

105TH CONGRESS
2D SESSION

S. 2110

To reauthorize the Federal programs to prevent violence against women,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 1998

Mr. BIDEN (for himself, Mr. SPECTER, Mrs. BOXER, Ms. SNOWE, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. DODD, Mr. KENNEDY, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reauthorize the Federal programs to prevent violence
against women, and for other purposes.

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

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

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

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

- Sec. 101. Full faith and credit enforcement of protection orders.
- Sec. 102. Role of courts.
- Sec. 103. Reauthorization of STOP grants.
- Sec. 104. Control of date-rape drug.
- Sec. 105. Reauthorization of grants to encourage arrest policies.
- Sec. 106. Grants to reduce violent crimes against women on campus.
- Sec. 107. Violence against women in the military system.
- Sec. 108. Hate crimes prevention.
- Sec. 109. Reauthorization of rural domestic violence and child abuse enforcement grants.
- Sec. 110. National stalker and domestic violence reduction.
- Sec. 111. Amendments to domestic violence and stalking offenses.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

- Sec. 201. Legal assistance and attorney volunteers.
- Sec. 202. Shelters for battered women and children.
- Sec. 203. Victims of abuse insurance protection.
- Sec. 204. National domestic violence hotline.
- Sec. 205. Federal victims' counselors.
- Sec. 206. Battered women's employment protection.
- Sec. 207. Ensuring unemployment compensation.
- Sec. 208. Battered immigrant women.
- Sec. 209. Older women's protection from violence.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

- Sec. 301. Safe havens for children.
- Sec. 302. Study of child custody laws in domestic violence cases.
- Sec. 303. Reauthorization of runaway and homeless youth grants.
- Sec. 304. Reauthorization of victims of child abuse programs.

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

- Sec. 401. Education and training of health professionals.
- Sec. 402. Education and training in appropriate responses to violence against women.
- Sec. 403. Rape prevention and education.
- Sec. 404. Violence against women prevention education among youth.
- Sec. 405. Education and training to end violence against and abuse of women with disabilities.
- Sec. 406. Community initiatives.
- Sec. 407. National commission on standards of practice and training for sexual assault examinations.
- Sec. 408. National workplace clearinghouse on violence against women.
- Sec. 409. Strengthening research to combat violence against women.

TITLE V—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

- Sec. 501. Extension.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) the term “domestic violence” has the mean-
 4 ing given the term in section 2003 of title I of the
 5 Omnibus Crime Control and Safe Streets Act of
 6 1968 (42 U.S.C. 3796gg-2); and

7 (2) the term “sexual assault” has the meaning
 8 given the term in section 2003 of title I of the Om-
 9 nibus Crime Control and Safe Streets Act of 1968
 10 (42 U.S.C.3796gg-2).

11 **TITLE I—STRENGTHENING LAW**
 12 **ENFORCEMENT TO REDUCE**
 13 **VIOLENCE AGAINST WOMEN**

14 **SEC. 101. FULL FAITH AND CREDIT ENFORCEMENT OF PRO-**
 15 **TECTION ORDERS.**

16 (a) IN GENERAL.—Part U of title I of the Omnibus
 17 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 18 3796hh et seq.) is amended—

19 (1) in the part heading, by adding “**AND EN-**
 20 **FORCEMENT OF PROTECTION OR-**
 21 **TERS**” at the end;

22 (2) in section 2101(b), by adding at the end the
 23 following:

24 “(7) To provide technical assistance and com-
 25 puter and other equipment to police departments,
 26 prosecutors, and courts to facilitate the widespread,

including interstate, enforcement of protection orders.”; and

(3) in section 2102—

(A) in subsection (b)—

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

(ii) in paragraph (2), by striking the period at the end and inserting “, including the enforcement of protection orders from other States and jurisdictions;”; and

(iii) by adding at the end the following:

“(3) have established cooperative agreements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions; and

“(4) will use the grant to develop and install 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

(B) by adding at the end the following:

“(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate

1 nate (including through electronic publication) informa-
 2 tion about successful data collection and communication
 3 systems that meet the purposes described in subsection
 4 (b)(3). Such dissemination shall target States, State and
 5 local courts, Indian tribal governments, and units of local
 6 government.”.

7 (b) CUSTODY AND PROTECTION ORDERS.—Chapter
 8 110A of title 18, United States Code, is amended—

9 (1) in section 2265, by adding at the end the
 10 following:

11 “(d) REGISTRATION.—Nothing in this section shall
 12 be construed to—

13 “(1) require prior filing or registration of a pro-
 14 tection order in the enforcing State in order to se-
 15 cure enforcement pursuant to subsection (a); or

16 “(2) permit a State to notify the party against
 17 whom the order has been made that a protection
 18 order has been registered or filed in that State.

19 “(e) NOTICE.—Nothing in this section shall be con-
 20 strued to require notification of the party against whom
 21 an order is made in order to secure enforcement of that
 22 order by a law enforcement officer pursuant to subsection
 23 (a).”; and

24 (2) in section 2266—

1 (A) by designating the first 6 undesignated
 2 paragraphs as paragraphs (1) through (6), re-
 3 spectively; and

4 (B) in paragraph (3), as so designated—

5 (i) by inserting “issued pursuant to
 6 State divorce and child custody laws” after
 7 “custody orders”; and

8 (ii) by adding “Custody and visitation
 9 provisions in protection orders are subject
 10 to this chapter.” at the end.

11 (c) TECHNICAL AMENDMENT.—The table of contents
 12 for title I of the Omnibus Crime Control and Safe Streets
 13 Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the
 14 item relating to part U, by adding “AND ENFORCEMENT
 15 OF PROTECTION ORDERS” at the end.

16 **SEC. 102. ROLE OF COURTS.**

17 (a) COURTS AS ELIGIBLE STOP GRANTEEES.—Part
 18 T of title I of the Omnibus Crime Control and Safe Streets
 19 Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

20 (1) in section 2001—

21 (A) in subsection (a)—

22 (i) by inserting “State and local
 23 courts,” after “States,”; and

24 (ii) by inserting “tribal courts,” after
 25 “Indian tribal governments,”; and

1 (B) in subsection (b)—

2 (i) in each of paragraphs (1) and (2),
 3 by inserting “, judges and other court per-
 4 sonnel,” after “law enforcement officers”;
 5 and

6 (ii) in paragraph (3), by inserting “,
 7 court,” after “police”; and

8 (2) in section 2002—

9 (A) in subsection (a), by inserting “State
 10 and local courts,” after “States,” the second
 11 place it appears;

12 (B) in subsection (c), by striking para-
 13 graph (3) and inserting the following:

14 “(3) of the amount granted—

15 “(A) not less than 25 percent shall be allo-
 16 cated to police and prosecutors;

17 “(B) not less than 30 percent shall be allo-
 18 cated to victim services; and

19 “(C) not less than 10 percent shall be allo-
 20 cated for State and local courts; and”; and

21 (C) in subsection (d)(1), by inserting
 22 “court,” after “law enforcement,”.

23 (b) REAUTHORIZATION OF STATE JUSTICE INSTI-
 24 TUTE GRANTS.—Chapter 1 of subtitle D of the Violence

1 Against Women Act of 1994 (42 U.S.C. 13991 et seq.)
2 is amended—

3 (1) in section 40412—

4 (A) in paragraph (6), by inserting “stereo-
5 typing of individuals with disabilities (as de-
6 fined in section 3 of the Americans with Dis-
7 abilities Act of 1990 (42 U.S.C. 12102)) who
8 are victims of rape, sexual assault, abuse, or vi-
9 olence,” before “racial stereotyping”;

10 (B) in paragraph (13), by inserting “or
11 among individuals with disabilities (as defined
12 in section 3 of the Americans with Disabilities
13 Act of 1990 (42 U.S.C. 12102)),” after “socio-
14 economic groups,”;

15 (C) in paragraph (18), by striking “and”
16 at the end;

17 (D) in paragraph (19), by striking the pe-
18 riod at the end and inserting a semicolon; and

19 (E) by adding at the end the following:

20 “(20) domestic violence and child abuse in cus-
21 tody determinations and stereotypes regarding the
22 fitness of individuals with disabilities (as defined in
23 section 3 of the Americans with Disabilities Act of
24 1990 (42 U.S.C. 12102)) to retain custody of chil-
25 dren in domestic violence cases;

1 “(21) promising practices in the vertical man-
2 agement of domestic violence offender cases; and

3 “(22) issues relating to violence against and
4 abuse of individuals with disabilities (as defined in
5 section 3 of the Americans with Disabilities Act of
6 1990 (42 U.S.C. 12102)), including the nature of
7 physical, mental, and communications disabilities,
8 the special vulnerability to violence of individuals
9 with disabilities, and the types of violence and abuse
10 experienced by individuals with disabilities.”; and

11 (2) in section 40414, by striking subsection (a)
12 and inserting the following:

13 “(a) IN GENERAL.—There is authorized to be appro-
14 priated from the Violent Crime Reduction Trust Fund es-
15 tablished under section 310001 of the Violent Crime Con-
16 trol and Law Enforcement Act of 1994 (42 U.S.C. 14211)
17 to carry out this chapter \$600,000 for each of fiscal years
18 1999 through 2002.”.

19 (c) FEDERAL JUDICIAL PERSONNEL.—In carrying
20 out section 620(b)(3) of title 28, United States Code, the
21 Federal Judicial Center, shall include in its educational
22 and training programs, including the training programs
23 for newly appointed judges, information on the topics list-
24 ed in section 40412 of the Equal Justice for Women in
25 the Courts Act (42 U.S.C. 13992) that pertain to issues

1 within the jurisdiction of the Federal courts, and shall pre-
 2 pare materials necessary to implement this section and the
 3 amendments made by this section.

4 (d) GRANTS TO ENCOURAGE ARREST POLICIES.—

5 (1) ELIGIBLE GRANTEES; USE OF GRANTS FOR
 6 EDUCATION.—Section 2101 of part U of title I of
 7 the Omnibus Crime Control and Safe Streets Act of
 8 1968 (42 U.S.C. 3796hh) is amended—

9 (A) in subsection (a), by inserting “State
 10 and local courts, tribal courts,” after “Indian
 11 tribal governments,”;

12 (B) in each of subsections (b) and (c), by
 13 inserting “State and local courts,” after “In-
 14 dian tribal governments”; and

15 (C) in subsection (b)—

16 (i) in paragraph (2), by striking “poli-
 17 cies and” and inserting “policies, edu-
 18 cational programs, and”; and

19 (ii) in each of paragraphs (3) and (4),
 20 by inserting “parole and probation offi-
 21 cers,” after “prosecutors,” each place that
 22 term appears.

23 (2) ALLOTMENT FOR INDIAN TRIBES.—Section
 24 2101 of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3796hh) is amended
2 by adding at the end the following:

3 “(d) ALLOTMENT FOR INDIAN TRIBES.—

4 “(1) IN GENERAL.—Not less than 5 percent of
5 the total amount made available for grants under
6 this section for each fiscal year shall be available for
7 grants to Indian tribal governments.

8 “(2) REALLOTMENT OF FUNDS.—If, beginning
9 9 months after the first day of any fiscal year for
10 which amounts are made available under this sub-
11 section, any amount made available under this sub-
12 section remains unobligated, the unobligated amount
13 may be allocated without regard to paragraph (1) of
14 this subsection.”.

15 **SEC. 103. REAUTHORIZATION OF STOP GRANTS.**

16 (a) REAUTHORIZATION.—Section 1001(a)(18) of title
17 I of the Omnibus Crime Control and Safe Streets Act of
18 1968 (42 U.S.C. 3793(a)(18)) is amended to read as fol-
19 lows:

20 “(18) There is authorized to be appropriated from
21 the Violent Crime Reduction Trust Fund established
22 under section 310001 of the Violent Crime Control and
23 Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry
24 out part T \$185,000,000 for each of fiscal years 1999
25 through 2002.”.

1 (b) STATE COALITION GRANTS.—Part T of title I of
 2 the Omnibus Crime Control and Safe Streets Act of 1968
 3 (42 U.S.C. 3796gg et seq.) is amended—

4 (1) in section 2001—

5 (A) in subsection (b)(5), by inserting “,
 6 and the forms of violence and abuse suffered by
 7 women who are individuals with disabilities (as
 8 defined in section 3 of the Americans with Dis-
 9 abilities Act of 1990 (42 U.S.C. 12102))”; and

10 (B) by adding at the end the following:

11 “(c) STATE COALITION GRANTS.—

12 “(1) PURPOSE.—The Attorney General shall
 13 make grants to each State domestic violence coali-
 14 tion and sexual assault coalition for the purposes of
 15 coordinating State victim services activities, and col-
 16 laborating and coordinating with Federal, State, and
 17 local entities engaged in violence against women ac-
 18 tivities.

19 “(2) GRANTS TO STATE COALITIONS.—The At-
 20 torney General shall make grants to—

21 “(A) each State domestic violence coalition,
 22 as determined by the Secretary of Health and
 23 Human Services through the Family Violence
 24 Prevention and Services Act (42 U.S.C. 10410
 25 et seq.); and

1 “(B) each State sexual assault coalition, as
 2 determined by the Secretary of Health and
 3 Human Services under the Public Health Serv-
 4 ice Act.

5 “(3) ELIGIBILITY FOR OTHER GRANTS.—Re-
 6 ceipt of an award under this subsection by each
 7 State domestic violence and sexual assault coalition
 8 shall not preclude the coalition from receiving addi-
 9 tional grants under this part to carry out the pur-
 10 poses described in subsection (b).”;

11 (2) in section 2002(b)—

12 (A) by redesignating paragraphs (2) and
 13 (3) as paragraphs (3) and (4), respectively; and

14 (B) by inserting after paragraph (1) the
 15 following:

16 “(2) 2 percent shall be available for grants for
 17 State coalitions under section 2001(c), with the coa-
 18 lition for each State, the coalition for the District of
 19 Columbia, the coalition for the Commonwealth of
 20 Puerto Rico, and the coalition for the combined Ter-
 21 ritories of the United States each receiving an
 22 amount equal to $\frac{1}{53}$ of the total amount made avail-
 23 able under this paragraph for each fiscal year;”;

24 (3) in section 2003(7), by striking “physical”.

1 (d) REALLOTMENT OF FUNDS.—Section 2002(e) of
 2 the Omnibus Crime Control and Safe Streets Act of 1968
 3 (42 U.S.C. 3796gg–1(e)) is amended by adding at the end
 4 the following:

5 “(3) REALLOTMENT OF FUNDS.—

6 “(A) IN GENERAL.—If, beginning 1 year
 7 after the last day of any fiscal year for which
 8 amounts are made available under section
 9 1001(a)(18), any amount made available re-
 10 mains unobligated, the unobligated amount may
 11 be allocated by a State to fulfill the purposes
 12 described in section 2001(b), without regard to
 13 subsection (c)(3) of this section.

14 “(B) GUIDELINES.—The Attorney General
 15 shall promulgate guidelines to implement this
 16 paragraph.”.

17 (e) DEFINITIONS.—Section 2003(8) of the Omnibus
 18 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 19 3796gg–2(8)) is amended—

20 (1) by striking “assisting domestic violence or
 21 sexual assault victims through the legal process”
 22 and inserting “providing assistance for victims seek-
 23 ing legal, social, or health care services”; and

24 (2) by inserting before the period at the end the
 25 following: “, except that the term does not include

1 any program or activity that is targeted primarily
2 for offenders”.

3 **SEC. 104. CONTROL OF DATE-RAPE DRUG.**

4 Notwithstanding section 201 or subsection (a) or (b)
5 of section 202 of the Controlled Substances Act (21
6 U.S.C. 811, 812(a), 812(b)) respecting the scheduling of
7 controlled substances, the Attorney General shall by order
8 transfer flunitrazepam from schedule IV of such Act to
9 schedule I of such Act.

10 **SEC. 105. REAUTHORIZATION OF GRANTS TO ENCOURAGE**
11 **ARREST POLICIES.**

12 Section 1001(a)(19) of title I of the Omnibus Crime
13 Control and Safe Streets Act of 1968 (42 U.S.C.
14 3793(a)(19)) is amended to read as follows:

15 “(19) There is authorized to be appropriated from
16 the Violent Crime Reduction Trust Fund established
17 under section 310001 of the Violent Crime Control and
18 Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry
19 out part U \$65,000,000 for each of fiscal years 1999
20 through 2002.”.

21 **SEC. 106. GRANTS TO REDUCE VIOLENT CRIMES AGAINST**
22 **WOMEN ON CAMPUS.**

23 (a) IN GENERAL.—Title I of the Omnibus Crime
24 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
25 et seq.) is amended—

1 (1) by redesignating part Z as part AA;

2 (2) by redesignating section 2601 as section
3 2701; and

4 (3) by inserting after part Y the following:

5 **“PART Z—GRANTS TO COMBAT VIOLENT CRIMES**
6 **AGAINST WOMEN ON CAMPUSES**

7 **“SEC. 2601. PURPOSE OF THE PROGRAM AND GRANTS.**

8 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
9 this part is to assist institutions of higher education in
10 bringing together college personnel, security, students,
11 and victim services to strengthen law enforcement strate-
12 gies in combating violent crimes against women on cam-
13 puses and to improve services to victims.

14 “(b) PURPOSES FOR WHICH GRANTS MAY BE
15 USED.—Grants under this part shall provide personnel,
16 training, technical assistance, data collection, and other
17 equipment for the more widespread investigation, appre-
18 hension, prosecution, and adjudication of persons commit-
19 ting violent crimes against women on campuses, and spe-
20 cifically, for the purposes of—

21 “(1) training campus administrators and cam-
22 pus security personnel to more effectively identify
23 and respond to violent crimes against women on
24 campus, including the crimes of sexual assault,
25 stalking, and domestic violence;

1 “(2) developing and implementing more effective
2 campus security and investigative policies, protocols,
3 orders, and services specifically devoted to
4 preventing, identifying, and responding to violent
5 crimes against women on campus, including the
6 crimes of sexual assault, stalking, and domestic violence;
7

8 “(3) developing, enlarging, or strengthening victim
9 services programs, for local campuses, including
10 sexual assault, stalking, and domestic violence programs;
11

12 “(4) developing or improving delivery of victim
13 services on campuses, including on-campus programs
14 that provide counseling, support, and victim advocacy,
15 whether or not organized and staffed by students in
16 coordination with community-based victim services; and
17

18 “(5) supporting improved coordination between
19 campus administrators and campus security personnel,
20 and local criminal justice authorities to reduce
21 violent crimes against women on campus.

22 **“SEC. 2602. CAMPUS GRANTS.**

23 “(a) IN GENERAL.—The Attorney General may make
24 grants to institutions of higher education in accordance
25 with this part, for use by campus personnel and student

1 organizations, and nonprofit nongovernmental victim serv-
 2 ices programs to assist campus administrators and cam-
 3 pus security personnel (including employees, contractors,
 4 and volunteers) to develop and strengthen—

5 “(1) effective security and investigation strate-
 6 gies to combat violent crimes against women on
 7 campuses, particularly sexual assault, stalking, and
 8 domestic violence; and

9 “(2) victim services in cases involving violent
 10 crimes against women on campuses, which may in-
 11 clude partnerships with local criminal justice au-
 12 thorities and community-based victims services agen-
 13 cies.

14 “(b) APPLICATION REQUIREMENTS.—Each applica-
 15 tion under this part shall meet the requirements of section
 16 517 and shall include—

17 “(1) the certifications described in subsection
 18 (c), including documentation from nonprofit, non-
 19 governmental victim services programs, describing
 20 their participation in developing the plan required by
 21 subsection (c)(2); and

22 “(2) documentation from the institution and
 23 from the victim services programs to be assisted,
 24 demonstrating—

25 “(A) need for the grant funds;

1 “(B) intended use of the grant funds;

2 “(C) expected results from the use of the
3 grant funds; and

4 “(D) characteristics of the population
5 being served, including number of students and
6 type of campus and demographic characteristics
7 of the population and documentation of services
8 to underserved populations.

9 “(c) CERTIFICATIONS.—The certifications described
10 in this subsection are certifications that the applicant
11 will—

12 “(1) use the grant amount under this part for
13 the purposes described in section 2601(b);

14 “(2) develop a plan for implementation, and
15 consult and coordinate with nonprofit, nongovern-
16 mental victim services programs, including sexual
17 assault and domestic violence victim services pro-
18 grams and State sexual assault and domestic vio-
19 lence coalitions;

20 “(3) of the total grant amount—

21 “(A) allocate not less than 20 percent to
22 campus security administrators;

23 “(B) allocate not less than 10 percent for
24 improved coordination as described in section
25 2601(b)(5); and

1 “(C) allocate not less than 30 percent for
2 victims’ services programs; and

3 “(4) use any Federal funds received under this
4 part to supplement, not supplant, non-Federal funds
5 that would otherwise be available for activities fund-
6 ed under this part.

7 “(d) DISBURSEMENT.—

8 “(1) IN GENERAL.—Not later than 60 days
9 after the receipt of an application under this part,
10 the Attorney General shall—

11 “(A) make a grant in accordance with this
12 part to the applicant; or

13 “(B) inform the applicant of the reasons
14 that the application does not meet the require-
15 ments of section 517 or the requirements of
16 this section.

