To provide economic security and safety for battered women, and for other purposes.

IN THE SENATE OF THE UNITED STATES

May 18 (legislative day, May 14), 1999

Mr. Wellstone (for himself, Mrs. Murray, and Mr. Schumer) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide economic security and safety for battered women, and for other purposes.

Be it enacted by the Senate and House of Representatives 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 “Battered Women’s Economic Security and Safety Act”.

(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—DOMESTIC VIOLENCE PREVENTION

Subtitle A—Housing for Victims of Domestic Violence and Sexual Assault
Sec. 1001. Short title.
Sec. 1002. Findings.
Sec. 1003. Definitions.
Sec. 1004. Housing assistance for victims of domestic violence, stalking, or sexual assault.
Sec. 1005. Authorization of appropriations.

Subtitle B—Full Faith and Credit for Protection Orders

Sec. 1011. Full faith and credit for protection orders.
Sec. 1012. Grant program.

Subtitle C—Victims of Abuse Insurance Protection

Sec. 1021. Short title.
Sec. 1022. Definitions.
Sec. 1023. Discriminatory acts prohibited.
Sec. 1024. Insurance protocols for subjects of abuse.
Sec. 1025. Reasons for adverse actions.
Sec. 1026. Life insurance.
Sec. 1027. Subrogation without consent prohibited.
Sec. 1028. Enforcement.
Sec. 1029. Effective date.

Subtitle D—Access to Safety and Advocacy

Sec. 1031. Short title.
Sec. 1032. Purpose.
Sec. 1033. Definitions.
Sec. 1034. Grant program.
Sec. 1035. Provision of technical assistance and training.
Sec. 1036. Evaluation.
Sec. 1037. Funding.

Subtitle E—Battered Women's Shelters and Services

Sec. 1041. Short title.
Sec. 1042. Family violence prevention and services improvements.
Sec. 1043. Model leadership grants; direct emergency assistance; technical assistance and training.
Sec. 1044. Authorization of appropriations for family violence prevention and services.

Subtitle F—Battered Immigrant Women’s Economic Security and Safety

Sec. 1051. Purposes.
Sec. 1052. Waiver of certain removal grounds.
Sec. 1053. Self-petitioning children of United States citizens.
Sec. 1054. Self-petitioning children of lawful permanent residents.
Sec. 1055. Treatment of petitions including derivative children turning 21 years of age.
Sec. 1056. Protection of battered children and children of battered immigrants for cancellation of removal or suspension of deportation.
Sec. 1057. Nonapplicability of special rules relating to the treatment of non-213a aliens.
Sec. 1058. Discretionary first time offender waivers for aliens making child support payments.
Sec. 1059. Misrepresentation waivers for battered spouses of United States citizens and lawful permanent residents.
Sec. 1060. Public charge.
Sec. 1061. Access to naturalization for divorced victims of abuse.
Sec. 1062. Filing fees.
Sec. 1063. Access to food stamps and SSI for qualified battered aliens.
Sec. 1064. Exemption from 5-year bar.
Sec. 1065. Access to housing for battered immigrants.
Sec. 1066. Clarifying welfare reporting requirements for benefit applicants.
Sec. 1067. Conforming definition of “family” used in laws granting welfare access for battered immigrants to State family law.
Sec. 1068. Ensuring that battered immigrants have access to food stamps and SSI.
Sec. 1069. Technical correction to qualified alien definition for battered immigrants.
Sec. 1070. Access to Legal Services Corporation funds.

TITLE II—VIOLENCE AGAINST WOMEN AND THE WORKPLACE

Sec. 2001. Findings.

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


Subtitle B—Victims’ Employment Rights

Sec. 2022. Purposes.
Sec. 2024. Prohibited discriminatory acts.
Sec. 2025. Enforcement.
Sec. 2026. Attorney’s fees.

Subtitle C—Workplace Violence Against Women Prevention Tax Credit

Sec. 2031. Short title.
Sec. 2032. Credit for costs to employers of implementing workplace safety programs to combat violence against women.

Subtitle D—Employment Protection for Battered Women

Sec. 2041. Short title and reference.
Sec. 2042. Purposes.
Sec. 2043. Unemployment compensation.
Sec. 2044. Entitlement to leave for addressing domestic violence for non-Federal employees.
Sec. 2045. Entitlement to leave for addressing domestic violence for Federal employees.
Sec. 2046. Existing leave usable for domestic violence.
Sec. 2047. Effect on other laws and employment benefits.
Sec. 2048. Effective date.

TITLE III—PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE UNDER SOCIAL SECURITY ACT PROGRAMS
Sec. 3001. Waivers for victims of domestic violence under the TANF program.
Sec. 3002. Disclosure protections under the Child Support Program.
Sec. 3003. Bonus to build real opportunities for poor families.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 4001. Grants to combat violence against women.

SEC. 2. DEFINITIONS.

In this Act, except as otherwise expressly provided:

(1) DOMESTIC VIOLENCE.—The term “domestic violence” has the meaning given that term in section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh—4), as amended by this Act.

(2) SEXUAL ASSAULT.—The term “sexual assault”—

(A) 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

(B) includes both—

(i) assaults committed by offenders who are strangers to the victim; and

(ii) 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 spe-
specific person that would cause a reasonable person under the circumstances to have a fear of death, or bodily injury or sexual assault to the person or a member of the immediate family of the person, if—

(A) the individual engaging in such conduct has knowledge or should have knowledge that the conduct will cause the specific person to have that fear; and

(B) the conduct causes the specific person to have that fear.

TITLE I—DOMESTIC VIOLENCE PREVENTION

Subtitle A—Housing for Victims of Domestic Violence and Sexual Assault

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the “Domestic Violence and Sexual Assault Victims’ Housing Act”.

SEC. 1002. FINDINGS.

Congress makes the following findings:

(1) Access to housing can prevent domestic violence and mitigate its effects. The connection between domestic violence and housing is overwhelming. Of all homeless women and children, 50 percent are fleeing domestic violence.
(2) Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

(3) Women’s poverty levels aggravate the problems of homelessness and domestic violence. Two out of 3 poor adults are women. Female-headed households are 6 times poorer than male-headed households. In 1996, of the 7,700,000 poor families in the country, 4,100,000 of them were single female-headed households. In addition, 5,100,000 poor women who are not in families are poor.

(4) Almost 50 percent of the women who receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) cite domestic violence as a factor in the need for assistance.

(5) Many women who flee violence are forced to return to their abusers because of inadequate shelter or lack of money. Even if they leave their abusers to go to a shelter, they often return home because the isolation from familiar surroundings, friends, and neighborhood resources makes them feel even more vulnerable. Shelters and transitional housing facilities are often located far from a domestic violence victim’s neighborhood. While this placement
may be deliberate to protect domestic violence vic-
tims from their abusers, it can also be intimidating
and alienating for a woman to leave her home, com-
unity, cultural support system, and all that she
knows for shelter way across town. Thus, women of
color and immigrant women are less likely to become
shelter residents.

(6) Women who do leave their abusers lack
emergency shelter options. The overall number of
emergency shelter beds for homeless people is esti-
mated to have decreased by an average of 3 percent
in 1997 while requests for shelter increased on the
average by 3 percent. Emergency shelters struggle to
meet the increased need for services with about 32
percent of the requests for shelter by homeless fami-
lies going unmet. In fact 88 percent of cities re-
ported having to turn away homeless families from
emergency shelters due to inadequate resources for
services.

(7) Battered women and their children comprise
an increasing proportion of the emergency shelter
population. Many emergency shelters have strict
time limits that require women to find alternative
housing immediately forcing them to separate from
their children.
(8) A stable, sustainable home base is crucial for women who have left situations of domestic violence and are learning new job skills, participating in educational programs, working full-time jobs, or searching for adequate child care in order to gain self-sufficiency. Transitional housing resources and services provide a continuum between emergency shelter provision and independent living.

SEC. 1003. DEFINITIONS.

In this subtitle:

(1) DOMESTIC VIOLENCE.—The term “domestic violence” includes acts or threats of violence, or acts of extreme cruelty (as such term is referred to in section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a)), not including acts of self-defense, committed by—

(A) a current or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim;

(D) a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim;
(E) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or

(F) any other person against a victim whom is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(2) FAMILY VICTIMIZED BY DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.—

(A) IN GENERAL.—The term “family victimized by domestic violence, stalking, or sexual assault”—

(i) means a family or household that includes an individual who has been determined under subparagraph (B) to have been a victim of domestic violence, stalking, or sexual assault, except that, if the individual determined under subparagraph (B) to be a victim has not attained the age of 18 years, the family or household must also include a parent, stepparent, legal guardian, or other responsible caretaker for the minor; and
(ii) does not include any individual
who committed the domestic violence,
stalking, or sexual assault.

(B) Determination that family or in-
dividual was a victim of domestic vio-
ience, stalking, or sexual assault.—For
purposes of subparagraph (A), a determination
by under this subparagraph is a determination
by an agency or official of a State, Indian tribe,
tribal organization, or unit of general local gov-
ernment that domestic violence, stalking, or
sexual assault has been committed, which deter-
mination is based on—

(i) information provided by a medical,
legal, counseling, or other clinic, shelter,
sexual assault program or other program
or entity licensed, recognized, or author-
ized by the State, Indian tribe, tribal orga-
nization, or unit of general local govern-
ment to provide services to victims of do-
mestic violence, stalking, or sexual assault;

(ii) information provided by any agen-
cy of the State, Indian tribe, tribal organi-
ization, unit of general local government, or
qualified, nonprofit, nongovernmental orga-
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, Indian tribe, tribal organization, or unit of general local government to provide medical services;

(v) a petition, application, or complaint filed in any State, Federal, or tribal court or administrative agency, documents or records of action or decision of any court, law enforcement agency, or administrative agency, including any record of any protective order, injunction, or temporary or final order issued by civil or criminal courts, any self-petition or any police report; or

(vi) any other reliable evidence that domestic violence, stalking, or sexual assault has occurred.
(C) **Sufficiency of victim statement.**—In making a determination under subparagraph (B), the sworn statement of a victim that domestic violence, stalking, or sexual assault has occurred shall be sufficient unless the agency or official has an independent, reasonable basis to find the individual not credible.

(3) **Indian tribe.**—The term “Indian tribe” has the meaning given that term in section 2002(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(3)).

(4) **Qualified, nonprofit, nongovernmental organization.**—The term “qualified, nonprofit, nongovernmental organization” means a private organization that—

(A) is organized, or has as 1 of its primary purposes, to provide emergency shelter, transitional housing, or permanent housing for victims of domestic violence, stalking, or sexual assault or is a medical, legal, counseling, social, psychological, health, job training, educational, life skills development, or other clinical services program for victims of domestic violence, stalking, or sexual assault that undertakes a collaborative project with a qualified, nonprofit, non-
1 governmental organization that primarily pro-
2 vides emergency shelter, transitional housing, or
3 permanent housing for low-income people;
4 (B) is organized under State, tribal, or
5 local laws;
6 (C) has no part of its net earnings inuring
7 to the benefit of any member, shareholder,
8 founder, contributor, or individual;
9 (D) is approved by the Secretary as to fi-
10 nancial responsibility; and
11 (E) demonstrates experience in providing
12 services to victims of domestic violence, stalk-
13 ing, or sexual assault.

(5) SECRETARY.—The term “Secretary” means
14 the Secretary of Housing and Urban Development.

(6) SEXUAL ASSAULT.—The term “sexual
15 assault”—
16 (A) means any conduct proscribed by chap-
17 ter 109A of title 18, United States Code,
18 whether or not the conduct occurs in the special
19 maritime and territorial jurisdiction of the
20 United States, on an Indian reservation, or in
21 a Federal prison; and
22 (B) includes—
(i) both assaults committed by offenders who are strangers to the victims and assaults committed by offenders who are known to the victims or related by blood or marriage to the victim; and

(ii) assaults against both adults and children.

(7) 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, sexual assault, 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, sexual assault, 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 death, sexual assault, or bodily injury to himself or herself or a member of his or her immediate family.

(8) 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.

(9) TRANSITIONAL HOUSING.—The term “transitional housing” includes short-term housing and has the meaning given the term in subchapter IV, part C of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11384(b)).

(10) TRIBAL ORGANIZATION.—The term “tribal organization” means a private, nonprofit, non-governmental, or tribally chartered organization—

(A) whose primary purpose is to provide emergency shelter, transitional housing, or permanent housing or supportive services to individuals or families victimized by domestic violence, stalking, or sexual assault;

(B) that operates within the exterior boundaries of an Indian reservation; and

(C) whose board of directors reflects the population served.

