grants to Indian tribal governments.”.
Subtitle H—National Stalker and Domestic Violence Reduction

SEC. 171. TECHNICAL AMENDMENTS.

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

SEC. 172. REAUTHORIZATION.

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

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

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by inserting after paragraph (3) the following:

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

Subtitle I—Federal Victims’ Counselors

SEC. 181. REAUTHORIZATION.

Section 40114 of the Safe Streets for Women Act of 1994 is amended to read as follows: “There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of domestic violence and sexual assault crimes
where applicable (such as the District of Columbia) $1,000,000 for each of the fiscal years 1999, 2000, 2001, 2002, and 2003.”

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

SEC. 191. REAUTHORIZATION.

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

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

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following:

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

SEC. 192. DISSEMINATION OF INFORMATION.

Section 316 of part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d) is amended by redesignating subsection (d) as subsection (e) and by inserting the following new subsection:

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

Subtitle K—Victims of Child Abuse Programs

SEC. 191–1. REAUTHORIZATION OF COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

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

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

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by inserting after paragraph (5) the following:

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

SEC. 191–2. REAUTHORIZATION OF CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.

Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended—
(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by inserting after paragraph (5) the following:

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

SEC. 191–3. REAUTHORIZATION OF GRANTS FOR TELEVISIONED TESTIMONY.


(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(3) by inserting after subparagraph (E) the following:

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

SEC. 191–4. DISSEMINATION OF INFORMATION.

Section 40156 of the Violence Against Women Act of 1994 is amended by redesignating subsection (d) as subsection (e) and by adding the following new subsection:
“(d) The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target community-based programs, including domestic violence and sexual assault programs.”

TITLE II—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 201. FINDINGS.

Congress finds as follows:

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

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

(3) Domestic violence is strongly correlated with child abuse. Studies have found that between 50 and 70 percent of men who abuse their female partners also abuse their children.
(4) Boys who witness parental abuse during their childhood are at a higher risk of being physically aggressive in dating and marital relationships.

(5) Girls are 3 times as likely as boys to be victims of sexual abuse.

(6) Children often fail to report child sexual abuse because of the fear that disclosure will bring worse consequences than being victimized again, including consequences from the family, feeling guilty for consequences to the perpetrator, and fear of subsequent retaliation from the perpetrator. Victims may also feel that the abuse is their fault.

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

(8) Children are also at increased risk of harm during separation. In 1 study, 34 percent of women in shelters and callers to hotlines reported threats of kidnapping, 11 percent reported that the batterer had kidnapped the child for some period, and 21 percent reported that threats of kidnapping forced the victim to return to the batterer.
(9) According to a 1996 report by the American Psychological Association (APA), which Congress views as authoritative on matters of domestic violence and child custody and visitation determinations, custody and visitation disputes are more frequent when there is a history of domestic violence. Further, fathers who batter mothers are twice as likely to seek sole custody of their children and they may misuse the legal system as a forum for continuing abuse through harassing and retaliatory legal actions.

(10) The need for supervised visitation centers far exceeds the number of available programs, resulting in courts ordering unsupervised visitation and endangering parents and children or cutting off visitation altogether.

(11) One-third of high school and college age students experience violence with an intimate partner.

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

(13) Although courts should diligently protect the interests of both parents in frequent and continuing contact with their children, in the case where
1 parent has committed domestic violence against
the other parent, protection of the other parent and
the children is a vital consideration that should take
precedence.

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

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

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

(17) According to the APA, there is no reliable
empirical data to support the so-called phenomenon
of “parental alienation syndrome,” although courts
and custody evaluators frequently use such terms to
discount children’s reasonable fear and anger toward
a violent parent. This “syndrome” and similar ones
are used almost exclusively against women.
(18) The documented rate of any child abuse allegations in custody cases is approximately 2 percent, and there is no evidence that false accusations are more common in the context of custody litigation.

(19) Congress never intended that the Parental Kidnapping Prevention Act be used to prohibit an abused or protective parent from protecting themselves or their child by relocation to a place of safety.

(20) When domestic violence is or has been present in the relationship, shared parenting arrangements, couples counseling, or mediation arrangements may increase the danger to children and to the nonviolent parent.

Subtile A—Safe Havens for Children

SEC. 211. PURPOSES.

The purposes of section 212 are—

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

(2) to protect children from the trauma of witnessing domestic violence, or experiencing abduction, injury, or death during parent and child visitation or visitation exchanges;
(3) to protect victims of domestic violence from experiencing further violence, abuse, and threats during child visitation or visitation exchanges;

(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault and abuse during parent and child visitation or visitation exchanges; and

(5) to provide an ongoing safe haven for parents and children during visitation or visitation exchanges to promote continuity and stability.

SEC. 212. GRANTS TO PROVIDE FOR SUPERVISED VISITATION CENTERS.

(a) GRANTS.—The Attorney General is authorized to award grants to public or private nonprofit nongovernmental entities, including tribally chartered organizations and nonprofit organizations operating within the boundaries of an Indian reservation whose governing body reflects the populations served, to assist such entities in establishing and operating supervised visitation centers for the purposes of facilitating supervised visitation and visitation exchange. At least 50 percent of all grants awarded shall be for contracts and cooperative agreements with private nonprofit, nongovernmental entities, including entities receiving court referrals.
(b) CONSIDERATIONS.—In awarding such grants, contracts, and cooperative agreements under paragraph (1), the Attorney General shall take into account—

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

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

(3) the extent to which the applicant demonstrates cooperation and collaboration with non-profit, nongovernmental entities in the local community served, including the State domestic violence and sexual assault coalitions, local shelters and programs for domestic violence victims, including programs providing legal assistance to domestic violence victims and rape crisis centers;

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral; and
(5) the extent to which the applicant demonstrates implementation of domestic violence and sexual assault training for all employees.

(c) Use of Funds.—

(1) In general.—Amounts provided under a grant, contract, or cooperative agreement awarded under this subsection shall be used to establish supervised visitation centers and for the purposes described in section 1(b). In using such amounts, grantees and persons awarded a contract or cooperative agreement shall target the economically disadvantaged and those individuals who could not otherwise afford such visitation services. Individuals shall be permitted to use the services provided by the center on a sliding fee basis. For purposes of determining qualification for sliding scale fees, only the individual income will be considered and no spousal or household income will be counted.

(2) Regulations and Applicant Requirements.—The Attorney General shall award grants, contracts, and cooperative agreements under this section in accordance with such regulations as the Attorney General may promulgate. The regulations shall establish a multi-year grant process. The Attorney General shall give priority in awarding
grants, contracts, and cooperative agreements under this title to entities in States that consider domestic violence in making a custody decision. An applicant awarded such a grant, contract, or cooperative agreement shall—

(A) for applicants under section 201(b)(1) or (2)—

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

(ii) demonstrate through a memorandum of understanding collaboration with and support of the State domestic violence coalition and local domestic violence shelter or program in the locality in which the supervised visitation center will be operated;

(B) for applicants under section 201(b)(3)—

(i) demonstrate recognized expertise in the area of child sexual assault and abuse and a record of high quality service to victims of sexual assault; and
(ii) demonstrate through a memorandum of understanding collaboration with and support of the State sexual assault coalition and local rape crisis center or sexual assault program in the locality where the supervised visitation center will be operated;

(C) provide supervised visitation and visitation exchange services over the duration of a court order to promote continuity and stability;

(D) demonstrate that adequate security measures, including adequate facilities, procedures and personnel capable of preventing violence, are in place for the operation of supervised visitation; and

(E) describe in detail the standards by which the supervised visitation center will operate.

(d) REPORTING.—Not later than 60 days after the end of each fiscal year, the Attorney General shall report to Congress, categorized by State, information concerning—

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

(2) the numbers of supervised visitations or visi-
tation exchanges ordered during custody determina-
tions under a separation or divorce decree, under a
protection order, through child protection services,
through other social services agencies or by any
other order of a civil, criminal, juvenile, family, or
tribal court;

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

(4) safety and security problems occurring dur-
ing the reporting period during supervised visitations
or at visitation centers including the number of pa-
rental abductions;
(5) the number of parental abduction cases in a judicial district using supervised visitation services, both as identified in criminal prosecution and custody violations;

(6) program standards across the country that are in place for operating a supervised visitation center; and

(7) any other appropriate information designated in regulations promulgated by the Attorney General.

(e) AUTHORIZATION OF APPROPRIATIONS.—

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

(2) DISTRIBUTION.—Of the amounts appropriated under subparagraph (A) for each fiscal year, not less than 95 percent shall be used to award grants, contracts, or cooperative agreements. At least 5 percent of the funds appropriated under this subtitle shall be used for grants to tribal organizations.
Subtitle B—Violence Against Women Prevention Among Youth in Schools

SEC. 221. GRANTS FOR VIOLENCE AGAINST WOMEN PREVENTION AMONG YOUTH.

(a) In General.—For purposes of this section, the Secretary of Education shall in consultation with the Secretary of the Department of Health and Human Services, implement a program to educate young people about violence against women.

(b) Use of Funds.—

(1) The Secretary shall make grants to primary, middle, and secondary schools to develop, adopt, implement, and disseminate educational curricula and materials on violence against women, including training for school personnel. Such curricula and materials should be developed, adopted, implemented, and disseminated in consultation and collaboration with experts on violence against women and girls from the educational, legal, cultural competence, youth and victim advocacy fields, such as domestic violence shelters, domestic violence programs, and State domestic violence coalitions, State sexual assault coalitions and rape crisis centers and community-based youth organizations. Priority shall
be given to initiatives that address particularly the
needs of underserved communities that may be re-
cipients of the curricula and materials and training.

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

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

(4) The Secretary shall study and report to
Congress the link between the victimization of girls
and their perpetration of crimes. This study will ex-
amine the nature of the link, types of crimes in
which girls who are victims of domestic violence and
sexual assault engage, and the short- and long-term
effect of girls’ violent victimization. In addition, the
report will explore the extent to which local, State,
and Federal policies that govern social welfare,
health education, and juvenile justice systems ad-
dress the needs of girls as victims of domestic vio-
lence or sexual assault.
(c) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this section
$10,000,000 for each of fiscal years 1999, 2000, 2002,
and 2003.

Subtitle C—Family Safety

SEC. 231. SHORT TITLE.
This subtitle may be cited as the “Family Safety
Act”.

SEC. 232. FINDINGS AND PURPOSES.
(a) FINDINGS.—Section 7(a) of the Parental Kidnap-
1305 note) is amended—
(1) by striking “and” at the end of paragraph
(3);
(2) by striking the period at the end of para-
graph (4) and inserting a semicolon; and
(3) by inserting after paragraph (4) the follow-
ing new paragraphs:
“(5) existing Federal and State laws are inad-
equate to protect parents from domestic violence and
to protect children from sexual assault and may
punish them when they seek to protect themselves;
and
“(6) failures of State judicial and child protection systems may result in the inappropriate placement of children in the custody of abusive parents or punishment of nonabusing parents who attempt to protect themselves or their children.”.

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

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

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

(2) by inserting after paragraph (2) the following:

“(3) promote cooperation between State and tribal courts to protect parents and children from an incident or pattern of domestic violence or sexual assault;

“(4) promote realistic and protective standards for interstate relocation when parents dispute custody, particularly in cases where there is domestic violence or sexual assault;”;

(3) in paragraph (7) (as so redesignated), by inserting before the semicolon at the end the follow-
ing: “, consistent with not endangering or inappropriately punishing parents who are victims of domestic violence or children who are victims of sexual assault”; and

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

SEC. 233. DEFENSE TO CRIMINAL CUSTODIAL INTERFERENCE OR PARENTAL ABDUCTION CHARGE.

Section 1073 of title 18, United States Code, is amended by striking “Whoever moves” and inserting “(a) Whoever moves” and by adding at the end the following: “(b) For any charge of parental abduction, of custodial interference, or of felony criminal contempt of court related to an underlying child custody or visitation determination, that would otherwise provide a basis for prosecution under this section, it shall be a defense to such prosecution that the individual against whom this section is invoked—

“(1) acted pursuant to the provisions of a court order valid when and where issued—
“(A) which granted the defendant legal custody or visitation rights;

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

“(C) which is not inconsistent with such section or with the Uniform Child Custody Jurisdiction Enforcement Act as promulgated by the Uniform Law Commissioners; and

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

“(2) was fleeing an incident or pattern of domestic violence or sexual assault of the child;

“(3) would otherwise have a defense under the terms of the InternationalParental Kidnapping Prevention Act (18 U.S.C. 1204).

“(c) The Attorney General shall issue guidance to assist the United States Attorneys and the Federal Bureau of Investigation in determining when to decline to initiate or to terminate an investigation or prosecution under subsection (b) due to the potential availability of any defense.”.

SEC. 234. FULL FAITH AND CREDIT GIVEN TO CHILD CUSTODY DETERMINATIONS.

(a) Section Intent.—Section 1738A(a) of title 28, United States Code, is amended by adding at the end the
following: “This section is intended to preempt any inconsist-
ent State law and to apply to every proceeding in the
United States or its territories that is not governed by
inconsistent aspects of any treaty to which the United
States Government is a signatory or has ratified that in-
volves custody and visitation concerning a minor child.
Any provisions of a protection order regarding the custody
and visitation of a minor child, whether consensual or not,
otherwise consistent with section 2265 of title 18 and with
this section shall be given full faith and credit by the
courts of any State where the party who sought the order
seeks enforcement.”.

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

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

“(4) ‘domestic violence’ includes acts or threats
of violence, not including acts of self defense, com-
mitted by a current or former spouse of the victim,
by a person with whom the victim shares a child in
common, by a person who is cohabitating with or
has cohabitated with the victim, by a person who is
or has been in a continuing social relationship of a
romantic or intimate nature with the victim, by a
person similarly situated to a spouse of the victim
under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction;

“(5) ‘sexual assault’ means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim;”;

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

(3) by redesignating paragraph (7) as paragraph (9) and by striking “and” after the semicolon;

(4) by inserting after paragraph (9) (as so redesignated) the following:

“(10) ‘predominant aggressor’ means the individual who has been determined to be the principal perpetrator of violence, by factors including—

“(A) history of domestic violence;

“(B) relative severity of the injuries inflicted on each person;
“(C) the likelihood of future injury to each person; 
“(D) whether one of the persons acted in self-defense; and/or
“(E) the degree to which one of the persons has acted with more deliberate intent to control, isolate, intimidate, emotionally demean, or cause severe pain or injury, or fear of harm to the other or a third person”; and
(5) by redesignating paragraph (8) as paragraph (11). 

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

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

(2) by inserting “, including acts of domestic violence by the other parent” after “abuse”.

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

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(c) Child Custody Determinations.—Section 1738A of such title is amended by adding at the end the following:

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

Subtitle D—Domestic Violence and Children


It is the sense of Congress that—

(1) for purposes of determining child custody, it is in the best interest of children to have a presumption that children should have their main physical residence with their primary caretaker parent unless that parent is unfit;

(2) for purposes of determining child custody, it is not in the best interest of children to—
(A) force parents to share custody over the objection of one or both parents when there is a history of domestic violence;

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

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

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

(3) child abuse and child sexual abuse allegations should be fully and impartially investigated regardless of when they are raised or whether the child has withdrawn the allegation;

(4) States should be far more protective of victims of domestic violence and sexual assault in custody and visitation determinations and not order mediation, couples counseling, shared custody, mutual orders of protection, unsupervised visitation, or other measures when they may endanger the other parent or the child; and

(5) States should provide training in domestic violence and sexual assault, as they impact custody,
child support and visitation determinations, to all professionals who interact with children and parents (including judges, attorneys, guardians ad litem and other individuals appointed to represent children, therapists and mental health professionals, custody evaluators, child protective services personnel, and court appointed special advocates).

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

SEC. 251. CHILD WELFARE WORKER TRAINING ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

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

(b) GRANT AUTHORITY.—The Attorney General shall make grants jointly with the Secretary of Health and Human Services (the Secretary) to eligible States, Indian tribal governments, or units of local government to enable child welfare service agencies to train staff and modify policies, procedures, programs, and practices so that poli-
cies, practices, and services are consistent with the following principles:

(1) They protect the children.
(2) They increase the safety and well-being of the children, including increasing the safety of the nonabusing parents.
(3) They increase the safety of the children by supporting the autonomy and capacity of the adult victims.
(4) They hold perpetrators, not the victims, responsible for stopping the abusive behaviors.

c) Goals of Grant.—The activities under the grant shall be directed to achieve at least 1 or more of the following goals:

(1) Identify and assess the presence of domestic violence and sexual assault in child protection cases, in a way that assures the safety and confidentiality of those involved.
(2) Recognize the overlap between child abuse and domestic violence in families, the dangers posed to both child and adult victims, and the physical, emotional, and developmental impact on children.
(3) Develop appropriate responses in cases of domestic violence and sexual assault, including a
safety plan and appropriate services and other inter-
ventions for both the child and adult victims.

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

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

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

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

(2) agrees to develop over the next 3 years, in
collaboration with other organizations, a range of
training resources, policies, procedures, and services for child and adult victims of domestic violence and sexual assault that include at least the following:

(A) Relevant protocols for the screening, intake, assessment, investigation, and followup to reports of abuse and neglect and a procedure and schedule for training child welfare staff about domestic violence and sexual assault and their impact on children and adult victims and the appropriate use of these protocols. The training must include line staff, supervisors, and administrators, and begin with staff responsible for screening, intake, assessment, and investigation of reports of child abuse and neglect. The training must be conducted in collaboration with domestic violence experts and staff from community-based domestic violence and sexual assault programs, rape crisis centers, and relevant law enforcement representatives. At a minimum, the protocols and training must address the following:

(i) Dynamics of domestic violence and its relationship to child abuse.
(ii) Screening for domestic violence and sexual assault and assessing danger to the child and adult victims.

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

(iv) Appropriate interventions for child and adult victims that protect the safety of both and give appropriate consideration to preserving those family members not responsible for the abuse.

(v) Appropriate supervision of staff working with families where there has been domestic violence, including issues regarding worker safety.

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

(B) Community-based networks of services and supports that respond effectively to the comprehensive needs of child and adult victims of domestic violence and sexual assault and include at least the following:

(i) Appropriate referrals to community-based domestic violence and sexual assault programs and rape crisis centers.
(ii) Emergency shelter and transitional housing for abused parents and their children.

(iii) Legal assistance and advocacy for victims, including, when appropriate, assistance in obtaining and entering orders of protection.

(iv) Support and training to assist parents to help their children cope with the impact of domestic violence and sexual assault.

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

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

(vii) Assistance to obtain necessary economic supports; and

(3) identifies the agencies that will be responsible for carrying out the initiative and includes documentation from community-based domestic violence and sexual assault programs and rape crisis centers that they have been involved in the development of the application and describes their ongoing involvement in the development of the training and modification of policies, procedures, programs, and prac-
ties, including their potential roles as subcontractors.

(e) PRIORITY.—In awarding grants under this part, the Attorney General and the Secretary of Health and Human Services shall give priority to applicants that already have demonstrated a commitment to educate staff of child welfare service agencies and domestic violence programs about the impact of domestic violence on children, the special risks of child abuse and neglect, and appropriate services and interventions for protecting both the child and adult victims of domestic violence and sexual assault.

(f) EVALUATION, REPORTING, AND DISSEMINATION.—Each grantee receiving funds under this program shall submit annually a report to the Attorney General and the Secretary of Health and Human Services evaluating the effectiveness of activities developed with the funds provided under this program and containing such additional information as the Attorney General and the Secretary shall require. In addition, the Attorney General and the Secretary shall within 6 months of the conclusion of these 3-year grants distribute to all State child welfare agencies, State domestic violence and sexual assault coalitions, and to the Congress summaries of the activities implemented by these grantees, and related initiatives under-
taken by the Departments of Justice and Health and
Human Services to promote attention by child welfare
staff and staff of domestic violence and sexual assault
agencies to domestic violence and sexual assault and its
impact on its child and adult victims.

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

Subtitle F—Child Abuse
Accountability

SEC. 261. SHORT TITLE.

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

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

(a) CREATION OR ASSIGNMENT OF RIGHTS TO BEN-
EFITS UNDER QUALIFIED CHILD ABUSE ORDERS.—Sec-
tion 206(d)(3)(A) of the Employee Retirement Income Se-
curity Act of 1974 (29 U.S.C. 1056(d)(3)(A)) is amend-
ed—
(1) by inserting “or a child abuse order” after “a domestic relations order”; 

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

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

(b) Qualified Child Abuse Orders.—Section 206(d)(3)(B) of such Act (29 U.S.C. 1056(d)(3)(B)) is amended— 

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

(2) in clause (ii), by striking “the term” and inserting “The term”; and 

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

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

“(I) which creates or recognizes the existence of an alternate payee’s right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits
payable with respect to a participant under a plan, and

“(II) with respect to which the requirements of subparagraphs (C) and (D) are met.

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

“(I) The term ‘judgment rendered for physically, sexually, or emotionally abusing a child’ means any legal claim perfected through a final enforceable judgment, which claim is based in whole or in part upon the physical, sexual, or emotional abuse of a child, whether or not that abuse is accompanied by other actionable wrongdoing, such as sexual exploitation or gross negligence.

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

(c) EXEMPTION FROM PREEMPTION.—Section 514(b)(7) of such Act (29 U.S.C. 1144(b)(7)) is amended
by inserting "or qualified child abuse orders (within the meaning of section 206(d)(3)(B)(iii))" before the period.

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

(1) in subparagraph (C), by inserting "or child abuse order" after "A domestic relations order";

(2) in subparagraph (D), by inserting "or child abuse order" after "A domestic relations order";

(3) in subparagraph (E)(i), by inserting "or child abuse order" after "A domestic relations order";

(4) in subparagraph (G)(i), by inserting "or child abuse order" after "any domestic relations order", by striking "domestic relations orders" in subclause (I) and inserting "such an order", and by inserting "or a qualified child abuse order" in subclause (II) after "a qualified domestic relations order";

(5) in subparagraph (G)(ii), by inserting "and child abuse orders" after "domestic relations orders", and by inserting "or child abuse order" after "domestic relations order" each place it appears in subclauses (II) and (III);

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

(7) in subparagraph (H)(ii), by inserting “or a qualified child abuse order” after “a qualified domestic relations order”; 

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

(9) in subparagraph (H)(iv), by inserting “or a qualified child abuse order” after “a qualified domestic relations order”; 

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

(11) in subparagraph (I)(i), by inserting “or child abuse order” after “a domestic relations order”, and by inserting “or qualified child abuse order, respectively” after “a qualified domestic relations order”;
(12) in subparagraph (J), by inserting “or a qualified child abuse order” after “a qualified domestic relations order”; 

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

(14) in subparagraph (M), by inserting “or a qualified child abuse order” after “a qualified domestic relations order”.

