

105TH CONGRESS
2D SESSION

S. 2558

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, OCTOBER 2), 1998

Mrs. MURRAY (for herself and Mr. WELLSTONE) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To provide economic security for battered 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 “Battered Women’s Economic Security Act”.

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—DOMESTIC VIOLENCE PREVENTION

Subtitle A—Housing for Victims of Domestic Violence

Sec. 101. Short title.

Sec. 102. Definitions.

- Sec. 103. Authorization of appropriations.
- Sec. 104. Use of amounts for housing assistance for victims of domestic violence.

Subtitle B—Victims of Abuse Insurance Protection

- Sec. 121. Short title.
- Sec. 122. Definitions.
- Sec. 123. Discriminatory acts prohibited.
- Sec. 124. Insurance protocols for subjects of abuse.
- Sec. 125. Reasons for adverse actions.
- Sec. 126. Life insurance.
- Sec. 127. Subrogation without consent prohibited.
- Sec. 128. Enforcement.
- Sec. 129. Effective date.

Subtitle C—Access to Safety and Advocacy

- Sec. 131. Short title.
- Sec. 132. Purpose.
- Sec. 133. Definitions.
- Sec. 134. Grant program.
- Sec. 135. Provision of technical assistance and training.
- Sec. 136. Evaluation.
- Sec. 137. Funding.

Subtitle D—Conforming Amendments

- Sec. 141. Law enforcement and prosecution grants.
- Sec. 142. Family Violence Prevention and Services Act.

Subtitle E—Battered Immigrant Women’s Economic Security

- Sec. 151. Nonapplicability of special rules relating to the treatment of non-213A aliens.
- Sec. 152. Discretionary first time offender waivers for aliens making child support payments.
- Sec. 153. Misrepresentation waivers for battered spouses of United States citizens and lawful permanent residents.
- Sec. 154. Public charge.
- Sec. 155. Access to naturalization for divorced victims of abuse.
- Sec. 156. Work authorization.
- Sec. 157. Filing fees.
- Sec. 158. Access to food stamps for qualified battered aliens.
- Sec. 159. Access to housing for qualified immigrants.
- Sec. 160. Clarifying welfare reporting requirements for benefit applicants.
- Sec. 161. Conforming definition of “family” used in laws granting welfare access for battered immigrants to State family law.
- Sec. 162. Ensuring that battered immigrants may continue to receive food stamps and SSI using their abusive spouse’s qualifying quarters.

TITLE II—VIOLENCE AGAINST WOMEN AND THE WORKPLACE

- Sec. 201. Findings.

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

Sec. 211. National clearinghouse on domestic violence and sexual assault in the workplace grant.

Subtitle B—Victims’ Employment Rights

Sec. 221. Short title.
 Sec. 222. Purposes.
 Sec. 223. Definitions.
 Sec. 224. Prohibited discriminatory acts.
 Sec. 225. Enforcement.
 Sec. 226. Attorney’s fees.

Subtitle C—Workplace Violence Against Women Prevention Tax Credit

Sec. 231. Short title.
 Sec. 232. Credit for costs to employers of implementing workplace safety programs to combat violence against women.

Subtitle D—Employment Protection for Battered Women

Sec. 241. Short title and reference.
 Sec. 242. Purposes.
 Sec. 243. Unemployment compensation.
 Sec. 244. Entitlement to leave for addressing domestic violence for non-Federal employees.
 Sec. 245. Entitlement to leave for addressing domestic violence for Federal employees.
 Sec. 246. Existing leave usable for domestic violence.
 Sec. 247. Effect on other laws and employment benefits.
 Sec. 248. Effective date.

Subtitle E—Battered Women’s Shelters and Services

Sec. 251. Short title.
 Sec. 252. Authorization of appropriations for family violence prevention and services.
 Sec. 253. Family Violence Prevention and Services Act improvements.

TITLE III—PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE UNDER PROGRAMS AUTHORIZED UNDER THE SOCIAL SECURITY ACT

Sec. 301. Social Security number changes for victims of domestic violence.
 Sec. 302. Waivers for victims of domestic violence under the TANF program.
 Sec. 303. Disclosure protections under the child support program.
 Sec. 304. Bonus to encourage women and children’s well-being.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DOMESTIC VIOLENCE.—The term “domestic
 4 violence” includes acts or threats of violence, not in-
 5 cluding acts of self defense, committed by—

1 (A) a current or former spouse of the vic-
2 tim;

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

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

7 (D) a person who is or has been in a con-
8 tinuing social relationship of a romantic or inti-
9 mate nature with the victim;

10 (E) a person similarly situated to a spouse
11 of the victim under the domestic or family vio-
12 lence laws of the jurisdiction; or

13 (F) any other person against a victim who
14 is protected from that person's acts under the
15 domestic or family violence laws of the jurisdic-
16 tion.

17 (2) SEXUAL ASSAULT.—The term “sexual as-
18 sault”—

19 (A) means any conduct proscribed by chap-
20 ter 109A of title 18, United States Code,
21 whether or not the conduct occurs in the special
22 maritime and territorial jurisdiction of the
23 United States or in a Federal prison; and

24 (B) includes both assaults committed by
25 offenders who are strangers to the victim and

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

4 (3) STALKING.—The term “stalking” means
5 engaging in a course of conduct directed at a spe-
6 cific person that would cause a reasonable person
7 under the circumstances to have a fear of death or
8 bodily injury to the person or a member of the im-
9 mediate family of the person, if—

10 (A) the individual engaging in such con-
11 duct has knowledge or should have knowledge
12 that the conduct will cause the specific person
13 to have that fear; and

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

16 **TITLE I—DOMESTIC VIOLENCE**
17 **PREVENTION**

18 **Subtitle A—Housing for Victims of**
19 **Domestic Violence**

20 **SEC. 101. SHORT TITLE.**

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

23 **SEC. 102. DEFINITIONS.**

24 In this subtitle:

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

3 (A) IN GENERAL.—The term “family vic-
4 timized by domestic violence”—

5 (i) means a family or household that
6 includes an individual who has been deter-
7 mined under subparagraph (B) to have
8 been a victim of domestic violence, but
9 does not include any individual who com-
10 mitted the domestic violence; and

11 (ii) includes any such family or house-
12 hold in which only a minor or minors are
13 the individual or individuals who was or
14 were a victim of domestic violence, only if
15 such family or household also includes a
16 parent, stepparent, legal guardian, or other
17 responsible caretaker for the child.

18 (B) DETERMINATION THAT FAMILY OR IN-
19 DIVIDUAL WAS A VICTIM OF DOMESTIC VIO-
20 LENCE.—For purposes of subparagraph (A), a
21 determination under this subparagraph is a de-
22 termination that domestic violence has been
23 committed, which is made by any agency or of-
24 ficial of a State or unit of general local govern-

1 ment (including a public housing agency) based
2 upon—

3 (i) information provided by any medi-
4 cal, legal, counseling, or other clinic, shel-
5 ter, sexual assault program, or other pro-
6 gram or entity licensed, recognized, or au-
7 thorized by the State or unit of general
8 local government to provide services to vic-
9 tims of domestic violence or sexual assault;

10 (ii) information provided by any agen-
11 cy of the State, unit of general local gov-
12 ernment, or nonprofit nongovernmental or-
13 ganization that provides or administers the
14 provision of social, medical, legal, or health
15 services;

16 (iii) information provided by any cler-
17 gy;

18 (iv) information provided by any hos-
19 pital, clinic, medical facility, or doctor li-
20 censed or authorized by the State or unit
21 of general local government to provide
22 medical services;

23 (v) a petition or complaint filed in a
24 court or law or documents or records of ac-
25 tion of any court or law enforcement agen-

1 cy, including any record of any protection
2 order, injunction, or temporary or final
3 order issued by civil or criminal courts or
4 any police report; or

5 (vi) any other reliable evidence that
6 domestic violence has occurred, including
7 the statement of a victim that domestic vi-
8 olence has occurred, unless the agency has
9 an independent, reasonable basis to find
10 the victim not credible.

11 (2) PUBLIC HOUSING AGENCY.—The term
12 “public housing agency” has the meaning given the
13 term in section 3(b) of the United States Housing
14 Act of 1937 (42 U.S.C. 1437a(b)).

15 (3) QUALIFIED NONPROFIT ORGANIZATION.—
16 The term “qualified nonprofit organization” means
17 a private organization that—

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

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

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

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

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

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

7 (5) STATE.—The term “State” means the
8 States of the United States, the District of Colum-
9 bia, the Commonwealth of Puerto Rico, the Com-
10 monwealth of the Northern Mariana Islands, Guam,
11 the Virgin Islands, American Samoa, and any other
12 territory or possession of the United States.

13 (6) TENANT-BASED ASSISTANCE.—The term
14 “tenant-based assistance” has the meaning given the
15 term in section 8(f) of the United States Housing
16 Act of 1937 (42 U.S.C. 1437f(f)).

17 (7) UNIT OF GENERAL LOCAL GOVERNMENT.—
18 The term “unit of general local government” has the
19 meaning given the term in section 102(a) of the
20 Housing and Community Development Act of 1974
21 (42 U.S.C. 5302(a)).

22 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

23 The budget authority under section 5(c) of the
24 United States Housing Act of 1937 for assistance under
25 subsections (b) and (o) of section 8 of such Act is author-

1 ized to be increased by \$50,000,000 on or after October
2 1, 1998, and by such sums as may be necessary on or
3 after October 1, 1999.

4 **SEC. 104. USE OF AMOUNTS FOR HOUSING ASSISTANCE**
5 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

6 (a) IN GENERAL.—Amounts available pursuant to
7 section 103 shall be made available by the Secretary only
8 to public housing agencies and qualified nonprofit organi-
9 zations only for use for providing tenant-based assistance
10 on behalf of families victimized by domestic violence who
11 have left or who are leaving a residence as a result of the
12 domestic violence.

13 (b) DETERMINATION.—For purposes of subsection
14 (a), a family victimized by domestic violence shall be con-
15 sidered to have left or to be leaving a residence as a result
16 of domestic violence if the public housing agency or quali-
17 fied nonprofit organization providing rental assistance
18 under this section determines that the member of the fam-
19 ily who was a victim of the domestic violence reasonably
20 believes that relocation from such residence will assist in
21 avoiding future domestic violence against such member or
22 another member of the family.

23 (c) ALLOCATION.—Amounts made available pursuant
24 to section 103 shall be allocated by the Secretary on the
25 basis of a national competition to the public housing agen-

1 cies and qualified nonprofit organizations that submit ap-
 2 plications to the Secretary that best demonstrate a need
 3 for such assistance, including the extent of service to un-
 4 derserved populations (as defined in section 2003 of the
 5 Omnibus Crime Control and Safe Streets Act of 1968 (42
 6 U.S.C. 3796gg-2)), and the ability to undertake and carry
 7 out a program under this subtitle, as the Secretary shall
 8 determine. Not less than 25 percent of the total number
 9 of grants awarded under this section shall be awarded to
 10 qualified nonprofit organizations.

11 **Subtitle B—Victims of Abuse**

12 **Insurance Protection**

13 **SEC. 121. SHORT TITLE.**

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

16 **SEC. 122. DEFINITIONS.**

17 In this subtitle:

18 (1) ABUSE.—The term “abuse” means the oc-
 19 currence of one or more of the following acts by a
 20 current or former household or family member, inti-
 21 mate partner, or caretaker:

22 (A) Attempting to cause or causing an-
 23 other person bodily injury, physical harm, sub-
 24 stantial emotional distress, psychological trau-

1 ma, rape, sexual assault, or involuntary sexual
2 intercourse.

3 (B) Engaging in a course of conduct or re-
4 peatedly committing acts toward another per-
5 son, including following the person without
6 proper authority and under circumstances that
7 place the person in reasonable fear of bodily in-
8 jury or physical harm.

9 (C) Subjecting another person to false im-
10 prisonment or kidnapping.

11 (D) Attempting to cause or causing dam-
12 age to property so as to intimidate or attempt
13 to control the behavior of another person.

14 (2) HEALTH CARRIER.—The term “health car-
15 rier” means a person that contracts or offers to con-
16 tract on a risk-assuming basis to provide, deliver, ar-
17 range for, pay for or reimburse any of the cost of
18 health care services, including a sickness and acci-
19 dent insurance company, a health maintenance orga-
20 nization, a nonprofit hospital and health service cor-
21 poration or any other entity providing a plan of
22 health insurance, health benefits or health services.

23 (3) INSURED.—The term “insured” means a
24 party named on a policy, certificate, or health bene-
25 fit plan, including an individual, corporation, part-

1 nership, association, unincorporated organization or
2 any similar entity, as the person with legal rights to
3 the benefits provided by the policy, certificate, or
4 health benefit plan. For group insurance, such term
5 includes a person who is a beneficiary covered by a
6 group policy, certificate, or health benefit plan. For
7 life insurance, the term refers to the person whose
8 life is covered under an insurance policy.

9 (4) INSURER.—The term “insurer” means any
10 person, reciprocal exchange, inter insurer, Lloyds in-
11 surer, fraternal benefit society, or other legal entity
12 engaged in the business of insurance, including
13 agents, brokers, adjusters, and third party adminis-
14 trators. The term also includes health carriers,
15 health benefit plans, and life, disability, and prop-
16 erty and casualty insurers.

17 (5) POLICY.—The term “policy” means a con-
18 tract of insurance, certificate, indemnity, suretyship,
19 or annuity issued, proposed for issuance or intended
20 for issuance by an insurer, including endorsements
21 or riders to an insurance policy or contract.

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

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

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

4 (C) a person who seeks, may have sought,
5 or had reason to seek medical or psychological
6 treatment for abuse, protection, court-ordered
7 protection, or shelter from abuse.

8 **SEC. 123. DISCRIMINATORY ACTS PROHIBITED.**

9 (a) IN GENERAL.—No insurer may, directly or indi-
10 rectly, engage in any of the following acts or practices on
11 the basis that the applicant or insured, or any person em-
12 ployed by the applicant or insured or with whom the appli-
13 cant or insured is known to have a relationship or associa-
14 tion, is, has been, or may be the subject of abuse or has
15 incurred or may incur abuse-related claims:

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

19 (2) Restricting, excluding, or limiting insurance
20 coverage for losses or denying a claim, except as oth-
21 erwise permitted or required by State laws relating
22 to life insurance beneficiaries.

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

1 (b) PROHIBITION ON LIMITATION ON CLAIMS.—No
2 insurer may, directly or indirectly, deny or limit payment
3 of a claim incurred by an innocent insured as a result of
4 abuse.

