

106TH CONGRESS
1ST SESSION

S. 51

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

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. BIDEN (for himself, Mr. SPECTER, Mrs. BOXER, Mrs. MURRAY, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. FEINSTEIN, Mrs. LINCOLN, Ms. SNOWE, Mr. LAUTENBERG, Mr. REID, Mr. REED, Mr. DODD, Mr. INOUE, Mr. KERRY, Mr. ROBB, Mr. SCHUMER, Mr. WELLSTONE, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

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

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

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

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

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

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

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

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

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

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

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

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

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

TITLE V—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

- Sec. 501. Extension.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

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

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

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

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

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

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

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

24 “(7) To provide technical assistance and com-
 25 puter and other equipment to police departments,
 26 prosecutors, courts, and tribal jurisdictions to facili-

1 tate the widespread enforcement of protection or-
2 ders, including interstate enforcement, enforcement
3 between States and tribal jurisdictions, and enforce-
4 ment between tribal jurisdictions.”; and

5 (3) in section 2102—

6 (A) in subsection (b)—

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

9 (ii) in paragraph (2), by striking the
10 period at the end and inserting “, includ-
11 ing the enforcement of protection orders
12 from other States and jurisdictions (includ-
13 ing tribal jurisdictions);”; and

14 (iii) by adding at the end the follow-
15 ing:

16 “(3) have established cooperative agreements
17 with neighboring jurisdictions to facilitate the en-
18 forcement of protection orders from other States and
19 jurisdictions (including tribal jurisdictions); and

20 “(4) will give priority to using the grant to de-
21 velop and install data collection and communication
22 systems, including computerized systems, linking po-
23 lice, prosecutors, courts, and tribal jurisdictions for
24 the purpose of identifying and tracking protection
25 orders and violations of protection orders.”; and

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

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

10 (b) CUSTODY AND PROTECTION ORDERS.—Section
11 2265 of title 18, United States Code, is amended by add-
12 ing at the end the following:

13 “(d) REGISTRATION.—

14 “(1) IN GENERAL.—A State or Indian tribe
15 shall not notify the party against whom a protection
16 order has been made that the protection order has
17 been registered or filed in the State or tribal juris-
18 diction unless requested to do so by the party pro-
19 tected under that order.

20 “(2) NO PRIOR REGISTRATION OR FILING RE-
21 QUIRED.—Nothing in this subsection may be con-
22 strued to require the prior filing or registration of
23 a protection order in an enforcing State in order to
24 secure enforcement pursuant to subsection (a).

1 “(e) NOTICE.—A protection order that is otherwise
 2 consistent with this section shall be accorded full faith and
 3 credit and enforced notwithstanding the failure to provide
 4 notice to the party against whom the order is made of
 5 its registration or filing in the enforcing State or Indian
 6 tribe.”.

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

12 **SEC. 102. ROLE OF COURTS.**

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

16 (1) in section 2001—

17 (A) in subsection (a)—

18 (i) by inserting “State and local
 19 courts,” after “States,”; and

20 (ii) by inserting “tribal courts,” after
 21 “Indian tribal governments,”; and

22 (B) in subsection (b)—

23 (i) in each of paragraphs (1) and (2),
 24 by inserting “, judges and other court per-

1 sonnel,” after “law enforcement officers”;
 2 and

3 (ii) in paragraph (3), by inserting “,
 4 court,” after “police”; and
 5 (2) in section 2002—

6 (A) in subsection (a), by inserting “State
 7 and local courts,” after “States,” the second
 8 place it appears;

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

11 “(3) of the amount granted—

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

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

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

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

20 (b) REAUTHORIZATION OF STATE JUSTICE INSTI-
 21 TUTE GRANTS.—Chapter 1 of subtitle D of the Violence
 22 Against Women Act of 1994 (42 U.S.C. 13991 et seq.)
 23 is amended—

24 (1) in section 40412—

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

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

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

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

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

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

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

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

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

11 “(a) IN GENERAL.—There is authorized to be appro-
 12 priated from the Violent Crime Reduction Trust Fund es-
 13 tablished under section 310001 of the Violent Crime Con-
 14 trol and Law Enforcement Act of 1994 (42 U.S.C. 14211)
 15 to carry out this chapter \$600,000 for each of fiscal years
 16 2000 through 2002.”.

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

1 pare materials necessary to implement this section and the
 2 amendments made by this section.

3 (d) GRANTS TO ENCOURAGE ARREST POLICIES.—

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

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

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

14 (C) in subsection (b)—

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

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

22 (2) ALLOTMENT FOR INDIAN TRIBES.—Section
 23 2101 of the Omnibus Crime Control and Safe
 24 Streets Act of 1968 (42 U.S.C. 3796hh) is amended
 25 by adding at the end the following:

1 “(d) ALLOTMENT FOR INDIAN TRIBES.—

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

6 “(2) REALLOTMENT OF FUNDS.—If, beginning
7 12 months after the first day of any fiscal year for
8 which amounts are made available under this sub-
9 section, any amount made available under this sub-
10 section remains unobligated, the unobligated amount
11 may be allocated without regard to paragraph (1) of
12 this subsection.”.

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

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

18 “(18) There is authorized to be appropriated from
19 the Violent Crime Reduction Trust Fund established
20 under section 310001 of the Violent Crime Control and
21 Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry
22 out part T \$184,000,000 for fiscal year 2000,
23 \$185,000,000 for fiscal year 2001, and \$186,000,000 for
24 fiscal year 2002.”.

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

4 (1) in section 2001—

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

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

11 “(c) STATE COALITION GRANTS.—

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

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

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

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

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

11 (2) in section 2002(b)—

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

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

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

24 (3) in section 2003—

(A) in paragraph (1), by inserting “by a person with whom the victim has engaged in a social relationship of a romantic or intimate nature” after “child in common,”;

(B) in paragraph (8)—

(i) by striking “assisting domestic violence or sexual assault victims through the legal process” and inserting “providing assistance for victims seeking legal, social, or health care services”; and

(ii) by inserting before the period at the end the following: “, except that the term does not include any program or activity that is targeted primarily for offenders”; and

(C) in paragraph (7), by striking “physical”.

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

“(3) REALLOTMENT OF FUNDS.—

“(A) IN GENERAL.—If, beginning 1 year after the last day of any fiscal year for which amounts are made available under section 1001(a)(18), any amount made available re-

1 mains unobligated, the unobligated amount may
 2 be allocated by a State to fulfill the purposes
 3 described in section 2001(b), without regard to
 4 subsection (c)(3) of this section.

5 “(B) GUIDELINES.—The Attorney General
 6 shall promulgate guidelines to implement this
 7 paragraph.”.

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

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

15 **SEC. 105. REAUTHORIZATION OF GRANTS TO ENCOURAGE**
 16 **ARREST POLICIES.**

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

20 “(19) There is authorized to be appropriated from
 21 the Violent Crime Reduction Trust Fund established
 22 under section 310001 of the Violent Crime Control and
 23 Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry
 24 out part U \$64,000,000 for fiscal year 2000, \$65,000,000

1 for fiscal year 2001, and \$66,000,000 for fiscal year
2 2002.”.

3 **SEC. 106. VIOLENCE AGAINST WOMEN IN THE MILITARY**
4 **SYSTEM.**

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

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

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

“Sec.

“3261. Definitions.

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

“3263. Delivery to authorities of foreign countries.

“3264. Regulations.

14 **“§ 3261. Definitions**

15 “In this chapter—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(d) ARRESTS.—

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

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

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

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

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

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

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

8 “§ 3264. Regulations

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

17 (b) RECORDS OF MILITARY JUSTICE ACTIONS.—

(1) IN GENERAL.—Subchapter XI of chapter 47 of title 10, United States Code, is amended by adding at the end the following:

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

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

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

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

16 (c) TRANSITIONAL COMPENSATION.—Section
 17 1059(g)(2) of title 10, United States Code, is amended
 18 by striking “the Secretary may not resume such pay-
 19 ments” and inserting “the Secretary may, under cir-
 20 cumstances determined extraordinary by the Secretary, re-
 21 sume such payments”.

22 **SEC. 107. HATE CRIMES PREVENTION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (d) GRANT PROGRAM.—

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

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

17 (e) AUTHORIZATION FOR ADDITIONAL PERSONNEL
 18 TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.—
 19 There are authorized to be appropriated to the Depart-
 20 ment of the Treasury and the Department of Justice, in-
 21 cluding the Community Relations Service, for fiscal years
 22 2000, 2001, and 2002 such sums as are necessary to in-
 23 crease the number of personnel to prevent and respond
 24 to alleged violations of section 245 of title 18, United
 25 States Code (as amended by this section).