SEC. 263. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) CREATION OR ASSIGNMENT OF RIGHTS TO BENEFITS UNDER QUALIFIED CHILD ABUSE ORDERS.—Subparagraph (B) of section 401(a)(13) of the Internal Revenue Code of 1986 (relating to assignment of benefits) is amended—

(1) by inserting “OR CHILD ABUSE ORDERS” after “DOMESTIC RELATIONS ORDERS” in the heading;

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

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

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

(1) in the heading, by inserting “AND QUALIFIED CHILD ABUSE ORDER” after “ORDER”; and

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

“(C) QUALIFIED CHILD ABUSE ORDER.—

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

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

“(ii) with respect to which the requirements of paragraphs (2) and (3) are met.

“(D) CHILD ABUSE ORDER.—

“(i) IN GENERAL.—The term ‘child abuse order’ means any court order or other similar process for the enforcement of a judgment rendered against a participant or beneficiary under a plan for phys-
ically, sexually, or emotionally abusing a child.

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

“(I) The term ‘judgment rendered for physically, sexually, or emotionally abusing a child’ means any legal claim perfected through a final enforceable judgment, which claim is based in whole or in part upon the physical, sexual, or emotional abuse of a child, whether or not that abuse is accompanied by other actionable wrongdoing, such as sexual exploitation or gross negligence.

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

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

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

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

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

(5) in paragraph (6)(B), by inserting “and child abuse orders” after “domestic relations orders”;

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

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

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

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

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

(12) in paragraph (9), by inserting “or a qualified child abuse order” after “a qualified domestic relations order”; and

(13) in paragraph (10), by inserting “or a qualified child abuse order” after “a qualified domestic relations order”; and

(14) in paragraph (11), by inserting “(in the case of a domestic relations order) or a qualified child abuse order (in the case of a child abuse order)” after “pursuant to a qualified domestic relations order”, and by inserting “or a child abuse order” after “pursuant to a domestic relations order”.

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

(1) ALTERNATE PAYEE MUST INCLUDE BENEFITS IN GROSS INCOME.—Paragraph (1) of section 402(e) of such Code (relating to alternate payee
under qualified domestic relations order treated as distributee) is amended by inserting “or qualified child abuse order” after “a qualified domestic relations order” each place it appears.

(2) Allocation of Investment in the Contract.—Paragraph (10) of section 72(m) of such Code (relating to determination of investment in the contract in the case of qualified domestic relations orders) is amended—

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

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

(3) Clarification of Eligibility of Participant for Lump Sum Treatment.—

(A) Subparagraph (H) of section 402(d)(4) of such Code (relating to balance to credit of employee not to include amounts payable under qualified domestic relations order) is amended—

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

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

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

SEC. 264. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on January 1, 1998, except that, in the case of a child abuse order entered before such date, the plan administrator—

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

(2) may treat any other such order entered before such date as a qualified child abuse order even if such order does not meet the requirements of such amendments.
TITLE III—SEXUAL ASSAULT PREVENTION
Subtitle A—Rape Prevention Education

SEC. 301. TRANSFER OF RAPE PREVENTION AND EDUCATION PROGRAM.

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

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

“(a) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part shall be used for rape prevention and education programs conducted by rape crisis centers and nonprofit State sexual assault coalitions for—

“(1) educational seminars;

“(2) the operation of hotlines;

“(3) training programs for professionals;

“(4) the preparation of informational material;

and

“(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved
communities as defined in 42 U.S.C. 3796gg–2(7) as modified by title VI of this Act.

“(b) NATIONAL RESOURCE CENTER.—The Secretary of the Department of Health and Human Services shall, through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, establish a National Resource Center on Sexual Assault to provide resource information, policy, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault.

The Resource Center shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

“(c) TARGETING OF EDUCATION PROGRAMS.—States providing grant moneys must ensure that at least 25 percent of the moneys are devoted to educational programs targeted for middle school, junior high, and high school aged students. The programs targeted under this subsection shall be conducted by rape crisis centers and State sexual assault coalitions.

“(d) AUTHORIZATION OF APPROPRIATIONS.—
“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

“(A) $75,000,000 for fiscal year 1999;
“(B) $75,000,000 for fiscal year 2000;
“(C) $100,000,000 for fiscal year 2001;
“(D) $100,000,000 for fiscal year 2002; and
“(E) $150,000,000 for fiscal year 2003.

Funds authorized to be appropriated under this section are appropriated from the Violent Crime Reduction Fund pursuant to 42 U.S.C. 14211(c) and subparagraph (16) under the definition of “prevention program” in 42 U.S.C. 14214(d).

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

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

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

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

“(3) A State may not use more than 5 percent of funds received in each fiscal year under this section for administrative expenses.

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

“(1) demonstrate that it has recognized expertise in the area of sexual assault, a record of high-quality services to victims of sexual assault, including a demonstration of support from advocacy groups, such as State sexual assault coalitions or recognized national sexual assault groups; and

“(2) demonstrate a commitment to diversity and to the provision of services to underserved populations as defined in 42 U.S.C. 3799gg–7 as modified by title VI of this Act.
“(g) Definitions.—

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

“(2) The term ‘sexual assault’ means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

“(3) The term ‘rape crisis center’ means a private nonprofit organization that is organized, or has as one of its primary purposes, to provide services for victims of sexual assault and has a record of commitment and demonstrated experience in providing services to victims of sexual assault.

“(h) Terms.—
“(1) The Secretary shall make allotments to each State on the basis of the population of the State.

“(2) No State may use funds made available by reason of subsection (a) in any fiscal year for administration of any prevention program other than the rape prevention and education program for which allotments are made under this section.

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

SEC. 302. TECHNICAL AMENDMENT TO PUBLIC LAW 103–322.

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

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

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

SEC. 311. SHORT TITLE.

This subtitle may be cited as the “Standards, Practice, and Training for Sexual Assault Examinations Act”.

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SEC. 312. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT EXAMINATIONS.

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

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and

(3) review existing national, State, and local protocols on sexual assault for forensic examinations, and based on this review, develop a recommended national protocol, and establish a mechanism for its nationwide dissemination.

(b) CONSULTATION.—The Attorney General shall consult with national, State, and local experts in the area of rape and sexual assault, including but not limited to, rape crisis centers, State sexual assault and domestic violence coalitions and programs, criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, sex crimes in underserved communities as defined in 42 U.S.C. 3796gg–2(7) as modified by title VI of this Act.
(c) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, a report of the directives in subsection (a) is submitted to Congress.

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

Subtitle C—Prevention of Custodial Sexual Assault by Correctional Staff

SEC. 331. SHORT TITLE.
This subtitle may be cited as the “Prevention of Custodial Sexual Assault by Correctional Staff Act”.

SEC. 332. FINDINGS.
Congress finds the following:

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

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

(3) Because correctional officers wield near absolute power over female prisoners, officers may
abuse that power to sexually assault and abuse fe-
male prisoners, as well as engage in constant grop-
ing, harassment, and other abuse.

SEC. 333. ESTABLISHMENT OF PREVENTION PROGRAM.

(a) Program Guidelines.—

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

(2) Requirements.—Such guidelines shall in-
clude requirements that—

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

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

(3) National Database.—This information
shall also be submitted to the Department of Justice
where it will be maintained and updated on a na-
tional database.

(b) Release of Information.—The information
collected under subsection (a)(2) shall be treated as pri-
ivate data except that—

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

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

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

(c) Immunity for Good Faith Conduct.—Law
enforcement agencies, employees of law enforcement agen-
cies, and State officials shall be immune from criminal or
civil liability for good faith conduct in releasing informa-
tion under this section.

(d) Ineligibility for Funds.—
(1) IN GENERAL.—A State that fails to implement the program as described under this section shall not receive 10 percent of the funds that would otherwise be allocated to the State under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13701).

(2) REALLOCATION.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

(3) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement this section, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement this section.

SEC. 334. PROHIBITED SEXUAL CONDUCT BY CORRECTIONAL STAFF.

(a) REDUCTION OF FUNDS.—In addition to the reduction of funds under section 343(d), a State that does not have criminal penalties or a State that fails to implement criminal penalties explicitly prohibiting custodial sexual misconduct by correctional staff against prisoners shall not receive 10 percent of the funds that would otherwise be allocated to the State under part A of title II of

(b) REALLOCATION.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

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

SEC. 335. NATIONAL SEXUAL CONTACT HOTLINE FOR PRISONERS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall create a national, confidential, toll-free telephone hotline to collect data and to provide information and assistance to prisoners who have experienced custodial sexual misconduct by corrections staff.

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

(1) contracting with a carrier for the use of a toll-free telephone line;
(2) employing, training, and supervising personnel to answer incoming calls and provide counseling and referral services to callers;

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

(4) publicizing the hotline to prisoners throughout the United States; and

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

(e) Reporting of Information.—Information regarding the number of reports and the status of those reports shall be included in the Attorney General’s annual report to Congress.

(d) Processing Reports.—Reports may be referred to the criminal section of the Civil Rights Division of the Department of Justice for investigation or for referral to the appropriate State agency for investigation.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $300,000 for fiscal year 1999 and $100,000 for each of the fiscal years 2000, 2001, 2002, and 2003.
SEC. 336. DEFINITIONS.

For purposes of this subtitle—

(1) the term “correctional staff” means any employee, contractual employee, volunteer, or agent of a correctional department who is working in any contact position with any prisoners under the jurisdiction of that department; and

(2) the term “custodial sexual misconduct” means any physical contact, directly or through the clothing, with the sexual or intimate parts of a person for the purpose of sexual gratification of either party, when the—

(A) parties involved are a person in custody of a correctional department and a member of the correctional staff; or

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

Subtitle D—Hate Crimes Prevention

SEC. 341. SHORT TITLE.

This Act may be cited as the “Hate Crimes Prevention Act of 1998”.

SEC. 342. FINDINGS.

Congress finds that—
(1) the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

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

(3) existing Federal law is inadequate to address this problem;

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

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

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

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

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

(7) such violence is committed using articles that have traveled in interstate commerce;
(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many local jurisdictions have attempted to respond to the challenges posed by such violence, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist such jurisdictions; and

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

SEC. 343. DEFINITION OF HATE CRIME.

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

SEC. 344. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.

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

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

(2) by inserting after subsection (b) the following:
“(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

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

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

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

“(ii) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

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

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

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

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

“(II) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce; or

“(ii) the offense is in or affects interstate or foreign commerce.”.
SEC. 345. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) Amendment of Federal Sentencing Guidelines.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) Consistency With Other Guidelines.—In carrying out this section, the United States Sentencing Commission shall—

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

(2) avoid duplicative punishments for substantially the same offense.

SEC. 346. GRANT PROGRAM.

(a) Authority to Make Grants.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles.
(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 347. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 1999, 2000, 2001, 2002, and 2003 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 245 of title 18, United States Code (as amended by this Act).

SEC. 348. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.
TITLE IV—DOMESTIC VIOLENCE PREVENTION

Subtitle A—Domestic Violence Victims’ Housing

SEC. 401. SHORT TITLE.

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

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

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

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

(a) IN GENERAL.—Amounts available pursuant to section 402 shall be made available by the Secretary of Housing and Urban Development only to public housing agencies and qualified nonprofit organizations only for use for providing tenant-based rental assistance on behalf of families victimized by domestic violence (as such term is defined in section 404 of this subtitle) who have left or are leaving a residence as a result of the domestic violence.
(b) **DETERMINATION.**—For purposes of subsection (a), a family victimized by domestic violence shall be considered to have left or to be leaving a residence as a result of domestic violence if the public housing agency or qualified nonprofit organization providing rental assistance under this subtitle determines that the member of the family who was a victim of the domestic violence reasonably believes that relocation from such residence will assist in avoiding future domestic violence against such member or another member of the family.

(c) **ALLOCATION.**—Amounts made available pursuant to section 402 shall be allocated by the Secretary on the basis of a national competition to the public housing agencies and qualified nonprofit organizations that submit applications to the Secretary that best demonstrate a need for such assistance, including the extent of service to underserved populations as defined in 42 U.S.C. 3796gg–2(7) as modified by title VI of this Act, and the ability to undertake and carry out a program under this subtitle, as the Secretary shall determine. At least 25 percent of the total grants awarded shall go to qualified nonprofit organizations.
SEC. 404. DEFINITIONS RELATING TO DOMESTIC VIOLENCE.

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

(1) DOMESTIC VIOLENCE.—The term ‘domestic violence’ includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

(2) FAMILY VICTIMIZED BY DOMESTIC VIOLENCE.—

(A) IN GENERAL.—The term “family victimized by domestic violence” means a family or household that includes an individual who has been determined under subparagraph (B) to have been a victim of domestic violence, but does not include any individual described in
paragraph (3) who committed the domestic vio-

lence. The term includes any such family or

household in which only a minor or minors are

the individual or individuals who was or were a

victim of domestic violence only if such family

or household also includes a parent, stepparent,

legal guardian, or other responsible caretaker

for the child.

(B) Determination that Family or Indi-

vidual Was a Victim of Domestic Vio-

lence.—For purposes of subparagraph (A), a
determination under this subparagraph is a de-
termination that domestic violence has been
committed, which is made by any agency or off-

ficial of a State or unit of general local govern-
ment (including a public housing agency) based
upon—

(i) information provided by any medi-
cal, legal, counseling, or other clinic, shel-
ter, sexual assault program, or other pro-
gram or entity licensed, recognized, or au-

thorized by the State or unit of general
local government to provide services to vic-
tims of domestic violence or sexual assault;
(ii) information provided by any agency of the State, unit of general local government, or nonprofit nongovernmental organization that provides or administers the provision of social, medical, legal, or health services;

(iii) information provided by any clergy;

(iv) information provided by any hospital, clinic, medical facility, or doctor licensed or authorized by the State or unit of general local government to provide medical services;

(v) a petition or complaint filed in a court or law or documents or records of action of any court or law enforcement agency, including any record of any protection order, injunction, or temporary or final order issued by civil or criminal courts or any police report; or

(vi) any other reliable evidence that domestic violence has occurred. A victim’s statement that domestic violence has occurred shall be sufficient unless the agency
has an independent, reasonable basis to
find the individual not credible.

SEC. 405. OTHER DEFINITIONS.

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

(1) **Public Housing Agency.**—The term “public housing agency” has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(2) **Qualified Nonprofit Organization.**—The term “qualified nonprofit organization” means a private organization that—

(A) is organized, or has as one of its primary purposes, to provide shelter or transitional housing for victims of domestic violence;

(B) is organized under State or local laws;

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

(D) is approved by the Secretary as to financial responsibility; and

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

(3) **Secretary.**—The term “Secretary” means the Secretary of Housing and Urban Development.
(4) **STATE.**—The term “State” means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

(5) **UNIT OF GENERAL LOCAL GOVERNMENT.**—

The term “unit of general local government” has the meaning given the term in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

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

**SEC. 411. FULL FAITH AND CREDIT FOR PROTECTION ORDERS.**

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

“(d) **FORMULA GRANT REDUCTION FOR NONCOMPLIANCE.**—

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

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

“(e) REGISTRATION.—Nothing in this section shall require prior filing or registration of a protection order in the enforcing State in order to secure enforcement pursuant to subsection (a). Nothing in this section shall permit a State to notify the party against whom the order has been made that a protection order has been registered and/or filed in that State.”

“(f) NOTICE.—Nothing in this section shall require notification of the party against whom the order was made in order to secure enforcement by a law enforcement officer pursuant to subsection (a).”.

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

(1) by inserting “issued pursuant to State divorce and child custody codes” after “custody orders”; and
(2) by adding “Custody and visitation provisions in protection orders are subject to the mandates of this chapter.” after “seeking protection.”.

(b) COMPLIANCE—FULL FAITH AND CREDIT.—Within 180 days, the Attorney General shall issue regulations to determine whether a State is in compliance with 18 U.S.C. 2265(a), (b), and (c), taking into account the following factors:

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

(2) The degree to which any case of noncompliance by a State official represents an isolated incident, rather than a pattern of nonenforcement.

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

SEC. 412. GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General may provide grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and recordkeeping strategies to
assist States, Indian tribal governments, and units of local
government to enforce protective orders issued by other
States, Indian tribal governments, or units of local govern-
ment.

(b) USES OF FUNDS.—

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to carry out this section, $5,000,000 for
Subtitle C—Victims of Abuse

Insurance Protection

SEC. 421. SHORT TITLE.

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

SEC. 422. DEFINITIONS.

As used in this subtitle:

(1) The term “abuse” means the occurrence of one or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.
(D) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

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

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

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

(A) a group health plan (as defined in section 607 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167)) or a multiple employer welfare arrangement (as defined in section 3(40) of such Act (29 U.S.C. 1102(40)) that provides health benefits;

(B) any other health insurance arrangement, including any arrangement consisting of a hospital or medical expense incurred policy or certificate, hospital or medical service plan con-
tract, or health maintenance organization subscriber contract;

(C) workers’ compensation or similar insurance to the extent that it relates to workers’ compensation medical benefits (as defined by the Federal Trade Commission); and

(D) automobile medical insurance to the extent that it relates to medical benefits (as defined by the Federal Trade Commission).

(5) The term “health carrier” means a person that contracts or offers to contract on a risk-assuming basis to provide, deliver, arrange for, pay for or reimburse any of the cost of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health services.

(6) The term “insured” means a party named on a policy, certificate, or health benefit plan, including an individual, corporation, partnership, association, unincorporated organization or any similar entity, as the person with legal rights to the benefits provided by the policy, certificate, or health benefit plan. For group insurance, such term includes a per-
son who is a beneficiary covered by a group policy, certificate, or health benefit plan. For life insurance, the term refers to the person whose life is covered under an insurance policy.

(7) The term “insurer” means any person, reciprocal exchange, interinsurer, Lloyds insurer, fraternal benefit society, or other legal entity engaged in the business of insurance, including agents, brokers, adjusters, and third party administrators. The term also includes health carriers, health benefit plans, and life, disability, and property and casualty insurers.

(8) The term “policy” means a contract of insurance, certificate, indemnity, suretyship, or annuity issued, proposed for issuance or intended for issuance by an insurer, including endorsements or riders to an insurance policy or contract.

(9) The term “subject of abuse” means a person against whom an act of abuse has been directed, a person who has prior or current injuries, illnesses, or disorders that resulted from abuse, or a person who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse, protection, court-ordered protection, or shelter from abuse.
SEC. 423. DISCRIMINATORY ACTS PROHIBITED.

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

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

(2) Restricting, excluding, or limiting insurance coverage for losses or denying a claim, except as otherwise permitted or required by State laws relating to life insurance beneficiaries.

(3) Adding a premium differential to any insurance policy or health benefit plan.

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

(c) No insurer or health carrier may terminate health coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse or the abuser’s coverage has terminated voluntarily or involuntarily and the subject of abuse does not
qualify for extension of coverage under part 6 of subtitle B of title I or the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of the Internal Revenue Code of 1986. Nothing in this paragraph prohibits the insurer from requiring the subject of abuse to pay the full premium for the subject’s coverage under the health plan if the requirements are applied to all insureds of the health carrier. The insurer may terminate group coverage after the continuation coverage required by this paragraph has been in force for 18 months if it offers conversion to an equivalent individual plan. The continuation of health coverage required by this paragraph shall be satisfied by any extension of coverage under part 6 of subtitle B of title I or the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of the Internal Revenue Code of 1986 provided to a subject of abuse and is not intended to be in addition to any extension of coverage provided under part 6 of subtitle B of title I or the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of the Internal Revenue Code of 1986.

(d) USE OF INFORMATION.—

(1) In order to protect the safety and privacy of subjects of abuse, no person employed by or contracting with an insurer or health benefit plan may
use, disclose, or transfer information relating to abuse status, acts of abuse, abuse-related medical conditions or the applicant’s or insured’s status as a family member, employer, or associate, person in a relationship with a subject of abuse for any purpose unrelated to the direct provision of health care services unless such use, disclosure, or transfer is required by an order of an entity with authority to regulate insurance or an order of a court of competent jurisdiction. In addition, such a person may not disclose or transfer information relating to an applicant’s or insured’s location or telephone number or the location and telephone number of a shelter for subjects of abuse except where such disclosure or transfer is required in order to provide insurance coverage, provided such disclosure or transfer does not have the potential to endanger the safety of a subject of abuse. Nothing in this paragraph shall be construed as limiting or precluding a subject of abuse from obtaining the subject’s own insurance records from an insurer.

(2) Authority of Subject of Abuse.—A subject of abuse, at the absolute discretion of the subject of abuse, may provide evidence of abuse to an insurer for the limited purpose of facilitating
treatment of an abuse-related condition or demonstra-

tion that a condition is abuse-related. Nothing in this paragraph shall be construed as authorizing an insurer or health carrier to disregard such pro-

vided evidence.

SEC. 424. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.

Insurers shall develop and adhere to written policies specifying procedures to be followed by employees, con-

tractors, producers, agents and brokers for the purpose of protecting the safety and privacy of a subject of abuse and otherwise implementing the provisions of this subtitle when taking an application, investigating a claim, or tak-

ing any other action relating to a policy or claim involving a subject of abuse.

SEC. 425. REASONS FOR ADVERSE ACTIONS.

An insurer that takes an action that adversely affects a subject of abuse, shall advise the subject of abuse appli-

ant or insured of the specific reasons for the action in writing. Reference to general underwriting practices or guidelines does not constitute a specific reason.

SEC. 426. LIFE INSURANCE.

Nothing in this subtitle shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or
would be designated as a beneficiary of the policy, and

if—

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

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

SEC. 427. SUBROGATION WITHOUT CONSENT PROHIBITED.

Subrogation of claims resulting from abuse is prohibited without the informed consent of the subject of abuse.

SEC. 428. ENFORCEMENT.

(a) FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether such insurer has been or is engaged in any act or practice prohibited by this subtitle. If the Federal Trade Commission determines an insurer has been or is engaged in any act or practice prohibited by this subtitle, the Commission may take action against such insurer by the issuance of a cease and desist order as if the insurer was in violation of section 5 of the Federal Trade Commission Act. Such cease and desist order may include any individual relief warranted under the circumstances, including temporary, pre-
liminary, and permanent injunctive and compensatory relief.

(b) Private Cause of Action.—An applicant or insured who believes that the applicant or insured has been adversely affected by an act or practice of an insurer in violation of this subtitle may maintain an action against the insurer in a Federal or State court of original jurisdiction. Upon proof of such conduct by a preponderance of the evidence, the court may award appropriate relief, including temporary, preliminary, and permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual’s attorneys and expert witnesses. With respect to compensatory damages, the aggrieved individual may elect, at any time prior to the rendering of final judgment, to recover in lieu of actual damages, an award of statutory damages in the amount of $5,000 for each violation.

SEC. 429. EFFECTIVE DATE.

This subtitle shall apply with respect to any action taken on or after the date of the enactment of this Act, except that section 424 shall only apply to actions taken after the expiration of 60 days after such date.
Subtitle D—National Summit on
Sports and Violence

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

(a) FINDINGS.—

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

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

(3) Professional and amateur athletes, and
sports coaches, administrators, volunteers, and team
owners have participated in a variety of outstanding
and valuable community service projects throughout
the Nation.