5 (c) PROHIBITION ON TERMINATION.—

6 (1) IN GENERAL.—No insurer or health carrier
7 may terminate health coverage for a subject of abuse
8 because coverage was originally issued in the name
9 of the abuser and the abuser has divorced, separated
10 from, or lost custody of the subject of abuse or the
11 abuser's coverage has terminated voluntarily or in-
12 voluntarily and the subject of abuse does not qualify
13 for an extension of coverage under part 6 of subtitle
14 B of title I of the Employee Retirement Income Se-
15 curity Act of 1974 (29 U.S.C. 1161 et seq.) or sec-
16 tion 4980B of the Internal Revenue Code of 1986.

17 (2) PAYMENT OF PREMIUMS.—Nothing in para-
18 graph (1) shall be construed to prohibit the insurer
19 from requiring that the subject of abuse pay the full
20 premium for the subject's coverage under the health
21 plan if the requirements are applied to all insureds
22 of the health carrier.

23 (3) EXCEPTION.—An insurer may terminate
24 group coverage to which this subsection applies after
25 the continuation coverage period required by this

1 subsection has been in force for 18 months if it of-
2 fers conversion to an equivalent individual plan.

3 (4) CONTINUATION COVERAGE.—The continu-
4 ation of health coverage required by this subsection
5 shall be satisfied by any extension of coverage under
6 part 6 of subtitle B of title I of the Employee Re-
7 tirement Income Security Act of 1974 (29 U.S.C.
8 1161 et seq.) or section 4980B of the Internal Reve-
9 nue Code of 1986 provided to a subject of abuse and
10 is not intended to be in addition to any extension of
11 coverage otherwise provided for under such part 6
12 or section 4980B.

13 (d) USE OF INFORMATION.—

14 (1) LIMITATION.—

15 (A) IN GENERAL.—In order to protect the
16 safety and privacy of subjects of abuse, no per-
17 son employed by or contracting with an insurer
18 or health benefit plan may use, disclose, or
19 transfer information relating to abuse status,
20 acts of abuse, abuse-related medical conditions
21 or the applicant's or insured's status as a fam-
22 ily member, employer, or associate, person in a
23 relationship with a subject of abuse for any
24 purpose unrelated to the direct provision of
25 health care services unless such use, disclosure,

1 or transfer is required by an order of an entity
2 with authority to regulate insurance or an order
3 of a court of competent jurisdiction. In addi-
4 tion, such a person may not disclose or transfer
5 information relating to an applicant's or in-
6 sured's location or telephone number or the lo-
7 cation and telephone number of a shelter for
8 subjects of abuse except where such disclosure
9 or transfer is required in order to provide insur-
10 ance coverage, provided such disclosure or
11 transfer does not have the potential to endanger
12 the safety of a subject of abuse.

13 (B) RULE OF CONSTRUCTION.—Nothing in
14 this paragraph shall be construed as limiting or
15 precluding a subject of abuse from obtaining
16 the subject's own insurance records from an in-
17 surer.

18 (2) AUTHORITY OF SUBJECT OF ABUSE.—A
19 subject of abuse, at the absolute discretion of the
20 subject of abuse, may provide evidence of abuse to
21 an insurer for the limited purpose of facilitating
22 treatment of an abuse-related condition or dem-
23 onstrating that a condition is abuse-related. Nothing
24 in this paragraph shall be construed as authorizing

1 an insurer or health carrier to disregard such pro-
2 vided evidence.

3 **SEC. 124. INSURANCE PROTOCOLS FOR SUBJECTS OF**
4 **ABUSE.**

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

13 **SEC. 125. REASONS FOR ADVERSE ACTIONS.**

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

20 **SEC. 126. LIFE INSURANCE.**

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

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

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

7 **SEC. 127. SUBROGATION WITHOUT CONSENT PROHIBITED.**

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

10 **SEC. 128. ENFORCEMENT.**

11 (a) FEDERAL TRADE COMMISSION.—

12 (1) IN GENERAL.—The Federal Trade Commis-
13 sion shall have the power to examine and investigate
14 any insurer to determine whether such insurer has
15 been or is engaged in any act or practice prohibited
16 by this subtitle.

17 (2) CEASE AND DESIST ORDERS.—If the Fed-
18 eral Trade Commission determines an insurer has
19 been or is engaged in any act or practice prohibited
20 by this subtitle, the Commission may take action
21 against such insurer by the issuance of a cease and
22 desist order as if the insurer was in violation of sec-
23 tion 5 of the Federal Trade Commission Act. Such
24 cease and desist order may include any individual re-
25 lief warranted under the circumstances, including

1 temporary, preliminary, and permanent injunctive
2 and compensatory relief.

3 (b) PRIVATE CAUSE OF ACTION.—

4 (1) IN GENERAL.—An applicant or insured who
5 believes that the applicant or insured has been ad-
6 versely affected by an act or practice of an insurer
7 in violation of this subtitle may maintain an action
8 against the insurer in a Federal or State court of
9 original jurisdiction.

10 (2) RELIEF.—Upon proof of such conduct by a
11 preponderance of the evidence in an action described
12 in paragraph (1), the court may award appropriate
13 relief, including temporary, preliminary, and perma-
14 nent injunctive relief and compensatory and punitive
15 damages, as well as the costs of suit and reasonable
16 fees for the aggrieved individual's attorneys and ex-
17 pert witnesses.

18 (3) STATUTORY DAMAGES.—With respect to
19 compensatory damages in an action described in
20 paragraph (1), the aggrieved individual may elect, at
21 any time prior to the rendering of final judgment, to
22 recover in lieu of actual damages, an award of statu-
23 tory damages in the amount of \$5,000 for each vio-
24 lation.

1 **SEC. 129. EFFECTIVE DATE.**

2 This subtitle shall apply with respect to any action
3 taken on or after the date of enactment of this Act, except
4 that section 124 shall only apply to actions taken after
5 the expiration of 60 days after such date of enactment.

6 **Subtitle C—Access to Safety and**
7 **Advocacy**

8 **SEC. 131. SHORT TITLE.**

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

11 **SEC. 132. PURPOSE.**

12 The purpose of this subtitle is to enhance safety and
13 justice for victims of domestic violence throughout the
14 United States through improved access to the justice sys-
15 tem and improved legal assistance.

16 **SEC. 133. DEFINITIONS.**

17 In this subtitle:

18 (1) DOMESTIC VIOLENCE PROGRAM.—The term
19 “domestic violence program” means a nonprofit or-
20 ganization, the primary purpose of which is to pro-
21 vide advocacy on behalf of and comprehensive serv-
22 ices to victims of domestic violence, including—

23 (A) crisis hotlines;

24 (B) shelter or safe homes;

25 (C) transitional housing;

26 (D) task forces or coordinating councils;

- 1 (E) food assistance;
- 2 (F) counseling;
- 3 (G) systems advocacy;
- 4 (H) transportation;
- 5 (I) safety planning;
- 6 (J) information and referral; and
- 7 (K) legal advocacy and representation.

8 (2) ELIGIBLE GRANTEE.—The term “eligible
9 grantee” means any—

- 10 (A) domestic violence program;
- 11 (B) State, tribal, or local bar association;
- 12 (C) law school clinical program;
- 13 (D) nonprofit legal service;
- 14 (E) court-based pro se program;
- 15 (F) bar association or domestic violence
16 legal information and referral service or hotline;
- 17 or
- 18 (G) State coalition of domestic violence
19 programs.

20 (3) LAW SCHOOL PROGRAM.—The term “law
21 school program” means an internship, externship,
22 clinic, or other legal representation program or ini-
23 tiative located at an accredited school of law which
24 has as its primary purpose the provision of legal rep-
25 resentation, information, or assistance to victims of

1 domestic violence directed at stopping the violence,
2 enhancing victim safety, achieving economic justice,
3 or protecting child victims of domestic violence.

4 (4) LEGAL ASSISTANCE.—The term “legal as-
5 sistance” includes—

6 (A) direct representation of and assistance
7 to victims of domestic violence in any civil ac-
8 tion, administrative proceeding, criminal case in
9 which the defendant advances a claim of duress
10 or a defense of self or other, or clemency pro-
11 ceeding, from intake through adjudication, en-
12 forcement, and appeal, directed at stopping the
13 violence, enhancing victim safety, assuring eco-
14 nomic protection and well-being, and protecting
15 child victims of domestic violence; and

16 (B) legal advocacy, including issue identi-
17 fication, safety planning, evaluating options,
18 policy analysis, representation enhancement,
19 outreach activities, accompaniment, informa-
20 tion, directories, and referral, monitoring the
21 civil and criminal justice process, and coordi-
22 nating among legal, social, and health care sys-
23 tems, offered by personnel of domestic violence
24 programs, that is directed at stopping the vio-
25 lence, enhancing victim safety, assuring eco-

1 nomic protection and well-being, or protecting
2 child victims of domestic violence.

3 (5) NONPROFIT DIRECT LEGAL SERVICES.—The
4 term “nonprofit direct legal services” means a non-
5 profit legal organization that has as its primary pur-
6 pose the provision of legal assistance persons on a
7 no-cost, sliding scale, deferred payment or fixed fee
8 basis on civil or criminal legal matters and which
9 provides specialized representation to victims of do-
10 mestic violence directed at stopping the violence, en-
11 hancing victim safety, achieving economic justice, or
12 protecting child victims of domestic violence.

13 (6) PRO BONO PROGRAM.—The term “pro bono
14 program” means a program affiliated with a State,
15 tribal, or local court, bar association, nonprofit di-
16 rect legal services organization or a domestic vio-
17 lence program that offers no-cost representation,
18 legal educational programs or information and refer-
19 ral services to victims of domestic violence directed
20 at stopping the violence, enhancing victim safety,
21 achieving economic justice, or protecting child vic-
22 tims of domestic violence.

23 (7) PRO SE PROGRAM.—The term “pro se pro-
24 gram” means a program based in a State, tribal, or
25 local court, a nonprofit direct legal services organiza-

1 tion, or a domestic violence program, in order to as-
2 sist victims of domestic violence—

3 (A) in preparation and filing of court
4 pleadings, forms, memos, proposed orders, and
5 related documents, in effecting service and in
6 representation of themselves in any civil or ad-
7 ministrative matters or proceedings directed at
8 stopping the violence, enhancing victim safety,
9 achieving economic justice, or protecting child
10 victims of domestic violence;

11 (B) to develop comprehensive safety plans;

12 and

13 (C) to offer information and referral serv-
14 ices.

15 (8) STATE.—The term “State” means the
16 States of the United States, the District of Colum-
17 bia, the Commonwealth of Puerto Rico, the Com-
18 monwealth of the Northern Mariana Islands, Guam,
19 the Virgin Islands, American Samoa, and any other
20 territory or possession of the United States.

21 (9) STATE, TRIBAL, OR LOCAL BAR ASSOCIA-
22 TION.—The term “State, tribal, or local bar associa-
23 tion” means a State, tribal, or local association of
24 attorneys of a specified geographic area whose mem-
25 bers are licensed to practice in the jurisdiction or ju-

1 jurisdictions, as applicable, and that offers informa-
2 tion, referral, or pro bono legal services to victims of
3 domestic violence related to civil actions, administra-
4 tive proceedings and criminal defense directed at
5 stopping the violence, enhancing victim safety,
6 achieving economic justice, or protecting child vic-
7 tims of domestic violence.

8 (10) STATE COALITION OF DOMESTIC VIOLENCE
9 PROGRAMS.—The term “State coalition of domestic
10 violence programs” means a statewide membership
11 organization of domestic violence programs that,
12 among other activities, provides training and tech-
13 nical assistance to domestic violence programs within
14 the State, Commonwealth, territory, or lands under
15 Federal military or tribal authority.

16 (11) TRIBAL ORGANIZATION.—The term “tribal
17 organization” means a tribally chartered organiza-
18 tion operating within the boundaries of an Indian
19 reservation whose governing body reflects the popu-
20 lations served.

21 **SEC. 134. GRANT PROGRAM.**

22 (a) GRANT AUTHORITY.—The Attorney General may
23 make grants to eligible grantees in accordance with this
24 section, which shall be used to further the health, safety,
25 and economic needs of victims of domestic violence, re-

1 regardless of the race, ethnicity, gender, sexual orientation,
2 religion, or immigration status of those victims, through
3 the provision of legal assistance to those victims.

4 (b) APPLICATION REQUIREMENTS.—

5 (1) IN GENERAL.—Subject to paragraph (2), in
6 order to receive a grant under this section, an eligi-
7 ble grantee shall—

8 (A) with respect to any eligible grantee de-
9 scribed in subparagraphs (B) through (F) of
10 section 133(4), include documentation of an on-
11 going partnership and working relationship with
12 a domestic violence program;

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

16 (C) certify in writing that—

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

22 (ii) any training program conducted in
23 satisfaction of the requirement of clause (i)
24 will be developed with input from and in

1 collaboration with a domestic violence pro-
2 gram;

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

7 (iv) the applicant agency does not re-
8 quire clients to engage in mediation or en-
9 courage mediation in domestic violence
10 cases or related civil matters;

11 (v) any person providing direct legal
12 representation or advocacy through a pro-
13 gram funded under this section has in-
14 formed the appropriate State domestic vio-
15 lence coalitions of their work and partici-
16 pates in any statewide networking among
17 legal assistance providers to victims of do-
18 mestic violence; and

19 (vi) the applicant agency's policies
20 and practices do not encourage victims to
21 seek or obtain the insurance of mutual or-
22 ders of protection.

23 (2) WAIVER.—

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

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

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

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

13 (B) APPLICATION FOR WAIVER.—An eligi-
14 ble grantee seeking a waiver under this para-
15 graph shall submit to the Attorney General an
16 application that—

17 (i) contains a certification by the ap-
18 plicant's chief executive officer or its des-
19 ignee that the applicant is seeking a waiver
20 under this paragraph; and

21 (ii) describes plans to further the pur-
22 poses as stated in paragraphs (1) through
23 (6) of subsection (c).

24 (c) PURPOSES.—Grants under this section may be
25 used to—

- 1 (1) enhance the availability and quality of legal
2 representation to victims of domestic violence in civil
3 actions, criminal defense, administrative proceed-
4 ings, and other courts;
- 5 (2) strengthen and expand legal advocacy pro-
6 grams for victims of domestic violence;
- 7 (3) encourage the development of partnerships
8 between domestic violence programs and the full
9 spectrum of legal representation and advocacy pro-
10 grams, including—
- 11 (A) private practitioners;
- 12 (B) government and public sector lawyers;
13 direct legal services programs;
- 14 (C) bar associations;
- 15 (D) legal hotlines; and
- 16 (E) clinical law school initiatives;
- 17 (4) increase the participation of the private bar
18 in pro bono and low-cost representation of and as-
19 sistance to victims of domestic violence;
- 20 (5) improve judicial and administrative han-
21 dling of cases involving victims of domestic violence;
22 and
- 23 (6) improve legal education on domestic vio-
24 lence in law schools and in continuing professional
25 education programs.