17 “(2) REGULATIONS.—In making grants under
18 this part, the Attorney General shall—

19 “(A) give priority to areas of varying geo-
20 graphic size with the greatest showing of need
21 based on the availability of established domestic
22 violence, stalking, and sexual assault programs
23 on the campuses to be served in relation to the
24 availability of such programs on other such
25 campuses;

1 “(B) equitably distribute moneys on a geo-
2 graphic basis, including nonurban and rural
3 areas of various geographic sizes; and

4 “(C) recognize and address the needs of
5 underserved populations.

6 “(e) FEDERAL SHARE.—The Federal share of a
7 grant made under this part may not exceed 75 percent
8 of the total cost of the projects described in the application
9 submitted under this part.

10 **“SEC. 2603. GENERAL TERMS AND CONDITIONS.**

11 “(a) NONMONETARY ASSISTANCE.—In addition to
12 assistance provided under this part, the Attorney General
13 may request any Federal agency to use the authority and
14 resources of the agency (including personnel, equipment,
15 supplies, facilities, and managerial, technical, and advisory
16 services) in support of campus security and investigation
17 and victim service efforts.

18 “(b) REGULATIONS OR GUIDELINES.—

19 “(1) PROPOSED REGULATIONS.—Not later than
20 120 days after the date of enactment of this part,
21 the Attorney General shall publish proposed regula-
22 tions or guidelines implementing this part, including
23 a mechanism to make individual program evalua-
24 tions publicly available.

1 “(2) FINAL REGULATIONS.—Not later than 180
 2 days after the date of enactment of this part, the
 3 Attorney General shall publish final regulations or
 4 guidelines implementing this part.

5 **“SEC. 2604. DEFINITIONS.**

6 “In this part—

7 “(1) the terms ‘domestic violence’, ‘sexual as-
 8 sault’, ‘underserved populations’, and ‘victim serv-
 9 ices’ have the meaning given the terms in section
 10 2003; and

11 “(2) the term ‘institutions of higher education’
 12 has the meaning given the term in section 1201(a)
 13 of the Higher Education Act of 1965 (20 U.S.C.
 14 1141(a)).”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 16 1001 of the Omnibus Crime Control and Safe Streets Act
 17 of 1968 (42 U.S.C. 3793), is amended—

18 (1) in paragraph (3), by striking “and X” and
 19 inserting “X, and Z”; and

20 (2) by adding at the end the following:

21 “(24) There is authorized to be appropriated
 22 from the Violent Crime Reduction Trust Fund es-
 23 tablished under section 310001 of the Violent Crime
 24 Control and Law Enforcement Act of 1994 (42

1 U.S.C. 14211) to carry out part Z \$10,000,000 for
 2 each of fiscal years 1999 through 2002.”.

3 **SEC. 107. VIOLENCE AGAINST WOMEN IN THE MILITARY**
 4 **SYSTEM.**

5 (a) CRIMINAL OFFENSES COMMITTED OUTSIDE THE
 6 UNITED STATES BY PERSONS ACCOMPANYING THE
 7 ARMED FORCES.—

8 (1) IN GENERAL.—Title 18, United States
 9 Code, is amended by inserting after chapter 211 the
 10 following:

11 **“CHAPTER 212—DOMESTIC VIOLENCE AND**
 12 **SEXUAL ASSAULT OFFENSES COMMIT-**
 13 **TED OUTSIDE THE UNITED STATES**

“Sec.

“3261. Definitions.

“3262. Domestic violence and sexual assault offenses committed by persons em-
 ployed by or accompanying, the Armed Forces outside the
 United States.

“3263. Delivery to authorities of foreign countries.

“3264. Regulations.

14 **“§ 3261. Definitions**

15 “In this chapter—

16 “(1) the term ‘armed forces’ has the same
 17 meaning as in section 101(a)(4) of title 10;

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

20 “(A) is an employee of the Department of
 21 Defense;

1 “(B) is present or residing outside of the
2 United States in connection with such employ-
3 ment; and

4 “(C) is a national of the United States, as
5 defined in 101(a)(22) of the Immigration and
6 Nationality Act (8 U.S.C. 1101(a)(22)); and

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

9 “(A) is a dependent of a member of the
10 armed forces, as determined under regulations
11 prescribed pursuant to section 3264;

12 “(B) is a dependent of an employee of the
13 Department of Defense, as determined under
14 regulations prescribed pursuant to section
15 3264;

16 “(C) is residing with the member or em-
17 ployee outside of the United States; and

18 “(D) is a national of the United States, as
19 defined in 101(a)(22) of the Immigration and
20 Nationality Act (8 U.S.C. 1101(a)(22)).

1 **“§ 3262. Domestic violence and sexual assault of-**
2 **fenses committed by persons employed**
3 **by or accompanying the Armed Forces**
4 **outside the United States**

5 “(a) IN GENERAL.—Whoever, while employed by or
6 accompanying the Armed Forces outside of the United
7 States, engages in conduct that would constitute a domes-
8 tic violence or sexual assault offense, if the conduct had
9 been engaged in within the special maritime and territorial
10 jurisdiction of the United States, shall be subject to pros-
11 ecution in a district court of the United States.

12 “(b) CONCURRENT JURISDICTION.—Nothing con-
13 tained in this chapter deprives courts-martial, military
14 commissions, provost courts, or other military tribunals of
15 concurrent jurisdiction with respect to offenders or of-
16 fenses that by statute or by the law of war may be tried
17 by courts-martial, military commissions, provost courts, or
18 other military tribunals.

19 “(c) PRIORITY OF EXERCISE OF JURISDICTION.—

20 “(1) ACTION BY MILITARY TRIBUNAL.—No
21 prosecution may be commenced in the United States
22 district court under this section until an official of
23 the Department of Defense designated pursuant to
24 regulations jointly prescribed by the Attorney Gen-
25 eral, the Secretary of Defense, and the Secretary of
26 Transportation (with respect to the Coast Guard

1 when it is not operating as a service in the Navy)
2 waives the exercise of jurisdiction referred to in sub-
3 section (b) in accordance with procedures set forth
4 in the regulations.

5 “(2) ACTION BY FOREIGN GOVERNMENT.—No
6 prosecution may be commenced in a district court
7 under this section if a foreign government, in ac-
8 cordance with jurisdiction recognized by the United
9 States, has prosecuted or is prosecuting such person
10 for the conduct constituting such offense, except
11 upon the approval of the Attorney General of the
12 United States or the Deputy Attorney General of the
13 United States (or a person acting in either such ca-
14 pacity), which function of approval shall not be dele-
15 gated.

16 “(d) ARRESTS.—

17 “(1) LAW ENFORCEMENT PERSONNEL.—The
18 Secretary of Defense may designate and authorize
19 any person serving in a law enforcement position in
20 the Department of Defense to arrest outside of the
21 United States any person described in subsection (a)
22 if there is probable cause to believe that such person
23 engaged in conduct which constitutes a criminal of-
24 fense under subsection (a).

1 “(2) RELEASE TO CIVILIAN LAW ENFORCE-
 2 MENT.—A person arrested under paragraph (1)
 3 shall be released to the custody of civilian law en-
 4 forcement authorities of the United States for re-
 5 moval to the United States for judicial proceedings
 6 in the United States district court of the named ju-
 7 risdiction of origin of the person arrested in relation
 8 to conduct referred to in such paragraph if—

9 “(A) military jurisdiction has been waived
 10 under subsection (c)(1) in the case of that per-
 11 son; and

12 “(B) that person has not been, and is not
 13 to be, delivered to authorities of a foreign coun-
 14 try under section 3263; or

15 **“§ 3263. Delivery to authorities of foreign countries**

16 “(a) IN GENERAL.—Any person designated and au-
 17 thorized under section 3262(d) may deliver a person de-
 18 scribed in section 3262(a) to the appropriate authorities
 19 of a foreign country in which the person is alleged to have
 20 engaged in conduct described in subsection (a) if—

21 “(1) the appropriate authorities of that country
 22 request the delivery of the person to such country
 23 for trial for such conduct as an offense under the
 24 laws of that country; and

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

4 “(b) DETERMINATION BY THE SECRETARY.—The
5 Secretary of Defense shall determine which officials of a
6 foreign country constitute appropriate authorities for pur-
7 poses of this section.

8 **“§ 3264. Regulations**

9 “The Secretary of Defense shall issue regulations
10 governing the apprehension, detention, and removal of
11 persons under this chapter. Such regulations shall be uni-
12 form throughout the Department of Defense.”.

13 (2) CLERICAL AMENDMENT.—The table of
14 chapters at the beginning of part II of title 18,
15 United States Code, is amended by inserting after
16 the item relating to chapter 211 the following:

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

17 (b) RECORDS OF MILITARY JUSTICE ACTIONS.—

18 (1) IN GENERAL.—Subchapter XI of chapter 47
19 of title 10, United States Code, is amended by add-
20 ing at the end the following:

1 **“§ 940a. Art. 140a Military justice information: trans-**
 2 **mission to Director of the Federal Bureau**
 3 **of Investigation**

4 “Whenever a member of the armed forces is dis-
 5 charged or dismissed from the armed forces or is released
 6 from active duty, the Secretary of the military department
 7 concerned shall transmit to the Director of the Federal
 8 Bureau of Investigation a copy of records of any penal
 9 action taken against the member during that period under
 10 this chapter, including any nonjudicial punishment im-
 11 posed under section 815 of this title (article 15).”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
 13 tions at the beginning of subchapter IX of chapter
 14 47 of title 10, United States Code, is amended by
 15 adding at the end the following:

“940a. 140a. Military justice information: transmission to the Director of the
 Federal Bureau of Investigation.”.

16 (c) TRANSITIONAL COMPENSATION.—Section 1059
 17 (g)(2) of title 10, United States Code, is amended by strik-
 18 ing “the Secretary may not resume such payments” and
 19 inserting “the Secretary may, under circumstances deter-
 20 mined extraordinary by the Secretary, resume such pay-
 21 ments”.

22 **SEC. 108. HATE CRIMES PREVENTION.**

23 (a) DEFINITION.—In this section, the term “hate
 24 crime” has the same meaning as in section 280003(a) of

1 the Violent Crime Control and Law Enforcement Act of
2 1994 (28 U.S.C. 994 note).

3 (b) PROHIBITION OF CERTAIN ACTS OF VIOLENCE.—

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

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

7 (2) by inserting after subsection (b) the follow-
8 ing:

9 “(c)(1) Whoever, whether or not acting under color
10 of law, willfully causes bodily injury to any person or,
11 through the use of fire, a firearm, or an explosive device,
12 attempts to cause bodily injury to any person, because of
13 the actual or perceived race, color, religion, or national
14 origin of any person—

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

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

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

23 “(ii) the acts committed in violation of this
24 paragraph include kidnapping or an attempt to
25 kidnap, aggravated sexual abuse or an attempt

1 to commit aggravated sexual abuse, or an at-
2 tempt to kill.

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

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

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

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

18 “(II) the acts committed in violation of
19 this paragraph include kidnapping or an at-
20 tempt to kidnap, aggravated sexual abuse or an
21 attempt to commit aggravated sexual abuse, or
22 an attempt to kill.

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

1 “(i) in connection with the offense, the defend-
 2 ant or the victim travels in interstate or foreign
 3 commerce, uses a facility or instrumentality of inter-
 4 state or foreign commerce, or engages in any activity
 5 affecting interstate or foreign commerce; or

6 “(ii) the offense is in or affects interstate or
 7 foreign commerce.”.

8 (c) DUTIES OF FEDERAL SENTENCING COMMIS-
 9 SION.—

10 (1) AMENDMENT OF FEDERAL SENTENCING
 11 GUIDELINES.—Pursuant to its authority under sec-
 12 tion 994 of title 28, United States Code, the United
 13 States Sentencing Commission shall study the issue
 14 of adult recruitment of juveniles to commit hate
 15 crimes and shall, if appropriate amend the Federal
 16 sentencing guidelines to provide sentencing enhance-
 17 ments (in addition to the sentencing enhancement
 18 provided for the use of a minor during the commis-
 19 sion of an offense) for adult defendants who recruit
 20 juveniles to assist in the commission of hate crimes.

21 (2) CONSISTENCY WITH OTHER GUIDELINES.—
 22 In carrying out this subsection, the United States
 23 Sentencing Commission shall—

1 (A) ensure that there is reasonable consist-
 2 ency with other Federal sentencing guidelines;
 3 and

4 (B) avoid duplicative punishments for sub-
 5 stantially the same offense.

6 (d) GRANT PROGRAM.—

7 (1) AUTHORITY TO MAKE GRANTS.—The Ad-
 8 ministrator of the Office of Juvenile Justice and De-
 9 linquency Prevention of the Department of Justice
 10 shall make grants, in accordance with such regula-
 11 tions as the Attorney General may prescribe, to
 12 State and local programs designed to combat hate
 13 crimes committed by juveniles.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—
 15 There are authorized to be appropriated such sums
 16 as may be necessary to carry out this subsection.

17 (e) AUTHORIZATION FOR ADDITIONAL PERSONNEL
 18 TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.—
 19 There are authorized to be appropriated to the Depart-
 20 ment of the Treasury and the Department of Justice, in-
 21 cluding the Community Relations Service, for fiscal years
 22 1998, 1999, and 2000 such sums as are necessary to in-
 23 crease the number of personnel to prevent and respond
 24 to alleged violations of section 245 of title 18, United
 25 States Code (as amended by this section).

1 (f) SEVERABILITY.—If any provision of this section,
 2 an amendment made by this section, or the application
 3 of such provision or amendment to any person or cir-
 4 cumstance is held to be unconstitutional, the remainder
 5 of this section, the amendments made by this section, and
 6 the application of the provisions of such to any person or
 7 circumstance shall not be affected thereby.

8 **SEC. 109. REAUTHORIZATION OF RURAL DOMESTIC VIO-**
 9 **LENCE AND CHILD ABUSE ENFORCEMENT**
 10 **GRANTS.**

11 (a) REAUTHORIZATION.—Section 40295(c)(1) of the
 12 Violence Against Women Act of 1994 (42 U.S.C.
 13 13971(c)(1)) is amended to read as follows:

14 “(1) IN GENERAL.—There is authorized to be
 15 appropriated from the Violent Crime Reduction
 16 Trust Fund established under section 310001 of the
 17 Violent Crime Control and Law Enforcement Act of
 18 1994 (42 U.S.C. 14211) to carry out this section
 19 \$35,000,000 for each of fiscal years 1999 through
 20 2002.”.

21 (b) INDIAN TRIBES.—Section 40295(c) of the Vio-
 22 lence Against Women Act of 1994 (42 U.S.C. 13971(c))
 23 is amended by adding at the end the following:

24 “(3) ALLOTMENT FOR INDIAN TRIBES.—

1 “(A) IN GENERAL.—Not less than 5 per-
 2 cent of the total amount made available to
 3 carry out this section for each fiscal year shall
 4 be available for grants to Indian tribal govern-
 5 ments.

6 “(B) REALLOTMENT OF FUNDS.—If, be-
 7 ginning 9 months after the last day of any fis-
 8 cal year for which amounts are made available
 9 to carry out this paragraph, any amount made
 10 available under this paragraph remains unobli-
 11 gated, the unobligated amount may be allocated
 12 without regard to subparagraph (A).”.

13 **SEC. 110. NATIONAL STALKER AND DOMESTIC VIOLENCE**
 14 **REDUCTION.**

15 (a) REAUTHORIZATION.—Section 40603 of the Vio-
 16 lence Against Women Act of 1994 (42 U.S.C. 14032) is
 17 amended to read as follows:

18 **“SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.**

19 “‘There is authorized to be appropriated from the Vio-
 20 lent Crime Reduction Trust Fund established under sec-
 21 tion 310001 of the Violent Crime Control and Law En-
 22 forcement Act of 1994 (42 U.S.C. 14211) to carry out
 23 this subtitle \$3,000,000 for each of fiscal years 1999
 24 through 2002.’”.

1 (b) TECHNICAL AMENDMENT.—Section 40602(a) of
 2 the Violence Against Women Act of 1994 (42 U.S.C.
 3 14031 note) is amended by inserting “and implement”
 4 after “improve”.

5 **SEC. 111. AMENDMENTS TO DOMESTIC VIOLENCE AND**
 6 **STALKING OFFENSES.**

7 (a) INTERSTATE DOMESTIC VIOLENCE.—Section
 8 2261(a) of title 18, United States Code, is amended to
 9 read as follows:

10 “(a) OFFENSES.—

11 “(1) TRAVEL OR CONDUCT OF OFFENDER.—A
 12 person who travels in interstate or foreign commerce
 13 or to or from Indian country with the intent to in-
 14 jure, harass, or intimidate a spouse or intimate part-
 15 ner, and who, in the course of or as a result of such
 16 travel, commits or attempts to commit a crime of vi-
 17 olence against that spouse or intimate partner, shall
 18 be punished as provided in subsection (b).

19 “(2) CAUSING TRAVEL OF VICTIM.—A person
 20 who causes a spouse or intimate partner to travel in
 21 interstate or foreign commerce or to or from Indian
 22 country by force, coercion, duress, or fraud, and
 23 who, in the course of or as a result of such conduct
 24 or travel, commits or attempts to commit a crime of

1 violence against that spouse or intimate partner,
 2 shall be punished as provided in subsection (b).”.

3 (b) INTERSTATE STALKING.—Section 2261A of title
 4 18, United States Code, is amended to read as follows:

5 **“§ 2261A. Interstate stalking**

6 “Whoever—

7 “(1) with the intent to injure, harass, or intimi-
 8 date another person, engages in the special maritime
 9 and territorial jurisdiction of the United States in
 10 conduct that places that person in reasonable fear of
 11 the death of, or serious bodily injury to, that person
 12 or a member of that person’s immediate family (as
 13 defined in section 115); or

14 “(2) with the intent to injure, harass, or intimi-
 15 date another person, travels in interstate or foreign
 16 commerce or to or from Indian country, and in the
 17 course of or as a result of such travel engages in
 18 conduct that places that person in reasonable fear of
 19 the death of, or serious bodily injury to, that person
 20 or a member of that person’s immediate family (as
 21 defined in section 115),

22 shall be punished as provided in section 2261.”.

23 (c) INTERSTATE VIOLATION OF PROTECTION
 24 ORDER.—Section 2262(a) of title 18, United States Code,
 25 is amended to read as follows:

1 “(a) OFFENSES.—

2 “(1) TRAVEL OR CONDUCT OF OFFENDER.—A
3 person who travels in interstate or foreign commerce
4 or to or from Indian country with the intent to en-
5 gage in conduct that violates the portion of a protec-
6 tion order that prohibits or provides protection
7 against violence, threats, or harassment against,
8 contact or communication with, or physical proxim-
9 ity to, another person, or that would violate such a
10 portion of a protection order in the jurisdiction in
11 which the order was issued, and subsequently en-
12 gages in such conduct, shall be punished as provided
13 in subsection (b).

14 “(2) CAUSING TRAVEL OF VICTIM.—A person
15 who causes another person to travel in interstate or
16 foreign commerce or to or from Indian country by
17 force, coercion, duress, or fraud, and in the course
18 of or as a result of such conduct or travel engages
19 in conduct that violates the portion of a protection
20 order that prohibits or provides protection against
21 violence, threats, or harassment against, contact or
22 communication with, or physical proximity to, an-
23 other person, or that would violate such a portion of
24 a protection order in the jurisdiction in which the

1 order was issued, shall be punished as provided in
 2 subsection (b).”.

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

5 (1) by inserting after the first undesignated
 6 paragraph the following:

7 “‘serious bodily injury’ has the meaning stated in
 8 section 2119(2).”; and

9 (2) by striking the final undesignated para-
 10 graph and inserting the following:

11 “‘travel in interstate or foreign commerce’ does not
 12 include travel from 1 State to another by an individ-
 13 ual who is a member of an Indian tribe and who re-
 14 mains at all times in the territory of the Indian tribe
 15 of which the individual is a member.”.

16 **TITLE II—STRENGTHENING** 17 **SERVICES TO VICTIMS OF VI-** 18 **OLENCE**

19 **SEC. 201. LEGAL ASSISTANCE AND ATTORNEY VOLUN-** 20 **TEERS.**

21 (a) GRANTS.—The Attorney General shall make
 22 grants to public and private nonprofit entities—

23 (1) to implement, expand, and establish cooper-
 24 ative efforts and projects between domestic violence
 25 victim advocacy organizations and civil legal assist-

1 ance providers to strengthen civil legal assistance for
2 victims of domestic violence; and

3 (2) to implement, expand, and establish efforts
4 and projects to strengthen civil legal assistance for
5 victims of domestic violence by organizations with a
6 demonstrated history of responsive direct legal or
7 advocacy services on behalf of domestic violence vic-
8 tims.

9 (b) NATIONAL NETWORK OF ATTORNEYS TO ASSIST
10 VICTIMS OF VIOLENCE AGAINST WOMEN.—

11 (1) IN GENERAL.—The Attorney General shall,
12 either directly or through contracts or grants to, or
13 other arrangements with, legal service providers, do-
14 mestic violence programs, rape crisis centers, bar as-
15 sociations, and other such entities, establish, operate
16 and maintain a network of attorneys and lay advo-
17 cates to provide legal assistance and other guidance
18 to victims of domestic violence and sexual assault.

19 The network shall—

20 (A) facilitate the designation, appointment
21 or assignment of qualified providers of legal as-
22 sistance to victims of domestic violence and sex-
23 ual assault who are not otherwise represented
24 by counsel, and the referral of victims to those
25 providers;

1 (B) identify qualified providers of legal as-
2 sistance who deliver services under a pro bono,
3 low cost, or sliding scale of arrangement to vic-
4 tims of domestic violence or sexual assault;

5 (C) coordinate with national, State, local,
6 and tribal networks of providers of legal assist-
7 ance; and

8 (D) coordinate with and use the national
9 domestic violence hotline established under sec-
10 tion 316 of the Family Violence Prevention and
11 Services Act, and other hotlines, programs, and
12 entities that provide for the identification and
13 referral for services of victims of domestic vio-
14 lence and sexual assault.