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

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

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

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

(8) There exists a Citizenship Through Sports
Alliance that is made up of the National Collegiate
Athletic Association, the National Junior College
Athletic Association, the National Association of
Intercollegiate Athletics, the National Federation of
State High School Associations, the United States
Olympic Committee, Major League Baseball, the
National Football League, the National Basketball
Association, and the National Hockey League.

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

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

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

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

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

(B) individuals with experience in youth
advocacy;

(C) individuals with experience in
antiviolence advocacy;
(D) members of the Citizenship Through Sports Alliance;

(E) Members of Congress; and

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

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

(A) be designed to encourage the participation of all administrators, coaches, and athletes, from those involved in youth leagues to those who are involved in professional sports;

(B) emphasize and promote values such as self-respect and respect for others, tolerance, non-discrimination, and gender equality as well as teamwork, discipline, responsibility, and commitment;

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

(D) promote a sports culture that encourages integrity, honesty, fairness, inclusion, tol-
erance, nonviolence, and a commitment to excellence; and

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

(4) the members of the national summit referred to in paragraph (1), and other sports, community, political and media leaders should assume leadership roles deterring acts of domestic violence and sexual assault and should support the measures developed by the national summit referred to in paragraph (1).

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.

(a) Transfer Prohibition.—Section 922(d) of title 18, United States Code, is amended—

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

(2) by striking the period at the end of paragraph (9) and inserting “; or”; and
(3) by inserting after paragraph (9) the following:

“(10) is intoxicated.”.

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

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

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

(3) by inserting after paragraph (9) the following:

“(10) who is intoxicated,”.

(c) STATEMENT REQUIRED BY THE BRADY LAW.—

Section 922(s)(3)(B) of such title is amended—

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

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

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

“(ix) is not intoxicated;”.

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

“(34) The term ‘intoxicated’ means, with respect to a person, that the mental or physical condition of the person is sufficiently impaired, as a result of the presence in the person’s body of alcohol, a drug, or another sub-
stance, to be prohibited by the law of the State in which the person is located from operating a motor vehicle in the State.”.

Subtitle F—Access to Safety and Advocacy

SEC. 451. SHORT TITLE.

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

SEC. 452. PURPOSE.

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

SEC. 453. GRANTS TO IMPROVE ACCESS TO THE JUSTICE SYSTEM.

(a) ELIGIBLE GRANTEES.—Eligible grantees are—

(1) domestic violence programs;
(2) State, tribal, and local bar associations;
(3) law school clinical programs;
(4) nonprofit legal services;
(5) court-based pro se programs;
(6) bar association or domestic violence legal information and referral services or hotlines;
(7) State coalitions of domestic violence programs; and

(8) tribes and tribally recognized organizations.

(b) ELIGIBLE SERVICES.—Activities funded under this subtitle shall be designed to further the health, safety, and economic needs of victims of domestic violence through legal assistance for victims of domestic violence in any civil action, administrative proceeding, criminal cases where the defendant advances a claim of duress or defense of self or other or in clemency proceedings. Activities funded under this subtitle shall include legal assistance on behalf of—

(1) low-income and indigent persons; or

(2) persons who have inadequate access to sufficient financial resources to secure appropriate legal assistance.

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

(1) To enhance the availability and quality of legal assistance to victims of domestic violence through efforts directed at stopping the violence, enhancing victim safety, assuring economic protection and well-being or protecting child victims of domestic violence.
(2) To encourage the development of partnerships between domestic violence programs and the full spectrum of legal representation and advocacy programs, including the following: private practitioners, Government and public sector lawyers, direct legal services programs, bar associations, legal hotlines, and clinical law school initiatives.

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

(4) To improve judicial and administrative handling of pro se cases involving victims of domestic violence.

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

SEC. 454. APPLICATION.

(a) REQUIREMENTS.—Eligible grantees must—

(1) for entities described in section 453(a)(2) through (6), include documentation of an ongoing partnership and working relationship with a domestic violence program;
(2) demonstrate a history of providing direct legal or advocacy services in a manner that is accountable to the community served; and

(3) certify that—

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

(B) any training programs conducted in satisfaction of the requirement of section 455(a)(3)(A) be developed with input from and in collaboration with a domestic violence program;

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

(D) any person providing legal assistance through a program funded under this subtitle has informed any State domestic violence coalitions of their work and participates in any statewide networking among legal assistance providers to victims of domestic violence.
SEC. 455. FUNDING.

(a) ALLOCATION OF FUNDS.—Of the total amounts appropriated under this subtitle in any fiscal year, at least 45 percent shall be allocated to projects that provide direct representation to victims of domestic violence, through staff, volunteers or partnerships, particularly for cases including custody and visitation, protection order, support, housing and divorce matters, and other actions undertaken to achieve or preserve victim safety. At least 5 percent of the funds appropriated under this subtitle shall be used for grants to tribes and tribal organizations, including tribal courts and bar associations. No more than 15 percent of the funds appropriated under this subtitle shall be awarded to technical assistance and training initiatives. No more than 5 percent of the funds appropriated under this subtitle shall be awarded to evaluation. No more than 5 percent of the funds appropriated under this subtitle shall be utilized for the costs of administration.

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

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

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

(d) **Nonsupplantation.**—Federal funds received under this subtitle shall be used to supplement, not supplant, other Federal and non-Federal funds that would otherwise be available for expenditures on activities described in this part. Moneys disbursed under this subtitle must be used to fund new projects or to expand or enhance existing projects.

e) **Discrimination.**—Activities funded under this subtitle shall be conducted pursuant to any applicable Federal, State, or local law governing discrimination on the basis of race, national origin, religion, age, gender, sexual orientation, or disability, and shall be subject to section 307(a)(2) of the Family Violence Prevention and Services Act. Entities funded under this subtitle shall not be restricted from providing services because of the immigration status or sexual orientation of the person seeking services.

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

The Attorney General may provide technical assistance and training in furtherance of the purposes of this subtitle. The technical assistance and training authorized by this section may be carried out directly by the Attorney
General or through contracts or other arrangements with entities, and may include consultation and problem solving, the development of training programs, materials, and information on domestic violence law and practice, the identification of promising practices, development of databases, developing partnerships, and creating multidisciplinary, community-based approaches.

SEC. 457. EVALUATION OF ACCESS TO SAFETY AND ADVOCACY GRANTS.

The Attorney General may evaluate the grants funded under this subtitle through contracts or other arrangements with entities expert on domestic violence and evaluation research.

SEC. 458. DEFINITIONS.

In this subtitle the following definitions apply:

(1) DOMESTIC VIOLENCE.—The term “domestic violence” includes acts or threats of violence, and stalking, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the
domestic or family violence laws of the jurisdiction,
or by any other person against a victim who is pro-
tected from that person’s acts under the domestic or
family violence laws of the jurisdiction.

(2) DOMESTIC VIOLENCE PROGRAM.—The term
“domestic violence program” means a nonprofit or-
ganization, the primary purpose of which is to pro-
vide advocacy on behalf of and comprehensive serv-
ices to victims of domestic violence, including some
combination of the following: crisis hotlines, shelter
or safe homes, transitional housing, task forces or
coordinating councils, food assistance, counseling,
systems advocacy, transportation, safety planning,
information and referral, and legal assistance.

(3) LAW SCHOOL PROGRAM.—The term “law
school program” means an internship, externship,
clinic, or other legal representation program or ini-
tiative located at an accredited school of law which
has as its primary purpose the provision of legal rep-
resentation, information, or assistance to victims of
domestic violence directed at stopping the violence,
enhancing the victim safety, assuring economic pro-
tection and well-being, or protecting child victims of
domestic violence.
(4) **LEGAL ASSISTANCE.**—The term “legal assistance” includes—

(A) direct representation of and assistance to victims of domestic violence from intake through adjudication, enforcement, and appeal, in any civil action, administrative proceeding, criminal cases where the defendant advances a claim of duress or a defense of self or other or in clemency proceedings; to include representation from intake through adjudication, enforcement and appeal directed at stopping the violence, enhancing victim safety, assuring economic protection and well-being, or protecting child victims of domestic violence; and

(B) legal advocacy, including issue identification, safety planning, evaluating options, policy analysis, representation enhancement, outreach activities, accompaniment, information, directories and referral, monitoring the civil and criminal justice process, and coordination among legal, social, and health care systems, offered by personnel of domestic violence programs, which is directed at stopping the violence, enhancing victim safety, assuring eco-
nomie protection and well-being or protecting child victims of domestic violence.

(5) NONPROFIT DIRECT LEGAL SERVICES.—The term “nonprofit direct legal services” means a nonprofit legal organization which has as its primary purpose the provision of legal assistance to persons on a no-cost, sliding scale, deferred payment, or fixed fee basis on civil or criminal legal matters and which provides specialized representation to victims of domestic violence directed at stopping the violence, enhancing victim safety, assuring economic protection and well-being or protecting child victims of domestic violence.

(6) PRO BONO PROGRAM.—The term “pro bono program” means a program affiliated with a State, tribal, or local court, bar association, nonprofit direct legal services organization, or a domestic violence program that offers no-cost representation, legal educational programs, or information and referral services to victims of domestic violence directed at stopping the violence, enhancing victim safety, assuring economic protection and well-being, or protecting child victims of domestic violence.

(7) PRO SE PROGRAM.—The term “pro se program” means a program based in the State, tribal,
or local courts, in nonprofit direct legal services organizations, or in domestic violence programs to assist victims of domestic violence—

(A) in preparation and filing of court pleadings, forms, memos, proposed orders, and related documents, in effecting service, and in representation of themselves in any civil or administrative matters or proceedings directed at stopping the violence, enhancing victim safety, assuring economic protection and well-being, or protecting child victims of domestic violence;

(B) to develop comprehensive safety plans;

and

(C) to offer information and referral services.

(8) **State, tribal, or local bar association.**—The term “State, tribal, or local bar association” means a State, tribal, or local association of attorneys of a specified geographic area whose members are licensed to practice in the jurisdiction(s) and that offers information, referral, or pro bono legal services to victims of domestic violence directed at stopping the violence, enhancing victim safety, achieving economic justice, or protecting child victims of domestic violence.
(9) Tribal organization.—The term “tribal organization” means a tribally chartered organization or a nonprofit organization operating within the boundaries of an Indian reservation whose governing body reflects the populations served.

(10) State coalition of domestic violence programs.—The term “State coalition of domestic violence programs” means a statewide membership organization of domestic violence programs that, among other activities, provides training and technical assistance to domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority.

Subtitle G—Federal Witness Protection for Victims of Domestic Violence

SEC. 461. WITNESS PROTECTION.

(a) Generally.—Section 3521(a)(1) of title 18, United States Code, is amended by inserting “or of a victim of an offense set forth in chapter 110A of this title directed at victims of domestic violence or a similar State offense,” after “other serious offense.”

(b) Other Actions.—Section 3521(b)(1) of title 18, United States Code, is amended by inserting “or a victim of domestic violence,” after “potential witness.”
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.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

“CHAPTER 212—DOMESTIC VIOLENCE AND SEXUAL ASSAULT OFFENSES COMMITTED OUTSIDE THE UNITED STATES

§ 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

(a) IN GENERAL.—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of

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the United States, engages in conduct that would constitute a misdemeanor or felony domestic violence or sexual assault offense, if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be subject to prosecution in the Federal District Court of the jurisdiction of origin.

“(b) Concurrent Jurisdiction.—Nothing contained in this chapter deprives courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by courts-martial, military commissions, provost courts, or other military tribunals.

“(c) Action by Foreign Government.—No prosecution may be commenced under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General of the United States or the Deputy Attorney General of the United States (or a person acting in either such capacity), which function of approval shall not be delegated.

“(d) Arrests.—

“(1) Law Enforcement Personnel.—The Secretary of Defense may designate and authorize
any person serving in a law enforcement position in
the Department of Defense to arrest outside of the
United States any person described in subsection (a)
if there is probable cause to believe that such person
engaged in conduct which constitutes a criminal of-
fense under subsection (a).

“(2) RELEASE TO CIVILIAN LAW ENFORCE-
MENT.—A person arrested under paragraph (1)
shall be released to the custody of civilian law en-
forcement authorities of the United States for re-
moval to the United States for judicial proceedings
in the Federal district court of the named jurisdict-
ion of origin of the person arrested in relation to
conduct referred to in such paragraph unless—

“(A) such person is delivered to authorities
of a foreign country under section 3262; or
“(B) such person has had charges brought
against him or her under chapter 47 of title 10
for such conduct.

§ 3262. Delivery to authorities of foreign countries

“(a) IN GENERAL.—Any person designated and au-
thorized under section 3261(d) may deliver a person de-
scribed in section 3261(a) to the appropriate authorities
of a foreign country in which the person is alleged to have
engaged in conduct described in subsection (a) if—
“(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

“(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

“(b) Determination by the Secretary.—The Secretary of Defense shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

§ 3263. Regulations

“The Secretary of Defense shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

§ 3264. Definitions for chapter

“As used in this chapter—

“(1) the term ‘Armed Forces’ has the same meaning as in section 101(a)(4) of title 10;

“(2) a person is ‘employed by the Armed Forces outside of the United States’ if the person—

“(A) is employed as a civilian employee of the Department of Defense, as a Department of
Defense contractor, or as an employee of a Department of Defense contractor;

“(B) is present or residing outside of the United States in connection with such employment; and

“(C) is not a national of the host nation;

and

“(3) a person is ‘accompanying the Armed Forces outside of the United States’ if the person—

“(A) is a dependent of a member of the armed forces;

“(B) is a dependent of a civilian employee of the Department of Defense;

“(C) is residing with the member or civilian employee outside of the United States; and

“(D) is not a national of the host nation.”

(b) Clerical Amendment.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

“212. Domestic Violence and Sexual Assault Offenses Committed Outside the United States .......... 3261”.

SEC. 502. RECORDS OF MILITARY JUSTICE ACTIONS.

(a) In General.—Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

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“§ 1178. Military justice information and DNA specimens: transmission to Director of Federal Bureau of Investigation upon member’s separation

“(a) Records of Military Justice Actions.—Whenever a member of the armed forces is discharged from a period of service in the armed forces or is released from a period of active duty, the Secretary of the military department concerned shall transmit to the Director of the Federal Bureau of Investigation a copy of records of any penal action taken against the member during that period under chapter 47 of this title (the Uniform Code of Military Justice).

“(b) DNA Specimens of Persons Convicted of Sexual Offenses.—(1) Any member of the armed forces who is convicted by a court-martial of an offense of a sexual nature shall, before being separated from the member’s armed force, provide to the Secretary of the military department concerned a sample of blood, saliva, or other specimen collected from that member necessary to conduct DNA analysis consistent with established procedures for DNA testing by the Director of the Federal Bureau of Investigation.

“(2) The Secretary concerned shall transmit each sample provided under paragraph (1) in a timely manner to the Director of the Federal Bureau of Investigation for
inclusion in the Combined DNA Identification System
(CODIS) of the Federal Bureau of Investigation.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by adding
at the end the following new item:

“1178. Military justice information and DNA specimens: transmission to Director of Federal Bureau of Investigation upon member’s separation.”.

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

SEC. 511. TRANSITIONAL COMPENSATION.

Section 1059 of title 10, United States Code, is amended—

(1) in subsection (e)(1)(A), by inserting “that includes dependent-abuse as an underlying or principal factor” after “for a dependent-abuse offense”;

(2) in subsection (e)(1)(B), by inserting “underlying, partial, or principal” before “basis”; and

(3) in subsection (g)(2), by striking “the Secretary may not resume such payments” and inserting “the Secretary may resume such payments if the Secretary determines that there was ongoing abuse. Any such determination as to such a resumption of payments shall be reviewed by the Secretary on a case-by-case basis.”.
SEC. 512. HEALTH BENEFITS.

Paragraph (1) of section 1076(e) of title 10, United States Code, is amended to read as follows:

“(1) The administering Secretary shall furnish an abused dependent of a former member of a uniformed service described in paragraph (4), during that period that the abused dependent is in receipt of transitional compensation under section 1059 of this title, with medical and dental care, including mental health services, in facilities of the uniformed services in accordance with the same eligibility and benefits as were applicable for that abused dependent during the period of active service of the former member.

TITLE VI—PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDER-SERVED COMMUNITIES

Subtitle A—Older Women’s Protection From Violence

SEC. 601. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Older Women’s Protection From Violence Act”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 601. Short title; table of contents.
SEC. 602. FINDINGS.

Congress finds that—

(1) of the more than 1,000,000 persons age 65 and over who are victims of abuse each year, at least two-thirds are women;

(2) the number of reports of elder abuse in the United States increased by 94 percent between 1986 and 1991 and is expected to continue growing;

(3) it is estimated that at least 5 percent of the Nation’s elderly are victims of moderate to severe abuse and that the rate for all forms of abuse may be as high as 10 percent;
(4) elder abuse is severely underreported, with 1 in 5 cases being reported in 1980 and 1 in 8 cases being reported today;

(5) elder abuse takes on many forms, including physical abuse, sexual abuse, psychological (emotional) abuse, neglect (intended or unintended), and financial exploitation;

(6) many older persons, particularly women and minorities, fail to report abuse because of shame or as a result of prior unsatisfactory experiences with police, district attorneys, clergy, social workers, or others who lacked sensitivity to the concerns or needs of older people;

(7) many older persons fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized;

(8) public and professional awareness and identification of elder abuse is difficult because many older persons are not tied into social networks (such as schools or jobs), and may become isolated in their homes, which can increase the risk of elder abuse;

(9) the Department of Justice does not include age as a category for criminal statistics reporting;
(10) there are relatively few statistics and re-
search studies regarding violence against older
women; and

(11) older persons critically need activities that
develop, strengthen, and carry out actions for the
prevention of abuse, including neglect and exploi-
tation, and provide related assistance for victims.

CHAPTER 1—VIOLENCE AGAINST WOMEN
ACT OF 1994

SEC. 603. ELDER ABUSE, NEGLECT, AND EXPLOITATION.

1902) is amended by adding at the end the following:

“Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Do-
mestic Violence and Sexual As-
sault Against Older Individuals

“SEC. 40801. DEFINITIONS.

“In this subtitle:

“(1) IN GENERAL.—The terms ‘elder abuse, ne-
glect, and exploitation’, ‘domestic violence’, and
‘older individual’ have the meanings given the terms
in section 102 of the Older Americans Act of 1965
(42 U.S.C. 3002).

“(2) SEXUAL ASSAULT.—The term ‘sexual ass-
sault’ has the meaning given the term in section

“SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

“The Attorney General shall make grants to law school clinical programs for the purposes of funding the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

“SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.

“The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers and prosecutors in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

“SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.”.
CHAPTER 2—FAMILY VIOLENCE

PREVENTION AND SERVICES ACT

SEC. 604–1. DEFINITIONS.

Section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408) is amended by adding at the end the following:

“(7) The term ‘older individual’ has the meaning given the term in section 102 of the Older Americans Act of 1965.”.

SEC. 604–2. DOMESTIC VIOLENCE SERVICES FOR OLDER INDIVIDUALS.

Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) work with domestic violence programs to encourage the development of programs targeted to older individuals, including outreach, support groups, and counseling.”.
SEC. 604-3. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

Section 318(b)(2)(F) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(b)(2)(F)) is amended by inserting “and adult protective services entities” before the semicolon.

CHAPTER 3—OLDER AMERICANS ACT OF 1965

SEC. 605-1. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

“(45) The term ‘domestic violence’ includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person related by blood or marriage to the victim, by a person who is cohabiting with or has cohabited with the victim, by a person with whom the victim shares a child in common, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction of the victim, or by any other person against a victim who is protected from that per-
son’s acts under the domestic or family violence laws of the jurisdiction.

“(46) The term ‘sexual assault’ has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).”.

SEC. 605–2. RESEARCH ABOUT THE SEXUAL ASSAULT OF WOMEN WHO ARE OLDER INDIVIDUALS.

Section 202(d)(3)(C) of the Older Americans Act of 1965 (42 U.S.C. 3012(d)(3)(C)) is amended—

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

(2) by striking the period at the end of clause (ii) and inserting “; and”; and

(3) by adding at the end the following:

“(iii) in establishing research priorities under clause (i), consider the importance of research about the sexual assault of women who are older individuals.”.

SEC. 605–3. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(1)) is amended by inserting before the period the following: “, except that for grants to carry out section 321(a)(10), there are authorized to be
appropriated such sums as may be necessary without fiscal year limitation”.

SEC. 605–4. TRAINING FOR HEALTH PROFESSIONALS ON SCREENING FOR ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by adding at the end the following:

“(f)(1) The Secretary shall, in consultation with the Assistant Secretary, develop curricula and implement continuing education training programs for protective service workers, health care providers, social workers, clergy, and other community-based social service providers in settings, including senior centers, adult day care settings, and senior housing, to improve their ability to recognize and address instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

“(2) In carrying out paragraph (1), the Secretary shall develop and implement separate curricula and training programs for adult protective services workers, medical students, physicians, physician assistants, nurse practitioners, nurses, and clergy.”.
SEC. 605–5. DOMESTIC VIOLENCE SHELTERS AND PROGRAMS FOR OLDER INDIVIDUALS.

Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)) is amended—

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

(2) by striking the period at the end of paragraph (12) and inserting a semicolon; and

(3) by adding at the end the following:

“(13) expand access to domestic violence shelters and programs for older individuals and encourage the use of senior housing, nursing homes, or other suitable facilities or services when appropriate as emergency short-term shelters or measures for older individuals who are the victims of elder abuse, including domestic violence, and sexual assault, against older individuals; and

“(14) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters, such as impediments to provision of the services in coordination with delivery of health care or senior services.”.

SEC. 605–6. AUTHORIZATION OF APPROPRIATIONS.

(a) OMBUDSMAN PROGRAM.—Section 702(a) of the Older Americans Act of 1965 (42 U.S.C. 3058a(a)) is amended to read as follows:
“(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2 such sums as may be necessary without fiscal year limitation.”.

(b) ELDER ABUSE PREVENTION PROGRAM.—Section 702(b) of the Older Americans Act of 1965 (42 U.S.C. 3058a(b)) is amended to read as follows:

“(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3 such sums as may be necessary without fiscal year limitation.”.

SEC. 605-7. COMMUNITY INITIATIVES AND OUTREACH.

Title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.) is amended—

(1) by redesignating subtitle C as subtitle D;

(2) by redesignating sections 761 through 764 as sections 771 through 774, respectively; and

(3) by inserting after subtitle B the following:

“Subtitle C—Community Initiatives and Outreach

SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER ABUSE, NEGLECT, AND EXPLOITATION.

“The Secretary shall make grants to nonprofit private organizations to support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and preven-
tion of elder abuse, neglect, and exploitation, including do-
mestic violence, and sexual assault, against older individ-
uals.

“SEC. 762. OUTREACH TO OLDER INDIVIDUALS.