1 (d) MATCHING REQUIREMENT.—The Attorney Gen-
2 eral may not make a grant to an eligible grantee under
3 this section unless the eligible grantee agrees that, with
4 respect to the costs to be incurred by the eligible grantee
5 in carrying out the program for which the grant was
6 awarded, the State will make available (directly or through
7 donations from public or private entities) non-Federal con-
8 tributions in an amount not to exceed 20 percent of Fed-
9 eral funds provided under the grant.

10 (e) NONSUPPLANTATION.—Federal funds received
11 under this section shall be used to supplement, not sup-
12 plant, other Federal and non-Federal funds that would
13 otherwise be available for expenditure on activities de-
14 scribed in this section. Amounts made available under this
15 section may be used to fund new programs or to expand
16 or enhance existing programs.

17 **SEC. 135. PROVISION OF TECHNICAL ASSISTANCE AND**
18 **TRAINING.**

19 The Attorney General may provide, either directly or
20 through contracts or other arrangements with 1 or more
21 other entities—

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

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

4 (B) litigation support for advocates, law-
5 yers, and grantee programs, to include, but not
6 be limited to the establishment of an archive
7 and database related to trial memos, briefs, and
8 case law on civil, administrative, and criminal
9 matters on domestic violence;

10 (C) the development of materials to assist
11 in the education of legal advocates, law stu-
12 dents, and lawyers on providing services to vic-
13 tims of domestic violence and their children;

14 (D) the development of information pack-
15 ets on mentoring programs for building the ca-
16 pacity of advocates and lawyers to enhance the
17 quality of services to victims of domestic vio-
18 lence;

19 (E) the identification of promising prac-
20 tices for partnerships between direct legal serv-
21 ices programs, the private bar, and law schools
22 with domestic violence programs to enhance
23 legal advocacy and representation of victims of
24 domestic violence and their children; and the

1 development of protocols or program guidelines
2 for partnership initiatives; and

3 (F) the development of statewide databases
4 and a national clearinghouse and database re-
5 lating to the provision of advocacy and rep-
6 resentation for victims of domestic violence; and

7 (2) training to further the purpose of this sub-
8 title, including—

9 (A) training to educate legal advocates and
10 attorneys about stopping the violence, enhanc-
11 ing victim safety, achieving economic justice,
12 and protecting child victims and witnesses of
13 domestic violence, including—

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

18 (ii) the provision of site, regional, or
19 national consultations and training of ad-
20 vocates, attorneys, or law faculty on do-
21 mestic violence advocacy and representa-
22 tion; and

23 (B) training relating to—

24 (i) legal strategies and practice issues
25 in civil, administrative, and criminal cases

1 and in enforcement proceedings relating to
2 domestic violence;

3 (ii) safety planning for victims and
4 their children;

5 (iii) statutory, regulatory, and case
6 law which affect or protect victims of do-
7 mestic violence and their children;

8 (iv) coordinating efforts in civil, crimi-
9 nal, administrative, and other proceedings
10 affecting a victim of domestic violence or
11 the victim's family;

12 (v) developing partnerships for advo-
13 cacy and representation for victims of do-
14 mestic violence; and

15 (vi) creating multidisciplinary, com-
16 munity-based approaches to enhance legal
17 advocacy and representation in justice-
18 seeking efforts for victims of domestic vio-
19 lence.

20 **SEC. 136. EVALUATION.**

21 The Attorney General may evaluate the grants fund-
22 ed under this subtitle through contract or other arrange-
23 ments with 1 or more other entities that have expertise
24 in domestic violence and evaluation research.

1 **SEC. 137. FUNDING.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to carry out this subtitle—

4 (1) \$23,000,000 for fiscal year 1999;

5 (2) \$44,000,000 for fiscal year 2000; and

6 (3) \$57,000,000 for fiscal year 2001.

7 (b) ALLOCATION.—Of the amount made available to
8 carry out this subtitle in each fiscal year—

9 (1) not less than 70 percent shall be used for
10 grants for legal assistance programs under section
11 134;

12 (2) not more than 15 percent shall be used to
13 provide technical assistance and training under sec-
14 tion 135;

15 (3) not more than 5 percent shall be used for
16 evaluation under section 136;

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

19 (5) not less than 5 percent shall be used for
20 grants to tribal organizations.

21 (c) ASSISTANCE TO STATE DOMESTIC VIOLENCE
22 COALITIONS.—Any grant awarded under this subtitle to
23 a tribal organization or a State domestic violence coalition
24 shall be in addition to any assistance made available to
25 the tribal organization or State domestic violence coalition

1 under the Violence Against Women Act of 1994 or any
2 provision of law amended by that Act.

3 **Subtitle D—Conforming** 4 **Amendments**

5 **SEC. 141. LAW ENFORCEMENT AND PROSECUTION GRANTS.**

6 Part T of the Omnibus Crime Control and Safe
7 Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amend-
8 ed—

9 (1) in section 2001(b)(5), by striking “to racial,
10 cultural, ethnic, and language minorities” and in-
11 serting “to underserved populations”;

12 (2) in section 2002(d)(1), by striking subpara-
13 graph (D) and inserting the following:

14 “(D) demographic characteristics of the
15 populations to be served, including marital sta-
16 tus and the characteristics of any underserved
17 populations;”;

18 (3) in section 2003, by striking paragraph (7)
19 and inserting the following:

20 “(7) the term ‘underserved populations’ in-
21 cludes populations underserved because of race, eth-
22 nicity, age, disability, sexual orientation, religion,
23 alienage status, geographic location (including rural
24 isolation), language barriers, and any other popu-

1 lations determined to be underserved by the State
2 planning process; and”;

3 (4) in section 2004(b)(3), by striking “victim to
4 offender” and inserting “victim to offender and the
5 membership of persons served in any underserved
6 populations; and”.

7 **SEC. 142. FAMILY VIOLENCE PREVENTION AND SERVICES**

8 **ACT.**

9 (a) STATE DEMONSTRATION GRANT APPLICATION.—
10 Section 303(a)(2)(C) of the Family Violence Prevention
11 and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended
12 by striking “populations underserved because of ethnic,
13 racial, cultural, language diversity or geographic isola-
14 tion;” and inserting “populations underserved because of
15 race, ethnicity, age, disability, sexual orientation, religion,
16 alienage status, geographic location (including rural isola-
17 tion), or language barriers, and any other populations de-
18 termined by the Secretary to be underserved;”.

19 (b) STATE DOMESTIC VIOLENCE COALITION GRANT
20 ACTIVITIES.—Section 311(a)(4) (42 U.S.C. 10410(a)(4))
21 of the Family Violence Prevention and Services Act is
22 amended by striking “underserved racial, ethnic or lan-
23 guage-minority populations” and inserting “underserved
24 populations, as that term is used in section 303(a)(2)(C)”.

1 (c) NATIONAL DOMESTIC VIOLENCE HOTLINE
2 GRANT APPLICATION.—Section 316(e)(4) (42 U.S.C.
3 10416(e)(4)) is amended by striking all that follows “to
4 the provision of services” and inserting “to underserved
5 populations, as that term is used in section 303(a)(2)(C);
6 and”.

7 **Subtitle E—Battered Immigrant**
8 **Women’s Economic Security**

9 **SEC. 151. NONAPPLICABILITY OF SPECIAL RULES RELAT-**
10 **ING TO THE TREATMENT OF NON-213A**
11 **ALIENS.**

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

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

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

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

19 “(D) described in section 421(f) of the
20 Personal Responsibility and Work Opportunity
21 Reconciliation Act of 1996 (8 U.S.C. 1631(f))
22 but for the fact that the individual is a non-
23 213A alien.”.

1 **SEC. 152. DISCRETIONARY FIRST TIME OFFENDER WAIV-**
2 **ERS FOR ALIENS MAKING CHILD SUPPORT**
3 **PAYMENTS.**

4 Section 237(a)(2)(E) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding
6 at the end the following new clauses:

7 “(iii) DISCRETIONARY WAIVER OF DE-
8 PORTATION GROUND FOR FIRST OFFEND-
9 ERS PAYING COURT ORDERED CHILD SUP-
10 PORT.—At the sole and unreviewable dis-
11 cretion of the Attorney General, the Attor-
12 ney General may waive deportability of an
13 alien who is convicted under clause (i) or
14 who is a found in violation of a protection
15 order by a determination entered by a
16 court, if—

17 “(I) the conviction or finding was
18 the alien’s first conviction or violation;

19 “(II) the alien is not otherwise
20 deportable under this paragraph, un-
21 less the alien has obtained a waiver
22 available under the provisions of this
23 paragraph;

24 “(III) in the case of an alien de-
25 scribed in clause (iv); and

1 “(IV) any ongoing cohabitation
2 with the abuse victim will not be in
3 violation of any court order.

4 “(iv) COVERED ALIENS.—

5 “(I) IN GENERAL.—An alien de-
6 scribed in clause (iii)(III) is an alien
7 who—

8 “(aa) is separated from the
9 person against whom he commit-
10 ted the crime domestic violence
11 and who is—

12 “(aaa) subject to a
13 court order requiring him to
14 pay child support for any
15 children he has in common
16 with the person against
17 whom he committed the
18 crime of domestic violence;
19 and

20 “(bbb) current on all
21 child support payments due
22 under such order or is in
23 compliance with a court-ap-
24 proved payment plan; or

1 “(bb) resides in the same
2 household as the person against
3 whom he committed the crime of
4 domestic violence and who dem-
5 onstrates to the immigration
6 judge in the removal proceeding
7 that the alien has been and will
8 continue to provide adequate, on-
9 going support for the victim and
10 any children in common, if the
11 parties have children in common.

12 “(II) APPLICABLE CHILD SUP-
13 PORT GUIDELINES.—For purposes of
14 the determination of the adequacy of
15 child support provided under sub-
16 clause (I)(bb), the immigration judge
17 shall refer to the child support guide-
18 lines of the jurisdiction in which the
19 parties reside.

20 “(iv) REINSTATEMENT OF DEPOR-
21 TION GROUNDS.—Any person who obtains
22 a waiver under clause (iii) who thereafter
23 is found by a court with jurisdiction over
24 the child support matter to have failed to
25 make court-ordered child support payments

1 or failed to comply with a court-approved
2 payment plan is deportable and no further
3 waiver is available under clause (iii).”.

4 **SEC. 153. MISREPRESENTATION WAIVERS FOR BATTERED**
5 **SPOUSES OF UNITED STATES CITIZENS AND**
6 **LAWFUL PERMANENT RESIDENTS.**

7 (a) WAIVER OF INADMISSIBILITY.—Section 212(i) of
8 the Immigration and Nationality Act (8 U.S.C. 1182(i))
9 is amended—

10 (1) in paragraph (1), by inserting before the pe-
11 riod at the end the following: “or in the case of an
12 alien granted classification under section
13 204(a)(1)(A) (iii), (iv), or (v) or section
14 204(a)(1)(B) (ii) or (iii), or who qualifies for relief
15 under section 240A(b)(2) or 244(a)(3) (as in effect
16 before the date of enactment of the Illegal Immigra-
17 tion Reform and Immigrant Responsibility Act of
18 1996), the alien demonstrates extreme hardship to
19 the alien or the alien’s United States citizen or law-
20 ful permanent resident parent, child, son, or daugh-
21 ter”; and

22 (2) by adding at the end the following new
23 paragraph:

24 “(3) The Attorney General may also waive the appli-
25 cation of clause (ii) of section 212(a)(6)(C) in the case

1 of an alien who qualifies for classification under clause
2 (iii), (iv), or (v) of section 204(a)(1)(A) or clause (ii) or
3 (iii) of section 204(a)(1)(B), or who qualifies for relief
4 under section 240A(b)(2) or 244(a)(3) (as in effect before
5 the date of enactment of the Illegal Immigration Reform
6 and Immigrant Responsibility Act of 1996), for humani-
7 tarian purposes, to assure family unity, or when it is oth-
8 erwise in the public interest.”.

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

12 (1) in paragraph (1)(H)—

13 (A) in clause (ii), by striking the period
14 and inserting “; or”; and

15 (B) by inserting after clause (ii) the follow-
16 ing new clause:

17 “(iii) is an alien who qualifies for clas-
18 sification under clause (iii), (iv), or (v) of
19 section 204(a)(1)(A) or clause (ii) or (iii)
20 of section 204(a)(1)(B), or who qualifies
21 for relief under section 240A(b)(2), or
22 244(a)(3) (as in effect before the date of
23 enactment of the Illegal Immigration Re-
24 form and Immigrant Responsibility Act of
25 1996).”; and

1 (2) in paragraph (3)(D)—

2 (A) by inserting “(i) IN GENERAL.—” be-
3 fore “Any alien”; and

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

5 “(ii) WAIVER AUTHORIZED.—The At-
6 torney General may waive clause (i) in the
7 case of an alien who qualifies for classifica-
8 tion under clause (iii), (iv), or (v) of sec-
9 tion 204(a)(1)(A) or clause (ii) or (iii) of
10 section 204(a)(1)(B), or who qualifies for
11 relief under section 240(A)(b)(2), or
12 244(a)(3) (as in effect before the enact-
13 ment of the Illegal Immigration Reform
14 and Immigrant Responsibility Act of
15 1996).”.

16 **SEC. 154. PUBLIC CHARGE.**

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

20 “(E) EXCEPTION.—Subparagraph (A)
21 shall not apply to—

22 “(i) an alien who qualifies for classi-
23 fication as a spouse, parent, or child of a
24 United States citizen or lawful permanent
25 resident under clause (iii), (iv), or (v) of

1 section 204(a)(1)(A) or clause (ii) or (iii)
2 of section 204(a)(1)(B);

3 “(ii) an alien who qualifies for classi-
4 fication as the spouse or child of a United
5 States citizen or lawful permanent resident
6 under section 204(a)(1)(A)(i) or (ii) or sec-
7 tion 204(a)(1)(B)(i) and who has been bat-
8 tered or subjected to extreme cruelty; or

9 “(iii) any derivatives or immediate rel-
10 ative children of aliens under clause (i) or
11 (ii) of this subparagraph.”.

12 **SEC. 155. ACCESS TO NATURALIZATION FOR DIVORCED**
13 **VICTIMS OF ABUSE.**

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

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

22 (2) by inserting “(except in the case of a person
23 who obtained lawful permanent residence because he
24 or she was the spouse or child of a United States
25 citizen who battered or subjected him or her to ex-

1 treme cruelty)” after “has been living in marital
2 union with the citizen spouse”.

