

Calendar No. 676

106TH CONGRESS
2D SESSION

S. 2787

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

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2000

Mr. BIDEN (for himself, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, Mr. KENNEDY, Mr. SPECTER, Mr. KOHL, Mr. ROTH, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Ms. SNOWE, Mr. SCHUMER, Mr. DEWINE, Mrs. MURRAY, Mr. ASHCROFT, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. LAUTENBERG, Mr. SANTORUM, Mr. REID, Ms. COLLINS, Mr. REED, Mrs. HUTCHISON, Mr. DODD, Mr. L. CHAFEE, Mr. KERRY, Mr. ALLARD, Ms. MIKULSKI, Mr. ROBB, Mr. WELLSTONE, Mr. SARBANES, Mr. DASCHLE, Mr. BRYAN, Mr. SMITH of Oregon, Mr. JOHNSON, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. LEVIN, Mr. BYRD, Mr. CLELAND, Mr. DORGAN, Mr. EDWARDS, Mr. HOLLINGS, Mr. BREAUX, Mr. KERREY, Mr. HARKIN, Mr. BAYH, Mr. GRAHAM, Mr. BAUCUS, Mrs. BOXER, Mr. FEINGOLD, Mr. ROCKEFELLER, Mrs. LINCOLN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 12, 2000

Reported by Mr. HATCH, without amendment

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Violence Against Women Act of 2000”.

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.
- Sec. 3. Accountability and oversight.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE
 VIOLENCE AGAINST WOMEN

- Sec. 101. Full faith and credit enforcement of protection orders.
- Sec. 102. Role of courts.
- Sec. 103. Reauthorization of STOP grants.
- Sec. 104. Reauthorization of grants to encourage arrest policies.
- Sec. 105. Reauthorization of rural domestic violence and child abuse enforce-
 ment grants.
- Sec. 106. National stalker and domestic violence reduction.
- Sec. 107. Amendments to domestic violence and stalking offenses.
- Sec. 108. Grants to reduce violent crimes against women on campus.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

- Sec. 201. Legal assistance for victims.
- Sec. 202. Shelter services for battered women and children.
- Sec. 203. Transitional housing assistance for victims of domestic violence.
- Sec. 204. National domestic violence hotline.
- Sec. 205. Federal victims counselors.
- Sec. 206. Study of State laws regarding insurance discrimination against vic-
 tims of violence against women.
- Sec. 207. Study of workplace effects from violence against women.
- Sec. 208. Study of unemployment compensation for victims of violence against
 women.
- Sec. 209. Enhancing protections for older women from domestic violence and
 sexual assault.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

- Sec. 301. Safe havens for children pilot program.
- Sec. 302. Reauthorization of runaway and homeless youth grants.
- Sec. 303. Reauthorization of victims of child abuse programs.
- Sec. 304. Report on effects of parental kidnapping laws in domestic violence
 cases.

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

- Sec. 401. Education and training in appropriate responses to violence against women.
- Sec. 402. Rape prevention and education.
- Sec. 403. Education and training to end violence against and abuse of women with disabilities.
- Sec. 404. Community initiatives.
- Sec. 405. Development of research agenda identified by the Violence Against Women Act of 1994.

TITLE V—BATTERED IMMIGRANT WOMEN

- Sec. 501. Short title.
- Sec. 502. Findings and purposes.
- Sec. 503. Improved access to immigration protections of the Violence Against Women Act of 1994 for battered immigrant women.
- Sec. 504. Improved access to cancellation of removal and suspension of deportation under the Violence Against Women Act of 1994.
- Sec. 505. Offering equal access to immigration protections of the Violence Against Women Act of 1994 for all qualified battered immigrant self-petitioners.
- Sec. 506. Restoring immigration protections under the Violence Against Women Act of 1994.
- Sec. 507. Remedying problems with implementation of the immigration provisions of the Violence Against Women Act of 1994.
- Sec. 508. Technical correction to qualified alien definition for battered immigrants.
- Sec. 509. Access to Cuban Adjustment Act for battered immigrant spouses and children.
- Sec. 510. Access to the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children.
- Sec. 511. Access to the Haitian Refugee Fairness Act of 1998 for battered spouses and children.
- Sec. 512. Access to services and legal representation for battered immigrants.

TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST
FUND

- Sec. 601. Extension of Violent Crime Reduction Trust Fund.

1 SEC. 2. DEFINITIONS.

2 In this Act—

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

1 (2) the term “sexual assault” has the meaning
2 given the term in section 2003 of title I of the Om-
3 nibus Crime Control and Safe Streets Act of 1968
4 (42 U.S.C. 3796gg-2).

5 **SEC. 3. ACCOUNTABILITY AND OVERSIGHT.**

6 (a) **REPORT BY GRANT RECIPIENTS.**—The Attorney
7 General or Secretary of Health and Human Services, as
8 applicable, shall require grantees under any program au-
9 thorized or reauthorized by this Act or an amendment
10 made by this Act to report on the effectiveness of the ac-
11 tivities carried out with amounts made available to carry
12 out that program, including number of persons served, if
13 applicable, numbers of persons seeking services who could
14 not be served and such other information as the Attorney
15 General or Secretary may prescribe.

16 (b) **REPORT TO CONGRESS.**—The Attorney General
17 or Secretary of Health and Human Services, as applicable,
18 shall report annually to the Committees on the Judiciary
19 of the House of Representatives and the Senate on the
20 grant programs described in subsection (a), including the
21 information contained in any report under that subsection.

1 **TITLE I—STRENGTHENING LAW**
2 **ENFORCEMENT TO REDUCE**
3 **VIOLENCE AGAINST WOMEN**

4 **SEC. 101. FULL FAITH AND CREDIT ENFORCEMENT OF PRO-**
5 **TECTION ORDERS.**

6 (a) IN GENERAL.—Part U of title I of the Omnibus
7 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
8 3796hh et seq.) is amended—

9 (1) in the heading, by adding “**AND EN-**
10 **FORCEMENT OF PROTECTION OR-**
11 **TERS**” at the end;

12 (2) in section 2101(b)—

13 (A) in paragraph (6), by inserting “(in-

14 cluding juvenile courts)” after “courts”; and

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

16 “(7) To provide technical assistance and com-

17 puter and other equipment to police departments,

18 prosecutors, courts, and tribal jurisdictions to facili-

19 tate the widespread enforcement of protection or-

20 ders, including interstate enforcement, enforcement

21 between States and tribal jurisdictions, and enforce-

22 ment between tribal jurisdictions.”; and

23 (3) in section 2102—

24 (A) in subsection (b)—

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

3 (ii) in paragraph (2), by striking the
4 period at the end and inserting “, includ-
5 ing the enforcement of protection orders
6 from other States and jurisdictions (includ-
7 ing tribal jurisdictions);”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(3) have established cooperative agreements or
11 can demonstrate effective ongoing collaborative ar-
12 rangements with neighboring jurisdictions to facili-
13 tate the enforcement of protection orders from other
14 States and jurisdictions (including tribal jurisdic-
15 tions); and

16 “(4) will give priority to using the grant to de-
17 velop and install data collection and communication
18 systems, including computerized systems, and train-
19 ing on how to use these systems effectively to link
20 police, prosecutors, courts, and tribal jurisdictions
21 for the purpose of identifying and tracking protec-
22 tion orders and violations of protection orders, in
23 those jurisdictions where such systems do not exist
24 or are not fully effective.”; and

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

1 “(c) DISSEMINATION OF INFORMATION.—The Attor-
 2 ney General shall annually compile and broadly dissemi-
 3 nate (including through electronic publication) informa-
 4 tion about successful data collection and communication
 5 systems that meet the purposes described in this section.
 6 Such dissemination shall target States, State and local
 7 courts, Indian tribal governments, and units of local gov-
 8 ernment.”.

9 (b) PROTECTION ORDERS.—

10 (1) FILING COSTS.—Section 2006 of part T of
 11 title I of the Omnibus Crime Control and Safe
 12 Streets Act of 1968 (42 U.S.C. 3796gg–5) is
 13 amended—

14 (A) in the heading, by striking “**FILING**”
 15 and inserting “**AND PROTECTION ORDERS**”
 16 after “**CHARGES**”;

17 (B) in subsection (a)—

18 (i) by striking paragraph (1) and in-
 19 serting the following:

20 “(1) certifies that its laws, policies, and prac-
 21 tices do not require, in connection with the prosecu-
 22 tion of any misdemeanor or felony domestic violence
 23 offense, or in connection with the filing, issuance,
 24 registration, or service of a protection order, or a pe-
 25 tition for a protection order, to protect a victim of

1 domestic violence, stalking, or sexual assault, that
 2 the victim bear the costs associated with the filing
 3 of criminal charges against the offender, or the costs
 4 associated with the filing, issuance, registration, or
 5 service of a warrant, protection order, petition for a
 6 protection order, or witness subpoena, whether
 7 issued inside or outside the State, tribal, or local ju-
 8 risdiction; or”;

9 (ii) in paragraph (2)(B), by striking
 10 “2 years” and inserting “2 years after the
 11 date of enactment of the Violence Against
 12 Women Act of 2000”;

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

14 “(c) DEFINITION.—In this section, the term ‘protec-
 15 tion order’ has the meaning given the term in section 2266
 16 of title 18, United States Code.”.

17 (2) ELIGIBILITY FOR GRANTS TO ENCOURAGE
 18 ARREST POLICIES.—Section 2101 of part U of title
 19 I of the Omnibus Crime Control and Safe Streets
 20 Act of 1968 (42 U.S.C. 3796hh) is amended—

21 (A) in subsection (c), by striking para-
 22 graph (4) and inserting the following:

23 “(4) certify that their laws, policies, and prac-
 24 tices do not require, in connection with the prosecu-
 25 tion of any misdemeanor or felony domestic violence

1 offense, or in connection with the filing, issuance,
2 registration, or service of a protection order, or a pe-
3 tition for a protection order, to protect a victim of
4 domestic violence, stalking, or sexual assault, that
5 the victim bear the costs associated with the filing
6 of criminal charges against the offender, or the costs
7 associated with the filing, issuance, registration, or
8 service of a warrant, protection order, petition for a
9 protection order, or witness subpoena, whether
10 issued inside or outside the State, tribal, or local ju-
11 risdiction.”; and

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

13 “(d) DEFINITION.—In this section, the term ‘protec-
14 tion order’ has the meaning given the term in section 2266
15 of title 18, United States Code.”.

16 (3) APPLICATION FOR GRANTS TO ENCOURAGE
17 ARREST POLICIES.—Section 2102(a)(1)(B) of part
18 U of title I of the Omnibus Crime Control and Safe
19 Streets Act of 1968 (42 U.S.C. 3796hh–1(a)(1)(B))
20 is amended by inserting before the semicolon the fol-
21 lowing: “or, in the case of the condition set forth in
22 subsection 2101(c)(4), the expiration of the 2-year
23 period beginning on the date of enactment of the Vi-
24 olence Against Women Act of 2000”.

1 (4) REGISTRATION FOR PROTECTION OR-
2 DERS.—Section 2265 of title 18, United States
3 Code, is amended by adding at the end the fol-
4 lowing:

5 “(d) REGISTRATION.—

6 “(1) IN GENERAL.—A State or Indian tribe ac-
7 cording full faith and credit to an order by a court
8 of another State or Indian tribe shall not notify the
9 party against whom a protection order has been
10 issued that the protection order has been registered
11 or filed in that enforcing State or tribal jurisdiction
12 unless requested to do so by the party protected
13 under such order.

14 “(2) NO PRIOR REGISTRATION OR FILING RE-
15 QUIRED.—Any protection order that is otherwise
16 consistent with this section shall be accorded full
17 faith and credit, notwithstanding any requirement
18 that the order be registered or filed in the enforcing
19 State or tribal jurisdiction.

20 “(e) NOTICE.—A protection order that is otherwise
21 consistent with this section shall be accorded full faith and
22 credit and enforced notwithstanding the failure to provide
23 notice to the party against whom the order is made of
24 its registration or filing in the enforcing State or Indian
25 tribe.

1 “(f) TRIBAL COURT JURISDICTION.—For purposes of
 2 this section, a tribal court shall have full civil jurisdiction
 3 over domestic relations actions, including authority to en-
 4 force its orders through civil contempt proceedings, exclu-
 5 sion of violators from Indian lands, and other appropriate
 6 mechanisms, in matters arising within the authority of the
 7 tribe and in which at least 1 of the parties is an Indian.”.

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

13 **SEC. 102. ROLE OF COURTS.**

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

18 (1) in section 2001—

19 (A) in subsection (a), by striking “Indian
 20 tribal governments,” and inserting “State and
 21 local courts (including juvenile courts), Indian
 22 tribal governments, tribal courts,”; and

23 (B) in subsection (b)—

1 (i) in paragraph (1), by inserting “,
2 judges, other court personnel,” after “law
3 enforcement officers”;

4 (ii) in paragraph (2), by inserting “,
5 judges, other court personnel,” after “law
6 enforcement officers”; and

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

9 (2) in section 2002—

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

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

15 “(3) of the amount granted—

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

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

21 “(C) not less than 5 percent shall be allo-
22 cated for State and local courts (including juve-
23 nile courts); and”;

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

1 (b) ELIGIBLE GRANTEES; USE OF GRANTS FOR EDU-
2 CATION.—Section 2101 of part U of title I of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
4 3796hh) is amended—

5 (1) in subsection (a), by inserting “State and
6 local courts (including juvenile courts), tribal
7 courts,” after “Indian tribal governments,”;

8 (2) in subsection (b)—

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

12 (B) in paragraph (2), by striking “policies
13 and” and inserting “policies, educational pro-
14 grams, and”;

15 (C) in paragraph (3), by inserting “parole
16 and probation officers,” after “prosecutors,”;
17 and

18 (D) in paragraph (4), by inserting “parole
19 and probation officers,” after “prosecutors,”;

20 (3) in subsection (c), by inserting “State and
21 local courts (including juvenile courts),” after “In-
22 dian tribal governments”; and

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

24 “(e) ALLOTMENT FOR INDIAN TRIBES.—Not less
25 than 5 percent of the total amount made available for

1 grants under this section for each fiscal year shall be avail-
2 able for grants to Indian tribal governments.”.