(11) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of general local government” has the meaning given that term in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).
SEC. 1004. HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.

(a) In General.—

(1) Supportive Housing.—The additional amounts authorized under section 2005 to be made available under section 429 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11389) shall be used by the Secretary only to assist qualified, nonprofit, nongovernmental organizations in providing supportive housing (as such term is referred to in subchapter IV of part C of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11384)), tenant-based rental assistance, financial assistance for security deposit, first month’s rent, or ongoing rental assistance on behalf of individuals or families victimized by domestic violence, stalking, or sexual assault who have left or who are leaving a residence as a result of the domestic violence, stalking, or sexual assault.

(2) Requirements for Recipients.—Each recipient of assistance under this subtitle shall—

(A) supplement the assistance provided under this subsection with a 25 percent match of funds for supportive services (as such term is referred to in subchapter IV of part C of the
Stewart B. McKinney Homeless Assistance Act
(42 U.S.C. 11385)) from sources other than
this subsection; and

(B) certify to the Secretary its compliance
with this subsection, which certification shall in-
clude a description of the sources and amounts
of such supplemental funds.

(b) Determination.—For purposes of subsection
(a), an individual or a family victimized by domestic vio-
lence, stalking, or sexual assault shall be considered to
have left or to be leaving a residence as a result of domes-
tic violence, stalking, or sexual assault if the qualified,
nonprofit, nongovernmental organization providing sup-
port, including tenant-based rental assistance, financial
assistance for security deposit, first month’s rent, or ongo-
ing rental assistance under subsection (a) determines that
the individual or member of the family who was a victim
of the domestic violence, stalking, or sexual assault rea-
sonably believes that relocation from such residence will
assist in avoiding future domestic violence, stalking, or
sexual assault against such individual or another member
of the family.

(e) Allocation.—

(1) National competition.—Subject to para-
graphs (2) and (3), the amount made available to
carry out this subtitle in each fiscal year shall be al-
located by the Secretary on the basis of a national
competition among the qualified, nonprofit, non-
governmental organizations that submit applications
to the Secretary that best demonstrate a need for
such assistance, including the extent of service pro-
vided to underserved populations (as defined in sec-
tion 2003(7) of the Omnibus Crime Control and
and the ability to undertake and carry out a pro-
gram under subsection (a), as the Secretary shall
determine.

(2) Indian assistance.—Of the amount made
available to carry out this subtitle in each fiscal
year, not less than 5 percent shall be used for grants
to Indian tribes or Indian tribal organizations that
provide emergency shelter, transitional housing, or
permanent housing or supportive services to individ-
uals or families victimized by domestic violence,
stalking, or sexual assault. An Indian tribe or Indian
tribal organization that receives a grant with the
amount set-aside under this paragraph may apply
for and receive other any other grant under this sub-
title.

(3) Reallocation.—
(A) IN GENERAL.—If, at the end of the 6th month of any fiscal year for which amounts are made available to carry out this subtitle, the amount appropriated has not been made available to a qualified, nonprofit, nongovernmental organization under subsection (a), the Secretary shall allocate such amount to qualified, nonprofit, nongovernmental organizations that are eligible for funding under subchapter IV of part C of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11381 et seq.).

(B) AVAILABILITY.—Any amount reallocated under subparagraph (A) shall remain available for expenditure until the last day of the fiscal year following the fiscal year during which the amount becomes available for reallocation under this paragraph.

SEC. 1005. AUTHORIZATION OF APPROPRIATIONS.

To carry out this subtitle, the authorization of appropriations under section 429(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11389(a)) shall be increased by $50,000,000 for fiscal year 2000 and by such sums as may be necessary for each of fiscal years 2000 through 2004.
Subtitle B—Full Faith and Credit for Protection Orders

SEC. 1011. FULL FAITH AND CREDIT FOR PROTECTION ORDERS.

(a) In General.—Subsection 2265 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Any protection” and inserting the following:

“(1) IN GENERAL.—Any protection order”; and

(B) by adding at the end the following:

“(2) ENFORCEMENT BY TRIBAL COURTS.—

“(A) IN GENERAL.—For purposes of enforcement of a protection order described in subsection (a), a tribal court may exercise civil and criminal jurisdiction over any person, without regard to whether that person is an Indian or non-Indian, who violates a protection order within the jurisdiction of the tribal court, if the exercise of jurisdiction is authorized under title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.).

“(B) HABEAS CORPUS REVIEW.—The exercise of criminal jurisdiction under this paragraph is subject to Federal court habeas corpus
review under section 203 of the Civil Rights Act
of 1968 (25 U.S.C. 1302) after tribal court
remedies are exhausted.

“(3) Presumption of validity.—For pur-
poses of Federal, State, and tribal law enforcement,
a protection order issued by a Federal, State, or
tribal court shall be presumed to be valid.”;

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and
(2) as subparagraphs (A) and (B), respectively,
and indenting accordingly;

(B) by striking “In the case of” and in-
serting the following:

“(2) Ex parte orders.—In the case of”;

(C) by striking “A protection order” and
inserting the following:

“(1) In general.—A protection order”; and

(D) by adding at the end the following:

“(3) Tribal court orders.—For purposes of
paragraph (1), a Federal, State, or tribal court may
not refuse to enforce a tribal court order on the
grounds that the tribal court lacks jurisdiction over
the defendant because of the status of the defendant
as a non-Indian or an Indian who is not a member
of the Indian tribe.”; and
(3) by adding at the end the following:

“(d) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

“(1) to require the prior filing or registration of a protection order in the enforcing State or tribal government in order to secure enforcement pursuant to subsection (a);

“(2) to permit an enforcing State or tribal government to notify the party against whom the order has been made that a protection order has been registered or filed in that State or tribal government; or

“(3) to 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 designating the first 6 undesignated paragraphs as paragraphs (1) through (6), respectively;

(2) in each of paragraphs (1) through (4), as so designated, by striking the period at the end and inserting a semicolon;

(3) in paragraph (3), as so designated—
(A) by inserting “issued pursuant to State or tribal divorce and child custody laws” after “custody orders”; and

(B) by inserting before the period at the end the following: “, and includes any related child custody or visitation order”; and

(4) in paragraph (5), as so designated, by striking the period at the end and inserting “; and”.

SEC. 1012. GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General may award 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 government.

(b) USES OF FUNDS.—

(1) IN GENERAL.—Grants awarded under this section shall be used to provide training and enhanced technology compatible with existing law enforcement systems including the National Crime Information Center to enforce protection orders.

(2) USES OF FUNDS.—Amounts received under this section may be used to train law enforcement,
prosecutors, court personnel, victim service providers, and others responsible for the enforcement of protection orders, and to develop, install, or expand data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking protection orders and violations of protection orders and training.

(3) Grants to Tribal Governments.—Not less than 50 percent of the amount made available under subsection (e) in each fiscal year shall be used for grants to Indian tribal governments.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2000 through 2004.

Subtitle C—Victims of Abuse Insurance Protection

SEC. 1021. SHORT TITLE.

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

SEC. 1022. DEFINITIONS.

In this subtitle:

(1) Abuse.—The term “abuse” means the occurrence of 1 or more of the following acts by a cur-
rent 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) Health Carrier.—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 cor-
poration or any other entity providing a plan of health insurance, health benefits or health services.

(3) INSURED.—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 person 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.

(4) INSURER.—The term “insurer” means any person, reciprocal exchange, inter insurer, 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.

(5) POLICY.—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.

(6) SUBJECT OF ABUSE.—The term “subject of
abuse” means—

(A) a person against whom an act of abuse
has been directed;

(B) a person who has prior or current in-
juries, illnesses, or disorders that resulted from
abuse; or

(C) 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. 1023. DISCRIMINATORY ACTS PROHIBITED.

(a) IN GENERAL.—No insurer may, directly or indi-
crectly, engage in any of the following acts or practices on
the basis that the applicant or insured, or any person em-
ployed by the applicant or insured or with whom the appli-
cant or insured is known to have a relationship or associa-
tion, 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) Prohibition on Limitation on Claims.—No insurer may, directly or indirectly, deny or limit payment of a claim incurred by an innocent insured as a result of abuse.

(c) Prohibition on Termination.—

(1) In General.—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 an extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986.

(2) Payment of Premiums.—Nothing in paragraph (1) shall be construed to prohibit the insurer from requiring that the subject of abuse pay the full
premium for the subject’s coverage under the health plan if the requirements are applied to all insured of the health carrier.

(3) EXCEPTION.—An insurer may terminate group coverage to which this subsection applies after the continuation coverage period required by this subsection has been in force for 18 months if it offers conversion to an equivalent individual plan.

(4) CONTINUATION COVERAGE.—The continuation of health coverage required by this subsection shall be satisfied by any extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 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 otherwise provided for under such part 6 or section 4980B.

(d) USE OF INFORMATION.—

(1) LIMITATION.—

(A) IN GENERAL.—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—
(i) 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; or

(ii) 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, unless such disclosure or transfer—

(I) is required in order to provide insurance coverage; and

(II) does not have the potential to endanger the safety of a subject of abuse.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or
preclude a subject of abuse from obtaining the
subject’s own insurance records from an in-
surer.

(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 dem-
onstrating 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. 1024. 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 this subtitle when taking an
application, investigating a claim, or taking any other ac-
tion relating to a policy or claim involving a subject of
abuse.

SEC. 1025. REASONS FOR ADVERSE ACTIONS.

An insurer that takes an action that adversely affects
a subject of abuse, shall advise the subject of abuse appli-
cant or insured of the specific reasons for the action in
writing. For purposes of this section, reference to general
underwriting practices or guidelines shall not constitute
a specific reason.

SEC. 1026. 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. 1027. SUBROGATION WITHOUT CONSENT PROHIBITED.

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

SEC. 1028. ENFORCEMENT.

(a) Federal Trade Commission.—

(1) In general.—The Federal Trade Commiss-
sion 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.

(2) CEASE AND DESIST ORDERS.—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, preliminary, and permanent injunctive and compensatory relief.

(b) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—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.

(2) RELIEF.—Upon proof of such conduct by a preponderance of the evidence in an action described in paragraph (1), 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.

(3) **Statutory Damages.**—With respect to compensatory damages in an action described in paragraph (1), 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. 1029. EFFECTIVE DATE.**

This subtitle shall apply with respect to any action taken on or after the date of enactment of this Act, except that section 2024 shall only apply to actions taken after the expiration of 60 days after such date of enactment.

**Subtitle D—Access to Safety and Advocacy**

**SEC. 1031. SHORT TITLE.**

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

**SEC. 1032. PURPOSE.**

The purpose of this subtitle is to enhance safety and justice for victims of domestic violence throughout the United States through improved access to the justice system and improved legal assistance.
SEC. 1033. DEFINITIONS.

In this subtitle:

(1) Domestic violence program.—The term "domestic violence program" means a nonprofit, nongovernmental organization, the primary purpose of which is to provide advocacy on behalf of and comprehensive services to victims of domestic violence, including—

(A) crisis hotlines;
(B) shelter or safe homes;
(C) transitional housing;
(D) task forces or coordinating councils;
(E) food assistance;
(F) counseling;
(G) systems advocacy;
(H) transportation;
(I) safety planning;
(J) information and referral; and
(K) legal advocacy and representation.

(2) Eligible grantee.—The term “eligible grantee” means any—

(A) domestic violence program;
(B) State, tribal, or local bar association;
(C) law school clinical program;
(D) nonprofit legal service;
(E) court-based pro se program;
(F) bar association or domestic violence

legal information and referral service or hotline;

or

(G) State or tribal coalition of domestic vi-

olence programs.

(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 victim safety, achieving economic justice,

or protecting child victims of domestic violence.

(4) LEGAL ASSISTANCE.—The term “legal as-

sistance” includes—

(A) direct representation of and assistance

to victims of domestic violence in any civil ac-

tion, administrative proceeding, criminal case in

which the defendant advances a claim of duress

or a defense of self or other, or clemency pro-

ceeding, from intake through adjudication, en-

forcement, and appeal, directed at stopping the

violence, enhancing victim safety, assuring eco-
nomic protection and well-being, and protecting
child victims of domestic violence; and

(B) legal advocacy, including issue identi-
fication, safety planning, evaluating options,
policy analysis, representation enhancement,
outreach activities, accompaniment, informa-
tion, directories, and referral, monitoring the
civil and criminal justice process, and coordi-
nating among legal, social, and health care sys-
tems, offered by personnel of domestic violence
programs, that is directed at stopping the vio-
lence, enhancing victim safety, assuring eco-
nomic protection and well-being, or protecting
child victims of domestic violence.