“The Secretary shall make grants to develop and im-
plement outreach programs directed toward assisting older
individuals who are victims of elder abuse, neglect, and
exploitation (including domestic violence, and sexual as-
sault, against older individuals), including programs di-
rected toward assisting the individuals in senior housing
complexes and senior centers.

“SEC. 763. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out
this subtitle such sums as may be necessary without fiscal
year limitation.”.

CHAPTER 4—PUBLIC HEALTH SERVICE

ACT

SEC. 606-1. SHORT TITLE.

This title may be cited as the “Elder Abuse Identifi-
fication and Referral Act of 1998”.

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SEC. 606-2. ESTABLISHMENT, FOR CERTAIN HEALTH PROFESSIONS PROGRAMS, OF PROVISIONS REGARDING IDENTIFICATION AND REFERRAL FOR ELDER ABUSE AND NEGLECT.

(a) Title VII Programs; Preferences in Financial Awards.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended in title VIII of this Act, is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following subsection:

“(d) Preferences Regarding Training in Identification and Referral of Victims of Elder Abuse and Neglect.—

“(1) In general.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training (such as training conducted in accordance with curricula or programs authorized under section 411(f) of the Older Americans Act of 1965 (42 U.S.C. 3031(f))), in carrying out the following functions as a provider of health care:
“(A) Identifying victims of elder abuse and neglect, including domestic violence, and sexual assault, against older individuals, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim’s injuries.

“(B) Examining and treating such victims, within the scope of the health professional’s discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of elder abuse and neglect.

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

“(2) RELEVANT HEALTH PROFESSIONS ENTITIES.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing (as defined in section 298b), a program for the training of physician assistants, or a program for the training of allied health professionals.
“(3) Report to Congress.—Not later than 2 years after the date of the enactment of the Elder Abuse Identification and Referral Act of 1998, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying—

“(A) the health professions entities that are receiving preference under paragraph (1);

“(B) the number of hours of training required by the entities for purposes of such paragraph;

“(C) the extent of clinical experience so required; and

“(D) the types of courses through which the training is being provided.

“(4) Definitions.—In this subsection:

“(A) in general.—The terms ‘abuse’, ‘neglect’, ‘domestic violence’, and ‘older individual’ have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

“(B) Elder abuse and neglect.—The term ‘elder abuse and neglect’ means abuse and neglect of an older individual.
“(C) Sexual assault.—The term ‘sexual assault’ has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).”.

(b) Title VIII programs; preferences in financial awards.—Section 860 of the Public Health Service Act (42 U.S.C. 298b–7) as amended by title VIII of this Act is amended by adding at the end the following:

“(g) Preferences regarding training in identification and referral of victims of elder abuse and neglect.—

“(1) In general.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training (such as training conducted in accordance with curricula or programs authorized under section 411(g) of the Older Americans Act of 1965 (42 U.S.C. 3031(f))), in carrying out the following functions as a provider of health care:
“(A) Identifying victims of elder abuse and
neglect, including domestic violence, and sexual
assault, against older individuals, and maintain-
ing complete medical records that include docu-
mentation of the examination, treatment given,
and referrals made, and recording the location
and nature of the victim’s injuries.

“(B) Examining and treating such victims,
within the scope of the health professional’s dis-
cipline, training, and practice, including, at a
minimum, providing medical advice regarding
the dynamics and nature of elder abuse and ne-
glect.

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

“(2) RELEVANT HEALTH PROFESSIONS ENTI-
ties.—For purposes of paragraph (1), a health pro-
fessions entity specified in this paragraph is any en-
tity that is a school of nursing or other public or
nonprofit private entity that is eligible to receive an
award described in such paragraph.

“(3) REPORT TO CONGRESS.—Not later than 2
years after the date of the enactment of the Elder
Abuse Identification and Referral Act of 1998, the
Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying—

“(A) the health professions entities that are receiving preference under paragraph (1);

“(B) the number of hours of training required by the entities for purposes of such paragraph;

“(C) the extent of clinical experience so required; and

“(D) the types of courses through which the training is being provided.

“(4) DEFINITIONS.—In this subsection:

“(A) IN GENERAL.—The terms ‘abuse’, ‘neglect’, ‘domestic violence’, and ‘older individual’ have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

“(B) ELDERS ABUSE AND NEGLECT.—The term ‘elder abuse and neglect’ means abuse and neglect of an older individual.

“(C) SEXUAL ASSAULT.—The term ‘sexual assault’ has the meaning given the term in section 2003 of the Omnibus Crime Control and

(c) CONFORMING AMENDMENT.—Section 411(f) of the Older Americans Act of 1965 (as added by section 605–4) is amended by adding at the end the following:

“(3) In carrying out paragraph (1), the Secretary shall provide information about the curricula and training programs to entities described in sections 791(c)(2) and 860(f)(2) of the Public Health Service Act (42 U.S.C. 295j(c)(2) and 298b–7(f)(2)) that seek grants or contracts under title VII or VIII of such Act.”.

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

SEC. 611. SHORT TITLE.

This subtitle may be cited as the “Protections Against Violence and Abuse for Women With Disabilities Act”.

SEC. 612. FINDINGS.

The Congress finds that—

(1) women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others;
(2) in domestic violence cases, women with disabilities stay with their batterers almost twice as long as women without disabilities;

(3) violence and abuse against women with disabilities takes many forms, including verbal abuse, physical abuse, sexual assault, forced isolation, control over economic resources, and the withholding of equipment, medication, transportation, or personal care assistance;

(4) many women with disabilities fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized;

(5) many women with disabilities are unable to leave abuse or violent spouses or cohabitants because of the inaccessibility of services or the fear of abandoning dependent children; and

(6) law enforcement, the criminal justice system, legal services, and victim services are often not equipped or trained to effectively identify and respond to abuse or violence against women with disabilities.

SEC. 613. OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amend-
ed in paragraph (5) by striking “and domestic violence;”
and inserting “, domestic violence, and the forms of vio-
ience and abuse particularly suffered by women with dis-
abilities;”.

SEC. 614. PUBLIC HEALTH AND HUMAN SERVICES ACT.

Section 1910A(5) of the Public Health and Human
Services Act (42 U.S.C. 300w–10(a)(5)) is amended by
striking the period at the end of paragraph (5) and insert-
ing “, and among persons with disabilities.”.

SEC. 615. FAMILY VIOLENCE PREVENTION AND SERVICES

ACT.

Section 318(b)(2) of the Family Violence Prevention
and Services Act (42 U.S.C. 10418(b)(2)) is amended—
(1) by striking “and” at the end of subpara-
graph (G);
(2) by redesignating subparagraph (H) as sub-
paragraph (I); and
(3) by inserting after subparagraph (G) the fol-
lowing new subparagraph:
“(H) groups that provide services to or ad-
vocate on behalf of persons with disabilities;
and”.

SEC. 616. VIOLENCE AGAINST WOMEN ACT.

(a) Section 40291(a) of the Safe Homes for Women
Act of 1994 (42 U.S.C. 13961(a)) is amended—
(1) by inserting “and toward persons with disabilities,” after “language minority communities”; and

(2) by inserting “, as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(7))” after “needs of underserved populations”.

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

(1) in paragraph (6), by inserting “, stereotyping of persons with disabilities who are victims of rape, sexual assault, abuse, or violence” after “racial stereotyping of rape victims”;

(2) in paragraph (13), by inserting “or among persons with disabilities,” after “socioeconomic groups,”;

(3) by striking “and” at the end of paragraph (21) (as amended by title I of this Act);

(4) by striking the period at the end of paragraph (22) (as amended by title I of this Act); and

(5) by inserting after paragraph (22) the following:

“(23) issues related to violence and abuse against persons with disabilities, including the na-
ture of physical, mental, and communications dis-
abilities; the special vulnerability to violence of per-
sons with disabilities; and the types of violence and
abuse experienced by persons with disabilities;

“(24) the requirements placed on courts and
judges under existing disability laws, including the
requirements to provide appropriate auxiliary aids
and services and to ensure physical access; and

“(25) the stereotypes regarding the fitness of
persons with disabilities to retain custody of chil-
dren, especially in domestic violence cases.”.

SEC. 617. TRAINING PROGRAMS FOR SOCIAL SERVICE AND
HEALTH PROVIDERS.

(a) The Secretary of Health and Human Services
may develop curricula and implement training and con-
tinuing education programs for protective services work-
ners, health providers, social workers, clergy, independent
living center case workers, and other community-based
disability-related service providers to improve their ability
to recognize and address instances of domestic violence di-
rected against women with disabilities.

(b) There are authorized to be appropriated to carry
out the purposes of this section $10,000,000 for each of
SEC. 618. TRAINING FOR HEALTH PROFESSIONALS ON SCREENING FOR ABUSE OF WOMEN WITH DISABILITIES.

(a) The Secretary of Health and Human Services may make grants and enter into contracts to establish and carry out the training of health professionals, including physicians, nurses, physician assistants, and nurse practitioners, to ensure they will receive training in screening for abuse of women with disabilities and instruction in appropriate actions when cases of abuse are identified.

(b) There are authorized to be appropriated to be used to award grants under this section $10,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

SEC. 619. RESEARCH ABOUT SEXUAL ABUSE AND VIOLENCE AGAINST WOMEN WITH DISABILITIES.

In establishing research priorities under title IX of this Act, the Secretary shall consider the importance of research about the sexual assault of, and violence against, women with disabilities.

SEC. 619-1. GRANTS FOR TECHNICAL ASSISTANCE.

(a) The Attorney General may establish a grants program for States and nongovernmental private entities to provide education and technical assistance for the purpose of distributing information on abuse and violence against women with disabilities. Information shall be distributed to independent living centers, disability-related service or-
ganizations, domestic violence programs providing shelter
or related assistance, other victim services organizations,
and to women with disabilities. Education and technical
assistance may include providing information on—

(1) what is required of shelters and victim serv-
ices organizations under the Americans with Disabil-
ities Act and section 504 of the 1973 Rehabilitation
Act;

(2) suggestions as to low-cost ways that shelters
and victim services may implement the Americans
with Disabilities Act; and

(3) the particular nature, definition, and char-
acteristics of violence and abuse experienced by
women with disabilities.

(b) There are authorized to be appropriated to carry
out the purposes of this section $10,000,000 for each of

Subtitle C—Battered Immigrant Women

SEC. 621. SHORT TITLE.

This subtitle may be cited as the “Battered Immigrant Women’s Protection Act”.

SEC. 622. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—
(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children; and

(3) there are several groups of battered immigrant women and children who do not have access to VAWA’s immigration protections, which means that their abusers are virtually immune from prosecution because their victims can be deported and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to promote criminal prosecutions of all persons who commit acts of battery or extreme cruelty against immigrant women and children;
(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State protection order, domestic violence, and family law statutes; and

(3) to correct erosions of Violence Against Women Act immigration protections that occurred as a result of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

(e) SENSE OF CONGRESS.—It is contrary to the law enforcement purposes of the Violence Against Women Act for State law enforcement officers, prosecutors, or judges to inquire into the immigration status of a domestic violence victim who is seeking protection from crimes of domestic violence, battering, or extreme cruelty that are being committed against the immigrant or her children, and for law enforcement officers, prosecutors, or courts to report domestic violence victims to the Immigration and Naturalization Service.

SEC. 623. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.

(a) Section 240A(b)(2) of the Immigration and Nationality Act is amended to read as follows:

“(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—
“(A) IN GENERAL.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

“(i) the alien has been battered or subjected to extreme cruelty in the United States by a spouse, parent, son, or daughter who is a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty in the United States by such citizen parent), or by a United States citizen who filed a non-immigrant visa for the alien under section 101(a)(15)(K) who has not married the alien or has married the alien more than 90 days after the alien’s entry, or by a spouse or parent who is a lawful permanent resident (or is the parent of a child of a lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such permanent resident parent), or by a United
States citizen or lawful permanent resident whom the alien intended to marry, but who’s marriage is not legitimate because of that United States citizen or lawful permanent resident’s bigamy, or by a non-immigrant visa holder;

“(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application; the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

“(iii) the alien has been a person of good moral character during such period; and

“(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraph (1)(G) or (2) through (4) of section 237(a), and has not been convicted of an aggravated felony, unless the Attorney General in the exercise of discretion waives application of this clause for humanitarian
purposes, to assure family unity or when it is otherwise in the public interest, in the exercise of discretion.

In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General. The amendment made by clause (ii) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587).

“(B) GOOD MORAL CHARACTER DETERMINATIONS.—For the purposes of making ‘good moral character’ determinations under this section, the Attorney General may waive the bar to issuing a finding of good moral character in the case of an alien who has been battered or subjected to extreme cruelty but who has also been convicted of, or who pled guilty to, violating a court order issued to protect the alien or forced prostitution, or who committed, or who was convicted of or pled guilty to committing a crime if the alien committed the crime under
duress from the person who battered or sub-
jected the alien to extreme cruelty, or to a do-
местиче crime when the Attorney
General determines that the alien acted in self-
defense. After finding that an alien has been
battered or subject to extreme cruelty and is
otherwise eligible for relief under this para-
graph, the Attorney General may enter a find-
ing of ‘good moral character’ despite the exist-
ence of a disqualifying criminal act or a crimi-
nal conviction.

“(C) INCLUSION OF OTHER ALIENS IN PETI-
TION.—An alien applying for relief under section
244(a)(3) (as in effect before the enactment of the
Illegal Immigration Reform and Immigrant Respon-
sibility Act of 1996) or this paragraph may include
alien children, sons, or daughters in their applica-
tions and the Attorney General may adjust the sta-
tus of the alien’s children, sons, daughters, or in the
case of an application filed by an alien child, par-
ent.”.

(b) Section 240A(d)(2) of the Immigration and Na-
tonality Act is amended to read as follows:

“(2) An alien shall be considered to have failed
to maintain continuous physical presence in the
United States under subsections (b)(1) and (b)(2) if the alien has departed from the United States for any period in excess of 90 days or for periods in the aggregate exceeding 180 days. In the case of an alien who has been battered or subjected to extreme cruelty, the Attorney General may waive the provisions of this section for humanitarian purposes.”.

(c) Section 244(a)(3) of the Immigration and Nationality Act (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) is amended by adding at the end the following new subparagraph:

“(I)(i) For the purposes of making good moral character determinations under this section, the Attorney General may waive the bar to issuing a finding of good moral character in the case of an alien who has been battered or subjected to extreme cruelty but who has also been convicted of, or who pled guilty to, violating a court order issued to protect the alien or forced prostitution or committed or who was convicted of or pled guilty to committing a crime under duress from the person who battered or subjected the alien to extreme cruelty, or who was convicted of or pled guilty to a domestic vio-
lence-related crime if the Attorney General de-
determines that the alien acted in self-defense.

“(ii) After finding that an alien has been
battered or subjected to extreme cruelty and
would otherwise qualify for relief under this sec-
tion, the Attorney General may in his or her
sole discretion enter a finding of good moral
character despite the existence of a disqualify-
ing criminal act or a criminal conviction.”.

(d) Section 240A(b)(2) of the Immigration and Na-
tionality Act is amended—

(1) by inserting “and the alien’s children, sons,
or daughters if the alien” after “alien lawfully ad-
mitted for permanent residence, an alien”;  
(2) by striking “who” before “is inadmissible or
deportable”; and  
(3) by inserting “and” before “if the alien dem-
onstrates that—”.

(e)(1) Section 244(a)(3) of the Immigration and Na-
tionality Act (as in effect before the enactment of the Ille-
gal Immigration Reform and Immigrant Responsibility
Act of 1996) is amended by inserting “, son or daughter
who is a United States citizen” after “(or is the parent
of a child of a United States citizen or lawful permanent
resident and the child has been battered or subjected to
extreme cruelty in the United States by such citizen or
permanent resident parent’’.

(2) Section 244(a)(3) of the Immigration and Nation-
ality Act (as in effect before the enactment of the Illegal
Immigration Reform and Immigrant Responsibility Act of
1996) is amended by striking ‘‘child’’ at the end and in-
serting ‘‘son or daughter’’.

(f) Section 244(a)(3) of the Immigration and Nation-
ality Act (as in effect before the enactment of the Illegal
Immigration Reform and Immigrant Responsibility Act of
1996) is amended by striking all that follows ‘‘and is a
person of good moral character.’’.

(g) Section 244(a)(3) of the Immigration and Nation-
ality Act (as in effect before the enactment of the Illegal
Immigration Reform and Immigrant Responsibility Act of
1996) is amended by adding at the end the following:

‘‘The Attorney General, in his or her discretion, may de-
termine that an alien may apply for benefits under this
subparagraph notwithstanding the fact that he or she is
deportable under paragraph (2) of section 237(a), for hu-
manitarian purposes, to assure family unity or when it is
otherwise in the public interest.’’.

(h) Section 244(a)(3) of the Immigration and Nation-
ality Act (as in effect before the title III–A effective date
of the Illegal Immigration Reform and Immigrant Respon-
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sibility Act of 1996 (Public Law 104–208; division C; 110
Stat. 3009–625)) is amended by adding at the end the
following: “The Attorney General may waive the physical
presence requirement for humanitarian purposes.”

(i)(1) IN GENERAL.—Section 309(c)(5)(C) of the Il-
legal Immigration Reform and Immigrant Responsibility
Act of 1996 (8 U.S.C. 1101 note) (as amended by section
203 of the Nicaraguan Adjustment and Central American
Relief Act) is amended

(A) by amending the subparagraph heading to
read as follows:

“(C) SPECIAL RULE FOR CERTAIN ALIENS
GRANTED TEMPORARY PROTECTION FROM DE-
PORTATION AND FOR BATTERED SPOUSES AND
CHILDREN.—”; and

(B) in clause (i)—

(i) by striking “or” at the end of subclause
(IV);

(ii) by striking the period at the end of
subclause (V) and inserting “; or”; and

(iii) by adding at the end the following:

“(VI) is an alien who was issued
an order to show cause or was in de-
portation proceedings prior to April 1,
1997, and who applied for suspension
of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of the Act).”.

(2) Effective Date.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

SEC. 624. GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION.

(a) Section 212(a)(9)(A)(iii) of the Immigration and Nationality Act is amended by adding at the end the following:

“Clauses (i) and (ii) shall also not apply to aliens to whom the Attorney General has granted status under section 204(a)(1)(A)(iii), (iv), or (v) or classification under section 204(a)(1)(B)(ii) or (iii).”.

(b) Section 212(a)(6)(A)(ii) of the Immigration and Nationality Act is amended by striking subclause (III).

(c) Section 212(a)(9)(B)(iii)(IV) of the Immigration and Nationality Act is amended by striking “if ‘violation of the terms of the alien’s nonimmigrant visa’ were sub-
stituted for ‘unlawful entry into the United States’ in sub-
clause (III) of that paragraph”.

(d) Section 212(a)(6)(A)(ii)(I) of the Immigration
and Nationality Act is amended by inserting “(A)(v),”
after “(A)(iv)”.

(e)(1) Section 212(a)(6)(A)(ii)(II)(a) of the Immigra-
tion and Nationality Act is amended by striking “by a
spouse or parent or by a member of the spouse or parent’s
family residing in the same household as the alien and
the spouse or parent consented to, or acquiesced in, such
battering or cruelty” and inserting “by a spouse, parent,
son, or daughter, or by any person having a relationship
with the alien covered by the civil or criminal domestic
violence statutes of the State or Indian country where the
alien resides, or the State or Indian country in which the
alien, the alien’s child, or the alien child’s parent received
a protection order, any individual against whom the alien
could obtain a protection order”.

(2) Section 212(a)(6)(A)(ii)(II)(b) of the Immigra-
tion and Nationality Act is amended by striking “or by
a member of the spouse’s or parent’s family residing in
the same household as the alien when the spouse or parent
consented to or acquiesced in such battery or cruelty” and
inserting “or by any person having a relationship with the
alien covered by the civil or criminal domestic violence
statutes of the State or Indian country where the alien resides, or the State or Indian country in which the alien, the alien’s child, or the alien child’s parent received a protection order, any individual against whom the alien could obtain a protection order”.

(f) Section 212(a)(4) of the Immigration and Nationality Act is amended by adding at the end the following new subparagraph:

“(E) EXCEPTION.—Subparagraph (A) shall not apply to—

“(i) an alien who qualifies for status as a spouse, parent, or child of a United States citizen or lawful permanent resident pursuant to clause (iii), (iv), or (v) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B);

“(ii) an alien who qualifies for status as the spouse, parent, or child of a United States citizen or lawful permanent resident under section 204(a)(1)(A)(i) or (ii) or section 204(a)(1)(B)(i) and who has been battered or subjected to extreme cruelty shall be exempted from the provisions of this paragraph, as shall derivative children included in the alien’s application ‘of an
alien lawfully admitted for permanent residence’; or

“(iii) derivatives of aliens under clause (i) or (ii) of this subparagraph.”.

(g) Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act is amended by inserting “to an alien described in paragraph (6)(A)(ii)(I) and (II), or” after “clause (i) shall not apply”.

(h) Section 212(i) of the Immigration and Nationality Act is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “or in the case of an alien granted status under section 204(a)(1)(A)(iii), (iv), or (v) or classification under section 204(a)(1)(B)(ii) or (iii), the alien demonstrates extreme hardship to the alien or the alien’s United States citizen or lawful permanent resident parent, child, son, or daughter”; and

(2) by adding at the end the following:

“(3) The Attorney General may also waive the application of clause (ii) of subsection (a)(6)(C) in the case of an alien who qualifies for status under clause (iii), (iv), or (v) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B), for humani-
tarian purposes, to assure family unity or when it is other-
wise in the public interest.”.

(i) Section 212(a)(6)(G) of the Immigration and Na-
tionality Act is amended by adding immediately before the
period at the end the following:

“, unless the nonimmigrant qualifies for relief because of
battering or extreme cruelty under section
204(a)(1)(A)(iii), (iv), or (v), 204(a)(1)(B)(ii) or (iii), or
section 240A(b)(2)”.

(j) Section 212(g) of the Immigration and National-
ity Act is amended by adding at the end the following new
paragraph:

“(4) subsection (a)(1)(A)(iv) in the case of any
alien granted status under section 204(a)(1)(A)(iii),
(iv), or (v) or classification under section
204(a)(1)(B)(ii) or (iii) when the alien demonstrates
a substantial connection between the battering or ex-
treme cruelty and use of alcohol or illicit sub-
stances.”

(k)(1) Section 212(h)(1)(B) of the Immigration and
Nationality Act is amended by deleting “and” at the end
and replacing it with “or”.

(2) Section 212(h)(1) of the Immigration and Na-
tionality Act is amended by adding the following new sub-
paragraph after subparagraph (B):
“(C) In the case of an alien who qualifies for status under clause (iii), (iv), or (v) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B) if it is established to the satisfaction of the Attorney General that the alien’s denial of admissibility would result in extreme hardship to the alien or the alien’s United States citizen or lawful permanent resident parent, child, son, or daughter”.