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

4 (a) REAUTHORIZATION.—Section 1001(a) of title I of
5 the Omnibus Crime Control and Safe Streets Act of 1968
6 (42 U.S.C. 3793(a)) is amended by striking paragraph
7 (18) and inserting the following:

8 “(18) There is authorized to be appropriated from
9 the Violent Crime Reduction Trust Fund established
10 under section 310001 of the Violent Crime Control and
11 Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry
12 out part T \$185,000,000 for each of fiscal years 2001
13 through 2005.”.

14 (b) GRANT PURPOSES.—Part T of title I of the Om-
15 nibus Crime Control and Safe Streets Act of 1968 (42
16 U.S.C. 3796gg et seq.) is amended—

17 (1) in section 2001—

18 (A) in subsection (b)—

19 (i) in paragraph (5), by striking “ra-
20 cial, cultural, ethnic, and language minori-
21 ties” and inserting “underserved popu-
22 lations”;

23 (ii) in paragraph (6), by striking
24 “and” at the end;

1 (iii) in paragraph (7), by striking the
2 period at the end and inserting “; and”;
3 and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(8) supporting formal and informal statewide,
7 multidisciplinary efforts, to the extent not supported
8 by State funds, to coordinate the response of State
9 law enforcement agencies, prosecutors, courts, victim
10 services agencies, and other State agencies and de-
11 partments, to violent crimes against women, includ-
12 ing the crimes of sexual assault and domestic vio-
13 lence.”; and

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

15 “(c) STATE COALITION GRANTS.—

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

23 “(2) GRANTS TO STATE COALITIONS.—The At-
24 torney General shall award grants to—

1 “(A) each State domestic violence coalition,
2 as determined by the Secretary of Health and
3 Human Services through the Family Violence
4 Prevention and Services Act (42 U.S.C. 10410
5 et seq.); and

6 “(B) each State sexual assault coalition, as
7 determined by the Center for Injury Prevention
8 and Control of the Centers for Disease Control
9 and Prevention under the Public Health Service
10 Act (42 U.S.C. 280b et seq.).

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

17 (2) in section 2002(b)—

18 (A) by redesignating paragraphs (2) and
19 (3) as paragraphs (4) and (5), respectively;

20 (B) in paragraph (1), by striking “4 per-
21 cent” and inserting “5 percent”;

22 (C) in paragraph (4), as redesignated, by
23 striking “\$500,000” and inserting “\$600,000”;
24 and

1 (D) by inserting after paragraph (1) the
2 following:

3 “(2) 2.5 percent shall be available for grants
4 for State domestic violence coalitions under section
5 2001(e), with the coalition for each State, the coali-
6 tion for the District of Columbia, the coalition for
7 the Commonwealth of Puerto Rico, and the coalition
8 for the combined Territories of the United States,
9 each receiving an amount equal to $\frac{1}{53}$ of the total
10 amount made available under this paragraph for
11 each fiscal year;

12 “(3) 2.5 percent shall be available for grants
13 for State sexual assault coalitions under section
14 2001(e), with the coalition for each State, the coali-
15 tion for the District of Columbia, the coalition for
16 the Commonwealth of Puerto Rico, and the coalition
17 for the combined Territories of the United States,
18 each receiving an amount equal to $\frac{1}{53}$ of the total
19 amount made available under this paragraph for
20 each fiscal year;”;

21 (3) in section 2003—

22 (A) in paragraph (7), by striking “geo-
23 graphic location” and all that follows through
24 “physical disabilities” and inserting “race, eth-
25 nicity, age, disability, religion, alienage status,

1 language barriers, geographic location (includ-
2 ing rural isolation), and any other populations
3 determined to be underserved”; and

4 (B) in paragraph (8), by striking “assist-
5 ing domestic violence or sexual assault victims
6 through the legal process” and inserting “pro-
7 viding assistance for victims seeking necessary
8 support services as a consequence of domestic
9 violence or sexual assault”; and

10 (4) in section 2004(b)(3), by inserting “, and
11 the membership of persons served in any under-
12 served population” before the semicolon.

13 **SEC. 104. REAUTHORIZATION OF GRANTS TO ENCOURAGE**
14 **ARREST POLICIES.**

15 Section 1001(a) of title I of the Omnibus Crime Con-
16 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a))
17 is amended by striking paragraph (19) and inserting the
18 following:

19 “(19) There is authorized to be appropriated from
20 the Violent Crime Reduction Trust Fund established
21 under section 310001 of the Violent Crime Control and
22 Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry
23 out part U \$65,000,000 for each of fiscal years 2001
24 through 2005.”.

1 **SEC. 105. REAUTHORIZATION OF RURAL DOMESTIC VIO-**
2 **LENCE AND CHILD ABUSE ENFORCEMENT**
3 **GRANTS.**

4 (a) REAUTHORIZATION.—Section 40295(e) of the Vi-
5 olence Against Women Act of 1994 (42 U.S.C. 13971(e))
6 is amended—

7 (1) by striking paragraph (1) and inserting the
8 following:

9 “(1) IN GENERAL.—There is authorized to be
10 appropriated from the Violent Crime Reduction
11 Trust Fund established under section 310001 to
12 carry out this section \$40,000,000 for each of fiscal
13 years 2001 through 2005.”; and

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

15 “(3) ALLOTMENT FOR INDIAN TRIBES.—Not
16 less than 5 percent of the total amount made avail-
17 able to carry out this section for each fiscal year
18 shall be available for grants to Indian tribal govern-
19 ments.”.

20 **SEC. 106. NATIONAL STALKER AND DOMESTIC VIOLENCE**
21 **REDUCTION.**

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

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

2 “There is authorized to be appropriated from the Vio-
3 lent Crime Reduction Trust Fund established under sec-
4 tion 310001 to carry out this subtitle \$3,000,000 for each
5 of fiscal years 2001 through 2005.”.

6 (b) TECHNICAL AMENDMENT.—Section 40602(a) of
7 the Violence Against Women Act of 1994 (42 U.S.C.
8 14031 note) is amended by inserting “and implement”
9 after “improve”.

10 **SEC. 107. AMENDMENTS TO DOMESTIC VIOLENCE AND**
11 **STALKING OFFENSES.**

12 (a) INTERSTATE DOMESTIC VIOLENCE.—Section
13 2261 of title 18, United States Code, is amended by strik-
14 ing subsection (a) and inserting the following:

15 “(a) OFFENSES.—

16 “(1) TRAVEL OR CONDUCT OF OFFENDER.—A
17 person who travels in interstate or foreign commerce
18 or enters or leaves Indian country with the intent to
19 kill, injure, harass, or intimidate a spouse or inti-
20 mate partner, and who, in the course of or as a re-
21 sult of such travel, commits or attempts to commit
22 a crime of violence against that spouse or intimate
23 partner, shall be punished as provided in subsection
24 (b).

25 “(2) CAUSING TRAVEL OF VICTIM.—A person
26 who causes a spouse or intimate partner to travel in

1 interstate or foreign commerce or to enter or leave
2 Indian country by force, coercion, duress, or fraud,
3 and who, in the course of, as a result of, or to facili-
4 tate such conduct or travel, commits or attempts to
5 commit a crime of violence against that spouse or in-
6 timate partner, shall be punished as provided in sub-
7 section (b).”.

8 (b) INTERSTATE STALKING.—Section 2261A of title
9 18, United States Code, is amended to read as follows:

10 **“§ 2261A. Interstate stalking**

11 “Whoever—

12 “(1) with the intent to kill, injure, harass, or
13 intimidate another person, engages within the spe-
14 cial maritime and territorial jurisdiction of the
15 United States in conduct that places that person in
16 reasonable fear of the death of, or serious bodily in-
17 jury (as defined in section 2266) to, that person or
18 a member of the immediate family (as defined in
19 section 115) of that person; or

20 “(2) with the intent to kill, injure, harass, or
21 intimidate another person, travels in interstate or
22 foreign commerce, or enters or leaves Indian coun-
23 try, and, in the course of or as a result of such trav-
24 el, engages in conduct that places that person in
25 reasonable fear of the death of, or serious bodily in-

1 jury (as defined in section 2266) to, that person or
2 a member of the immediate family (as defined in
3 section 115) of that person,
4 shall be punished as provided in section 2261(b).”.

5 (c) INTERSTATE VIOLATION OF PROTECTION
6 ORDER.—Section 2262 of title 18, United States Code,
7 is amended by striking subsection (a) and inserting the
8 following:

9 “(a) OFFENSES.—

10 “(1) TRAVEL OR CONDUCT OF OFFENDER.—A
11 person who travels in interstate or foreign com-
12 merce, or enters or leaves Indian country, with the
13 intent to engage in conduct that violates the portion
14 of a protection order that prohibits or provides pro-
15 tection against violence, threats, or harassment
16 against, contact or communication with, or physical
17 proximity to, another person, or that would violate
18 such a portion of a protection order in the jurisdic-
19 tion in which the order was issued, and subsequently
20 engages in such conduct, shall be punished as pro-
21 vided in subsection (b).

22 “(2) CAUSING TRAVEL OF VICTIM.—A person
23 who causes another person to travel in interstate or
24 foreign commerce or to enter or leave Indian country
25 by force, coercion, duress, or fraud, and in the

1 course of, as a result of, or to facilitate such conduct
 2 or travel engages in conduct that violates the portion
 3 of a protection order that prohibits or provides pro-
 4 tection against violence, threats, or harassment
 5 against, contact or communication with, or physical
 6 proximity to, another person, or that would violate
 7 such a portion of a protection order in the jurisdic-
 8 tion in which the order was issued, shall be punished
 9 as provided in subsection (b).”.

10 (d) DEFINITIONS.—Section 2266 of title 18, United
 11 States Code, is amended to read as follows:

12 **“§ 2266. Definitions**

13 “In this chapter:

14 “(1) BODILY INJURY.—The term ‘bodily injury’
 15 means any act, except one done in self-defense, that
 16 results in physical injury or sexual abuse.

17 “(2) ENTER OR LEAVE INDIAN COUNTRY.—The
 18 term ‘enter or leave Indian country’ includes leaving
 19 the jurisdiction of 1 tribal government and entering
 20 the jurisdiction of another tribal government.

21 “(3) INDIAN COUNTRY.—The term ‘Indian
 22 country’ has the meaning stated in section 1151 of
 23 this title.

24 “(4) PROTECTION ORDER.—The term ‘protec-
 25 tion order’ includes any injunction or other order

1 issued for the purpose of preventing violent or
2 threatening acts or harassment against, or contact
3 or communication with or physical proximity to, an-
4 other person, including any temporary or final order
5 issued by a civil and criminal court (other than a
6 support or child custody order issued pursuant to
7 State divorce and child custody laws) whether ob-
8 tained by filing an independent action or as a
9 pendente lite order in another proceeding so long as
10 any civil order was issued in response to a com-
11 plaint, petition, or motion filed by or on behalf of a
12 person seeking protection.

13 “(5) SERIOUS BODILY INJURY.—The term ‘seri-
14 ous bodily injury’ has the meaning stated in section
15 2119(2).

16 “(6) SPOUSE OR INTIMATE PARTNER.—The
17 term ‘spouse or intimate partner’ includes—

18 “(A) a spouse, a former spouse, a person
19 who shares a child in common with the abuser,
20 and a person who cohabits or has cohabited
21 with the abuser as a spouse; and

22 “(B) any other person similarly situated to
23 a spouse who is protected by the domestic or
24 family violence laws of the State or tribal juris-

1 diction in which the injury occurred or where
2 the victim resides.

3 “(7) STATE.—The term ‘State’ includes a State
4 of the United States, the District of Columbia, a
5 commonwealth, territory, or possession of the United
6 States.

7 “(8) TRAVEL IN INTERSTATE OR FOREIGN COM-
8 MERCE.—The term ‘travel in interstate or foreign
9 commerce’ does not include travel from 1 State to
10 another by an individual who is a member of an In-
11 dian tribe and who remains at all times in the terri-
12 tory of the Indian tribe of which the individual is a
13 member.”.

14 **SEC. 108. GRANTS TO REDUCE VIOLENT CRIMES AGAINST**
15 **WOMEN ON CAMPUS.**

16 Section 826 of the Higher Education Amendments of
17 1998 (20 U.S.C. 1152) is amended—

18 (1) in subsection (f)(1), by inserting “by a per-
19 son with whom the victim has engaged in a social re-
20 lationship of a romantic or intimate nature,” after
21 “cohabited with the victim,”; and

22 (2) in subsection (g), by striking “fiscal year
23 1999 and such sums as may be necessary for each
24 of the 4 succeeding fiscal years” and inserting “each
25 of fiscal years 2001 through 2005”.

1 **TITLE** **II—STRENGTHENING**
2 **SERVICES TO VICTIMS OF VI-**
3 **OLENCE**

4 **SEC. 201. LEGAL ASSISTANCE FOR VICTIMS.**

5 (a) **IN GENERAL.**—The purpose of this section is to
6 enable the Attorney General to award grants to increase
7 the availability of legal assistance necessary to provide ef-
8 fective aid to victims of domestic violence, stalking, or sex-
9 ual assault who are seeking relief in legal matters arising
10 as a consequence of that abuse or violence, at minimal
11 or no cost to the victims.

12 (b) **DEFINITIONS.**—In this section:

13 (1) **DOMESTIC VIOLENCE.**—The term “domestic
14 violence” has the meaning given the term in section
15 2003 of title I of the Omnibus Crime Control and
16 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

17 (2) **LEGAL ASSISTANCE FOR VICTIMS.**—The
18 term “legal assistance” includes assistance to vic-
19 tims of domestic violence, stalking, and sexual as-
20 sult in family, criminal, immigration, administra-
21 tive, or housing matters, protection or stay away
22 order proceedings, and other similar matters. No
23 funds made available under this section may be used
24 to provide financial assistance in support of any liti-

1 gation described in paragraph (14) of section 504 of
2 Public Law 104–134.