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

8 **SEC. 108. REAUTHORIZATION OF RURAL DOMESTIC VIO-**
 9 **LENCE AND CHILD ABUSE ENFORCEMENT**
 10 **GRANTS.**

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

14 “(1) IN GENERAL.—There is authorized to be
 15 appropriated from the Violent Crime Reduction
 16 Trust Fund established under section 310001 of the
 17 Violent Crime Control and Law Enforcement Act of
 18 1994 (42 U.S.C. 14211) to carry out this section—

19 “(A) \$34,000,000 for fiscal year 2000;

20 “(B) \$35,000,000 for fiscal year 2001; and

21 “(C) \$36,000,000 for fiscal year 2002.”.

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

25 “(3) ALLOTMENT FOR INDIAN TRIBES.—

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

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

13 **SEC. 109. NATIONAL STALKER AND DOMESTIC VIOLENCE**
 14 **REDUCTION.**

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

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

19 “There is authorized to be appropriated from the Vio-
 20 lent Crime Reduction Trust Fund established under sec-
 21 tion 310001 of the Violent Crime Control and Law En-
 22 forcement Act of 1994 (42 U.S.C. 14211) to carry out
 23 this subtitle—

24 “(1) \$2,000,000 for fiscal year 2000;

25 “(2) \$3,000,000 for fiscal year 2001; and

1 “(3) \$4,000,000 for fiscal year 2002.”.

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

6 **SEC. 110. AMENDMENTS TO DOMESTIC VIOLENCE AND**
7 **STALKING OFFENSES.**

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

11 “(a) OFFENSES.—

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

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

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

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

5 **“§ 2261A. Interstate stalking**

6 “Whoever—

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

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

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

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

1 “(a) OFFENSES.—

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

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

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

3 (d) FULL FAITH AND CREDIT.—Section 2265 of title
 4 18, United States Code, is amended by adding at the end
 5 the following:

6 “(d) TRIBAL COURT JURISDICTION.—For purposes
 7 of this section, a tribal court shall be deemed to have juris-
 8 diction over any activity occurring in Indian country.”.

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

11 **“§ 2266. Definitions**

12 “In this chapter:

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

16 “(2) ENTERS OR LEAVES INDIAN COUNTRY.—
 17 The term ‘enters or leaves Indian country’ includes
 18 leaving the jurisdiction of 1 tribal government and
 19 entering the jurisdiction of another tribal govern-
 20 ment.

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

23 “(4) PROTECTION ORDER.—The term ‘protec-
 24 tion order’ includes any injunction or other order
 25 issued for the purpose of preventing violent or

1 threatening acts or harassment against, or contact
 2 or communication with or physical proximity to, an-
 3 other person, including temporary and final orders
 4 issued by civil and criminal courts (other than sup-
 5 port or child custody orders issued pursuant to State
 6 divorce and child custody laws) whether obtained by
 7 filing an independent action or as a pendente lite
 8 order in another proceeding so long as any civil
 9 order was issued in response to a complaint, petition
 10 or motion filed by or on behalf of a person seeking
 11 protection. Custody and visitation provisions in pro-
 12 tection orders are subject to this chapter.

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 a person who cohabits or has cohabited with the
 21 abuser as a spouse, and a person with whom
 22 the abuser has engaged in a social relationship
 23 of a romantic or intimate nature; and

24 “(B) any other person similarly situated to
 25 a spouse who is protected by the domestic or

1 family violence laws of the State or tribal juris-
 2 diction in which the injury occurred or where
 3 the victim resides.

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

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

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

18 **SEC. 201. CIVIL LEGAL ASSISTANCE.**

19 (a) IN GENERAL.—The purpose of this section is to
 20 enable the Attorney General to make grants to further the
 21 health, safety, and economic well-being of victims of do-
 22 mestic violence, stalking, and sexual assault by providing
 23 civil legal assistance to such victims.

24 (b) CIVIL LEGAL ASSISTANCE GRANTS.—The Attor-
 25 ney General may make grants under this subsection to pri-

1 vate nonprofit entities, publicly funded organizations not
 2 acting in a governmental capacity, and Indian tribal gov-
 3 ernments and affiliated organizations, which shall be
 4 used—

5 (1) to implement, expand, and establish cooper-
 6 ative efforts and projects between domestic violence
 7 and sexual assault victim advocacy organizations
 8 and civil legal assistance providers to strengthen a
 9 broad range of civil legal assistance for victims of
 10 domestic violence, stalking, and sexual assault;

11 (2) to implement, expand, and establish efforts
 12 and projects to strengthen a broad range of civil
 13 legal assistance for victims of domestic violence,
 14 stalking, and sexual assault by organizations with a
 15 demonstrated history of providing direct legal or ad-
 16 vocacy services on behalf of these victims; and

17 (3) to provide training, technical assistance,
 18 and data collection to improve the capacity of grant-
 19 ees and other entities to offer civil legal assistance
 20 to victims of domestic violence, stalking, and sexual
 21 assault.

22 (c) GRANT TO CREATE DATABASE OF PROGRAMS
 23 THAT PROVIDE CIVIL LEGAL ASSISTANCE TO VICTIMS OF
 24 DOMESTIC VIOLENCE, STALKING, AND SEXUAL AS-
 25 SAULT.—

1 (1) IN GENERAL.—The Attorney General may
2 make a grant to establish, operate, and maintain a
3 national computer database of programs that pro-
4 vide civil legal assistance to victims of domestic vio-
5 lence, stalking, and sexual assault.

6 (2) DATABASE REQUIREMENTS.—A database
7 established with a grant under this subsection shall
8 be—

9 (A) designed to facilitate the referral of
10 persons to programs that provide civil legal as-
11 sistance to victims of domestic violence, stalk-
12 ing, and sexual assault; and

13 (B) operated in coordination with the na-
14 tional domestic violence hotline established
15 under section 316 of the Family Violence Pre-
16 vention and Services Act.

17 (d) EVALUATION.—The Attorney General may evalu-
18 ate the grants funded under this section through contracts
19 or other arrangements with entities expert on domestic vi-
20 olence, stalking, and sexual assault, and on evaluation re-
21 search.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated from the Violent Crime Reduction
25 Trust Fund established under section 310001 of the

1 Violent Crime Control and Law Enforcement Act of
 2 1994 (42 U.S.C. 14211) to carry out this section—

3 (A) \$34,000,000 for fiscal year 2000;

4 (B) \$35,000,000 for fiscal year 2001; and

5 (C) \$36,000,000 for fiscal year 2002.

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

12 (3) NONSUPPLANTATION.—Amounts made
 13 available under this section shall be used to supple-
 14 ment and not supplant other Federal, State, and
 15 local funds expended to further the purpose of this
 16 section.

17 **SEC. 202. SHELTERS FOR BATTERED WOMEN AND CHIL-**
 18 **DREN.**

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

22 (1) in subsection (a)(2)—

23 (A) by redesignating subparagraph (G) as
 24 subparagraph (H); and

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

3 “(G) provide documentation, including
 4 memoranda of understanding, of the specific in-
 5 volvement of the State domestic violence coali-
 6 tion and other knowledgeable individuals and
 7 interested organizations, in the development of
 8 the application; and”; and
 9 (2) in subsection (c)—

10 (A) by striking “No funds provided” and
 11 inserting “(1) Except as provided in paragraph
 12 (2), no funds provided”; and

13 (B) by inserting after the period the fol-
 14 lowing:

15 “(2) Not more than 1 percent of the funds appro-
 16 priated to carry out this section and distributed under
 17 subsection (a) or (b) may be used to provide emergency
 18 assistance, such as transportation and housing assistance,
 19 directly to victims of family violence, or to the dependents
 20 of such victims, who are in the process of fleeing an abu-
 21 sive situation. Any entity that provides such assistance
 22 shall annually prepare and submit to the Secretary a re-
 23 port specifying, and describing the distribution of, funds
 24 provided pursuant to this paragraph. The report shall not

1 contain information identifying an individual recipient of
2 such assistance.”.

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

6 (1) in subsection (a), by striking “for grants to
7 States for any fiscal year” and all that follows and
8 inserting the following: “and available for grants to
9 States under this subsection for any fiscal year—

10 “(1) Guam, American Samoa, the United
11 States Virgin Islands, the Commonwealth of the
12 Northern Mariana Islands, and the combined Freely
13 Associated States shall each be allotted not less than
14 $\frac{1}{8}$ of 1 percent of the amounts available for grants
15 under section 303(a) for the fiscal year for which
16 the allotment is made; and

17 “(2) each State shall be allotted for payment in
18 a grant authorized under section 303(a) \$500,000,
19 with the remaining funds to be allotted to each State
20 in an amount that bears the same ratio to such re-
21 maining funds as the population of such State bears
22 to the population of all States.”;

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

25 (3) in subsection (d)—

1 (A) by redesignating paragraph (2) as
2 paragraph (3);

3 (B) by inserting after paragraph (1) the
4 following:

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

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

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

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

21 (C) in paragraph (3) (as redesignated in
22 subparagraph (A)) by inserting “or distribution
23 under section 303(b)” after “303(a)”; and
24 (4) by adding at the end the following:

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

3 (c) SECRETARIAL RESPONSIBILITIES.—Section
4 305(a) of the Family Violence Prevention and Services Act
5 (42 U.S.C. 10404(a)) is amended—

6 (1) by striking “an employee” and inserting “1
7 or more employees”;

8 (2) by striking “of this title.” and inserting “of
9 this title, including carrying out evaluation and mon-
10 itoring under this title.”; and

11 (3) by striking “individual” and inserting “indi-
12 viduals”.