3 **SEC. 156. WORK AUTHORIZATION.**

4 The Attorney General may authorize an alien who
5 has properly filed an application for relief under sections
6 204(a)(1)(A) (iii), (iv), or (v), 204(a)(1)(B) (ii) or (iii),
7 240A(b)(2), or 244(c)(3) (as in effect before the enact-
8 ment of the Illegal Immigration Reform and Immigrant
9 Responsibility Act of 1996) of the Immigration and Na-
10 tionality Act to engage in employment in the United
11 States during the pendency of such application and may
12 provide the alien with an “employment authorized” en-
13 dorsement or other appropriate document signifying au-
14 thorization of employment. The Attorney General shall au-
15 thorize such employment in all cases in which an applica-
16 tion has been pending for a period exceeding 180 days
17 and has not been denied.

18 **SEC. 157. FILING FEES.**

19 (a) PETITIONS FOR CLASSIFICATION.—Section
20 204(a)(1)(A)(iii)(I) of the Immigration and Nationality
21 Act (8 U.S.C. 1154(a)(1)(A)(iii)(I)) is amended by adding
22 at the end the following: “No fee shall be charged for the
23 filing or processing of any application under section
24 204(a)(1) (A) (iii), (iv), or (v), or (B) (ii) or (iii), or any
25 application for work authorization or renewal thereof

1 where such applications formed the basis for the alien's
2 work authorization eligibility.”.

3 (b) CANCELLATIONS OF REMOVAL.—Section
4 240A(b)(2) of the Immigration and Nationality Act (8
5 U.S.C. 1229b) is amended by adding at the end the follow-
6 ing: “No fee shall be charged for the filing or processing
7 of any application under this subsection or any application
8 for work authorization or renewal thereof, if the applica-
9 tion forms the basis for the alien's work authorization eli-
10 gibility.”.

11 (c) SUSPENSION OF DEPORTATION.—No fee shall be
12 charged for the filing or processing of any application
13 under section 244(a)(3) of the Immigration and National-
14 ity Act (as in effect before the date of enactment of the
15 Illegal Immigration Reform and Immigrant Responsibility
16 Act of 1996), or any application for work authorization
17 or renewal thereof, if the applications forms the basis for
18 the alien's work authorization eligibility.

19 **SEC. 158. ACCESS TO FOOD STAMPS FOR QUALIFIED BAT-**
20 **TERED ALIENS.**

21 Section 402(a)(2) of the Personal Responsibility and
22 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
23 1612(a)(2)) is amended by adding at the end the follow-
24 ing:

1 “(L) FOOD STAMP EXCEPTION FOR CER-
 2 TAIN BATTERED ALIENS.—With respect to eligi-
 3 bility for benefits for the specified Federal pro-
 4 gram described in paragraph (3)(B), paragraph
 5 (1) shall not apply to any individual who has
 6 been battered or subjected to extreme cruelty
 7 (as defined under guidance issued by the Attor-
 8 ney General in accordance with section 431) in
 9 the United States and is a qualified alien under
 10 section 431(c).”.

11 **SEC. 159. ACCESS TO HOUSING FOR QUALIFIED IMMI-**
 12 **GRANTS.**

13 Section 214 of the Housing and Community Develop-
 14 ment Act of 1980 (42 U.S.C. 1436(a)) is amended by add-
 15 ing at the end the following:

16 “(j) ELIGIBILITY FOR HOUSING ASSISTANCE FOR
 17 QUALIFIED BATTERED ALIENS.—Notwithstanding any
 18 other provision of this section—

19 “(1) the restrictions on use of assisted housing
 20 by aliens under this section shall not apply to any—

21 “(A) qualified alien under subsection (b) or
 22 (c) of section 431 of the Personal Responsibility
 23 and Work Opportunity Reconciliation Act of
 24 1986 (8 U.S.C. 1641); or

1 “(B) child included in the application for
2 lawful immigration status of an alien described
3 in subparagraph (A); and

4 “(2) no private, government, or nonprofit orga-
5 nization providing shelter or services to battered
6 women or abused children receiving any Federal
7 funds shall deny, restrict, or condition assistance to
8 any applicant based on alienage.”.

9 **SEC. 160. CLARIFYING WELFARE REPORTING REQUIRE-**
10 **MENTS FOR BENEFIT APPLICANTS.**

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

13 (1) in section 411A, by adding at the end the
14 following: “Collection of information about, and in-
15 quiries into, the immigration status of an individual
16 who is a parent applying on behalf of his or her
17 child who is a United States citizen or a qualified
18 alien (as defined in section 431(b) of the Personal
19 Responsibility and Work Opportunity Reconciliation
20 Act of 1996 (8 U.S.C. 1641(b))) for assistance
21 under the State program funded under this part,
22 shall not be made if the individual is not applying
23 for benefits for themselves, whether or not the indi-
24 vidual is determined, under Federal or State law, to

1 be part of a family unit receiving assistance under
2 that program.”; and

3 (2) in section 1631(e)(9), by adding at the end
4 the following: “Collection of information about, and
5 inquiries into, the immigration status of an individ-
6 ual who is a parent applying on behalf of his or her
7 child who is a United States citizen or a qualified
8 alien (as defined in section 431(b) of the Personal
9 Responsibility and Work Opportunity Reconciliation
10 Act of 1996 (8 U.S.C. 1641(b))) for benefits under
11 this title (or for benefits supplemented by a State
12 with an agreement under section 1616), shall not be
13 made if the individual is not applying for benefits
14 for themselves, whether or not the individual is de-
15 termined, under Federal or State law, to be part of
16 a family unit receiving such benefits.”.

17 **SEC. 161. CONFORMING DEFINITION OF “FAMILY” USED IN**
18 **LAWS GRANTING WELFARE ACCESS FOR BAT-**
19 **TERED IMMIGRANTS TO STATE FAMILY LAW.**

20 Section 431(c) of the Personal Responsibility and
21 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
22 1641(c)) is amended—

23 (1) in paragraph (1)(A), by striking “by a
24 spouse or a parent, or by a member of the spouse
25 or parent’s family residing in the same household as

1 the alien and the spouse or parent consented to, or
2 acquiesced in, such battery or cruelty,” and insert-
3 ing “by a spouse, parent, son, or daughter, or by
4 any individual having a relationship with the alien
5 covered by the civil or criminal domestic violence
6 statutes of the State or Indian country where the
7 alien resides, or the State or Indian country in
8 which the alien, the alien’s child, or the alien child’s
9 parents received a protection order, or by any indi-
10 vidual against whom the alien could obtain a protec-
11 tion order,”; and

12 (2) in paragraph (2)(A), by striking “by a
13 spouse or parent of the alien (without the active par-
14 ticipation of the alien in the battery or cruelty), or
15 by a member of the spouse or parent’s family resid-
16 ing in the same household as the alien and the
17 spouse or parent consented or acquiesced to such
18 battery or cruelty,” and inserting “by a spouse, par-
19 ent, son or daughter of the alien (without the active
20 participation of the alien in the battery or cruelty)
21 or by any person having a relationship with the alien
22 covered by the civil or criminal domestic violence
23 statutes of the State or Indian country where the
24 alien resides, or the State or Indian country in
25 which the alien, the alien’s child or the alien child’s

1 parent received a protection order, or by any individ-
 2 ual against whom the alien could obtain a protection
 3 order,”.

4 **SEC. 162. ENSURING THAT BATTERED IMMIGRANTS MAY**
 5 **CONTINUE TO RECEIVE FOOD STAMPS AND**
 6 **SSI USING THEIR ABUSIVE SPOUSE’S QUALI-**
 7 **FYING QUARTERS.**

8 Section 435 of the Personal Responsibility and Work
 9 Opportunity Reconciliation Act of 1996 (8 U.S.C. 1645)
 10 is amended in paragraph (2) by striking “and the alien
 11 remains married to such spouse or such spouse is de-
 12 ceased” and inserting “if such spouse is deceased or if
 13 the alien remains married to such spouse (except that
 14 qualified aliens covered by section 431(c) may continue
 15 after divorce to count the qualifying quarters worked by
 16 their spouse during the marriage)”.

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

19 **SEC. 201. FINDINGS.**

20 Congress makes the following findings:

- 21 (1) Victims of crime and their families suffer
 22 from crime and its effects on a daily basis.
- 23 (2) Domestic crime against adults accounts for
 24 approximately 15 percent of total crime costs in the
 25 United States each year.

1 (3) Violence against women has been reported
2 to be the leading cause of physical injury to women.
3 It has a devastating impact on women's physical and
4 emotional health and financial security.

5 (4) The Department of Justice estimates that
6 intimate partners commit more than 1,000,000 vio-
7 lent crimes against women every year.

8 (5) Employees in the United States who have
9 been victims of crime too often suffer adverse con-
10 sequences in the workplace as a result of their expe-
11 riences as victims of crime.

12 (6) Victims of crime are particularly vulnerable
13 to changes in employment, pay, and benefits as a re-
14 sult of their victimizations, and are, therefore, in
15 need of legal protection.

16 (7) The prevalence of violence against women at
17 work is dramatic. Homicide is the leading cause of
18 death for women on the job. Eight percent of all
19 rapes occur in the workplace. Women who are vic-
20 tims of violent workplace crimes are twice as likely
21 as men to know their attackers. Husbands, boy-
22 friends, and ex-partners commit 15 percent of work-
23 place homicides against women. One study found
24 that three-quarters of battered women who work
25 were harassed by telephone by their abuser at work.

1 (8) Nearly 50 percent of rape victims lose their
2 employment or are forced to quit their jobs following
3 the crime. One quarter of battered women surveyed
4 have lost a job due in part to the effects of domestic
5 violence.

6 (9) The availability of economic support is a
7 critical factor in the ability of battered women to
8 leave abusive situations that threaten them and their
9 children. Over half of battered women surveyed
10 stayed with their batterers because they lacked re-
11 sources to support themselves and their children.

12 (10) According to the National Institute of Jus-
13 tice, crime costs an estimated \$450,000,000,000 an-
14 nually in medical expenses, lost earnings, social serv-
15 ice costs, pain, suffering, and reduced quality of life
16 for victims, all of which harm our Nation's produc-
17 tivity and drain our Nation's resources. Violent
18 crime accounts for \$426,000,000,000 of this
19 amount.

20 (11) Rape exacts the highest costs-per-victim of
21 any criminal offense, an estimated total of
22 \$127,000,000,000 per year. Recent governmental es-
23 timates indicate that between 300,000 and 600,000
24 rapes and sexual assaults occur annually in the
25 United States.

1 (12) Other violent offenses take unacceptably
2 high tolls on the economy as well, including assault
3 (\$93,000,000,000), murder (\$71,000,000,000),
4 drunk driving (excluding fatalities)
5 (\$61,000,000,000), and child abuse
6 (\$56,000,000,000).

7 (13) Violent crime results in wage losses equiv-
8 alent to 1 percent of all American earnings, causes
9 3 percent of the Nation's medical spending and 14
10 percent of injury-related medical spending.

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

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

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

22 (17) Forty-nine percent of senior executives re-
23 cently surveyed said domestic violence has a harmful
24 effect on their company's productivity, 47 percent
25 said domestic violence negatively affects attendance,

1 and 44 percent said domestic violence increases
2 health care costs.

3 (18) Only 12 States have enacted statutes for-
4 bidding employers from taking adverse action
5 against employees who have been victims of crime
6 and must participate in the criminal justice process
7 during working hours. No State explicitly protects
8 crime victims from other adverse action which may
9 result from their experiences and status as crime
10 victims.

11 (19) Existing Federal law neither expressly au-
12 thorizes battered women to take leave from work to
13 seek legal assistance and redress, counseling, or as-
14 sistance with safety planning activities nor does it
15 protect crime victims from retaliation, discharge, or
16 other workplace penalties that may result from their
17 experiences and status as crime victims.

1 **Subtitle A—National Clearinghouse**
2 **on Domestic Violence and Sex-**
3 **ual Assault in the Workplace**
4 **Grant**

5 **SEC. 211. NATIONAL CLEARINGHOUSE ON DOMESTIC VIO-**
6 **LENCE AND SEXUAL ASSAULT IN THE WORK-**
7 **PLACE GRANT.**

8 (a) **AUTHORITY.**—The Attorney General may make
9 a grant in accordance with this section to a private, non-
10 profit entity that meets the requirements of subsection (b),
11 including a nonprofit entity operating within the bound-
12 aries of an Indian reservation, in order to provide for the
13 establishment and operation of a national clearinghouse
14 and resource center to provide information and assistance
15 to employers and labor organizations in their efforts to
16 develop and implement appropriate responses to assist vic-
17 tims of domestic violence and sexual assault.

18 (b) **GRANTEES.**—Each applicant for a grant under
19 this section shall submit to the Attorney General an appli-
20 cation, which shall—

21 (1) demonstrate that the applicant—

22 (A) has a nationally recognized expertise in
23 the area of domestic violence and sexual assault
24 and a record of commitment and quality re-

1 sponses to reduce domestic violence and sexual
2 assault; and

3 (B) will provide matching funds from non-
4 Federal sources in an amount equal to not less
5 than 10 percent of the total amount of the
6 grant under this section; and

7 (2) include a plan to maximize, to the extent
8 practicable, outreach to employers (including private
9 companies, as well as public entities such as univer-
10 sities, and State and local governments) in develop-
11 ing and implementing appropriate responses to as-
12 sist employees who are victims of domestic violence
13 and sexual assault.

14 (c) USE OF GRANT AMOUNT.—A grant under this
15 section may be used for staff salaries, travel expenses,
16 equipment, printing, and other reasonable expenses nec-
17 essary to assemble, maintain, and disseminate to employ-
18 ers and labor organizations information on and appro-
19 priate responses to domestic violence and sexual assault,
20 including—

21 (1) training to promote a better understanding
22 of appropriate assistance to victims;

23 (2) conferences;

24 (3) outreach counseling;

1 (4) development of protocols and model work-
2 place policies;

3 (5) coordination of victim services; and

4 (6) assessments of the workplace costs of do-
5 mestic violence and sexual assault.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$500,000 for each of fiscal years 1999 through 2003.