3 (3) SEXUAL ASSAULT.—The term “sexual as-
4 sault” has the meaning given the term in section
5 2003 of title I of the Omnibus Crime Control and
6 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

7 (c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The
8 Attorney General may award grants under this subsection
9 to private nonprofit entities, Indian tribal governments,
10 and publicly funded organizations not acting in a govern-
11 mental capacity such as law schools, and which shall be
12 used—

13 (1) to implement, expand, and establish cooper-
14 ative efforts and projects between domestic violence
15 and sexual assault victim services organizations and
16 legal assistance providers to provide legal assistance
17 for victims of domestic violence, stalking, and sexual
18 assault;

19 (2) to implement, expand, and establish efforts
20 and projects to provide legal assistance for victims
21 of domestic violence, stalking, and sexual assault by
22 organizations with a demonstrated history of pro-
23 viding direct legal or advocacy services on behalf of
24 these victims; and

1 (3) to provide training, technical assistance,
2 and data collection to improve the capacity of grant-
3 ees and other entities to offer legal assistance to vic-
4 tims of domestic violence, stalking, and sexual as-
5 sault.

6 (d) GRANT TO ESTABLISH DATABASE OF PROGRAMS
7 THAT PROVIDE LEGAL ASSISTANCE TO VICTIMS.—

8 (1) IN GENERAL.—The Attorney General may
9 make a grant to establish, operate, and maintain a
10 national computer database of programs and organi-
11 zations that provide legal assistance to victims of do-
12 mestic violence, stalking, and sexual assault.

13 (2) DATABASE REQUIREMENTS.—A database
14 established with a grant under this subsection shall
15 be—

16 (A) designed to facilitate the referral of
17 persons to programs and organizations that
18 provide legal assistance to victims of domestic
19 violence, stalking, and sexual assault; and

20 (B) operated in coordination with—

21 (i) the national domestic violence hot-
22 line established under section 316 of the
23 Family Violence Prevention and Services
24 Act; and

1 (ii) any comparable national sexual
2 assault hotline or other similar resource.

3 (e) EVALUATION.—The Attorney General may evalu-
4 ate the grants funded under this section through contracts
5 or other arrangements with entities expert on domestic vi-
6 olence, stalking, and sexual assault, and on evaluation re-
7 search.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated from the Violent Crime Reduction
11 Trust Fund established under section 310001 of the
12 Violent Crime Control and Law Enforcement Act of
13 1994 (42 U.S.C. 14211) to carry out this section
14 \$35,000,000 for each of fiscal years 2001 through
15 2005.

16 (2) ALLOCATION OF FUNDS.—Of the amount
17 made available under this subsection in each fiscal
18 year, not less than 5 percent shall be used for grants
19 for programs that assist victims of domestic violence,
20 stalking, and sexual assault on lands within the ju-
21 risdiction of an Indian tribe.

22 (3) NONSUPPLANTATION.—Amounts made
23 available under this section shall be used to supple-
24 ment and not supplant other Federal, State, and

1 local funds expended to further the purpose of this
2 section.

3 **SEC. 202. SHELTER SERVICES FOR BATTERED WOMEN AND**
4 **CHILDREN.**

5 (a) STATE SHELTER GRANTS.—Section 303(a)(2)(C)
6 of the Family Violence Prevention and Services Act (42
7 U.S.C. 10402(a)(2)(C)) is amended by striking “popu-
8 lations underserved because of ethnic, racial, cultural, lan-
9 guage diversity or geographic isolation” and inserting
10 “populations underserved because of race, ethnicity, age,
11 disability, religion, alienage status, geographic location
12 (including rural isolation), or language barriers, and any
13 other populations determined by the Secretary to be un-
14 derserved”.

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

18 (1) in subsection (a), by striking “for grants to
19 States for any fiscal year” and all that follows and
20 inserting the following: “and available for grants to
21 States under this subsection for any fiscal year—

22 “(1) Guam, American Samoa, the United
23 States Virgin Islands, the Commonwealth of the
24 Northern Mariana Islands, and the combined Freely
25 Associated States shall each be allotted not less than

1 1/8 of 1 percent of the amounts available for grants
2 under section 303(a) for the fiscal year for which
3 the allotment is made; and

4 “(2) each State shall be allotted for payment in
5 a grant authorized under section 303(a), \$600,000,
6 with the remaining funds to be allotted to each State
7 in an amount that bears the same ratio to such re-
8 maining funds as the population of such State bears
9 to the population of all States.”;

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

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

13 “(e) In subsection (a)(2), the term “State” does not
14 include any jurisdiction specified in subsection (a)(1).”.

15 (c) SECRETARIAL RESPONSIBILITIES.—Section
16 305(a) of the Family Violence Prevention and Services Act
17 (42 U.S.C. 10404(a)) is amended—

18 (1) by striking “an employee” and inserting “1
19 or more employees”;

20 (2) by striking “of this title.” and inserting “of
21 this title, including carrying out evaluation and mon-
22 itoring under this title.”; and

23 (3) by striking “The individual” and inserting
24 “Any individual”.

1 (d) RESOURCE CENTERS.—Section 308 of the Fam-
2 ily Violence Prevention and Services Act (42 U.S.C.
3 10407) is amended—

4 (1) in subsection (a)(2), by inserting “on pro-
5 viding information, training, and technical assist-
6 ance” after “focusing”; and

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

9 “(8) Providing technical assistance and training
10 to local entities carrying out domestic violence pro-
11 grams that provide shelter, related assistance, or
12 transitional housing assistance.

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

16 “(10) Providing technical assistance and train-
17 ing to appropriate entities to improve access to serv-
18 ices, information, and training concerning family vio-
19 lence occurring in underserved populations.”.

20 (e) CONFORMING AMENDMENT.—Section 309(6) of
21 the Family Violence Prevention and Services Act (42
22 U.S.C. 10408(6)) is amended by striking “the Virgin Is-
23 lands, the Northern Mariana Islands, and the Trust Terri-
24 tory of the Pacific Islands” and inserting “the United
25 States Virgin Islands, the Commonwealth of the Northern

1 Mariana Islands, and the combined Freely Associated
2 States”.

3 (f) REAUTHORIZATION.—Section 310 of the Family
4 Violence Prevention and Services Act (42 U.S.C. 10409)
5 is amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—

9 “(1) AUTHORIZATION OF APPROPRIATIONS.—

10 There are authorized to be appropriated to carry out
11 this title \$175,000,000 for each of fiscal years 2001
12 through 2005.

13 “(2) SOURCE OF FUNDS.—Amounts made avail-
14 able under paragraph (1) may be appropriated from
15 the Violent Crime Reduction Trust Fund established
16 under section 310001 of the Violent Crime Control
17 and Law Enforcement Act of 1994 (42 U.S.C.
18 14211).”;

19 (2) in subsection (b), by striking “under sub-
20 section 303(a)” and inserting “under section
21 303(a)”;

22 (3) in subsection (c), by inserting “not more
23 than the lesser of \$7,500,000 or” before “5”; and

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

1 “(f) EVALUATION, MONITORING, AND ADMINISTRA-
 2 TION.—Of the amounts appropriated under subsection (a)
 3 for each fiscal year, not more than 1 percent shall be used
 4 by the Secretary for evaluation, monitoring, and adminis-
 5 trative costs under this title.”.

6 (g) STATE DOMESTIC VIOLENCE COALITION GRANT
 7 ACTIVITIES.—Section 311 of the Family Violence Preven-
 8 tion and Services Act (42 U.S.C. 10410) is amended—

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

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

19 **SEC. 203. TRANSITIONAL HOUSING ASSISTANCE FOR VIC-**
 20 **TIMS OF DOMESTIC VIOLENCE.**

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

1 **“SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.**

2 “(a) IN GENERAL.—The Secretary shall award
3 grants under this section to carry out programs to provide
4 assistance to individuals, and their dependents—

5 “(1) who are homeless or in need of transitional
6 housing or other housing assistance, as a result of
7 fleeing a situation of domestic violence; and

8 “(2) for whom emergency shelter services are
9 unavailable or insufficient.

10 “(b) ASSISTANCE DESCRIBED.—Assistance provided
11 under this section may include—

12 “(1) short-term housing assistance, including
13 rental or utilities payments assistance and assistance
14 with related expenses, such as payment of security
15 deposits and other costs incidental to relocation to
16 transitional housing, in cases in which assistance de-
17 scribed in this paragraph is necessary to prevent
18 homelessness because an individual or dependent is
19 fleeing a situation of domestic violence; and

20 “(2) short-term support services, including pay-
21 ment of expenses and costs associated with transpor-
22 tation and job training referrals, child care, coun-
23 seling, transitional housing identification and place-
24 ment, and related services.

25 “(c) TERM OF ASSISTANCE.—An individual or de-
26 pendent assisted under this section may not receive assist-

1 ance under this section for a total of more than 12
2 months.

3 “(d) REPORTS.—

4 “(1) REPORT TO SECRETARY.—

5 “(A) IN GENERAL.—An entity that re-
6 ceives a grant under this section shall annually
7 prepare and submit to the Secretary a report
8 describing the number of individuals and de-
9 pendents assisted, and the types of housing as-
10 sistance and support services provided, under
11 this section.

12 “(B) CONTENTS.—Each report shall in-
13 clude information on—

14 “(i) the purpose and amount of hous-
15 ing assistance provided to each individual
16 or dependent assisted under this section;

17 “(ii) the number of months each indi-
18 vidual or dependent received the assist-
19 ance;

20 “(iii) the number of individuals and
21 dependents who were eligible to receive the
22 assistance, and to whom the entity could
23 not provide the assistance solely due to a
24 lack of available housing; and

1 “(iv) the type of support services pro-
2 vided to each individual or dependent as-
3 sisted under this section.

4 “(2) REPORT TO CONGRESS.—The Secretary
5 shall annually prepare and submit to the Committee
6 on the Judiciary of the House of Representatives
7 and the Committee on the Judiciary of the Senate
8 a report that contains a compilation of the informa-
9 tion contained in reports submitted under paragraph
10 (1).

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated from the Violent Crime
13 Reduction Trust Fund established under section 310001
14 of the Violent Crime Control and Law Enforcement Act
15 of 1994 (42 U.S.C. 14211) to carry out this section—

16 “(1) \$25,000,000 for each of fiscal years 2001
17 through 2003; and

18 “(2) \$30,000,000 for each of fiscal years 2004
19 and 2005.”.

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

21 (a) REAUTHORIZATION.—Section 316(f) of the Fam-
22 ily Violence Prevention and Services Act (42 U.S.C.
23 10416(f)) is amended by striking paragraph (1) and in-
24 serting the following:

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated from the Violent Crime Reduction
3 Trust Fund established under section 310001 of the
4 Violent Crime Control and Law Enforcement Act of
5 1994 (42 U.S.C. 14211) to carry out this section
6 \$2,000,000 for each of fiscal years 2001 through
7 2005.”.

8 (b) REPORT REQUIREMENT.—Section 316 of the
9 Family Violence Prevention and Services Act (42 U.S.C.
10 10416) is amended—

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

13 (2) by inserting after subsection (e) the fol-
14 lowing:

15 “(f) REPORT BY GRANT RECIPIENT.—

16 “(1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of the Violence Against
18 Women Act of 2000, each recipient of a grant under
19 this section shall prepare and submit to the Sec-
20 retary a report that contains—

21 “(A) an evaluation of the effectiveness of
22 the activities carried out by the recipient with
23 amounts received under this section; and

24 “(B) such other information as the Sec-
25 retary may prescribe.

1 “(2) NOTICE AND PUBLIC COMMENT.—The
2 Secretary shall—

3 “(A) publish in the Federal Register a
4 copy of the report submitted by the recipient
5 under this subsection; and

6 “(B) allow not less than 90 days for notice
7 of and opportunity for public comment on the
8 published report.”.

9 **SEC. 205. FEDERAL VICTIMS COUNSELORS.**

10 Section 40114 of the Violent Crime Control and Law
11 Enforcement Act of 1994 (Public Law 103–322; 108 Stat.
12 1910) is amended by striking “(such as District of Colum-
13 bia)—” and all that follows and inserting “(such as Dis-
14 trict of Columbia), \$1,000,000 for each of fiscal years
15 2001 through 2005.”.

16 **SEC. 206. STUDY OF STATE LAWS REGARDING INSURANCE**
17 **DISCRIMINATION AGAINST VICTIMS OF VIO-**
18 **LENCE AGAINST WOMEN.**

19 (a) IN GENERAL.—The Attorney General shall con-
20 duct a national study to identify State laws that address
21 discrimination against victims of domestic violence and
22 sexual assault related to issuance or administration of in-
23 surance policies.

24 (b) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, the Attorney General shall sub-

1 mit to Congress a report on the findings and recommenda-
2 tions of the study required by subsection (a).

3 **SEC. 207. STUDY OF WORKPLACE EFFECTS FROM VIO-**
4 **LENCE AGAINST WOMEN.**

5 The Attorney General shall—

6 (1) conduct a national survey of plans, pro-
7 grams, and practices developed to assist employers
8 and employees on appropriate responses in the work-
9 place related to victims of domestic violence, stalk-
10 ing, or sexual assault; and

11 (2) not later than 18 months after the date of
12 enactment of this Act, submit to Congress a report
13 describing the results of that survey, which report
14 shall include the recommendations of the Attorney
15 General to assist employers and employees affected
16 in the workplace by incidents of domestic violence,
17 stalking, and sexual assault.

18 **SEC. 208. STUDY OF UNEMPLOYMENT COMPENSATION FOR**
19 **VICTIMS OF VIOLENCE AGAINST WOMEN.**

20 The Secretary of Labor, in consultation with the At-
21 torney General, shall—

22 (1) conduct a national study to identify State
23 laws that address the separation from employment
24 of an employee due to circumstances directly result-
25 ing from the experience of domestic violence by the

1 employee and circumstances governing that receipt
 2 (or nonreceipt) by the employee of unemployment
 3 compensation based on such separation; and

4 (2) not later than 1 year after the date of en-
 5 actment of this Act, submit to Congress a report de-
 6 scribing the results of that study, together with any
 7 recommendations based on that study.

8 **SEC. 209. ENHANCING PROTECTIONS FOR OLDER WOMEN**
 9 **FROM DOMESTIC VIOLENCE AND SEXUAL AS-**
 10 **SAULT.**

11 (a) DEFINITION.—In this section, the term “older in-
 12 dividual” has the meaning given the term in section 102
 13 of the Older Americans Act of 1965 (42 U.S.C. 3002).