15 (2) DUTIES OF ATTORNEY GENERAL.—In car-
16 rying out paragraph (1), the Attorney General
17 shall—

18 (A) identify and recruit attorneys and
19 other providers of legal assistance to victims of
20 domestic violence and sexual assault, including
21 promoting the participation of the private bar
22 in pro bono or low-cost representation of and
23 assistance to victims of domestic violence and
24 sexual assault;

1 (B) promote and provide appropriate train-
 2 ing and technical assistance to providers of
 3 legal assistance to victims of domestic violence
 4 and sexual assault; and

5 (C) recognize the accomplishments and ef-
 6 forts of network participants in the provision of
 7 legal assistance to victims of domestic violence
 8 and sexual assault.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There is authorized to be
 11 appropriated from the Violent Crime Reduction
 12 Trust Fund established under section 310001 of the
 13 Violent Crime Control and Law Enforcement Act of
 14 1994 (42 U.S.C. 14211) to carry out this section,
 15 \$20,000,000 for each of fiscal years 1999 through
 16 2002.

17 (2) AMOUNTS.—Of the amount made available
 18 under this subsection for each fiscal year, not more
 19 than \$5,000,000 shall be used by the Attorney Gen-
 20 eral for initiatives under subsection (b).

21 (3) NONSUPPLANTATION.—Amounts made
 22 available under this subsection shall not be used to
 23 supplant other Federal, State, and local public funds
 24 expended for services of the type described in this
 25 section.

1 **SEC. 202. SHELTERS FOR BATTERED WOMEN AND CHIL-**
2 **DREN.**

3 (a) STATE SHELTER GRANTS; DIRECT EMERGENCY
4 ASSISTANCE.—Section 303 of the Family Violence Pre-
5 vention and Services Act (42 U.S.C. 10402) is amended—

6 (1) in subsection (a)(2)—

7 (A) by redesignating subparagraph (G) as
8 subparagraph (H); and

9 (B) by inserting after subparagraph (F)
10 the following:

11 “(G) provide documentation, including
12 memoranda of understanding, of the specific in-
13 volvement of the State domestic violence coali-
14 tion and other knowledgeable individuals and
15 interested organizations, in the development of
16 the application; and”; and

17 (2) in subsection (c)—

18 (A) by striking “No funds provided” and
19 inserting “(1) Except as provided in paragraph
20 (2), no funds provided”; and

21 (B) by inserting after the period the fol-
22 lowing:

23 “(2) Not more than 1 percent of the funds appro-
24 priated to carry out this section and distributed under
25 subsection (a) or (b) may be used to provide emergency
26 assistance, such as transportation and housing assistance,

1 directly to victims of family violence, or to the dependents
 2 of such victims, who are in the process of fleeing an abu-
 3 sive situation. Any entity that provides such assistance
 4 shall annually prepare and submit to the Secretary a re-
 5 port specifying, and describing the distribution of, funds
 6 provided pursuant to this paragraph. The report shall not
 7 contain information identifying an individual recipient of
 8 such assistance.”.

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

12 (1) in subsection (a), by striking “for grants to
 13 States for any fiscal year” and all that follows
 14 and inserting the following: “and available for grants
 15 to States under this subsection for any fiscal year—

16 “(1) Guam, American Samoa, the United
 17 States Virgin Islands, the Commonwealth of the
 18 Northern Mariana Islands, and the combined Freely
 19 Associated States shall each be allotted not less than
 20 $\frac{1}{8}$ of 1 percent of the amounts available for grants
 21 under section 303(a) for the fiscal year for which
 22 the allotment is made; and

23 “(2) each State shall be allotted for payment in
 24 a grant authorized under section 303(a) \$500,000,
 25 with the remaining funds to be allotted to each State

1 in an amount that bears the same ratio to such re-
 2 maining funds as the population of such State bears
 3 to the population of all States.”;

4 (2) in subsection (c), in the first sentence, by
 5 inserting “and available” before “for grants”;

6 (3) in subsection (d)—

7 (A) by redesignating paragraph (2) as
 8 paragraph (3);

9 (B) by inserting after paragraph (1) the
 10 following:

11 “(2) If, at the end of the sixth month of a fiscal year
 12 for which sums are appropriated under section 310—

13 “(A) the entire portion of such sums that is
 14 made available for grants under section 303(b) has
 15 not been distributed to Indian tribes and organiza-
 16 tions described in section 303(b) in grants because
 17 of the failure of 1 or more of the tribes or organiza-
 18 tions to meet the requirements for such a grant, the
 19 Secretary shall—

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

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

4 (C) in paragraph (3) (as redesignated in
5 subparagraph (A)) by inserting “or distribution
6 under section 303(b)” after “303(a)”; and

7 (4) by adding at the end the following:

8 “(e) In subsection (a)(2), the term ‘State’ does not
9 include any jurisdiction specified in subsection (a)(1).”.

10 (c) SECRETARIAL RESPONSIBILITIES.—Section
11 305(a) of the Family Violence Prevention and Services Act
12 (42 U.S.C. 10404(a)) is amended—

13 (1) by striking “an employee” and inserting “1
14 or more employees”;

15 (2) by striking “of this title.” and inserting “of
16 this title, including carrying out evaluation and mon-
17 itoring under this title.”; and

18 (3) by striking “individual” and inserting “indi-
19 viduals”.

20 (d) RESOURCE CENTERS.—Section 308 of the Fam-
21 ily Violence Prevention and Services Act (42 U.S.C.
22 10407) is amended—

23 (1) in subsection (a)(2)—

24 (A) by striking the following:

1 “(2) GRANTS.—From the amounts” and insert-
 2 ing the following:

3 “(2) GRANTS.—

4 “(A) CENTERS.—From the amounts”;

5 (B) by inserting “on providing informa-
 6 tion, training, and technical assistance” after
 7 “focusing”; and

8 (C) by inserting after the period the follow-
 9 ing:

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

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

19 “(ii) the total amounts awarded for all
 20 such initiatives do not exceed the lesser of
 21 \$500,000 or 7 percent of the funds appro-
 22 priated for making grants under this sec-
 23 tion.”; and

24 (2) in subsection (c), by adding at the end the
 25 following:

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

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

7 “(10) Responding to emerging issues in the
8 field of family violence that the Secretary may iden-
9 tify in consultation with advocates for local entities
10 carrying out domestic violence programs that provide
11 shelter or related assistance, State domestic violence
12 coalitions, and national domestic violence organiza-
13 tions.”.

14 (e) REAUTHORIZATION.—Section 310(a) of the Fam-
15 ily Violence Prevention and Services Act (42 U.S.C.
16 10409(a)) is amended to read as follows:

17 “(a) IN GENERAL.—

18 “(1) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to carry out
20 this title—

21 “(A) \$120,000,000 for fiscal year 1999;

22 “(B) \$150,000,000 for fiscal year 2000;

23 “(C) \$175,000,000 for fiscal year 2001;

24 and

25 “(D) \$175,000,000 for fiscal year 2002.

1 “(2) SOURCE OF FUNDS.—Amounts made avail-
 2 able under paragraph (1) may be appropriated from
 3 the Violent Crime Reduction Trust Fund established
 4 under section 310001 of the Violent Crime Control
 5 and Law Enforcement Act of 1994 (42 U.S.C.
 6 14211).”.

7 (f) LIMITATION ON FUNDS.—Section 310 of the
 8 Family Violence Prevention and Services Act (42 U.S.C.
 9 10409), as amended by subsection (e), is further amend-
 10 ed—

11 (1) in subsection (b), by striking “under sub-
 12 section 303(a)” and inserting “under section
 13 303(a)”;

14 (2) in subsection (c), by inserting “not more
 15 than the lesser of \$7,500,000 or” before “5”;

16 (3) in subsection (d)—

17 (A) by striking the following:

18 “(d) GRANTS FOR STATE COALITIONS.—Of the
 19 amounts” and inserting the following:

20 “(d) GRANTS FOR STATE COALITIONS.—

21 “(1) IN GENERAL.—Except as provided in para-
 22 graph (2), of the amounts”; and

23 (B) by inserting after the period the fol-
 24 lowing:

1 “(2) APPROPRIATIONS EXCEEDING
2 \$110,000,000.—If the total amount appropriated
3 under subsection (a) for a fiscal year exceeds
4 \$110,000,000, the Secretary shall use, for making
5 grants under section 311, not less than—

6 “(A) \$11,000,000; plus

7 “(B) 8 percent of the amount appropriated
8 under such subsection for such fiscal year in ex-
9 cess of \$110,000,000.”;

10 (4) by redesignating subsection (e) as sub-
11 section (f); and

12 (5) by inserting after subsection (d) the follow-
13 ing:

14 “(e) EVALUATION, MONITORING, AND ADMINISTRA-
15 TION.—Of the amounts appropriated under subsection (a)
16 for each fiscal year, not more than \$1,200,000 shall be
17 used by the Secretary for evaluation, monitoring, and ad-
18 ministrative costs under this title.”.

19 (g) NEEDS ASSESSMENT.—Title III of the Family
20 Violence Prevention and Services Act (42 U.S.C. 10401
21 et seq.) is amended by adding at the end the following:

22 **“SEC. 319. NEEDS ASSESSMENT.**

23 “‘In carrying out this title, the Secretary shall provide
24 for the conduct of a nationwide needs assessment relating
25 to the programs carried out under this title.’”.

1 (h) MODEL LEADERSHIP GRANTS FOR DOMESTIC VI-
 2 OLENCE INTERVENTION IN UNDERSERVED COMMU-
 3 NITIES.—

4 (1) IN GENERAL.—Title III of the Family Vio-
 5 lence Prevention and Services Act (42 U.S.C. 10401
 6 et seq.), as amended by subsection (g), is further
 7 amended by adding at the end the following:

8 **“SEC. 320. MODEL LEADERSHIP GRANTS FOR DOMESTIC VI-**
 9 **OLENCE INTERVENTION IN UNDERSERVED**
 10 **COMMUNITIES.**

11 “(a) GRANTS.—

12 “(1) IN GENERAL.—The Secretary may award
 13 grants to develop and implement model community
 14 intervention strategies to address family violence in
 15 underserved populations (as such term is defined in
 16 section 2003 of the Omnibus Crime Control and
 17 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2)).

18 “(2) LIMITATIONS.—In awarding grants under
 19 paragraph (1), the Secretary shall award grants to
 20 not more than 10 State domestic violence coalitions
 21 and to not more than 10 local entities that carry out
 22 domestic violence programs providing shelter or re-
 23 lated assistance.

24 “(3) PURPOSES.—Grants awarded under para-
 25 graph (1) shall be used for—

1 “(A) assessing the needs of underserved
2 populations in the State involved;

3 “(B) building collaborative relationships
4 between the grant recipients and community-
5 based organizations serving underserved popu-
6 lations; and

7 “(C) developing and implementing model
8 community intervention strategies to decrease
9 the incidence of family violence in underserved
10 populations.

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

14 “(b) ELIGIBILITY.—

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

18 “(A) submit to the Secretary an applica-
19 tion containing an acceptable plan for assessing
20 the needs of underserved populations for the
21 model community intervention strategies de-
22 scribed in subsection (a)(3)(C), and identifying
23 a specific population for development of such an
24 intervention strategy, in the first year of the
25 grant; and

1 “(B) demonstrate to the Secretary inclu-
 2 sion of representatives from community-based
 3 organizations in underserved communities in
 4 planning and designing the needs assessment
 5 under subparagraph (A).

6 “(2) CONTINUED ELIGIBILITY.—To be eligible
 7 for continued funding for not more than 2 additional
 8 years through a grant awarded under subsection
 9 (a)(1), a recipient of funding for the initial year
 10 shall submit to the Secretary an application contain-
 11 ing—

12 “(A) a plan for implementing the interven-
 13 tion strategy, and specifying the collaborative
 14 relationships with community-based organiza-
 15 tions serving the identified underserved popu-
 16 lations to be supported under the grant; and

17 “(B) a plan for disseminating the interven-
 18 tion strategy throughout the State and, at the
 19 option of the recipient, to other States.

20 “(c) PRIORITY FOR COLLABORATIVE FUNDING.—

21 “(1) IN GENERAL.—In awarding grants under
 22 subsection (a)(1), the Secretary shall give priority to
 23 State domestic violence coalitions, and local entities
 24 that carry out domestic violence programs, that sub-

1 mit applications in collaboration with community-
 2 based organizations serving underserved populations.

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

7 (2) AUTHORIZATION OF APPROPRIATIONS.—
 8 Section 310 of the Family Violence Prevention and
 9 Services Act (42 U.S.C. 10409), as amended by sub-
 10 section (f), is further amended—

11 (A) by redesignating subsection (f) as sub-
 12 section (g); and

13 (B) by inserting after subsection (e) the
 14 following:

15 “(f) REDISTRIBUTION OF FUNDS AVAILABLE DUE
 16 TO CERTAIN LIMITATIONS.—

17 “(1) APPROPRIATIONS EXCEEDING
 18 \$110,000,000.—Except as provided in paragraph (2),
 19 if the total amount appropriated under subsection
 20 (a) for a fiscal year exceeds \$110,000,000, the Sec-
 21 retary shall use not less than 2 percent of the
 22 amount appropriated under such subsection for such
 23 fiscal year in excess of \$110,000,000 for making
 24 grants under section 303 or 320.

1 “(2) APPROPRIATIONS EXCEEDING
2 \$150,000,000.—If the total amount appropriated
3 under subsection (a) for a fiscal year exceeds
4 \$150,000,000, the Secretary shall use not less than
5 7 percent of the amount appropriated under such
6 subsection for such fiscal year in excess of
7 \$150,000,000 for making grants under section 303
8 or 320.”.

9 (i) CONFORMING AMENDMENTS.—

10 (1) Section 303(b)(2) of the Family Violence
11 Prevention and Services Act (42 U.S.C.
12 10402(b)(2)) is amended, in the second sentence, by
13 striking “(D), (E) and (F)” and inserting “(D), (E),
14 (F), and (G)”.

15 (2) Section 306 of the Family Violence Preven-
16 tion and Services Act (42 U.S.C. 10405) is amend-
17 ed, in the second sentence, by striking “section
18 303(a)(2)(B) through 303(a)(2)(F)” and inserting
19 “subparagraphs (B) through (G) of section
20 303(a)(2)”.

21 (3) Section 309(6) of the Family Violence Pre-
22 vention and Services Act (42 U.S.C. 10408(6)) is
23 amended by striking “the Virgin Islands, the North-
24 ern Mariana Islands, and the Trust Territory of the
25 Pacific Islands” and inserting “the United States

1 Virgin Islands, the Commonwealth of the Northern
2 Mariana Islands, and the combined Freely Associ-
3 ated States”.

4 (4) Section 311(c) of the Family Violence Pre-
5 vention and Services Act (42 U.S.C. 10410(c)) is
6 amended by striking “the U.S. Virgin Islands, the
7 Northern Mariana Islands, and the Trust Territory
8 of the Pacific Islands” and inserting “the United
9 States Virgin Islands, the Commonwealth of the
10 Northern Mariana Islands, and the Freely Associ-
11 ated States”.

12 **SEC. 203. VICTIMS OF ABUSE INSURANCE PROTECTION.**

13 (a) DEFINITIONS.—In this section—

14 (1) ABUSE.—The term “abuse” means the oc-
15 currence of 1 or more of the following acts by a cur-
16 rent or former household or family member, intimate
17 partner, or caretaker:

18 (A) Attempting to cause or causing an-
19 other person bodily injury, physical harm, sub-
20 stantial emotional distress, psychological trau-
21 ma, rape, sexual assault, or involuntary sexual
22 intercourse.

23 (B) Engaging in a course of conduct or re-
24 peatedly committing acts toward another per-
25 son, including following the person without

1 proper authority and under circumstances that
2 place the person in reasonable fear of bodily in-
3 jury or physical harm.

4 (C) Subjecting another person to false im-
5 prisonment or kidnaping.

6 (D) Attempting to cause or causing dam-
7 age to property so as to intimidate or attempt
8 to control the behavior of another person.

9 (2) ADVERSE ACTION.—The term “adverse ac-
10 tion” means—

11 (A) denying, refusing to issue, renew, or
12 reissue, or canceling or otherwise terminating
13 an insurance policy or health benefit plan;

14 (B) restricting, excluding, or limiting in-
15 surance or health benefit plan coverage or deny-
16 ing or limiting payment of a claim incurred by
17 an insured, except as otherwise permitted or re-
18 quired by State laws relating to life insurance
19 beneficiaries; or

20 (C) adding a premium differential to any
21 insurance policy or health benefit plan.

22 (3) HEALTH BENEFIT PLAN.—The term
23 “health benefit plan” means any public or private
24 entity or program that provides for payments for
25 health care, including—

1 (A) a group health plan (as defined in sec-
 2 tion 607 of the Employee Retirement Income
 3 Security Act of 1974 (29 U.S.C. 1167)) or a
 4 multiple employer welfare arrangement (as de-
 5 fined in section 3(40) of such Act (29 U.S.C.
 6 1102(40)) that provides health benefits;

7 (B) any arrangement consisting of a hos-
 8 pital or medical expense incurred policy or cer-
 9 tificate, hospital or medical service plan con-
 10 tract, or health maintenance organization sub-
 11 scriber contract;

12 (C) workers' compensation or similar in-
 13 surance to the extent that it relates to workers'
 14 compensation medical benefits (as defined by
 15 the Federal Trade Commission); and

16 (D) automobile medical insurance to the
 17 extent that it relates to medical benefits (as de-
 18 fined by the Federal Trade Commission).

19 (4) HEALTH CARRIER.—The term “health car-
 20 rier” means a person that contracts or offers to con-
 21 tract on a risk-assuming basis to provide, deliver, ar-
 22 range for, pay for, or reimburse any of the cost of
 23 health care services, including a sickness and acci-
 24 dent insurance company, a health maintenance orga-
 25 nization, a nonprofit hospital and health service cor-

1 poration or any other entity providing a plan of
2 health insurance, health benefits, or health services.

3 (5) INNOCENT INSURED.—The term “innocent
4 insured” means a subject of abuse who—

5 (A) is insured under the same policy as the
6 abuser; and

7 (B) is not, taking into account all the facts
8 and circumstances, the cause of any claim in-
9 curred or any claim that may incur.

10 (6) INSURED.—The term “insured” means a
11 party named on a policy, certificate, or health bene-
12 fit plan, including an individual, corporation, part-
13 nership, association, unincorporated organization, or
14 any similar entity, as the person with legal rights to
15 the benefits provided by the policy, certificate, or
16 health benefit plan, including (for purposes of group
17 insurance) a person who is a beneficiary covered by
18 a group policy, certificate, or health benefit plan,
19 and including (for purposes of life insurance) the
20 person whose life is covered under an insurance pol-
21 icy.

22 (7) INSURER.—The term “insurer” means any
23 person, reciprocal exchange, interinsurer, Lloyds in-
24 surer, fraternal benefit society, or other legal entity
25 engaged in the business of insurance, including

1 agents, brokers, adjusters, and third party adminis-
2 trators, and includes health benefit plans, health
3 carriers, and life, disability, and property and cas-
4 ualty insurers.

5 (8) PERSONAL IDENTIFYING INFORMATION.—

6 The term “personal identifying information” means
7 information that identifies an individual, including
8 an individual’s photograph, social security number,
9 driver identification number, name, address, tele-
10 phone number, place of employment, and medical,
11 disability, or abuse status.

12 (9) POLICY.—The term “policy” means a con-

13 tract of insurance, certificate, indemnity, suretyship,
14 or annuity issued, proposed for issuance, or intended
15 for issuance by an insurer, including endorsements
16 or riders to an insurance policy or contract.

17 (10) SUBJECT OF ABUSE.—The term “subject

18 of abuse” means a person—

19 (A) against whom an act of abuse has been

20 directed;

21 (B) who has prior or current injuries, ill-

22 nesses, or disorders that resulted from abuse;

23 (C) who seeks, may have sought, or had

24 reason to seek medical or psychological treat-

1 ment for abuse or protection or shelter from
2 abuse; or

3 (D) who has incurred or may incur a claim
4 as a result of abuse.

5 (b) ACTS AGAINST SUBJECTS OF ABUSE.—

6 (1) DISCRIMINATORY ACTS PROHIBITED.—

7 (A) IN GENERAL.—No insurer may, di-
8 rectly or indirectly, take any adverse action
9 against an applicant or insured on the basis
10 that the applicant or insured, or any person
11 employed by the applicant or insured or with
12 whom the applicant or insured is known to have
13 a relationship or association is, has been, or
14 may be the subject of abuse.

15 (B) INNOCENT INSURED.—No insurer
16 may, directly or indirectly, take any adverse ac-
17 tion against an innocent insured.

18 (2) REASONS FOR ADVERSE ACTIONS.—An in-
19 surer that takes an adverse action against a known
20 subject of abuse shall advise the applicant or insured
21 of the specific reasons for the action in writing. Ref-
22 erence to general underwriting practices or guide-
23 lines shall not constitute a specific reason.

24 (3) USE OF INFORMATION.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), an insurer, and any officer,
3 employee, or contractor thereof, shall not know-
4 ingly disclose or otherwise make available to
5 any person or entity personal identifying infor-
6 mation about a subject of abuse.