9 **Subtitle B—Victims’ Employment**
10 **Rights**

11 **SEC. 221. SHORT TITLE.**

12 This subtitle may be cited as the “Victims’ Employ-
13 ment Rights Act”.

14 **SEC. 222. PURPOSES.**

15 The purposes of this subtitle are, pursuant to the af-
16 firmative power of Congress to enact legislation under sec-
17 tion 5 of the 14th amendment to the Constitution, as well
18 as under the portion of section 8 of article I of the Con-
19 stitution relating to regulation of commerce among the
20 several States—

21 (1) to promote the national interest in ensuring
22 that victims and survivors of domestic violence, sex-
23 ual assault, and stalking can recover from and cope
24 with the effects of those crimes and participate in
25 the criminal and civil justice processes without fear

1 of adverse economic consequences from their employ-
2 ers;

3 (2) to minimize the negative impact on inter-
4 state commerce from dislocations of employees and
5 decreases in productivity that may arise when em-
6 ployees are victimized by those crimes;

7 (3) to promote the purposes of the 14th amend-
8 ment by addressing the failure of existing laws to
9 protect the employment rights of victims of domestic
10 violence, sexual assault, and stalking and by further-
11 ing the right of domestic violence, sexual assault,
12 and stalking victims to employment free from dis-
13 crimination; and

14 (4) to accomplish the purposes described in
15 paragraphs (1), (2), and (3) in a manner that ac-
16 commodates the legitimate interests of employers
17 and protects the safety of all persons in the work-
18 place.

19 **SEC. 223. DEFINITIONS.**

20 In this subtitle:

21 (1) **EMPLOYEE.**—

22 (A) **IN GENERAL.**—The term “employee”
23 means any person employed by an employer. In
24 the case of an individual employed by a public
25 agency, such term means an individual em-

1 employed as described in section 3(e) of the Fair
2 Labor Standards Act of 1938 (29 U.S.C.
3 203(e)).

4 (B) BASIS.—The term includes a person
5 employed as described in subparagraph (A) on
6 a full- or part-time basis, for a fixed time pe-
7 riod, on a temporary basis, pursuant to a detail,
8 as an independent contractor, or as a partici-
9 pant in a work assignment as a condition of re-
10 ceipt of Federal or State income-based public
11 assistance.

12 (2) EMPLOYER.—The term “employer”—

13 (A) means any person engaged in com-
14 merce or in any industry or activity affecting
15 commerce who employs individuals; and

16 (B) includes any person acting directly or
17 indirectly in the interest of an employer in rela-
18 tion to an employee, and includes a public agen-
19 cy, but does not include any labor organization
20 (other than when acting as an employer) or
21 anyone acting in the capacity of officer or agent
22 of such labor organization.

23 (3) PERSON.—The term “person” means an in-
24 dividual, partnership, association, corporation, busi-

1 ness trust, legal representative, or any organized
2 group of individuals.

3 (4) PUBLIC AGENCY.—The term “public agen-
4 cy” has the meaning given the term in section 3 of
5 the Fair Labor Standards Act of 1938 (29 U.S.C.
6 203).

7 **SEC. 224. PROHIBITED DISCRIMINATORY ACTS.**

8 An employer shall not fail or refuse to hire or dis-
9 charge any individual, or otherwise discriminate against
10 any individual with respect to compensation, terms, condi-
11 tions, or privileges of employment, of the individual (in-
12 cluding retaliation in any form or manner) because the
13 individual—

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

16 (2) attended, participated in, or prepared for,
17 or requested leave to attend, participate in, or pre-
18 pare for a criminal or civil court proceeding relating
19 to a crime of domestic violence, sexual assault, or
20 stalking of which the employee was a victim; or

21 (3) requested an adjustment to a job structure
22 or workplace facility, including a transfer, reassign-
23 ment, or modified schedule, leave, a changed tele-
24 phone number or seating assignment, or installation
25 of a lock or implementation of a safety procedure, in

1 response to actual or threatened domestic violence,
2 sexual assault, or stalking, regardless of whether the
3 request was granted.

4 **SEC. 225. ENFORCEMENT.**

5 (a) CIVIL ACTION BY EMPLOYEES.—

6 (1) LIABILITY.—Any employer who violates sec-
7 tion 224 shall be liable to any eligible employee af-
8 fected—

9 (A) for damages equal to the amount of
10 wages, salary, employment benefits (as defined
11 in section 101 of the Family and Medical Leave
12 Act of 1993 (29 U.S.C. 2611)), or other com-
13 pensation denied to or lost by such employee by
14 reason of the violation, and the interest on that
15 amount calculated at the prevailing rate;

16 (B) compensatory damages, including but
17 not limited to future pecuniary losses, emotional
18 pain, suffering, inconvenience, mental anguish,
19 loss of enjoyment or life, and other nonpecu-
20 niary losses;

21 (C) such punitive damages, up to 3 times
22 the amount of actual damages sustained, as the
23 finder of fact described in paragraph (2) shall
24 determine to be appropriate; and

1 (D) for such equitable relief as may be ap-
2 propriate, including employment, reinstatement,
3 and promotion.

4 (2) RIGHT OF ACTION.—An action to recover
5 the damages or equitable relief prescribed in para-
6 graph (1) may be maintained against any employer
7 (including a public agency) in any Federal or State
8 court of competent jurisdiction by any 1 or more
9 employees.

10 (b) ACTION BY DEPARTMENT OF JUSTICE.—The At-
11 torney General may bring a civil action in any Federal
12 or State court of competent jurisdiction to recover the
13 damages described in subsection (a)(1).

14 **SEC. 226. ATTORNEY'S FEES.**

15 Section 722(b) of the Revised Statutes (42 U.S.C.
16 1988(b)) is amended in the last sentence, by inserting
17 “the Victims’ Employment Rights Act,” after “title VI of
18 the Civil Rights Act of 1964,”.

19 **Subtitle C—Workplace Violence**
20 **Against Women Prevention Tax**
21 **Credit**

22 **SEC. 231. SHORT TITLE.**

23 This subtitle may be cited as the “Workplace Vio-
24 lence Against Women Prevention Tax Credit Act”.

1 **SEC. 232. CREDIT FOR COSTS TO EMPLOYERS OF IMPLE-**
 2 **MENTING WORKPLACE SAFETY PROGRAMS**
 3 **TO COMBAT VIOLENCE AGAINST WOMEN.**

4 (a) IN GENERAL.—Subpart D of part IV of sub-
 5 chapter A of chapter 1 of the Internal Revenue Code of
 6 1986 is amended by adding at the end the following:

7 **“SEC. 45D. WORKPLACE SAFETY PROGRAM CREDIT.**

8 “(a) IN GENERAL.—For purposes of section 38, the
 9 workplace safety program credit determined under this
 10 section for the taxable year is, for any employer, an
 11 amount equal to 40 percent of the violence against women
 12 safety and education costs paid or incurred by such em-
 13 ployer during the taxable year.

14 “(b) DEFINITIONS.—In this section:

15 “(1) VIOLENCE AGAINST WOMEN SAFETY AND
 16 EDUCATION COST.—

17 “(A) IN GENERAL.—The term ‘violence
 18 against women safety and education cost’
 19 means any cost certified by the Attorney Gen-
 20 eral to the Secretary as being for the purpose
 21 of—

22 “(i) ensuring the safety of employees
 23 from violent crimes against women,

24 “(ii) providing assistance to employees
 25 and the spouses and dependents of employ-

1 ees with respect to violent crimes against
2 women,

3 “(iii) providing legal or medical serv-
4 ices to employees and the spouses and de-
5 pendents of employees subjected to, or at
6 risk from, violent crimes against women,

7 “(iv) educating employees about the
8 issue of violent crimes against women, or

9 “(v) implementing human resource or
10 personnel policies initiated to protect em-
11 ployees from violent crimes against women
12 or to support employees who have been vic-
13 tims of violent crimes against women.

14 “(B) TYPES OF COSTS.—Such term in-
15 cludes costs certified by the Attorney General to
16 the Secretary as being for the purpose of—

17 “(i) the hiring of new security person-
18 nel in order to address violent crimes
19 against women,

20 “(ii) the creation of buddy systems or
21 escort systems for walking employees to
22 parking lots, parked cars, subway stations,
23 or bus stops, in order to address violent
24 crimes against women,

1 “(iii) the purchase or installation of
2 new security equipment, including surveil-
3 lance equipment, lighting fixtures, cardkey
4 access systems, and identification systems,
5 in order to address violent crimes against
6 women,

7 “(iv) the establishment of an employee
8 assistance line or other employee assist-
9 ance services, in order to address violent
10 crimes against women, for the use of indi-
11 vidual employees, including counseling or
12 referral services undertaken in consultation
13 and coordination with national, State, or
14 local domestic violence and sexual assault
15 coalitions or programs,

16 “(v) the retention of an attorney to
17 provide legal services to employees seeking
18 restraining orders or other legal recourse
19 from violent crimes against women,

20 “(vi) the establishment of medical
21 services addressing the medical needs of
22 employees who are victims of violent crimes
23 against women,

24 “(vii) the retention of a financial ex-
25 pert or an accountant to provide financial

1 counseling to employees seeking to escape
2 from violent crimes against women,

3 “(viii) the establishment of an edu-
4 cation program for employees, consisting of
5 seminars or training sessions about violent
6 crimes against women undertaken in con-
7 sultation and coordination with national,
8 State, or local domestic violence and sexual
9 assault coalitions or programs,

10 “(ix) studies of the cost, impact, or
11 extent of violent crimes against women at
12 the employer’s place of business, if such
13 studies are made available to the public
14 and protect the identity of employees in-
15 cluded in the study,

16 “(x) the publication of a regularly dis-
17 seminated newsletter or other regularly
18 disseminated educational materials about
19 violent crimes against women,

20 “(xi) the implementation of leave poli-
21 cies for the purpose of allowing or accom-
22 modating the needs of victims of violent
23 crimes against women to pursue legal re-
24 dress against assailants, including leave
25 from work to attend meetings with attor-

1 neys, to give evidentiary statements or
2 depositions, and to attend hearings or
3 trials in court,

4 “(xii) the implementation of flexible
5 work policies for the purpose of allowing or
6 accommodating the needs of employees
7 who are victims of violent crimes against
8 women, or employees at risk with respect
9 to such crimes, to avoid assailants,

10 “(xiii) the implementation of transfer
11 policies for the purpose of allowing or ac-
12 commodating the needs of employees sub-
13 jected to violent crimes against women to
14 change office locations within the company
15 in order to avoid assailants or to allow the
16 transfer of an employee who has per-
17 petrated violent crimes against women in
18 order to protect the victim, including pay-
19 ment of costs for the transfer and reloca-
20 tion of an employee to another city, coun-
21 ty, State, or country for the purpose of
22 maintaining an employee’s safety from vio-
23 lent crimes against women, or

1 “(xiv) the provision of any of the serv-
2 ices described in clauses (iv) through (viii)
3 to the spouses or dependents of employees.

4 “(C) NOTIFICATION OF POSSIBLE TAX
5 CONSEQUENCES.—In no event shall any cost for
6 goods or services which may be included in the
7 income of any employee receiving or benefiting
8 from such goods or services be treated as a vio-
9 lence against women safety and education cost
10 unless the employer notifies the employee in
11 writing of the possibility of such inclusion.

12 “(2) VIOLENT CRIMES AGAINST WOMEN.—

13 “(A) IN GENERAL.—The term ‘violent
14 crimes against women’ includes sexual assault
15 and domestic violence.

16 “(B) DOMESTIC VIOLENCE.—The term
17 ‘domestic violence’ has the meaning given the
18 term in section 2 of the Battered Women’s Eco-
19 nomic Security Act.

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

22 “(i) means any conduct proscribed by
23 chapter 109A of title 18, United States
24 Code, whether or not the conduct occurs in
25 the special maritime and territorial juris-

1 diction of the United States or in a Fed-
2 eral prison; and

3 “(ii) includes both assaults committed
4 by offenders who are strangers to the vic-
5 tim and assaults committed by offenders
6 who are known to the victim or related by
7 blood or marriage to the victim.

8 “(3) EMPLOYEE AND EMPLOYER.—

9 “(A) PARTNERS AND PARTNERSHIPS.—
10 The term ‘employee’ includes a partner and the
11 term ‘employer’ includes a partnership.

12 “(B) RELATED PERSONS.—Persons shall
13 be treated as related to each other if such per-
14 sons are treated as a single employer under
15 subsection (a) or (b) of section 52.

16 “(c) COORDINATION WITH OTHER PROVISIONS.—No
17 credit or deduction shall be allowed under any other provi-
18 sion of this title for any amount for which a credit is al-
19 lowed under this section.”.

20 (b) TREATMENT AS GENERAL BUSINESS CREDIT.—

21 (1) IN GENERAL.—Subsection (b) of section 38
22 of such Code (relating to general business credit) is
23 amended by striking “plus” at the end of paragraph
24 (11), by striking the period at the end of paragraph

1 (12) and inserting “, plus”, and by adding at the
2 end the following:

3 “(13) the workplace safety program credit de-
4 termined under section 45D.”.

5 (2) TRANSITIONAL RULE FOR CARRYBACKS.—
6 Subsection (d) of section 39 of such Code (relating
7 to transitional rules) is amended by adding at the
8 end the following:

9 “(9) NO CARRYBACK OF SECTION 45D CREDIT
10 BEFORE EFFECTIVE DATE.—No portion of the un-
11 used business credit for any taxable year which is
12 attributable to the workplace safety program credit
13 determined under section 45D may be carried back
14 to a taxable year beginning on or before the date of
15 enactment of section 45D.”.

16 (3) DEDUCTION FOR UNUSED CREDITS.—Sub-
17 section (c) of section 196 of such Code (relating to
18 deduction for certain unused business credits) is
19 amended by striking “and” at the end of paragraph
20 (6), by striking the period at the end of paragraph
21 (7) and inserting “, and”, and by adding at the end
22 the following:

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

1 (c) CREDIT NOT A DEFENSE IN LEGAL ACTIONS.—
 2 The allowance of a credit under section 45D of the Inter-
 3 nal Revenue Code of 1986 (as added by this subtitle) shall
 4 not absolve employers of their responsibilities under any
 5 other law and shall not be construed as a defense to any
 6 legal action (other than legal action by the Secretary of
 7 the Treasury under such Code).

8 (d) CLERICAL AMENDMENT.—The table of sections
 9 for subpart D of part IV of subchapter A of chapter 1
 10 of such Code is amended by adding at the end the follow-
 11 ing:

“Sec. 45D. Workplace safety program credit.”.

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

14 **SEC. 241. SHORT TITLE AND REFERENCE.**

15 (a) SHORT TITLE.—This subtitle may be cited as the
 16 “Battered Women’s Employment Protection Act”.

17 (b) REFERENCE.—Except as otherwise expressly pro-
 18 vided, whenever in this subtitle an amendment or repeal
 19 is expressed in terms of an amendment to, or repeal of,
 20 a section or other provision, the reference shall be consid-
 21 ered to be made to that section or other provision of the
 22 Family and Medical Leave Act of 1993 (29 U.S.C. 2601
 23 et seq.).