14 (b) PROTECTIONS FOR OLDER INDIVIDUALS FROM
 15 DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN PRO-AR-
 16 REST GRANTS.—Section 2101(b) of part U of title I of
 17 the Omnibus Crime Control and Safe Streets Act of 1968
 18 (42 U.S.C. 3796hh et seq.) is amended by adding at the
 19 end the following:

20 “(8) To develop or strengthen policies and
 21 training for police, prosecutors, and the judiciary in
 22 recognizing, investigating, and prosecuting instances
 23 of domestic violence and sexual assault against older
 24 individuals (as is defined in section 102 of the Older
 25 Americans Act of 1965) (42 U.S.C. 3002)).”.

1 (c) PROTECTIONS FOR OLDER INDIVIDUALS FROM
2 DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN STOP
3 GRANTS.—Part T of title I of the Omnibus Crime Control
4 and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.)
5 is amended—

6 (1) in section 2001(b)—

7 (A) in paragraph (7) (as amended by sec-
8 tion 103(b) of this Act), by striking “and” at
9 the end;

10 (B) in paragraph (8) (as added by section
11 103(b) of this Act), by striking the period at
12 the end and inserting “; and”; and

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

14 “(9) developing, enlarging, or strengthening
15 programs to assist law enforcement, prosecutors,
16 courts, and others to address the needs and cir-
17 cumstances of older women who are victims of do-
18 mestic violence or sexual assault, including recog-
19 nizing, investigating, and prosecuting instances of
20 such violence or assault and targeting outreach and
21 support and counseling services to such older indi-
22 viduals.”; and

23 (2) in section 2003(7) (as amended by section
24 103(b) of this Act), by inserting after “any other
25 populations determined to be underserved” the fol-

1 lowing: “, and the needs of older individuals (as de-
 2 fined in section 102 of the Older Americans Act of
 3 1965 (42 U.S.C. 3002)) who are victims of family
 4 violence”.

5 (d) ENHANCING SERVICES FOR OLDER INDIVIDUALS
 6 IN SHELTERS.—Section 303(a)(2)(C) of the Family Vio-
 7 lence Prevention and Services Act (42 U.S.C.
 8 10402(a)(2)(C)) (as amended by section 202(a)(1) of this
 9 Act) is amended by inserting after “any other populations
 10 determined by the Secretary to be underserved” the fol-
 11 lowing: “, and the needs of older individuals (as defined
 12 in section 102 of the Older Americans Act of 1965 (42
 13 U.S.C. 3002)) who are victims of family violence”.

14 **TITLE III—LIMITING THE EF-**
 15 **FECTS OF VIOLENCE ON**
 16 **CHILDREN**

17 **SEC. 301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.**

18 (a) IN GENERAL.—The Attorney General may award
 19 grants to States, units of local government, and Indian
 20 tribal governments that propose to enter into or expand
 21 the scope of existing contracts and cooperative agreements
 22 with public or private nonprofit entities to provide super-
 23 vised visitation and safe visitation exchange of children by
 24 and between parents in situations involving domestic vio-
 25 lence, child abuse, or sexual assault.

1 (b) CONSIDERATIONS.—In awarding grants under
2 subsection (a), the Attorney General shall take into
3 account—

4 (1) the number of families to be served by the
5 proposed visitation programs and services;

6 (2) the extent to which the proposed supervised
7 visitation programs and services serve underserved
8 populations (as defined in section 2003 of title I of
9 the Omnibus Crime Control and Safe Streets Act of
10 1968 (42 U.S.C. 3796gg-2));

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

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

23 (c) APPLICANT REQUIREMENTS.—The Attorney Gen-
24 eral shall award grants for contracts and cooperative
25 agreements to applicants that—

1 (1) demonstrate expertise in the area of family
2 violence, including the areas of domestic violence or
3 sexual assault, as appropriate;

4 (2) ensure that any fees charged to individuals
5 for use of programs and services are based on the
6 income of those individuals, unless otherwise pro-
7 vided by court order;

8 (3) demonstrate that adequate security meas-
9 ures, including adequate facilities, procedures, and
10 personnel capable of preventing violence, are in place
11 for the operation of supervised visitation programs
12 and services or safe visitation exchange; and

13 (4) prescribe standards by which the supervised
14 visitation or safe visitation exchange will occur.

15 (d) REPORTING.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the last day of the first fiscal year commencing on
18 or after the date of enactment of this Act, and not
19 later than 180 days after the last day of each fiscal
20 year thereafter, the Attorney General shall submit to
21 Congress a report that includes information
22 concerning—

23 (A) the number of—

24 (i) individuals served and the number
25 of individuals turned away from visitation

1 programs and services and safe visitation
2 exchange (categorized by State);

3 (ii) the number of individuals from
4 underserved populations served and turned
5 away from services; and

6 (iii) the type of problems that underlie
7 the need for supervised visitation or safe
8 visitation exchange, such as domestic vio-
9 lence, child abuse, sexual assault, other
10 physical abuse, or a combination of such
11 factors;

12 (B) the numbers of supervised visitations
13 or safe visitation exchanges ordered under this
14 section during custody determinations under a
15 separation or divorce decree or protection order,
16 through child protection services or other social
17 services agencies, or by any other order of a
18 civil, criminal, juvenile, or family court;

19 (C) the process by which children or
20 abused partners are protected during visita-
21 tions, temporary custody transfers, and other
22 activities for which supervised visitation is es-
23 tablished under this section;

24 (D) safety and security problems occurring
25 during the reporting period during supervised

1 “(4) PART E.—There is authorized to be appro-
2 priated from the Violent Crime Reduction Trust
3 Fund established under section 310001 of the Vio-
4 lent Crime Control and Law Enforcement Act of
5 1994 (42 U.S.C. 14211) to carry out part E
6 \$22,000,000 for each of fiscal years 2001 through
7 2005.”.

8 **SEC. 303. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE**
9 **PROGRAMS.**

10 (a) COURT-APPOINTED SPECIAL ADVOCATE PRO-
11 GRAM.—Section 218 of the Victims of Child Abuse Act
12 of 1990 (42 U.S.C. 13014) is amended by striking sub-
13 section (a) and inserting the following:

14 “(a) AUTHORIZATION.—There is authorized to be ap-
15 propriated from the Violent Crime Reduction Trust Fund
16 established under section 310001 of the Violent Crime
17 Control and Law Enforcement Act of 1994 (42 U.S.C.
18 14211) to carry out this subtitle \$12,000,000 for each of
19 fiscal years 2001 through 2005.”.

20 (b) CHILD ABUSE TRAINING PROGRAMS FOR JUDI-
21 CIAL PERSONNEL AND PRACTITIONERS.—Section 224 of
22 the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024)
23 is amended by striking subsection (a) and inserting the
24 following:

1 “(a) AUTHORIZATION.—There is authorized to be ap-
2 propriated from the Violent Crime Reduction Trust Fund
3 established under section 310001 of the Violent Crime
4 Control and Law Enforcement Act of 1994 (42 U.S.C.
5 14211) to carry out this subtitle \$2,300,000 for each of
6 fiscal years 2001 through 2005.”.

7 (c) GRANTS FOR TELEVISED TESTIMONY.—Section
8 1001(a) of title I of the Omnibus Crime Control and Safe
9 Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by
10 striking paragraph (7) and inserting the following:

11 “(7) There is authorized to be appropriated from the
12 Violent Crime Reduction Trust Fund established under
13 section 310001 of the Violent Crime Control and Law En-
14 forcement Act of 1994 (42 U.S.C. 14211) to carry out
15 part N \$1,000,000 for each of fiscal years 2001 through
16 2005.”.

17 (d) DISSEMINATION OF INFORMATION.—The Attor-
18 ney General shall—

19 (1) annually compile and disseminate informa-
20 tion (including through electronic publication) about
21 the use of amounts expended and the projects fund-
22 ed under section 218(a) of the Victims of Child
23 Abuse Act of 1990 (42 U.S.C. 13014(a)), section
24 224(a) of the Victims of Child Abuse Act of 1990
25 (42 U.S.C. 13024(a)), and section 1007(a)(7) of

1 title I of the Omnibus Crime Control and Safe
2 Streets Act of 1968 (42 U.S.C. 3793(a)(7)), includ-
3 ing any evaluations of the projects and information
4 to enable replication and adoption of the strategies
5 identified in the projects; and

6 (2) focus dissemination of the information de-
7 scribed in paragraph (1) toward community-based
8 programs, including domestic violence and sexual as-
9 sult programs.

10 **SEC. 304. REPORT ON EFFECTS OF PARENTAL KIDNAPPING**

11 **LAWS IN DOMESTIC VIOLENCE CASES.**

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

13 (1) conduct a study of Federal and State laws
14 relating to child custody, including custody provi-
15 sions in protection orders, the Parental Kidnaping
16 Prevention Act of 1980, and the amendments made
17 by that Act, and the effect of those laws on child
18 custody cases in which domestic violence is a factor;
19 and

20 (2) submit to Congress a report describing the
21 results of that study, including the effects of imple-
22 menting or applying model State laws, and the rec-
23 ommendations of the Attorney General to reduce the
24 incidence or pattern of violence against women or of
25 sexual assault of the child.

1 (b) SUFFICIENCY OF DEFENSES.—In carrying out
 2 subsection (a) with respect to the Parental Kidnaping Pre-
 3 vention Act of 1980, and the amendments made by that
 4 Act, the Attorney General shall examine the sufficiency
 5 of defenses to parental abduction charges available in
 6 cases involving domestic violence, and the burdens and
 7 risks encountered by victims of domestic violence arising
 8 from jurisdictional requirements of that Act and the
 9 amendments made by that Act.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 11 authorized to be appropriated to carry out this section
 12 \$200,000 for fiscal year 2001.

13 (d) CONDITION FOR CUSTODY DETERMINATION.—
 14 Section 1738A(c)(2)(C)(ii) of title 28, United States Code,
 15 is amended by striking “he” and inserting “the child, a
 16 sibling, or parent of the child”.

17 **TITLE IV—STRENGTHENING**
 18 **EDUCATION AND TRAINING**
 19 **TO COMBAT VIOLENCE**
 20 **AGAINST WOMEN**

21 **SEC. 401. EDUCATION AND TRAINING IN APPROPRIATE RE-**
 22 **SPONSES TO VIOLENCE AGAINST WOMEN.**

23 (a) AUTHORITY.—The Secretary of Health and
 24 Human Services, in consultation with the Attorney Gen-
 25 eral, may award grants in accordance with this section to

1 public and private nonprofit entities that, in the deter-
2 mination of the Secretary, have—

3 (1) nationally recognized expertise in the areas
4 of domestic violence and sexual assault; and

5 (2) a record of commitment and quality re-
6 sponses to reduce domestic violence and sexual as-
7 sault.

8 (b) PURPOSE.—Grants under this section may be
9 used for the purposes of developing, testing, presenting,
10 and disseminating model programs to provide education
11 and training in appropriate and effective responses to vic-
12 tims of domestic violence and sexual assault (including,
13 as appropriate, the effects of domestic violence on chil-
14 dren) for individuals (other than law enforcement officers
15 and prosecutors) who are likely to come into contact with
16 such victims during the course of their employment,
17 including—

18 (1) caseworkers, supervisors, administrators,
19 administrative law judges, and other individuals ad-
20 ministering Federal and State benefits programs,
21 such as child welfare and child protective services,
22 Temporary Assistance to Needy Families, social se-
23 curity disability, child support, medicaid, unemploy-
24 ment, workers' compensation, and similar programs;
25 and

1 “(3) training programs for professionals;

2 “(4) the preparation of informational material;

3 “(5) education and training programs for stu-
4 dents and campus personnel designed to reduce the
5 incidence of sexual assault at colleges and univer-
6 sities;

7 “(6) education to increase awareness about
8 drugs used to facilitate rapes or sexual assaults; and

9 “(7) other efforts to increase awareness of the
10 facts about, or to help prevent, sexual assault, in-
11 cluding efforts to increase awareness in underserved
12 communities and awareness among individuals with
13 disabilities (as defined in section 3 of the Americans
14 with Disabilities Act of 1990 (42 U.S.C. 12102)).

15 “(b) COLLECTION AND DISSEMINATION OF INFORMA-
16 TION ON SEXUAL ASSAULT.—The Secretary shall,
17 through the National Resource Center on Sexual Assault
18 established under the National Center for Injury Preven-
19 tion and Control at the Centers for Disease Control and
20 Prevention, provide resource information, policy, training,
21 and technical assistance to Federal, State, local, and In-
22 dian tribal agencies, as well as to State sexual assault coa-
23 litions and local sexual assault programs and to other pro-
24 fessionals and interested parties on issues relating to sex-
25 ual assault, including maintenance of a central resource

1 library in order to collect, prepare, analyze, and dissemi-
2 nate information and statistics and analyses thereof relat-
3 ing to the incidence and prevention of sexual assault.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) IN GENERAL.—There is authorized to be
6 appropriated from the Violent Crime Reduction
7 Trust Fund established under section 310001 of the
8 Violent Crime Control and Law Enforcement Act of
9 1994 (42 U.S.C. 14211) to carry out this section,
10 \$50,000,000 for each of fiscal years 2001 through
11 2005.

12 “(2) NATIONAL RESOURCE CENTER ALLOT-
13 MENT.—Of the total amount made available under
14 this subsection in each fiscal year, not more than the
15 greater of \$1,000,000 or 2 percent of such amount
16 shall be available for allotment under subsection (b).

17 “(d) LIMITATIONS.—

18 “(1) SUPPLEMENT NOT SUPPLANT.—Amounts
19 provided to States under this section shall be used
20 to supplement and not supplant other Federal,
21 State, and local public funds expended to provide
22 services of the type described in subsection (a).

23 “(2) STUDIES.—A State may not use more
24 than 2 percent of the amount received by the State

1 under this section for each fiscal year for surveil-
 2 lance studies or prevalence studies.

3 “(3) ADMINISTRATION.—A State may not use
 4 more than 5 percent of the amount received by the
 5 State under this section for each fiscal year for ad-
 6 ministrative expenses.”.

7 (b) REPEAL.—Section 40151 of the Violence Against
 8 Women Act of 1994 (108 Stat. 1920), and the amendment
 9 made by such section, is repealed.