7 (B) EXCEPTION.—Personal identifying in-
8 formation referred to in subparagraph (A) may
9 be disclosed—

10 (i) with the informed, written consent
11 of the subject of abuse at the time the dis-
12 closure is sought;

13 (ii) if such information is necessary
14 for the provision of or the payment for
15 services provided by the insurer or is inci-
16 dent to the ordinary course of business of
17 the insurer; or

18 (iii) to a law enforcement agency pur-
19 suant to a warrant issued under the Fed-
20 eral Rules of Criminal Procedure, an
21 equivalent State warrant, a grand jury
22 subpoena, or a court order.

23 (C) RULE OF CONSTRUCTION.—Nothing in
24 subparagraph (B) shall be construed to permit
25 an insurer to disclose personal identifying infor-

1 mation about a subject of abuse to a current or
2 former household or family member, intimate
3 partner, or caretaker of the subject of abuse.

4 (c) ENFORCEMENT.—

5 (1) FEDERAL TRADE COMMISSION.—

6 (A) IN GENERAL.—The Federal Trade
7 Commission shall have the power to examine
8 and investigate any insurer to determine wheth-
9 er such insurer has been, or is, in violation of
10 subsection (b) if the violation involved is not
11 prohibited under other Federal or State law or
12 is prohibited under State law but in the opinion
13 of the Commission is not being enforced by the
14 State.

15 (B) REMEDIES.—If the Federal Trade
16 Commission determines that an insurer has
17 been, or is, in violation of subsection (b)—

18 (i) in the case of a violation of Fed-
19 eral or State law, the Commission shall
20 transmit such information to the appro-
21 priate enforcement authority; and

22 (ii) in the case of a violation that is
23 not prohibited under other Federal or
24 State law, or is prohibited under State law
25 but in the opinion of the Commission is

not being enforced by the State, the Commission may take action against such insurer as if the insurer was in violation of section 5 of the Federal Trade Commission Act by issuing a cease and desist order, which may include any individual relief warranted under the circumstances, including temporary, preliminary, and permanent injunctive and compensatory relief.

(2) PRIVATE CAUSE OF ACTION.—

(A) IN GENERAL.—An applicant or insured who believes that the applicant or insured has been affected by a violation under subsection (b) may bring an action against the insurer in a Federal or State court of original jurisdiction.

(B) REMEDIES.—In an action under subparagraph (A), upon proof of conduct of a violation of subsection (b) by a preponderance of the evidence, the court may award appropriate relief, including—

(i) temporary, preliminary, and permanent injunctive relief;

(ii) actual damages, in an amount that is not less than liquidated damages in the amount of \$5,000 per violation;

- 1 (iii) punitive damages;
- 2 (iv) reasonable attorneys' fees and
- 3 other litigation costs reasonably incurred,
- 4 including the costs of expert witnesses; and
- 5 (v) such other preliminary and equi-
- 6 table relief as the court determines to be
- 7 appropriate.

8 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
 9 tion shall be construed to prohibit a life insurer from de-
 10 clining to issue a life insurance policy if the applicant or
 11 prospective owner of the policy is or would be designated
 12 as a beneficiary of the policy and if—

- 13 (1) the applicant or prospective owner of the
- 14 policy lacks an insurable interest in the insured; or
- 15 (2) the applicant or prospective owner of the
- 16 policy is known, on the basis of police or court
- 17 records, to have committed an act of abuse against
- 18 the proposed insured.

19 (e) EFFECTIVE DATE.—This section shall apply with
 20 respect to any action taken after December 31, 1998.

21 **SEC. 204. NATIONAL DOMESTIC VIOLENCE HOTLINE.**

22 (a) REAUTHORIZATION.—Section 316(f)(1) of the
 23 Family Violence Prevention and Services Act (42 U.S.C.
 24 10416(f)(1)) is amended to read as follows:

1 “(1) IN GENERAL.—There are authorized to be
 2 appropriated from the Violent Crime Reduction
 3 Trust Fund established under section 310001 of the
 4 Violent Crime Control and Law Enforcement Act of
 5 1994 (42 U.S.C. 14211) to carry out this section—

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

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

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

9 “(D) \$2,000,000 for fiscal year 2002.”.

10 (b) REPORT BY GRANTEES.—Section 316 of the
 11 Family Violence Prevention and Services Act (42 U.S.C.
 12 10416) is amended by adding at the end the following:

13 “(g) REPORT BY GRANTEES.—

14 “(1) IN GENERAL.—Not later than 90 days
 15 after the date of enactment of this subsection, each
 16 recipient of a grant under this section shall prepare
 17 and submit a report to the Secretary that evaluates
 18 the effectiveness of the use of amounts received by
 19 the recipient under this section and containing such
 20 other information as the Secretary may prescribe.

21 “(2) NOTICE AND PUBLIC COMMENT.—Before
 22 renewing any grant under this section, the Secretary
 23 shall publish in the Federal Register a copy of each
 24 report submitted under this subsection and provide

1 not less than 90 days for notice and opportunity for
 2 public comment on the published report.”.

3 **SEC. 205. FEDERAL VICTIMS’ COUNSELORS.**

4 Section 40114 of the Violent Crime Control and Law
 5 Enforcement Act of 1994 (Public Law 103–322; 108 Stat.
 6 1910)) is amended by striking “Columbia)—” and all that
 7 follows before the period and inserting “Columbia)
 8 \$1,000,000 for each of fiscal years 1999 through 2002”.

9 **SEC. 206. BATTERED WOMEN’S EMPLOYMENT PROTECTION.**

10 (a) ENTITLEMENT TO LEAVE FOR NON-FEDERAL
 11 EMPLOYEES.—

12 (1) DEFINITIONS.—Section 101 of the Family
 13 and Medical Leave Act of 1993 (29 U.S.C. 2611) is
 14 amended by adding at the end the following:

15 “(14) ADDRESSING DOMESTIC VIOLENCE AND
 16 ITS EFFECTS.—The term ‘addressing domestic vio-
 17 lence and its effects’ means—

18 “(A) seeking medical attention for or re-
 19 covering from injuries caused by domestic vio-
 20 lence;

21 “(B) seeking legal assistance or remedies,
 22 including communicating with the police or an
 23 attorney, or participating in any legal proceed-
 24 ing, related to domestic violence;

1 “(C) obtaining psychological or other coun-
 2 seling related to experiences of domestic vio-
 3 lence;

4 “(D) participating in safety planning and
 5 other actions to increase safety from future do-
 6 mestic violence, including temporary or perma-
 7 nent relocation;

8 “(E) an inability to attend or perform
 9 work due to an incident of domestic violence,
 10 including an act or threat of violence, stalking,
 11 coercion, or harassment, occurring within the
 12 previous 72 hours; and

13 “(F) participating in any other activity ne-
 14 cessitated by domestic violence that must be un-
 15 dertaken during the hours of employment in-
 16 volved.

17 “(15) DOMESTIC VIOLENCE.—The term ‘domes-
 18 tic violence’ has the meaning given such term in sec-
 19 tion 2003 of the Omnibus Crime Control and Safe
 20 Streets Act of 1968 (42 U.S.C. 3796gg-2).”.

21 (2) LEAVE REQUIREMENT.—Section 102 of the
 22 Family and Medical Leave Act of 1993 (29 U.S.C.
 23 2612) is amended—

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

1 “(E) In order to care for the son, daugh-
 2 ter, or parent of the employee, if such son,
 3 daughter, or parent is addressing domestic vio-
 4 lence and its effects.

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

9 (B) in subsection (b), by adding at the end
 10 the following:

11 “(3) DOMESTIC VIOLENCE.—Leave under sub-
 12 paragraph (E) or (F) of subsection (a)(1) may be
 13 taken by an eligible employee intermittently or on a
 14 reduced leave schedule. The taking of leave intermit-
 15 tently or on a reduced leave schedule pursuant to
 16 this paragraph shall not result in a reduction in the
 17 total amount of leave to which the employee is enti-
 18 tled under subsection (a) beyond the amount of leave
 19 actually taken.”;

20 (C) in subsection (d)(2)(B), by striking
 21 “(C) or (D)” and inserting “(C), (D), (E), or
 22 (F)”;

23 (D) in subsection (e)(2), by striking “or
 24 (D)” and inserting “, (D), (E), or (F)”.

1 (3) CERTIFICATION.—Section 103 of the Fam-
2 ily and Medical Leave Act of 1993 (29 U.S.C. 2613)
3 is amended—

4 (A) in the title of the section, by inserting
5 before the period the following: “; **confiden-**
6 **tiality**”; and

7 (B) by adding at the end the following:

8 “(f) DOMESTIC VIOLENCE.—In determining if an em-
9 ployee meets the requirements of subparagraph (E) or (F)
10 of section 102(a)(1), the employer of an employee may re-
11 quire the employee to provide—

12 “(1) documentation of the domestic violence in-
13 volved, such as a police or court record, or docu-
14 mentation of the domestic violence from a shelter
15 worker, attorney, member of the clergy, or medical
16 or other professional from whom the employee has
17 sought assistance in addressing domestic violence
18 and its effects; or

19 “(2) other corroborating evidence, such as a
20 statement from any other individual with knowledge
21 of the circumstances that provide the basis for the
22 claim of domestic violence, or physical evidence of
23 domestic violence, such as a photograph or torn or
24 bloody clothing.

1 “(g) CONFIDENTIALITY.—All evidence provided to
 2 the employer under subsection (f) of domestic violence ex-
 3 perience by an employee or the son, daughter, or parent
 4 of an employee, including a statement of an employee, any
 5 corroborating evidence, and the fact that an employee has
 6 requested leave for the purpose of addressing, or caring
 7 for a son, daughter, or parent who is addressing, domestic
 8 violence and its effects, shall be retained in the strictest
 9 confidence by the employer, except to the extent that dis-
 10 closure is consented to by the employee in a case in which
 11 disclosure is necessary to protect the safety of the em-
 12 ployee or a co-worker of the employee, or requested by
 13 the employee to document domestic violence to a court or
 14 agency.”.

15 (b) ENTITLEMENT TO LEAVE FOR FEDERAL EM-
 16 PLOYEES.—

17 (1) DEFINITIONS.—Section 6381 of title 5,
 18 United States Code, is amended—

19 (A) at the end of paragraph (5), by strik-
 20 ing “and”;

21 (B) in paragraph (6), by striking the pe-
 22 riod and inserting “; and”; and

23 (C) by adding at the end the following:

24 “(7) the term ‘addressing domestic violence and
 25 its effects’ means—

1 “(A) seeking medical attention for or re-
2 covering from injuries caused by domestic vio-
3 lence;

4 “(B) seeking legal assistance or remedies,
5 including communicating with the police or an
6 attorney, or participating in any legal proceed-
7 ing, related to domestic violence;

8 “(C) obtaining psychological or other coun-
9 seling related to experiences of domestic vio-
10 lence;

11 “(D) participating in safety planning and
12 other actions to increase safety from future do-
13 mestic violence, including temporary or perma-
14 nent relocation;

15 “(E) an inability to attend or perform
16 work due to an incident of domestic violence,
17 including an act or threat of violence, stalking,
18 coercion, or harassment, occurring within the
19 previous 72 hours; and

20 “(F) participating in any other activity ne-
21 cessitated by domestic violence that must be un-
22 dertaken during the hours of employment in-
23 volved.

24 “(15) DOMESTIC VIOLENCE.—The term ‘domes-
25 tic violence’ has the meaning given the term in sec-

1 tion 2003 of title I of the Omnibus Crime Control
 2 and Safe Streets Act of 1968 (42 U.S.C. 3796gg–
 3 2).”.

4 (2) LEAVE REQUIREMENT.—Section 6382 of
 5 title 5, United States Code, is amended—

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

8 “(E) In order to care for the son, daughter, or
 9 parent of the employee, if such son, daughter, or
 10 parent is addressing domestic violence and its ef-
 11 fects.

12 “(F) Because the employee is addressing do-
 13 mestic violence and its effects, which make the em-
 14 ployee unable to perform the functions of the posi-
 15 tion of such employee.”;

16 (B) in subsection (b), by adding at the end
 17 the following:

18 “(3) DOMESTIC VIOLENCE.—Leave under sub-
 19 paragraph (E) or (F) of subsection (a)(1) may be
 20 taken by an employee intermittently or on a reduced
 21 leave schedule. The taking of leave intermittently or
 22 on a reduced leave schedule pursuant to this para-
 23 graph shall not result in a reduction in the total
 24 amount of leave to which the employee is entitled

1 under subsection (a) beyond the amount of leave ac-
 2 tually taken.”;

3 (C) in subsection (d), by striking “(C), or
 4 (D)” and inserting “(C), (D), (E), or (F)”; and
 5 (D) in subsection (e)(2), by striking “or
 6 (D)” and inserting “, (D), (E), or (F)”.

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

9 (A) in the title of the section, by adding at
 10 the end the following: “; **confidentiality**”;
 11 and

12 (B) by adding at the end the following:

13 “(f) In determining if an employee meets the require-
 14 ments of subparagraph (E) or (F) of section 6382(a)(1),
 15 the employing agency of an employee may require the em-
 16 ployee to provide—

17 “(1) documentation of the domestic violence in-
 18 volved, such as a police or court record, or docu-
 19 mentation of the domestic violence from a shelter
 20 worker, attorney, member of the clergy, or medical
 21 or other professional from whom the employee has
 22 sought assistance in addressing domestic violence
 23 and its effects; or

24 “(2) other corroborating evidence, such as a
 25 statement from any other individual with knowledge

1 of the circumstances that provide the basis for the
2 claim of domestic violence, or physical evidence of
3 domestic violence, such as a photograph or torn or
4 bloody clothing.

5 “(g) All evidence provided to the employing agency
6 under subsection (f) of domestic violence experienced by
7 an employee or the son, daughter, or parent of an em-
8 ployee, including a statement of an employee, any corrobo-
9 rating evidence, and the fact that an employee has re-
10 quested leave for the purpose of addressing, or caring for
11 a son, daughter, or parent who is addressing, domestic vio-
12 lence and its effects, shall be retained in the strictest con-
13 fidence by the employing agency, except to the extent that
14 disclosure is consented to by the employee in a case in
15 which disclosure is necessary to protect the safety of the
16 employee or a co-worker of the employee, or requested by
17 the employee to document domestic violence to a court or
18 agency.”.

19 (c) EFFECT ON OTHER LAWS AND EMPLOYMENT
20 BENEFITS.—

21 (1) MORE PROTECTIVE LAWS, AGREEMENTS,
22 PROGRAMS, AND PLANS.—Nothing in this section or
23 the amendments made by this section shall be con-
24 strued to supersede any provision of any Federal,
25 State, or local law, collective bargaining agreement,

1 or other employment benefit program or plan that
 2 provides greater leave benefits for employed victims
 3 of domestic violence than the rights established
 4 under this section or such amendments.

5 (2) LESS PROTECTIVE LAWS, AGREEMENTS,
 6 PROGRAMS, AND PLANS.—The rights established for
 7 employees under this section or the amendments
 8 made by this section shall not be diminished by any
 9 State or local law, collective bargaining agreement,
 10 or employment benefit program or plan.

11 (d) EFFECTIVE DATE.—This section and the amend-
 12 ments made by this section shall take effect on the date
 13 that is 180 days after the date of enactment of this Act.

14 **SEC. 207. ENSURING UNEMPLOYMENT COMPENSATION.**

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

17 (1) in subsection (a)—

18 (A) by striking “and” at the end of para-
 19 graph (18);

20 (B) by redesignating paragraph (19) as
 21 paragraph (20); and

22 (C) by inserting after paragraph (18) the
 23 following:

24 “(19) compensation is to be provided where an
 25 individual is separated from employment due to cir-

1 cumstances directly resulting from the individual's
2 experience of domestic violence; and"; and

3 (2) by adding at the end the following:

4 “(g) CONSTRUCTION.—

5 “(1) IN GENERAL.—For purposes of subsection
6 (a)(19), an employee's separation from employment
7 shall be treated as due to circumstances directly re-
8 sulting from the individual's experience of domestic
9 violence if the separation resulted from—

10 “(A) the employee's reasonable fear of fu-
11 ture domestic violence at or en route to or from
12 the employee's place of employment;

13 “(B) the employee's wish to relocate to an-
14 other geographic area in order to avoid future
15 domestic violence against the employee or the
16 employee's family;

17 “(C) the employee's need to recover from
18 traumatic stress resulting from the employee's
19 experience of domestic violence;

20 “(D) the employer's denial of the employ-
21 ee's request for the temporary leave from em-
22 ployment to address domestic violence and its
23 effects authorized by subparagraphs (E) and
24 (F) of section 102(a)(1) of the Family and
25 Medical Leave Act of 1993; or

1 “(E) any other circumstance in which do-
2 mestic violence causes the employee to reason-
3 ably believe that termination of employment is
4 necessary for the future safety of the employee
5 or the employee’s family.

6 “(2) REASONABLE EFFORTS TO RETAIN EM-
7 PLOYMENT.—For purposes of subsection (a)(19), if
8 State law requires the employee to have made rea-
9 sonable efforts to retain employment as a condition
10 for receiving unemployment compensation, such re-
11 quirement shall be met if the employee—

12 “(A) sought protection from, or assistance
13 in responding to, domestic violence, including
14 calling the police or seeking legal, social work,
15 medical, clergy, or other assistance;

16 “(B) sought safety, including refuge in a
17 shelter or temporary or permanent relocation,
18 whether or not the employee actually obtained
19 such refuge or accomplished such relocation; or

20 “(C) reasonably believed that options such
21 as taking a leave of absence, transferring jobs,
22 or receiving an alternative work schedule would
23 not be sufficient to guarantee the employee or
24 the employee’s family’s safety.

1 “(3) ACTIVE SEARCH FOR EMPLOYMENT.—For
2 purposes of subsection (a)(19), if State law requires
3 the employee to actively search for employment after
4 separation from employment as a condition for re-
5 ceiving unemployment compensation, such require-
6 ment shall be treated as met where the employee is
7 temporarily unable to actively search for employment
8 because the employee is engaged in seeking safety or
9 relief for the employee or the employee’s family from
10 domestic violence, including—

11 “(A) going into hiding or relocating or at-
12 tempting to do so, including activities associ-
13 ated with such hiding or relocation, such as
14 seeking to obtain sufficient shelter, food, school-
15 ing for children, or other necessities of life for
16 the employee or the employee’s family;

17 “(B) actively pursuing legal protection or
18 remedies, including meeting with the police,
19 going to court to make inquiries or file papers,
20 meeting with attorneys, or attending court pro-
21 ceedings; or

22 “(C) participating in psychological, social,
23 or religious counseling or support activities to
24 assist the employee in ending domestic violence.

1 “(4) PROVISION OF INFORMATION TO MEET
2 CERTAIN REQUIREMENTS.—In determining if an em-
3 ployee meets the requirements of paragraphs (1),
4 (2), and (3), the unemployment agency of the State
5 in which an employee is requesting unemployment
6 compensation by reason of subsection (a)(19) may
7 require the employee to provide—

8 “(A) documentation of the domestic vio-
9 lence, such as police or court records, or docu-
10 mentation of the domestic violence from a shel-
11 ter worker or an employee of a domestic vio-
12 lence program, an attorney, a clergy member,
13 or a medical or other professional from whom
14 the employee has sought assistance in address-
15 ing domestic violence and its effects; or

16 “(B) other corroborating evidence, such as
17 a statement from any other individual with
18 knowledge of the circumstances which provide
19 the basis for the claim, or physical evidence of
20 domestic violence, such as photographs, torn or
21 bloody clothes.

22 All evidence of domestic violence experienced by an
23 employee, including an employee’s statement, any
24 corroborating evidence, and the fact that an em-
25 ployee has applied for or inquired about unemploy-

1 ment compensation available by reason of subsection
 2 (a)(19) shall be retained in the strictest confidence
 3 by such State unemployment agency, except to the
 4 extent consented to by the employee where disclosure
 5 is necessary to protect the employee's safety.

6 “(5) EFFECT OF CLAIMS.—Claims filed for un-
 7 employment compensation solely by reason of sub-
 8 section (a)(19) shall be disregarded in determining
 9 an employer's State unemployment taxes based on
 10 unemployment experience.”.

11 (b) SOCIAL SECURITY PERSONNEL TRAINING.—Sec-
 12 tion 303(a) of the Social Security Act (42 U.S.C. 503(a))
 13 is amended by redesignating paragraphs (4) through (10)
 14 as paragraphs (5) through (11), respectively, and by add-
 15 ing after paragraph (3) the following:

16 “(4) Such methods of administration as will en-
 17 sure that claims reviewers and hearing personnel are
 18 adequately trained in the nature and dynamics of
 19 claims for unemployment compensation based on do-
 20 mestic violence under section 3304(a)(20) of the In-
 21 ternal Revenue Code of 1986 and in methods of
 22 ascertaining and keeping confidential information
 23 about possible experiences of domestic violence to
 24 ensure that requests for unemployment compensa-
 25 tion based on domestic violence are reliably screened,

1 identified, and adjudicated, and to ensure that com-
 2 plete confidentiality is provided for the employee's
 3 claim and submitted evidence.”.

4 (c) DEFINITIONS.—Section 3306 of the Internal Rev-
 5 enue Code of 1986 is amended by adding at the end the
 6 following:

7 “(u) DOMESTIC VIOLENCE.—For purposes of this
 8 chapter, the term ‘domestic violence’ has the meaning
 9 given such term in section 2003 of title I of the Omnibus
 10 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 11 3796gg-2).”.