1 **SEC. 242. PURPOSES.**

2 The purposes of this subtitle are, pursuant to the af-
3 firmative power of Congress to enact legislation under sec-
4 tion 5 of the 14th amendment to the Constitution, as well
5 as under the portions of section 8 of article I of the Con-
6 stitution relating to providing for the general welfare and
7 to regulation of commerce among the several States—

8 (1) to promote the national interest in reducing
9 domestic violence by enabling victims of domestic vi-
10 olence to maintain the financial independence nec-
11 essary to leave abusive situations, to achieve safety
12 and minimize the physical and emotional injuries
13 from domestic violence, and to reduce the devastat-
14 ing economic consequences of domestic violence to
15 employers and employees, by—

16 (A) providing unemployment insurance for
17 victims of domestic violence who are forced to
18 leave their employment as a result of domestic
19 violence; and

20 (B) entitling employed victims of domestic
21 violence to take reasonable leave under the
22 Family and Medical Leave Act of 1993 (29
23 U.S.C. 2601 et seq.) to seek medical help, legal
24 assistance, counseling, and safety planning and
25 assistance without penalty from their employ-
26 ers;

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

6 (3) to minimize the negative impact on inter-
7 state commerce from dislocations of employees and
8 harmful effects on productivity, health care costs,
9 and employer costs, caused by domestic violence; and

10 (4) to accomplish the purposes described in
11 paragraphs (1), (2), and (3) in a manner that ac-
12 commodates the legitimate interests of employers.

13 **SEC. 243. UNEMPLOYMENT COMPENSATION.**

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

16 (1) in subsection (a)—

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

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

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

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

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

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

4 “(g) CONSTRUCTION.—

5 “(1) IN GENERAL.—For purposes of subsection
6 (a)(20), 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 authorized by section 102 of the Fam-
23 ily and Medical Leave Act of 1993 to address
24 domestic violence and its effects; 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)(20), 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, clerical, 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)(20), 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 coping with domestic vio-
25 lence.

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)(20) may
7 require the employee to provide—

8 “(A) a written statement describing the
9 domestic violence and its effects;

10 “(B) documentation of the domestic vio-
11 lence, such as, but not limited to, police or
12 court records, or documentation from a shelter
13 worker or an employee of a domestic violence
14 program, an attorney, a clergy member, or a
15 medical or other professional from whom the
16 employee has sought assistance in addressing
17 domestic violence and its effects; or

18 “(C) other corroborating evidence, such as,
19 but not limited to, a statement from any other
20 individual with knowledge of the circumstances
21 which provide the basis for the claim, or phys-
22 ical evidence of domestic violence, such as pho-
23 tographs, torn or bloody clothes, or other dam-
24 aged property.

1 All evidence of domestic violence experienced by an
2 employee, including an employee’s statement, any
3 corroborating evidence, and the fact that an em-
4 ployee has applied for or inquired about unemploy-
5 ment compensation available by reason of subsection
6 (a)(20) shall be retained in the strictest confidence
7 of such State unemployment agency, except to the
8 extent the disclosure is requested, or consented to,
9 by the employee for the purpose of protecting the
10 employee or her family member’s safety or assisting
11 in documenting domestic violence for a court or
12 agency.”.

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

18 “(4) Such methods of administration as will en-
19 sure that claims reviewers and hearing personnel are
20 adequately trained in the nature and dynamics of
21 domestic violence and in methods of ascertaining
22 and keeping confidential information about possible
23 experiences of domestic violence, so that employee
24 separations stemming from domestic violence are re-
25 liably screened, identified, and adjudicated, and full

1 confidentiality is provided for the employee’s claim
2 and submitted evidence.”.

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

6 “(u) DOMESTIC VIOLENCE.—The term ‘domestic vio-
7 lence’ has the meaning given the term in section 2 of the
8 Battered Women’s Economic Security Act.”.

9 **SEC. 244. ENTITLEMENT TO LEAVE FOR ADDRESSING DO-**
10 **MESTIC VIOLENCE FOR NON-FEDERAL EM-**
11 **PLOYEES.**

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

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

18 “(A) experiencing domestic violence;

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

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

1 “(D) attending support groups for victims
2 of domestic violence;

3 “(E) obtaining psychological counseling re-
4 lated to experiences of domestic violence;

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

9 “(G) participating in any other activity ne-
10 cessitated by domestic violence that must be un-
11 dertaken during the hours of employment in-
12 volved.

13 “(15) DOMESTIC VIOLENCE.—The term ‘domes-
14 tic violence’ has the meaning given the term in sec-
15 tion 2 of the Battered Women’s Economic Security
16 Act.”.

17 (b) LEAVE REQUIREMENT.—Section 102 (29 U.S.C.
18 2612) is amended—

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

21 “(E) In order to care for the son, daugh-
22 ter, or parent of the employee, if such son,
23 daughter, or parent is addressing domestic vio-
24 lence and its effects.

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

5 (2) in subsection (b), by adding at the end the
6 following:

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

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

18 (c) CERTIFICATION.—Section 103 (29 U.S.C. 2613)
19 is amended—

20 (1) in the title of the section, by inserting be-
21 fore the period the following: “; **CONFIDENTIAL-**
22 **ITY**”; and

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

24 “(f) DOMESTIC VIOLENCE.—In determining if an em-
25 ployee meets the requirements of subparagraph (E) or (F)

1 of section 102(a)(1), the employer of an employee may re-
2 quire the employee to provide—

3 “(1) a written statement describing the domes-
4 tic violence and its effects;

5 “(2) documentation of the domestic violence in-
6 volved, such as, but not limited to, a police or court
7 record, or documentation from a shelter worker, at-
8 torney, member of the clergy, or medical or other
9 professional from whom the employee has sought as-
10 sistance in addressing domestic violence and its ef-
11 fects; or

12 “(3) other corroborating evidence, such as, but
13 not limited to, a statement from any other individual
14 with knowledge of the circumstances that provide
15 the basis for the claim of domestic violence, or phys-
16 ical evidence of domestic violence, such as a photo-
17 graph, torn or bloody clothing, or any other dam-
18 aged property.

19 “(g) CONFIDENTIALITY.—All evidence provided to
20 the employer under subsection (f) of domestic violence ex-
21 perience by an employee or the son, daughter, or parent
22 of an employee, including a statement of an employee, any
23 other documentation or corroborating evidence, and the
24 fact that an employee has requested leave for the purpose
25 of addressing, or caring for a son, daughter, or parent who

1 is addressing, domestic violence and its effects, shall be
 2 retained in the strictest confidence by the employer, except
 3 to the extent that disclosure is consented to, or requested
 4 by the employee for the purpose of—

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

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

10 **SEC. 245. ENTITLEMENT TO LEAVE FOR ADDRESSING DO-**
 11 **MESTIC VIOLENCE FOR FEDERAL EMPLOY-**
 12 **EES.**

13 (a) DEFINITIONS.—Section 6381 of title 5, United
 14 States Code, is amended—

15 (1) at the end of paragraph (5), by striking
 16 “and”;

17 (2) in paragraph (6), by striking the period and
 18 inserting a semicolon; and

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

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

22 “(A) experiencing domestic violence;

23 “(B) seeking medical attention for or re-
 24 covering from injuries caused by domestic vio-
 25 lence;

1 “(C) seeking legal assistance or remedies,
2 including communicating with the police or an
3 attorney, or participating in any legal proceed-
4 ing, related to domestic violence;

5 “(D) attending support groups for victims
6 of domestic violence;

7 “(E) obtaining psychological counseling re-
8 lated to experiences of domestic violence;

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

13 “(G) 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; and

17 “(8) the term ‘domestic violence’ has the mean-
18 ing given the term in section 2 of the Battered
19 Women’s Economic Security Act.”.

20 (b) LEAVE REQUIREMENT.—Section 6382 of title 5,
21 United States Code, is amended—

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

24 “(E) In order to care for the son, daughter, or
25 parent of the employee, if such son, daughter, or

1 parent is addressing domestic violence and its ef-
2 fects.

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

7 (2) in subsection (b), by adding at the end the
8 following:

9 “(3) DOMESTIC VIOLENCE.—Leave under sub-
10 paragraph (E) or (F) of subsection (a)(1) may be
11 taken by an employee intermittently or on a reduced
12 leave schedule. The taking of leave intermittently or
13 on a reduced leave schedule pursuant to this para-
14 graph shall not result in a reduction in the total
15 amount of leave to which the employee is entitled
16 under subsection (a) beyond the amount of leave ac-
17 tually taken.”; and

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

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

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

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

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

5 “(1) a written statement describing the domes-
6 tic violence and its effects;

7 “(2) documentation of the domestic violence in-
8 volved, such as a police or court record, or docu-
9 mentation from a shelter worker, attorney, member
10 of the clergy, or medical or other professional from
11 whom the employee has sought assistance in ad-
12 dressing domestic violence and its effects; or

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

19 “(g) All evidence provided to the employing agency
20 under subsection (f) of domestic violence experienced by
21 an employee or the son, daughter, or parent of an em-
22 ployee, including a statement of an employee, any other
23 documentation or corroborating evidence, and the fact
24 that an employee has requested leave for the purpose of
25 addressing, or caring for a son, daughter, or parent who

1 is addressing, domestic violence and its effects, shall be
 2 retained in the strictest confidence by the employing agen-
 3 cy, except to the extent that disclosure is—

4 “(1) consented to by the employee for the pur-
 5 pose of protecting the safety of the employee or a co-
 6 worker of the employee; or

7 “(2) requested by the employee to document do-
 8 mestic violence for a court or agency.”.

9 **SEC. 246. EXISTING LEAVE USABLE FOR DOMESTIC VIO-**
 10 **LENCE.**

11 (a) DEFINITIONS.—In this section:

12 (1) ADDRESSING DOMESTIC VIOLENCE AND ITS
 13 EFFECTS.—The term “addressing domestic violence
 14 and its effects” has the meaning given the term in
 15 section 101 of the Family and Medical Leave Act of
 16 1993 (29 U.S.C. 2611), as amended in section
 17 244(a).

18 (2) EMPLOYEE.—The term “employee” means
 19 any person employed by an employer. In the case of
 20 an individual employed by a public agency, such
 21 term means an individual employed as described in
 22 section 3(e) of the Fair Labor Standards Act of
 23 1938 (29 U.S.C. 203(e)).

24 (3) EMPLOYER.—The term “employer”—

1 (A) means any person engaged in com-
2 merce or in any industry or activity affecting
3 commerce who employs individuals, if such per-
4 son is also subject to the Family and Medical
5 Leave Act of 1993 (29 U.S.C. 2601 et seq.) or
6 to any provision of a State or local law, collec-
7 tive bargaining agreement, or employment bene-
8 fits program or plan, addressing paid or unpaid
9 leave from employment (including family, medi-
10 cal, sick, annual, personal, or similar leave);
11 and

12 (B) includes any person acting directly or
13 indirectly in the interest of an employer in rela-
14 tion to any employee, and includes a public
15 agency, who is subject to a law, agreement, pro-
16 gram, or plan described in subparagraph (A),
17 but does not include any labor organization
18 (other than when acting as an employer) or
19 anyone acting in the capacity of officer or agent
20 of such labor organization.

21 (4) EMPLOYMENT BENEFITS.—The term “em-
22 ployment benefits” has the meaning given the term
23 in section 101 of the Family and Medical Leave Act
24 of 1993 (29 U.S.C. 2611).

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

5 (6) PUBLIC AGENCY.—The term “public agen-
6 cy” has the meaning given the term in section 3 of
7 the Fair Labor Standards Act of 1938 (29 U.S.C.
8 203).

9 (b) USE OF EXISTING LEAVE.—An employee who is
10 entitled to take paid or unpaid leave (including family,
11 medical, sick, annual, personal, or similar leave) from em-
12 ployment, pursuant to State or local law, a collective bar-
13 gaining agreement, or an employment benefits program or
14 plan, shall be permitted to use such leave for the purpose
15 of addressing domestic violence and its effects, or for the
16 purpose of caring for a son or daughter or parent of the
17 employee, if such son or daughter or parent is addressing
18 domestic violence and its effects.

19 (c) CERTIFICATION.—In determining whether an em-
20 ployee qualifies to use leave as described in subsection (b),
21 an employer may require documentation of domestic vio-
22 lence or corroborating evidence consistent with section
23 103(f) of the Family and Medical Leave Act of 1993 (29
24 U.S.C. 2613(f)), as amended by section 244(c).

1 (d) CONFIDENTIALITY.—All evidence provided to the
 2 employer under subsection (c) of domestic violence experi-
 3 enced by an employee or the son or daughter or parent
 4 of the employee, including a statement of an employee,
 5 any other documentation or corroborating evidence, and
 6 the fact that the employee has requested leave for the pur-
 7 pose of addressing, or caring for a son or daughter or par-
 8 ent who is addressing, domestic violence and its effects,
 9 shall be retained in the strictest confidence by the em-
 10 ployer, except to the extent that disclosure is—

11 (1) consented to by the employee for the pur-
 12 pose of protecting the safety of the employee or a co-
 13 worker of the employee; or

14 (2) requested by the employee to assist in docu-
 15 menting domestic violence for a court or agency.

16 (e) PROHIBITED ACTS.—

17 (1) INTERFERENCE WITH RIGHTS.—

18 (A) EXERCISE OF RIGHTS.—It shall be un-
 19 lawful for any employer to interfere with, re-
 20 strain, or deny the exercise of or the attempt to
 21 exercise, any right provided under this section.

22 (B) DISCRIMINATION.—It shall be unlaw-
 23 ful for any employer to discharge or in any
 24 other manner discriminate against an individual

1 for opposing any practice made unlawful by this
2 section.

3 (2) INTERFERENCE WITH PROCEEDINGS OR IN-
4 QUIRIES.—It shall be unlawful for any person to dis-
5 charge or in any other manner discriminate against
6 any individual because such individual—

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

10 (B) has given, or is about to give, any in-
11 formation in connection with any inquiry or
12 proceeding relating to any right provided under
13 this section; or

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

17 (f) ENFORCEMENT.—

18 (1) PUBLIC ENFORCEMENT.—The Secretary of
19 Labor shall have the powers set forth in subsections
20 (b), (c), (d), and (e) of section 107 of the Family
21 and Medical Leave Act of 1993 (29 U.S.C. 2617)
22 for the purpose of public agency enforcement of any
23 alleged violation of subsection (e) against any em-
24 ployer.

1 (2) PRIVATE ENFORCEMENT.—The remedies
2 and procedures set forth in subsection (a) of section
3 107 of the Family and Medical Leave Act of 1993
4 shall be the remedies and procedures pursuant to
5 which an employee may initiate a legal action
6 against an employer for alleged violations of sub-
7 section (e).

8 (3) REFERENCES.—For purposes of paragraph
9 (1) and (2), references in section 107 of the Family
10 and Medical Leave Act of 1993 to section 105 of
11 such Act shall be considered to be references to sub-
12 section (e).