10 **SEC. 403. EDUCATION AND TRAINING TO END VIOLENCE**
 11 **AGAINST AND ABUSE OF WOMEN WITH DIS-**
 12 **ABILITIES.**

13 (a) IN GENERAL.—The Attorney General, in con-
 14 sultation with the Secretary of Health and Human Serv-
 15 ices, may award grants to States and nongovernmental
 16 private entities to provide education and technical assist-
 17 ance for the purpose of providing training, consultation,
 18 and information on domestic violence, stalking, and sexual
 19 assault against women who are individuals with disabilities
 20 (as defined in section 3 of the Americans with Disabilities
 21 Act of 1990 (42 U.S.C. 12102)).

22 (b) PRIORITIES.—In awarding grants under this sec-
 23 tion, the Attorney General shall give priority to applica-
 24 tions designed to provide education and technical assist-
 25 ance on—

1 (1) the nature, definition, and characteristics of
2 domestic violence, stalking, and sexual assault expe-
3 rienced by women who are individuals with disabili-
4 ties;

5 (2) outreach activities to ensure that women
6 who are individuals with disabilities who are victims
7 of domestic violence, stalking, and sexual assault re-
8 ceive appropriate assistance;

9 (3) the requirements of shelters and victim
10 services organizations under Federal anti-discrimina-
11 tion laws, including the Americans with Disabilities
12 Act of 1990 and section 504 of the Rehabilitation
13 Act of 1973; and

14 (4) cost-effective ways that shelters and victim
15 services may accommodate the needs of individuals
16 with disabilities in accordance with the Americans
17 with Disabilities Act of 1990.

18 (c) USES OF GRANTS.—Each recipient of a grant
19 under this section shall provide information and training
20 to organizations and programs that provide services to in-
21 dividuals with disabilities, including independent living
22 centers, disability-related service organizations, and do-
23 mestic violence programs providing shelter or related as-
24 sistance.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated from the Violent Crime Re-
3 duction Trust Fund established under section 310001 of
4 the Violent Crime Control and Law Enforcement Act of
5 1994 (42 U.S.C. 14211) to carry out this section
6 \$5,000,000 for each of fiscal years 2001 through 2005.

7 **SEC. 404. COMMUNITY INITIATIVES.**

8 Section 318 of the Family Violence Prevention and
9 Services Act (42 U.S.C. 10418) is amended—

10 (1) in subsection (b)(2)—

11 (A) in subparagraph (G), by striking
12 “and” at the end;

13 (B) by redesignating subparagraph (H) as
14 subparagraph (I); and

15 (C) by inserting after subparagraph (G)
16 the following:

17 “(H) groups that provide services to indi-
18 viduals with disabilities;”; and

19 (2) by striking subsection (h) and inserting the
20 following:

21 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated from the Violent Crime
23 Reduction Trust Fund established under section 310001
24 of the Violent Crime Control and Law Enforcement Act

1 of 1994 (42 U.S.C. 14211) to carry out this section
2 \$5,000,000 for each of fiscal years 2001 through 2005.”.

3 **SEC. 405. DEVELOPMENT OF RESEARCH AGENDA IDENTI-**
4 **FIED BY THE VIOLENCE AGAINST WOMEN**
5 **ACT OF 1994.**

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

7 (1) direct the National Institute of Justice, in
8 consultation and coordination with the Bureau of
9 Justice Statistics and the National Academy of
10 Sciences, through its National Research Council, to
11 develop a research agenda based on the rec-
12 ommendations contained in the report entitled “Un-
13 derstanding Violence Against Women” of the Na-
14 tional Academy of Sciences ; and

15 (2) not later than 1 year after the date of en-
16 actment of this Act, in consultation with the Sec-
17 retary of the Department of Health and Human
18 Services, submit to Congress a report which shall
19 include—

20 (A) a description of the research agenda
21 developed under paragraph (1) and a plan to
22 implement that agenda;

23 (B) recommendations for priorities in car-
24 rying out that agenda to most effectively ad-

1 vance knowledge about and means by which to
2 prevent or reduce violence against women.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated from the Violent Crime
5 Reduction Trust Fund established under section 31001 of
6 the Violent Crime Control and Law Enforcement Act of
7 1994 (42 U.S.C. 14211) such sums as may be necessary
8 to carry out this section.

9 **TITLE V—BATTERED**
10 **IMMIGRANT WOMEN**

11 **SEC. 501. SHORT TITLE.**

12 This title may be cited as the “Battered Immigrant
13 Women Protection Act of 2000”.

14 **SEC. 502. FINDINGS AND PURPOSES.**

15 (a) FINDINGS.—Congress finds that—

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

22 (2) providing battered immigrant women and
23 children who were experiencing domestic violence at
24 home with protection against deportation allows
25 them to obtain protection orders against their abus-

1 ers and frees them to cooperate with law enforce-
2 ment and prosecutors in criminal cases brought
3 against their abusers and the abusers of their chil-
4 dren without fearing that the abuser will retaliate by
5 withdrawing or threatening withdrawal of access to
6 an immigration benefit under the abuser's control;
7 and

8 (3) there are several groups of battered immi-
9 grant women and children who do not have access
10 to the immigration protections of the Violence
11 Against Women Act of 1994 which means that their
12 abusers are virtually immune from prosecution be-
13 cause their victims can be deported as a result of ac-
14 tion by their abusers and the Immigration and Nat-
15 uralization Service cannot offer them protection no
16 matter how compelling their case under existing law.

17 (b) PURPOSES.—The purposes of this title are—

18 (1) to remove barriers to criminal prosecutions
19 of persons who commit acts of battery or extreme
20 cruelty against immigrant women and children; and

21 (2) to offer protection against domestic violence
22 occurring in family and intimate relationships that
23 are covered in State and tribal protection orders, do-
24 mestic violence, and family law statutes.

1 **SEC. 503. IMPROVED ACCESS TO IMMIGRATION PROTEC-**
2 **TIONS OF THE VIOLENCE AGAINST WOMEN**
3 **ACT OF 1994 FOR BATTERED IMMIGRANT**
4 **WOMEN.**

5 (a) INTENDED SPOUSE DEFINED.—Section 101(a) of
6 the Immigration and Nationality Act (8 U.S.C. 1101(a))
7 is amended by adding at the end the following:

8 “(50) The term ‘intended spouse’ means any alien
9 who meets the criteria set forth in section
10 204(a)(1)(A)(iii)(II)(aa)(BB),
11 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III).”.

12 (b) IMMEDIATE RELATIVE STATUS FOR SELF-PETI-
13 TIONERS MARRIED TO U.S. CITIZENS.—

14 (1) SELF-PETITIONING SPOUSES.—

15 (A) BATTERY OR CRUELTY TO ALIEN OR
16 ALIEN’S CHILD.—Section 204(a)(1)(A)(iii) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1154(a)(1)(A)(iii)) is amended to read as fol-
19 lows:

20 “(iii)(I) An alien who is described in subclause (II)
21 may file a petition with the Attorney General under this
22 clause for classification of the alien (and any child of the
23 alien) if the alien demonstrates to the Attorney General
24 that—

1 “(aa) the marriage or the intent to marry the
2 United States citizen was entered into in good faith
3 by the alien; and

4 “(bb) during the marriage or relationship in-
5 tended by the alien to be legally a marriage, the
6 alien or a child of the alien has been battered or has
7 been the subject of extreme cruelty perpetrated by
8 the alien’s spouse or intended spouse.

9 “(II) For purposes of subclause (I), an alien de-
10 scribed in this subclause is an alien—

11 “(aa)(AA) who is the spouse of a citizen of the
12 United States;

13 “(BB) who believed that he or she had married
14 a citizen of the United States and with whom a mar-
15 riage ceremony was actually performed and who oth-
16 erwise meets any applicable requirements under this
17 Act to establish the existence of and bona fides of
18 a marriage, but whose marriage is not legitimate
19 solely because of the bigamy of such citizen of the
20 United States; or

21 “(CC) who was a bona fide spouse of a United
22 States citizen within the past 2 years and—

23 “(aaa) whose spouse died within the past
24 2 years;

1 “(bbb) whose spouse lost or renounced citi-
2 zenship status related to an incident of domes-
3 tic violence; or

4 “(ccc) who demonstrates a connection be-
5 tween the legal termination of the marriage and
6 battering or extreme cruelty by the United
7 States citizen spouse;

8 “(bb) who is a person of good moral character;

9 “(cc) who is eligible to be classified as an imme-
10 diate relative under section 201(b)(2)(A)(i) or who
11 would have been so classified but for the bigamy of
12 the citizen of the United States that the alien in-
13 tended to marry; and

14 “(dd) who has resided with the alien’s spouse or
15 intended spouse.”.

16 (2) SELF-PETITIONING CHILDREN.—Section
17 204(a)(1)(A)(iv) of the Immigration and Nationality
18 Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read
19 as follows:

20 “(iv) An alien who is the child of a citizen of the
21 United States, or who was a child of a United States citi-
22 zen parent who lost or renounced citizenship status re-
23 lated to an incident of domestic violence, and who is a
24 person of good moral character, who is eligible to be classi-
25 fied as an immediate relative under section

1 201(b)(2)(A)(i), and who resides, or has resided in the
 2 past, with the citizen parent may file a petition with the
 3 Attorney General under this subparagraph for classifica-
 4 tion of the alien (and any child of the alien) under such
 5 section if the alien demonstrates to the Attorney General
 6 that the alien has been battered by or has been the subject
 7 of extreme cruelty perpetrated by the alien’s citizen par-
 8 ent. For purposes of this clause, residence includes any
 9 period of visitation.”.

10 (3) FILING OF PETITIONS.—Section
 11 204(a)(1)(A) of the Immigration and Nationality
 12 Act (8 U.S.C. 1154 (a)(1)(A)(iv)) is amended by
 13 adding at the end the following:

14 “(v) An alien who is the spouse, intended spouse, or
 15 child of a United States citizen living abroad and who is
 16 eligible to file a petition under clause (iii) or (iv) shall file
 17 such petition with the Attorney General under the proce-
 18 dures that apply to self-petitioners under clauses (iii) or
 19 (iv).”.

20 (c) SECOND PREFERENCE IMMIGRATION STATUS
 21 FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMA-
 22 NENT RESIDENTS.—

23 (1) SELF-PETITIONING SPOUSES.—Section
 24 204(a)(1)(B)(ii) of the Immigration and Nationality

1 Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read
2 as follows:

3 “(ii)(I) An alien who is described in subclause (II)
4 may file a petition with the Attorney General under this
5 clause for classification of the alien (and any child of the
6 alien) if such a child has not been classified under clause
7 (iii) of section 203(a)(2)(A) and if the alien demonstrates
8 to the Attorney General that—

9 “(aa) the marriage or the intent to marry the
10 lawful permanent resident was entered into in good
11 faith by the alien; and

12 “(bb) during the marriage or relationship in-
13 tended by the alien to be legally a marriage, the
14 alien or a child of the alien has been battered or has
15 been the subject of extreme cruelty perpetrated by
16 the alien’s spouse or intended spouse.

17 “(II) For purposes of subclause (I), an alien de-
18 scribed in this paragraph is an alien—

19 “(aa)(AA) who is the spouse of a lawful perma-
20 nent resident of the United States; or

21 “(BB) who believed that he or she had married
22 a lawful permanent resident of the United States
23 and with whom a marriage ceremony was actually
24 performed and who otherwise meets any applicable
25 requirements under this Act to establish the exist-

1 ence of and bona fides of a marriage, but whose
2 marriage is not legitimate solely because of the biga-
3 my of such lawful permanent resident of the United
4 States; or

5 “(CC) who was a bona fide spouse of a lawful
6 permanent resident within the past 2 years and—

7 “(aaa) whose spouse lost status due to an
8 incident of domestic violence; or

9 “(bbb) who demonstrates a connection be-
10 tween the legal termination of the marriage and
11 battering or extreme cruelty by the lawful per-
12 manent resident spouse;

13 “(bb) who is a person of good moral character;

14 “(cc) who is eligible to be classified as a spouse
15 of an alien lawfully admitted for permanent resi-
16 dence under section 203(a)(2)(A) or who would have
17 been so classified but for the bigamy of the lawful
18 permanent resident of the United States that the
19 alien intended to marry; and

20 “(dd) who has resided with the alien’s spouse or
21 intended spouse.”.

22 (3) SELF-PETITIONING CHILDREN.—Section
23 204(a)(1)(B)(iii) of the Immigration and Nationality
24 Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to
25 read as follows:

1 “(iii) An alien who is the child of an alien lawfully
2 admitted for permanent residence, or who was the child
3 of a lawful permanent resident who lost lawful permanent
4 resident status due to an incident of domestic violence,
5 and who is a person of good moral character, who is eligi-
6 ble for classification under section 203(a)(2)(A), and who
7 resides, or has resided in the past, with the alien’s perma-
8 nent resident alien parent may file a petition with the At-
9 torney General under this subparagraph for classification
10 of the alien (and any child of the alien) under such section
11 if the alien demonstrates to the Attorney General that the
12 alien has been battered by or has been the subject of ex-
13 treme cruelty perpetrated by the alien’s permanent resi-
14 dent parent. For purposes of this clause, residence in-
15 cludes any period of visitation.”.

16 (4) FILING OF PETITIONS.—Section
17 204(a)(1)(B) of the Immigration and Nationality
18 Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding
19 at the end the following:

20 “(iv) An alien who is the spouse, intended spouse, or
21 child of a lawful permanent resident living abroad is eligi-
22 ble to file a petition under clause (ii) or (iii) shall file such
23 petition with the Attorney General under the procedures
24 that apply to self-petitioners under clauses (ii) or (iii).”.

1 (d) GOOD MORAL CHARACTER DETERMINATIONS
2 FOR SELF-PETITIONERS AND TREATMENT OF CHILD
3 SELF-PETITIONERS AND PETITIONS INCLUDING DERIVA-
4 TIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section
5 204(a)(1) of the Immigration and Nationality Act (8
6 U.S.C. 1154(a)(1)) is amended—

7 (1) by redesignating subparagraphs (C) through
8 (H) as subparagraphs (E) through (J), respectively;

9 (2) by inserting after subparagraph (B) the fol-
10 lowing:

11 “(C) Notwithstanding section 101(f), an
12 act or conviction that is waivable with respect
13 to the petitioner for purposes of a determina-
14 tion of the petitioner’s admissibility under sec-
15 tion 212(a) or deportability under section
16 237(a) shall not bar the Attorney General from
17 finding the petitioner to be of good moral char-
18 acter under subparagraph (A)(iii), (A)(iv),
19 (B)(ii), or (B)(iii) if the Attorney General finds
20 that the act or conviction was connected to the
21 alien’s having been battered or subjected to ex-
22 treme cruelty.