(3) Section 212(h) of the Immigration and Nationality Act is amended by adding at the end the following new paragraph:

“(3) Special rule for battered immigrant women and children.—The Attorney General, in her discretion, may waive the application of subsection (a)(2) in the case of an alien granted status under section 204(a)(1)(A)(iii), (iv), or (v) and section 204(a)(1)(B)(ii) or (iii) for humanitarian purposes, to assure family unity or when it is otherwise in the public interest.”.

(l) Section 212(a)(2)(A)(ii) is amended—

(1) in subclause (II), by striking the period and inserting “, or”; and

(2) by adding after subclause (II) the following:
“(III) the crime was committed by the alien acting in self-defense or under duress caused by a person who subjected the alien to battering or extreme cruelty.”.

SEC. 625. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) Section 204(a)(1)(A) of the Immigration and Nationality Act is amended by adding at the end the following new clause:

“(vi)(I) For the purposes of making good moral character determinations under this section, the Attorney General may waive the bar to issuing a finding of ‘good moral character’ in the case of an alien who otherwise qualifies for relief under section 204(a)(1)(A)(iii), (iv), and (v), but who has also been convicted of, or who pled guilty to, violating a court order issued to protect the alien or forced prostitution, or committed or who was convicted of or pled guilty to committing a crime under duress from the person who battered or subjected the alien to extreme cruelty, or to a domestic violence-related
crime, when the Attorney General determines that the alien acted in self-defense.

“(II) After finding that an alien has been battered or subjected to extreme cruelty and is otherwise eligible for relief under section 204(a)(1)(A)(iii), (iv), or (v), the Attorney General may enter a finding of ‘good moral character’ despite the existence of a disqualifying criminal act or criminal conviction.”.

(b) Section 204(a)(1)(B) of the Immigration and Nationality Act is amended by adding at the end the following new clause:

“(iv)(I) For the purposes of making good moral character determinations under this section, the Attorney General may waive the bar to issuing a finding of good moral character in the case of an alien who otherwise qualifies for relief under section 204(a)(1)(B)(ii) and (iii), but who has also been convicted of, or who pled guilty to, violating a court order issued to protect the alien or forced prostitution, or committed or was convicted of or pled guilty to committing a crime under duress from the
person who battered or subjected the alien to extreme cruelty, or to a domestic violence-related crime, when the Attorney General determines that the alien acted in self-defense.

“(II) After finding that an alien has been battered or subjected to extreme cruelty and is otherwise eligible for relief under section 204(a)(1)(B)(ii) and (iii), the Attorney General may in his or her sole discretion enter a finding of good moral character despite the existence of a disqualifying criminal act or criminal conviction.”.

(c) Section 204(a)(1)(A) of the Immigration and Nationality Act is amended by adding at the end the following new clause:

“(vii) For the purposes of petitions filed under section 204(a)(1)(A)(iii) and (iv), loss or renunciation or changes to the abuser’s citizenship status after filing of the petition shall not preclude the categorization of the eligible self-petitioning spouse or children as an immediate relative.”.
(d) Section 204(a)(1)(B) of the Immigration and Nationality Act is amended by adding at the end the following new clause:

“(v)(I) For the purposes of petitions filed or approved under section 204(a)(1)(B)(ii) and (iii), changes in the immigration status of a lawful permanent resident spouse or parent subsequent to the filing of a petition under these sections shall not adversely affect adjudication of the petition and for approved petitions, shall not affect the alien’s ability to adjust status under section 245(a) or obtain status as a lawful permanent resident based on the approved self-petition under section 204(a)(1)(B)(ii) and (iii).

“(II) Upon the lawful permanent resident spouse or parent becoming a United States citizen through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service, and pending or approved under section 204(a)(1)(B) on behalf of an alien who has been battered or subjected to extreme cruelty to be auto-
matically reclassified as a petition filed under section 204(a)(1)(A) of this Act even if the reclassification occurs after di-

orce.”.

(e) Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act is amended to read as follows:

“(iii) An alien who—

“(I) is the spouse of a citizen of the United States, or intended spouse of a citizen of the United States, who is the beneficiary of a nonimmigrant visa filed for the alien by a United States citizen under section 101(a)(15)(K), but did not marry the citizen within 90 days of the alien’s entry, or is an illegitimate spouse due to the citizen’s bigamy, and is not le-

gally married to the citizen;

“(II) who is a person of good moral character;

“(III) who is eligible to be classi-

fied as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the ac-

tions of the United States citizen with
whom the alien intended to legally marry; and

“(IV) who has resided in the United States with the alien’s spouse or intended spouse, may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien if such a child has not been classified under clause (iv)) under such section if the alien demonstrates to the Attorney General that the alien is residing in the United States, the marriage or the intent to marry the United States citizen or lawful permanent resident batterer was entered into in good faith by the alien, and during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse.”.

(f) Section 204(a)(1)(A) of the Immigration and Nationality Act is further amended—
(1) by inserting “(or if the alien’s spouse is a member of the United States Armed Forces stationed abroad the alien may file a petition at a United States consulate abroad)” after “Attorney General” the first place it appears, and;

(2) in clause (iii), by inserting “(or has resided either within or outside the territory of the United States with the citizen spouse if the alien’s spouse is a member of the United States Armed Forces)” after “and who has resided in the United States with the alien’s spouse”.

(g) Section 204(a)(1)(A)(iii)(I) of the Immigration and Nationality Act is amended by striking “States,” and inserting “States (unless the alien’s spouse is a member of the United States military)”.

(h) Section 204(a)(1)(A) of the Immigration and Nationality Act is further amended—

(1) by inserting “(or if the alien’s parent is a member of the United States military stationed abroad the alien may file a petition at a United States consulate abroad)” after “Attorney General” the first place it appears; and

(2) in clause (iv), by inserting “(or has resided either within or outside the territory of the United States with the citizen parent if the alien’s parent
is a member of the United States Armed Forces)”
after “and who has resided in the United States
with the citizen parent”.

(i) Section 204(a)(1)(A)(iv)(I) of the Immigration
and Nationality Act is amended by inserting “(unless the
alien’s parent is a member of the United States military
stationed abroad)” after “United States”.

(j) Section 204(a)(1)(B) of the Immigration and Na-
tionality Act is amended—

(1) by inserting “(or if the alien’s spouse is a
member of the United States Armed Forces sta-
tioned abroad the alien may file a petition at a
United States consulate abroad)” after “Attorney
General” the first place it appears; and

(2) in clause (ii), by inserting “(or has resided
either within or outside the territory of the United
States with the legal permanent resident spouse if
the alien’s spouse is a member of the United States
Armed Forces)” after “and who has resided in the
United States with the legal permanent resident
spouse”.

(k) Section 204(a)(1)(B) of the Immigration and Na-
tionality Act is amended—

(1) by inserting “(or if the alien’s parent is a
member of the United States military stationed
abroad the alien may file a petition at a United
States consulate abroad)’’ after “Attorney General”
the first place it appears; and

(2) in clause (iii), by inserting “or has resided
either within or outside the territory of the United
States with the permanent resident parent if the
alien’s parent is a member of the United States
Armed Forces )” after “and who has resided in the
United States with the alien’s permanent resident
alien parent.”

(l) Section 204(a)(1)(A) of the Immigration and Na-
tionality Act is amended by adding at the end the follow-
ing:

“(v) An alien who is the parent of a
citizen of the United States, who is a per-
son of good moral character, who is eligible
to be classified as an immediate relative
under section 201(b)(2)(A)(i), and who has
resided in the United States with citizen
daughter or son (or has resided either
within or outside the territory of the of the
United States with the citizen daughter or
son if the alien’s daughter or son is a
member of the United States Armed
Forces) may file a petition with the Attor-
ney General (or if the alien’s daughter or son is a member of the United States Armed Forces stationed abroad the alien may file a petition at a United States consulate abroad) under this subparagraph for classification of the alien under such section if the alien demonstrates to the Attorney General that the alien is residing in the United States (unless the alien’s son or daughter is a member of the United States Armed Forces) and during the period of residence with the citizen son or daughter the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien’s citizen son or daughter.’’

(m) Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act is further amended by striking ‘‘who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i),’’ and inserting ‘‘who is or would have been eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who could have been so classified within 5 years prior to petitioning for immigration status as an immediate relative under section 201(b)(2)(A)(i),’’.
(n) Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act is further amended by striking “who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i),” and inserting “who is or would have been eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who could have been so classified within 5 years prior to petitioning for immigration status as an immediate relative under section 201(b)(2)(A)(i),”.

(o) Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act is amended by striking “who is eligible for classification under section 203(a)(2)(A),” and inserting “who is or would have been eligible for classification as a spouse of a lawful permanent resident under section 203(a)(2)(A), or who could have been so classified within 5 years prior to petitioning for immigration status as a spouse of a lawful permanent resident under section 203(a)(2)(A),”.

(p) Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act is amended by striking “who is eligible for classification under section 203(a)(2)(A) as a child of a lawful permanent resident,” and inserting “who is or would have been eligible for classification under section 203(a)(2)(A), or who could have been so classified within 5 years prior to petitioning for immigration status as a
child of a lawful permanent resident under section 203(a)(2)(A),”.

SEC. 626. GENERAL CLASSES OF DEPORTABLE ALIENS.

(a) Section 237(a)(2)(E) of the Immigration and Nationality Act is amended by inserting at the end the following new clause:

“(iii) The Attorney General may, upon determination that the alien was acting in self-defense, that the alien was not the primary perpetrator of violence in the relationship, that the alien was found to have violated a protection order intended to protect the alien, that the alien was convicted of committing a crime under duress from the person who subjected the alien to battering or extreme cruelty or for humanitarian purposes waive application of clause (i) and clause (ii).”.

(b)(1) Section 237(a)(2)(E)(ii) of the Immigration and Nationality Act is amended by striking “the court determines has engaged in conduct that violates” and inserting “a court has convicted in a criminal prosecution or a criminal contempt action of violating”.

(2) Section 237(a)(2)(E) is amended by adding at the end the following new clause:
“(iii) LIMITED EXCEPTION FOR FIRST OFFENDERS.—The Attorney General may waive deportability grounds for any alien convicted under clause (i) or (ii) of this subparagraph if the conviction was a first offense only for aliens who are making court ordered child support payments to the crime victim through a State court (through wage withholding whenever available) and who are participating in or have successfully completed a State certified batterers treatment program. Aliens convicted under clause (i) or (ii) for whom the Attorney General waives deportability shall again become deportable if they cease making court ordered child support payments or fail to comply with the terms of or fail to complete the certified batterers treatment program.”.

SEC. 627. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) Section 245(d) of the Immigration and Nationality Act is amended by adding at the end the following:
“(l) Aliens who are self-petitioning for permanent resident status under section 204(a)(1)(A)(iii) or 204(a)(1)(A)(iv) are exempt from the application of this subsection.”.

(b) Section 245(a) of the Immigration and Nationality Act is amended by striking “The status” and inserting “The status of an alien who qualifies for classification under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv), 204(a)(1)(A)(v), 204(a)(1)(B)(ii) and 204(a)(1)(B)(iii) or the status”.

(c) Section 245(c)(2) of the Immigration and Nationality Act is amended by inserting “, an alien who qualifies for classification under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv), 204(a)(1)(A)(v), 204(a)(1)(B)(ii) and (iii), of this title” after “1151(b) of this title”.

(d) Section 245(c)(4) of the Immigration and Nationality Act is amended by inserting “, or an alien who qualifies for classification under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv), 204(a)(1)(A)(v), 204(a)(1)(B)(ii), and 204(a)(1)(B)(iii)),” after “section 1151(b) of this title)”.

(e) Section 245(c)(5) of the Immigration and Nationality Act is amended by adding before the semicolon at the end “(other than an alien who qualifies for classification under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv), 204(a)(1)(A)(v), 204(a)(1)(B)(ii), and 204(a)(1)(B)(iii))”. 
(f) Section 245(c)(8) of the Immigration and Nationality Act is amended by adding before the semicolon at the end “(other than an alien who qualifies for classification under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv), 204(a)(1)(A)(v), 204(a)(1)(B)(ii), and 204(a)(1)(B)(iii))”. The amendments made in these sections shall apply to applications for adjustment of status pending on or after the date of enactment.

SEC. 628. REMOVAL PROCEEDINGS.

Section 240(c)(6)(C) of the Immigration and Nationality Act is amended by adding the following new clause:

“(iv) SPECIAL RULE FOR BATTERED IMMIGRANT WOMEN AND CHILDREN.—

There is no time limit on the filing of a motion to reopen and the requirements of subparagraph (C)(iii) of this subsection do not apply and if the basis of the motion is to apply for relief under section 204(a)(1)(A)(iii), (iv), or (v), section 204(a)(1)(B)(ii) or (iii), section 240A(b)(2), or section 244(a)(3) (as in effect before the title III–A effective date of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public
Law 104–208; division C; 110 Stat. 3009–
625)).’’.

SEC. 629. MARRIED PERSONS AND EMPLOYEES OF CERTAIN
NONPROFIT ORGANIZATIONS.

Section 319(a) of the Immigration and Nationality
Act is amended—

(1) by inserting ‘‘, or any person who obtained
status as a lawful permanent resident because he or
she was married to or was the child of a United
States citizen spouse who battered him or her or
subjected him or her to extreme cruelty,’’ after
‘‘United States’’ the first place such term appears;

(2) by inserting ‘‘who (except in the case of a
person who obtained lawful permanent residence be-
cause he or she was married to or was the child of
a United States citizen who battered or subjected
him or her to extreme cruelty)’’ after ‘‘within the
United States for at least three years; and’’; and

(3) by inserting ‘‘or parent’’ after ‘‘has been liv-
ing in marital union with the citizen spouse’’.

SEC. 630. WORK AUTHORIZATION.

The Attorney General may authorize an alien who
has properly filed an application for relief under sections
204(a)(1)(A)(iii), (iv), or (v), 204(a)(1)(B)(ii) or (iii),
240A(b)(2) or 244(c)(3) (as in effect before the enactment
of the Illegal Immigration Reform and Immigrant Respons-
sibility Act of 1996) of the Immigration and Nationality
Act to engage in employment in the United States during
the pendency of such application and may provide the
alien with an “employment authorized” endorsement or
other appropriate document signifying authorization of
employment, except that if such application is pending for
a period exceeding 180 days, and has not been denied,
the Attorney General shall authorize such employment.

SEC. 631. RECORDS MAINTAINED ON INDIVIDUALS.

Section 552a(b) of title 5, United States Code, is
amended—

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

(2) at the end of paragraph (12) by striking the
period and inserting “; or”; and

(3) by adding after paragraph (12) the follow-
ing new paragraph:

“(13) to the spouse or child of a naturalized
United States citizen or lawful permanent resident
who requests information from the Immigration and
Naturalization Service regarding the immigration
status of their spouse or parent, or who needs to ob-
tain documentation in the form of official or public
records or copies thereof contained in the immigra-
tion file of a spouse or parent for the purpose of an immigration case or other domestic violence-related court or administrative court hearing; unless the records are those of a person who has presented to the Immigration and Naturalization Service evidence in the form of a judicial finding, administrative determination, or a police report demonstrating that the naturalized citizen or lawful permanent resident has been battered or subjected to extreme cruelty by their spouse or parent.”.

SEC. 632. WELFARE AND PUBLIC BENEFITS FOR ALIENS.

(a)(1) Section 501(c)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(A)) is amended by striking “by a spouse or a parent, or by a member of the spouse or parent’s family residing in the same household as the alien and the spouse or parent consented to, or acquiesced in, such battery or cruelty,” and inserting “by a spouse, parent, son, or daughter or by any person having a relationship with the alien covered by the civil or criminal domestic violence statutes of the State or Indian country where the alien resides, or the State or Indian country in which the alien, the alien’s child or the alien child’s parents received a protection order, or by any individual against whom the alien could obtain a protection order,”.
(2) Section 501(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) is amended—

(1) by striking “or” at the end of clause (iii); and

(2) by adding at the end the following:

“(v) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 Public Law 104–208; division C, (110 Stat. 3009–625)); or”.

(3) Section 501(c)(2)(A)) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) is amended by striking “by a spouse or a parent of the alien (without the active participation of the alien in the battering or cruelty), or by a member of the spouse or parent’s family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty,” and inserting “by a spouse, parent, son or daughter of the alien (without the active participation of the alien in the battering or cruelty) or by any person having a relationship with the alien covered by the civil or criminal domestic violence statutes of the State or Indian country where the alien
resides, or the State or Indian country in which the alien, the alien’s child or the alien child’s parent received a protection order, or by any individual against whom the alien could obtain a protection order,”.

(b) Section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended adding at the end the following:

“(I) CERTAIN BATTERED ALIENS.—Paragraph (1) shall not apply to an alien who has been battered or subjected to extreme cruelty in the United States and is a qualified alien under section 1641(c) of title 5, United States Code.”.

(c)(1) Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436(a)) is amended by adding at the end the following new subsection:

“(i) EXCEPTION TO INELIGIBILITY FOR HOUSING ASSISTANCE FOR CERTAIN BATTERED ALIENS.—The restrictions on use of assisted housing by aliens shall not apply to an alien who has been battered or subjected to extreme cruelty and is a qualified alien under section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1986 (8 U.S.C. 1641(c)) and shall not apply to any child included in the alien’s application for lawful immigration status. No private, government or non-profit organization providing shelter or services to
battered women or abused children receiving any Federal
funds shall deny assistance to applicants based on
alienage.”.

(2) Section 411A of the Social Security Act (42
U.S.C. 611a) is amended by adding at the end “Collection
or information about and inquiries into the immigration
status of a parent who is a United States citizen, lawful
permanent resident or qualified alien child is applying for
benefits shall not be made if the parent presents credible
evidence of battering or extreme cruelty whether or not
the parent is deemed to be part of the assistance unit and
State or Federal law.”.

(3) Section 1631(e)(9) of the Social Security Act (42
U.S.C. 1383(e)(9)) is amended by adding at the end “Col-
lection or information about and inquiries into the immi-
gration status of a parent who is a United States citizen,
lawful permanent resident or qualified alien child is apply-
ing for benefits shall not be made if the parent presents
credible evidence of battering or extreme cruelty whether
or not the parent is deemed to be part of the assistance
unit under State or Federal law.”.

(4) Section 27 of the United States Housing Act of
1937 (42 U.S.C. 1437y) is amended by adding at the end
“Collection or information about and inquiries into the im-
migration status of a parent who is a United States citi-
zen, lawful permanent resident or qualified alien child is applying for benefits shall not be made if the parent presents credible evidence of battering or extreme cruelty whether or not the parent is deemed to be part of the assistance unit under State or Federal law.”

SEC. 633. LEGAL SERVICES CORPORATION.

Section 502 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1998 (Public Law 105–119) is amended by adding at the end the following:

“(c) This section shall not be construed to prohibit a recipient from—

“(1) using funds derived from a source other than the Legal Services Corporation to provide related legal assistance (as that term is defined in subsection (b)(2)) to any alien who has been battered or subjected to extreme cruelty by a person with whom the alien has a relationship covered by the domestic violence laws of the State in which the alien resides or in which an incidence of violence occurred;

“(2) using Legal Services Corporation funds to provide related legal assistance to any alien who has been battered or subjected to extreme cruelty who qualifies for relief under sections 204(a)(1)(A)(iii),
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(iv), or (v) or section 204(a)(1)(B)(ii) or (iii) of the
Immigration and Nationality Act.”.

SEC. 634. VIOLENCE AGAINST WOMEN.

(a) The Omnibus Crime Control and Safe Streets Act
of 1968 (42 U.S.C. 3711 et seq.) is amended by adding
after section 2006 the following new section:

“SEC. 2007. MILITARY TRAINING CONCERNING DOMESTIC
VIOLENCE.

“Each branch of the United States military is re-
quired to train its supervisory military officers on domestic
violence, the dynamics of domestic violence in military
families, the types of protection available for battered im-
migrant women and children in the Violence Against
Women Act, and the problems of domestic violence in fam-
ilies in which a United States citizen or lawful permanent
resident member of the military is married to a non-
United States citizen.”

(b) Section 2001(a) of the Omnibus Crime Control
and Safe Streets Act of 1968 is amended by inserting “,
the Immigration and Naturalization Service and the Exec-
utive Office of Immigration Review,” after “Indian tribal
governments”.

c) Section 2001(b)(1) of the Omnibus Crime Control
and Safe Streets Act of 1968 is amended by inserting “,
immigration and asylum officers, immigration judges,”
after “law enforcement officers”.

(d) Section 2001(b) of the Omnibus Crime Control
and Safe Streets Act of 1968 is amended—

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

(2) at the end of paragraph (7) by striking the
period and inserting “; and”; and

(3) by inserting after paragraph (7) the follow-
ing new paragraph:

“(8) training justice system personnel on the
immigration provisions of the Violence Against
Women Act and their ramifications for victims of
domestic violence appearing in civil and criminal
court proceedings and potential immigration con-
sequences for the perpetrators of domestic violence.”

(e) Section 2101(c) of the Omnibus Crime Control
and Safe Streets Act of 1968 is amended by inserting be-
fore the period “certify that their laws, policies, and prac-
tices do not discourage or prohibit prosecutors and law
enforcement officers from granting access to information
about the immigration status of a domestic violence per-
petrator to the victim, the child, or their advocate.”.
SEC. 635. POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES.

Section 287(g)(10) of the Immigration and Nationality Act is amended by adding at the end the following: “It is the intent of the Congress that none of the provisions of this section have the effect of discouraging crime victim cooperation with law enforcement and prosecutors. Public policy favors encouraging prosecution of criminals, and nothing in this section shall be construed to discourage crime victims and domestic violence victims from reporting crimes committed against them to police, from cooperating in criminal prosecutions, or from obtaining from courts protection orders or other legal relief needed to protect crime victims from ongoing violence under State or Federal laws.”.

SEC. 636. EFFECTIVE DATE.

The amendments made by this subtitle shall be effective as if included in the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902–1955).

Subtitle D—Conforming Amendments to the Violence Against Women Act

SEC. 641. LAW ENFORCEMENT AND PROSECUTION GRANTS.

(a) Section 2001(b)(5) of the Omnibus Crime Control and Law Enforcement Act of 1968 (42 U.S.C. 3796gg(b)(5)) is amended by striking “to racial, cultural,
ethnic, and language minorities” and inserting “to underserved populations”.

(b) Section 2002 of the Omnibus Crime Control and Law Enforcement Act of 1968 (42 U.S.C. 3796gg–1(d)(1)(D)) is amended to read as follows: “demographic characteristics of the populations to be served, including marital status and the characteristics of any underserved populations”.

c) Section 2003 of the Omnibus Crime Control and Law Enforcement Act of 1968 (42 U.S.C. 3796gg–2(7)) is amended to read as follows: “the term ‘underserved populations’ includes populations underserved because of race, ethnicity, age, disability, sexual orientation, religion, alienage status, geographic location (including rural isolation), language barriers, and any other populations determined to be underserved by the State planning process; and”.

d) Section 2004 of the Omnibus Crime Control and Law Enforcement Act of 1968 (42 U.S.C. 3796gg–3(b)(3)) is amended by striking all that follows “relationship of victim to offender” and inserting “and the membership of persons served in any underserved populations; and”
SEC. 642. FAMILY VIOLENCE PREVENTION AND SERVICES ACT.