(5) NONPROFIT DIRECT LEGAL SERVICES.—The
term “nonprofit direct legal services” means a non-
profit legal organization that has as its primary pur-
pose the provision of legal assistance 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 do-
mestic violence directed at stopping the violence, en-
hancing victim safety, achieving economic justice, 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, achieving economic justice, or protecting child victims of domestic violence.

(7) PRO SE PROGRAM.—The term “pro se program” means a program based in a State, tribal, or local court, a nonprofit direct legal services organization, or a domestic violence program, in order 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, achieving economic justice, or protecting child victims of domestic violence;

(B) to develop comprehensive safety plans; and
(C) to offer information and referral services.

(8) 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.

(9) 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 or jurisdictions, as applicable, and that offers information, referral, or pro bono legal services to victims of domestic violence related to civil actions, administrative proceedings and criminal defense directed at stopping the violence, enhancing victim safety, achieving economic justice, or protecting child victims of domestic violence.

(10) State coalition of domestic violence programs.—The term "State coalition of domestic violence programs" means a private, nonprofit 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 Federal military or tribal authority.

(11) **Tribal Coalition of Domestic Violence Programs.**—The term “tribal coalition of domestic violence programs” means a private non-profit coalition whose membership includes representatives from a majority of the programs for victims of domestic violence operating within the boundaries of an Indian reservation and programs whose primary purpose is serving the population of such Indian country, and whose board membership is representative of such programs.

(12) **Tribal Organization.**—The term “tribal organization” means a tribally chartered organization operating within the boundaries of an Indian reservation whose governing body reflects the populations served.

**SEC. 1034. GRANT PROGRAM.**

(a) **Grant Authority.**—The Attorney General may award grants to eligible grantees in accordance with this section, which shall be used to further the health, safety, and economic needs of victims of domestic violence, regardless of the race, ethnicity, gender, sexual orientation,
religion, or immigration status of those victims, through
the provision of legal assistance to those victims.

(b) Application Requirements.—

(1) In general.—Subject to paragraph (2), in
order to receive a grant under this section, an eligi-
ble grantee shall—

(A) with respect to any eligible grantee de-
scribed in subparagraphs (B) through (F) of
section 2033(2), include documentation of an
ongoing partnership and working relationship
with a domestic violence program or State or
tribal coalition of domestic violence programs;

(B) demonstrate a history of providing di-
rect legal or advocacy services in a manner that
is accountable to the community served; and

(C) certify in writing that—

(i) any person providing direct legal
representation or advocacy through a pro-
gram funded under this section has com-
pleted training on domestic violence law
and practice;

(ii) any training program conducted in
satisfaction of the requirement of clause (i)
will be developed with input from and in
collaboration with a domestic violence pro-
gram or State of tribal coalition of domestic violence programs;

(iii) the applicant agency will, to the maximum extent practicable, petition for the shifting of litigation costs to the abuser;

(iv) the applicant agency does not require clients to engage in mediation or encourage mediation in domestic violence cases or related civil matters;

(v) any person providing direct legal representation or advocacy through a program funded under this section has informed the appropriate State or tribal domestic violence coalitions of their work and participates in any statewide networking among legal assistance providers to victims of domestic violence; and

(vi) the applicant agency’s policies and practices do not encourage victims to seek or obtain the insurance of mutual orders of protection.

(2) Waiver.—
(A) IN GENERAL.—The Attorney General may waive the requirements of paragraph (1) for good cause, if the applicant—

(i) is seeking a grant to fund activities described in paragraphs (1) through (5) of subsection (c);

(ii) cannot meet all of the conditions described in clauses (i) through (vi) of paragraph (1)(C); and

(iii) demonstrates a commitment to improved access to the justice system for victims of domestic violence.

(B) APPLICATION FOR WAIVER.—An eligible grantee seeking a waiver under this paragraph shall submit to the Attorney General an application that—

(i) contains a certification by the applicant’s chief executive officer or its designee that the applicant is seeking a waiver under this paragraph; and

(ii) describes plans to further the purposes as stated in paragraphs (1) through (6) of subsection (e).

(c) PURPOSES.—Grants awarded under this section may be used to—
(1) enhance the availability and quality of legal representation to victims of domestic violence in civil actions, criminal defense, administrative proceedings, and other courts;

(2) strengthen and expand legal advocacy programs for victims of domestic violence;

(3) encourage the development of partnerships between domestic violence programs and the full spectrum of legal representation and advocacy programs, including—

(A) private practitioners;

(B) government and public sector attorneys;

(C) direct legal services programs;

(D) bar associations;

(E) legal hotlines; and

(F) law school programs;

(4) increase the participation of the private bar in pro bono and low-cost representation of and assistance to victims of domestic violence;

(5) improve judicial and administrative handling of cases involving victims of domestic violence; and
(6) improve legal education on domestic violence in law schools and in continuing professional education programs.

(d) Matching Requirement.—The Attorney General may not award a grant to an eligible grantee under this section unless the eligible grantee agrees that, with respect to the costs to be incurred by the eligible grantee in carrying out the program for which the grant was awarded, the State will make available (directly or through donations from public or private entities) non-Federal contributions in an amount not to exceed 20 percent of Federal funds provided under the grant, except that grantees who are nonprofit, nongovernmental organizations shall be exempt from this matching requirement.

(e) NonSupplantation.—Federal funds received under this section shall be used to supplement, not supplant, other Federal and non-Federal funds that would otherwise be available for expenditure on activities described in this section. Amounts made available under this section may be used to fund new programs or to expand or enhance existing programs.
SEC. 1035. PROVISION OF TECHNICAL ASSISTANCE AND TRAINING.

The Attorney General may provide, either directly or through contract or other arrangements with 1 or more other entities—

(1) technical assistance to further the purpose of this subtitle, including—

(A) consultation to and problem-solving with any grantee related to the implementation of grants;

(B) litigation support for advocates, attorneys, and grantee programs, including the establishment of an archive and database related to trial memos, briefs, and case law on civil, administrative, and criminal matters on domestic violence;

(C) the development of materials to assist in the education of legal advocates, law students, and attorneys on providing services to victims of domestic violence and their children;

(D) the development of information packets on mentoring programs for building the capacity of advocates and attorneys to enhance the quality of services to victims of domestic violence;
(E) the identification of promising practices for partnerships between direct legal services programs, the private bar, and law schools with domestic violence programs to enhance legal advocacy and representation of victims of domestic violence and their children; and the development of protocols or program guidelines for partnership initiatives; and

(F) the development of statewide databases and a national clearinghouse and database relating to the provision of advocacy and representation for victims of domestic violence; and

(2) training to further the purpose of this subtitle, including—

(A) training to educate legal advocates and attorneys about stopping the violence, enhancing victim safety, achieving economic justice, and protecting child victims and witnesses of domestic violence, including—

(i) the identification and development of training materials on an array of civil, administrative, and criminal issues related to domestic violence; and

(ii) the provision of site, regional, or national consultations and training of ad-
vocates, attorneys, or law faculty on domestic violence advocacy and representation; and

(B) training relating to—

   (i) legal strategies and practice issues in civil, administrative, and criminal cases and in enforcement proceedings relating to domestic violence;

   (ii) safety planning for victims and their children;

   (iii) statutory, regulatory, and case law which affect or protect victims of domestic violence and their children;

   (iv) coordinating efforts in civil, criminal, administrative, and other proceedings affecting a victim of domestic violence or the victim’s family;

   (v) developing partnerships for advocacy and representation for victims of domestic violence; and

   (vi) creating multidisciplinary, community-based approaches to enhance legal advocacy and representation in justice-seeking efforts for victims of domestic violence.
SEC. 1036. EVALUATION.

The Attorney General may evaluate impact of the grants awarded under this subtitle through contract or other arrangement with 1 or more other entities that have expertise in domestic violence and evaluation research.

SEC. 1037. FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $30,000,000 for fiscal year 2000;

(2) $44,000,000 for fiscal year 2001; and

(3) $57,000,000 for fiscal year 2002.

(b) ALLOCATION.—Of the amount made available under this section in each fiscal year—

(1) not less than 70 percent shall be used for grants for legal assistance programs under section 2034;

(2) not more than 15 percent shall be used to provide technical assistance and training under section 2035;

(3) not more than 5 percent shall be used for evaluation under section 2036;

(4) not more than 5 percent shall be used for the costs of administration; and

(5) not less than 5 percent shall be used for grants to tribal organizations.
(c) Assistance to State or Tribal Domestic Violence Coalitions.—Any grant awarded under this subtitle to a tribal organization or a State or tribal domestic violence coalition shall be in addition to any assistance made available to the tribal organization or State or tribal domestic violence coalition under the Violence Against Women Act of 1994 or any provision of law amended by that Act.

Subtitle E—Battered Women’s Shelters and Services

SEC. 1041. SHORT TITLE.

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

SEC. 1042. FAMILY VIOLENCE PREVENTION AND SERVICES IMPROVEMENTS.

(a) State Demonstration Grants.—

(1) Application.—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, alien status, geographic location (including rural isolation), or language barriers, and any other
populations determined by the Secretary to be underserved;”.

(2) TRIBAL DOMESTIC VIOLENCE COALITIONS.—Section 303(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(b)) is amended—

(A) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively;

(B) in the matter preceding subparagraph (B), as redesignated in subparagraph (A) of this paragraph, by striking “of such amounts to make grants” and inserting the following: “of such amounts to make grants under paragraphs (2) and (3).

“(2)(A) Using amounts made available under paragraph (1), the Secretary shall make grants”;

(C) in subparagraph (B), as redesignated in subparagraph (A) of this paragraph—

(i) by striking “this subsection” each place it appears and inserting “this paragraph”; and

(ii) by striking “paragraph (1)” and inserting “this paragraph”; and

(D) by adding at the end the following:
“(3)(A) Using not less than 5 percent of the amounts made available under paragraph (1), the Secretary shall make grants to tribal domestic violence coalitions.

“(B) To be eligible to receive a grant under this paragraph, an entity shall be a private nonprofit coalition—

“(i) whose membership includes representatives from—

“(I) a majority of the programs for victims of domestic violence operating within the boundaries of an Indian reservation; and

“(II) programs whose primary purpose is serving the populations of an area of Indian country; and

“(ii) that has a governing board whose membership represents the programs described in clause (i).

“(C) A coalition that receives a grant under this paragraph shall use the funds made available through the grant to further the purposes of domestic violence intervention and prevention through activities including—

“(i) providing training and technical assistance for local Indian domestic violence programs providing shelter or related assistance and providers of direct services to encourage appropriate responses to domestic violence in Indian country;
“(ii) planning and conducting needs assessments and planning for comprehensive services to address domestic violence in Indian country;

“(iii) serving as an information clearinghouse and resource center for the Indian reservation represented by the coalition receiving the funds;

“(iv) collaborating with Indian, State, and Federal governmental entities that affect victims of domestic violence in Indian country, including judicial, law enforcement, and child protective services agencies, to encourage appropriate responses to domestic violence cases;

“(v) conducting public education and outreach activities addressing domestic violence in Indian country;

“(vi) collaborating with State domestic violence coalitions in carrying out the activities described in clauses (i) through (v); and

“(vii) participating in planning and monitoring the distribution of grants and grant funds to tribes and organizations under paragraph (2).”.

(3) DENIAL OF APPLICATION.—Section 303 of the Family Violence Prevention and Services Act (42 U.S.C. 10402) is amended by adding at the end the following:
“(g) The Secretary shall deny any State or tribal application submitted under this section that fails to provide documentation, including a memorandum of understanding, of the specific involvement of the appropriate State or tribal domestic violence coalition and other knowledgeable individuals and interested organizations, in the development of the State or tribal application.”.