23 “(D)(i)(I) Any child who attains 21 years
24 of age who has filed a petition under clause (iv)
25 of section 204(a)(1)(A) that was filed or ap-

1 proved before the date on which the child at-
2 tained 21 years of age shall be considered (if
3 the child has not been admitted or approved for
4 lawful permanent residence by the date the
5 child attained 21 years of age) a petitioner for
6 preference status under paragraph (1), (2), or
7 (3) of section 203(a), whichever paragraph is
8 applicable, with the same priority date assigned
9 to the self-petition filed under clause (iv) of sec-
10 tion 204(a)(1)(A). No new petition shall be re-
11 quired to be filed.

12 “(II) Any individual described in subclause
13 (I) is eligible for deferred action and work au-
14 thorization.

15 “(III) Any derivative child who attains 21
16 years of age who is included in a petition de-
17 scribed in clause (ii) that was filed or approved
18 before the date on which the child attained 21
19 years of age shall be considered (if the child has
20 not been admitted or approved for lawful per-
21 manent residence by the date the child attained
22 21 years of age) a petitioner for preference sta-
23 tus under paragraph (1), (2), or (3) of section
24 203(a), whichever paragraph is applicable, with
25 the same priority date as that assigned to the

1 petitioner in any petition described in clause
2 (ii). No new petition shall be required to be
3 filed.

4 “(IV) Any individual described in sub-
5 clause (III) and any derivative child of a peti-
6 tion described in clause (ii) is eligible for de-
7 ferred action and work authorization.

8 “(ii) The petition referred to in clause
9 (i)(III) is a petition filed by an alien under sub-
10 paragraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in
11 which the child is included as a derivative bene-
12 ficiary.”; and

13 (3) in subparagraph (J) (as so redesignated),
14 by inserting “or in making determinations under
15 subparagraphs (C) and (D),” after “subparagraph
16 (B),”.

17 (e) ACCESS TO NATURALIZATION FOR DIVORCED
18 VICTIMS OF ABUSE.—Section 319(a) of the Immigration
19 and Nationality Act (8 U.S.C. 1430(a)) is amended—

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

1 (2) by inserting “(except in the case of a person
2 who has been battered or subjected to extreme cru-
3 elty by a United States citizen spouse or parent)”
4 after “has been living in marital union with the cit-
5 izen spouse”.

6 **SEC. 504. IMPROVED ACCESS TO CANCELLATION OF RE-**
7 **MOVAL AND SUSPENSION OF DEPORTATION**
8 **UNDER THE VIOLENCE AGAINST WOMEN ACT**
9 **OF 1994.**

10 (a) CANCELLATION OF REMOVAL AND ADJUSTMENT
11 OF STATUS FOR CERTAIN NONPERMANENT RESI-
12 DENTS.—Section 240A(b)(2) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1229b(b)(2)) is amended to read
14 as follows:

15 “(2) SPECIAL RULE FOR BATTERED SPOUSE OR
16 CHILD.—

17 “(A) AUTHORITY.—The Attorney General
18 may cancel removal of, and adjust to the status
19 of an alien lawfully admitted for permanent res-
20 idence, an alien who is inadmissible or deport-
21 able from the United States if the alien dem-
22 onstrates that—

23 “(i)(I) the alien has been battered or
24 subjected to extreme cruelty by a spouse or
25 parent who is or was a United States cit-

1 izen (or is the parent of a child of a
2 United States citizen and the child has
3 been battered or subjected to extreme cru-
4 elty by such citizen parent);

5 “(II) the alien has been battered or
6 subjected to extreme cruelty by a spouse or
7 parent who is or was a lawful permanent
8 resident (or is the parent of a child of an
9 alien who is or was a lawful permanent
10 resident and the child has been battered or
11 subjected to extreme cruelty by such per-
12 manent resident parent); or

13 “(III) the alien has been battered or
14 subjected to extreme cruelty by a United
15 States citizen or lawful permanent resident
16 whom the alien intended to marry, but
17 whose marriage is not legitimate because
18 of that United States citizen’s or lawful
19 permanent resident’s bigamy;

20 “(ii) the alien has been physically
21 present in the United States for a contin-
22 uous period of not less than 3 years imme-
23 diately preceding the date of such applica-
24 tion, and the issuance of a charging docu-
25 ment for removal proceedings shall not toll

1 the 3-year period of continuous physical
2 presence in the United States;

3 “(iii) the alien has been a person of
4 good moral character during such period,
5 subject to the provisions of subparagraph
6 (C);

7 “(iv) the alien is not inadmissible
8 under paragraph (2) or (3) of section
9 212(a), is not deportable under paragraphs
10 (1)(G) or (2) through (4) of section 237(a)
11 (except in a case described in section
12 237(a)(7) where the Attorney General ex-
13 ercises discretion to grant a waiver), and
14 has not been convicted of an aggravated
15 felony; and

16 “(v) the removal would result in ex-
17 treme hardship to the alien, the alien’s
18 child, or the alien’s parent.

19 “(B) PHYSICAL PRESENCE.—Notwith-
20 standing subsection (d)(2), for purposes of sub-
21 paragraph (A)(i)(II) or for purposes of section
22 244(a)(3) (as in effect before the title III–A ef-
23 fective date in section 309 of the Illegal Immi-
24 gration Reform and Immigrant Responsibility
25 Act of 1996), an alien shall not be considered

1 to have failed to maintain continuous physical
2 presence by reason of an absence if the alien
3 demonstrates a connection between the absence
4 and the battering or extreme cruelty per-
5 petrated against the alien. No absence or por-
6 tion of an absence connected to the battering or
7 extreme cruelty shall count toward the 90-day
8 or 180-day limits established in subsection
9 (d)(2). If any absence or aggregate absences ex-
10 ceed 180 days, the absences or portions of the
11 absences will not be considered to break the pe-
12 riod of continuous presence. Any such period of
13 time excluded from the 180-day limit shall be
14 excluded in computing the time during which
15 the alien has been physically present for pur-
16 poses of the 3-year requirement set forth in sec-
17 tion 240A(b)(2)(B) and section 244(a)(3) (as in
18 effect before the title III–A effective date in
19 section 309 of the Illegal Immigration Reform
20 and Immigrant Responsibility Act of 1996).

21 “(C) GOOD MORAL CHARACTER.—Notwith-
22 standing section 101(f), an act or conviction
23 that would be waivable with respect to the alien
24 for purposes of a determination of the alien’s
25 admissibility under section 212(a) or is

1 waivable with respect to the alien for purposes
2 of the alien’s deportability under section 237(a)
3 shall not bar the Attorney General from finding
4 the alien to be of good moral character under
5 subparagraph (A)(i)(III) or section 244(a)(3)
6 (as in effect before the title III–A effective date
7 in section 309 of the Illegal Immigration Re-
8 form and Immigrant Responsibility Act of
9 1996), if the Attorney General finds that the
10 act or conviction was connected to the alien’s
11 having been battered or subjected to extreme
12 cruelty and determines that a waiver would be
13 or is otherwise warranted.

14 “(D) CREDIBLE EVIDENCE CONSID-
15 ERED.—In acting on applications under this
16 paragraph, the Attorney General shall consider
17 any credible evidence relevant to the applica-
18 tion. The determination of what evidence is
19 credible and the weight to be given that evi-
20 dence shall be within the sole discretion of the
21 Attorney General.”.

22 (b) CHILDREN OF BATTERED ALIENS AND PARENTS
23 OF BATTERED ALIEN CHILDREN.—Section 240A(b) of
24 the Immigration and Nationality Act (8 U.S.C. 1229b(b))
25 is amended by adding at the end the following:

1 “(4) CHILDREN OF BATTERED ALIENS AND
2 PARENTS OF BATTERED ALIEN CHILDREN.—

3 “(A) IN GENERAL.—The Attorney General
4 shall grant parole under section 212(d)(5) to
5 any alien who is a—

6 “(i) child of an alien granted relief
7 under section 240A(b)(2) or 244(a)(3) (as
8 in effect before the title III–A effective
9 date in section 309 of the Illegal Immigra-
10 tion Reform and Immigrant Responsibility
11 Act of 1996); or

12 “(ii) parent of a child alien granted
13 relief under section 240A(b)(2) or
14 244(a)(3) (as in effect before the title III–
15 A effective date in section 309 of the Ille-
16 gal Immigration Reform and Immigrant
17 Responsibility Act of 1996).

18 “(B) DURATION OF PAROLE.—The grant
19 of parole shall extend from the time of the
20 grant of relief under section 240A(b)(2) or sec-
21 tion 244(a)(3) (as in effect before the title III–
22 A effective date in section 309 of the Illegal Im-
23 migration Reform and Immigrant Responsibility
24 Act of 1996) to the time the application for ad-
25 justment of status filed by aliens covered under

1 this paragraph has been finally adjudicated. Ap-
2 plications for adjustment of status filed by
3 aliens covered under this paragraph shall be
4 treated as if they were applications filed under
5 section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or
6 (B)(iii) for purposes of section 245 (a) and (c).
7 Failure by the alien granted relief under section
8 240A(b)(2) or section 244(a)(3) (as in effect
9 before the title III–A effective date in section
10 309 of the Illegal Immigration Reform and Im-
11 migrant Responsibility Act of 1996) to exercise
12 due diligence in filing a visa petition on behalf
13 of an alien described in clause (i) or (ii) may
14 result in revocation of parole.”.

15 (c) EFFECTIVE DATE.—Any individual who becomes
16 eligible for relief by reason of the enactment of the amend-
17 ments made by subsections (a) and (b), shall be eligible
18 to file a motion to reopen pursuant to section
19 240(c)(6)(C)(iv). The amendments made by subsections
20 (a) and (b) shall take effect as if included in the enactment
21 of section 304 of the Illegal Immigration Reform and Im-
22 migrant Responsibility Act of 1996 (Public Law 104–208;
23 110 Stat. 587). Such portions of the amendments made
24 by subsection (b) that relate to section 244(a)(3) (as in
25 effect before the title III–A effective date in section 309

1 of the Illegal Immigration Reform and Immigrant Respon-
 2 sibility Act of 1996) shall take effect as if included in sub-
 3 title G of title IV of the Violent Crime Control and Law
 4 Enforcement Act of 1994 (Public Law 103–322; 108 Stat.
 5 1953 et seq.).

6 **SEC. 505. OFFERING EQUAL ACCESS TO IMMIGRATION PRO-**
 7 **TECTIONS OF THE VIOLENCE AGAINST**
 8 **WOMEN ACT OF 1994 FOR ALL QUALIFIED**
 9 **BATTERED IMMIGRANT SELF-PETITIONERS.**

10 (a) **ELIMINATING CONNECTION BETWEEN BATTERY**
 11 **AND UNLAWFUL ENTRY.**—Section 212(a)(6)(A)(ii) of the
 12 Immigration and Nationality Act (8 U.S.C.
 13 1182(a)(6)(A)(ii)) is amended—

14 (1) by striking subclause (I) and inserting the
 15 following:

16 “(I) the alien qualifies for classi-
 17 fication under subparagraph (A)(iii),
 18 (A)(iv), (B)(ii), or (B)(iii) of section
 19 204(a)(i); and”;

20 (2) in subclause (II), by striking “, and” and
 21 inserting a period; and

22 (3) by striking subclause (III).

23 (b) **ELIMINATING CONNECTION BETWEEN BATTERY**
 24 **AND VIOLATION OF THE TERMS OF AN IMMIGRANT**
 25 **VISA.**—Section 212(a)(9)(B)(iii)(IV) of the Immigration

1 and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is
2 amended by striking “who would be described in para-
3 graph (6)(A)(ii)” and all that follows before the period
4 and inserting “who is described in paragraph (6)(A)(ii)”.

5 (c) BATTERED IMMIGRANT WAIVER.—Section
6 212(a)(9)(C)(ii) of the Immigration and Nationality Act
7 (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the
8 end the following: “The Attorney General in the Attorney
9 General’s discretion may waive the provisions of section
10 212(a)(9)(C)(i) in the case of an alien to whom the Attor-
11 ney General has granted classification under clause (iii),
12 (iv), (v), or (vi) of section 204(a)(1)(A), or classification
13 under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in
14 any case in which there is a connection between—

15 “(1) the aliens having been battered or sub-
16 jected to extreme cruelty; and

17 “(2) the alien’s—

18 “(A) removal;

19 “(B) departure from the United States;

20 “(C) reentry or reentries into the United
21 States; or

22 “(D) attempted reentry into the United
23 States.

24 (d) DOMESTIC VIOLENCE VICTIM WAIVER.—

1 (1) WAIVER FOR VICTIMS OF DOMESTIC VIO-
2 LENCE.—Section 237(a) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1227(a)) is amended by in-
4 serting at the end the following:

5 “(7) WAIVER FOR VICTIMS OF DOMESTIC VIO-
6 LENCE.—

7 “(A) IN GENERAL.—The Attorney General
8 is not limited by the criminal court record and
9 may waive the application of paragraph
10 (2)(E)(i) (with respect to crimes of domestic vi-
11 olence and crimes of stalking) and (ii) in the
12 case of an alien who has been battered or sub-
13 jected to extreme cruelty and who is not and
14 was not the primary perpetrator of violence in
15 the relationship—

16 “(i) upon a determination that—

17 “(I) the alien was acting in self-
18 defense;

19 “(II) the alien was found to have
20 violated a protection order intended to
21 protect the alien; or

22 “(III) the alien committed, was
23 arrested for, was convicted of, or pled
24 guilty to committing a crime—

1 “(aa) that did not result in
2 serious bodily injury; and

3 “(bb) where there was a
4 connection between the crime and
5 the alien’s having been battered
6 or subjected to extreme cruelty.