13 (4) EMPLOYER LIABILITY UNDER OTHER
14 LAWS.—Nothing in this section shall be construed to
15 limit the liability of an employer to an employee for
16 harm suffered relating to the employee’s experience
17 of domestic violence pursuant to any other Federal
18 or State law, including a law providing for a legal
19 remedy.

20 **SEC. 247. EFFECT ON OTHER LAWS AND EMPLOYMENT BEN-**
21 **EFITS.**

22 (a) MORE PROTECTIVE LAWS, AGREEMENTS, PRO-
23 GRAMS, AND PLANS.—Nothing in this subtitle or the
24 amendments made by this subtitle shall be construed to
25 supersede any provision of any Federal, State, or local

1 law, collective bargaining agreement, or other employment
 2 benefits program or plan that provides greater unemploy-
 3 ment compensation or leave benefits for employed victims
 4 of domestic violence than the rights established under this
 5 subtitle or such amendments.

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

12 **SEC. 248. EFFECTIVE DATE.**

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

17 (b) UNEMPLOYMENT COMPENSATION.—

18 (1) IN GENERAL.—Except as provided in para-
 19 graph (2), the amendments made by section 243
 20 shall apply in the case of compensation paid for
 21 weeks beginning on or after the expiration of 180
 22 days from the date of enactment of this Act.

23 (2) MEETING OF STATE LEGISLATURE.—

24 (A) IN GENERAL.—If the Secretary of
 25 Labor identifies a State as requiring a change

1 to its statutes or regulations in order to comply
2 with the amendments made by section 243, the
3 amendments made by section 243 shall apply in
4 the case of compensation paid for weeks begin-
5 ning after the earlier of—

6 (i) the date the State changes its stat-
7 utes or regulations in order to comply with
8 the amendments made by this section; or

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

15 except that in no case shall the amendments
16 made by this Act apply before the date that is
17 180 days after the date of enactment of this
18 Act.

19 (B) SESSION DEFINED.—In this para-
20 graph, the term “session” means a regular, spe-
21 cial, budget, or other session of a State legisla-
22 ture.

1 **Subtitle E—Battered Women’s**
2 **Shelters and Services**

3 **SEC. 251. SHORT TITLE.**

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

6 **SEC. 252. AUTHORIZATION OF APPROPRIATIONS FOR FAM-**
7 **ILY VIOLENCE PREVENTION AND SERVICES.**

8 (a) REAUTHORIZATION.—Section 310(a) of the Fam-
9 ily Violence Prevention and Services Act (42 U.S.C.
10 10409(a)) is amended to read as follows:

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

13 “(1) \$120,000,000 for fiscal year 1999;

14 “(2) \$160,000,000 for fiscal year 2000;

15 “(3) \$200,000,000 for fiscal year 2001; and

16 “(4) \$260,000,000 for each of fiscal years 2002
17 and 2003.”.

18 (b) INFORMATION AND TECHNICAL ASSISTANCE
19 CENTERS.—Section 310(c) of the Family Violence Preven-
20 tion and Services Act (42 U.S.C. 10409(c)) is amended
21 by inserting before “5 percent shall” the following: “the
22 lesser of \$7,500,000 and”.

23 (c) FUNDS FOR STATE DOMESTIC VIOLENCE COALI-
24 TIONS.—Section 310(d) of the Family Violence Prevention
25 and Services Act (42 U.S.C. 10409(d)) is amended—

1 mentation, including memoranda of understanding, of the
 2 specific involvement of the State domestic violence coali-
 3 tion and other knowledgeable individuals and interested
 4 organizations, in the development of the State applica-
 5 tion.”.

6 (b) ALLOTMENT OF FUNDS.—Section 304 of the
 7 Family Violence Prevention and Services Act (42 U.S.C.
 8 10403) is amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph

11 (1)—

12 (i) by inserting after “grant author-
 13 ized under section 303(a)” the following:
 14 “\$500,000, with the remaining funds to be
 15 allotted to each State in”; and

16 (ii) by striking “such sums” and in-
 17 serting “such remaining funds”;

18 (B) by striking “except that—” and all
 19 that follows through “(2)” and inserting “ex-
 20 cept that”; and

21 (C) by striking all after paragraph (2); and

22 (2) in subsection (d)—

23 (A) in paragraph (1), by inserting before
 24 the period the following: “, in proportion to the

1 original allotments made to the States for such
2 year”;

3 (B) by redesignating paragraph (2) as
4 paragraph (3); and

5 (C) by inserting before paragraph (3) the
6 following:

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

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

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

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

23 “(B) the amount allotted to an entity under
24 section 311 has not been made available to such en-
25 tity in grants under section 311 because of the fail-

1 ure of such entity to meet the requirements for a
2 grant or because a limitation on expenditure has
3 been reached, the Secretary shall—

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

9 “(ii) make the allotments and grants in
10 proportion to the original allotments and grants
11 made to the States, tribes, and organizations
12 under sections 303 and 304 for such year; and

13 “(C) the entire portion of such sums that is
14 made available for grants under section 308 has not
15 been distributed to entities described in section 308
16 in grants because of the failure of 1 or more of the
17 entities to meet the requirements for such a grant
18 or because a limitation on expenditure has been
19 reached, the Secretary shall—

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

1 “(ii) make the allotments and grants in
2 proportion to the original allotments and grants
3 made to the States, tribes, and organizations
4 under sections 303 and 304 for such year.”.

5 (c) INFORMATION AND TECHNICAL ASSISTANCE
6 CENTERS.—Section 308 of the Family Violence Preven-
7 tion and Services Act (42 U.S.C. 10407) is amended—

8 (1) in subsection (a)(2)—

9 (A) by adding “on providing information,
10 training, and technical assistance” after “focus-
11 ing”; and

12 (B) by adding at the end the following:
13 “From such amounts, the Secretary may award
14 grants to private nonprofit organizations for
15 technical assistance and training initiatives in
16 the subject areas identified in subsection (c), if
17 such initiatives do not duplicate the activities of
18 the entities funded under subsection (c) and if
19 the total amounts awarded for such initiatives
20 do not exceed \$500,000.”;

21 (2) in subsection (c)—

22 (A) in the matter preceding paragraph
23 (1)—

24 (i) by inserting “on emerging issues
25 concerning domestic violence service, pre-

1 vention, or law” after “service providers,”;
2 and

3 (ii) by striking “of domestic violence
4 service, prevention, or law” after “follow-
5 ing areas”; and

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

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

10 “(9) Improving access to services, information,
11 and training, concerning domestic violence, within
12 Indian tribes and Indian tribal agencies.

13 “(10) Responding to such emerging issues in
14 fields concerning domestic violence as the Secretary
15 may identify in consultation with advocates for local
16 entities carrying out domestic violence programs that
17 provide shelter or related assistance, State domestic
18 violence coalitions, and national domestic violence
19 organizations.”;

20 (3) in subsection (e)—

21 (A) by inserting before “Not” the follow-
22 ing:

23 “(1) REPORTS AFTER RECEIPT.—”; and

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

25 “(2) REPORT BY GRANT RECIPIENTS.—

1 “(A) IN GENERAL.—Not later than 90
2 days after the date of enactment of section 320,
3 each recipient of a grant under this section
4 shall prepare and submit to the Secretary a re-
5 port that evaluates the effectiveness of the use
6 of amounts received under such grant by the re-
7 cipient and containing such other information
8 as the Secretary may prescribe.

9 “(B) NOTICE AND PUBLIC COMMENT.—Be-
10 fore renewing any grant under this section, the
11 Secretary shall publish in the Federal Register
12 a copy of each report submitted under subpara-
13 graph (A) and provide not less than 90 days for
14 notice and opportunity for public comment on
15 the published report.”; and

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

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

21 (d) MODEL LEADERSHIP GRANTS; DIRECT EMER-
22 GENCY ASSISTANCE; TECHNICAL ASSISTANCE AND
23 TRAINING.—Title III of the Family Violence Prevention
24 and Services Act (42 U.S.C. 10401 et seq.), is further
25 amended by adding at the end the following:

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

4 “(a) GRANTS.—

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

9 “(2) LIMITATIONS.—In awarding grants under
10 paragraph (1), the Secretary shall award grants to
11 not more than 10 State domestic violence coalitions
12 and to not more than 10 local entities that carry out
13 domestic violence programs providing shelter or re-
14 lated assistance.

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

17 “(A) assessing the needs of underserved
18 populations in the State involved;

19 “(B) building collaborative relationships
20 between the grant recipients and community-
21 based organizations serving underserved popu-
22 lations; and

23 “(C) developing and implementing model
24 community intervention strategies to decrease
25 the incidence of domestic violence in under-
26 served populations.

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

4 “(b) ELIGIBILITY.—

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

8 “(A) submit to the Secretary an applica-
9 tion containing an acceptable plan for assessing
10 the needs of underserved populations for the
11 model community intervention strategies de-
12 scribed in subsection (a)(3), and identifying a
13 specific population for development of such an
14 intervention strategy, in the first year of the
15 grant; and

16 “(B) demonstrate to the Secretary inclu-
17 sion of representatives from community-based
18 organizations in underserved communities in
19 planning, designing, and disseminating the
20 needs assessment under subparagraph (A).

21 “(2) CONTINUED ELIGIBILITY.—To be eligible
22 for continued funding for not more than 2 additional
23 years through a grant awarded under subsection
24 (a)(1), a recipient of funding for the initial year

1 shall submit to the Secretary an application contain-
2 ing—

3 “(A) a plan for implementing the interven-
4 tion strategy, and specifying the collaborative
5 relationships with community-based organiza-
6 tions serving the identified underserved popu-
7 lations to be supported under the grant; and

8 “(B) a plan for disseminating the interven-
9 tion strategy throughout the State and, at the
10 option of the recipient, to other States, in the
11 third year of the grant.

12 “(c) PRIORITY FOR COLLABORATIVE FUNDING.—

13 “(1) IN GENERAL.—In awarding grants under
14 subsection (a)(1), the Secretary shall give priority to
15 State domestic violence coalitions, and local entities
16 that carry out domestic violence programs, that sub-
17 mit applications in collaboration with community-
18 based organizations serving underserved populations.

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

23 “(d) DEFINITION.—The term ‘underserved popu-
24 lation’ has the meaning given the term in section 2003

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

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

5 “(a) IN GENERAL.—The Secretary shall award
6 grants to State domestic violence coalitions for the pur-
7 pose of enabling the coalitions to provide emergency assist-
8 ance, through an emergency assistance fund administered
9 by the coalitions, for victims of domestic violence.

10 “(b) USE OF FUNDS.—

11 “(1) PROVISION OF ASSISTANCE.—A State do-
12 mestic violence coalition that receives a grant under
13 subsection (a) may use funds received through the
14 grant only to provide emergency assistance—

15 “(A) directly to victims of domestic vio-
16 lence who are in the process of fleeing an abu-
17 sive situation; or

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

22 “(2) EMERGENCY ASSISTANCE.—Emergency as-
23 sistance provided with such funds may include trans-
24 portation, housing, and payment of other expenses
25 associated with relocation.

1 “(c) APPLICATION.—To be eligible to receive a grant
2 under subsection (a), a State domestic violence coalition
3 shall submit to the Secretary an application at such time,
4 in such manner, and containing such information as the
5 Secretary may require, including—

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

9 “(2) a detailed description of the process that
10 the coalition will use for notifying entities that carry
11 out domestic violence programs described in sub-
12 section (b)(2) about the availability of emergency as-
13 sistance under this section;

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

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

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

4 “(d) REPORTS.—The State domestic violence coali-
5 tion shall annually prepare and submit to the Secretary
6 a report describing the distribution of emergency assist-
7 ance to victims of domestic violence under this section,
8 analyzing the distribution by type and amount of assist-
9 ance provided. For reasons of safety and confidentiality,
10 such reports shall not contain information that allows the
11 identification of individual victims.

12 **“SEC. 321. TECHNICAL ASSISTANCE AND TRAINING FOR**
13 **STATE AND LOCAL DOMESTIC VIOLENCE**
14 **PROGRAMS.**

15 “(a) IN GENERAL.—The Secretary shall award
16 grants to State domestic violence coalitions for the pur-
17 pose of providing training and technical assistance for
18 State domestic violence coalitions and other nonprofit,
19 nongovernmental entities carrying out State and local do-
20 mestic violence programs.

21 “(b) USE OF FUNDS.—A State domestic violence coa-
22 lition that receives a grant under subsection (a) shall use
23 funds received through the grant to develop and imple-
24 ment regional training and technical assistance initiatives
25 within a region served by a regional office of the Depart-

1 ment of Health and Human Services. In implementing the
2 initiatives, the coalition shall use the funds to prioritize,
3 plan, and implement solutions to regional problems experi-
4 enced by State domestic violence coalitions, and entities
5 carrying out domestic violence programs providing shelter
6 or related assistance, within the region.

7 “(c) COLLABORATIVE EFFORTS.—To the extent
8 practicable, the coalition shall implement the initiatives in
9 collaboration with domestic violence advocates and organi-
10 zations operating outside of the region, and with the na-
11 tional resource center and special issue resource centers
12 established in section 308, in order to obtain the expertise
13 of the advocates, organizations, and centers in delivering
14 training and technical assistance within the region.

15 “(d) ELIGIBILITY.—To be eligible to receive a grant
16 under subsection (a), a State domestic violence coalition
17 shall—

18 “(1) be a nonprofit, nongovernmental State do-
19 mestic violence coalition;

20 “(2) demonstrate to the Secretary that a major-
21 ity of State domestic violence coalitions within the
22 region to be served support the selection of the coal-
23 ition to receive the grant; and

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

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

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

10 “(g) REPORTS.—The State domestic violence coali-
 11 tion shall annually prepare and submit to the Secretary
 12 a report describing the entities receiving training and tech-
 13 nical assistance from the coalition under this section, and
 14 the type of technical assistance and training received.”.

15 **TITLE III—PROTECTIONS FOR**
 16 **VICTIMS OF DOMESTIC VIO-**
 17 **LENCE UNDER PROGRAMS**
 18 **AUTHORIZED UNDER THE SO-**
 19 **CIAL SECURITY ACT**

20 **SEC. 301. SOCIAL SECURITY NUMBER CHANGES FOR VIC-**
 21 **TIMS OF DOMESTIC VIOLENCE.**

22 Section 205(c)(2)(B) of the Social Security Act (42
 23 U.S.C. 405(c)(2)(B)) is amended by adding at the end the
 24 following:

1 “(iv)(I) The Commissioner of Social Security shall re-
2 view a request from an individual who is a victim of do-
3 mestic violence to change the individual’s social security
4 account number assigned in accordance with this para-
5 graph in order to protect the individual or any dependent
6 children of the individual from a risk or threat of further
7 domestic violence, including incidents of stalking. Any in-
8 dividual who submits a request for a change in their social
9 security number on the basis of domestic violence shall in-
10 clude corroborating evidence such as physical evidence, po-
11 lice or other law enforcement records, court documents,
12 medical, mental health or counseling records, government
13 agency records, penal system records, or documentation
14 from domestic violence program personnel, attorneys,
15 members of the clergy, or other professionals who have
16 provided assistance to the individual. Law enforcement or
17 court advocacy organizations shall verify that an individ-
18 ual who submits a request in accordance with this sub-
19 clause is a victim of domestic violence.