13 (d) RESOURCE CENTERS.—Section 308 of the Fam-
14 ily Violence Prevention and Services Act (42 U.S.C.
15 10407) is amended—

16 (1) in subsection (a)(2)—

17 (A) by striking the following:

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

20 “(2) GRANTS.—

21 “(A) CENTERS.—From the amounts”;

22 (B) by inserting “on providing informa-
23 tion, training, and technical assistance” after
24 “focusing”; and

1 (C) by inserting after the period the follow-
 2 ing:

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

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

12 “(ii) the total amounts awarded for all
 13 such initiatives do not exceed the lesser of
 14 \$500,000 or 7 percent of the funds appro-
 15 priated for making grants under this sec-
 16 tion.”; and

17 (2) in subsection (c), by adding at the end the
 18 following:

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

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

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

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

11 “(a) IN GENERAL.—

12 “(1) AUTHORIZATION OF APPROPRIATIONS.—
 13 There are authorized to be appropriated to carry out
 14 this title—

15 “(A) \$150,000,000 for fiscal year 2000;

16 “(B) \$175,000,000 for fiscal year 2001;

17 and

18 “(C) \$175,000,000 for fiscal year 2002.

19 “(2) SOURCE OF FUNDS.—Amounts made avail-
 20 able under paragraph (1) may be appropriated from
 21 the Violent Crime Reduction Trust Fund established
 22 under section 310001 of the Violent Crime Control
 23 and Law Enforcement Act of 1994 (42 U.S.C.
 24 14211).”.

1 (f) LIMITATION ON FUNDS.—Section 310 of the
 2 Family Violence Prevention and Services Act (42 U.S.C.
 3 10409), as amended by subsection (e), is amended—

4 (1) in subsection (b), by striking “under sub-
 5 section 303(a)” and inserting “under section
 6 303(a)”;

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

9 (3) in subsection (d)—

10 (A) by striking the following:

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

13 “(d) GRANTS FOR STATE COALITIONS.—

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

16 (B) by inserting after the period the fol-
 17 lowing:

18 “(2) APPROPRIATIONS EXCEEDING
 19 \$110,000,000.—If the total amount appropriated
 20 under subsection (a) for a fiscal year exceeds
 21 \$110,000,000, the Secretary shall use, for making
 22 grants under section 311, not less than—

23 “(A) \$11,000,000; plus

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

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

6 (5) by inserting after subsection (d) the follow-
7 ing:

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

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

16 **“SEC. 319. NEEDS ASSESSMENT.**

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

20 (h) MODEL LEADERSHIP GRANTS FOR DOMESTIC VI-
21 OLENCE INTERVENTION IN UNDERSERVED COMMU-
22 NITIES.—

23 (1) IN GENERAL.—Title III of the Family Vio-
24 lence Prevention and Services Act (42 U.S.C. 10401

1 et seq.), as amended by subsection (g), is amended
 2 by adding at the end the following:

3 **“SEC. 320. MODEL LEADERSHIP GRANTS FOR DOMESTIC VI-**
 4 **OLENCE INTERVENTION IN UNDERSERVED**
 5 **COMMUNITIES.**

6 “(a) GRANTS.—

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

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

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

21 “(A) assessing the needs of underserved
 22 populations in the State involved;

23 “(B) building collaborative relationships
 24 between the grant recipients and community-

1 based organizations serving underserved popu-
 2 lations; and

3 “(C) developing and implementing model
 4 community intervention strategies to decrease
 5 the incidence of family violence in underserved
 6 populations.

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

10 “(b) ELIGIBILITY.—

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

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

22 “(B) demonstrate to the Secretary inclu-
 23 sion of representatives from community-based
 24 organizations in underserved communities in

1 planning and designing the needs assessment
2 under subparagraph (A).

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

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

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

17 “(c) PRIORITY FOR COLLABORATIVE FUNDING.—

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

24 “(2) AMOUNTS.—The Secretary shall award
25 grants under subsection (a)(1) to coalitions and enti-

1 ties described in paragraph (1) in amounts of not
2 less than \$100,000 per fiscal year.”.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 Section 310 of the Family Violence Prevention and
5 Services Act (42 U.S.C. 10409), as amended by sub-
6 section (f), is further amended—

7 (A) by redesignating subsection (f) as sub-
8 section (g); and

9 (B) by inserting after subsection (e) the
10 following:

11 “(f) REDISTRIBUTION OF FUNDS AVAILABLE DUE
12 TO CERTAIN LIMITATIONS.—

13 “(1) APPROPRIATIONS EXCEEDING
14 \$110,000,000.—Except as provided in paragraph (2),
15 if the total amount appropriated under subsection
16 (a) for a fiscal year exceeds \$110,000,000, the Sec-
17 retary shall use not less than 2 percent of the
18 amount appropriated under such subsection for such
19 fiscal year in excess of \$110,000,000 for making
20 grants under section 303 or 320.

21 “(2) APPROPRIATIONS EXCEEDING
22 \$150,000,000.—If the total amount appropriated
23 under subsection (a) for a fiscal year exceeds
24 \$150,000,000, the Secretary shall use not less than
25 7 percent of the amount appropriated under such

1 subsection for such fiscal year in excess of
2 \$150,000,000 for making grants under section 303
3 or 320.”.

4 (i) CONFORMING AMENDMENTS.—

5 (1) Section 303(b)(2) of the Family Violence
6 Prevention and Services Act (42 U.S.C.
7 10402(b)(2)) is amended, in the second sentence, by
8 striking “(D), (E) and (F)” and inserting “(D), (E),
9 (F), and (G)”.

10 (2) Section 306 of the Family Violence Preven-
11 tion and Services Act (42 U.S.C. 10405) is amend-
12 ed, in the second sentence, by striking “section
13 303(a)(2)(B) through 303(a)(2)(F)” and inserting
14 “subparagraphs (B) through (G) of section
15 303(a)(2)”.

16 (3) Section 309(6) of the Family Violence Pre-
17 vention and Services Act (42 U.S.C. 10408(6)) is
18 amended by striking “the Virgin Islands, the North-
19 ern Mariana Islands, and the Trust Territory of the
20 Pacific Islands” and inserting “the United States
21 Virgin Islands, the Commonwealth of the Northern
22 Mariana Islands, and the combined Freely Associ-
23 ated States”.

24 (4) Section 311(c) of the Family Violence Pre-
25 vention and Services Act (42 U.S.C. 10410(c)) is

1 amended by striking “the U.S. Virgin Islands, the
 2 Northern Mariana Islands, and the Trust Territory
 3 of the Pacific Islands” and inserting “the United
 4 States Virgin Islands, the Commonwealth of the
 5 Northern Mariana Islands, and the Freely Associ-
 6 ated States”.

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

8 (a) DEFINITIONS.—In this section—

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

13 (A) Attempting to cause or causing an-
 14 other person bodily injury, physical harm, sub-
 15 stantial emotional distress, psychological trau-
 16 ma, rape, sexual assault, or involuntary sexual
 17 intercourse.

18 (B) Engaging in a course of conduct or re-
 19 peatedly committing acts toward another per-
 20 son, including following the person without
 21 proper authority and under circumstances that
 22 place the person in reasonable fear of bodily in-
 23 jury or physical harm.

24 (C) Subjecting another person to false im-
 25 prisonment or kidnapping.

1 (D) Attempting to cause or causing dam-
2 age to property so as to intimidate or attempt
3 to control the behavior of another person.

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

6 (A) denying, refusing to issue, renew, or
7 reissue, or canceling or otherwise terminating
8 an insurance policy or health benefit plan;

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

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

17 (3) HEALTH BENEFIT PLAN.—The term
18 “health benefit plan” means any public or private
19 entity or program that provides for payments for
20 health care, including—

21 (A) a group health plan (as defined in sec-
22 tion 607 of the Employee Retirement Income
23 Security Act of 1974 (29 U.S.C. 1167)) or a
24 multiple employer welfare arrangement (as de-

1 fined in section 3(40) of such Act (29 U.S.C.
2 1102(40)) that provides health benefits;

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

8 (C) workers' compensation or similar in-
9 surance to the extent that it relates to workers'
10 compensation medical benefits (as defined by
11 the Federal Trade Commission); and

12 (D) automobile medical insurance to the
13 extent that it relates to medical benefits (as de-
14 fined by the Federal Trade Commission).

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

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

1 (A) is insured under the same policy as the
2 abuser; and

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

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

18 (7) INSURER.—The term “insurer” means any
19 person, reciprocal exchange, interinsurer, Lloyds in-
20 surer, fraternal benefit society, or other legal entity
21 engaged in the business of insurance, including
22 agents, brokers, adjusters, and third party adminis-
23 trators, and includes health benefit plans, health
24 carriers, and life, disability, and property and cas-
25 uality insurers.