7 “(B) CREDIBLE EVIDENCE CONSIDERED.—
8 In acting on applications under this paragraph,
9 the Attorney General shall consider any credible
10 evidence relevant to the application. The deter-
11 mination of what evidence is credible and the
12 weight to be given that evidence shall be within
13 the sole discretion of the Attorney General.”.

14 (2) CONFORMING AMENDMENT.—Section
15 240A(b)(1)(C) of the Immigration and Nationality
16 Act (8 U.S.C. 1229b(b)(1)(C)) is amended by insert-
17 ing “(except in a case described in section 237(a)(7)
18 where the Attorney General exercises discretion to
19 grant a waiver)” after “237(a)(3)”.

20 (e) MISREPRESENTATION WAIVERS FOR BATTERED
21 SPOUSES OF UNITED STATES CITIZENS AND LAWFUL
22 PERMANENT RESIDENTS.—

23 (1) WAIVER OF INADMISSIBILITY.—Section
24 212(i)(1) of the Immigration and Nationality Act (8
25 U.S.C. 1182(i)(1)) is amended by inserting before

1 the period at the end the following: “or, in the case
2 of an alien granted classification under clause (iii) or
3 (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of
4 section 204(a)(1)(B), or who would otherwise qualify
5 for relief under section 240A(b)(2) or under section
6 244(a)(3) (as in effect before the title III–A effective
7 date in section 309 of the Illegal Immigration Re-
8 form and Immigrant Responsibility Act of 1996),
9 the alien demonstrates extreme hardship to the alien
10 or the alien’s United States citizen, lawful perma-
11 nent resident, or qualified alien parent or child”.

12 (2) WAIVER OF DEPORTABILITY.—Section
13 237(a)(1)(H) of the Immigration and Nationality
14 Act (8 U.S.C. 1227(a)(1)(H)) is amended—

15 (A) in clause (i), by inserting “(I)” after
16 “(i)”;

17 (B) by redesignating clause (ii) as sub-
18 clause (II); and

19 (C) by adding after clause (i) the following:

20 “(ii) is an alien who qualifies for clas-
21 sification under clause (iii) or (iv) of sec-
22 tion 204(a)(1)(A) or clause (ii) or (iii) of
23 section 204(a)(1)(B), or who qualifies for
24 relief under section 240A(b)(2) or under
25 section 244(a)(3) (as in effect before the

1 title III–A effective date in section 309 of
2 the Illegal Immigration Reform and Immigrant
3 Responsibility Act of 1996).”.

4 (f) BATTERED IMMIGRANT WAIVER.—Section
5 212(g)(1) of the Immigration and Nationality Act (8
6 U.S.C. 1182(g)(1)) is amended—

7 (1) in subparagraph (A), by striking “or” at
8 the end;

9 (2) in subparagraph (B), by adding “or” at the
10 end; and

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

13 “(C) qualifies for classification under
14 clause (iii) or (iv) of section 204(a)(1)(A) or
15 classification under clause (ii) or (iii) of section
16 204(a)(1)(B), relief under section 240A(b)(2),
17 or relief under section 244(a)(3) (as in effect
18 before the title III–A effective date in section
19 309 of the Illegal Immigration Reform and Im-
20 migrant Responsibility Act of 1996);”.

21 (g) WAIVERS FOR VAWA ELIGIBLE BATTERED IM-
22 MIGRANTS.—Section 212(h)(1) of the Immigration and
23 Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

24 (1) in subparagraph (B), by striking “and” and
25 inserting “or”;

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

2 “(C) the alien qualifies for classification
3 under clause (iii) or (iv) of section
4 204(a)(1)(A), classification under clause (ii) or
5 (iii) of section 204(a)(1)(B), relief under sec-
6 tion 240A(b)(2) or relief under section
7 244(a)(3) (as in effect before the title III–A ef-
8 fective date in section 309 of the Illegal Immi-
9 gration Reform and Immigrant Responsibility
10 Act of 1996); and”.

11 (h) PUBLIC CHARGE.—Section 212 of the Immigra-
12 tion and Nationality Act (8 U.S.C. 1182) is amended by
13 adding at the end the following:

14 “(p) In determining whether an alien described in
15 subsection (a)(4)(C)(i) is inadmissible under subsection
16 (a)(4) or ineligible to receive an immigrant visa or other-
17 wise to adjust to the status of permanent resident by rea-
18 son of subsection (a)(4), the consular officer or the Attor-
19 ney General shall not consider any benefits the alien may
20 have received that were authorized under section 501 of
21 the Illegal Immigration Reform and Immigrant Responsi-
22 bility Act of 1996 (8 U.S.C. 1641(c)).”.

23 (i) REPORT.—Not later than 6 months after the date
24 of enactment of this Act, the Attorney General shall sub-
25 mit a report to the Committees on the Judiciary of the

1 Senate and the House of Representatives covering, with
2 respect to the fiscal year 1997 and each fiscal year
3 thereafter—

4 (1) the policy and procedures of the Immigra-
5 tion and Naturalization Service under which an alien
6 who has been battered or subjected to extreme cru-
7 elty who is eligible for suspension of deportation or
8 cancellation of removal can request to be placed, and
9 be placed, in deportation or removal proceedings so
10 that such alien may apply for suspension of deporta-
11 tion or cancellation of removal;

12 (2) the number of requests filed at each district
13 office under this policy;

14 (3) the number of these requests granted re-
15 ported separately for each district; and

16 (4) the average length of time at each Immigra-
17 tion and Naturalization office between the date that
18 an alien who has been subject to battering or ex-
19 treme cruelty eligible for suspension of deportation
20 or cancellation of removal requests to be placed in
21 deportation or removal proceedings and the date
22 that the immigrant appears before an immigration
23 judge to file an application for suspension of depor-
24 tation or cancellation of removal.

1 **SEC. 506. RESTORING IMMIGRATION PROTECTIONS UNDER**
2 **THE VIOLENCE AGAINST WOMEN ACT OF**
3 **1994.**

4 (a) REMOVING BARRIERS TO ADJUSTMENT OF STA-
5 TUS FOR VICTIMS OF DOMESTIC VIOLENCE.—

6 (1) IMMIGRATION AMENDMENTS.—Section 245
7 of the Immigration and Nationality Act (8 U.S.C.
8 1255) is amended—

9 (A) in subsection (a), by inserting “or the
10 status of any other alien having an approved
11 petition for classification under subparagraph
12 (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section
13 204(a)(1) or” after “into the United States.”;
14 and

15 (B) in subsection (c), by striking “Sub-
16 section (a) shall not be applicable to” and in-
17 serting the following: “Other than an alien hav-
18 ing an approved petition for classification under
19 subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi),
20 (B)(ii), (B)(iii), or B(iv) of section 204(a)(1),
21 subsection (a) shall not be applicable to”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall apply to applications for ad-
24 justment of status pending on or made on or after
25 January 14, 1998.

1 (b) REMOVING BARRIERS TO CANCELLATION OF RE-
2 MOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS
3 OF DOMESTIC VIOLENCE.—

4 (1) NOT TREATING SERVICE OF NOTICE AS
5 TERMINATING CONTINUOUS PERIOD.—Section
6 240A(d)(1) of the Immigration and Nationality Act
7 (8 U.S.C. 1229b(d)(1)) is amended by striking
8 “when the alien is served a notice to appear under
9 section 239(a) or” and inserting “(A) except in the
10 case of an alien who applies for cancellation of re-
11 moval under subsection (b)(2) when the alien is
12 served a notice to appear under section 239(a), or
13 (B)”.

14 (2) EXEMPTION FROM ANNUAL LIMITATION ON
15 CANCELLATION OF REMOVAL FOR BATTERED
16 SPOUSE OR CHILD.—Section 240A(e)(3) of the Im-
17 migration and Nationality Act (8 U.S.C.
18 1229b(e)(3)) is amended by adding at the end the
19 following:

20 “(C) Aliens in removal proceedings who
21 applied for cancellation of removal under sub-
22 section (b)(2).”.

23 (3) EFFECTIVE DATE.—The amendments made
24 by paragraphs (1) and (2) shall take effect as if in-
25 cluded in the enactment of section 304 of the Illegal

1 Immigration Reform and Immigrant Responsibility
2 Act of 1996 (Public Law 104–208; 110 Stat. 587).

3 (4) MODIFICATION OF CERTAIN TRANSITION
4 RULES FOR BATTERED SPOUSE OR CHILD.—Section
5 309(c)(5)(C) of the Illegal Immigration Reform and
6 Immigrant Responsibility Act of 1996 (8 U.S.C.
7 1101 note) is amended—

8 (A) by striking the subparagraph heading
9 and inserting the following:

10 “(C) SPECIAL RULE FOR CERTAIN ALIENS
11 GRANTED TEMPORARY PROTECTION FROM DE-
12 PORTATION AND FOR BATTERED SPOUSES AND
13 CHILDREN.—”; and

14 (B) in clause (i)—

15 (i) in subclause (IV), by striking “or”
16 at the end;

17 (ii) in subclause (V), by striking the
18 period at the end and inserting “; or”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(VI) is an alien who was issued
22 an order to show cause or was in de-
23 portation proceedings before April 1,
24 1997, and who applied for suspension
25 of deportation under section 244(a)(3)

1 of the Immigration and Nationality
2 Act (as in effect before the date of the
3 enactment of this Act).”.

4 (5) EFFECTIVE DATE.—The amendments made
5 by paragraph (4) shall take effect as if included in
6 the enactment of section 309 of the Illegal Immigra-
7 tion Reform and Immigrant Responsibility Act of
8 1996 (8 U.S.C. 1101 note).

9 (c) ELIMINATING TIME LIMITATIONS ON MOTIONS
10 TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS
11 FOR VICTIMS OF DOMESTIC VIOLENCE.—

12 (1) REMOVAL PROCEEDINGS.—

13 (A) IN GENERAL.—Section 240(c)(6)(C) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1229a(c)(6)(C)) is amended by adding at the
16 end the following:

17 “(iv) SPECIAL RULE FOR BATTERED
18 SPOUSES AND CHILDREN.—There is no
19 time limit on the filing of a motion to re-
20 open, and the deadline specified in sub-
21 section (b)(5)(C) for filing such a motion
22 does not apply—

23 “(I) if the basis for the motion is
24 to apply for relief under clause (iii) or
25 (iv) of section 204(a)(1)(A), clause

1 (ii) or (iii) of section 204(a)(1)(B), or
2 section 240A(b)(2); and

3 “(II) if the motion is accom-
4 panied by a cancellation of removal
5 application to be filed with the Attor-
6 ney General or by a copy of the self-
7 petition that has been or will be filed
8 with the Immigration and Naturaliza-
9 tion Service upon the granting of the
10 motion to reopen.”.

11 (B) EFFECTIVE DATE.—The amendment
12 made by subparagraph (A) shall take effect as
13 if included in the enactment of section 304 of
14 the Illegal Immigration Reform and Immigrant
15 Responsibility Act of 1996 (8 U.S.C. 1229–
16 1229c).

17 (2) DEPORTATION PROCEEDINGS.—

18 (A) IN GENERAL.—Notwithstanding any
19 limitation imposed by law on motions to reopen
20 or rescind deportation proceedings under the
21 Immigration and Nationality Act (as in effect
22 before the title III–A effective date in section
23 309 of the Illegal Immigration Reform and Im-
24 migrant Responsibility Act of 1996 (8 U.S.C.
25 1101 note)), there is no time limit on the filing

1 of a motion to reopen such proceedings, and the
2 deadline specified in section 242B(e)(3) of the
3 Immigration and Nationality Act (as so in ef-
4 fect) (8 U.S.C. 1252b(e)(3)) does not apply—

5 (i) if the basis of the motion is to
6 apply for relief under clause (iii) or (iv) of
7 section 204(a)(1)(A) of the Immigration
8 and Nationality Act (8 U.S.C.
9 1154(a)(1)(A)), clause (ii) or (iii) of sec-
10 tion 204(a)(1)(B) of such Act (8 U.S.C.
11 1154(a)(1)(B)), or section 244(a)(3) of
12 such Act (as so in effect) (8 U.S.C.
13 1254(a)(3)); and

14 (ii) if the motion is accompanied by a
15 suspension of deportation application to be
16 filed with the Attorney General or by a
17 copy of the self-petition that will be filed
18 with the Immigration and Naturalization
19 Service upon the granting of the motion to
20 reopen.

21 (B) APPLICABILITY.—Subparagraph (A)
22 shall apply to motions filed by aliens who—

23 (i) are, or were, in deportation pro-
24 ceedings under the Immigration and Na-
25 tionality Act (as in effect before the title

1 III–A effective date in section 309 of the
2 Illegal Immigration Reform and Immigrant
3 Responsibility Act of 1996 (8 U.S.C. 1101
4 note)); and

5 (ii) have become eligible to apply for
6 relief under clause (iii) or (iv) of section
7 204(a)(1)(A) of the Immigration and Na-
8 tionality Act (8 U.S.C. 1154(a)(1)(A)),
9 clause (ii) or (iii) of section 204(a)(1)(B)
10 of such Act (8 U.S.C. 1154(a)(1)(B)), or
11 section 244(a)(3) of such Act (as in effect
12 before the title III–A effective date in sec-
13 tion 309 of the Illegal Immigration Reform
14 and Immigrant Responsibility Act of 1996
15 (8 U.S.C. 1101 note)) as a result of the
16 amendments made by—

17 (I) subtitle G of title IV of the
18 Violent Crime Control and Law En-
19 forcement Act of 1994 (Public Law
20 103–322; 108 Stat. 1953 et seq.); or

21 (II) this title.

1 **SEC. 507. REMEDYING PROBLEMS WITH IMPLEMENTATION**
2 **OF THE IMMIGRATION PROVISIONS OF THE**
3 **VIOLENCE AGAINST WOMEN ACT OF 1994.**

4 (a) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP
5 STATUS ON SELF-PETITION.—

6 (1) RECLASSIFICATION.—Section 204(a)(1)(A)
7 of the Immigration and Nationality Act (8 U.S.C.
8 1154(a)(1)(A)) (as amended by section 503(b)(3) of
9 this title) is amended by adding at the end the fol-
10 lowing:

11 “(vi) For the purposes of any petition filed under
12 clause (iii) or (iv), the denaturalization, loss or renounci-
13 ation of citizenship, death of the abuser, divorce, or
14 changes to the abuser's citizenship status after filing of
15 the petition shall not adversely affect the approval of the
16 petition, and for approved petitions shall not preclude the
17 classification of the eligible self-petitioning spouse or child
18 as an immediate relative or affect the alien's ability to ad-
19 just status under subsections (a) and (c) of section 245
20 or obtain status as a lawful permanent resident based on
21 the approved self-petition under such clauses.”.