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

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “for grants to States” and inserting “and available for grants to States under section 303(a)”;

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

(iii) by striking “such sums” and inserting “such remaining funds”; and

(B) by striking “except that—” and all that follows and inserting “except that Guam, American Samoa, the United States Virgin Is-
lands, the Commonwealth of the Northern Mar-
iana Islands, and the combined Freely Associ-
ated States shall each be allotted not less than
1/8 of 1 percent of the amounts available for
grants under section 303(a) for the fiscal year
for which the allotment is made.”;
(2) in subsection (c), in the first sentence, by
inserting “and available” before “for grants”; and
(3) in subsection (d)—
(A) in paragraph (1), by inserting before
the period the following: “, in proportion to the
original allotments made to the States for such
year”;
(B) by redesignating paragraph (2) as
paragraph (3);
(C) by inserting before paragraph (3) the
following:
“(2) If, at the end of the sixth month of a fiscal year
for which sums are appropriated under section 310—
“(A) the entire portion of such sums that is
made available for grants under section 303(b) has
not been distributed to Indian tribes and organiza-
tions described in section 303(b) in grants because
of the failure of 1 or more of the tribes or organiza-
tions to meet the requirements for such a grant, the
Secretary shall—

“(i) use the remainder of the portion to
make grants under section 303(b) to Indian
tribes and organizations who meet the require-
ments; and

“(ii) make the grants in proportion to the
original grants made to the tribes and organiza-
tions under section 303(b) for such year;

“(B) the amount allotted to an entity under
section 311 has not been made available to such en-
tity in grants under section 311 because of the fail-
ure of such entity to meet the requirements for a
grant or because a limitation on expenditure has
been reached, the Secretary shall—

“(i) use the amount to make allotments
and grants under subsections (a) and (b) of
section 303 and section 304 to States, Indian
tribes, and other organizations who meet the re-
quirements of those sections; and

“(ii) make the allotments and grants in
proportion to the original allotments and grants
made to the States, tribes, and organizations
under subsections (a) and (b) of section 303
and section 304 for such year; and
“(C) the entire portion of such sums that is
made available for grants under section 308 has not
been distributed to entities described in section 308
in grants because of the failure of 1 or more of the
entities to meet the requirements for such a grant
or because a limitation on expenditure has been
reached, the Secretary shall—

“(i) use the remainder of the portion to
make allotments and grants under subsections
(a) and (b) of section 303 and section 304 to
States, Indian tribes, and other organizations
who meet the requirements of those sections;

and

“(ii) make the allotments and grants in
proportion to the original allotments and grants
made to the States, tribes, and organizations
under subsections (a) and (b) of section 303
and section 304 for such year.”; and

(D) in paragraph (3) (as redesignated in
subparagraph (A))—

(i) by inserting “or distribution under
paragraph (2)” after “paragraph (1)”; and

(ii) by striking “for reallocation” and
inserting “for reallocation or distribution”.
(c) CONFORMING AMENDMENT.—The last sentence of section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended by inserting “or section 303(g)” before the period.

(d) RESOURCE CENTERS.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended—

(1) in subsection (a)(2)—

(A) by striking the following:

“(2) GRANTS.—From the amounts” and inserting the following:

“(2) GRANTS.—

“(A) CENTERS.—From the amounts”;

(B) by inserting “on providing information, training, and technical assistance” after “focusing”; and

(C) by adding at the end the following:

“(B) INITIATIVES.—From such amounts, the Secretary may award grants to private non-profit organizations for information, training, and technical assistance initiatives in the subject areas identified in subsection (c), if—

“(i) such initiatives do not duplicate the activities of the entities operating the
special issue resource centers provided for
in subsection (c); and

“(ii) the total amounts awarded for all
such initiatives do not exceed $500,000.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1),
by striking “and shall specialize” and all that
follows through “law:” and inserting “on
emerging issues in domestic violence service,
prevention, or law, and shall specialize in at
least 1 of the following areas:”; and

(B) by adding at the end the following:

“(8) Providing technical assistance and training
to local entities carrying out domestic violence pro-
grams that provide shelter or related assistance.

“(9) Improving access to services, information,
and training, concerning family violence, within In-
dian tribes and Indian tribal agencies.

“(10) Responding to emerging issues in the
field of family violence that the Secretary may iden-
tify in consultation with advocates for local entities
carrying out domestic violence programs that provide
shelter or related assistance, State and tribal domes-
tic violence coalitions, and national domestic violence
organizations.”;
(3) in subsection (d)(4), by inserting “in the case of an entity seeking to establish and maintain a resource center,” after “(4);”

(4) in subsection (e)—

(A) by inserting before “Not” the following:

“(1) REPORTS AFTER RECEIPT.—”; and

(B) by adding at the end the following:

“(2) REPORTS BY GRANT RECIPIENTS.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Batterered Women’s Shelters and Services Act, each recipient of a grant under this section shall prepare and submit to the Secretary a report that contains—

“(i) an evaluation of the effectiveness of the activities carried out by the recipient with funds received under such grant; and

“(ii) such other information as the Secretary may prescribe.

“(B) NOTICE AND PUBLIC COMMENT.—Before renewing any grant under this section for a recipient, the Secretary shall publish in the Federal Register a copy of the report submitted by the recipient under this paragraph and allow
not less than 90 days for notice of and oppor-
tunity for public comment on the published re-
port.”; and

(5) by adding at the end the following:

“(h) **MULTIPLE GRANTS.**—Nothing in this section
shall prohibit the Secretary from making multiple grants
to any private nonprofit entity to fulfill the objectives of
this section.”.

(e) **DEFINITIONS.**—Section 309 of the Family Vio-
ence Prevention and Services Act (42 U.S.C. 10408) is
amended—

(1) in paragraph (1)(B), by inserting “, with
whom such person is or has been in a social relation-
ship of a romantic or intimate nature,” before “or
with whom”;

(2) by adding at the end the following:

“(7) The term ‘Indian country’ has the mean-
ing given the term in section 1151 of title 18,
United States Code.”; and

(3) in paragraph (6), by striking “the Virgin Is-
lands, the Northern Mariana Islands, and the Trust
Territory of the Pacific Islands” and inserting “the
United States Virgin Islands, the Commonwealth of
the Northern Mariana Islands, and the combined
Freely Associated States”.
(f) **Funds for State Domestic Violence Coalitions.**—Section 310(d) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(d)) is amended—

(1) by striking “not less than” and inserting “the lesser of $22,000,000 and”; and

(2) by adding at the end the following: “For any fiscal year for which the amount of funds made available under this subsection exceeds $11,000,000, the Secretary shall reserve not more than 20 percent of the funds made available under this subsection. The Secretary shall make the reserved funds available to State and tribal domestic violence coalitions and entities carrying out domestic violence programs that provide shelter or related assistance to carry out activities under sections 319 through 321 or to carry out other priority activities, as determined by the Secretary in consultation with State and tribal domestic violence coalitions and entities carrying out domestic violence programs that provide shelter or related assistance.”.

(g) **State Domestic Violence Coalition Grant Activities.**—Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended—

(1) in subsection (a)(4), by striking “underserved racial, ethnic or language-minority popu-
lations” and inserting “underserved populations de-
scribed in section 303(a)(2)(C)”; and

(2) in subsection (c), by striking “the U.S. Vir-
gin Islands, the Northern Mariana Islands, and the
Trust Territory of the Pacific Islands” and inserting
“the United States Virgin Islands, the Common-
wealth of the Northern Mariana Islands, and the
Freely Associated States”.

SEC. 1043. MODEL LEADERSHIP GRANTS; DIRECT EMER-
GENCY ASSISTANCE; TECHNICAL ASSISTANCE
AND TRAINING.

Title III of the Family Violence Prevention and Serv-
dices Act (42 U.S.C. 10401 et seq.) is amended by adding
at the end the following:

“SEC. 319. MODEL LEADERSHIP GRANTS FOR DOMESTIC VI-
OLENCE INTERVENTION IN UNDERSERVED
COMMUNITIES.

“(a) GRANTS.—

“(1) IN GENERAL.—The Secretary shall award
grants to develop and implement model community
intervention strategies to address domestic violence
in underserved populations.

“(2) LIMITATIONS.—In awarding grants under
paragraph (1), the Secretary shall award grants to
not more than 10 State and tribal domestic violence
coalitions and to not more than 10 local entities that carry out domestic violence programs providing shelter or related assistance.

“(3) PURPOSES.—Grants awarded under paragraph (1) shall be used for—

“(A) assessing the needs of underserved populations in the State or area of Indian country involved;

“(B) building collaborative relationships between the grant recipients and community-based organizations serving underserved populations; and

“(C) developing and implementing model community intervention strategies to decrease the incidence of domestic violence in underserved populations.

“(4) PERIODS.—The Secretary shall award grants under paragraph (1) for periods of not more than 3 years.

“(b) ELIGIBILITY.—

“(1) INITIAL ELIGIBILITY.—To be eligible for an initial year of funding through a grant awarded under subsection (a)(1), an applicant shall—

“(A) submit to the Secretary an application containing an acceptable plan for assessing
the needs of underserved populations for the
model community intervention strategies de-
scribed in subsection (a)(3), and identifying a
specific population for development of such an
intervention strategy, in the first year of the
grant; and

“(B) demonstrate to the Secretary inclu-
sion of representatives from community-based
organizations serving underserved populations,
in planning, designing, and disseminating the
needs assessment under subparagraph (A).

“(2) CONTINUED ELIGIBILITY.—To be eligible
for continued funding for not more than 2 additional
years through a grant awarded under subsection
(a)(1), a recipient of funding for the initial year
shall submit to the Secretary an application
containing—

“(A) a plan for implementing the interven-
tion strategy, and specifying collaborative rela-
tionships with community-based organizations
serving the identified underserved population to
be supported under the grant; and

“(B) a plan for disseminating the interven-
tion strategy throughout the State or area of
Indian country involved and, at the option of
the recipient, to other States, in the third year
of the grant.

“(c) PRIORITY FOR COLLABORATIVE FUNDING.—

“(1) IN GENERAL.—In awarding grants under
subsection (a)(1), the Secretary shall give priority to
State and tribal domestic violence coalitions, and
local entities that carry out domestic violence pro-
grams, that submit applications in collaboration with
community-based organizations serving underserved
populations.

“(2) AMOUNTS.—The Secretary shall award
grants under subsection (a)(1) to coalitions and enti-
ties described in paragraph (1) in amounts of not
less than $100,000 per fiscal year.

“(d) DEFINITION.—The term ‘underserved popu-
lation’ has the meaning given the term in section 2003
of the Omnibus Crime Control and Safe Streets Act of

“SEC. 320. DIRECT EMERGENCY ASSISTANCE TO VICTIMS
OF DOMESTIC VIOLENCE.

“(a) IN GENERAL.—The Secretary shall award
grants to State and tribal domestic violence coalitions for
the purpose of enabling the coalitions to provide emer-
gency assistance, through an emergency assistance fund
administered by the coalitions, for victims of domestic vio-

“(b) Use of Funds.—

“(1) Provision of Assistance.—A State or tribal domestic violence coalition that receives a grant under subsection (a) may use funds received through the grant only to provide emergency assistance—

“(A) directly to victims of domestic vio-

“(B) to such victims through entities that carry out domestic violence programs providing shelter or related assistance and that request such assistance on behalf of victims.

“(2) Emergency Assistance.—Emergency as-

“(c) Application.—To be eligible to receive a grant under subsection (a), a State or tribal domestic violence coalition shall submit to the Secretary an application at such time, in such manner, and containing such informa-

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“(1) a detailed description of the process that
the coalition will use to receive and review applica-
tions for the emergency assistance;

“(2) a detailed description of the process that
the coalition will use for notifying entities that carry
out domestic violence programs described in sub-
section (b)(1)(B) about the availability of emergency
assistance under this section;

“(3) an application form for the applications
described in paragraph (1) that requires applicants
for emergency assistance to specify the type of as-
sistance requested from the coalition, a statement of
need for the assistance, a statement about the im-
 pact of the assistance on a victim’s ability to escape
domestic violence, and such other information as
would be helpful in disbursing emergency assistance;

“(4) a description of the process that the coali-
tion will use to make payments to recipients of the
assistance; and

“(5) a statement of procedures the coalition will
use to protect the confidentiality of information re-
lating to the identity of the recipients.

“(d) REPORTS.—The State or tribal domestic vio-

lence coalition shall annually prepare and submit to the
Secretary a report describing the distribution of emer-
gency assistance to victims of domestic violence under this section, analyzing the distribution by type and amount of assistance provided. For reasons of safety and confidentiality, such reports shall not contain information that allows the identification of individual victims.

“SEC. 321. TECHNICAL ASSISTANCE AND TRAINING FOR STATE, LOCAL, AND TRIBAL DOMESTIC VIOLENCE PROGRAMS.

“(a) In General.—The Secretary shall award grants to State and tribal domestic violence coalitions for the purpose of providing training and technical assistance for State and tribal domestic violence coalitions and other nonprofit, nongovernmental entities carrying out State, local, and tribal domestic violence programs.

“(b) Use of Funds.—A State or tribal domestic violence coalition that receives a grant under subsection (a) shall use funds received through the grant to develop and implement regional training and technical assistance initiatives within a region served by a regional office of the Department of Health and Human Services. In implementing the initiatives, the coalition shall use the funds to prioritize, plan, and implement solutions to regional problems experienced by State and tribal domestic violence coalitions, and entities carrying out domestic violence pro-
grams providing shelter or related assistance, within the region.