(a) Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking “populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation;” and inserting “populations underserved because of race, ethnicity, age, disability, sexual orientation, religion, alienage status, geographic location (including rural isolation), language barriers, and any other populations determined to be underserved;”

(b) Section 311(a)(4) (42 U.S.C. 10410(a)(4)) of the Family Violence Prevention and Services Act is amended by striking “underserved racial, ethnic or language-minority populations” and inserting “underserved populations, as that term is used in section 303(a)(2)(C)”.

(c) Section 316(e)(4) (42 U.S.C. 10416(e)(4)) is amended by striking all that follows “to the provision of services” and inserting “to underserved populations, as that term is used in section 303(a)(2)(C); and”.

TITLE VII—VIOLENCE AGAINST WOMEN AND THE WORKPLACE

SEC. 701. FINDINGS.

Congress finds that—

(1) victims and their families suffer from crime and its effects on a daily basis;
(2) domestic crime against adults accounts for approximately 15 percent of total crime costs in the United States each year;

(3) violence against women has been reported to be the leading cause of physical injury to women. It has a devastating impact on women’s physical and emotional health and financial security;

(4) the Department of Justice estimates that intimate partners commit more than 1,000,000 violent crimes against women every year;

(5) American workers who have been victims of crime too often suffer adverse consequences in the workplace as a result of their experiences as crime victims;

(6) crime victims are particularly vulnerable to changes in employment, pay, and benefits as a result of their victimizations, and are, therefore, in need of legal protection;

(7) the prevalence of violence against women at work is dramatic: homicide is the leading cause of death for women on the job; 8 percent of all rapes occur in the workplace; women who are victims of violent workplace crimes are twice as likely as men to know their attackers; husbands, boyfriends, and ex-partners commit 15 percent of workplace homi-
cides against women; one study found that three-quarters of battered women who work were harassed by telephone by their abuser at work;

(8) nearly 50 percent of rape victims lose their employment or are forced to quit their jobs following the crime. One quarter of battered women surveyed have lost a job due in part to the effects of domestic violence;

(9) the availability of economic support is a critical factor in battered women’s ability to leave abusive situations that threaten them and their children. Over half of battered women surveyed stayed with their batterers because they lacked resources to support themselves and their children;

(10) according to the National Institute of Justice, crime costs an estimated $450,000,000,000 annually in medical expenses, lost earnings, social service costs, pain, suffering, and reduced quality of life for victims, all of which harm our Nation’s productivity and drain our Nation’s resources. Violent crime accounts for $426,000,000,000 of this amount;

(11) rape exacts the highest costs-per-victim of any criminal offense, an estimated total of $127,000,000,000 per year. Recent governmental es-
estimates indicate that between 300,000 and 600,000 rapes and sexual assaults occur annually in the United States;

(12) other violent offenses take unacceptably high tolls on the economy as well, including assault ($93,000,000,000), murder ($71,000,000,000), drunk driving (excluding fatalities) ($61,000,000,000), and child abuse ($56,000,000,000);

(13) violent crime results in wage losses equivalent to 1 percent of all American earnings, causes 3 percent of the Nation’s medical spending and 14 percent of injury-related medical spending;

(14) estimates show that employers pay between $3,000,000,000 and $5,000,000,000 annually to cover the cost of crimes against employees and their families;

(15) surveys of business executives and corporate security directors also underscore the heavy toll that workplace violence takes on American women, businesses, and interstate commerce;

(16) 94 percent of corporate security and safety directors at companies nationwide rank domestic violence as a high-risk security problem;
(17) 49 percent of senior executives recently surveyed said domestic violence has a harmful effect on their company’s productivity, 47 percent said domestic violence negatively affects attendance, and 44 percent said domestic violence increases health care costs;

(18) only 12 States have enacted statutes forbidding employers from taking adverse action against employees who have been victims of crime and must participate in the criminal justice process during working hours. No State explicitly protects crime victims from other adverse action which may result from their experiences and status as crime victims; and

(19) existing Federal law neither expressly authorizes battered women to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning activities nor does it protect crime victims from retaliation, discharge, or other workplace penalties that may result from their experiences and status as crime victims.
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.

(a) Definition of Domestic Violence.—The term “domestic violence” includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

(b) Definition of Sexual Assault.—For purposes of this section, the term “sexual assault” means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United
States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

(c) Authority.—The Attorney General may make a grant in accordance with this section to a private, non-profit entity that meets the requirements of subsection (d), including a nonprofit entity operating within the boundaries of an Indian reservation, in order to provide for the establishment and operation of a national clearing-house and resource center to provide information and assistance to employers and labor organizations in their efforts to develop and implement appropriate responses to assist victims of domestic violence and sexual assault.

(d) Grantees.—Each applicant for a grant under this section shall submit to the Attorney General an application, which shall—

(1) demonstrate that the applicant—

(A) has a nationally recognized expertise in the area of domestic violence and sexual assault and a record of commitment and quality responses to reduce domestic violence and sexual assault; and

(B) will provide matching funds from non-Federal sources in an amount equal to not less
than 10 percent of the total amount of the
grant under this section; and

(2) include a plan to maximize, to the extent
practicable, outreach to employers (including private
companies, as well as public entities such as univer-
sities, and State and local governments) in develop-
ing and implementing appropriate responses to as-
sist employees who are victims of domestic violence
and sexual assault.

(e) USE OF GRANT AMOUNT.—A grant under this
section may be used for staff salaries, travel expenses,
equipment, printing, and other reasonable expenses nec-
essary to assemble, maintain, and disseminate to employ-
ers and labor organizations information on and appro-
priate responses to domestic violence and sexual assault,
including—

(1) training to promote a better understanding
of appropriate assistance to victims;

(2) conferences;

(3) outreach counseling;

(4) development of protocols and model work-
place policies;

(5) coordination of victim services; and

(6) assessments of the workplace costs of do-
mestic violence and sexual assault.
(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000 for each of fiscal years 1999 through 2003.

Subtitle B—Victims’ Employment Rights

SEC. 721. SHORT TITLE.

This subtitle may be cited as the “Victims’ Employment Rights Act”.

SEC. 722. PURPOSES.

Pursuant to the affirmative power of Congress to enact this Act under section 5 of the fourteenth amendment to the Constitution, as well as under clause 3, section 8 of article I of the Constitution, the purposes of this subtitle are—

(1) to promote the national interest in ensuring that crime victims can recover from the effects of crime and participate in the criminal justice process without fear of adverse economic consequences from their employers;

(2) to minimize the negative impact on inter-state commerce from dislocations of employees and decreases in productivity that may arise when employees are victimized by violent crime;

(3) to promote the purposes of the fourteenth amendment by protecting the rights of victims of
crime and by furthering the right of crime victims
to employment free from discrimination; and

(4) to accomplish the purposes set forth in
paragraphs (1) through (3) in a manner that accom-
modates the legitimate interests of employers and
protects the safety of all of those in the workplace.

SEC. 723. DISCRIMINATION.

(a) GENERAL RULE.—An employer shall not take or
threaten to take any adverse job action against any em-
ployee who is or has been a victim of crime based upon
that employee’s status, experience, or condition as a victim
of crime.

(b) DEFINITIONS.—For the purposes of this sub-
title—

(1) the term “employer” includes any person
acting directly or indirectly in the interest of an em-
ployer in relation to an employee, and includes a
public agency, but does not include any labor organi-
ization (other than when acting as an employer) or
anyone acting in the capacity of officer or agent of
such labor organization;

(2) the term “employ” includes to suffer or per-
mit to work for wages, benefits, or other compensa-
tion;
(3) the term “employee” means any person employed by an employer; this term includes full- or part-time persons employed for a fixed time period, temporary or leased basis, independent contractors, and persons participating in work assignments as a condition of receipt of State or Federal welfare benefits;

(4) the term “victim of crime” includes any employee who an employer knows or has reason to know has been the target of an Act or series of Acts that would come within the meaning of State or Federal offenses described in section 16 of title 18, United States Code, or that would form the basis for a felony or misdemeanor crime of domestic violence, assault, battery, sexual assault or stalking under State or Federal law, or that would form the basis for obtaining an order of protection as defined in 18 U.S.C. 2266 under applicable civil or criminal State or local law; this term also includes those employees against whom threats to commit such criminal offenses have been made, provided the employer knows or has reason to know that such threats have occurred;
(5) the term “adverse job action” means any action adversely affecting the employment status, wages, or benefits payable to the victim, including—

(A) demotion or suspension;

(B) dismissal from employment;

(C) refusal to hire;

(D) involuntary transfers;

(E) failure to make a reasonable accommodation as requested by the employee of the victim’s health and safety needs arising from the offense;

(F) loss of pay or benefits; and

(G) disciplinary procedure or action;

this provision shall not interfere with lawful employment policies providing for unpaid leave, except where State or Federal law or the employer’s existing leave policies provide for paid leave or continued benefits, that can lawfully be exercised to attend court proceedings or other activities related to the criminal offense;

(6) the term “based upon the employee’s status, condition, or experience as a crime victim” means any action affecting the terms or conditions of employment, as defined in subsection (b)(4) of this section, which would not have been made in the absence
of the employee’s status, condition, or experience as a crime victim, and which does not qualify for the exemptions allowed by section 726 of this subtitle;

(7) the term “reasonable accommodation” may include—

(A) job restructuring, part-time or modified work schedules, or reassignment to a vacant position or to another department or facility with equivalent wages and benefits or reassignment of the perpetrator if the perpetrator is also an employee, if necessary to protect the health or safety of the crime victim;

(B) making adjustments to existing facilities, for example, installing locks or alarms, which are necessary to protect the safety of the crime victim and others in the workplace;

(C) delaying disciplinary action for a reasonable period of time while the employee seeks assistance; and

(D) authorizing reasonable leave from work to seek medical help, legal assistance, counseling, safety planning, and any other activity necessitated by the crime that must be undertaken during hours of employment;
(8) the term “undue hardship” means an action requiring significant difficulty or expense, or any action that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business, when considered in light of the following factors:

(A) The nature and cost of the accommodation needed under this section.

(B) The overall financial resources of the employer; the number of persons employed at the facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility.

(C) The relationship between the seriousness of the crime and injuries suffered by the employee, or threatened to be made against the employee, and the proposed accommodation. In cases where the employee is a victim of domestic violence, the employer shall take into account the fact that incidents of domestic violence frequently escalate in seriousness, and that threats against the employee may result in violence.

(c) CONSTRUCTION.—
(1) **No disqualification for failure to prosecute.**—An employee who otherwise meets the definition of “victim of crime” under subsection (b)(4) shall not be disqualified from this subtitle’s protections if the crime alleged does not result in criminal prosecution or conviction of the perpetrator, provided the employer’s actions otherwise fall within the prohibitions of this subtitle.

(2) **No limitation to victims of workplace crimes.**—A crime victim shall be eligible for the protections of this subtitle regardless of the location of the crime or threats to commit crime which have been perpetrated against the employee.

(3) **No adverse job action for participation in criminal justice or civil proceedings.**—It shall be unlawful under this section to take an adverse job action against an employee who has been a victim of crime because that employee was absent from work to testify in a criminal or civil proceeding or to assist in the preparation of a criminal or civil proceeding arising from the alleged offense, and that testimony or preparation could not be made outside the employee’s regular working hours. An employee who seeks protection from adverse job actions under this subsection must provide
the employer with a minimum of twenty-four hours
notice prior to any such absences, and should make
all good faith efforts to provide as much notice as
possible.

SEC. 724. ENFORCEMENT.

(a) Civil Action by Employees—

(1) Liability.—Any employer who violates the
provisions of this subtitle shall be liable to any eligi-
ble employee affected for—

(A) damages equal to the amount of any
wages, salary, employment benefits, or other
compensation denied or lost to such employee
by reason of the violation, and any interest on
that amount calculated at the prevailing rate;

(B) any punitive damages, up to three
times the amount of actual damages sustained,
as the finder of fact shall deem appropriate;
and

(C) equitable relief as the court may deem
appropriate, including employment, reinsta-
ment, transfer, promotion, and adoption of poli-
cies to prevent future violations.

(b) Action by Department of Justice.—The De-
partment of Justice may bring a civil action in any court
of competent jurisdiction to recover the damages described
in subsection (a)(1) of this section.

(c) Remedies.—The powers, remedies, and procedures set forth in title VII of the Civil Rights Act of 1964 shall be the powers, remedies and procedures to enforce this subtitle, except that the time for filing charges specified in section 706(e) of title VII of the Civil Rights Act of 1961 shall not apply to causes of action arising under this subtitle; a charge under this title shall be filed within 365 days after the unlawful employment practice occurred.

(d) Exclusivity of Remedies.—These remedies shall be applicable to a claim under this section, unless after such claim arises the claimant voluntarily enters into an agreement to resolve the claim through arbitration or another procedure.

SEC. 725. ATTORNEY’S FEES.


SEC. 726. DEFENSES.

(a) Extraordinary Threats to Workplace Safety.—It may be a defense to liability under this subtitle if an adverse job action was necessary to protect the safety of an employee or other persons at the place of em-
employment; provided, to qualify for this exception, an em-
ployer must prove—

(1) that the employer took all reasonable steps
to protect the safety of the crime victim and others
at the workplace which, if successful, would not have
required the adverse job action; and

(2) no less adverse action was reasonably poss-
able without endangering the safety of the employee
or others at the workplace.

(b) **Essential Job Functions Impaired.**—It may
be a defense to liability under this subtitle if, despite rea-
sonable accommodation by the employer, the employee’s
experience as a crime victim has left the employee unable
to perform the essential functions of the employee’s job.
For purposes of this section, consideration shall be given
to the employer’s judgment as to what functions of a job
are essential.

(c) **Undue Hardship.**—It may be a defense to li-
ability under this subtitle if the employer can demonstrate
that reasonably accommodating the health and safety of
the crime victim would impose an undue hardship on the
operation of the business of the employer or would severely
threaten the integrity of the employer’s physical plant or
facilities. To qualify for this exemption, an employer shall
make good faith efforts to implement the employee's proposals for such reasonable accommodations.

(d) Restoration to Position.—An employee who is lawfully discharged, transferred, demoted, or suspended under subsection (a) of this section shall be entitled to restoration to the employee’s former position provided the conditions necessitating the change in employment no longer persist, and provided that restoration does not constitute an undue burden. The employee shall be entitled—

(1) to be restored by the employer to the position of employment held by the employee when the discharge, transfer, or suspension commenced; or

(2) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(e) Burden of Proof.—Once an employee establishes that an employer took an adverse job action against the employee after it knew or had reason to know that the employee had been a victim of crime, it shall be the employer’s burden to prove—

(1) that the adverse job action was not based upon the employee’s status, condition, or experience as a victim of crime; or

(2) that the employer’s actions fall within the defenses allowed under this section.
Subtitle C—Workplace Violence Against Women Prevention Tax Credit

SEC. 731. SHORT TITLE.

This subtitle may be cited as the “Workplace Violence Against Women Prevention Tax Credit Act”.

SEC. 732. CREDIT FOR COSTS TO EMPLOYERS OF IMPLEMENTING WORKPLACE SAFETY PROGRAMS TO COMBAT VIOLENCE AGAINST WOMEN.

(a) In general.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 45D. WORKPLACE SAFETY PROGRAM CREDIT.

“(a) In general.—For purposes of section 38, the workplace safety program credit determined under this section for the taxable year is, for any employer, an amount equal to 40 percent of the violence against women safety and education costs paid or incurred by such employer during the taxable year.

“(b) Definitions.—For purposes of this section—

“(1) violence against women safety and education cost.—

“(A) In general.—The term ‘violence against women safety and education cost’
means any cost certified by the Attorney General to the Secretary as being for the purpose of—

“(i) ensuring the safety of employees from violent crimes against women,

“(ii) providing assistance to employees, their spouses, and dependents with respect to violent crimes against women,

“(iii) providing legal or medical services to employees, their spouses, and dependents subjected to, or at risk from, violent crimes against women,

“(iv) educating employees about the issue of violent crimes against women, or

“(v) implementing human resource or personnel policies initiated to protect employees from violent crimes against women or to support employees who have been victims of violent crimes against women.

“(B) TYPES OF COSTS.—Such term includes costs certified by the Attorney General to the Secretary as being for the purpose of—

“(i) the hiring of new security personnel in order to address violent crimes against women,
“(ii) the creation of buddy systems or escort systems for walking employees to parking lots, parked cars, subway stations, or bus stops, in order to address violent crimes against women,

“(iii) the purchase or installation of new security equipment, including surveillance equipment, lighting fixtures, cardkey access systems, and identification systems, in order to address violent crimes against women,

“(iv) the establishment of an employee assistance line or other employee assistance services about violent crimes against women, for the use of individual employees, including counseling or referral services undertaken in consultation and coordination with national, State, or local domestic violence and sexual assault coalitions or programs,

“(v) the retention of an attorney to provide legal services to employees seeking restraining orders or other legal recourse from violent crimes against women,
“(vi) the establishment of medical services addressing the medical needs of employees who are victims of violent crimes against women,

“(vii) the retention of a financial expert or an accountant to provide financial counseling to employees seeking to escape from violent crimes against women,

“(viii) the establishment of an education program for employees, consisting of seminars or training sessions about violent crimes against women undertaken in consultation and coordination with national, State, or local domestic violence and sexual assault coalitions or programs,

“(ix) studies of the cost, impact, or extent of violent crimes against women at the employer’s place of business, if such studies are made available to the public and protect the identity of employees included in the study,

“(x) the publication of a regularly disseminated newsletter or other regularly disseminated educational materials about violent crimes against women,
“(xi) the implementation of leave policies for the purpose of allowing or that accommodate the needs of victims of violent crimes against women to pursue legal redress against assailants, including leave from work to attend meetings with attorneys, to give evidentiary statements or depositions, and to attend hearings or trials in court,

“(xii) the implementation of flexible work policies for the purpose of allowing or that accommodate the needs of employees who are victims of violent crimes against women, or employees at risk with respect to such crimes, to avoid assailants,

“(xiii) the implementation of transfer policies for the purpose of allowing or that accommodate the needs of employees subjected to violent crimes against women to change office locations within the company in order to avoid assailants or to allow the transfer of an employee who has perpetrated violent crimes against women in order to protect the victim, including payment of costs for the transfer and reloca-
tion of an employee to another city, county, State, or country for the purpose of maintaining an employee's safety from violent crimes against women, or

“(xiv) the provision of any of the services described in clauses (iv) through (viii) to the spouses and/or the dependents of employees.

“(C) Notification of possible tax consequences.—In no event shall any cost for goods or services which may be included in the income of any employee receiving or benefiting from such goods or services be treated as a violence against women safety and education cost unless the employer notifies the employee in writing of the possibility of such inclusion.

“(2) Violent crimes against women.—

“(A) In general.—The term ‘violent crimes against women’ includes sexual assault and domestic violence.

“(B) Domestic violence.—The term ‘domestic violence’ includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares
a child in common, by a person who is cohabi-
tating with or has cohabitated with the victim,
by a person who is or has been in a continuing
social relationship of a romantic or intimate na-
ture with the victim, by a person similarly situ-
ated to a spouse of the victim under the domes-
tie or family violence laws of the jurisdiction, or
by any other person against a victim who is
protected from that person’s acts under the do-

tie or family violence laws of the jurisdic-
tion.

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

“(3) EMPLOYEE AND EMPLOYER.—
“(A) Partners and partnerships.—

The term ‘employee’ includes a partner and the term ‘employer’ includes a partnership.

“(B) Related persons.—Persons shall be treated as related to each other if such persons are treated as a single employer under subsection (a) or (b) of section 52.

“(c) Coordination with other provisions.—No credit or deduction shall be allowed under any other provision of this title for any amount for which a credit is allowed under this section.”

(b) Carryforward, carryback, and deduction for unused credits.—

(1) Carryforward and carryback.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking “plus” at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting “, plus”, and by adding at the end the following new paragraph:

“(13) the workplace safety program credit determined under section 45D.”

(2) Transitional rule for carrybacks.—

Subsection (d) of section 39 of such Code (relating
to transitional rules) is amended by adding at the end the following new paragraph:

“(8) No carryback of section 45D credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the workplace safety program credit determined under section 45D may be carried back to a taxable year beginning on or before the date of the enactment of section 45D.”

(3) Deduction for unused credits.—Subsection (c) of section 196 of such Code (relating to deduction for certain unused business credits) is amended by striking “and” at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting “, and”, and by adding at the end the following new paragraph:

“(8) the workplace safety program credit determined under section 45D.”

(c) Credit not a defense in legal actions.—The allowance of a credit under section 45D of the Internal Revenue Code of 1986 (as added by this subtitle) shall not absolve employers of their responsibilities under any other law and shall not be construed as a defense to any legal action (other than legal action by the Secretary of the Treasury under such Code).
(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 45D. Workplace safety program credit.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Subtitle D—Battered Women’s Employment Protection

SEC. 741. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This subtitle may be cited as the “Battered Women’s Employment Protection Act”.

(b) REFERENCE.—Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993.

SEC. 742. PURPOSES.

Pursuant to the affirmative power of Congress to enact this Act under section 5 of the Fourteenth Amendment to the Constitution, as well as under clause 1 of section 8 of Article I of the Constitution and clause 3 of section 8 of Article I of the Constitution, the purposes of this subtitle are—
(1) to promote the national interest in reducing domestic violence by enabling victims of domestic vio-
ence to maintain the financial independence nec-
essary to leave abusive situations, to achieve safety and minimize the physical and emotional injuries from domestic violence, and to reduce the devastat-
ing economic consequences of domestic violence to employers and employees, by—

(A) providing unemployment insurance for victims of domestic violence who are forced to leave their employment as a result of domestic violence; and

(B) entitling employed victims of domestic violence to take reasonable leave under the Family and Medical Leave Act of 1993 to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employer;

(2) to promote the purposes of the Fourteenth Amendment by protecting the civil and economic rights of victims of domestic violence and by further-
ing the equal opportunity of women to employment and economic self-sufficiency;

(3) to minimize the negative impact on inter-
state commerce from dislocations of employees and
harmful effects on productivity, health care costs, and employer costs from domestic violence; and

(4) to accomplish the purposes described in paragraphs (1), (2) and (3) in a manner that accommodates the legitimate interests of employers.

SEC. 743. UNEMPLOYMENT COMPENSATION.