12 (d) EFFECTIVE DATE.—

13 (1) IN GENERAL.—Except as provided in para-
 14 graph (2), the amendments made by this section
 15 shall apply in the case of compensation paid for
 16 weeks beginning 180 days after the date of enact-
 17 ment of this Act.

18 (2) MEETING OF STATE LEGISLATURE.—If the
 19 Secretary of Labor identifies a State as requiring a
 20 change to its statutes or regulations in order to com-
 21 ply with the amendments made by this section, the
 22 amendments made by this Act shall apply in the
 23 case of compensation paid for weeks beginning after
 24 the earlier of—

1 (A) the date the State changes its statutes
2 or regulations in order to comply with the
3 amendments made by this section; or

4 (B) the end of the first session of the State
5 legislature which begins after the date of enact-
6 ment of this Act or which began prior to such
7 date and remained in session for not less than
8 25 calendar days after such date;

9 except that in no case shall the amendments made
10 by this Act apply before the date which is 180 days
11 after the date of enactment of this Act. For pur-
12 poses of the preceding sentence, the term “session”
13 means a regular, special, budget, or other session of
14 a State legislature.

15 **SEC. 208. BATTERED IMMIGRANT WOMEN.**

16 (a) FINDINGS.—Congress finds that—

17 (1) the goal of the immigration protections for
18 battered immigrants included in the Violence
19 Against Women Act of 1994 was to remove immi-
20 gration laws as a barrier that kept battered immi-
21 grant women and children locked in abusive relation-
22 ships;

23 (2) providing battered immigrant women and
24 children who were experiencing domestic violence at
25 home with protection against deportation allows

1 them to obtain protection orders against their abus-
2 ers and frees them to cooperate with law enforce-
3 ment and prosecutors in criminal cases brought
4 against their abusers and the abusers of their chil-
5 dren; and

6 (3) there are several groups of battered immi-
7 grant women and children who do not have access
8 to VAWA's immigration protections, which means
9 that their abusers are virtually immune from pros-
10 ecution because their victims can be deported and
11 the Immigration and Naturalization Service cannot
12 offer them protection no matter how compelling
13 their case under existing law.

14 (b) PURPOSES.—The purposes of this section are—

15 (1) to promote criminal prosecutions of all per-
16 sons who commit acts of battery or extreme cruelty
17 against immigrant women and children;

18 (2) to offer protection against domestic violence
19 occurring in family and intimate relationships that
20 are covered in State protection order, domestic vio-
21 lence, and family law statutes; and

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

1 (c) Section 502 of the Departments of Commerce,
2 Justice, and State, the Judiciary and Related Agencies
3 Appropriations Act, 1998 (Public Law 105–119) is
4 amended by adding at the end the following:

5 “(c) This section shall not be construed to prohibit
6 a recipient from—

7 “(1) using funds derived from a source other
8 than the Legal Services Corporation to provide relat-
9 ed legal assistance (as that term is defined in sub-
10 section (b)(2)) to any alien who has been battered
11 or subjected to extreme cruelty by a person with
12 whom the alien has a relationship covered by the do-
13 mestic violence laws of the State in which the alien
14 resides or in which an incidence of violence occurred;

15 “(2) using Legal Services Corporation funds to
16 provide related legal assistance to any alien who has
17 been battered or subjected to extreme cruelty who
18 qualifies for relief under sections 204(a)(1)(A)(iii).”.

19 (d)(1) Section 204(a)(1)(A) of the Immigration and
20 Nationality Act is amended by adding at the end the fol-
21 lowing new clause:

22 “(vii) For the purposes of petitions
23 filed under section 204(a)(1)(A)(iii) and
24 (iv), loss or renunciation or changes to the
25 abuser’s citizenship status after filing of

1 the petition shall not preclude the cat-
2 egorization of the eligible self-petitioning
3 spouse or children as an immediate rel-
4 ative.”.

5 (2) Section 204(a)(1)(B) of the Immigration and Na-
6 tionality Act is amended by adding at the end the follow-
7 ing new clause:

8 “(v)(I) for the purposes of petitions
9 filed or approved under section
10 204(a)(1)(B) (ii) and (iii), changes in the
11 immigration status of a lawful permanent
12 resident spouse or parent subsequent to
13 the filing of a petition under these sections
14 shall not adversely affect adjudication of
15 the petition and for approved petitions,
16 shall not affect the alien’s ability to adjust
17 status under section 245(a) or obtain sta-
18 tus as a lawful permanent resident based
19 on the approved self-petition under section
20 204(a)(1)(B) (ii) and (iii).

21 “(II) Upon the lawful permanent resi-
22 dent spouse or parent becoming a United
23 States citizen through naturalization, ac-
24 quisition of citizenship, or other means,
25 any petition filed with the Immigration

1 and Naturalization Service, and pending or
2 approved under section 204(a)(1)(B) on
3 behalf of an alien who has been battered or
4 subjected to extreme cruelty to be auto-
5 matically reclassified as a petition filed
6 under section 204(a)(1)(A) of this Act
7 even if the reclassification occurs after di-
8 vorce.”.

9 (e)(1) Section 204A(b)(2) of the Immigration and
10 Nationality Act is amended by adding at the end the fol-
11 lowing:

12 “(F) GOOD MORAL CHARACTER DETER-
13 MINATIONS.—For the purposes of making ‘good
14 moral character’ determinations under this sec-
15 tion, the Attorney General may waive the bar to
16 issuing a finding of good moral character in the
17 case of an alien who has been battered or sub-
18 jected to extreme cruelty but who has also been
19 convicted of, or who pled guilty to, violating a
20 court order issued to protect the alien or forced
21 prostitution, or who committed, or who was
22 convicted of or pled guilty to committing a
23 crime if the alien committed the crime under
24 duress from the person who battered or sub-
25 jected the alien to extreme cruelty, or to a do-

1 mestic violence-related crime when the Attorney
 2 General determines that the alien acted in self-
 3 defense. After finding that an alien has been
 4 battered or subject to extreme cruelty and is
 5 otherwise eligible for relief under this para-
 6 graph, the Attorney General may enter a find-
 7 ing of ‘good moral character’ despite the exist-
 8 ence of a disqualifying criminal act or a crimi-
 9 nal conviction.

10 “(G) INCLUSION OF OTHER ALIENS IN PE-
 11 TITION.—An alien applying for relief under sec-
 12 tion 244(a)(3) (as in effect before the enact-
 13 ment of the Illegal Immigration Reform and
 14 Immigrant Responsibility Act of 1996) or this
 15 paragraph may include alien children, sons, or
 16 daughters in their applications and the Attor-
 17 ney General may adjust the status of the alien’s
 18 children, sons, daughters, or in the case of an
 19 application filed by an alien child, parent.”.

20 (2) Section 212(h) is amended by adding at the end
 21 the following new paragraph:

22 “(3) SPECIAL RULE FOR BATTERED IMMI-
 23 GRANT WOMEN AND CHILDREN.—The Attorney
 24 General, in her discretion, may waive the application
 25 of subsection (a)(2) in the case of an alien granted

1 status under section 204(a)(1)(A) (iii), (iv), or (v)
 2 and section 204(a)(1)(B) (ii) or (iii) for humani-
 3 tarian purposes, to assure family unity or when it is
 4 otherwise in the public interest.”.

5 (3) Section 212(a)(2)(A)(ii) of the Immigration and
 6 Nationality Act is amended—

7 (1) in subclause (II), by striking the period and
 8 inserting “, or”; and

9 (2) by adding after subclause (II) the following:
 10 “(III) the crime was committed by the
 11 alien acting in self-defense or under duress
 12 caused by a person who subjected the alien
 13 to battering or extreme cruelty.”.

14 (4) Section 204(a)(1)(A) of the Immigration and Na-
 15 tionality Act is amended by adding at the end the follow-
 16 ing new clause:

17 “(vi)(I) For the purposes of making
 18 good moral character determinations under
 19 this section, the Attorney General may
 20 waive the bar to issuing a finding of ‘good
 21 moral character’ in the case of an alien
 22 who otherwise qualifies for relief under
 23 section 204(a)(1)(A)(iii), (iv), and (v), but
 24 who has also been convicted of, or who
 25 pled guilty to, violating a court order

1 issued to protect the alien or forced pros-
2 titution, or committed or who was con-
3 victed of or pled guilty to committing a
4 crime under duress from the person who
5 battered or subjected the alien to extreme
6 cruelty, or to a domestic violence-related
7 crime, when the Attorney General deter-
8 mines that the alien acted in self-defense.

9 “(II) After finding that an alien has
10 been battered or subjected to extreme cru-
11 elty and is otherwise eligible for relief
12 under section 204(a)(1)(A)(iii), (iv), or (v),
13 the Attorney General may enter a finding
14 of ‘good moral character’ despite the exist-
15 ence of a disqualifying criminal act or
16 criminal conviction.”.

17 (5) Section 204(a)(1)(B) of the Immigration and Na-
18 tionality Act is amended by adding at the end the follow-
19 ing new clause:

20 “(iv)(I) For the purposes of making
21 good moral character determinations under
22 this section, the Attorney General may
23 waive the bar to issuing a finding of good
24 moral character in the case of an alien who
25 otherwise qualifies for relief under section

1 204(a)(1)(B) (ii) and (iii), but who has
2 also been convicted of, or who pled guilty
3 to, violating a court order issued to protect
4 the alien or forced prostitution, or commit-
5 ted or was convicted of or pled guilty to
6 committing a crime under duress from the
7 person who battered or subjected the alien
8 to extreme cruelty, or to a domestic vio-
9 lence-related crime, when the Attorney
10 General determines that the alien acted in
11 self-defense.

12 “(II) After finding that an alien has
13 been battered or subjected to extreme cru-
14 elty and is otherwise eligible for relief
15 under section 204(a)(1)(B) (ii) and (iii),
16 the Attorney General may in his or her
17 sole discretion enter a finding of good
18 moral character despite the existence of a
19 disqualifying criminal act or criminal con-
20 viction.”.

21 (6) Section 237(a)(2)(E) of the Immigration and Na-
22 tionality Act is amended by inserting at the end the follow-
23 ing new clause:

24 “(iii) The Attorney General may,
25 upon determination that the alien was act-

1 ing in self-defense, that the alien was not
 2 the primary perpetrator of violence in the
 3 relationship, that the alien was found to
 4 have violated a protection order intended
 5 to protect the alien, that the alien was con-
 6 victed of committing a crime under duress
 7 from the person who subjected the alien to
 8 battering or extreme cruelty or for human-
 9 itarian purposes waive application of clause
 10 (i) and clause (ii).”.

11 (f)(1) Section 204(a)(1)(A)(iii) of the Immigration
 12 and Nationality Act is amended to read as follows:

13 “(iii) An alien—

14 “(I)(aa) who is the spouse of a
 15 citizen or lawful permanent resident
 16 of the United States, or

17 “(bb) (1) who believed he or she
 18 had married a citizen or lawful per-
 19 manent resident of the United States;
 20 (2) who actually performed a mar-
 21 riage ceremony with such citizen or
 22 lawful permanent resident of the
 23 United States; and (3) who otherwise
 24 meets any applicable requirements
 25 under this Act to establish the exist-

1 ence of and bona fides of a marriage;
2 but (4) whose marriage is not legiti-
3 mate solely because of the bigamy of
4 such citizen or lawful permanent resi-
5 dent of the United States;

6 “(II) who is a person of good
7 moral character;

8 “(III) who is eligible to be classi-
9 fied as an immediate relative under
10 section 201(b)(2)(A)(i) or who would
11 have been so classified but for the
12 bigamy of the citizen or lawful perma-
13 nent resident of the United States
14 that the alien intended to marry; and

15 “(IV) who has resided in the
16 United States with the alien’s spouse
17 or intended spouse,

18 may file a petition with the Attorney Gen-
19 eral under this subparagraph for classifica-
20 tion of the alien (and any child of the alien
21 if such a child has not been classified
22 under clause (iv)) under such section if the
23 alien demonstrates to the Attorney General
24 that the alien is residing in the United
25 States, the marriage or the intent to marry

1 the United States citizen or lawful perma-
 2 nent resident batterer was entered into in
 3 good faith by the alien, and during the
 4 marriage or relationship intended by the
 5 alien to be legally a marriage, the alien or
 6 a child of the alien has been battered or
 7 has been the subject of extreme cruelty
 8 perpetrated by the alien’s spouse or in-
 9 tended spouse.”.

10 (2) Section 204(a)(1)(A) of the Immigration and Na-
 11 tionality Act is further amended—

12 (A) by inserting “(or if the alien’s spouse is a
 13 member of the United States Armed Forces sta-
 14 tioned abroad on active duty the alien may file a pe-
 15 tition at a United States consulate abroad)” after
 16 “Attorney General” the first place it appears; and

17 (B) in clause (iii), by inserting “(or has resided
 18 either within or outside the territory of the United
 19 States with the citizen spouse if the alien’s spouse
 20 is a member of the United States Armed Forces sta-
 21 tioned abroad on active duty)” after “and who has
 22 resided in the United States with the alien’s
 23 spouse”.

24 (3) Section 204(a)(1)(A)(iii)(I) of the Immigration
 25 and Nationality Act is amended by striking “States,” and

1 inserting “States (unless the alien’s spouse is a member
2 of the United States military)”.

3 (4) Section 204(a)(1)(A) of the Immigration and Na-
4 tionality Act is further amended—

5 (A) by inserting “(or if the alien’s parent is a
6 member of the United States military stationed
7 abroad the alien may file a petition at a United
8 States consulate abroad)” after “Attorney General”
9 the first place it appears; and

10 (B) in clause (iv), by inserting “(or has resided
11 either within or outside the territory of the United
12 States with the citizen parent if the alien’s parent
13 is a member of the United States Armed Forces)”
14 after “and who has resided in the United States
15 with the citizen parent”.

16 (5) Section 204(a)(1)(A)(iv)(I) of the Immigration
17 and Nationality Act is amended by inserting “(unless the
18 alien’s parent is a member of the United States military
19 stationed abroad)” after “United States”.

20 (6) Section 204(a)(1)(B) of the Immigration and Na-
21 tionality Act is amended—

22 (A) by inserting “(or if the alien’s spouse is a
23 member of the United States Armed Forces sta-
24 tioned abroad the alien may file a petition at a

1 United States consulate abroad)” after “Attorney
2 General” the first place it appears; and

3 (B) in clause (ii), by inserting “(or has resided
4 either within or outside the territory of the United
5 States with the legal permanent resident spouse if
6 the alien’s spouse is a member of the United States
7 Armed Forces)” after “and who has resided in the
8 United States with the legal permanent resident
9 spouse”.

10 (7) Section 204(a)(1)(B) of the Immigration and Na-
11 tionality Act is amended—

12 (A) by inserting “(or if the alien’s parent is a
13 member of the United States military stationed
14 abroad the alien may file a petition at a United
15 States consulate abroad)” after “Attorney General”
16 the first place it appears; and

17 (B) in clause (iii), by inserting “or has resided
18 either within or outside the territory of the United
19 States with the permanent resident parent if the
20 alien’s parent is a member of the United States
21 Armed Forces)” after “and who has resided in the
22 United States with the alien’s permanent resident
23 alien parent”.

1 (8) Section 204(a)(1)(A) of the Immigration and Na-
2 tionality Act is amended by adding at the end the follow-
3 ing:

4 “(v) An alien who is the parent of a
5 citizen of the United States, who is a per-
6 son of good moral character, who is eligible
7 to be classified as an immediate relative
8 under section 201(b)(2)(A)(i), and who has
9 resided in the United States with citizen
10 daughter or son (or has resided either
11 within or outside the territory of the
12 United States with the citizen daughter or
13 son if the alien’s daughter or son is a
14 member of the United States Armed
15 Forces) may file a petition with the Attor-
16 ney General (or if the alien’s daughter or
17 son is a member of the United States
18 Armed Forces stationed abroad the alien
19 may file a petition at a United States con-
20 sulate abroad) under this subparagraph for
21 classification of the alien under such sec-
22 tion if the alien demonstrates to the Attor-
23 ney General that the alien is residing in
24 the United States (unless the alien’s son of
25 daughter is a member of the United States

1 Armed Forces) and during the period of
 2 residence with the citizen son or daughter
 3 the alien has been battered by or has been
 4 the subject of extreme cruelty perpetrated
 5 by the alien’s citizen son or daughter.”.

6 (g)(1) Section 2001(a) of the Omnibus Crime Control
 7 and Safe Streets Act of 1968 is amended by inserting “,
 8 the Immigration and Naturalization Service and the Exec-
 9 utive Office of Immigration Review,” after “Indian tribal
 10 governments”.

11 (2) Section 2001(b)(1) of the Omnibus Crime Control
 12 and Safe Streets Act of 1968 is amended by inserting “,
 13 immigration and asylum officers, immigration judges,”
 14 after “law enforcement officers”.

15 (3) Section 2001(b) of the Omnibus Crime Control
 16 and Safe Streets Act of 1968 is amended—

17 (A) at the end of paragraph (6) by striking
 18 “and”;

19 (B) at the end of paragraph (7) by striking the
 20 period and inserting “; and”; and

21 (C) by inserting after paragraph (7) the follow-
 22 ing new paragraph:

23 “(8) training justice system personnel on the
 24 immigration provisions of the Violence Against
 25 Women Act and their ramifications for victims of

1 domestic violence appearing in civil and criminal
2 court proceedings and potential immigration con-
3 sequences for the perpetrators of domestic vio-
4 lence.”.

5 (4) Section 2101(c) of the Omnibus Crime Control
6 and Safe Streets Act of 1968 is amended by inserting be-
7 fore the period “certify that their laws, policies, and prac-
8 tices do not discourage or prohibit prosecutors and law
9 enforcement officers from granting access to information
10 about the immigration status of a domestic violence per-
11 petrator to the victim, the child, or their advocate”.

12 (5) Section 287(g)(10) of the Immigration and Na-
13 tionality Act is amended by adding at the end the follow-
14 ing: “It is the intent of the Congress that none of the
15 provisions of this section have the effect of discouraging
16 crime victim cooperation with law enforcement and pros-
17 ecutors. Public policy favors encouraging prosecution of
18 criminals, and nothing in this section shall be construed
19 to discourage crime victims and domestic violence victims
20 from reporting crimes committed against them to police,
21 from cooperating in criminal prosecutions, or from obtain-
22 ing from courts protection orders or other legal relief
23 needed to protect crime victims from ongoing violence
24 under State or Federal laws.”.

1 (h)(1) Section 245 of the Immigration and National-
2 ity Act (8 U.S.C. 1255) is amended—

3 (A) in subsection (a), by inserting “, or the sta-
4 tus of any other alien having an approved petition
5 for classification under subparagraph (A)(iii),
6 (A)(iv), (B)(ii) or (B)(iii) of section 204(a)(1),”
7 after “into the United States”;

8 (B) in subsections (c)(2) and (c)(4) by inserting
9 “or an alien having an approved petition for classi-
10 fication under subparagraph (A)(III), (A)(iv), (B)(ii)
11 or (B)(iii) of section 204(a)(1),” after “other than
12 an immediate relative as defined in section 201(b)”
13 each place it appears;

14 (C) in subsection (c)(5), by inserting “(other
15 than an alien having an approved petition for classi-
16 fication under subparagraph (A)(III), (A)(iv), (B)(ii)
17 or (B)(iii) of section 204(a)(1)),” after “an alien”;
18 and

19 (D) in subsection (c)(8), by inserting “(other
20 than an alien having an approved petition for classi-
21 fication under subparagraph (A)(III), and (A)(iv),
22 (B)(ii) or (B)(iii) of section 204(a)(1)),” after “any
23 alien”.

1 (2) The amendments made by paragraph (1) shall
 2 apply to applications for adjustment of status pending on
 3 or after the date of enactment of this Act.

4 (i)(1)(A) Paragraph (1) of section 240A(d) of the Im-
 5 migration and Nationality Act (8 U.S.C. 1229b(d)(1)) is
 6 amended to read as follows:

7 “(1) TERMINATION OF CONTINUOUS PERIOD.—

8 “(A) IN GENERAL.—Except as provided in
 9 subparagraph (b), for purposes of this section,
 10 any period of continuous residence or continu-
 11 ous physical presence in the United States shall
 12 be deemed to end when the alien is served a no-
 13 tice to appear under section 239(a) or when the
 14 alien has committed an offense referred to in
 15 section 212(a)(2) that renders the alien inad-
 16 missible to the United States under section
 17 212(a)(2) or removable from the United States
 18 under section 237(a)(2) or 237(a)(4), whichever
 19 is earliest.

20 “(B) SPECIAL RULE FOR BATTERED
 21 SPOUSE OR CHILD.—For purposes of subsection
 22 (b)(2), the service of a notice to appear referred
 23 to in subparagraph (A) shall not be deemed to
 24 end any period of continuous physical presence
 25 in the United States.”.

1 (B) Section 240A(c)(3) of the Immigration and Na-
 2 tionality Act (8 U.S.C. 1229b(d)(1)) is amended by adding
 3 at the end the following new subsection:

4 “(C) Aliens in removal proceedings who
 5 applied for cancellation of removal under sec-
 6 tion 240A(b)(2).”.

7 (C) The amendments made by subparagraphs (A)
 8 and (B) shall take effect as if included in the enactment
 9 of section 304 of the Illegal Immigration Reform and Im-
 10 migrant Responsibility Act of 1996 (Public Law 104–208;
 11 110 Stat. 587).