1 (8) PERSONAL IDENTIFYING INFORMATION.—

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

8 (9) POLICY.—The term “policy” means a con-
9 tract of insurance, certificate, indemnity, suretyship,
10 or annuity issued, proposed for issuance, or intended
11 for issuance by an insurer, including endorsements
12 or riders to an insurance policy or contract.

13 (10) SUBJECT OF ABUSE.—The term “subject
14 of abuse” means a person—

15 (A) against whom an act of abuse has been
16 directed;

17 (B) who has prior or current injuries, ill-
18 nesses, or disorders that resulted from abuse;

19 (C) who seeks, may have sought, or had
20 reason to seek medical or psychological treat-
21 ment for abuse or protection or shelter from
22 abuse; or

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

25 (b) ACTS AGAINST SUBJECTS OF ABUSE.—

1 (1) DISCRIMINATORY ACTS PROHIBITED.—

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

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

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

19 (3) USE OF INFORMATION.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), an insurer, and any officer,
22 employee, or contractor thereof, shall not know-
23 ingly disclose or otherwise make available to
24 any person or entity personal identifying infor-
25 mation about a subject of abuse.

1 (B) EXCEPTION.—Personal identifying in-
2 formation referred to in subparagraph (A) may
3 be disclosed—

4 (i) with the informed, written consent
5 of the subject of abuse at the time the dis-
6 closure is sought;

7 (ii) if such information is necessary
8 for the provision of or the payment for
9 services provided by the insurer or is inci-
10 dent to the ordinary course of business of
11 the insurer; or

12 (iii) to a law enforcement agency pur-
13 suant to a warrant issued under the Fed-
14 eral Rules of Criminal Procedure, an
15 equivalent State warrant, a grand jury
16 subpoena, or a court order.

17 (C) RULE OF CONSTRUCTION.—Nothing in
18 subparagraph (B) shall be construed to permit
19 an insurer to disclose personal identifying infor-
20 mation about a subject of abuse to a current or
21 former household or family member, intimate
22 partner, or caretaker of the subject of abuse.

23 (c) ENFORCEMENT.—

24 (1) FEDERAL TRADE COMMISSION.—

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

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

13 (i) in the case of a violation of Fed-
14 eral or State law, the Commission shall
15 transmit such information to the appro-
16 priate enforcement authority; and

17 (ii) in the case of a violation that is
18 not prohibited under other Federal or
19 State law, or is prohibited under State law
20 but in the opinion of the Commission is
21 not being enforced by the State, the Com-
22 mission may take action against such in-
23 surer as if the insurer was in violation of
24 section 5 of the Federal Trade Commission
25 Act by issuing a cease and desist order,

1 which may include any individual relief
 2 warranted under the circumstances, includ-
 3 ing temporary, preliminary, and permanent
 4 injunctive and compensatory relief.

5 (2) PRIVATE CAUSE OF ACTION.—

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

11 (B) REMEDIES.—In an action under sub-
 12 paragraph (A), upon proof of conduct of a vio-
 13 lation of subsection (b) by a preponderance of
 14 the evidence, the court may award appropriate
 15 relief, including—

16 (i) temporary, preliminary, and per-
 17 manent injunctive relief;

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

21 (iii) punitive damages;

22 (iv) reasonable attorneys' fees and
 23 other litigation costs reasonably incurred,
 24 including the costs of expert witnesses; and

1 (v) such other preliminary and equi-
 2 table relief as the court determines to be
 3 appropriate.

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

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

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

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

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

18 (a) REAUTHORIZATION.—Section 316(f)(1) of the
 19 Family Violence Prevention and Services Act (42 U.S.C.
 20 10416(f)(1)) is amended to read as follows:

21 “(1) IN GENERAL.—There are authorized to be
 22 appropriated from the Violent Crime Reduction
 23 Trust Fund established under section 310001 of the
 24 Violent Crime Control and Law Enforcement Act of
 25 1994 (42 U.S.C. 14211) to carry out this section—

1 “(A) \$3,600,000 for fiscal year 2000;

2 “(B) \$3,800,000 for fiscal year 2001; and

3 “(C) \$4,000,000 for fiscal year 2002.”.

4 (b) REPORT BY GRANT RECIPIENTS.—Section 316 of
5 the Family Violence Prevention and Services Act (42
6 U.S.C. 10416) is amended by adding at the end the follow-
7 ing:

8 “(g) REPORT BY GRANT RECIPIENTS.—

9 “(1) IN GENERAL.—Not later than 90 days
10 after the date of enactment of this subsection, each
11 recipient of a grant under this section shall prepare
12 and submit to the Secretary a report that contains—

13 “(A) an evaluation of the effectiveness of
14 the activities carried out by the recipient with
15 amounts received under this section; and

16 “(B) such other information as the Sec-
17 retary may prescribe.

18 “(2) NOTICE AND PUBLIC COMMENT.—Before
19 renewing any grant under this section for a recipi-
20 ent, the Secretary shall publish in the Federal Reg-
21 ister a copy of the report submitted by the recipient
22 under this subsection and allow not less than 90
23 days for notice of and opportunity for public com-
24 ment on the published report.”.

1 **SEC. 205. FEDERAL VICTIMS' COUNSELORS.**

2 Section 40114 of the Violent Crime Control and Law
3 Enforcement Act of 1994 (Public Law 103–322; 108 Stat.
4 1910)) is amended by striking “Columbia)—” and all that
5 follows before the period and inserting “Columbia)
6 \$1,000,000 for each of fiscal years 2000 through 2002”.

7 **SEC. 206. BATTERED WOMEN'S EMPLOYMENT PROTECTION.**

8 (a) ENTITLEMENT TO LEAVE FOR NON-FEDERAL
9 EMPLOYEES.—

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

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

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

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

23 “(C) obtaining psychological or other coun-
24 seling related to experiences of domestic vio-
25 lence;

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

5 “(E) being unable to attend or perform
 6 work due to an incident of domestic violence,
 7 including an act or threat of violence, stalking,
 8 coercion, or harassment, occurring within the
 9 previous 72 hours; and

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

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

18 (2) LEAVE REQUIREMENT.—Section 102 of the
 19 Family and Medical Leave Act of 1993 (29 U.S.C.
 20 2612) is amended—

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

23 “(E) In order to care for the son, daugh-
 24 ter, or parent of the employee, if such son,

1 daughter, or parent is addressing domestic vio-
 2 lence and its effects.

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

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

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

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

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

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

1 (A) in the heading of the section, by in-
2 serting before the period the following: “; **CON-**
3 **FIDENTIALITY**”; and

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

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

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

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

22 “(g) CONFIDENTIALITY.—All evidence provided to
23 the employer under subsection (f) of domestic violence ex-
24 perience by an employee or the son, daughter, or parent
25 of an employee, including a statement of an employee, any

1 corroborating evidence, and the fact that an employee has
 2 requested leave for the purpose of addressing, or caring
 3 for a son, daughter, or parent who is addressing, domestic
 4 violence and its effects, shall be retained in the strictest
 5 confidence by the employer, except to the extent that dis-
 6 closure is consented to by the employee in a case in which
 7 disclosure is necessary to protect the safety of the em-
 8 ployee or a co-worker of the employee, or requested by
 9 the employee to document domestic violence to a court or
 10 agency.”.

11 (b) ENTITLEMENT TO LEAVE FOR FEDERAL EM-
 12 PLOYEES.—

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

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

17 (B) in paragraph (6), by striking the pe-
 18 riod and inserting a semicolon; and

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

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

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

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

5 “(C) obtaining psychological or other coun-
6 seling related to experiences of domestic vio-
7 lence;

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

12 “(E) being unable to attend or perform
13 work due to an incident of domestic violence,
14 including an act or threat of violence, stalking,
15 coercion, or harassment, occurring within the
16 previous 72 hours; and

17 “(F) participating in any other activity ne-
18 cessitated by domestic violence that must be un-
19 dertaken during the hours of employment in-
20 volved; and

21 “(8) the term ‘domestic violence’ has the mean-
22 ing given the term in section 2003 of the Omnibus
23 Crime Control and Safe Streets Act of 1968 (42
24 U.S.C. 3796gg-2).”.