(a) UNEMPLOYMENT COMPENSATION.—Section 3304(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of paragraph (18),

(2) by striking the period at the end of paragraph (19) and inserting “; and”,

(3) by adding after paragraph (19) the following:

“(20) compensation is to be provided where an individual is separated from employment due to circumstances directly resulting from the individual’s experience of domestic violence.”,

(4) by redesignating subsections (b) through (f) as subsections (e) through (g), respectively, and

(5) by adding after subsection (a) the following:

“(b) CONSTRUCTION.—

“(1) For the purpose of determining, under subsection (a)(20), whether an employee’s separation
from employment is ‘directly resulting’ from the individual’s experience of domestic violence, it shall be sufficient if the separation from employment resulted from—

“(A) the employee’s reasonable fear of future domestic violence at or en route to or from her place of employment;

“(B) the employee’s wish to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee’s family;

“(C) the employee’s need to recover from traumatic stress resulting from the employee’s experience of domestic violence;

“(D) the employer’s denial of the employee’s request for the temporary leave from employment to address domestic violence and its effects authorized by section 102 of the Family and Medical Leave Act of 1993; or

“(E) any other respect in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of the employee or the employee’s family.
“(2) For purposes of subsection (a)(20), where State law requires the employee to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, it shall be sufficient that the employee—

“(A) sought protection from or assistance in responding to domestic violence, including calling the police or seeking legal, social work, medical, clergy, or other assistance;

“(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the employee actually obtained such refuge or accomplished such relocation; or

“(C) reasonably believed that options such as a leave, transfer, or alternative work schedule would not be sufficient to guarantee the employee or the employee’s family’s safety.

“(3) For purposes of subsection (a)(20), where State law requires the employee to actively search for employment after separation from employment as a condition for receiving unemployment compensation, such requirement shall be deemed to be met where the employee is temporarily unable to actively search for employment because the employee is engaged in seeking safety or relief for the employee
or the employee’s family from domestic violence, in-
cluding—

“(A) going into hiding or relocating or at-
ttempting to do so, including activities associ-
ated with such relocation or hiding, such as
seeking to obtain sufficient shelter, food, school-
ing for children, or other necessities of life for
the employee or the employee’s family;

“(B) actively pursuing legal protection or
remedies, including meeting with the police,
going to court to make inquiries or file papers,
meeting with attorneys, or attending court pro-
ceedings; or

“(C) participating in psychological, social,
or religious counseling or support activities to
assist the employee in ending domestic violence.

“(4) In determining if an employee meets the
requirements of paragraphs (1), (2), and (3), the
employer of an employee may require the employee
to provide—

“(A) documentation of the domestic vio-

ence, such as police or court records, or docu-
mentation of the domestic violence from a shel-
ter worker or employee of a domestic violence
program, attorney, clergy, or medical or other
professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

“(B) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc.”.

All evidence of domestic violence experienced by an employee, including an employee’s statement, any corroborating evidence, and the fact that an employee has applied for or inquired about unemployment compensation available under section 3304(a)(20) shall be retained in the strictest confidence of the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee’s safety.”.

(b) Social Security Personnel Training.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)(4)) is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by adding after paragraph (3) the following:

“(4) Such methods of administration as will ensure that claims reviewers and hearing personnel are
adequately trained in the nature and dynamics of
domestic violence and in methods of ascertaining
and keeping confidential information about possible
experiences of domestic violence, so that employment
separations stemming from domestic violence are re-
liably screened, identified, and adjudicated and full
confidentiality is provided for the employee’s claim
and submitted evidence.”.
(e) DEFINITIONS.—Section 3306 of the Internal Rev-
ene Code of 1986 is amended by adding at the end the
following:
“(u) DOMESTIC VIOLENCE.—The term “domestic vi-
olence” includes acts or threats of violence, not including
acts of self-defense, committed by a current or former
spouse of the victim, by a person with whom the victim
shares a child in common, by a person who is cohabitating
with or has cohabitated with the victim, by a person who
is or has been in a continuing social relationship of a ro-
mantic or intimate nature with the victim, by a person
similarly situated to a spouse of the victim under the do-
mestic or family violence laws of the jurisdiction, or by
any other person against a victim who is protected from
that person’s acts under the domestic or family violence
laws of the jurisdiction.”.
SEC. 744. ENTITLEMENT TO LEAVE FOR DOMESTIC VIOLENCE.

(a) AUTHORITY FOR LEAVE.—Section 102(a)(1) (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following:

“(E) In order to care for the child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

“(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee.”.

(b) DEFINITION.—Section 101 (29 U.S.C. 2611) is amended by adding at the end the following:

“(14) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.—The term ‘addressing domestic violence and its effects’ means—

“(A) experiencing domestic violence,

“(B) seeking medical attention for or recovering from injuries caused by domestic violence,

“(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence,
“(D) attending support groups for victims of domestic violence,

“(E) obtaining psychological counseling related to experiences of domestic violence,

“(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation and

“(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment.”.

(e) INTERMITTENT OR REDUCED LEAVE.—Section 102(b) (29 U.S.C. 2612(b)) is amended by adding at the end the following:

“(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.”.
(d) Paid Leave.—Section 102(d)(2) (29 U.S.C. 2612(d)) is amended by striking “(C) or (D)” and inserting “(C), (D), (E), or (F)”.

(e) Certification.—Section 103 (29 U.S.C. 2613) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

“(e) Domestic Violence.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide—

“(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

“(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc.”.

(f) Confidentiality.—Section 103 (29 U.S.C. 2613), as amended by subsection (e), is amended—

(1) in the title by adding before the period the following: “; Confidentiality”, and
(2) by adding at the end the following:

“(g) CONFIDENTIALITY.—All evidence of domestic violence experienced by an employee or the employee’s child or parent, including an employee’s statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee’s safety or the safety of coworkers or requested by the employee to document domestic violence to a court or agency.”.

SEC. 745. ENTITLEMENT TO LEAVE FOR FEDERAL EMPLOYEES FOR DOMESTIC VIOLENCE.

(a) AUTHORITY FOR LEAVE.—Section 6382 of title 5, United States Code is amended by adding at the end the following:

“(E) In order to care for the child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

“(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee.”.
(b) DEFINITION.—Section 6381 of title 5, United States Code is amended by striking “and” at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting “; and” and by adding at the end the following:

“(7) the term ‘addressing domestic violence and its effects’ means—

“(A) experiencing domestic violence,

“(B) seeking medical attention for or recovering from injuries caused by domestic violence,

“(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence,

“(D) attending support groups for victims of domestic violence,

“(E) obtaining psychological counseling related to experiences of domestic violence,

“(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation and
“(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment.”.

(e) INTERMITTENT OR REDUCED LEAVE.—Section 6382(b) of title 5, United States Code, is amended by adding at the end the following:

“(3) Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.”.

(d) OTHER LEAVE.—Section 6382(d) of title 5, United States Code, is amended by striking “(C) or (D)” and inserting “(C), (D), (E), or (F)”.

(e) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

“(e) DOMESTIC VIOLENCE.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employer of an employee may require the employee to provide—
“(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

“(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc.”.

(f) CONFIDENTIALITY.—Section 6383 of title 5, United States Code, as amended by subsection (e), is amended—

(1) in the title by adding before the period the following: “; CONFIDENTIALITY”, and

(2) by adding at the end the following:

“(g) CONFIDENTIALITY.—All evidence of domestic violence experienced by an employee or the employee’s child or parent, including an employee’s statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect
the employee’s safety or the safety of coworkers or requested by the employee to provide documentation to a court or agency.”.

SEC. 746. EXISTING LEAVE USABLE FOR DOMESTIC VIOLENCE.

(a) Use of Existing Leave.—Where an employee would be otherwise entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment pursuant to State law, an existing benefits program or plan, or a collective bargaining agreement, employees shall be permitted to use such leave for the purpose of addressing domestic violence and its effects, or for the purpose of caring for a child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

(b) Definitions.—As used in this subtitle:

(1) The term “addressing domestic violence and its effects” shall have the same meaning as is given such phrase by section 101(14) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(14)), as amended by section 744(b) of this Act.

(2) The term “employer” includes any person acting directly or indirectly in the interest of an employer in relation to any employee, if such person is also subject to the Family and Medical Leave Act of
1993 (29 U.S.C. 2601 et seq.) or to any State law
or benefits program or plan addressing paid or un-
paid leave from employment (including family, medi-
cal, sick, annual, personal, or similar leave). The
term “employer” includes a public agency but does
not include any labor organization (other than when
acting as an employer) or anyone acting in the ca-
pacity of officer or agent of such labor organization.

(3) The term “employee” shall have the same
meaning as is given such term by section 701(f) of
the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)).

(c) CERTIFICATION.—In determining whether an em-
ployee qualifies for the leave described in subsection (a),
an employer may require documentation of domestic vio-
ience or corroborating evidence consistent with the provi-
sions of section 103 of the Family and Medical Leave Act
of 1993 (29 U.S.C. 2613(e)), as amended by section
744(e) of this Act.

(d) CONFIDENTIALITY.—All evidence of domestic vio-
ence experienced by an employee or the employee’s child
or parent, including an employee’s statement, any docu-
mentation or corroborating evidence, and the fact that the
employee has requested leave for the purpose of address-
ing domestic violence and its effects, shall be retained in
the strictest confidence by the employer, except to the ex-
tent consented to by the employee in order to protect the
employee’s safety or the safety of coworkers, or requested
by the employee to document domestic violence to a court
or agency.

(e) Enforcement.—

(1) Public enforcement.—The Secretary of
Labor shall have the powers set forth in subsections
(b), (c), (d), and (e) of section 107 of the Family
and Medical Leave Act of 1993 (29 U.S.C. 2617)
for the purpose of public enforcement of any alleged
violation of this section against any employer.

(2) Private enforcement.—The remedies
and procedures set forth in subsection (a) of section
107 of the Family and Medical Leave Act of 1993
(29 U.S.C. 2617) shall be the remedies and proce-
dures pursuant to which an employee may initiate a
legal action against an employer for alleged viola-
tions of this section.

(3) Employer liability under other
laws.—Nothing in this section shall be construed to
limit the liability of an employer to an employee for
harm suffered relating to the employee’s experience
of domestic violence pursuant to any other State or
Federal law or legal remedy.
SEC. 747. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to supersede any provision of any Federal, State or local law, collective bargaining agreement, or other employment benefit program which provides greater unemployment compensation or leave benefits for employed victims of domestic violence than the rights established under this subtitle or such amendments.

(b) LESS PROTECTIVE.—The rights established for employees under this subtitle or the amendments made by this subtitle shall not be diminished by any collective bargaining agreement, any employment benefit program or plan, or any State or local law.

SEC. 748. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect upon the expiration of 180 days from the date of the enactment of this Act.

(b) UNEMPLOYMENT COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by section 743 shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of the enactment of this Act.
(2) MEETING OF STATE LEGISLATURE.—In the case of a State with respect to which the Secretary of Labor has determined that the State legislature is required in order to comply with the amendments made by section 743, the amendments made by section 743 shall apply in the case of compensation paid for weeks which begin on or after the expiration of 180 days from the date of the enactment of this Act and after the end of the first session of the State legislature which begins after the date of the enactment of this Act or which began prior to the date of the enactment of this Act and remained in session for at least 25 calendar days after such date of enactment. For purposes of the preceding sentence, the term “session” means a regular, special, budget, or other session of a State legislature.

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.

(a) DEFINITION OF DOMESTIC VIOLENCE.—The term “domestic violence” includes acts or threats of vio-
ence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

(b) Definition of Sexual Assault.—The term “sexual assault” means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

(c) Authority.—The Attorney General may make grants in accordance with this section to public and private nonprofit nongovernmental entities including tribally chartered organizations and nonprofit organizations operating within the boundaries of an Indian reservation whose
governing body reflects the populations served that, in the
determination of the Attorney General, have—

(1) recognized expertise in the area of domestic
violence and sexual assault;

(2) a record of commitment and quality re-
sponses to reduce domestic violence and sexual as-
sault; and

(3) demonstrated collaboration and cooperation
with groups or individuals with recognized expertise
in assisting individuals who are eligible for the bene-
fits described in subsection (d).

(d) GRANTS.—

(1) PURPOSE.—Grants under this section shall
be used for the purposes of developing, testing, pre-
senting, and disseminating model programs to pro-
vide education and training to individuals likely to
come into contact with victims of domestic violence
or sexual assault due to their employment respon-
sibilities, including, but not limited to—

(A) campus personnel, such as administra-
tors, housing officers, resident advisors, coun-
selors, and others;

(B) caseworkers, supervisors, administra-
tors, administrative law judges, and other indi-
viduals administering Federal and State bene-
fits programs, such as child welfare and child protective services, Temporary Assistance to Needy Families, social security disability, child support, Medicaid, unemployment, workers’ compensation, and similar programs;

(C) justice system professionals, such as court personnel, guardians ad litem and other individuals appointed to represent or evaluate children, probation and parole officers, bail commissioners, judges, and attorneys;

(D) mental and behavioral health professionals, such as psychologists, psychiatrists, social workers, therapists, counselors, and others;

(E) religious professionals, such as clergypersons and lay employees; and

(F) health care professionals, such as those from the fields of medicine, osteopathy, and nursing, physicians’ assistants, and allied professionals.

(2) PRIORITY.—In awarding such grants, the Attorney General shall give priority to the individual areas, professions, and personnel described in subparagraphs (A) through (E) of paragraph (1) that are currently being supported less extensively by other Federal, State, and private funding sources, as
well as those that address the needs of underserved populations (as that term is defined in 42 U.S.C. 3796gg–2(7), as amended by title VI of this Act).

(3) **Tribal Organizations Eligibility.**—Nothing shall preclude tribally chartered organizations and nonprofit organizations located within the boundaries of an Indian reservation from eligibility for grants under this section.

(e) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this section $5,000,000 each for domestic violence and sexual assault programs for each of fiscal years 1999 through 2003.

**Subtitle F—Workers’ Compensation**

**Sec. 761. Sense of Congress Regarding Workplace Violence Against Women and Workers’ Compensation.**

(a) **Findings.**—Congress finds the following:

(1) Women are frequently denied legal redress to recover for losses that have resulted from the workplace violence;

(2) Women are denied workers’ compensation recovery if they are deemed not to have suffered a physical injury after they are raped;

(3) In approximately half the States, interpretations of State workers’ compensation laws may pre-
clude women from pursuing legal claims resulting from workplace violence; for example, for an employer’s negligence that resulted in the violence; consequently recovery may be limited to the amount permitted by workers’ compensation statutes; and

(4) Other States recognize that workplace violence against women, including rapes and sexual assault, may fall within various exceptions to State workers’ compensation laws.

Affording victims of workplace violence against women access to legal redress outside the workers’ compensation system will assist women in recovering from violent crimes, encourage employers to take all reasonable preventive measures, and help improve the productivity and safety of American workplaces.

(b) Sense of Congress.—It is the sense of Congress that—

(1) State workers’ compensation laws should provide benefits to women who are victims of workplace violence who are eligible for such benefits, including full compensation for physical and nonphysical injuries; and

(2) State workers’ compensation laws should also permit the employee to pursue an action at law against an employer, other than statutory workers’
compensation benefits, based on the employer’s role
in the act of workplace violence.

TITLE VIII—EDUCATIONAL IN-
STITUTIONS AND VIOLENCE
AGAINST WOMEN

Subtitle A—Grants To Reduce Vio-
 lent Crimes Against Women on
Campus

SEC. 801. GRANTS TO COMBAT VIOLENT CRIMES AGAINST
WOMEN ON CAMPUSES.

(a) IN GENERAL.—Title I of the Omnibus Crime
Control and Safe Streets Act of 1968 (42 U.S.C. 3711
et seq.) is amended—

(1) by redesignating part U as part V;

(2) by redesignating section 2101 as section
2201; and

(3) by inserting after part T the following new
part:

“PART U—GRANTS TO COMBAT VIOLENT CRIMES
AGAINST WOMEN ON CAMPUSES

SEC. 2101. PURPOSE OF THE PROGRAM AND GRANTS.

“(a) GENERAL PROGRAM PURPOSE.—The purpose of
this part is to assist campus administrators and campus
security personnel (including employees, contractors, and
volunteers) to develop and strengthen effective security
and investigation strategies to combat violent crimes against women on campuses, particularly sexual assault, stalking, and domestic violence and to develop and strengthen victim services in cases involving violent crimes against women on campuses which may include partnerships with local criminal justice authorities and community-based victims services agencies.

“(b) Purposes for which grants may be used.—Grants under this part shall provide personnel, training, technical assistance, data collection, and other equipment for the more widespread apprehension, investigation, and adjudication of persons committing violent crimes against women on campuses, and specifically, for the purposes of—

“(1) training campus administrators and campus security personnel to more effectively identify and respond to violent crimes against women on campus, including the crimes of sexual assault, stalking, and domestic violence;

“(2) developing and implementing more effective campus security and investigative policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women on campus, including the
crimes of sexual assault, stalking, and domestic vio-

lence;

“(3) developing, enlarging, or strengthening vic-
tim services programs, as defined in 42 U.S.C.
3796gg–2(8), for local campuses, including sexual
assault, stalking, and domestic violence programs;
developing or improving delivery of victim services
on campuses, including on-campus programs that
provide counseling, support, and victim advocacy,
whether or not organized and staffed by students in
coordination with community-based victim services;

“(4) supporting improved coordination between
campus administrators and campus security person-
nel, and local criminal justice authorities to reduce
violent crimes against women on campus.

“SEC. 2102. GRANTS.

“(a) GENERAL GRANTS.—The Department of Edu-
cation may make grants to institutions of higher education
for use by campus personnel and student organizations,
and nonprofit nongovernmental victim services programs
for the purposes described in section 2101(b).

“(b) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated $10,000,000 for each
out the purposes of this section.
“(c) Qualification.—Upon satisfying the terms of subsection (d), any entity described in subsection (a) shall be qualified for funds provided under this part upon certification that—

“(1) the funds shall be used for any of the purposes described in section 2101(b);

“(2) grantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs and State sexual assault and domestic violence coalitions;

“(3) of the total grant amount awarded by the Secretary, grantees shall make the following allocations:

“(A) at least 20 percent shall be allocated each to campus security and to campus administrators;

“(B) at least 10 percent shall be allocated to the purposes described in section 2101(b)(4); and

“(C) At least 30 percent shall be allocated to victims’ services programs; and

“(4) any Federal funds received under this part shall be used to supplement, not supplant, non-Fed-
eral funds that would otherwise be available for activ-
ties funded under this subtitle.

“(d) Application Requirements.—The application
requirements provided in section 513 (42 U.S.C.
3763) shall apply under this part. In addition, each appli-
cation should include the certifications of qualification re-
quired by subsection (e), including documentation from
nonprofit, nongovernmental victim services programs, de-
scribing their participation in developing the plan required
by subsection (e)(2). An application shall include—

“(1) documentation from the institution and
victim services programs to be assisted, demonstrat-
ing—

“(A) need for the grant funds;
“(B) intended use of the grant funds;
“(C) expected results from the use of the
grants funds; and
“(D) characteristics of the population
being served, including number of students and
type of campus and demographic characteristics
of the population and documentation of services
to underserved populations, as that term is de-
fined in 42 U.S.C. 3796gg–2(7), as amended by
title VI of this Act.

“(e) Disbursement.—
“(1) IN GENERAL.—Not later than 60 days after the receipt of an application under this part, the Secretary shall—

“(A) disburse the appropriate sums provided for under this part; or

“(B) inform the applicant why the application does not conform to the terms of section 513 (42 U.S.C. 3763) or to the requirements of this section.

“(2) REGULATIONS.—In disbursing moneys under this part, the Secretary shall—

“(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence, stalking, and sexual assault programs on the campuses to be served in relation to the availability of such programs on other such campuses;

“(B) equitably distribute moneys on a geographic basis including nonurban and rural areas of various geographic sizes; and

“(C) recognize and address the needs of underserved populations.

“(f) FEDERAL SHARE.—The Federal share of a grant made under this subtitle may not exceed 75 percent
of the total cost of the projects described in the application submitted.

“SEC. 2103. DEFINITIONS.

“In this part—

“(1) the term ‘domestic violence’ includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; and

“(2) the term ‘sexual assault’ means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by
offenders who are known to the victim or related by blood or marriage to the victim.

“SEC. 2104. GENERAL TERMS AND CONDITIONS.

“(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this part, the Secretary may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security and investigation and victim service efforts.

“(b) REGULATIONS OR GUIDELINES.—Not later than 120 days after the date of enactment of this part, the Secretary shall publish proposed regulations or guidelines implementing this part, including a mechanism for the Secretary to make individual program evaluations publicly available. Not later than 180 days after the date of enactment, the Secretary shall publish final regulations or guidelines implementing this part.”.

SEC. 802. NATIONAL BASELINE STUDY ON UNIVERSITY

CAMPUS PROCEDURES IN CASE OF A REPORT

OF SEXUAL ASSAULT.

(a) STUDY.—The Secretary of Education, in consultation with the Department of Justice, shall provide for a national baseline study to examine college and university procedures upon receiving the report of a sexual assault.
(b) REPORT.—The study required by subsection (a) should include the analysis of—

(1) the existence and publication of institution’s and State law definition of sexual assault;

(2) the existence and publication of the institution’s formal policy for campus sexual assaults;

(3) to whom reports are stated most often—

(A) how these authorities are trained to deal with the reports; and

(B) the extent to which they are trained;

(4) the reporting options which are articulated to the victim or victims of the crime—

(A) on campus reporting and procedure options; and

(B) off campus (State) reporting and procedure options;

(5) the resources available for victim’s safety, support, medical health, and confidentiality—

(A) how well these resources are articulated both specifically to the victim of a sexual assault and generally to the campus at large; and

(B) the security of these resources in terms of confidentiality or reputation or both;
(6) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(7) policies and practices found successful in aiding the report and any ensuing investigation or prosecution of a campus sexual assault;

(8) the on campus procedures for investigation and disciplining the perpetrator—

(A) the format for collecting evidence; and

(B) the format of the investigation and disciplinary proceeding itself—

(i) the faculty responsible for running the disciplinary procedure; and

(ii) the persons allowed to attend the disciplinary procedure; and

(9) types of punishment for offenders—

(A) whether case directed outside to further punishment; and

(B) how individual institutions punish perpetrators.

(e) Submission of Report.—The report required by subsection (b) shall be submitted to Congress no later than September 1, 1998.
(d) Definition.—For purposes of this section, the term “campus sexual assaults” includes sexual assaults occurring at institutions of postsecondary education and sexual assaults committed against or by students or employees of such institutions.

(e) Authorization of Appropriations.—There shall be authorized to be appropriated to carry out the purposes of this section $200,000 for fiscal year 1999.

Subtitle B—Student Safety

Sec. 811. Short Title; References.

(a) Short Title.—This subtitle may be cited as the “Student Safety Act”.

(b) References.—Except as otherwise provided therein, whenever in this subtitle an amendment or repeal is expressed in terms of a section or other provision, such amendment or repeal shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).