12 (2)(A) Section 309(c)(5)(C) of the Illegal Immigra-
 13 tion Reform and Immigrant Responsibility Act of 1996
 14 (8 U.S.C. 1101 note) (as amended by section 203 of the
 15 Nicaraguan Adjustment and Central American Relief Act)
 16 is amended—

17 (i) by amending the subparagraph heading to
 18 read as follows:

19 “(C) SPECIAL RULE FOR CERTAIN ALIENS
 20 GRANTED TEMPORARY PROTECTION FROM DE-
 21 PORTATION AND FOR BATTERED SPOUSES AND
 22 CHILDREN.—”; and

23 (ii) in clause (i)—

24 (I) by striking “or” at the end of subclause
 25 (IV);

1 (II) by striking the period at the end of
2 subclause (V) and inserting “; or”;
3 and

4 (III) by adding at the end the following:

5 “(VI) is an alien who was issued
6 an order to show cause or was in de-
7 portation proceedings prior to April 1,
8 1997, and who applied for suspension
9 of deportation under section 244(a)(3)
10 of the Immigration and Nationality
11 Act (as in effect before the date of the
12 enactment of the Act).”.

13 (B) The amendments made by subparagraph (A)
14 shall take effect as if included in the enactment of section
15 309 of the Illegal Immigration Reform and Immigrant Re-
16 sponsibility Act of 1996 (8 U.S.C. 1101 note).

17 (3) Section 240A(d)(2) of the Immigration and Na-
18 tionality Act is amended to read as follows:

19 “(2) An alien shall be considered to have failed
20 to maintain continuous physical presence in the
21 United States under subsections (b)(1) and (b)(2) if
22 the alien has departed from the United States for
23 any period in excess of 90 days or for periods in the
24 aggregate exceeding 180 days. In the case of an
25 alien applying for cancellation of removal under sub-

1 section (b)(2), the Attorney General may waive the
2 provisions of this subsection for humanitarian pur-
3 poses, provided that the alien demonstrates a sub-
4 stantial connection between the absences and the
5 battery or extreme cruelty forming the basis of the
6 application for cancellation of removal.”.

7 (j) Within six months of the enactment of this Act,
8 the Attorney General shall report to the Committees on
9 the Judiciary of the Senate and House of Representatives
10 on—

11 (1) the number of and processing times of
12 VAWA petitions at INS District Offices and at the
13 INS Regional Office in St. Albans, Vermont;

14 (2) INS policy and procedures by which an im-
15 migrant who is eligible for suspension of deportation
16 or cancellation of removal under can place herself in
17 deportation proceedings so that she may apply for
18 suspension of deportation or cancellation of removal;
19 and

20 (3) the average length of time at each INS of-
21 fice between the date that an immigrant eligible for
22 suspension of deportation or cancellation of removal
23 asks to be placed in deportation, and the date that
24 immigrant appears before an immigration judge to

1 file an application for suspension of deportation or
 2 cancellation of removal.

3 (k) Section 240(c)(6)(C) of the Immigration and Na-
 4 tionality Act is amended by adding the following new
 5 clause:

6 “(iv) SPECIAL RULE FOR BATTERED
 7 IMMIGRANT WOMEN AND CHILDREN.—
 8 There is no time limit on the filing of a
 9 motion to reopen and the requirements of
 10 subparagraph (C)(iii) of this subsection do
 11 not apply and if the basis of the motion is
 12 to apply for relief under section
 13 204(a)(1)(A)(iii), (iv), or (v), section
 14 204(a)(1)(B)(ii) or (iii), section
 15 240A(b)(2), or section 244(a)(3) (as in ef-
 16 fect before that title III–A effective date of
 17 the Illegal Immigration Reform and Immig-
 18 rant Responsibility Act of 1996 (Public
 19 Law 104–208; division C; 110 Stat. 3009–
 20 625)).”.

21 **SEC. 209. OLDER WOMEN’S PROTECTION FROM VIOLENCE.**

22 (a) VIOLENCE AGAINST WOMEN ACT AMEND-
 23 MENTS.—The Violence Against Women Act of 1994 (108
 24 Stat. 1902) is amended by adding at the end the following:

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

5 **“SEC. 40801. DEFINITIONS.**

6 “In this subtitle:

7 “(1) IN GENERAL.—The terms ‘elder abuse, ne-
 8 glect, and exploitation’, ‘domestic violence’, and
 9 ‘older individual’ have the meanings given the terms
 10 in section 102 of the Older Americans Act of 1965
 11 (42 U.S.C. 3002).

12 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
 13 sault’ has the meaning given the term in section
 14 2003 of the Omnibus Crime Control and Safe
 15 Streets Act of 1968 (42 U.S.C. 3796gg–2).

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

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

1 **“SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCE-**
2 **MENT OFFICERS.**

3 “The Attorney General shall develop curricula and
4 offer, or provide for the offering of, training programs to
5 assist law enforcement officers and prosecutors in rec-
6 ognizing, addressing, investigating, and prosecuting in-
7 stances of elder abuse, neglect, and exploitation, including
8 domestic violence, and sexual assault, against older indi-
9 viduals.

10 **“SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated such sums
12 as may be necessary to carry out this subtitle.”.

13 (b) FAMILY VIOLENCE PREVENTION AND SERVICES
14 ACT AMENDMENTS.—

15 (1) DEFINITIONS.—Section 309 of the Family
16 Violence Prevention and Services Act (42 U.S.C.
17 10408) is amended by adding at the end the follow-
18 ing:

19 “(7) The term ‘older individual’ has the mean-
20 ing given the term in section 102 of the Older Amer-
21 icans Act of 1965.”.

22 (2) DOMESTIC VIOLENCE SERVICES FOR OLDER
23 INDIVIDUALS.—Section 311(a) of the Family Vio-
24 lence Prevention and Services Act (42 U.S.C.
25 10410(a)) is amended—

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

3 (B) in paragraph (5), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(6) work with domestic violence programs to
7 encourage the development of programs targeted to
8 older individuals, including outreach, support
9 groups, and counseling.”.

10 (3) DEMONSTRATION GRANTS FOR COMMUNITY
11 INITIATIVES.—Section 318(b)(2)(F) of the Family
12 Violence Prevention and Services Act (42 U.S.C.
13 10418(b)(2)(F)) is amended by inserting “and adult
14 protective services entities” before the semicolon.

15 (c) OLDER AMERICANS ACT OF 1965 AMEND-
16 MENTS.—

17 (1) DEFINITIONS.—Section 102 of the Older
18 Americans Act of 1965 (42 U.S.C. 3002) is amend-
19 ed by adding at the end the following:

20 “(45) The term ‘domestic violence’ has the
21 meaning given the term in section 2003 of title I of
22 the Omnibus Crime Control and Safe Streets Act of
23 1968 (42 U.S.C. 3796gg–2).

24 “(46) The term ‘sexual assault’ has the mean-
25 ing given the term in section 2003 of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (42
2 U.S.C. 3796gg-2).”.

3 (2) RESEARCH ABOUT THE SEXUAL ASSAULT
4 OF WOMEN WHO ARE OLDER INDIVIDUALS.—Section
5 202(d)(3)(C) of the Older Americans Act of 1965
6 (42 U.S.C. 3012(d)(3)(C)) is amended—

7 (A) by striking “and” at the end of clause
8 (i);

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

11 (C) by adding at the end the following:

12 “(iii) in establishing research priorities under
13 clause (i), consider the importance of research about
14 the sexual assault of women who are older individ-
15 uals.”.

16 (3) STATE LONG-TERM CARE OMBUDSMAN PRO-
17 GRAM.—Section 303(a)(1) of the Older Americans
18 Act of 1965 (42 U.S.C. 3023(a)(1)) is amended by
19 inserting before the period the following: “, except
20 that for grants to carry out section 321(a)(10),
21 there are authorized to be appropriated such sums
22 as may be necessary without fiscal year limitation”.

23 (4) TRAINING FOR HEALTH PROFESSIONALS ON
24 SCREENING FOR ELDER ABUSE, NEGLECT, AND EX-
25 PLOITATION.—Section 411 of the Older Americans

1 Act of 1965 (42 U.S.C. 3031) is amended by adding
2 at the end the following:

3 “(f) TRAINING FOR HEALTH PROFESSIONALS ON
4 SCREENING FOR ELDER ABUSE, NEGLECT, AND EXPLOI-
5 TATION.—

6 “(1) IN GENERAL.—The Secretary shall, in con-
7 sultation with the Assistant Secretary, develop cur-
8 ricula and implement continuing education training
9 programs for protective service workers, health care
10 providers, social workers, clergy, and other commu-
11 nity-based social service providers in settings, includ-
12 ing senior centers, adult day care settings, and sen-
13 ior housing, to improve their ability to recognize and
14 address instances of elder abuse, neglect, and exploi-
15 tation, including domestic violence, and sexual as-
16 sault, against older individuals.

17 “(2) TRAINING AND CURRICULA.—In carrying
18 out paragraph (1), the Secretary shall develop and
19 implement separate curricula and training programs
20 for adult protective services workers, medical stu-
21 dents, physicians, physician assistants, nurse practi-
22 tioners, nurses, and clergy.”.

23 (5) DOMESTIC VIOLENCE SHELTERS AND PRO-
24 GRAMS FOR OLDER INDIVIDUALS.—Section 422(b) of

1 the Older Americans Act of 1965 (42 U.S.C.
2 3035a(b)) is amended—

3 (A) by striking “and” at the end of para-
4 graph (11);

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

7 (C) by adding at the end the following:

8 “(13) expand access to domestic violence shel-
9 ters and programs for older individuals and encour-
10 age the use of senior housing, nursing homes, or
11 other suitable facilities or services when appropriate
12 as emergency short-term shelters or measures for
13 older individuals who are the victims of elder abuse,
14 including domestic violence, and sexual assault,
15 against older individuals; and

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

21 (6) AUTHORIZATION OF APPROPRIATIONS.—

22 (A) OMBUDSMAN PROGRAM.—Section
23 702(a) of the Older Americans Act of 1965 (42
24 U.S.C. 3058a(a)) is amended to read as follows:

1 “(a) OMBUDSMAN PROGRAM.—There are authorized
2 to be appropriated to carry out chapter 2 such sums as
3 may be necessary without fiscal year limitation.”.

4 (B) ELDER ABUSE PREVENTION PRO-
5 GRAM.—Section 702(b) of the Older Americans
6 Act of 1965 (42 U.S.C. 3058a(b)) is amended
7 to read as follows:

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

12 (7) COMMUNITY INITIATIVES AND OUT-
13 REACH.—Title vii of the Older Americans Act of
14 1965 (42 U.S.C. 3058 et seq.) is amended—

15 (A) by redesignating subtitle C as subtitle
16 D;

17 (B) by redesignating sections 761 through
18 764 as sections 771 through 774, respectively;
19 and

20 (C) by inserting after subtitle B the follow-
21 ing:

1 **“Subtitle C—Community Initiatives**
 2 **and Outreach**

3 **“SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER**
 4 **ABUSE, NEGLECT, AND EXPLOITATION.**

5 “The Secretary shall make grants to nonprofit pri-
 6 vate organizations to support projects in local commu-
 7 nities, involving diverse sectors of each community, to co-
 8 ordinate activities concerning intervention in and preven-
 9 tion of elder abuse, neglect, and exploitation, including do-
 10 mestic violence, and sexual assault, against older individ-
 11 uals.

12 **“SEC. 762. OUTREACH TO OLDER INDIVIDUALS.**

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

20 **“SEC. 763. AUTHORIZATION OF APPROPRIATIONS.**

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

24 (d) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

1 (1) TITLE VII PROGRAMS; PREFERENCES IN FI-
 2 NANCIAL AWARDS.—Section 791 of the Public
 3 Health Service Act (42 U.S.C. 295j), is amended by
 4 adding at the end the following:

5 “(c) PREFERENCES REGARDING TRAINING IN IDEN-
 6 TIFICATION AND REFERRAL OF VICTIMS OF ELDER
 7 ABUSE AND NEGLECT.—

8 “(1) IN GENERAL.—In the case of a health pro-
 9 fessions entity specified in paragraph (2), the Sec-
 10 retary shall, in making awards of grants or contracts
 11 under this title, give preference to any such entity
 12 (if otherwise a qualified applicant for the award in-
 13 volved) that has in effect the requirement that, as a
 14 condition of receiving a degree or certificate (as ap-
 15 plicable) from the entity, each student have had sig-
 16 nificant training (such as training conducted in ac-
 17 cordance with curricula or programs authorized
 18 under section 411(f) of the Older Americans Act of
 19 1965 (42 U.S.C. 3031(f))), in carrying out the fol-
 20 lowing functions as a provider of health care:

21 “(A) Identifying victims of elder abuse and
 22 neglect, including domestic violence, and sexual
 23 assault, against older individuals, and maintain-
 24 ing complete medical records that include docu-
 25 mentation of the examination, treatment given,

1 and referrals made, and recording the location
2 and nature of the victim's injuries.

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

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

12 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
13 TIES.—For purposes of paragraph (1), a health pro-
14 fessions entity specified in this paragraph is any en-
15 tity that is a school of medicine, a school of osteo-
16 pathic medicine, a graduate program in mental
17 health practice, a school of nursing (as defined in
18 section 298b), a program for the training of physi-
19 cian assistants, or a program for the training of al-
20 lied health professionals.

21 “(3) REPORT TO CONGRESS.—Not later than 2
22 years after the date of the enactment of the Elder
23 Abuse Identification and Referral Act of 1998, the
24 Secretary shall submit to the Committee on Com-
25 merce of the House of Representatives, and the

Committee on Labor and Human Resources of the
Senate, a report specifying—

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

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

“(C) the extent of clinical experience so re-
quired; and

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

“(4) DEFINITIONS.—In this subsection:

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

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

“(C) SEXUAL ASSAULT.—The term ‘sexual
assault’ has the meaning given the term in sec-
tion 2003 of the Omnibus Crime Control and
Safe Streets Act of 1968 (42 U.S.C. 3796gg-
2).”.

1 (2) TITLE VIII PROGRAMS; PREFERENCES IN FI-
 2 NANCIAL AWARDS.—Section 860 of the Public
 3 Health Service Act (42 U.S.C. 298b–7) is amended
 4 by adding at the end the following:

5 “(f) PREFERENCES REGARDING TRAINING IN IDEN-
 6 TIFICATION AND REFERRAL OF VICTIMS OF ELDER
 7 ABUSE AND NEGLECT.—

8 “(1) IN GENERAL.—In the case of a health pro-
 9 fessions entity specified in paragraph (2), the Sec-
 10 retary shall, in making awards of grants or contracts
 11 under this title, give preference to any such entity
 12 (if otherwise a qualified applicant for the award in-
 13 volved) that has in effect the requirement that, as a
 14 condition of receiving a degree or certificate (as ap-
 15 plicable) from the entity, each student have had sig-
 16 nificant training (such as training conducted in ac-
 17 cordance with curricula or programs authorized
 18 under section 411(g) of the Older Americans Act of
 19 1965 (42 U.S.C. 3031(f))), in carrying out the fol-
 20 lowing functions as a provider of health care:

21 “(A) Identifying victims of elder abuse and
 22 neglect, including domestic violence, and sexual
 23 assault, against older individuals, and maintain-
 24 ing complete medical records that include docu-
 25 mentation of the examination, treatment given,

1 and referrals made, and recording the location
2 and nature of the victim's injuries.

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

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

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

18 “(3) REPORT TO CONGRESS.—Not later than 2
19 years after the date of the enactment of the Elder
20 Abuse Identification and Referral Act of 1998, the
21 Secretary shall submit to the Committee on Com-
22 merce of the House of Representatives, and the
23 Committee on Labor and Human Resources of the
24 Senate, a report specifying—

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

3 “(B) the number of hours of training re-
4 quired by the entities for purposes of such
5 paragraph;

6 “(C) the extent of clinical experience so re-
7 quired; and

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

10 “(4) DEFINITIONS.—In this subsection:

11 “(A) IN GENERAL.—The terms ‘abuse’,
12 ‘neglect’, ‘domestic violence’, and ‘older individ-
13 ual’ have the meanings given the terms in sec-
14 tion 102 of the Older Americans Act of 1965
15 (42 U.S.C. 3002).

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

19 “(C) SEXUAL ASSAULT.—The term ‘sexual
20 assault’ has the meaning given the term in sec-
21 tion 2003 of the Omnibus Crime Control and
22 Safe Streets Act of 1968 (42 U.S.C. 3796gg–
23 2).”.

24 “(3) CONFORMING AMENDMENT.—Section 411(f)
25 of the Older Americans Act of 1965 (as added by

1 subsection (c)(4)) is amended by adding at the end
2 the following:

3 “(3) In carrying out paragraph (1), the Secretary
4 shall provide information about the curricula and training
5 programs to entities described in sections 791(c)(2) and
6 860(f)(2) of the Public Health Service Act (42 U.S.C.
7 295j(c)(2) and 298b–7(f)(2)) that seek grants or con-
8 tracts under title VII or VIII of such Act.”.

9 **TITLE III—LIMITING THE EF-**
10 **FECTS OF VIOLENCE ON**
11 **CHILDREN**

12 **SEC. 301. SAFE HAVENS FOR CHILDREN.**

13 (a) IN GENERAL.—The Attorney General may make
14 grants to States and Indian tribal governments to enable
15 States and Indian tribal governments to enter into con-
16 tracts and cooperative agreements with public or private
17 nonprofit entities to assist those entities in establishing
18 and operating supervised visitation centers for purposes
19 of facilitating supervised visitation and visitation exchange
20 of children by and between parents.

21 (b) CONSIDERATIONS.—In awarding grants under
22 subsection (a), the Attorney General shall take into ac-
23 count—

24 (1) the number of families to be served by the
25 proposed visitation center;

1 (2) the extent to which the proposed supervised
2 visitation center serves underserved populations (as
3 defined in section 2003 of title I of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (42
5 U.S.C. 3796gg-2));

6 (3) with respect to an applicant for a contract
7 or cooperative agreement, the extent to which the
8 applicant demonstrates cooperation and collabora-
9 tion with nonprofit, nongovernmental entities in the
10 local community served, including the State domestic
11 violence coalition, State sexual assault coalition, local
12 shelters, and programs for domestic violence and
13 sexual assault victims;

14 (4) the extent to which the applicant dem-
15 onstrates coordination and collaboration with State
16 and local court systems, including mechanisms for
17 communication and referral; and

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

21 (c) USE OF FUNDS.—

22 (1) IN GENERAL.—Amounts provided under a
23 grant, contract, or cooperative agreement awarded
24 under this section shall be used to establish and op-
25 erate supervised visitation centers.

1 (2) APPLICANT REQUIREMENTS.—The Attorney
2 General shall award grants for contracts and cooper-
3 ative agreements under this section in accordance
4 with such regulations as the Attorney General may
5 promulgate. The regulations shall establish a multi-
6 year grant process. The Attorney General shall give
7 priority in awarding grants for contracts and cooper-
8 ative agreements under this section to States that
9 consider domestic violence in making a custody deci-
10 sion and require findings on the record. An appli-
11 cant awarded a contract or cooperative agreement by
12 a State that receives a grant under this section
13 shall—

14 (A) demonstrate recognized expertise in
15 the area of family violence and a record of high
16 quality service to victims of domestic violence
17 and/or sexual assault;

18 (B) demonstrate collaboration with and
19 support of the State domestic violence coalition,
20 sexual assault coalition or local domestic vio-
21 lence and sexual assault shelter or program in
22 the locality in which the supervised visitation
23 center will be operated;

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

4 (D) ensure that any fees charged to indi-
5 viduals for use of services are based on an indi-
6 vidual's income;

7 (E) demonstrate that adequate security
8 measures, including adequate facilities, proce-
9 dures, and personnel capable of preventing vio-
10 lence, are in place for the operation of super-
11 vised visitation; and

12 (F) described standards by which the su-
13 pervised visitation center will operate.

14 (d) REPORTING.—Not later than 120 days after the
15 end of each fiscal year, the Attorney General shall submit
16 to Congress a report that includes information concern-
17 ing—

18 (1) the number of individuals served and the
19 number of individuals turned away from services
20 (categorized by State), the number of individuals
21 from underserved populations served and turned
22 away from services, and the type of problems that
23 underlie the need for supervised visitation or visita-
24 tion exchange, such as domestic violence, child

1 abuse, sexual assault, emotional or other physical
2 abuse, or a combination of such factors;

3 (2) the numbers of supervised visitations or vis-
4 itation exchanges ordered during custody determina-
5 tions under a separation or divorce decree or protec-
6 tion order, through child protection services or other
7 social services agencies, or by any other order of a
8 civil, criminal, juvenile, or family court;

9 (3) the process by which children or abused
10 partners are protected during visitations, temporary
11 custody transfers, and other activities for which the
12 supervised visitation centers are established under
13 this section;

14 (4) safety and security problems occurring dur-
15 ing the reporting period during supervised visitations
16 or at visitation centers including the number of pa-
17 rental abduction cases;

18 (5) the number of parental abduction cases in
19 a judicial district using supervised visitation services,
20 both as identified in criminal prosecution and cus-
21 tody violations; and

22 (6) program standards across the country that
23 are in place for operating a supervised visitation cen-
24 ter.