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

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

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

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

13 (B) in subsection (b), by adding at the end
14 the following:

15 “(3) Leave under subparagraph (E) or (F) of sub-
16 section (a)(1) may be taken by an employee intermittently
17 or on a reduced leave schedule. The taking of leave inter-
18 mittently or on a reduced leave schedule pursuant to this
19 paragraph shall not result in a reduction in the total
20 amount of leave to which the employee is entitled under
21 subsection (a) beyond the amount of leave actually
22 taken.”;

23 (C) in subsection (d), by striking “(C), or
24 (D)” and inserting “(C), (D), (E), or (F)”; and

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

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

5 (A) in the heading of the section, by add-
6 ing at the end the following: “; **confidential-**
7 **ity**”; and

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

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

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

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

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

15 (c) EFFECT ON OTHER LAWS AND EMPLOYMENT
16 BENEFITS.—

17 (1) MORE PROTECTIVE LAWS, AGREEMENTS,
18 PROGRAMS, AND PLANS.—Nothing in this section or
19 the amendments made by this section shall be con-
20 strued to supersede any provision of any Federal,
21 State, or local law, collective bargaining agreement,
22 or other employment benefit program or plan that
23 provides greater leave benefits for employed victims
24 of domestic violence than the rights established
25 under this section or such amendments.

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

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

10 **SEC. 207. ENSURING UNEMPLOYMENT COMPENSATION.**

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

13 (1) in subsection (a)—

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

16 (B) by redesignating paragraph (19) as
 17 paragraph (20); and

18 (C) by inserting after paragraph (18) the
 19 following:

20 “(19) compensation is to be provided where an
 21 individual is separated from employment due to cir-
 22 cumstances directly resulting from the individual’s
 23 experience of domestic violence; and”;

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

25 “(g) CONSTRUCTION.—

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

6 “(A) the employee’s reasonable fear of fu-
7 ture domestic violence at or en route to or from
8 the employee’s place of employment;

9 “(B) the employee’s wish to relocate to an-
10 other geographic area in order to avoid future
11 domestic violence against the employee or the
12 employee’s family;

13 “(C) the employee’s need to recover from
14 traumatic stress resulting from the employee’s
15 experience of domestic violence;

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

22 “(E) any other circumstance in which do-
23 mestic violence causes the employee to reason-
24 ably believe that termination of employment is

1 necessary for the future safety of the employee
2 or the employee's family.

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

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

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

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

22 “(3) ACTIVE SEARCH FOR EMPLOYMENT.—For
23 purposes of subsection (a)(19), if State law requires
24 the employee to actively search for employment after
25 separation from employment as a condition for re-

1 ceiving unemployment compensation, such require-
2 ment shall be treated as met where the employee is
3 temporarily unable to actively search for employment
4 because the employee is engaged in seeking safety or
5 relief for the employee or the employee's family from
6 domestic violence, including—

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

13 “(B) actively pursuing legal protection or
14 remedies, including meeting with the police,
15 going to court to make inquiries or file papers,
16 meeting with attorneys, or attending court pro-
17 ceedings; or

18 “(C) participating in psychological, social,
19 or religious counseling or support activities to
20 assist the employee in ending domestic violence.

21 “(4) PROVISION OF INFORMATION TO MEET
22 CERTAIN REQUIREMENTS.—In determining if an em-
23 ployee meets the requirements of paragraphs (1),
24 (2), and (3), the unemployment agency of the State
25 in which an employee is requesting unemployment

1 compensation by reason of subsection (a)(19) may
2 require the employee to provide—

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

11 “(B) other corroborating evidence, such as
12 a statement from any other individual with
13 knowledge of the circumstances which provide
14 the basis for the claim, or physical evidence of
15 domestic violence, such as photographs, torn or
16 bloody clothes.

17 All evidence of domestic violence experienced by an
18 employee, including an employee’s statement, any
19 corroborating evidence, and the fact that an em-
20 ployee has applied for or inquired about unemploy-
21 ment compensation available by reason of subsection
22 (a)(19) shall be retained in the strictest confidence
23 by such State unemployment agency, except to the
24 extent consented to by the employee where disclosure
25 is necessary to protect the employee’s safety.

1 “(5) EFFECT OF CLAIMS.—Claims filed for un-
 2 employment compensation solely by reason of sub-
 3 section (a)(19) shall be disregarded in determining
 4 an employer’s State unemployment taxes based on
 5 unemployment experience.”.

6 (b) SOCIAL SECURITY PERSONNEL TRAINING.—Sec-
 7 tion 303(a) of the Social Security Act (42 U.S.C. 503(a))
 8 is amended by redesignating paragraphs (4) through (10)
 9 as paragraphs (5) through (11), respectively, and by in-
 10 serting after paragraph (3) the following:

11 “(4) Such methods of administration as will en-
 12 sure that claims reviewers and hearing personnel are
 13 adequately trained in the nature and dynamics of
 14 claims for unemployment compensation based on do-
 15 mestic violence under section 3304(a)(20) of the In-
 16 ternal Revenue Code of 1986 and in methods of
 17 ascertaining and keeping confidential information
 18 about possible experiences of domestic violence to
 19 ensure that requests for unemployment compensa-
 20 tion based on domestic violence are reliably screened,
 21 identified, and adjudicated, and to ensure that com-
 22 plete confidentiality is provided for the employee’s
 23 claim and submitted evidence.”.

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

4 “(u) DOMESTIC VIOLENCE.—In this chapter, the
 5 term ‘domestic violence’ has the meaning given the term
 6 in section 2003 of title I of the Omnibus Crime Control
 7 and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).”.

8 (d) EFFECTIVE DATE.—

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

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

21 (A) the date the State changes its statutes
 22 or regulations in order to comply with the
 23 amendments made by this section; or

24 (B) the end of the first session of the State
 25 legislature which begins after the date of enact-

1 ment of this Act or which began prior to such
2 date and remained in session for not less than
3 25 calendar days after such date;
4 except that in no case shall the amendments made
5 by this Act apply before the date which is 180 days
6 after the date of enactment of this Act. For pur-
7 poses of the preceding sentence, the term “session”
8 means a regular, special, budget, or other session of
9 a State legislature.

10 **SEC. 208. BATTERED IMMIGRANT WOMEN.**

11 (a) FINDINGS.—Congress finds that—

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

18 (2) providing battered immigrant women and
19 children who were experiencing domestic violence at
20 home with protection against deportation allows
21 them to obtain protection orders against their abus-
22 ers and frees them to cooperate with law enforce-
23 ment and prosecutors in criminal cases brought
24 against their abusers and the abusers of their chil-
25 dren; and

1 (3) there are several groups of battered immi-
2 grant women and children who do not have access
3 to the immigration protections of the Violence
4 Against Women Act of 1994, which means that their
5 abusers are virtually immune from prosecution be-
6 cause their victims can be deported and the Immi-
7 gration and Naturalization Service cannot offer
8 them protection no matter how compelling their case
9 under existing law.

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

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

14 (2) to offer protection against domestic violence
15 occurring in family and intimate relationships that
16 are covered in State protection order, domestic vio-
17 lence, and family law statutes; and

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

22 (c) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP
23 STATUS.—(1) Section 204(a)(1)(A) of the Immigration
24 and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended
25 by adding at the end the following new clause:

1 “(v) For the purposes of any petition filed under
2 clause (iii) or (iv), denaturalization, loss or renunciation,
3 or changes to the abuser’s citizenship status after filing
4 of the petition shall not preclude the classification of the
5 eligible self-petitioning spouse or child as an immediate
6 relative.”.

7 (2) Section 204(a)(1)(B) of the Immigration and Na-
8 tionality Act (8 U.S.C. 1154(a)(1)(A)) is amended by add-
9 ing at the end the following new clause:

10 “(iv)(I) For the purposes of petitions filed or ap-
11 proved under clauses (ii) and (iii), loss of lawful perma-
12 nent residence status by a spouse or parent after the filing
13 of a petition under that clause shall not preclude approval
14 of the petition, and, for an approved petition, shall not
15 affect the alien’s ability to adjust status under section
16 245(a) and (c) or obtain status as a lawful permanent
17 resident based on the approved self-petition under clauses
18 (ii) and (iii).

19 “(II) Upon the lawful permanent resident spouse or
20 parent becoming a United States citizen through natu-
21 ralization, acquisition of citizenship, or other means, any
22 petition filed with the Immigration and Naturalization
23 Service and pending or approved under section
24 204(a)(1)(B) on behalf of an alien who has been battered
25 or subjected to extreme cruelty may be deemed to be a

1 petition filed under section 204(a)(1)(A) of this Act even
 2 if the acquisition of citizenship occurs after divorce.”.

3 (d) DETERMINATIONS OF GOOD MORAL CHAR-
 4 ACTER.—

5 (1) CANCELLATIONS OF REMOVAL; SUSPEN-
 6 SIONS OF DEPORTATION.—Section 240A(b) of the
 7 Immigration and Nationality Act (8 U.S.C. 1229b)
 8 is amended by adding at the end the following:

9 “(4) GOOD MORAL CHARACTER DETERMINA-
 10 TIONS.—For the purposes of making ‘good moral
 11 character’ determinations under paragraph (2), the
 12 Attorney General is not limited by the criminal court
 13 record and may make a finding of good moral char-
 14 acter, notwithstanding the existence of disqualifying
 15 criminal act or criminal conviction, in the case of an
 16 alien who has been battered or subjected to extreme
 17 cruelty but who—

18 “(i) has been convicted of, or who
 19 pled guilty to, violating a court order
 20 issued to protect the alien;

21 “(ii) was convicted of, or pled guilty
 22 to, prostitution, if the alien was forced into
 23 prostitution by an abuser;

24 “(iii) was convicted of or pled guilty
 25 to committing a crime if the alien commit-

1 ted the crime under duress from the per-
2 son who battered or subjected the alien to
3 extreme cruelty; or

4 “(iv) was convicted of or pled guilty to
5 a domestic violence-related crime if the At-
6 torney General determines that the alien
7 acted in self-defense.