(1) by striking “campus security authorities or local police agencies” and inserting “campus security or law enforcement; other campus officials (including
administrators, deans, disciplinary officers, athletic
department officials, and resident advisers) to whom
crimes are reported; or local law enforcement’’;
(2) by striking clauses (i) through (vi) and in-
serting the following:
“(i) homicide, including—
“(I) murder or nonnegligent manslaughte
r; or
“(II) negligent manslaughter;
“(ii) sexual assault as defined in section
2003(6) of the Omnibus Crime Control and
Safe Streets Act (42 U.S.C. 3796gg–2(6));
“(iii) robbery;
“(iv) aggravated assault;
“(v) burglary;
“(vi) larceny;
“(vii) motor vehicle theft; and
“(viii) a hate crime as defined under the
Hate Crimes Sentencing Enhancement Act (28
U.S.C. 994 note).’’.
(b) ANNUAL SUBMISSION.—Paragraph (4) of section
485(f) (20 U.S.C. 1092(f)(4)) is amended to read as fol-
lows:
“(4)(A) Each institution participating in any pro-
gram under this title shall annually submit to the Sec-
retary a copy of the statistics required to be made avail-
4 able pursuant to paragraphs (1)(F) and (1)(H).

“(B) The Secretary shall collect such statistics and
report each set in its entirety, with each institution and
campus clearly identified, to the Committee on Education
and the Workforce of the House of Representatives, the
Committee on Labor and Human Resources of the Senate,
each participating institution, and the public via printed
means, the Internet, and such other means as the Sec-
retary shall determine. This report shall be issued on or
before February 1 of each year.”.

(c) COMPILATION METHOD.—Paragraph (6) of sec-
tion 485(f) (20 U.S.C. 1092(f)(6)) is amended to read as
follows:

“(6)(A) The statistics described in paragraphs (1)(F)
and (1)(H) shall be compiled in accordance with the stand-
ards and definitions used in the uniform crime reporting
system of the Department of Justice, Federal Bureau of
Investigation, and the modifications in such standards and
definitions as implemented pursuant to the Hate Crime
Statistics Act (28 U.S.C. 534, note) and shall include in-
formation, if available, about any family, marital, or inti-
mate partner relationship between the victim and the al-
leged perpetrator.
“(B)(i) The accuracy of the statistics described in paragraphs (1)(F) and (1)(H) shall be certified by an official designated by each institution who is charged with compiling statistics for inclusion. Such official shall be responsible for disseminating the information required under this paragraph as well as the monthly reports required under paragraph (4)(B).

“(ii) Such official shall ensure, to the maximum extent possible, that the annual statistics required under this paragraph are not duplicative of incidents included in the reports required under paragraph (4)(B).

“(iii) Such official shall also be responsible for coordinating and disseminating information regarding campus-based and community-based crime prevention programs.

“(iv) Such official shall not identify victims of crimes or those accused of crimes in publishing the statistics described in paragraphs (1)(F) and (1)(H) or in disseminating the reports required under paragraph (4)(B) or the information described in subparagraph (iii).”.

(d) Crime Logs.—Section 485(f) is further amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:
“(4)(A) Each institution participating in any program under this title which maintains either a police or security department of any kind shall make a monthly report, written in a form that can be easily understood, that records in chronological order all crimes reported to such police or security department. Such reports shall not identify victims of the crime or persons accused of the crime, but shall include, in a manner determined by the Secretary—

“(i) the nature, date, time, and general location of each crime; and

“(ii) the disposition of the complaint, if known.

“(B) Monthly reports shall be disseminated through at least the following means: campus-sponsored publications (including student newspapers), notice through resident advisory organizations, and electronic networks.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 1, 1998.

SEC. 813. EXEMPTION OF ALLEGATIONS OF CRIMINAL ACTIVITY FROM EDUCATION RECORDS DEFINITION.

(a) Amendment.—Section 444(a)(4)(B) of the General Education Provisions Act (20 U.S.C. 1232g(a)(4)(B)) is amended—

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(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by inserting after clause (ii) the following new clause:

“(iii) records which are made or maintained by any officer, office, department, or individual employee of an educational agency or institution about—

“(I) individuals who have been found guilty of, or have pled guilty to, committing or participating in any criminal activity as defined in local, State, or Federal law alleged to have occurred while the individual was a student in attendance, including audit or noncredit, at an educational agency or institution;

“(II) the findings of any campus disciplinary proceedings;

“(III) the sanctions incurred (if any), and any subsequent findings or amendments to such sanctions;

“(IV) findings of guilt of criminal misconduct and related sanctions from any previously attended educational agencies or institutions where such records were created on or after September 1, 1998, and which are main-
(V) any criminal acts required to be reported under paragraph (1)(F), (1)(H), or (4) of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)).”.

(b) Effective Date.—The amendments made by this section shall take effect on September 1, 1998.

SEC. 814. PROGRAM PARTICIPATION AGREEMENT ENFORCEMENT.

(a) Program Participation Agreement Requirements.—Section 487(a)(12) (20 U.S.C. 1094(a)(12)) is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(C) the policies and crime statistics disclosed under section 485(f) are comprehensive and accurate.”.

(b) Effective Date.—The amendments made by this section shall take effect on September 1, 1998.
SEC. 815. REPORT ON MODEL PROGRAMS.

(a) Report Required.—The Attorney General and the Secretary of Education shall publish annually a report identifying model programs for improving campus safety and complying with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)), including an identification of programs at institutions of varying sizes and purposes.

(b) Dissemination of Report.—The report required by subsection (a) shall—

(1) be transmitted to the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives, and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate; and

(2) be provided to each participating institution and the public via printed means, the Internet, and such other means as the Secretary of Education shall determine.

Subtitle C—Violence Against Women Training for Health Professions

SEC. 821. SHORT TITLE.

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

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SEC. 822. ESTABLISHMENT, FOR CERTAIN HEALTH PROFESSIONS PROGRAMS, OF PROVISIONS REGARDING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

(a) Title VII Programs; Preferences in Financial Awards.—Section 791 of the Public Health Service Act (42 U.S.C. 295j) is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following subsection:

“(c) Preferences Regarding Training in Identification and Referral of Victims of Domestic Violence and Sexual Assault.—

“(1) In general.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training developed in consultation and collaboration with national, State, and local domestic violence and sexual assault coalitions and programs in carrying out the following functions as a provider of health care:
“(A) Identifying victims of domestic violence and sexual assault, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim’s injuries.

“(B) Examining and treating such victims, within the scope of the health professional’s discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of domestic violence and sexual assault.

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

“(2) Relevant health professions entities.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing (as defined in section 853), a program for the training of physician assistants, or a program for the training of allied health professionals.
“(3) Report to Congress.—Not later than 2 years after the date of the enactment of the Violence Against Women Training for Health Professions Act, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying the health professions entities that are receiving preference under paragraph (1); the number of hours of training required by the entities for purposes of such paragraph; the extent of clinical experience so required; and the types of courses through which the training is being provided, including the extent of involvement of nonprofit nongovernmental domestic violence and sexual assault victims services programs in the training.

“(4) Definitions.—For purposes of this subsection—

“(A) the term ‘domestic violence’ includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic
or intimate nature with the victim, by a person
similarly situated to a spouse of the victim
under the domestic or family violence laws of
the jurisdiction, or by any other person against
a victim who is protected from that person’s
acts under the domestic or family violence laws
of the jurisdiction; and

“(B) the term ‘sexual assault’ means any
conduct proscribed by chapter 109A of title 18,
United States Code, whether or not the conduct
occurs in the special maritime and territorial
jurisdiction of the United States or in a Federal
prison and includes both assaults committed by
offenders who are strangers to the victim and
assaults committed by offenders who are known
to the victim or related by blood or marriage to
the victim.”.

(b) Title VIII Programs; Preferences in Fi-
nancial Awards.—Section 860 of the Public Health
Service Act (42 U.S.C. 298b–7) is amended by adding at
the end the following subsection:

“(f) Preferences Regarding Training in Iden-
tification and Referral of Victims of Domestic
Violence and Sexual Assault.—
“(1) IN GENERAL.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training developed in consultation and collaboration with national, State, and local domestic violence and sexual assault coalitions and programs in carrying out the following functions as a provider of health care:

“(A) Identifying victims of domestic violence and sexual assault, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim’s injuries.

“(B) Examining and treating such victims, within the scope of the health professional’s discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of domestic violence and sexual assault.
“(C) Referring the victims to public and nonprofit private entities that provide services for such victims.

“(2) Relevant health professions entities.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of nursing or other public or nonprofit private entity that is eligible to receive an award described in such paragraph.

“(3) Report to Congress.—Not later than 2 years after the date of the enactment of the Violence Against Women Training for Health Professions Act of 1997, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying the health professions entities that are receiving preference under paragraph (1); the number of hours of training required by the entities for purposes of such paragraph; the extent of clinical experience so required; and the types of courses through which the training is being provided and the extent of involvement of nonprofit nongovernmental domestic violence and sexual assault victims services programs in the training.
“(4) Definitions.—For purposes of this subsection—

“(A) the term ‘domestic violence’ includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; and

“(B) the term ‘sexual assault’ means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known
Subtitle D—Campus Hate Crimes
Right To Know

SEC. 831. DISCLOSURE.

(a) Short Title.—This subtitle may be cited as the “Campus Hate Crimes Right to Know Act”.

(b) Findings.—Congress finds that—

(1) the incidence of violence on college campuses based on race, gender, religion, sexual orientation, ethnicity, or disability poses a serious national problem;

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

(3) hate crimes include crimes in which the perpetrator intentionally selects a victim because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim;

(4) existing Federal reporting requirements only require colleges and universities to report hate crimes that result in murder, rape, or aggravated assault;

(5) existing reporting requirements are inadequate to deal with the problem of hate crimes since the vast majority of hate crimes that occur on col-
lege campuses do not result in murder, rape, or ag-
gravated assault;

(6) existing reporting requirements are inad-
equate because the requirements do not require col-
leges and universities to report hate crimes that tar-
get victims because of the victims’ gender or disabil-
ity;

(7) omitting certain hate crimes from official
campus crime reports may result in a false sense of
security among students and apathy from campus
officials;

(8) omitting certain hate crimes from official
campus crime reports deprives students and parents
of the students of vital information necessary to pro-
tect the students against such crimes and to make
informed decisions in choosing a college or univer-
sity;

(9) requiring postsecondary institutions to re-
port all hate crimes that occur on their campuses
will provide students and parents of the students
with vital information so that the students may bet-
ter protect themselves against such crimes; and

(10) requiring postsecondary institutions to re-
port all hate crimes that occur on their campuses
will encourage college officials to raise awareness
about such crimes and develop programs and strategies to combat such crimes.


(1) by redesignating clauses (i) through (viii), as amended by this title, as subclauses (I) through (VIII), respectively;

(2) by striking “Statistics” and inserting “(i) Statistics”; and

(3) by adding at the end the following:

“(ii) Statistics concerning the occurrence on campus, during the most recent calendar year, and during the 2 preceding calendar years for which data are available, of all criminal incidents that manifest evidence of prejudice based on actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability that are reported to campus security authorities or local police agencies. The statistics shall be collected and reported according to category of prejudice.”.
TITLE IX—VIOLENCE AGAINST WOMEN INTERVENTION, PREVENTION, AND EDUCATION RESEARCH

SEC. 901. VIOLENCE AGAINST WOMEN INTERVENTION, PREVENTION, AND EDUCATION RESEARCH.

The Violence Against Women Act of 1994 (108 Stat. 1902), as amended by this Act, is amended by adding at the end of that title the following:

“Subtitle I—Violence Against Women Intervention, Prevention, and Education Research

“SEC. 40901. FINDINGS.

“(a) FINDINGS.—Congress finds the following:

“(1) According to a Panel on Research on Violence Against Women convened by the National Research Council in response to the mandates by the Violence Against Women Act of 1994—

“(A) significant gaps exist in understanding the extent and causes of violence against women and the impact and the effectiveness of education, prevention, and interventions;

“(B) funding for research on violence against women is spread across numerous Federal agencies with no mechanism through which
to coordinate these efforts or to link with other federally sponsored research initiatives; and

“(C) research on violence against women would benefit from an infrastructure that supports interdisciplinary efforts and aids in integrating these efforts into practice and policy.

“(2) Despite the increased funding to prevent and respond to violence against women in underserved populations, few studies have examined incidence and prevalence data from the perspective of racial, ethnic, language, age, disability, and other underserved populations. Moreover, little is known about the types of education, prevention, and intervention strategies that are most effective in underserved populations.

“(3) Most studies currently focus on aspects of domestic violence related to physical abuse. Few studies explore the harm caused by emotional and psychological abuse and the appropriate intervention and preventions strategies for victims experiencing this form of abuse.

“(4) Violence exposure as a risk factor for disease must be examined for a range of diseases and diagnoses to better understand the correlation be-
between violence and disease including intervening variables.

“(5) Violence against women occurs within the context of a sociocultural environment that should be studied to assist in a greater understanding of those factors that promote and maintain violence against women and to provide a framework for developing and assessing education, prevention, and intervention strategies.

“SEC. 40902. MULTI-AGENCY TASK FORCE.

“(a) PURPOSES.—The Secretary of Health and Human Services and the Attorney General shall establish a multi-agency task force to coordinate research on violence against women. The task force shall comprise representation from all Federal agencies that fund such research.

“(b) USES OF FUNDS.—Funds appropriated under this section shall be used to—

“(1) develop a coordinated strategy to strengthen research focussed on education, prevention, and intervention strategies on violence against women;

“(2) track and report on all Federal research and expenditures on violence against women;

“(3) identify gaps in research and develop criteria for all Federal agencies for evaluating research
proposals, taking into account the context within which women live their lives, including the broad social and cultural context as well as individual factors; and

“(4) set priorities for research efforts that explore factors such as race, social, and economic class, geographic location, age, language, sexual orientation, disability, and other factors that shape the context and experience of violence in women’s lives.

“(c) Authorization of Appropriation.—There shall be appropriated $500,000 for each of fiscal years 1999, 2000, and 2001 to fulfill the purposes of this section.

“SEC. 40903. EDUCATION, PREVENTION, AND INTERVENTION RESEARCH GRANTS.

“(a) Purposes.—The Department of Health and Human Services in consultation with the Department of Justice shall make grants to entities, including domestic violence and sexual assault organizations, research organizations, and academic institutions, to support research to further the understanding of the causes of violent behavior against women and to evaluate education, prevention, and intervention programs.

“(b) Use of Funds.—The research conducted under this section shall include, but not be limited to the follow-
ing areas and others that may be identified by the Task Force established under section 902 of this title—

“(1) longitudinal research to study the developmental trajectory of violent behavior against women and the way such violence differs from other violent behaviors;

“(2) examination of risk factors for sexual and intimate partner violence for victims and perpetrators, such as poverty, childhood victimization and other traumas;

“(3) examination of short- and long-term efforts of programs designed to prevent sexual and intimate partner violence;

“(4) outcome evaluations of interventions targeted at children and teenagers;

“(5) examination of and documentation of the processes and informal strategies women experience in attempting to manage and end the violence in their lives; and

“(6) development and testing of effective methods of screening and providing services at all points of entry to the health care system, including mental health, emergency medicine, and primary care.
“(c) Authorization of Appropriations.—There shall be appropriated $6,000,000 for each of the fiscal years 1999, 2000, and 2001.

“SEC. 40904. ADDRESSING GAPS IN RESEARCH.

“(a) Purposes.—The Department of Health and Human Services and the Department of Justice shall make grants to domestic violence and sexual assault organizations, research organizations and academic institutions for the purpose of expanding knowledge about violence against women, with a particular emphasis on exploring such issues as they affect underserved communities.

“(b) Uses of Funds.—Funds appropriated under this section shall be used to examine, but not be limited to, the following areas—

“(1) development of national- and community-level survey studies to measure the incidence and prevalence of violence against women in underserved populations and the definitions women use to describe their experience of violence;

“(2) qualitative and quantitative research to understand how factors such as race, ethnicity, socioeconomic status, age, language, disability, and sexual orientation shape the context and experience of violence in women’s lives, as well as the education,
prevention, and intervention strategies available to women and girls;

“(3) study of the availability and accessibility of State and local legal remedies to victims of intimate partner violence within the context of a same sex intimate relationship;

“(4) study of violence against women as a risk factor for diseases from a multivariate perspective;

“(5) examine the prevalence and dynamics of emotional and psychological abuse, the effects on women of such abuse, and the education, prevention, and intervention strategies that are available to address this type of abuse;

“(6) an examination of the need for and availability of legal assistance and services for victims of sexual assault;

“(7) the use of nonjudicial alternative dispute resolution (such as mediation, negotiation, conciliation, and restorative justice models) in cases where domestic violence is a factor, comparing nonjudicial alternative dispute resolution and traditional judicial methods based upon the quality of representation of the victim, training of mediators or other facilitators, satisfaction of the parties, and outcome
of the proceedings, as well as other factors that may
be identified;

“(8) the examination of effective models to ad-
dress domestic violence in child protective services
and child welfare agencies, including documenting
the scope of the problem, identifying the risk of
harm perpetrators of domestic violence pose to chil-
dren and pose to parents who are victims of domes-
tic violence, and examining effective models to ad-
dress domestic violence in the context of child wel-
fare and child protection that protect children while
protecting parents who are victims of domestic vio-

lence; and

“(9) other such research as may be determined
by the Task Force established under section 40902
in consultation with domestic violence and sexual ass-
sault advocates, coalitions, national experts, and re-

searchers.

“(c) Authorization of Appropriations.—There
shall be appropriated $4,500,000 for each of fiscal years
1999, 2000, and 2001 to carry out this section.

“Sec. 40905. Study.

“The United States Sentencing Commission shall
study the following and report to the Congress—
“(1) sentences given to persons incarcerated in Federal and State prison for assault or homicide crimes in which the relationship to the victim was a spouse, former spouse, or intimate partner;

“(2) the effect of illicit drugs and alcohol on domestic violence and the sentences imposed for offenses involving such illicit drugs and alcohol where domestic violence occurred;

“(3) the extent to which acts of domestic violence committed against the defendant, including coercion, may play a role in the commission of an offense;

“(4) analysis delineated by race, gender, type of offense, and any other categories that would be useful for understanding the problem; and

“(5) recommendations with respect to the offenses described in this section particularly any basis for a downward adjustment in any applicable guidelines determination.

“SEC. 40906. RESEARCH ON PREGNANCY AND SEXUAL ASSAULT.

“(a) PURPOSES.—The Secretary of Health and Human Services, in conjunction with the Attorney General, shall award grants to nonprofit entities, including sexual assault organizations, research organizations, and
academic institutions, to gather qualitative and quanti-
tative data on the experiences of women and girls who
become pregnant as a result of sexual assault within State
health care, judicial, and social services systems.

“(b) USE OF FUNDS.—This research shall include
issues such as—

“(1) the incidence and prevalence of pregnancy
resulting from sexual assault, including the ages of
the victim and perpetrator, and any relationship of
the perpetrator to the victim (such as family, ac-
quaintance, intimate partner, spouse, household
member, etc.);

“(2) the degree to which State adoption, child
custody, visitation, child support, parental termi-
nation, and child welfare criminal justice laws and
policies serve the needs of women and girls who be-
come pregnant as a result of sexual assault;

“(3) the impact of State social services rules,
policies and procedures, such as paternity establish-
ment, family cap, medicaid and other health benefits
policies and procedures, on women and girls who be-
come pregnant as a result of sexual assault and on
those children born as a result of the sexual assault;

“(4) the availability of public or private legal,
medical, mental health, counseling, financial and
other forms of assistance to women and girls who become pregnant as a result of sexual assault and to the children born as a result of the sexual assault, including the extent to which barriers exist in accessing assistance for women and girls in particular racial, ethnic, language minority, or geographically isolated populations, or because of their alienage status, disability, sexual orientation or income level; and

“(5) recommendations for improvements in State health care, judicial and social services systems to address the needs of women and girls who become pregnant as a result of sexual assault and of the children born as a result of the sexual assault.

“(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 1999.

“SEC. 40907. STATUS REPORT ON LAWS REGARDING RAPE AND SEXUAL ASSAULT OFFENSES.

“(a) Study.—The Attorney General, in consultation with national, State, and local domestic violence and sexual assault coalitions and programs, including, nationally recognized experts on sexual assault, such as from the judiciary, the legal profession, psychological associations, and sex offender treatment providers, shall conduct a na-
tional study to examine the status of the law with respect to rape and sexual assault offenses and the effectiveness of the implementation of laws in addressing such crimes and protecting their victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

“(b) REPORT.—Based on the study required under subsection (a), the Attorney General shall prepare a report, including an analysis of the uniformity of the rape and sexual assault laws including sex offenses committed against children and sex offenses involving penetration of any kind among the States and their effectiveness in prosecuting crimes of rape and sexual assault offenses as follows:

“(1) Definitions of rape and sexual assault, including any marital rape exception and any other exception or downgrading of offense.

“(2) Element of consent and coercive conduct, including deceit.

“(3) Element of physical resistance and affirmative nonconsent as a precondition for conviction.

“(4) Element of force, including penetration requirement as aggravating factor and use of coercion.

“(5) Evidentiary matters—
“(A) inferences—timeliness of complaint under the Model Penal Code;

“(B) post traumatic stress disorder (including rape trauma syndrome) relevancy of scope and admissibility;

“(C) rape shield laws—in camera evidentiary determinations;

“(D) prior bad acts; and

“(E) corroboration requirement and cautionary jury instructions.

“(6) Existence of special rules for rape and sexual assault offenses.

“(7) Use of experts.

“(8) Sentencing—

“(A) plea bargains;

“(B) presentence reports;

“(C) recidivism and remorse;

“(D) adolescents;

“(E) psychological injuries;

“(F) gravity of crime and trauma to victim; and

“(G) race.

“(9) Any personal or professional relationship between the perpetrator and the victim.
“(10) Any recommendations of the Attorney General for reforms to foster uniformity among the States in addressing rape and sexual assault offenses in order to protect victims more effectively while safeguarding due process.

“(c) DEFINITION.—For purposes of this section, the term ‘rape and sexual assault offenses’ includes carnal knowledge of a child, abduction with intent to defile, indecent liberties, beastiality, forcible sodomy, sexual penetration with an animate or inanimate object, forced sexual intercourse (labia majora penetration or anus penetration), cunnilingus, fellatio, anallinguus, anal intercourse, sexual battery, aggravated sexual battery, and sexual abuse, accomplished by use of force, threats, or intimidation.

“(d) FINDINGS.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to Congress.

“(e) AUTHORIZATION OF APPROPRIATION.—It is authorized that $200,000 be appropriated to carry out the study required by this section.
“SEC. 40908. RESEARCH CENTERS.

“The Secretary of Health and Human Services and the Attorney General shall establish 3 research centers to support the development of research and training program to focus on violence against women, to provide mechanisms for collaboration between researchers and practitioners, and to provide technical assistance for integrating research into service provision. Each Center shall be organized around a research area such as epidemiology and measurement of violence against women, causes and risk factors, and prevention and intervention evaluation research. At least one of the centers shall be established at an entity other than an academic institution. There shall be appropriated $3,000,000 for each of the fiscal years 1999, 2000, and 2001 to carry out this section.”