25 (e) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated from the Violent Crime Reduction
3 Trust Fund established under section 310001 of the
4 Violent Crime Control and Law Enforcement Act of
5 1994 (42 U.S.C. 14211) to carry out this section—

6 (A) \$20,000,000 for fiscal year 1999;

7 (B) \$20,000,000 for fiscal year 2000;

8 (C) \$30,000,000 for fiscal year 2001; and

9 (D) \$30,000,000 for fiscal year 2002.

10 (2) DISTRIBUTION.—Of amounts made avail-
11 able to carry out this section for each fiscal year, not
12 less than 95 percent shall be used to award grants,
13 contracts, or cooperative agreements.

14 (3) ALLOTMENT FOR INDIAN TRIBES.—

15 (A) IN GENERAL.—Not less than 5 percent
16 of the total amount made available to carry out
17 this section for each fiscal year shall be avail-
18 able for grants to Indian tribal governments.

19 (B) REALLOTMENT OF FUNDS.—If, begin-
20 ning 9 months after the first day of any fiscal
21 year for which amounts are made available
22 under this paragraph, any amount made avail-
23 able under this paragraph remains unobligated,
24 the unobligated amount may be allocated with-
25 out regard to subparagraph (A).

1 **SEC. 302. STUDY OF CHILD CUSTODY LAWS IN DOMESTIC**
2 **VIOLENCE CASES.**

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

4 (1) conduct a study of Federal and State laws
5 relating to child custody, including the Parental Kid-
6 naping Prevention Act of 1980, and the amendments
7 made by that Act, and the effect of those laws on
8 child custody cases in which domestic violence is a
9 factor; and

10 (2) submit to Congress a report describing the
11 results of that study, including the effects of imple-
12 menting or applying new model State laws, and the
13 recommendations of the Attorney General regarding
14 legislative changes to reduce the incidence or pattern
15 of violence against women or of sexual assault of the
16 child.

17 (b) SUFFICIENCY OF DEFENSES.—In carrying out
18 subsection (a) with respect to the Parental Kidnaping Pre-
19 vention Act of 1980, and the amendments made by that
20 Act, the Attorney General shall examine the sufficiency
21 of defenses to parental abduction charges available in
22 cases involving domestic violence, and the burdens and
23 risks encountered by victims of domestic violence arising
24 from compliance with the full faith and credit (and judicial
25 jurisdiction) requirements of that Act and the amend-
26 ments made by that Act.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriate to carry out this section
 3 \$200,000 for each of fiscal years 1999 and 2000.

4 (d) CONDITION FOR CUSTODY DETERMINATION.—
 5 Section 1738A(c)(2)(C)(ii) of title 28, United States Code,
 6 is amended—

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

9 (2) by inserting “, including any act of domes-
 10 tic violence by the other parent” before the semi-
 11 colon.

12 **SEC. 303. REAUTHORIZATION OF RUNAWAY AND HOMELESS**
 13 **YOUTH GRANTS.**

14 (a) IN GENERAL.—Section 316(c) of the Runaway
 15 and Homeless Youth Act (42 U.S.C. 5712d(c)) is amend-
 16 ed to read as follows:

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 18 is authorized to be appropriated from the Violent Crime
 19 Reduction Trust Fund established under section 310001
 20 of the Violent Crime Control and Law Enforcement Act
 21 of 1994 (42 U.S.C. 14211) to carry out this section
 22 \$22,000,000 for each of fiscal years 1999 through 2002.”.

23 (b) DISSEMINATION OF INFORMATION.—Section 316
 24 of part A of the Runaway and Homeless Youth Act (42
 25 U.S.C. 5712d) is amended—

1 (1) by redesignating subsection (d) as sub-
2 section (e); and

3 (2) by inserting after subsection (c) the follow-
4 ing:

5 “(d) DISSEMINATION OF INFORMATION.—The Sec-
6 retary shall annually compile and broadly disseminate (in-
7 cluding through electronic publication) information about
8 the use of amounts expended and the projects funded
9 under this subtitle, including any evaluations of the
10 projects and information to enable replication and adop-
11 tion of the strategies identified in the projects. Such dis-
12 semination shall target community-based programs, in-
13 cluding domestic violence and sexual assault programs.”.

14 **SEC. 304. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE**
15 **PROGRAMS.**

16 (a) COURT-APPOINTED SPECIAL ADVOCATE PRO-
17 GRAM.—Section 218(a) of the Victims of Child Abuse Act
18 of 1990 (42 U.S.C. 13014(a)) is amended to read as fol-
19 lows:

20 “(a) AUTHORIZATION.—There are authorized to be
21 appropriated from the Violent Crime Reduction Trust
22 Fund established under section 310001 of the Violent
23 Crime Control and Law Enforcement Act of 1994 (42
24 U.S.C. 14211) to carry out this subtitle—

25 “(1) \$9,000,000 for fiscal year 1999;

1 “(2) \$10,000,000 for fiscal year 2000; and
2 “(3) \$12,000,000 for each of fiscal years 2001
3 and 2002.”.

4 (b) CHILD ABUSE TRAINING PROGRAMS FOR JUDI-
5 CIAL PERSONNEL AND PRACTITIONERS.—Section 224(a)
6 of the Victims of Child Abuse Act of 1990 (42 U.S.C.
7 13024(a) is amended to read as follows:

8 “(a) AUTHORIZATION.—There are authorized to be
9 appropriated from the Violent Crime Reduction Trust
10 Fund established under section 310001 of the Violent
11 Crime Control and Law Enforcement Act of 1994 (42
12 U.S.C. 14211) to carry out this subtitle—

13 “(1) \$2,000,000 for fiscal year 1999; and
14 “(2) \$2,300,000 for each of fiscal years 2000
15 through 2002.”.

16 (c) GRANTS FOR TELEVISED TESTIMONY.—Section
17 1001(a)(7) of title I of the Omnibus Crime Control and
18 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)) is
19 amended to read as follows:

20 “(7) There is authorized to be appropriated from the
21 Violent Crime Reduction Trust Fund established under
22 section 310001 of the Violent Crime Control and Law En-
23 forcement Act of 1994 (42 U.S.C. 14211) to carry out
24 part N \$1,000,000 for each of fiscal years 1999 through
25 2002.”.

(d) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target community-based programs, including domestic violence and sexual assault programs.

**TITLE IV—STRENGTHENING
EDUCATION AND TRAINING
TO COMBAT VIOLENCE
AGAINST WOMEN**

SEC. 401. EDUCATION AND TRAINING OF HEALTH PROFESSIONALS.

(a) TITLE VII PROGRAMS; PREFERENCES IN FINANCIAL AWARDS.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 209 of this Act, is amended by adding at the end the following:

1 “(d) PREFERENCES REGARDING TRAINING IN IDEN-
 2 TIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC
 3 VIOLENCE.—

4 “(1) IN GENERAL.—In the case of a health pro-
 5 fessions entity specified in paragraph (2), the Sec-
 6 retary shall, in making awards of grants or contracts
 7 under this title, give preference to any such entity
 8 (if otherwise a qualified applicant for the award in-
 9 volved) that has in effect the requirement that, as a
 10 condition of receiving a degree or certificate (as ap-
 11 plicable) from the entity, each student have had sig-
 12 nificant training in carrying out the following func-
 13 tions as a provider of health care:

14 “(A) Identifying victims of domestic vio-
 15 lence, and maintaining complete medical
 16 records that include documentation of the ex-
 17 amination, treatment given, and referrals made,
 18 and recording the location and nature of the
 19 victim’s injuries.

20 “(B) Examining and treating such victims,
 21 within the scope of the health professional’s dis-
 22 cipline, training, and practice, including, at a
 23 minimum, providing medical advice regarding
 24 the dynamics and nature of domestic violence.

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

4 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
5 TIES.—For purposes of paragraph (1), a health pro-
6 fessions entity specified in this paragraph is any en-
7 tity that is a school of medicine, a school of osteo-
8 pathic medicine, a graduate program in mental
9 health practice, a school of nursing (as defined in
10 section 853), a program for the training of physician
11 assistants, or a program for the training of allied
12 health professionals.

13 “(3) REPORT TO CONGRESS.—Not later than 2
14 years after the date of enactment of this subsection,
15 the Secretary shall submit to the Committee on
16 Commerce of the House of Representatives, and the
17 Committee on Labor and Human Resources of the
18 Senate, a report specifying—

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

21 “(B) the number of hours of training re-
22 quired by the entities for purposes of such
23 paragraph;

24 “(C) the extent of clinical experience so re-
25 quired; and

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

3 “(4) DEFINITION OF DOMESTIC VIOLENCE.—In
4 this subsection, the term ‘domestic violence’ includes
5 behavior commonly referred to as domestic violence,
6 sexual assault, spousal abuse, woman battering,
7 partner abuse, child abuse, elder abuse, and ac-
8 quaintance rape.”.

9 (b) TITLE VIII PROGRAMS; PREFERENCES IN FI-
10 NANCIAL AWARDS.—Section 860 of the Public Health
11 Service Act (42 U.S.C. 298b–7), as amended by section
12 209 of this Act, is amended by adding at the end the fol-
13 lowing:

14 “(g) PREFERENCES REGARDING TRAINING IN IDEN-
15 TIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC
16 VIOLENCE.—

17 “(1) IN GENERAL.—In the case of a health pro-
18 fessions entity specified in paragraph (2), the Sec-
19 retary shall, in making awards of grants or contracts
20 under this title, give preference to any such entity
21 (if otherwise a qualified applicant for the award in-
22 volved) that has in effect the requirement that, as a
23 condition of receiving a degree or certificate (as ap-
24 plicable) from the entity, each student have had sig-

1 nificant training in carrying out the following func-
2 tions as a provider of health care:

3 “(A) Identifying victims of domestic vio-
4 lence, and maintaining complete medical
5 records that include documentation of the ex-
6 amination, treatment given, and referrals made,
7 and recording the location and nature of the
8 victim’s injuries.

9 “(B) Examining and treating such victims,
10 within the scope of the health professional’s dis-
11 cipline, training, and practice, including, at a
12 minimum, providing medical advice regarding
13 the dynamics and nature of domestic violence.

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

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

23 “(3) REPORT TO CONGRESS.—Not later than 2
24 years after the date of the enactment of the Domes-
25 tic Violence Identification and Referral Act of 1997,

1 the Secretary shall submit to the Committee on
 2 Commerce of the House of Representatives, and the
 3 Committee on Labor and Human Resources of the
 4 Senate, a report specifying—

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

7 “(B) the number of hours of training re-
 8 quired by the entities for purposes of such
 9 paragraph;

10 “(C) the extent of clinical experience so re-
 11 quired; and

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

14 “(4) DEFINITION OF DOMESTIC VIOLENCE.—In
 15 this subsection, the term ‘domestic violence’ includes
 16 behavior commonly referred to as domestic violence,
 17 sexual assault, spousal abuse, woman battering,
 18 partner abuse, child abuse, elder abuse, and ac-
 19 quaintance rape.”.

20 **SEC. 402. EDUCATION AND TRAINING IN APPROPRIATE RE-**
 21 **SPONSES TO VIOLENCE AGAINST WOMEN.**

22 (a) AUTHORITY.—The Attorney General may make
 23 grants in accordance with this section to public and pri-
 24 vate nonprofit entities that, in the determination of the
 25 Attorney General, have—

1 (1) nationally recognized expertise in the areas
2 of domestic violence and sexual assault; and

3 (2) a record of commitment and quality re-
4 sponses to reduce domestic violence and sexual as-
5 sault.

6 (b) PURPOSE.—Grants under this section may be
7 used for the purposes of developing, testing, presenting,
8 and disseminating model programs to provide education
9 and training in appropriate and effective responses to vic-
10 tims of domestic violence and victims of sexual assault (in-
11 cluding, as appropriate, the effects of domestic violence
12 on children) to individuals (other than law enforcement
13 officers and prosecutors) who are likely to come into con-
14 tact with such victims during the course of their employ-
15 ment, including—

16 (1) campus personnel, such as administrators,
17 housing officers, resident advisers, counselors, and
18 others;

19 (2) caseworkers, supervisors, administrators,
20 administrative law judges, and other individuals ad-
21 ministering Federal and State benefits programs,
22 such as child welfare and child protective services,
23 Temporary Assistance to Needy Families, social se-
24 curity disability, child support, medicaid, unemploy-
25 ment, workers' compensation, and similar programs;

(5) religious professionals, such as clergy persons and lay employees.

18 SEC. 403. RAPE PREVENTION AND EDUCATION.

22 "SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION
23 EDUCATION.

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1 under this part shall be used for rape prevention and edu-
2 cation programs conducted by rape crisis centers, State
3 sexual assault coalitions, and other public and private non-
4 profit entities for—

5 “(1) educational seminars;

6 “(2) the operation of hotlines;

7 “(3) training programs for professionals;

8 “(4) the preparation of informational material;

9 “(5) education and training programs for stu-
10 dents and campus personnel designed to reduce the
11 incidence of sexual assault at colleges and univer-
12 sities; and

13 “(6) other efforts to increase awareness of the
14 facts about, or to help prevent, sexual assault, in-
15 cluding efforts to increase awareness in underserved
16 communities and awareness among individuals with
17 disabilities (as defined in section 3 of the Americans
18 with Disabilities Act of 1990 (42 U.S.C. 12102)).

19 “(b) NATIONAL RESOURCE CENTER.—The Secretary
20 of Health and Human Services shall, through the National
21 Center for Injury Prevention and Control at the Centers
22 for Disease Control and Prevention, establish a National
23 Resource Center on Sexual Assault to provide resource in-
24 formation, policy, training, and technical assistance to
25 Federal, State, and Indian tribal agencies, as well as to

1 State sexual assault coalitions and local sexual assault
 2 programs and to other professionals and interested parties
 3 on issues relating to sexual assault. The Resource Center
 4 shall maintain a central resource library in order to col-
 5 lect, prepare, analyze, and disseminate information and
 6 statistics and analyses thereof relating to the incidence
 7 and prevention of sexual assault.

8 “(c) TARGETING OF EDUCATION PROGRAMS.—States
 9 providing grant moneys must ensure that not less than
 10 25 percent of the funds are used for educational programs
 11 targeted for middle school, junior high, and high school
 12 students. The programs targeted under this subsection
 13 shall be provided by or in consultation with rape crisis cen-
 14 ters, State sexual assault coalitions, or other entities rec-
 15 ognized for their expertise in preventing sexual assault or
 16 in providing services to victims of sexual assault.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There is authorized to be
 19 appropriated from the Violent Crime Reduction
 20 Trust Fund established under section 310001 of the
 21 Violent Crime Control and Law Enforcement Act of
 22 1994 (42 U.S.C. 14211) to carry out this section—

23 “(A) \$55,000,000 for fiscal year 1999;

24 “(B) \$55,000,000 for fiscal year 2000;

25 “(C) \$60,000,000 for fiscal year 2001; and

1 “(D) \$60,000,000 for fiscal year 2002.

2 “(2) SEXUAL ASSAULT COALITIONS.—Not less
3 than 10 percent of the total amount made available
4 under this subsection in each fiscal year shall be
5 used to make grants to State sexual assault coalitions
6 to address public health issues associated with
7 sexual assault through training, resource development,
8 or similar research.

9 “(3) NATIONAL RESOURCE CENTER ALLOT-
10 MENT.—Not less than 1 percent of the total amount
11 made available under this subsection in each fiscal
12 year shall be available for allotment under sub-
13 section (b).

14 “(e) LIMITATIONS.—

15 “(1) SUPPLEMENT NOT SUPPLANT.—Amounts
16 transferred by States for use under this section shall
17 be used to supplement and not supplant other Federal,
18 State, and local public funds expended to provide
19 services of the type described in subsection (a).

20 “(2) STUDIES.—A State may not use more
21 than 2 percent of the amount received by the State
22 under this section for each fiscal year for surveillance
23 studies or prevalence studies.

24 “(3) ADMINISTRATION.—A State may not use
25 more than 5 percent of the amount received by the

1 State under this section for each fiscal year for ad-
2 ministrative expenses.

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

6 “(1) demonstrate that it has recognized exper-
7 tise in the area of sexual assault, a record of high-
8 quality services to victims of sexual assault, includ-
9 ing a demonstration of support from advocacy
10 groups, such as State sexual assault coalitions or
11 recognized national sexual assault groups; and

12 “(2) demonstrate a commitment to the provi-
13 sion of services to underserved populations.

14 “(g) DEFINITIONS.—In this section—

15 “(1) the term ‘rape prevention and education’
16 includes education and prevention efforts directed at
17 sexual offenses committed by offenders who are not
18 known to the victim as well as offenders who are
19 known to the victim;

20 “(2) the term ‘sexual assault’ means any con-
21 duct proscribed by chapter 109A of title 18, United
22 States Code, whether or not the conduct occurs in
23 the special maritime and territorial jurisdiction of
24 the United States or in a Federal prison and in-
25 cludes both assaults committed by offenders who are

1 strangers to the victim and assaults committed by
2 offenders who are known to the victim or related by
3 blood or marriage to the victim; and

4 “(3) the term ‘rape crisis center’ means a pri-
5 vate nonprofit organization that is organized, or has
6 as one of its primary purposes, to provide services
7 for victims of sexual assault and has a record of
8 commitment and demonstrated experience in provid-
9 ing services to victims of sexual assault.

10 “(h) TERMS.—

11 “(1) BASIS OF ALLOTMENTS.—The Secretary
12 shall make allotments to each State on the basis of
13 the population of the State.

14 “(2) LIMITATION.—No State may use amounts
15 made available by reason of subsection (a) in any
16 fiscal year for administration of any prevention pro-
17 gram other than the rape prevention and education
18 program for which allotments are made under this
19 section.

20 “(3) AVAILABILITY OF FUNDS.—Any amount
21 paid to a State for a fiscal year and remaining unob-
22 ligated at the end of such year shall remain available
23 for the next fiscal year to such State for the pur-
24 poses for which it was made.”.

25 (b) TECHNICAL AMENDMENTS.—

1 (1) PUBLIC HEALTH SERVICE.—Section 1910A
2 of the Public Health Service Act (42 U.S.C. 300w–
3 10) is repealed.

4 (2) VIOLENCE AGAINST WOMEN ACT OF 1994.—
5 Section 40151 of the Violence Against Women Act
6 of 1994 (108 Stat. 1920) is repealed.

7 **SEC. 404. VIOLENCE AGAINST WOMEN PREVENTION EDU-**
8 **CATION AMONG YOUTH.**

9 (a) GRANTS AUTHORIZED.—The Secretary of Health
10 and Human Services, in consultation with the Secretary
11 of Education, shall provide grants to individuals or organi-
12 zations to carry out educational programs for elementary
13 schools, middle schools, secondary schools, or institutions
14 of higher education with respect to information regarding,
15 and prevention of, domestic violence and violence among
16 intimate partners.

17 (b) ELIGIBILITY.—To be eligible for a grant under
18 this section, an individual or organization shall work in
19 domestic violence prevention, health or social work, law
20 or law enforcement, schools, or institutions of higher edu-
21 cation.

22 (c) APPLICATIONS.—An individual or organization
23 that desires to receive a grant under this section shall sub-
24 mit to the Secretary of Health and Human Services an

1 application, in such form and manner as the Secretary of
2 Health and Human Services shall prescribe, that—

3 (1) demonstrates that the educational program
4 is comprehensive, engaging, and appropriate to the
5 target ages, addresses cultural diversity, has the po-
6 tential to change attitudes and behaviors, is devel-
7 oped based on research and experience in the areas
8 of youth education and domestic violence, collects
9 some form of data on changes in participants' atti-
10 tudes or behavior, and includes an evaluation compo-
11 nent;

12 (2) in the case of a program for a collegiate au-
13 dience, demonstrates input from members of the
14 campus community, campus or local law enforce-
15 ment, education professionals, legal and psycho-
16 logical experts on battering, and victim advocate or-
17 ganizations; and

18 (3) contains such other information, agree-
19 ments, and assurances as the Secretary of Health
20 and Human Services may require.

21 (d) USES OF FUNDS.—

22 (1) IN GENERAL.—An individual or organiza-
23 tion that receives a grant under this section may use
24 the grant funds—

1 (A) to carry out educational programs for
2 elementary schools, middle schools, secondary
3 schools, or institutions of higher education with
4 respect to information regarding, and preven-
5 tion of, domestic violence and violence among
6 intimate partners;

7 (B) to modify the program materials of the
8 model programs implemented under section 317
9 of the Family Violence Prevention and Services
10 Act (42 U.S.C. 10417), if appropriate, in order
11 to make the materials applicable to a particular
12 age group;

13 (C) to purchase the materials described in
14 subparagraph (B); or

15 (D) to establish pilot educational programs
16 described in paragraph (1) for institutions of
17 higher education for the purpose of identifying
18 model programs for such institutions.

19 (2) LIMITATION.—An individual or organization
20 that receives a grant under this section for a fiscal
21 year shall use not more than 7 percent of the grant
22 funds for administrative expenses.

23 (e) PUBLICATION.—The Secretary of Health and
24 Human Services shall publish the availability of grants
25 under this section through announcements in professional

1 publications for the individuals or organizations described
2 in subsection (d)(2), and through notice in the Federal
3 Register.

4 (f) TERM.—A grant under this section may be award-
5 ed for a period of not more than 3 fiscal years.

6 (g) EQUITABLE DISTRIBUTION.—In awarding grants
7 under this section, the Secretary of Health and Human
8 Services shall ensure an equitable geographic distribution
9 to individuals and organizations throughout the United
10 States.