“(c) Collaborative Efforts.—To the extent practicable, the coalition shall implement the initiatives in collaboration with advocates and organizations that assist domestic violence victims and that operate outside of the region, and with the national resource center and special issue resource centers established in section 308, in order to obtain the expertise of the advocates, organizations, and centers in delivering training and technical assistance within the region.

“(d) Eligibility.—To be eligible to receive a grant under subsection (a), a State or tribal domestic violence coalition shall—

“(1) be a nonprofit, nongovernmental State or tribal domestic violence coalition; 

“(2) demonstrate to the Secretary that a majority of State and tribal domestic violence coalitions within the region to be served support the selection of the coalition to receive the grant; and

“(3) have its principal place of operation within the region.

“(e) Application.—To be eligible to receive a grant under subsection (a), a State or tribal domestic violence coalition shall submit an application to the Secretary at
such time, in such manner, and containing such information as the Secretary may require.

“(f) Construction.—Nothing in this section shall be construed to prohibit entities that carry out domestic violence programs serving Indian tribes from receiving technical assistance and training under this section.

“(g) Reports.—The State or tribal domestic violence coalition shall annually prepare and submit to the Secretary a report describing the entities receiving training and technical assistance from the coalition under this section, and the type of technical assistance and training received.”.

SEC. 1044. AUTHORIZATION OF APPROPRIATIONS FOR FAMILY VIOLENCE PREVENTION AND SERVICES.

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

“(a) In General.—There are authorized to be appropriated to carry out this title—

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

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

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

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

“(5) $260,000,000 for fiscal year 2004.”.
(b) INFORMATION AND TECHNICAL ASSISTANCE

CENTERS.—Section 310(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(c)) is amended by inserting before “5 percent shall” the following: “the lesser of $7,500,000 and”.

Subtitle F—Battered Immigrant Women’s Economic Security and Safety

SEC. 1051. PURPOSES.

The purposes of this subtitle are—

(1) to ensure that battered immigrant women and children abused by their United States citizen and lawful permanent resident spouses and parents have access to the public benefits safety net when they flee their abusers;

(2) to ensure that children of battered immigrant women have the same access to Violence Against Women Act immigration protections as their battered immigrant mothers; and

(3) to remove impediments in current law that reduce battered immigrant women’s and children’s access to the Violence Against Women Act’s immigration protections and battered immigrant’s ability to work so that they can sever dependence on their
abusers and gain economic independence for themselves and their children.

SEC. 1052. WAIVER OF CERTAIN REMOVAL GROUNDS.

Section 237(a)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding at the end the following:

“(iii) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—The Attorney General may waive the application of clauses (i) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and was not the primary perpetrator of violence in the relationship—

“(I) upon determination that—

“(aa) the alien was acting in self-defense;

“(bb) the alien was found to have violated a protection order intended to protect the alien; or

“(cc) the alien committed, was convicted of, or pled guilty to committing a crime where there was a connection between the crime and having been battered
or subjected to extreme cruelty;

or

“(II) for humanitarian pur-
poses.”.

SEC. 1053. SELF-PETITIONING CHILDREN OF UNITED
STATES CITIZENS.

Section 204(a)(1)(A) of the Immigration and Nation-
ality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
at the end the following:

“(v) An alien child filing a petition
under clause (iv), or who is included in a
petition filed under clause (iii) shall con-
tinue to be considered a child for purposes
of that clause and section 245, and for
purposes of obtaining an immigrant visa
under section 203, if, on the date of the
filing of the petition, the child was under
the age of 21.”.

SEC. 1054. SELF-PETITIONING CHILDREN OF LAWFUL PER-
MANENT RESIDENTS.

Section 204(a)(1)(B) of the Immigration and Nation-
ality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding
at the end the following:

“(iv) An alien child filing a petition
under clause (iii), or who is included in a
petition filed under clause (ii) shall continue to be considered a child for purposes of that clause and section 245, and for purposes of obtaining an immigrant visa under section 203, if, on the date of the filing of the petition, the child was under the age of 21.”

SEC. 1055. TREATMENT OF PETITIONS INCLUDING DERIVATIVE CHILDREN TURNING 21 YEARS OF AGE.

Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs (D), (E), (F), (G), (H), and (I), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C)(i)(I) Any petition described in clause (ii) for a classification of a child that was filed or approved before the date on which the child attained 21 years of age shall be considered, as of such date, if no visa has been issued to the child, a petition filed or approved, as the case may be, for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date under such paragraph as the alien child maintained before such date.
“(II) Any individual described in subclause (I) shall remain eligible for deferred action and work authorization. “(ii) The petition referred to in clause (i) is a petition filed by an alien parent under subparagraph (A)(iii) or (B)(ii) in which the child is included.”.

SEC. 1056. PROTECTION OF BATTERED CHILDREN AND CHILDREN OF BATTERED IMMIGRANTS FOR CANCELLATION OF REMOVAL OR SUSPENSION OF DEPORTATION.

(a) CANCELLATION OF REMOVAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (2), by striking “The” and inserting “Subject to paragraphs (3) and (4), the”;

(2) by redesignating paragraph (3) as paragraph (5); and

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

“(3) INCLUSION OF OTHER ALIENS IN CANCELLATION OF REMOVAL APPLICATIONS.—An alien described in paragraph (2) who applies for cancellation of removal under that paragraph may include—

“(A) the alien’s children, sons, or daughters in the alien’s application and, if the alien is found eligible for cancellation of removal, the
Attorney General may adjust the status of the alien’s children, sons, or daughters, to that of aliens lawfully admitted to permanent residence; or

“(B) the alien’s parent in the application in the case of an application filed by an alien child while under 21 years of age who was battered or subjected to extreme cruelty by a citizen or lawful permanent resident parent and, if the alien child is found eligible for cancellation, the Attorney General may adjust to the status of lawful permanent residence the status of both the alien child applicant and the alien child’s parent.

“(4) Treatment of children under pending applications.—An individual shall be considered a child for purposes of paragraphs (2) and (3) of this subsection or section 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) if, on the date an application was filed by the child or the parent of the child under that paragraph or section, the child was under the age of 21.”.
(b) INCLUSION OF OTHER ALIENS IN SUSPENSION OF DEPORTATION APPLICATIONS.—An alien applying for suspension of deportation under section 244(a)(3) (as in effect before the date of the enactment of Illegal Immigration Reform and Immigrant Responsibility Act of 1996) may include—

(1) the alien’s children, sons, or daughters in the alien’s application and, if the alien is found eligible for suspension of deportation, the Attorney General may adjust to the status of lawful permanent residence the status of the alien’s children, sons, or daughters; or

(2) the alien’s parent in the application in the case of an application filed by an alien child while under 21 years of age who was battered or subjected to extreme cruelty by a citizen or lawful permanent resident parent and, if the alien child is found eligible for suspension of deportation, the Attorney General may adjust to the status of lawful permanent residence the status of both the alien child applicant and the alien child’s parent.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall take effect as if included in the enactment of section 304 of the Illegal

SEC. 1057. NONAPPLICABILITY OF SPECIAL RULES RELATING TO THE TREATMENT OF NON-213A ALIENS.

Section 408(f)(6) of the Social Security Act (42 U.S.C. 608(f)(6)) is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(D) described in section 421(f) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(f)) but for the fact that the individual is a non-213A alien.”.

SEC. 1058. DISCRETIONARY FIRST TIME OFFENDER WAIVERS FOR ALIENS MAKING CHILD SUPPORT PAYMENTS.

Section 237(a)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)), as amended by section 1052 of this Act, is further amended by adding at the end the following:
“(iii) DISCRETIONARY WAIVER OF DE-
PORTATION GROUND FOR FIRST OFFEND-
ERS PAYING COURT ORDERED CHILD SUP-
PORT.—At the sole and unreviewable dis-
cretion of the Attorney General, the Attor-
ney General may waive removal of an alien
who is convicted under clause (i), or who
is found in violation of a protection order
by a determination entered by a court
under clause (ii), if—

“(I) the conviction or violation
was the alien’s first domestic violence
conviction or violation;

“(II) the alien is not otherwise
deportable under this paragraph or, if
so deportable, has obtained a waiver
under this paragraph;

“(III) the waiver of removal
under this clause is requested by the
person against whom the domestic vi-
olence crime or protection order viola-
tion was committed;

“(IV) the judge determines that
granting the waiver will not jeopardize
the safety of the victim or her children;

“(V) any ongoing cohabitation with the abuse victim will not be in violation of any court order; and

“(VI) the alien is paying adequate child support to the person against whom the domestic violence crime or protection order violation was committed, except that—

“(aa) if the alien is separated from the person against whom the domestic violence crime or the protection order violation was committed, the alien is subject to a court order requiring the alien to pay child support for any children the alien has in common with the person against whom the alien committed the crime of domestic violence or protection order violation, and the alien is current on all child support payments due under such
order or is in compliance with a
court-approved payment plan; or
“(bb) if the alien resides in
the same household as the person
against whom the alien com-
mitted the crime of domestic vio-
ence or protection order viola-
tion, the alien has demonstrated
to the immigration judge in the
removal proceeding that the alien
has been and will continue to
provide adequate, ongoing sup-
port for the victim and any chil-
dren in common, if the parties
have children in common.
“(VII) Adequate support de-
termined under applicable child
support guidelines.—For purposes
of the determination of the adequacy
of child support provided under sub-
clause (VI)(bb), the immigration
judge shall refer to the child support
guidelines of the jurisdiction in which
the parties reside.
“(iv) **Reinstatement of Deportation Grounds.**—Any person who obtains a waiver under clause (iii) who thereafter is found by a court to have committed another crime or violation of this subparagraph or is found by a court with jurisdiction over the child support matter to have failed to make court-ordered child support payments or failed to comply with a court-approved payment plan is deportable and no further waiver is available under clause (iii).”

SEC. 1059. **MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.**

(a) **Waiver of Inadmissibility.**—Section 212(i) of the Immigration and Nationality Act (8 U.S.C. 1182(i)) is amended in paragraph (1) by inserting before the period at the end the following: “or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who qualifies for relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), the alien demonstrates extreme hard-
ship to the alien or the alien’s United States citizen, lawful permanent resident or qualified alien parent, child, son, or daughter”.

(b) WAIVER OF DEPORTABILITY.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (1)(H)—

(A) in clause (ii)—

(i) by inserting “(I)” immediately after “(ii)”; and

(ii) by striking the period and inserting “; or”; and

(B) by inserting after clause (ii)(I) the following:

“(II) is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who qualifies for relief under section 240A(b)(2) or 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).”; and

(2) in paragraph (3)(D)—
(A) by inserting “(i) IN GENERAL.—” before “Any alien”; and

(B) by adding at the end the following:

“(ii) WAIVER AUTHORIZED.—The Attorney General may waive clause (i) in the case of an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who qualifies for relief under section 240A(b)(2) or 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).”.

SEC. 1060. PUBLIC CHARGE.

Section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following:

“(E) EXCEPTION.—The following aliens are not subject to public charge determinations under this paragraph:

“(i) An alien who qualifies for classification as a spouse or child of a United States citizen under clause (iii) or (iv) of section 204(a)(1)(A) or as a spouse or
child of a lawful permanent resident under clause (ii) or (iii) of section 204(a)(1)(B).

“(ii) An alien who qualifies for classification as the spouse or child of a United States citizen under clause (i) or (ii) of section 204(a)(1)(A) or as the spouse or child of a lawful permanent resident under section 204(a)(1)(B)(i) and who has been battered or subjected to extreme cruelty.

“(iii) An alien who qualifies for status as a spouse, parent, child, son, or daughter of a United States citizen or lawful permanent resident, or as a parent of a child of a United States citizen or lawful permanent resident, pursuant to section 240A(b)(2) or 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

“(iv) Any derivatives or immediate relative children of aliens under clause (i), (ii), or (iii) of this subparagraph.”
SEC. 1061. ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE.

Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting “, or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty,” after “United States” the first place such term appears; and

(2) by inserting “(except in the case of a person who obtained lawful permanent residence because he or she was the spouse or child of a United States citizen who battered or subjected him or her to extreme cruelty)” after “has been living in marital union with the citizen spouse”.

SEC. 1062. FILING FEES.