8 “(5) INCLUSION OF OTHER ALIENS IN PETI-
9 TION.—An alien applying for relief under section
10 244(a)(3) (as in effect before the enactment of the
11 Illegal Immigration Reform and Immigrant Respon-
12 sibility Act of 1996) or this subsection may
13 include—

14 “(A) the alien’s children in the alien’s ap-
15 plication if such children are physically present
16 in the United States at the time of application,
17 and, if the alien is found eligible for suspension,
18 the Attorney General may adjust the status of
19 the alien’s children; or

20 “(B) the alien’s parent in the alien’s appli-
21 cation in the case of an application filed by an
22 alien who was abused by a citizen or lawful per-
23 manent resident parent and, if the alien is
24 found eligible for suspension, the Attorney Gen-

1 eral may adjust the status of both the alien ap-
2 plicant and the alien’s parent.

3 “(6) DETERMINATIONS UNDER SUSPENSION OF
4 DEPORTATION.—For the purposes of making good
5 moral character determinations under section
6 244(a)(3) of the Immigration and Nationality Act
7 (as in effect before the enactment of the Illegal Im-
8 migration Reform and Immigrant Responsibility Act
9 of 1996), the Attorney General is not limited by the
10 criminal court record and may make a finding of
11 good moral character, notwithstanding the existence
12 of a disqualifying criminal act or criminal conviction,
13 in the case of an alien who has been battered or sub-
14 jected to extreme cruelty but who—

15 “(i) has been convicted of, or who
16 pled guilty to, violating a court order
17 issued to protect the alien;

18 “(ii) has been convicted of, or who
19 pled guilty to, prostitution if the alien was
20 forced into prostitution by an abuser;

21 “(iii) has been convicted of, or pled
22 guilty to committing, a crime under duress
23 from the person who battered or subjected
24 the alien to extreme cruelty; or

1 “(iv) was convicted of, or pled guilty
 2 to, a domestic violence-related crime if the
 3 Attorney General determines that the alien
 4 acted in self-defense.

5 (2) IMMEDIATE RELATIVE STATUS.—Section
 6 204(a)(1)(A) of the Immigration and Nationality
 7 Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
 8 at the end the following new clause:

9 “(vi)(I) For the purposes of making good moral char-
 10 acter determinations under this subparagraph, the Attor-
 11 ney General is not limited by the criminal court record
 12 and may make a finding of good moral character, notwith-
 13 standing the existence of a disqualifying criminal act or
 14 criminal conviction, in the case of an alien who otherwise
 15 qualifies for relief under section 204(a)(1)(A) (iii) or (iv),
 16 but who—

17 “(aa) has been convicted of, or who pled guilty
 18 to, violating a court order issued to protect the alien;

19 “(bb) was convicted of, or pled guilty to, pros-
 20 titution if the alien was forced into prostitution by
 21 an abuser;

22 “(cc) was convicted of, or pled guilty to, com-
 23 mitting a crime under duress from the person who
 24 battered or subjected the alien to extreme cruelty; or

1 “(dd) was convicted of, or pled guilty to, a do-
 2 mestic violence-related crime, if the Attorney Gen-
 3 eral determines that the alien acted in self-defense.

4 “(II) After finding that an alien has been battered
 5 or subjected to extreme cruelty and is otherwise eligible
 6 for relief under section 204(a)(1)(A) (iii) or (iv), the At-
 7 torney General may make a finding of ‘good moral char-
 8 acter’ with respect to the alien, notwithstanding the exist-
 9 ence of a disqualifying criminal act or criminal convic-
 10 tion.”.

11 (3) SECOND PREFERENCE IMMIGRATION STA-
 12 TUS—Section 204(a)(1)(B) of the Immigration and
 13 Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amend-
 14 ed by adding at the end the following new clause:

15 “(v)(I) For the purposes of making good moral char-
 16 acter determinations under this subparagraph, the Attor-
 17 ney General is not limited by the criminal court record
 18 and may make a finding of good moral character, notwith-
 19 standing the existence of a disqualifying criminal act or
 20 criminal conviction, in the case of an alien who otherwise
 21 qualifies for relief under section 204(a)(1)(B) (ii) and (iii),
 22 but who—

23 “(aa) has been convicted of, or who pled guilty
 24 to, violating a court order issued to protect the alien;

1 “(bb) was convicted of, or pled guilty to, pros-
 2 titution where the alien was forced into prostitution
 3 by an abuser;

4 “(cc) was convicted of, or pled guilty to, com-
 5 mitting a crime under duress from the person who
 6 battered or subjected the alien to extreme cruelty; or

7 “(dd) was convicted of, or pled guilty to, a do-
 8 mestic violence-related crime, if the Attorney Gen-
 9 eral determines that the alien acted in self-defense.

10 “(II) After finding that an alien has been battered
 11 or subjected to extreme cruelty and is otherwise eligible
 12 for relief under section 204(a)(1)(B) (ii) or (iii), the Attor-
 13 ney General may in the Attorney General’s sole discretion
 14 make a finding of good moral character with respect to
 15 the alien, notwithstanding the existence of a disqualifying
 16 criminal act or criminal conviction.”.

17 (e) WAIVERS OF INADMISSIBILITY.—(1) Section 212
 18 of the Immigration and Nationality Act (8 U.S.C. 1182)
 19 is amended by adding at the end the following new sub-
 20 section:

21 “(p) The Attorney General, in the Attorney General’s
 22 discretion, may waive any provision of section 212 (other
 23 than subsection (a) (3), (10)(A), (10)(D), and (10)(E))
 24 for humanitarian purposes, to assure family unity, or

1 when it is otherwise in the public interest for any alien
 2 who qualifies for—

3 “(1) status under clause (iii) or (iv) of section
 4 204(a)(1)(A) or classification under clause (ii) or
 5 (iii) of section 204(a)(1)(B); or

6 “(2) relief under section 240A(b)(2) or
 7 244(a)(3) (as in effect before the enactment of the
 8 Illegal Immigration Reform and Immigrant Respon-
 9 sibility Act of 1996).”.

10 (2) Section 212(h)(1) of the Immigration and Na-
 11 tionality Act (8 U.S.C. 1182(h)(1)) is amended—

12 (A) at the end of subparagraph (A), by striking
 13 “or”;

14 (B) at the end of subparagraph (B), by striking
 15 “and” and inserting “or”; and

16 (C) by adding at the end the following new sub-
 17 paragraph:

18 “(C) in the case of an alien who qualifies
 19 for status under clause (iii) or (iv) of section
 20 204(a)(1)(A) or classification under clause (ii)
 21 or (iii) of section 204(a)(1)(B) or who qualifies
 22 for relief under section 240A(b)(2), or section
 23 244(a)(3) (as in effect before the enactment of
 24 the Illegal Immigration Reform and Immigrant
 25 Responsibility Act of 1996), if it is established

1 to the satisfaction of the the Attorney General
 2 that the alien’s admission would further hu-
 3 manitarian purposes, ensure family unity, or
 4 otherwise be in the public interest; and”.

5 (3) Section 212(a)(2) of the Immigration and Nation-
 6 ality Act (8 U.S.C. 1182(a)(2)) is amended by adding at
 7 the end the following new subparagraph:

8 “(G) EXCEPTIONS.—The provisions of this
 9 paragraph shall not apply to deny admissibility
 10 to an alien if the Attorney General has ap-
 11 proved the alien’s self-petition or application
 12 pursuant to section 204(a)(1)(A) (iii) or (iv),
 13 204(a)(1)(B) (ii) or (iii), 240A(b)(2), or
 14 244(a)(3) (as in effect before the title III–A ef-
 15 fective date in section 309 of the Illegal Immi-
 16 gration Reform and Immigrant Responsibility
 17 Act of 1996 (8 U.S.C. 1101 note).

18 (f) WAIVER OF CERTAIN REMOVAL GROUNDS.—Sec-
 19 tion 237(a)(2)(E) of the Immigration and Nationality Act
 20 (8 U.S.C. 1227(a)(2)(E)) is amended by inserting at the
 21 end the following new clause:

22 “(iii) WAIVER.—The Attorney General
 23 may waive the application of clauses (i)
 24 and (ii)—

25 “(I) upon determination that—

1 “(aa) the alien was acting in
2 self-defense,

3 “(bb) the alien was not the
4 primary perpetrator of violence in
5 the relationship,

6 “(cc) the alien was found to
7 have violated a protection order
8 intended to protect the alien, or

9 “(dd) the alien was con-
10 victed of committing a crime
11 under duress from the person
12 who subjected the alien to batter-
13 ing or extreme cruelty, or

14 “(II) for humanitarian pur-
15 poses.”.