11 (h) REQUIREMENTS.—In carrying out an educational
12 program under this section, an individual or organization
13 shall—

14 (1) develop the program, or acquire model pro-
15 gram materials if available;

16 (2) carry out the program with a school's or in-
17 stitution of higher education's involvement; and

18 (3) report the results of the program to the
19 Secretary of Health and Human Services in a for-
20 mat provided by the Secretary.

21 (i) EVALUATION AND REPORT.—

22 (1) COLLEGE LEVEL PROGRAMS.—Not later
23 than December 31, 2000, the Secretary shall evalu-
24 ate the pilot educational programs for college audi-

1 ences assisted under subsection (e)(1)(D) with the
2 goal of identifying and describing model programs.

3 (2) EVALUATION AND REPORT.—Not later than
4 3 years after the date of enactment of this Act, the
5 Secretary of Health and Human Services shall—

6 (A) transmit to Congress the design and
7 an evaluation of the model collegiate programs;

8 (B) report to Congress regarding results of
9 the elementary school, middle school, secondary
10 school, and institution of higher education pro-
11 grams funded under this section; and

12 (C) suggest changes or improvements to be
13 made in the programs.

14 (j) REGULATIONS.—Not later than 90 days after the
15 date of enactment of this Act, the Secretary of Health and
16 Human Services shall publish in the Federal Register pro-
17 posed regulations implementing this section. Not later
18 than 180 days after the date of enactment of this Act,
19 the Secretary of Health and Human Services shall publish
20 in the Federal Register final regulations implementing this
21 section.

22 (k) DEFINITIONS.—

23 (1) ELEMENTARY SCHOOL; SECONDARY
24 SCHOOL.—The terms “elementary school” and “sec-
25 ondary school” have the meanings given the terms

1 in section 14101 of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 8801).

3 (2) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given the term in section 1201 of the High-
6 er Education Act of 1965 (20 U.S.C. 1141).

7 (l) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There are authorized to be
9 appropriated to carry out this section (other than
10 subsection (d)(1)(D) and subparagraphs (A) and (B)
11 of subsection (i)(2))—

12 (A) \$2,700,000 for fiscal year 1999;

13 (B) \$2,700,000 for fiscal year 2000; and

14 (C) \$2,700,000 for fiscal year 2001.

15 (2) COLLEGIATE PROGRAMS; REPORT.—There
16 is authorized to be appropriated from the Violent
17 Crime Reduction Trust Fund established under sec-
18 tion 310001 of the Violent Crime Control and Law
19 Enforcement Act of 1994 (42 U.S.C. 14211) to
20 carry out subsection (d)(1)(D) and subparagraphs
21 (A) and (B) of subsection (i)(2) \$400,000 for fiscal
22 year 2001.

23 (3) AVAILABILITY.—Amounts appropriated
24 under this subsection shall remain available until the
25 earlier of—

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

3 (B) December 31, 2001.

4 **SEC. 405. EDUCATION AND TRAINING TO END VIOLENCE**
5 **AGAINST AND ABUSE OF WOMEN WITH DIS-**
6 **ABILITIES.**

7 (a) IN GENERAL.—The Attorney General shall make
8 grants to States and nongovernmental private entities to
9 provide education and technical assistance for the purpose
10 of providing training, consultation, and information on vi-
11 olence, abuse, and sexual assault against women who are
12 individuals with disabilities (as defined in section 3 of the
13 Americans with Disabilities Act of 1990 (42 U.S.C.
14 12102)).

15 (b) PRIORITIES.—In making grants under this sec-
16 tion, the Attorney General shall give priority to applica-
17 tions designed to provide education and technical assist-
18 ance on—

19 (1) the nature, definition, and characteristics of
20 violence, abuse, and sexual assault experienced by
21 women who are individuals with disabilities;

22 (2) outreach activities to ensure that women
23 who are individuals with disabilities who are victims
24 of violence, abuse, and sexual assault receive appro-
25 priate assistance;

1 (3) the requirements of shelters and victim
2 services organizations under Federal anti-discrimina-
3 tion laws, including the Americans with Disabilities
4 Act of 1990 and section 504 of the Rehabilitation
5 Act of 1973; and

6 (4) cost-effective ways that shelters and victim
7 services may accommodate the needs of individuals
8 with disabilities in accordance with the Americans
9 with Disabilities Act of 1990.

10 (c) USES OF GRANTS.—Each recipient of a grant
11 under this section shall provide information and training
12 to organizations and programs that provide services to in-
13 dividuals with disabilities, including independent living
14 centers, disability-related service organizations, and do-
15 mestic violence programs providing shelter or related as-
16 sistance.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated from the Violent Crime Re-
19 duction Trust Fund established under section 310001 of
20 the Violent Crime Control and Law Enforcement Act of
21 1994 (42 U.S.C. 14211) to carry out this section
22 \$5,000,000 for each of fiscal years 1999 through 2002.

23 **SEC. 406. COMMUNITY INITIATIVES.**

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

1 (1) in subsection (b)(2)—

2 (A) in subparagraph (G), by striking
3 “and” at the end;

4 (B) by redesignating subparagraph (H) as
5 subparagraph (I); and

6 (C) by inserting after subparagraph (G)
7 the following:

8 “(H) groups that provide services to or ad-
9 vocate on behalf of individuals with disabilities
10 (as defined in section 3 of the Americans with
11 Disabilities Act of 1990 (42 U.S.C. 12102));
12 and”.

13 (2) by striking subsection (h) and inserting the
14 following:

15 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated from the Violent Crime
17 Reduction Trust Fund established under section 310001
18 of the Violent Crime Control and Law Enforcement Act
19 of 1994 (42 U.S.C. 14211) to carry out this section
20 \$6,000,000 for each of fiscal years 1999 through 2002.”.

1 **SEC. 407. NATIONAL COMMISSION ON STANDARDS OF**
2 **PRACTICE AND TRAINING FOR SEXUAL AS-**
3 **SAULT EXAMINATIONS.**

4 (a) IN GENERAL.—The Attorney General shall estab-
5 lish a multidisciplinary, multiagency national commission,
6 which shall—

7 (1) evaluate standards of training and practice
8 for licensed health care professionals performing sex-
9 ual assault forensic examinations and develop a na-
10 tional recommended standard for training;

11 (2) recommend minimum sexual assault foren-
12 sic examination training for all health care students
13 to improve the recognition of injuries suggestive of
14 rape and sexual assault and baseline knowledge of
15 appropriate referrals in victim treatment and evi-
16 dence collection;

17 (3) review national, State, and local protocols
18 on sexual assault for forensic examinations, and
19 based on the review, develop a recommended na-
20 tional protocol, and establish a mechanism for na-
21 tionwide dissemination; and

22 (4) study and evaluate State procedures for
23 payment of forensic examinations for victims of sex-
24 ual assault and establish a recommended Federal
25 protocol for the payment of forensic examinations.

1 (b) MEMBERSHIP.—The members of the national
2 commission established under this section shall be ap-
3 pointed by the Attorney General from among individuals
4 who are experts in the prevention and treatment of rape
5 and sexual assault, including—

6 (1) individuals employed in the fields of victim
7 services, criminal justice, forensic nursing, forensic
8 science, emergency room medicine, law, and social
9 services; and

10 (2) individuals who are experts in the preven-
11 tion and treatment of sex crimes in ethnic, social,
12 and language minority communities, as well as rural,
13 disabled, and other underserved communities.

14 (c) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Attorney General shall sub-
16 mit a report to Congress on the findings of the commission
17 established under subsection (a).

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated from the Violent Crime Re-
20 duction Trust Fund established under section 310001 of
21 the Violent Crime Control and Law Enforcement Act of
22 1994 (42 U.S.C. 14211) to carry out this section
23 \$200,000 for fiscal year 1999.

1 **SEC. 408. NATIONAL WORKPLACE CLEARINGHOUSE ON VIO-**
2 **LENCE AGAINST WOMEN.**

3 (a) **AUTHORITY.**—The Attorney General may make
4 a grant in accordance with this section to a private, non-
5 profit entity that meets the requirements of subsection (b)
6 to establish and operate a national clearinghouse and re-
7 source center to provide information and assistance to em-
8 ployers and labor organizations on appropriate workplace
9 responses to domestic violence and sexual assault.

10 (b) **GRANTEES.**—Each applicant for a grant under
11 this section shall submit to the Attorney General an appli-
12 cation, which shall—

13 (1) demonstrate that the applicant—

14 (A) has a nationally recognized expertise in
15 the area of domestic violence and sexual assault
16 and a record of commitment and quality re-
17 sponses to reduce domestic violence and sexual
18 assault; and

19 (B) will provide matching funds from non-
20 Federal sources in an amount equal to not less
21 than 10 percent of the total amount of the
22 grant under this section; and

23 (2) include a plan to conduct outreach to en-
24 courage employers (including small and large busi-
25 nesses, as well as public entities such as universities,
26 and State and local governments) to develop and im-

1 plement appropriate responses to assist employees
2 who are victims of domestic violence or sexual as-
3 sault.

4 (c) USE OF GRANT AMOUNT.—A grant under this
5 section may be used for salaries, travel expenses, equip-
6 ment, printing, and other reasonable expenses necessary
7 to assemble, maintain, and disseminate to employers and
8 labor organizations information on appropriate responses
9 to domestic violence and sexual assault, including costs as-
10 sociated with such activities as—

11 (1) developing and disseminating model proto-
12 cols and workplace policies;

13 (2) developing and disseminating models for
14 employer and union sponsored victims' services;

15 (3) developing and disseminating training vid-
16 eos and model curricula to promote better under-
17 standings of workplace issues surrounding domestic
18 violence; and

19 (4) planning and conducting conferences and
20 other educational opportunities.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated from the Violent Crime Re-
23 duction Trust Fund established under section 310001 of
24 the Violent Crime Control and Law Enforcement Act of

1 1994 (42 U.S.C. 14211) to carry out this section
 2 \$1,000,000 for each of fiscal years 1999 through 2002.

3 **SEC. 409. STRENGTHENING RESEARCH TO COMBAT VIO-**
 4 **LENCE AGAINST WOMEN.**

5 Chapter 9 of subtitle B of the Violence Against
 6 Women Act of 1994 (42 U.S.C. 13961 et seq.) is amended
 7 by adding at the end the following:

8 **“SEC. 40294. RESEARCH TO COMBAT VIOLENCE AGAINST**
 9 **WOMEN.**

10 “(a) EDUCATION, PREVENTION, AND INTERVENTION
 11 RESEARCH GRANTS.—

12 “(1) PURPOSES.—The Secretary of Health and
 13 Human Services, in consultation with the Attorney
 14 General, shall make grants to entities, including do-
 15 mestic violence and sexual assault organizations, re-
 16 search organizations, and academic institutions, to
 17 support research and evaluation of education, pre-
 18 vention, and intervention programs on violent behav-
 19 ior against women.

20 “(2) USE OF FUNDS.—The research conducted
 21 under this section shall include—

22 “(A) longitudinal research to study the de-
 23 velopmental trajectory of violent behavior
 24 against women and the manner in which that
 25 violence differs from other violent behaviors;

1 “(B) the examination of risk factors for
2 sexual and intimate partner violence for victims
3 and perpetrators, such as poverty, childhood
4 victimization and other traumas;

5 “(C) the examination of short- and long-
6 term efforts of programs designed to prevent
7 sexual and intimate partner violence;

8 “(D) outcome evaluations of interventions
9 and school curriculum targeted at children and
10 teenagers;

11 “(E) the examination and documentation
12 of the processes and informal strategies women
13 experience in attempting to manage and stop
14 the violence in their lives; and

15 “(F) the development, testing, and evalua-
16 tion of the economic and health benefits of ef-
17 fective methods of domestic violence screening
18 and prevention programs at all points of entry
19 into the health care system, including mental
20 health, emergency medicine, obstetrics, gyne-
21 cology, and primary care, and an assessment of
22 the costs of domestic violence to the health care
23 system.

24 “(b) ADDRESSING GAPS IN RESEARCH.—

1 “(1) PURPOSES.—The Secretary of Health and
2 Human Services and the Attorney General shall
3 make grants to domestic violence and sexual assault
4 organizations, research organizations, and academic
5 institutions in order to address gaps in research and
6 knowledge about violence against women, including
7 violence against women in underserved communities.

8 “(2) USES OF FUNDS.—The research conducted
9 with grants made under this subsection shall in-
10 clude—

11 “(A) the development of national- and
12 community-level survey studies to measure the
13 incidence and prevalence of violence against
14 women in underserved populations and the
15 terms women use to describe their experiences
16 of violence;

17 “(B) qualitative and quantitative research
18 to understand the manner in which factors that
19 shape the context and experience of violence in
20 women’s lives, as well as the education, preven-
21 tion, and intervention strategies available to
22 women (including minors);

23 “(C) a study of violence against women as
24 a risk factor for diseases from a multivariate
25 perspective;

1 “(D) an examination of the prevalence and
2 dynamics of emotional and psychological abuse,
3 the effects on women of such abuse, and the
4 education, prevention, and intervention strate-
5 gies that are available to address this type of
6 abuse;

7 “(E) an examination of the need for and
8 availability of legal assistance and services for
9 victims of sexual assault; and

10 “(F) the use of nonjudicial alternative dis-
11 pute resolution (such as mediation, negotiation,
12 conciliation, and restorative justice models) in
13 cases in which domestic violence is a factor,
14 comparing nonjudicial alternative dispute reso-
15 lution and traditional judicial methods based
16 upon the quality of representation of the victim,
17 the training of mediators or other facilitators,
18 the satisfaction of the parties, the outcome of
19 the proceedings, and such other factors as may
20 be identified; and

21 “(G) an examination of effective models to
22 address domestic violence in child protective
23 services and child welfare agencies, including—

24 “(i) documenting the scope of the
25 problem;

1 “(ii) identifying the risk of harm per-
2 petrators of domestic violence pose to chil-
3 dren and to parents who are victims of do-
4 mestic violence; and

5 “(iii) examining effective models to
6 address domestic violence in the context of
7 child welfare and child protection that pro-
8 tect children while protecting parents who
9 are victims of domestic violence.

10 “(c) SENTENCING COMMISSION STUDY.—Not later
11 than 1 year after the date of enactment of this section,
12 the United States Sentencing Commission shall submit to
13 Congress a report on—

14 “(1) sentences given to offenders incarcerated
15 in Federal and State prisons for homicides or as-
16 saults in which the victim was a spouse, former
17 spouse, or intimate partner of the offender;

18 “(2) the effect of illicit drugs and alcohol on do-
19 mestic violence and the sentences imposed for of-
20 fenses involving illicit drugs and alcohol in which do-
21 mestic violence occurred;

22 “(3) the extent to which acts of domestic vio-
23 lence committed against the offender, including coer-
24 cion, may have contributed to the commission of an
25 offense;

1 “(4) an analysis delineated by race, gender,
2 type of offense, and any other categories that would
3 be useful for understanding the problem of domestic
4 violence; and

5 “(5) recommendations with respect to the of-
6 fenses described in this subsection, including any
7 basis for a downward adjustment in any applicable
8 Federal sentencing guidelines determination.

9 “(d) RESEARCH ON PREGNANCY AND SEXUAL AS-
10 SAULT.—

11 “(1) PURPOSES.—The Secretary of Health and
12 Human Services, in conjunction with the Attorney
13 General, shall make grants to nonprofit entities, in-
14 cluding sexual assault organizations, research orga-
15 nizations, and academic institutions, in order to
16 gather qualitative and quantitative data on the expe-
17 riences of minors and adults who become pregnant
18 as a result of sexual assault within State health
19 care, judicial, and social services systems.

20 “(2) USE OF AMOUNTS.—The research con-
21 ducted with grants made under this subsection shall
22 include—

23 “(A) the incidence and prevalence of preg-
24 nancy resulting from sexual assault, including
25 the ages of the victim and perpetrator, and any

1 relationship between the perpetrator and the
2 victim (such as family, acquaintance, intimate
3 partner, spouse, household member, etc.);

4 “(B) the degree to which State adoption,
5 child custody, visitation, child support, parental
6 termination, and child welfare criminal justice
7 laws and policies serve the needs of women (in-
8 cluding minors) who become pregnant as a re-
9 sult of sexual assault;

10 “(C) the impact of State social services
11 rules, policies, and procedures on women (in-
12 cluding minors) who become pregnant as a re-
13 sult of sexual assault and on those children
14 born as a result of the sexual assault;

15 “(D) the availability of public and private
16 legal, medical, and mental health counseling, fi-
17 nancial, and other forms of assistance to women
18 (including minors) who become pregnant as a
19 result of sexual assault, and to the children
20 born as a result of the sexual assault, including
21 the extent to which barriers exist in accessing
22 that assistance; and

23 “(E) recommendations for improvements
24 in State health care, judicial, and social services
25 systems to address the needs of women (includ-

1 ing minors) who become pregnant as a result of
2 sexual assault and of the children born as a re-
3 sult of the sexual assault.

4 “(e) STATUS REPORT ON LAWS REGARDING RAPE
5 AND SEXUAL ASSAULT OFFENSES.—

6 “(1) STUDY.—The Attorney General, in con-
7 sultation with national, State, and local domestic vi-
8 olence and sexual assault coalitions and programs,
9 including, nationally recognized experts on sexual as-
10 sault, such as from the judiciary, the legal profes-
11 sion, psychological associations, and sex offender
12 treatment providers, shall conduct a national study
13 to examine the status of the law with respect to rape
14 and sexual assault offenses and the effectiveness of
15 the implementation of laws in addressing such
16 crimes and protecting their victims. In carrying out
17 this subsection, the Attorney General may utilize the
18 Bureau of Justice Statistics, the National Institute
19 of Justice, and the Office for Victims of Crime.

20 “(2) REPORT.—Not later than 1 year after the
21 date of enactment of this section, the Attorney Gen-
22 eral shall submit to Congress a report on the find-
23 ings of the study under paragraph (1), which shall
24 include—

1 “(A) an analysis of the degree of uniform-
 2 ity among the States with respect to rape and
 3 sexual assault laws (including sex offenses com-
 4 mitted against children), including the degree of
 5 uniformity among States with respect to—

6 “(i) definitions of rape and sexual as-
 7 sault, including any marital rape exception
 8 and any other exception or downgrading of
 9 offense;

10 “(ii) the element of consent and coer-
 11 cive conduct, including deceit;

12 “(iii) the element of physical resist-
 13 ance and affirmative nonconsent as a pre-
 14 condition for conviction;

15 “(iv) the element of force, including
 16 penetration requirement as aggravating
 17 factor and use of coercion;

18 “(v) evidentiary matters—

19 “(I) inferences—timeliness of
 20 complaint under the Model Penal
 21 Code;

22 “(II) post traumatic stress dis-
 23 order (including rape trauma syn-
 24 drome) relevancy of scope and admis-
 25 sibility;

1 “(III) rape shield laws—in cam-
2 era evidentiary determinations;
3 “(IV) prior bad acts; and
4 “(V) corroboration requirement
5 and cautionary jury instructions;
6 “(vi) the existence of special rules for
7 rape and sexual assault offenses;
8 “(vii) the use of experts;
9 “(viii) sentencing—
10 “(I) plea bargains;
11 “(II) presentence reports;
12 “(III) recidivism and remorse;
13 “(IV) adolescents;
14 “(V) psychological injuries;
15 “(VI) gravity of crime and trau-
16 ma to victim; and
17 “(VII) race; and
18 “(ix) any personal or professional re-
19 lationship between the perpetrator and the
20 victim; and
21 “(B) any recommendations of the Attorney
22 General for reforms to foster uniformity among
23 the States in addressing rape and sexual as-
24 sault offenses in order to protect victims more

1 effectively while safeguarding the due process
2 rights of the accused.

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated from the Violent Crime
5 Reduction Trust Fund established under section 310001
6 of the Violent Crime Control and Law Enforcement Act
7 of 1994 (42 U.S.C. 14211)—

8 “(1) to carry out subsection (a), \$3,000,000 for
9 each of fiscal years 1999, 2000, and 2001;

10 “(2) to carry out subsection (b), \$2,100,000 for
11 each of fiscal years 1999, 2000, and 2001;

12 “(3) to carry out subsection (c), \$200,000 for
13 fiscal year 1999;

14 “(4) to carry out subsection (d), \$500,000 for
15 fiscal year 1999; and

16 “(5) to carry out subsection (e), \$200,000 for
17 fiscal year 1999.”.

18 **TITLE V—EXTENSION OF VIO-**
19 **LENT CRIME REDUCTION**
20 **TRUST FUND**

21 **SEC. 501. EXTENSION.**

22 (a) IN GENERAL.—Section 310001(b) of the Violent
23 Crime Control and Law Enforcement Act of 1994 (42
24 U.S.C. 14211(b)) is amended—

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

3 (2) in paragraph (6), by striking the period at
4 the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(7) for fiscal year 2001, \$4,400,000,000; and

7 “(8) for fiscal year 2002, \$4,500,000,000.”.

8 (b) CONFORMING DISCRETIONARY SPENDING CAP
9 REDUCTION.—Upon enactment of this Act, the discre-
10 tionary spending limits for fiscal years 2001 and 2002 set
11 forth in section 251(c) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985 (2 U.S.C. 901(c)) are
13 reduced as follows:

14 (1) For fiscal year 2001, \$4,400,000,000 in
15 new budget authority and \$5,981,000,000 in out-
16 lays.

17 (2) For fiscal year 2002, \$4,500,000,000 in
18 new budget authority and \$4,530,000,000 in out-
19 lays.

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