22 (2) LOSS OF STATUS.—Section 204(a)(1)(B) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1154(a)(1)(B)) (as amended by section 503(c)(4) of
25 this title) is amended by adding at the end the fol-
26 lowing:

1 “(v)(I) For the purposes of any petition filed or ap-
2 proved under clause (ii) or (iii), divorce, or the loss of law-
3 ful permanent resident status by a spouse or parent after
4 the filing of a petition under that clause shall not ad-
5 versely affect approval of the petition, and, for an ap-
6 proved petition, shall not affect the alien’s ability to adjust
7 status under subsections (a) and (c) of section 245 or ob-
8 tain status as a lawful permanent resident based on an
9 approved self-petition under clause (ii) or (iii).

10 “(II) Upon the lawful permanent resident spouse or
11 parent becoming or establishing the existence of United
12 States citizenship through naturalization, acquisition of
13 citizenship, or other means, any petition filed with the Im-
14 migration and Naturalization Service and pending or ap-
15 proved under clause (ii) or (iii) on behalf of an alien who
16 has been battered or subjected to extreme cruelty shall be
17 deemed reclassified as a petition filed under subparagraph
18 (A) even if the acquisition of citizenship occurs after di-
19 vorce or termination of parental rights.”.

20 (3) DEFINITION OF IMMEDIATE RELATIVES.—

21 Section 201(b)(2)(A)(i) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended
23 by adding at the end the following: “For purposes
24 of this clause, an alien who has filed a petition
25 under clause (iii) or (iv) of section 204(a)(1)(A) of

1 this Act remains an immediate relative in the event
2 that the United States citizen spouse or parent loses
3 United States citizenship on account of the abuse.”.

4 (b) ALLOWING REMARRIAGE OF BATTERED IMMI-
5 GRANTS.—Section 204(h) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1154(h)) is amended by adding at the
7 end the following: “Remarriage of an alien whose petition
8 was approved under section 204(a)(1)(B)(ii) or
9 204(a)(1)(A)(iii) or marriage of an alien described in sec-
10 tion 204(a)(1)(A) (iv) or (vi) or 204(a)(1)(B)(iii) shall not
11 be the basis for revocation of a petition approval under
12 section 205.”.

13 **SEC. 508. TECHNICAL CORRECTION TO QUALIFIED ALIEN**
14 **DEFINITION FOR BATTERED IMMIGRANTS.**

15 Section 431(c)(1)(B)(iii) of the Personal Responsi-
16 bility and Work Opportunity Reconciliation Act of 1996
17 (8 U.S.C. 1641(c)(1)(B)(iii)) is amended to read as fol-
18 lows:

19 “(iii) suspension of deportation under
20 section 244(a)(3) of the Immigration and
21 Nationality Act (as in effect before the
22 title III–A effective date in section 309 of
23 the Illegal Immigration Reform and Immig-
24 rant Responsibility Act of 1996).”.

1 **SEC. 509. ACCESS TO CUBAN ADJUSTMENT ACT FOR BAT-**
 2 **TERED IMMIGRANT SPOUSES AND CHILDREN.**

3 (a) **IN GENERAL.**—The last sentence of the first sec-
 4 tion of Public Law 89–732 (November 2, 1966; 8 U.S.C.
 5 1255 note) is amended by striking the period at the end
 6 and inserting the following: “, except that such spouse or
 7 child who has been battered or subjected to extreme cru-
 8 elty may adjust to permanent resident status under this
 9 Act without demonstrating that he or she is residing with
 10 the Cuban spouse or parent in the United States. In act-
 11 ing on applications under this section with respect to
 12 spouses or children who have been battered or subjected
 13 to extreme cruelty, the Attorney General shall apply the
 14 provisions of section 204(a)(1)(H).”.

15 (b) **EFFECTIVE DATE.**—The amendment made by
 16 subsection (a) shall be effective as if included in subtitle
 17 G of title IV of the Violent Crime Control and Law En-
 18 forcement Act of 1994 (Public Law 103–322; 108 Stat.
 19 1953 et seq.).

20 **SEC. 510. ACCESS TO THE NICARAGUAN ADJUSTMENT AND**
 21 **CENTRAL AMERICAN RELIEF ACT FOR BAT-**
 22 **TERED SPOUSES AND CHILDREN.**

23 Section 309(c)(5)(C) of the Illegal Immigration and
 24 Reform and Immigrant Responsibility Act of 1996 (divi-
 25 sion C of Public Law 104–208; 8 U.S.C. 1101 note) is
 26 amended—

1 (1) in clause (i)—

2 (A) by striking “For purposes” and insert-
3 ing “Subject to clauses (ii), (iii), and (iv), for
4 purposes”;

5 (B) by striking “or” at the end of sub-
6 clause (IV);

7 (C) by striking the period at the end of
8 subclause (V) and inserting “; or”; and

9 (D) by adding at the end the following:

10 “(VI) is at the time of filing of
11 an application under subclause (I),
12 (II), (V), or (VI) the spouse or child
13 of an individual described in subclause
14 (I), (II), or (V) and the spouse, child,
15 or child of the spouse has been bat-
16 tered or subjected to extreme cruelty
17 by the individual described in sub-
18 clause (I), (II), or (V).”; and

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

20 “(iii) CONSIDERATION OF PETI-
21 TIONS.—In acting on a petition filed under
22 subclause (VI) or (VII) of clause (i) the
23 provisions set forth in section
24 204(a)(1)(H) shall apply.

1 “(iv) RESIDENCE WITH SPOUSE OR
2 PARENT NOT REQUIRED.—For purposes of
3 the application of subclauses (VI) and
4 (VII) of clause (i), a spouse or child shall
5 not be required to demonstrate that he or
6 she is residing with the spouse or parent in
7 the United States.”.

8 **SEC. 511. ACCESS TO THE HAITIAN REFUGEE FAIRNESS**
9 **ACT OF 1998 FOR BATTERED SPOUSES AND**
10 **CHILDREN.**

11 (a) IN GENERAL.—Section 902(d)(1)(B) of the Hai-
12 tian Refugee Immigration Fairness Act of 1998 (division
13 A of section 101(h) of Public Law 105–277; 112 Stat.
14 2681–538) is amended to read as follows:

15 “(B)(i) the alien is the spouse or child of
16 an alien whose status is adjusted to that of an
17 alien lawfully admitted for permanent residence
18 under subsection (a);

19 “(ii) at the time of filing or the application
20 for adjustment under subsection (a) of this sub-
21 section the alien is the spouse or child of an
22 alien whose status is adjusted to that of an
23 alien lawfully admitted for permanent residence
24 under subsection (a) and the spouse, child, or
25 child of the spouse has been battered or sub-

1 jected to extreme cruelty by the individual de-
2 scribed in subsection (a); and

3 “(iii) in acting on applications under this
4 section with respect to spouses or children who
5 have been battered or subjected to extreme cru-
6 elty, the Attorney General shall apply the provi-
7 sions of section 204(a)(1)(H).”.

8 (b) RESIDENCE WITH SPOUSE OR PARENT NOT RE-
9 QUIRED.—Section 902(d) of such Act is amended—

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

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

14 “(3) RESIDENCE WITH SPOUSE OR PARENT NOT
15 REQUIRED.—A spouse, or child may adjust to per-
16 manent resident status under paragraph (1) without
17 demonstrating that he or she is residing with the
18 spouse or parent in the United States.”.

19 **SEC. 512. ACCESS TO SERVICES AND LEGAL REPRESENTA-**
20 **TION FOR BATTERED IMMIGRANTS.**

21 (a) LAW ENFORCEMENT AND PROSECUTION
22 GRANTS.—Section 2001(b) of part T of title I of the Om-
23 nibus Crime Control and Safe Streets Act of 1968 (42
24 U.S.C. 3796gg(b)) is amended—

1 (1) in paragraph (1), by inserting “, immigra-
2 tion and asylum officers, immigration judges,” after
3 “law enforcement officers”;

4 (2) in paragraph (8) (as amended by section
5 209(c) of this Act), by striking “and” at the end;

6 (3) in paragraph (9) (as added by section
7 209(c) of this Act), by striking the period at the end
8 and inserting “; and”; and

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

10 “(10) providing assistance to victims of domes-
11 tic violence and sexual assault in immigration mat-
12 ters.”.

13 (b) GRANTS TO ENCOURAGE ARRESTS.—Section
14 2101(b)(5) of part U of title I of the Omnibus Crime Con-
15 trol and Safe Streets Act of 1968 (42 U.S.C.
16 3796hh(b)(5)) is amended by inserting before the period
17 the following: “, including strengthening assistance to do-
18 mestic violence victims in immigration matters”.

19 (c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE
20 ENFORCEMENT GRANTS.—Section 40295(a)(2) of the
21 Violent Crime Control and Law Enforcement Act of 1994
22 (Public Law 103–322; 108 Stat. 1953; 42 U.S.C.
23 13971(a)(2)) is amended to read as follows:

1 “(2) to provide treatment, counseling, and as-
2 sistance to victims of domestic violence and child
3 abuse, including in immigration matters; and”.

4 (d) **CAMPUS DOMESTIC VIOLENCE GRANTS.**—Section
5 826(b)(5) of the Higher Education Amendments of 1998
6 (Public Law 105–244; 20 U.S.C. 1152) is amended by in-
7 serting before the period at the end the following: “, in-
8 cluding assistance to victims in immigration matters”.

9 **TITLE VI—EXTENSION OF VIO-**
10 **LENT CRIME REDUCTION**
11 **TRUST FUND**

12 **SEC. 601. EXTENSION OF VIOLENT CRIME REDUCTION**
13 **TRUST FUND.**

14 (a) **IN GENERAL.**—Section 310001(b) of the Violent
15 Crime Control and Law Enforcement Act of 1994 (42
16 U.S.C. 14211) is amended by striking paragraphs (1)
17 through (5) and inserting the following:

18 “(1) for fiscal year 2001, \$6,025,000,000;

19 “(2) for fiscal year 2002, \$6,169,000,000;

20 “(3) for fiscal year 2003, \$6,316,000,000;

21 “(4) for fiscal year 2004, \$6,458,000,000; and

22 “(5) for fiscal year 2005, \$6,616,000,000.”.

23 (b) **DISCRETIONARY LIMITS.**—Title XXXI of the Vio-
24 lent Crime Control and Law Enforcement Act of 1994 (42

1 U.S.C. 14211 et seq.) is amended by inserting after sec-
2 tion 310001 the following:

3 **“SEC. 310002. DISCRETIONARY LIMITS.**

4 “For the purposes of allocations made for the discre-
5 tionary category under section 302(a) of the Congressional
6 Budget Act of 1974 (2 U.S.C. 633(a)), the term ‘discre-
7 tionary spending limit’ means—

8 “(1) with respect to fiscal year 2001—

9 “(A) for the discretionary category,
10 amounts of budget authority and outlays nec-
11 essary to adjust the discretionary spending lim-
12 its to reflect the changes in subparagraph (B)
13 as determined by the Chairman of the Com-
14 mittee on the Budget of the House of Rep-
15 resentatives and the Chairman of the Com-
16 mittee on the Budget of the Senate; and

17 “(B) for the violent crime reduction cat-
18 egory, \$6,025,000,000 in new budget authority
19 and \$5,718,000,000 in outlays;

20 “(2) with respect to fiscal year 2002—

21 “(A) for the discretionary category,
22 amounts of budget authority and outlays nec-
23 essary to adjust the discretionary spending lim-
24 its to reflect the changes in subparagraph (B)
25 as determined by the Chairman of the Com-

1 committee on the Budget of the House of Rep-
2 representatives and the Chairman of the Com-
3 mittee on the Budget of the Senate; and

4 “(B) for the violent crime reduction cat-
5 egory, \$6,169,000,000 in new budget authority
6 and \$6,020,000,000 in outlays;

7 “(3) with respect to fiscal year 2003—

8 “(A) for the discretionary category,
9 amounts of budget authority and outlays nec-
10 essary to adjust the discretionary spending lim-
11 its to reflect the changes in subparagraph (B)
12 as determined by the Chairman of the Com-
13 mittee on the Budget of the House of Rep-
14 resentatives and the Chairman of the Com-
15 mittee on the Budget of the Senate; and

16 “(B) for the violent crime reduction cat-
17 egory, \$6,316,000,000 in new budget authority
18 and \$6,161,000,000 in outlays;

19 “(4) with respect to fiscal year 2004—

20 “(A) for the discretionary category,
21 amounts of budget authority and outlays nec-
22 essary to adjust the discretionary spending lim-
23 its to reflect the changes in subparagraph (B)
24 as determined by the Chairman of the Com-
25 mittee on the Budget of the House of Rep-

1 representatives and the Chairman of the Com-
2 mittee on the Budget of the Senate; and

3 “(B) for the violent crime reduction cat-
4 egory, \$6,459,000,000 in new budget authority
5 and \$6,303,000,000 in outlays; and

6 “(5) with respect to fiscal year 2005—

7 “(A) for the discretionary category,
8 amounts of budget authority and outlays nec-
9 essary to adjust the discretionary spending lim-
10 its to reflect the changes in subparagraph (B)
11 as determined by the Chairman of the Com-
12 mittee on the Budget of the House of Rep-
13 resentatives and the Chairman of the Com-
14 mittee on the Budget of the Senate; and

15 “(B) for the violent crime reduction cat-
16 egory, \$6,616,000 in new budget authority and
17 \$6,452,000,000 in outlays;

18 as adjusted in accordance with section 251(b) of the
19 Balanced Budget and Emergency Deficit Control
20 Act of 1985 (2 U.S.C. 901(b)) and section 314 of
21 the Congressional Budget Act of 1974.”.

Calendar No. 676

106TH CONGRESS
2D SESSION

S. 2787

A BILL

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

JULY 12, 2000

Reported without amendment