16 (g) PROCEDURE FOR GRANTING IMMIGRANT STA-
17 TUS.—

18 (1) DEFINITION.—Section 101(a) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1101(a)) is
20 amended by adding at the end the following new
21 paragraph:

22 “(50) The term ‘intended spouse’ means any alien
23 who meets the criteria set forth in section 204(j)(1)(B)
24 or 204(k)(1)(B).”.

25 (2) IMMEDIATE RELATIVE STATUS.—

1 (A) SELF-PETITIONING SPOUSES.—Section
2 204(a)(1)(A)(iii) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is
4 amended to read as follows:

5 “(iii) An alien who is described in subsection (j) may
6 file a petition with the Attorney General under this clause
7 for classification of the alien (and any child of the alien
8 if such a child has not been classified under clause (iv))
9 under section 201(b)(2)(A)(i) if the alien demonstrates to
10 the Attorney General that—

11 “(I) the alien is residing in the United States
12 (unless the alien’s spouse, intended spouse, or par-
13 ent is an employee of the Department of State or a
14 member of the United States Armed Forces sta-
15 tioned abroad);

16 “(II) the marriage or the intent to marry the
17 United States citizen was entered into in good faith
18 by the alien; and

19 “(III) during the marriage or relationship in-
20 tended by the alien to be legally a marriage, the
21 alien or a child of the alien has been battered or has
22 been the subject of extreme cruelty perpetrated by
23 the alien’s spouse or intended spouse.”.

24 (B) DEFINITION.—Section 204 of the Im-
25 migration and Nationality Act is amended (8

1 U.S.C. 1154) by adding at the end the follow-
2 ing:

3 “(j) DEFINITION.—An alien described in subsection
4 (a)(1)(A)(iii) is an alien—

5 “(1)(A) who is the spouse of a citizen of the
6 United States; or

7 “(B)(i) who believed in good faith that he or
8 she had married a citizen of the United States;

9 “(ii) whose marriage to such citizen would oth-
10 erwise meet the definition of qualifying marriage
11 under section 216(d)(1)(A)(i); and

12 “(iii) who otherwise meets any applicable re-
13 quirements under this Act to establish the existence
14 of and bona fides of a marriage;

15 but whose marriage is not legitimate solely because
16 of the bigamy of such citizen of the United States;

17 “(2) who is a person of good moral character;

18 “(3) who is eligible to be classified as an imme-
19 diate relative under section 201(b)(2)(A)(i) or who
20 would have been so classified but for the bigamy of
21 the citizen of the United States that the alien in-
22 tended to marry; and

23 “(4) who has resided in the United States with
24 the alien’s spouse or intended spouse, or has resided
25 within or outside the territory of the United States

1 with the citizen spouse at the assigned foreign duty
2 station if the alien's spouse or intended spouse is an
3 employee of the Department of State or a member
4 of the United States Armed Forces stationed
5 abroad.”.

6 (C) SELF-PETITIONING CHILDREN.—Sec-
7 tion 204(a)(1)(A)(iv) of the Immigration and
8 Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is
9 amended to read as follows:

10 “(iv) An alien who is the child of a citizen of the
11 United States, who is a person of good moral character,
12 who is eligible to be classified as an immediate relative
13 under section 201(b)(2)(A)(i), and who has resided in the
14 United States with the citizen parent (or has resided with-
15 in or outside the territory of the United States with the
16 citizen parent at the assigned foreign duty station if the
17 alien's parent is an employee of the Department of State
18 or a member of the United States Armed Forces stationed
19 abroad) may file a petition with the Attorney General
20 under this subparagraph for classification of the alien
21 under such section if the alien demonstrates to the Attor-
22 ney General that the alien is residing in the United States
23 (unless the alien's parent is an employee of the Depart-
24 ment of State or a member of the United States Armed
25 Forces stationed abroad) and during the period of resi-

1 dence with the citizen parent in the United States or at
 2 the assigned foreign duty station the alien has been bat-
 3 tered by or has been the subject of extreme cruelty per-
 4 petrated by the alien’s citizen parent.”.

5 (D) FILING OF PETITIONS.—Section
 6 204(a)(1)(A) of the Immigration and National-
 7 ity Act (8 U.S.C. 1154(a)(1)(A)) is amended by
 8 adding at the end the following new clause:

9 (vii) “An alien who is the spouse, intended spouse,
 10 or child filing under clause (iii) or (iv) of this subpara-
 11 graph of an employee of the Department of State or a
 12 member of the United States Armed Forces stationed
 13 abroad eligible to file a petition under this subsection shall
 14 file such petition with the Attorney General.”.

15 (3) SECOND PREFERENCE IMMIGRATION STA-
 16 TUS.—

17 (A) SELF-PETITIONING SPOUSES.—Section
 18 204(a)(1)(B)(ii) of the Immigration and Na-
 19 tionality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is
 20 amended to read as follows:

21 “(ii) An alien who is described in subsection (k) may
 22 file a petition with the Attorney General under this clause
 23 for classification of the alien (and any child of the alien
 24 if such a child has not been classified under clause (iii))

1 under section 203(a)(2)(A) if the alien demonstrates to
 2 the Attorney General that—

3 “(I) the alien is residing in the United States
 4 (unless the alien’s spouse, intended spouse, or child
 5 is an employee of the Department of State or a
 6 member of the United States Armed Forces sta-
 7 tioned abroad);

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

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

16 (B) DEFINITION.—Section 204 of the Im-
 17 migration and Nationality Act (8 U.S.C. 1154)
 18 is amended by adding at the end the following:

19 “(k) DEFINITION.—An alien described in subsection
 20 (a)(1)(B)(ii) is an alien—

21 “(1)(A) who is the spouse of a lawful perma-
 22 nent resident of the United States; or

23 “(B)(i) who believed in good faith that he or
 24 she had married a lawful permanent resident of the
 25 United States;

1 “(ii) whose marriage to such lawful permanent
2 resident would otherwise meet the definition of
3 qualifying marriage under section 216(d)(1)(A)(i);
4 and

5 “(iii) who otherwise meets any applicable re-
6 quirements under this Act to establish the existence
7 of and bona fides of a marriage;
8 but whose marriage is not legitimate solely because
9 of the bigamy of such lawful permanent resident of
10 the United States;

11 “(2) who is a person of good moral character;

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

18 “(4) who has resided in the United States with
19 the alien’s spouse or intended spouse, or has resided
20 within or outside the territory of the United States
21 with the lawful permanent resident spouse or in-
22 tended spouse at the assigned foreign duty station if
23 the alien’s spouse or intended spouse is an employee
24 of the Department of State or a member of the
25 United States Armed Forces stationed abroad.”.

1 (C) SELF-PETITIONING CHILDREN.—Sec-
2 tion 204(a)(1)(B)(iii) of the Immigration and
3 Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is
4 amended to read as follows:

5 “(iii) An alien who is the child of an alien
6 lawfully admitted for permanent residence, who
7 is a person of good moral character, who is eli-
8 gible for classification under section
9 203(a)(2)(A), and who has resided in the
10 United States with the alien’s permanent resi-
11 dent alien parent (or has resided within or out-
12 side the territory of the United States with the
13 lawful permanent resident parent at the as-
14 signed foreign duty station if the alien’s parent
15 is an employee of the Department of State or
16 a member of the United States Armed Forces
17 stationed abroad) may file a petition with the
18 Attorney General under this subparagraph for
19 classification of the alien under such section if
20 the alien demonstrates to the Attorney General
21 that the alien is residing in the United States
22 (unless the alien’s parent is an employee of the
23 Department of State or a member of the United
24 States Armed Forces stationed abroad) and
25 during the period of residence with the perma-

1 nment resident parent in the United States or at
 2 the assigned foreign duty station the alien has
 3 been battered by or has been the subject of ex-
 4 treme cruelty perpetrated by the alien’s perma-
 5 nent resident parent.”.

6 (D) FILING OF PETITIONS.—Section
 7 204(a)(1)(B) of the Immigration and National-
 8 ity Act (8 U.S.C. 1154(a)(1)(B)) is amended by
 9 adding at the end the following new clause:

10 “(vi) An alien who is the spouse, intended spouse, or
 11 child filing under clauses (ii) and (iii) of this subparagraph
 12 of an employee of the Department of State or a member
 13 of the United States Armed Forces stationed abroad eligi-
 14 ble to file a petition under this subsection shall file such
 15 petition with the Attorney General.”.