(a) Petitions for Classification.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

“(I) No fee shall be charged for the filing or processing of any application under clause (iii) or (iv) of subparagraph (A) or clause (ii) or (iii) of subparagraph (B), or the first application for work authorization filed by an applicant described in any such clause.”.
(b) CANCELLATIONS OF REMOVAL.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b), as amended by section 1056 of this Act, is further amended by adding at the end the following: “No fee shall be charged for the filing or processing of any application under this paragraph or the first application for work authorization filed by an applicant described in this paragraph.”.

(e) SUSPENSION OF DEPORTATION.—No fee shall be charged for the filing or processing of any application under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) (8 U.S.C. 1254(a)(3)), or the first application for work authorization filed by an applicant described in that section.

SEC. 1063. ACCESS TO FOOD STAMPS AND SSI FOR QUALIFIED BATTERED ALIENS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

“(L) EXCEPTION FOR CERTAIN BATTERED ALIENS.—With respect to eligibility for benefits for the specified Federal programs described in
paragraph (3), paragraph (1) shall not apply to any individual described in section 431(c).”.

SEC. 1064. EXEMPTION FROM 5-YEAR BAR.

Section 403(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)) is amended by adding at the end the following:

“(3) BATTERED IMMIGRANTS.—An alien described in section 431(c).”.

SEC. 1065. ACCESS TO HOUSING FOR BATTERED IMMIGRANTS.

(a) In General.—Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in subsection (a), by striking “a resident of the United States and is” after “unless that alien is”;

(2) in paragraphs (1) through (6) of subsection (a), by inserting “a resident of the United States and is” before “an alien”;

(3) in subsection (a)(5), by striking “or” after “title 8;”;

(4) in subsection (a)(6), by striking the period and inserting “; or”;

(5) in subsection (a), by adding at the end the following new paragraph:
“(7) a qualified alien as described in section 431(e) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)).’’;

(6) in subsection (b)(2), by inserting “Proration shall not apply in the case of a qualified alien as described in section 431(e) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)).’’ after “under this section.”;

(7) in subsection (c)(1)(A), by inserting “Proration shall not apply in the case of a qualified alien as described in section 431(e) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c))” after “members of the family.”;

(8) in subsection (c)(1)(A), by striking “paragraphs (1) through (6)” and inserting “paragraphs (1) through (7)”;

(9) in subsection (c)(2)(A), by inserting “, except a qualified alien described in section 431(e) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)),” before “who—”; and
(10) in subsection (d)(1)(B), by inserting before the period “, including a qualified alien as described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c))”.

(b) ACCESS TO SHELTER AND SERVICES FOR BATTERED IMMIGRANTS. — Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following:

“(j) ACCESS TO SHELTER AND SERVICES FOR BATTERED IMMIGRANTS. — Notwithstanding any other provision of law, no private, government, or nonprofit organization providing shelter or services to battered women, abused children, or providing any other service or benefit listed in section 401(b) of the Personal Responsibility and Work Opportunity Act of 1996 (8 U.S.C. 1611(b)) that receives any Federal funds shall deny, restrict, or condition assistance to any applicant based on alienage.”.

SEC. 1066. CLARIFYING WELFARE REPORTING REQUIREMENTS FOR BENEFIT APPLICANTS.

The Social Security Act (42 U.S.C. 301 et seq.) is amended—

(1) in section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)), by adding at the end the following flush language:
“Collection of information about, and inquiries into, the immigration status of an individual who is a parent applying on behalf of his or her child who is a United States citizen or a qualified alien (as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641) for assistance under the State program funded under this part, shall not be made if the individual is not applying for benefits for themselves, whether or not the individual is determined, under Federal or State law, to be part of a family unit receiving assistance under that program.”; and

(2) in section 1631(e)(9) (42 U.S.C. 1383(e)(9)), by adding at the end the following:

“Collection of information about, and inquiries into, the immigration status of an individual who is a parent applying on behalf of his or her child who is a United States citizen or a qualified alien (as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641) for benefits under this title (or for benefits supplemented by a State with an agreement under section 1616), shall not be made if the indi-
individual is not applying for benefits for themselves, whether or not the individual is determined, under Federal or State law, to be part of a family unit receiving such benefits.”.

SEC. 1067. CONFORMING DEFINITION OF “FAMILY” USED IN LAWS GRANTING WELFARE ACCESS FOR BATTERED IMMIGRANTS TO STATE FAMILY LAW.

Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) is amended—

(1) in paragraph (1)(A), 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 or parent, or by any individual 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,”; and

(2) in paragraph (2)(A), by striking “by a spouse or parent of the alien (without the active par-
ticipation of the alien in the battery 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 or
parent of the alien (without the active participation of the alien in the battery or cruelty) or by any per-
son 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,”.

SEC. 1068. ENSURING THAT BATTERED IMMIGRANTS HAVE ACCESS TO FOOD STAMPS AND SSI.

(a) QUALIFYING QUARTERS.—Section 435 of the Personal Responsibility and Work Opportunity Reconcili-
ation Act of 1996 (8 U.S.C. 1645) is amended in para-
graph (2) by striking “and the alien remains married to such spouse or such spouse is deceased” and inserting “if such spouse is deceased or if the alien remains married to such spouse (except that qualified aliens described in section 431(c) may continue after divorce to count the
qualifying quarters worked by their spouse during the marriage)."

(b) Food Stamps Access for Battered Immigrant Qualified Aliens and Their Children.—Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

“(k) Battered Immigrant Qualified Alien Eligibility for Food Stamps.—Notwithstanding any other provision of law, qualified aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) and their children are eligible to receive food stamps.”.

SEC. 1069. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.

Clause (iii) of section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) is amended to read as follows:

“(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)."
SEC. 1070. ACCESS TO LEGAL SERVICES CORPORATION FUNDS.

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 clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or subsection (b)(2) of section 240A of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) or section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Im-

**TITLE II—VIOLENCE AGAINST WOMEN AND THE WORKPLACE**

**SEC. 2001. FINDINGS.**

Congress makes the following findings:

1. Victims of crime 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 on average 960,000 violent crimes against women every year.

5. Employees in the United States who have been victims of crime too often suffer adverse consequences in the workplace as a result of their experiences as victims of crime.

6. Victims of crime are particularly vulnerable to changes in employment, pay, and benefits as a re-
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. Eight 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 homicides 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. Approximately 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 the ability of battered women 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 an-
ually in medical expenses, lost earnings, social serv-
vice costs, pain, suffering, and reduced quality of life
for victims, all of which harm our Nation’s produc-
tivity 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-
timates 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 (excluding arson and
drunk driving deaths) ($71,000,000,000), drunk
driving (including fatalities) ($61,000,000,000), and
child abuse ($56,000,000,000).

(13) Violent crime results in wage losses equiv-
alent to 1 percent of all American earnings, and
causes 3 percent of the Nation’s medical spending
and 14 percent of injury-related medical spending.

(14) Estimates demonstrate that employers pay
between $3,000,000,000 and $5,000,000,000 annu-
ally to cover the cost of crimes against employees
and their families.

(15) Surveys of business executives and cor-
porate security directors also underscore the heavy
toll that workplace violence takes on American
women, businesses, and interstate commerce.

(16) Ninety-four percent of corporate security
and safety directors at companies nationwide rank
domestic violence as a high-risk security problem.

(17) Forty-nine percent of senior executives re-
cently 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 for-
bidding 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.

(19) Existing Federal law neither expressly au-
thorizes 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 in the Workplace Grant

SEC. 2011. NATIONAL CLEARINGHOUSE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN THE WORKPLACE GRANT.

(a) Authority.—The Attorney General may award a grant in accordance with this section to a private, non-profit entity or tribal organization that meets the requirements of subsection (b) in order to provide for the establishment and operation of a national clearinghouse and resource center to provide information and assistance to employers, labor organizations, and advocates on behalf of victims of domestic violence and sexual assault, in their efforts to develop and implement appropriate responses to assist the victims.

(b) 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 awarded 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 universities, and State and local governments) in developing and implementing appropriate responses to assist employees who are victims of domestic violence and sexual assault.

(c) USE OF GRANT AMOUNT.—A grant under this section may be used for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to assemble, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information on and appropriate responses to domestic violence and sexual assault, including—
(1) training to promote a better understanding
of appropriate assistance to employee victims;
(2) conferences and other educational opportuni-

(3) development of protocols and model work-
place policies;
(4) employer and union sponsored victim serv-
ices and outreach counseling; and
(5) assessments of the workplace costs of do-

(d) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this section
$500,000 for each of fiscal years 2000 through 2004.

Subtitle B—Victims’ Employment
Rights
SEC. 2021. SHORT TITLE.
This subtitle may be cited as the “Victims’ Employ-
ment Rights Act”.

SEC. 2022. PURPOSES.
The purposes of this subtitle are, pursuant to the af-
firmative power of Congress to enact legislation under sec-
tion 5 of the 14th amendment to the Constitution, as well
as under the portion of section 8 of article I of the Con-
stitution relating to regulation of commerce among the
several States—
(1) to promote the national interest in ensuring that victims and survivors of domestic violence, sexual assault, and stalking can recover from and cope with the effects of those crimes and participate in the criminal and civil justice processes without fear of adverse economic consequences from their employers;

(2) to minimize the negative impact on interstate commerce from dislocations of employees and decreases in productivity that may arise when employees are victimized by those crimes;

(3) to promote the purposes of the 14th amendment by addressing the failure of existing laws to protect the employment rights of victims of domestic violence, sexual assault, and stalking and by furthering the right of domestic violence, sexual assault, and stalking victims to employment free from discrimination; and

(4) to accomplish the purposes described in paragraphs (1), (2), and (3) in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

SEC. 2023. DEFINITIONS.

In this subtitle:
(1) EMPLOYEE.—

(A) IN GENERAL.—The term “employee” means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(B) BASIS.—The term includes a person employed as described in subparagraph (A) on a full- or part-time basis, for a fixed time period, on a temporary basis, pursuant to a detail, as an independent contractor, or as a participant in a work assignment as a condition of receipt of Federal or State income-based public assistance.

(2) EMPLOYER.—The term “employer”—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs individuals; and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to an employee, and includes a public agency, but does not include any labor organization (other than when acting as an employer) or
anyone acting in the capacity of officer or agent of such labor organization.

(3) PARENT; SON OR DAUGHTER.—The terms “parent” and “son or daughter” have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(4) PERSON.—The term “person” means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of individuals.

(5) PUBLIC AGENCY.—The term “public agency” has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

SEC. 2024. PROHIBITED DISCRIMINATORY ACTS.

An employer shall not fail to hire, refuse to hire, or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, of the individual (including retaliation in any form or manner) because—

(1) the individual—

(A) is or is perceived to be a victim of domestic violence, sexual assault, or stalking;

(B) attended, participated in, or prepared for, or requested leave to attend, participate in,
or prepare for a criminal or civil court proceeding relating to an incident of domestic violence, sexual assault, or stalking of which the employee, or the son or daughter or parent of the employee, was a victim; or

(C) requested an adjustment to a job structure or workplace facility, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, or installation of a lock or implementation of a safety procedure, in response to actual or threatened domestic violence, sexual assault, or stalking, regardless of whether the request was granted; or

(2) the action of a person whom the employee states has committed or threatened to commit domestic violence, sexual assault, or stalking against the employee, or the son or daughter or parent of the employee, disrupted the workplace.

SEC. 2025. ENFORCEMENT.

(a) Civil Action by Employees.—

(1) Liability.—Any employer who violates section 3024 shall be liable to any employee affected for—
(A) damages equal to the amount of wages, salary, employment benefits (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)), or other compensation denied to or lost by such employee by reason of the violation, and the interest on that amount calculated at the prevailing rate;

(B) compensatory damages, including damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment or life, and other nonpecuniary losses;

(C) such punitive damages, up to 3 times the amount of actual damages sustained, as the court described in paragraph (2) shall determine to be appropriate; and

(D) such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(2) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in paragraph (1) may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any 1 or more employees.
(b) ACTION BY DEPARTMENT OF JUSTICE.—The Attorney General may bring a civil action in any Federal or State court of competent jurisdiction to recover the damages or equitable relief described in subsection (a)(1).

SEC. 2026. ATTORNEY'S FEES.

Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting “the Victims’ Employment Rights Act,” after “title VI of the Civil Rights Act of 1964,”.

Subtitle C—Workplace Violence Against Women Prevention Tax Credit

SEC. 2031. SHORT TITLE.

This subtitle may be cited as the “Workplace Violence Against Women Prevention Tax Credit Act”.