20 “(II) Not later than 180 days after the date that a
21 request described in subclause (I) is verified as having
22 been submitted by a victim of domestic violence, the Com-
23 missioner shall grant the request unless the Commissioner
24 determines that changing the individual’s social security
25 account number is not necessary to protect the individual

1 or any dependent children of the individual. The Commis-
2 sioner shall bear the burden of proof for making such a
3 determination.

4 “(III) The Commissioner may not deny a request to
5 change a social security number in accordance with this
6 clause without cause. The Commissioner shall provide an
7 individual whose request is denied with an explanation for
8 the denial.”.

9 **SEC. 302. WAIVERS FOR VICTIMS OF DOMESTIC VIOLENCE**

10 **UNDER THE TANF PROGRAM.**

11 (a) FINDINGS.—Congress finds that—

12 (1) the intent of Congress in amending part A
13 of title IV of the Social Security Act (42 U.S.C. 601
14 et seq.) in section 103(a) of the Personal Respon-
15 sibility and Work Opportunity Reconciliation Act of
16 1996 (Public Law 104–193; 110 Stat 2112) was to
17 allow States to take into account the effects of the
18 epidemic of domestic violence in establishing their
19 welfare programs, by giving States the flexibility to
20 grant individual, temporary waivers for good cause
21 to victims of domestic violence who meet the criteria
22 set forth in section 402(a)(7)(B) of the Social Secu-
23 rity Act (42 U.S.C. 602(a)(7)(B));

24 (2) the allowance of waivers under such sections
25 was not intended to be limited by other, separate,

1 and independent provisions of part A of title IV of
2 the Social Security Act (42 U.S.C. 601 et seq.);

3 (3) under section 402(a)(7)(A)(iii) of such Act
4 (42 U.S.C. 602(a)(7)(A)(iii)), requirements under
5 the temporary assistance for needy families program
6 under part A of title IV of such Act may, for good
7 cause, be waived for so long as necessary; and

8 (4) good cause waivers granted pursuant to sec-
9 tion 402(a)(7)(A)(iii) of such Act (42 U.S.C.
10 602(a)(7)(A)(iii)) are intended to be temporary and
11 directed only at particular program requirements
12 when needed on an individual case-by-case basis, and
13 are intended to facilitate the ability of victims of do-
14 mestic violence to move forward and meet program
15 requirements when safe and feasible without inter-
16 ference by domestic violence.

17 (b) CLARIFICATION OF WAIVER PROVISIONS.—

18 (1) IN GENERAL.—Section 402(a)(7) of the So-
19 cial Security Act (42 U.S.C. 602(a)(7)) is amended
20 by adding at the end the following:

21 “(C) NO NUMERICAL LIMITS.—In imple-
22 menting this paragraph, a State shall not be
23 subject to any numerical limitation in the
24 granting of good cause waivers under subpara-
25 graph (A)(iii).

1 “(D) WAIVERED INDIVIDUALS NOT IN-
2 CLUDED FOR PURPOSES OF CERTAIN OTHER
3 PROVISIONS OF THIS PART.—Any individual to
4 whom a good cause waiver of compliance with
5 this Act has been granted in accordance with
6 subparagraph (A)(iii) shall not be included for
7 purposes of determining a State’s compliance
8 with the participation rate requirements set
9 forth in section 407, for purposes of applying
10 the limitation described in section
11 408(a)(7)(C)(ii), or for purposes of determining
12 whether to impose a penalty under paragraph
13 (3), (5), or (9) of section 409(a).

14 “(E) SECRETARIAL REVIEW.—If, but for
15 subparagraph (D), a State would fail to comply
16 with the participation rate requirements set
17 forth in section 407, exceed the limitation de-
18 scribed in section 408(a)(7)(C)(ii), or have a
19 penalty imposed under paragraph (3), (5), or
20 (9) of section 409(a), the Secretary may review
21 the good cause waivers granted by a State
22 under subparagraph (A)(iii) to determine
23 whether the State has granted such waivers
24 pursuant to a determination of good cause, and
25 may revoke any waivers that the Secretary

1 finds were not granted in accordance with the
2 requirements of this paragraph.”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) takes effect as if it had been in-
5 cluded in the enactment of section 103(a) of the
6 Personal Responsibility and Work Opportunity Rec-
7 onciliation Act of 1996 (Public Law 104–193; 110
8 Stat. 2112).

9 **SEC. 303. DISCLOSURE PROTECTIONS UNDER THE CHILD**
10 **SUPPORT PROGRAM.**

11 (a) FEDERAL PARENT LOCATOR SERVICE.—Section
12 453 of the Social Security Act (42 U.S.C. 653), as amend-
13 ed by section 5534 of the Balanced Budget Act of 1997
14 (Public Law 105–33; 111 Stat. 627), is amended—

15 (1) in subsection (b)(2)—

16 (A) in the matter preceding subparagraph
17 (A), by inserting “, or that the health, safety,
18 or liberty or a parent or child would by unrea-
19 sonably put at risk by the disclosure of such in-
20 formation,” before “provided that”;

21 (B) in subparagraph (A), by inserting “,
22 that the health, safety, or liberty or a parent or
23 child would be unreasonably put at risk by the
24 disclosure of such information,” before “and
25 that information”; and

1 (C) in subparagraph (B)(i), by striking “be
2 harmful to the parent or the child” and insert-
3 ing “place the health, safety, or liberty of a par-
4 ent or child unreasonably at risk”; and

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

8 (b) STATE PLAN REQUIREMENTS.—Section 454(26)
9 of the Social Security Act (42 U.S.C. 654), as amended
10 by section 5552 of the Balanced Budget Act of 1997
11 (Public Law 105–33; 111 Stat. 635), is amended—

12 (1) in subparagraph (C), by striking “result in
13 physical or emotional harm to the party or the
14 child” and inserting “place the health, safety, or lib-
15 erty of a parent or child unreasonably at risk”;

16 (2) in subparagraph (D), by striking “of domes-
17 tic violence or child abuse against a party or the
18 child and that the disclosure of such information
19 could be harmful to the party or the child” and in-
20 sserting “that the health, safety, or liberty of a par-
21 ent or child would be unreasonably put at risk by
22 the disclosure of such information”; and

23 (3) in subparagraph (E), by striking “of domes-
24 tic violence” and all that follows through the semi-
25 colon and inserting “that the health, safety, or lib-

1 erty of a parent or child would be unreasonably put
 2 at risk by the disclosure of such information pursu-
 3 ant to section 453(b)(2), the court shall determine
 4 whether disclosure to any other person or persons of
 5 information received from the Secretary could place
 6 the health, safety, or liberty of a parent or child un-
 7 reasonably at risk (if the court determines that dis-
 8 closure to any other person could be harmful, the
 9 court and its agents shall not make any such disclo-
 10 sure);”.

11 (c) EFFECTIVE DATE.—The amendments made by
 12 this section shall take effect as if included in the enact-
 13 ment of the Balanced Budget Act of 1997 (Public Law
 14 105–33; 111 Stat. 251).

15 **SEC. 304. BONUS TO BUILD REAL OPPORTUNITIES FOR**
 16 **POOR FAMILIES.**

17 Section 403(a) of the Social Security Act (42 U.S.C.
 18 603(a)) is amended by adding at the end the following:

19 “(6) BUILDING OPPORTUNITIES BONUS.—

20 “(A) IN GENERAL.—The Secretary shall
 21 make a grant pursuant to this paragraph to
 22 each State for each bonus year for which the
 23 State is a high performing State.

24 “(B) AMOUNT OF GRANT.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), the Secretary shall determine the
3 amount of the grant payable under this
4 paragraph to a high performing State for
5 a bonus year, which shall be based on the
6 score assigned to the State under subpara-
7 graph (D)(i) for the fiscal year that imme-
8 diately precedes the bonus year.

9 “(ii) LIMITATION.—The amount pay-
10 able to a State under this paragraph for a
11 bonus year shall not exceed 5 percent of
12 the State family assistance grant and shall
13 be used to address the issues set forth in
14 subparagraph (C).

15 “(C) CRITERIA FOR MEASURING STATE
16 PERFORMANCE.—Not later than 1 year after
17 the date of enactment of this paragraph, the
18 Secretary, in consultation with the National
19 Governor’s Association and the Institute for
20 Women’s Policy Research, shall develop criteria
21 for measuring State performance in operating
22 the State program funded under this part in
23 addressing the following issues as they relate to
24 the ability of recipients of assistance under the

1 State program to become economically self-suf-
2 ficient:

3 “(i) CHILD CARE.—Whether States
4 are—

5 “(I) ensuring an adequate supply
6 of safe, accessible, appropriate, and
7 quality child care slots;

8 “(II) helping women identify and
9 place children in safe, accessible, ap-
10 propriate, and quality child care;

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

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

17 “(V) increasing access to safe,
18 accessible, appropriate, and quality
19 child care by making child care sub-
20 sidies available to recipients of assist-
21 ance under the State program funded
22 under this part and families that earn
23 up to 85 percent of the State’s me-
24 dian income;

1 “(VI) collaborating with State
2 child care resource and referral agen-
3 cies and child care development ex-
4 perts in developing and implementing
5 child care programs and policies; and

6 “(VII) collaborating with State
7 domestic violence coalitions to address
8 the child care needs of families af-
9 fected by domestic violence.

10 “(ii) EMPLOYMENT.—Whether States
11 are—

12 “(I) providing education and
13 training for recipients of assistance
14 under the State program under this
15 part in employment that pays a sus-
16 tainable wage, such as apprenticeable,
17 technical, and professional occupa-
18 tions, and nontraditional employment;

19 “(II) placing such recipients in
20 employment that pays a sustainable
21 wage, such as apprenticeable, tech-
22 nical, and professional occupations,
23 and nontraditional employment;

24 “(III) retaining such recipients in
25 employment that pays a sustainable

1 wage, such as apprenticeable, tech-
2 nical, and professional occupations,
3 and nontraditional employment;

4 “(IV) providing career develop-
5 ment assistance including job readi-
6 ness training, reliable, up-to-date ca-
7 reer counseling services, and employ-
8 ability assessments on available em-
9 ployment that pays a sustainable
10 wage, such as nontraditional training
11 and education options and employ-
12 ment opportunities to all women en-
13 tering welfare-to-work programs, in-
14 cluding programs established under
15 title I of the Workforce Investment
16 Act of 1998; and

17 “(V) utilizing resources available
18 under title I of the Workforce Invest-
19 ment Act of 1998 to support State ef-
20 forts on education, training, place-
21 ment, and retention under subpara-
22 graphs I through IV.

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

1 “(I) in collaboration with State
2 domestic violence coalitions, imple-
3 menting substantive programs ad-
4 dressing domestic violence as an im-
5 pediment to women’s work and edu-
6 cation, such as demonstration and
7 model projects, programs placing do-
8 mestic violence advocates in welfare
9 offices, and programs providing em-
10 ployment and support services for vic-
11 tims of domestic violence that will
12 reach a substantial number of bat-
13 tered women;

14 “(II) in collaboration with State
15 domestic violence coalitions, adopting
16 and implementing the option under
17 the State plan relating to domestic vi-
18 olence set forth in section 402(a)(7);

19 “(III) in collaboration with State
20 domestic violence coalitions, requiring
21 training on domestic violence for case
22 workers for the State program funded
23 under this part;

24 “(IV) in collaboration with State
25 domestic violence coalitions, requiring

1 training on domestic violence for job
2 training, education, and job placement
3 programs that are contracted by the
4 State program funded under this part
5 and requiring that such programs im-
6 plement strategies and programs to
7 support victims of domestic violence in
8 the workplace;

9 “(V) conducting outreach to em-
10 ployers of recipients of assistance to
11 ensure that employers are aware of
12 and are implementing strategies and
13 programs to support victims of domes-
14 tic violence in the workplace; and

15 “(VI) conducting public edu-
16 cation on domestic violence.

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

19 For each bonus year, the Secretary shall—

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

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

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

8 “(II) the total amount of grants
9 to be made under this paragraph for
10 all bonus years equals
11 \$1,000,000,000.

12 “(E) DEFINITIONS.—As used in this para-
13 graph:

14 “(i) BONUS YEAR.—The term ‘bonus
15 year’ means fiscal years 2001, 2002, 2003,
16 2004, and 2005.

17 “(ii) CHILD CARE.—The term ‘child
18 care’ means all programs and arrange-
19 ments utilized by parents for the care of
20 children from birth through age 14, and
21 for the care of children who are older than
22 age 14 and have special needs, including
23 day care services provided by centers, fam-
24 ily day care, group family day care, infor-

1 mal care, after hours care, and before- and
2 after-school programs.

3 “(iii) DOMESTIC VIOLENCE.—The
4 term ‘domestic violence’ has the meaning
5 given the term in section 2 of the Battered
6 Women’s Economic Security Act.

7 “(iv) HIGH PERFORMANCE STATE.—
8 The term ‘high performance State’ means,
9 with respect to a bonus year, an eligible
10 State whose score assigned pursuant to
11 subparagraph (D)(i) for the fiscal year im-
12 mediately preceding the bonus year equals
13 or exceeds the performance threshold pre-
14 scribed under subparagraph (D)(ii) for
15 such preceding fiscal year.

16 “(v) SUSTAINABLE WAGE.—The term
17 ‘sustainable wage’ means a wage that is at
18 least 185 percent above the poverty line
19 and that takes into account costs related
20 to employment such as Federal, State, and
21 local taxes, child care, transportation, food,
22 and shelter costs for a particular geo-
23 graphic area.

24 “(vi) NONTRADITIONAL EMPLOY-
25 MENT.—The term ‘nontraditional employ-

1 ment’ means occupations in which women
2 comprise 25 percent or less of total work-
3 ers.

4 “(vii) POVERTY LINE.—The term
5 ‘poverty line’ has the meaning given such
6 term in section 673(2) of the Community
7 Services Block Grant Act (42 U.S.C.
8 9902(2)), including any revision required
9 by such section.

10 “(F) APPROPRIATION.—Out of any money
11 in the Treasury of the United States not other-
12 wise appropriated, there are appropriated for
13 fiscal years 2001 through 2005,
14 \$1,000,000,000 for grants under this para-
15 graph.”.

○