SEC. 2032. 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 (relating to business related credits) is amended by adding at the end the following:

“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.—In 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 and the spouses and dependents of employees with respect to violent crimes against women,

“(iii) providing legal or medical services to employees and the spouses and dependents of employees 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, in order to address 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 accommodating 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 accommodating 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 accommodating 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 relocation 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 or 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’ has the meaning given the term in section 2 of the Battered Women’s Economic Security and Safety Act.

“(C) SEXUAL ASSAULT.—The term ‘sexual assault’—

“(i) 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

“(ii) 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) 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) TREATMENT AS GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 (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:

“(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:

“(9) 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.**—Sub-
section (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
(7), by striking the period at the end of paragraph
(8) and inserting “, and”, and by adding at the end
the following:

“(9) the workplace safety program credit deter-
mined under section 45D.”.

(e) **Credit Not a Defense in Legal Actions.**—
The allowance of a credit under section 45D of the Inter-
nal 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 the Internal Revenue Code of 1986 is amended by add-
ing at the end the following:

“Sec. 45D. Workplace safety program credit.”.
(c) **Effective Date.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

**Subtitle D—Employment Protection for Battered Women**

**SEC. 2041. SHORT TITLE AND REFERENCE.**

(a) **Short Title.**—This subtitle may be cited as the “Battered Women’s Employment Protection Act”.

(b) **Reference.**—Except as otherwise expressly provided, 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 that section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

**SEC. 2042. PURPOSES.**

The purposes of this subtitle are, pursuant to the affirmative power of Congress to enact legislation under section 5 of the 14th amendment to the Constitution, as well as under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States—

(1) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence nec-
essary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating 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 (29 U.S.C. 2601 et seq.) to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employers;

(2) to promote the purposes of the 14th amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women for employment and economic self-sufficiency;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs, caused by 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. 2043. UNEMPLOYMENT COMPENSATION.

(a) UNEMPLOYMENT COMPENSATION.—Section 3304 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)—

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

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

(C) by inserting 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.”; and

(2) by adding at the end the following:

“(g) CONSTRUCTION.—

“(1) IN GENERAL.—For purposes of subsection (a)(20), an employee’s separation from employment shall be treated as due to circumstances directly resulting from the individual’s experience of domestic violence if the separation resulted from—
“(A) the employee’s reasonable fear of future domestic violence at or en route to or from the employee’s 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 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 authorized by section 102 of the Family and Medical Leave Act of 1993 to address domestic violence and its effects; or

“(E) any other circumstance 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) REASONABLE EFFORTS TO RETAIN EMPLOYMENT.—For purposes of subsection (a)(20), if State law requires the employee to have made reasonable efforts to retain employment as a condition
for receiving unemployment compensation, such re-
requirement shall be met if the employee—

“(A) sought protection from, or assistance
in responding to, domestic violence, including
calling the police or seeking legal, social work,
medical, clerical, 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 taking a leave of absence, transferring jobs,
or receiving an alternative work schedule would
not be sufficient to guarantee the employee or
the employee’s family’s safety.

“(3) ACTIVE SEARCH FOR EMPLOYMENT.—For
purposes of subsection (a)(20), if State law requires
the employee to actively search for employment after
separation from employment as a condition for re-
ceiving unemployment compensation, such require-
ment shall be treated as met where the employee is
temporarily unable to actively search for employment
because the employee is engaged in seeking safety
for the employee or the employee’s family, or relief
for the employee, from domestic violence, including—

“(A) going into hiding or relocating or attempting to do so, including activities associated with such hiding or relocation, such as seeking to obtain sufficient shelter, food, schooling 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 proceedings; or

“(C) participating in psychological, social, or religious counseling or support activities to assist the employee in coping with domestic violence.

“(4) Provision of information to meet certain requirements.—In determining if an employee meets the requirements of paragraphs (1), (2), and (3), the unemployment agency of the State in which an employee is requesting unemployment compensation by reason of subsection (a)(20) may require the employee to provide—
“(A) a written statement describing the domestic violence and its effects;

“(B) documentation of the domestic violence, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects, as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611); or

“(C) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

All evidence of domestic violence experienced by an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has applied for or inquired about unemployment compensation available by reason of subsection (a)(20) shall be retained in the
strictest confidence by such State unemployment agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of protecting the safety of the employee or a family member of the employee or of assisting in documenting domestic violence for a court or agency.”.

(b) Social Security Personnel Training.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by inserting 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 employee separations stemming from domestic violence are reliably screened, identified, and adjudicated, and full confidentiality is provided for the employee’s claim and submitted evidence; and”.

(c) Definitions.—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following:
“(u) DOMESTIC VIOLENCE.—The term ‘domestic violence’ has the meaning given the term in section 2 of the Battered Women’s Economic Security and Safety Act.”.

SEC. 2044. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR NON-FEDERAL EMPLOYEES.

(a) DEFINITIONS.—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) being unable to attend or perform work due to an incident of 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) obtaining services from a domestic violence shelter or program or rape crisis center as a result 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) participating in any other activity necessitated by domestic violence that must be undertaken during the hours of employment involved.

“(15) DOMESTIC VIOLENCE.—The term ‘domestic violence’ has the meaning given the term in section 2 of the Battered Women’s Economic Security and Safety Act.”.

(b) LEAVE REQUIREMENT.—Section 102 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

“(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.”;
(2) in subsection (b), 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 eligible 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.”; and

(3) in subsection (d)(2)(B), by striking “(C) or (D)” and inserting “(C), (D), (E), or (F)”.

(e) CERTIFICATION.—Section 103 (29 U.S.C. 2613) is amended—

(1) in the title of the section, by inserting before the period the following: “; CONFIDENTIALITY”; and

(2) by adding at the end the following:

“(f) 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) a written statement describing the domestic violence and its effects;
“(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

“(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

“(g) CONFIDENTIALITY.—All evidence provided to the employer under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—
“(1) protecting the safety of the employee or a
family member or co-worker of the employee; or
“(2) assisting in documenting domestic violence
for a court or agency.”.

SEC. 2045. ENTITLEMENT TO LEAVE FOR ADDRESSING DO-
MESTIC VIOLENCE FOR FEDERAL EMPLOY-
EES.

(a) DEFINITIONS.—Section 6381 of title 5, United
States Code, is amended—
(1) at the end of paragraph (5), by striking
“and”;
(2) in paragraph (6), by striking the period and
inserting a semicolon; and
(3) by adding at the end the following:
“(7) the term ‘addressing domestic violence and
its effects’ has the meaning given the term in section
101 of the Family and Medical Leave Act of 1993
(29 U.S.C. 2611); and
“(8) the term ‘domestic violence’ has the mean-
ing given the term in section 2 of the Battered
Women’s Economic Security and Safety Act.”.

(b) LEAVE REQUIREMENT.—Section 6382 of title 5,
United States Code, is amended—
(1) in subsection (a)(1), by adding at the end
the following:
“(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

“(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.”;

(2) in subsection (b), 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.”; and

(3) in subsection (d), by striking “(C), or (D)” and inserting “(C), (D), (E), or (F)”.

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in the title of the section, by adding at the end the following: “; confidentiality”; and
(2) by adding at the end the following:

“(f) In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employing agency of an employee may require the employee to provide—

“(1) a written statement describing the domestic violence and its effects;

“(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

“(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or other damaged property.

“(g) All evidence provided to the employing agency under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact
that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employing agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

“(1) protecting the safety of the employee or a family member or co-worker of the employee; or

“(2) assisting in documenting domestic violence for a court or agency.”.

SEC. 2046. EXISTING LEAVE USABLE FOR DOMESTIC VIOLENCE.

(a) Definitions.—In this section:

(1) Addressing domestic violence and its effects.—The term “addressing domestic violence and its effects” has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611), as amended in section 3044(a).

(2) Employee.—The term “employee” means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).
(3) Employer.—The term “employer”—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs individuals, 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 provision of a State or local law, collective bargaining agreement, or employment benefits program or plan, addressing paid or unpaid leave from employment (including family, medical, sick, annual, personal, or similar leave); and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to any employee, and includes a public agency, who is subject to a law, agreement, program, or plan described in subparagraph (A), but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(4) Employment benefits.—The term “employment benefits” has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).
(5) Parent; son or daughter.—The terms “parent” and “son or daughter” have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(6) Public agency.—The term “public agency” has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(b) Use of existing leave.—An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to State or local law, a collective bargaining agreement, or an employment benefits program or plan, 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 son or daughter or parent of the employee, if such son or daughter or parent is addressing domestic violence and its effects.

(c) Certification.—In determining whether an employee qualifies to use leave as described in subsection (b), an employer may require a written statement, documentation of domestic violence, or corroborating evidence consistent with section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)), as amended by section 2044(c).
(d) CONFIDENTIALITY.—All evidence provided to the employer under subsection (e) of domestic violence experienced by an employee or the son or daughter or parent of the employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son or daughter or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

(1) protecting the safety of the employee or a family member or co-worker of the employee; or

(2) assisting in documenting domestic violence for a court or agency.

(e) PROHIBITED ACTS.—

(1) INTERFERENCE WITH RIGHTS.—

(A) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

(B) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against an individual
for opposing any practice made unlawful by this section.

(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(A) has filed any charge, or had instituted or caused to be instituted any proceeding, under or related to this section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

(f) 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 agency enforcement of any alleged violation of subsection (e) against any employer.
(2) **PRIVATE ENFORCEMENT.**—The remedies and procedures set forth in section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)) shall be the remedies and procedures pursuant to which an employee may initiate a legal action against an employer for alleged violations of subsection (e).

(3) **REFERENCES.**—For purposes of paragraph (1) and (2), references in section 107 of the Family and Medical Leave Act of 1993 to section 105 of such Act shall be considered to be references to subsection (e).

(4) **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 Federal or State law, including a law providing for a legal remedy.

**SEC. 2047. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.**

(a) **MORE PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.**—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
benefits program or plan that provides greater unemploy-
ment compensation or leave benefits for employed victims
of domestic violence than the rights established under this
subtitle or such amendments.

(b) LESS PROTECTIVE LAWS, AGREEMENTS, PRO-
GRAMS, AND PLANS.—The rights established for employ-
ees under this subtitle or the amendments made by this
subtitle shall not be diminished by any State or local law,
collective bargaining agreement, or employment benefits
program or plan.

SEC. 2048. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in sub-
section (b), this subtitle and the amendments made by this
subtitle take effect 180 days after the date of enactment
of this Act.

(b) UNEMPLOYMENT COMPENSATION.—

(1) IN GENERAL.—Except as provided in para-
graph (2), the amendments made by section 3043
shall apply in the case of compensation paid for
weeks beginning on or after the expiration of 180
days from the date of enactment of this Act.

(2) MEETING OF STATE LEGISLATURE.—

(A) IN GENERAL.—If the Secretary of
Labor identifies a State as requiring a change
to its statutes or regulations in order to comply
with the amendments made by section 3043,
the amendments made by section 3043 shall
apply in the case of compensation paid for
weeks beginning after the earlier of—

   (i) the date the State changes its stat-
       ures or regulations in order to comply with
       the amendments made by section 3043; or

   (ii) the end of the first session of the
       State legislature which begins after the
date of enactment of this Act or which
began prior to such date and remained in
session for at least 25 calendar days after
such date;

except that in no case shall the amendments
made by this subtitle apply before the date that
is 180 days after the date of enactment of this
Act.

   (B) Session defined.—In this para-
graph, the term “session” means a regular, spe-
cial, budget, or other session of a State legisla-
ture.
TITLE III—PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE UNDER SOCIAL SECURITY ACT PROGRAMS

SEC. 3001. WAIVERS FOR VICTIMS OF DOMESTIC VIOLENCE UNDER THE TANF PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the intent of Congress in amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a)(7)(A)(iii) of the Social Security Act (42 U.S.C. 602(a)(7)(A)(iii));

(2) the allowance of waivers under that section was not intended to be limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(3) under that section, requirements under the temporary assistance for needy families program
under part A of title IV of such Act may, for good
cause, be waived for so long as necessary; and

(4) good cause waivers granted pursuant to
that section are intended to be temporary and di-
rected only at particular program requirements, such
as time limits for receipt of assistance and work par-
ticipation, when needed on an individual case-by-case
basis, and are intended to facilitate the ability of vic-
tims of domestic violence to move forward and meet
program requirements when safe and feasible with-
out interference by domestic violence.

(b) CLARIFICATION OF WAIVER PROVISIONS.—

(1) IN GENERAL.—Section 402(a)(7) of the So-
cial Security Act (42 U.S.C. 602(a)(7)) is
amended—

(A) by redesignating subparagraph (B) as
subparagraph (E); and

(B) by inserting after subparagraph (A),
the following:

“(B) NO NUMERICAL LIMITS.—In imple-
menting this paragraph, a State shall not be
subject to any numerical limitation in the
granting of good cause waivers under subpara-
graph (A)(iii).
“(C) Waivered individuals not included for purposes of certain other provisions of this part.—Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of—

“(i) determining a State’s compliance with the participation rate requirements set forth in section 407;

“(ii) applying the limitation described in section 408(a)(7)(C)(ii); or

“(iii) for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a).

“(D) Secretarial review.—If, but for subparagraph (C), a State would fail to comply with the participation rate requirements set forth in section 407, exceed the limitation described in section 408(a)(7)(C)(ii), or have a penalty imposed under paragraph (3), (5), or (9) of section 409(a), the Secretary may review the good cause waivers granted by a State under subparagraph (A)(iii) to determine whether the State has granted such waivers
pursuant to a determination of good cause, and
may revoke any waivers that the Secretary
finds were not granted in accordance with the
requirements of this paragraph.”.

(2) EFFECTIVE DATE.—The amendment made
by paragraph (1) takes effect as if included in the
enactment of section 103(a) of the Personal Respon-
sibility and Work Opportunity Reconciliation Act of

SEC. 3002. DISCLOSURE PROTECTIONS UNDER THE CHILD
SUPPORT PROGRAM.

(a) FEDERAL PARENT LOCATOR SERVICE.—Section
453 of the Social Security Act (42 U.S.C. 653) is
amended—

(1) in subsection (b)(2)—

(A) in the matter preceding subparagraph
(A), by inserting “, or that the health, safety,
or liberty of a parent or child would be put at
risk by the disclosure of such information,” be-
fore “provided that”;

(B) in subparagraph (A), by inserting “, that the health, safety, or liberty of a parent or
child would be put at risk by the disclosure of
such information,” before “and that informa-
tion”; and
(C) in subparagraph (B)(i), by striking “be harmful to the parent or the child” and inserting “place the health, safety, or liberty of a parent or child at risk”; and

(2) in subsection (c)(2), by inserting “, or to serve as the initiating court in an action to seek an order,” before “against a noncustodial”.

(b) STATE PLAN REQUIREMENTS.—Section 454(26) of the Social Security Act (42 U.S.C. 654(26)) is amended—

(1) in subparagraph (C), by striking “result in physical or emotional harm to the party or the child” and inserting “place the health, safety, or liberty of a parent or child at risk”;

(2) in subparagraph (D), by striking “of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child” and inserting “that the health, safety, or liberty of a parent or child would be put at risk by the disclosure of such information”; and

(3) in subparagraph (E), by striking “of domestic violence” and all that follows through the semicolon and inserting “that the health, safety, or liberty of a parent or child would be put at risk by the
disclosure of such information pursuant to section 453(b)(2), the court shall determine whether disclosure to any other person or persons of information received from the Secretary could place the health, safety, or liberty of a parent or child at risk (if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make any such disclosure);”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

SEC. 3003. BONUS TO BUILD REAL OPPORTUNITIES FOR POOR FAMILIES.

Section 403(a) of the Social Security Act (42 U.S.C. 603(a)) is amended by adding at the end the following:

“(6) BUILDING OPPORTUNITIES BONUS.—
“(A) IN GENERAL.—The Secretary shall award a grant pursuant to this paragraph to each State for each bonus year for which the State is a high performing State.
“(B) AMOUNT OF GRANT.—
“(i) IN GENERAL.—Subject to clause (ii), the Secretary shall determine the amount of the grant payable under this
paragraph to a high performing State for a bonus year, which shall be based on the score assigned to the State under subparagraph (D)(i) for the fiscal year that immediately precedes the bonus year.

“(ii) LIMITATION.—The amount payable to a State under this paragraph for a bonus year shall not exceed 5 percent of the State family assistance grant and shall be used to address the issues set forth in subparagraph (C).

“(C) CRITERIA FOR MEASURING STATE PERFORMANCE.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the National Governor’s Association and the Institute for Women’s Policy Research, shall develop criteria for measuring State performance in operating the State program funded under this part to address the following issues as they relate to the ability of recipients of assistance under the State program to become economically self-sufficient:

“(i) CHILD CARE.—Whether States are—
“(I) ensuring an adequate supply of safe, accessible, appropriate, and quality child care slots;

“(II) helping women identify and place children in safe, accessible, appropriate, and quality child care;

“(III) ensuring that available child care slots are filled;

“(IV) improving the quality of child care by ensuring that child care providers are adequately paid and trained;

“(V) increasing access to safe, accessible, appropriate, and quality child care by making child care subsidies available to recipients of assistance under the State program funded under this part and families that earn up to 85 percent of the State’s median income;

“(VI) collaborating with State child care resource and referral agencies and child care development experts in developing and implementing child care programs and policies; and
“(VII) collaborating with State domestic violence coalitions to address the child care needs of families affected by domestic violence.

“(ii) EMPLOYMENT.—Whether States are—

“(I) providing education and training for recipients of assistance under the State program under this part for employment that pays a sustainable wage, such as apprenticeable, technical, and professional occupations, and nontraditional employment;

“(II) placing such recipients in such employment;

“(III) retaining such recipients in such employment;

“(IV) providing career development assistance for such recipients, including job readiness training, reliable, up-to-date career counseling services, and employability assessments on available employment that pays a sustainable wage, and information on nontraditional training, edu-
cation options, and employment opportuni-
ties for women entering welfare-to-work programs; and

“(V) utilizing resources available under title I of the Workforce Invest-
ment Act of 1998 (29 U.S.C. 2801 et seq.), including under section
134(a)(3)(A)(vi)(II) of such Act (29 U.S.C. 2864(a)(3)(A)(vi)(II)), to sup-
port State efforts on education, training, placement, retention and career
development assistance, as described in subclauses (I) through (IV).

“(iii) DOMESTIC VIOLENCE.—Whether States are—

“(I) collaborating with State do-

cumentary domestic violence coalitions in imple-
menting substantive programs ad-
dressing domestic violence as an im-
pediment to women’s work and edu-
cation (such as demonstration and
model projects), programs placing dom-
estic violence advocates in welfare
offices, and programs providing em-
ployment and support services for vic-
tims of domestic violence that will reach a substantial number of battered women;

“(II) collaborating with State domestic violence coalitions in adopting and implementing the option under the State plan relating to domestic violence set forth in section 402(a)(7);

“(III) collaborating with State domestic violence coalitions in requiring training on domestic violence for case workers for the State program funded under this part;

“(IV) collaborating with State domestic violence coalitions in requiring training on domestic violence for job training, education, and job placement programs that are contracted by the State program funded under this part and requiring that such programs implement strategies and programs to support victims of domestic violence in the workplace;

“(V) conducting outreach to employers of recipients of assistance to
ensure that employers are aware of
and are implementing strategies and
programs to support victims of domestic violence in the workplace; and

“(VI) conducting public education on domestic violence.

“(D) SCORING OF STATE PERFORMANCE;
SETTING OF PERFORMANCE THRESHOLDS.—

For each bonus year, the Secretary shall—

“(i) use the criteria developed under
subparagraph (C) to assign a score to each
eligible State for the fiscal year that imme-
diately precedes the bonus year; and

“(ii) prescribe a performance thresh-
old in such a manner so as to ensure
that—

“(I) the average annual total
amount of grants to be made under
this paragraph for each bonus year
equals $200,000,000; and

“(II) the total amount of grants
to be made under this paragraph for
all bonus years equals
$1,000,000,000.

“(E) DEFINITIONS.—In this paragraph:

“(ii) **Child care.**—The term ‘child care’ means all programs and arrangements utilized by parents for the care of children from birth through age 14, and for the care of children with special needs who are older than age 14, including day care services provided by centers, family day care, group family day care, informal care, after hours care, and before- and after-school programs.

“(iii) **Child with special needs.**—The term ‘child with special needs’ has the meaning given the term ‘child with a disability’ in section 602(3)(A)(i) of the Individuals With Disabilities Education Act (20 U.S.C. 1401).

“(iv) **Domestic violence.**—The term ‘domestic violence’ has the meaning given the term ‘battered or subjected to extreme cruelty’ in section 408(a)(7)(C)(iii).

“(v) **High performance state.**—The term ‘high performance State’ means,
with respect to a bonus year, an eligible State whose score assigned pursuant to subparagraph (D)(i) for the fiscal year immediately preceding the bonus year equals or exceeds the performance threshold prescribed under subparagraph (D)(ii) for such preceding fiscal year.

“(vi) SUSTAINABLE WAGE.—The term ‘sustainable wage’ means a wage that is at least 185 percent above the poverty line and that takes into account costs related to employment such as Federal, State, and local taxes, child care, transportation, food, and shelter costs for a particular geographic area.

“(vii) NONTRADITIONAL EMPLOYMENT.—The term ‘nontraditional employment’ means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.
“(viii) Poverty Line.—The term ‘poverty line’ has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

“(F) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 2001 through 2005, $1,000,000,000 for grants under this paragraph.”.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 4001. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN.


(b) Coalition Grants.—

   (A) by striking the part designation and heading and inserting the following:

   **“PART T—GRANTS TO COMBAT VIOLENCE AGAINST WOMEN”; and**

   (B) by inserting after section 2002 the following:

   **“SEC. 2002A. STATE COALITION GRANTS.”**

   “(a) **DEFINITIONS.**—In this section—

   “(1) the term ‘combined United States Territories’ means Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

   “(2) the term ‘Indian country’ has the meaning given that term in section 1151 of title 18, United States Code;

   “(3) the term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico; and

   “(4) the term ‘State coalition’ means—

   “(A) a State domestic violence coalition funded under section 311(b) of the Family Vio-
ience Prevention and Services Act (42 U.S.C. 10410(b));

“(B) a State coalition of sexual assault programs (as defined in section 393B(e) of the Public Health Service Act); and

“(C) an entity that constitutes both a State domestic violence coalition described in subparagraph (A) and a State coalition of sexual assault programs.

“(b) PURPOSE.—The Attorney General shall award grants to State coalitions in accordance with this section, which shall be used for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

“(c) OTHER AWARDS.—A grant awarded under this subsection does not preclude a State coalition from receiving a grant under section 2002.

“(d) ALLOCATION.—

“(1) IN GENERAL.—Of the amount made available under section 1001(a)(18) in each fiscal year, 5 percent shall be used for grants under this section.

“(2) GEOGRAPHICAL DISTRIBUTION.—Of the amount made available under paragraph (1) in each fiscal year—
“(A) 1/₅₄ shall be available in each State and in the combined United States Territories; and

“(B) 1/₅₄ shall be available for the establishment and operation of nonprofit, nongovernmental tribal domestic violence and sexual assault coalitions in Indian country.

“(3) Disbursement of geographical allotments.—Of the amount made available in each fiscal year in each State, the combined United States Territories, and in Indian country under paragraph (2)—

“(A) 50 percent shall be—

“(i) awarded to the State coalition of domestic violence programs; or

“(ii) with respect to a State in which a single entity constitutes both the State domestic violence coalition and the State coalition of sexual assault programs, awarded to that entity and used for domestic violence program purposes; and

“(B) 50 percent shall be—

“(i) awarded to the State coalition of sexual assault programs; or
“(ii) with respect to a State described in subparagraph (A)(ii), awarded to the entity described in that subparagraph and used for sexual assault program purposes.”.


(A) in section 2001(b), by striking “this part” and inserting “section 2002”;

(B) in section 2002—

(i) in each of subsections (a), (c), (d), (e), (f), (g), and (h), by striking “this part” each place that term appears and inserting “this section”;

(ii) in subsection (b), by inserting “(less the amount reserved under section 2002A(d)(1))”; and

(iii) in subsection (f), by striking “this subtitle” and inserting “this section”;

(C) in section 2004(b), by striking “this part” each place that term appears and inserting “section 2002”;
(D) in section 2005(a)(1), by striking “this part” and inserting “section 2002”; and

(E) in section 2006(a), by striking “this part” and inserting “section 2002”.

(c) Ensuring Tribal Participation in Grants

To Encourage Arrest Policies.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by adding at the end the following:

“(d) Disbursement.—Not less than 5 percent of the total amount made available to carry out this section in each fiscal year shall be used for grants to Indian tribal governments.”.

(d) Addressing Rural Domestic Violence and Child Abuse on Tribal Lands.—Section 40295(c) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(c)) is amended by adding at the end the following:

“(3) Disbursement.—Not less than 5 percent of the total amount made available under paragraph (1) in each fiscal year shall be used for grants to Indian tribal governments.”.

○