16 (h) ADJUSTMENT OF STATUS.—(1) Section 245 of
 17 the Immigration and Nationality Act (8 U.S.C. 1255) is
 18 amended—

19 (A) in subsection (a), by inserting “, or the sta-
 20 tus of any other alien having an approved petition
 21 for classification under subparagraph (A)(iii),
 22 (A)(iv), (A)(v), (B)(ii), or (B)(iii) of section
 23 204(a)(1),” after “into the United States”;

24 (B) in subsections (c)(2) and (c)(4) by inserting
 25 “or an alien having an approved petition for classi-

1 fication under subparagraph (A)(iii), (A)(iv), (A)(v),
 2 (B)(ii), or (B)(iii) of section 204(a)(1),” after “other
 3 than an immediate relative as defined in section
 4 201(b)” each place it appears;

5 (C) in subsection (c)(5), by inserting “(other
 6 than an alien having an approved petition for classi-
 7 fication under subparagraph (A)(iii), (A)(iv), (A)(v),
 8 (B)(ii), or (B)(iii) of section 204(a)(1)),” after “an
 9 alien”; and

10 (D) in subsection (c)(8), by inserting “(other
 11 than an alien having an approved petition for classi-
 12 fication under subparagraph (A)(iii), (A)(iv), (A)(v),
 13 (B)(ii), or (B)(iii) of section 204(a)(1)),” after “any
 14 alien”.

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

18 (3) Section 245(d) of the Immigration and National-
 19 ity Act (8 U.S.C. 1255(d)) is amended by adding at the
 20 end the following new sentence: “This paragraph shall not
 21 apply to aliens who seek adjustment of status on the basis
 22 of an approved self-petition under clause (iii) or (iv) of
 23 section 204(a)(1)(A) or classification under clause (ii) or
 24 (iii) of section 204(a)(1)(B).”.

1 (i) ELIMINATING TIME LIMITATIONS ON MOTIONS
 2 TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS
 3 FOR VICTIMS OF DOMESTIC VIOLENCE.—

4 (1) REMOVAL PROCEEDINGS.—

5 (A) IN GENERAL.—Section 240(c)(6)(C) of
 6 the Immigration and Nationality Act (8 U.S.C.
 7 1229a(c)(6)(C)) is amended by adding at the
 8 end the following:

9 “(iv) SPECIAL RULE FOR BATTERED
 10 SPOUSES AND CHILDREN.—There is no
 11 time limit on the filing of a motion to re-
 12 open, and the deadline specified in sub-
 13 section (b)(5)(C) does not apply, if the
 14 basis of the motion is to apply for adjust-
 15 ment of status based on a petition filed
 16 under clause (iii) or (iv) of section
 17 204(a)(1)(A), clause (ii) or (iii) of section
 18 204(a)(1)(B), or section 240A(b)(2) and if
 19 the motion to reopen is accompanied by a
 20 cancellation of removal application to be
 21 filed with the Attorney General or by a
 22 copy of the self-petition that will be filed
 23 with the Immigration and Naturalization
 24 Service upon the granting of the motion to
 25 reopen.”.

1 (B) EFFECTIVE DATE.—The amendments
2 made by subparagraph (A) shall take effect as
3 if included in the enactment of section 304 of
4 the Illegal Immigration Reform and Immigrant
5 Responsibility Act of 1996.

6 (2) DEPORTATION PROCEEDINGS.—

7 (A) IN GENERAL.—Notwithstanding any
8 limitation imposed by law on motions to reopen
9 deportation proceedings under the Immigration
10 and Nationality Act (as in effect before the title
11 III—A effective date in section 309 of the Illegal
12 Immigration Reform and Immigrant Respon-
13 sibility Act of 1996 (8 U.S.C. 1101 note)),
14 there is no time limit on the filing of a motion
15 to reopen such proceedings, and the deadline
16 specified in section 242B(c)(3) of the Immigra-
17 tion and Nationality Act (as so in effect) does
18 not apply, if the basis of the motion is to apply
19 for relief under clause (iii) or (iv) of section
20 204(a)(1)(A) of the Immigration and National-
21 ity Act, clause (ii) or (iii) of section
22 204(a)(1)(B) of such Act, or section 244(a)(3)
23 of such Act (as so in effect) and if the motion
24 to reopen is accompanied by a suspension of de-
25 portation application to be filed with the Attor-

1 ney General or by a copy of the self-petition
2 that will be filed with the Immigration and Nat-
3 uralization Service upon the granting of the
4 motion to reopen.

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

7 (i) are, or were, in deportation pro-
8 ceedings under the Immigration and Na-
9 tionality Act (as in effect before the title
10 III–A effective date in section 309 of the
11 Illegal Immigration Reform and Immigrant
12 Responsibility Act of 1996 (8 U.S.C. 1101
13 note)); and

14 (ii) have become eligible to apply for
15 relief under clause (iii) or (iv) of section
16 204(a)(1)(A) of the Immigration and Na-
17 tionality Act, clause (ii) or (iii) of section
18 204(a)(1)(B) of such Act, or section
19 244(a)(3) of such Act (as in effect before
20 the title III–A effective date in section 309
21 of the Illegal Immigration Reform and Im-
22 migrant Responsibility Act of 1996 (8
23 U.S.C. 1101 note)) as a result of the
24 amendments made by—

1 (I) subtitle G of title IV of the
 2 Violent Crime Control and Law En-
 3 forcement Act of 1994 (Public Law
 4 103–322; 108 Stat. 1953 et seq.); or
 5 (II) section XX03 of this title.

6 (j) CANCELLATION OF REMOVAL; ADJUSTMENT OF
 7 STATUS.—(1)(A) Paragraph (1) of section 240A(d) of the
 8 Immigration and Nationality Act (8 U.S.C. 1229b(d)(1))
 9 is amended to read as follows:

10 “(1) TERMINATION OF CONTINUOUS PERIOD.—

11 “(A) IN GENERAL.—Except as provided in
 12 subparagraph (B), for purposes of this section,
 13 any period of continuous residence or continu-
 14 ous physical presence in the United States shall
 15 be deemed to end when the alien is served a no-
 16 tice to appear under section 239(a) or when the
 17 alien has committed an offense referred to in
 18 section 212(a)(2) that renders the alien inad-
 19 missible to the United States under section
 20 212(a)(2) or removable from the United States
 21 under section 237(a)(2) or 237(a)(4), whichever
 22 is earliest.

23 “(B) SPECIAL RULE FOR BATTERED
 24 SPOUSE OR CHILD.—For purposes of subsection
 25 (b)(2), the service of a notice to appear referred

1 to in subparagraph (A) shall not be deemed to
 2 end any period of continuous physical presence
 3 in the United States.”.

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

7 “(C) Aliens in removal proceedings who
 8 applied for cancellation of removal under sec-
 9 tion 240A(b)(2).”.

10 (C) The amendments made by subparagraphs (A)
 11 and (B) shall take effect as if included in the enactment
 12 of section 304 of the Illegal Immigration Reform and Im-
 13 migrant Responsibility Act of 1996 (Public Law 104–208;
 14 110 Stat. 587).

15 (2)(A) Section 309(c)(5)(C) of the Illegal Immigra-
 16 tion Reform and Immigrant Responsibility Act of 1996
 17 (8 U.S.C. 1101 note) is amended—

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

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

24 (ii) in clause (i)—

1 (I) by striking “or” at the end of subclause
2 (IV);

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

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

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

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

18 (3) Section 240A(d)(2) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1229b(d)(2)) is amended to read
20 as follows:

21 “(2) An alien shall be considered to have failed
22 to maintain continuous physical presence in the
23 United States under subsections (b)(1) and (b)(2) if
24 the alien has departed from the United States for
25 any period in excess of 90 days or for periods in the

1 aggregate exceeding 180 days. In the case of an
 2 alien applying for cancellation of removal under sub-
 3 section (b)(2), the Attorney General may waive the
 4 provisions of this subsection for humanitarian pur-
 5 poses, if the alien demonstrates a substantial con-
 6 nection between the absences and the battery or ex-
 7 treme cruelty forming the basis of the application
 8 for cancellation of removal.”.

9 (4) Section 244(a)(3) of the Immigration and Nation-
 10 ality Act (as in effect before the title III–A effective date
 11 of the Illegal Immigration Reform and Immigrant Respon-
 12 sibility Act of 1996 (Public Law 104–208; division C; 110
 13 Stat. 3009–625)) is amended by adding at the end the
 14 following: “The Attorney General may waive the physical
 15 presence requirement for humanitarian purposes if the
 16 alien demonstrates a substantial connection between the
 17 absences and the battery or extreme cruelty forming the
 18 basis of the application for suspension of deportation.”.

19 (k) EXCEPTION TO PUBLIC CHARGE GROUNDS OF
 20 INADMISSIBILITY.—Section 212(a)(4) of the Immigration
 21 and Nationality Act (8 U.S.C. 1182(a)(4)) is amended by
 22 adding at the end the following new subparagraph:

23 “(E) EXCEPTION.—Subparagraph (A)
 24 shall not apply to—

1 “(i) an alien who qualifies for status
 2 as a spouse or child of a United States cit-
 3 izen or lawful permanent resident pursuant
 4 to clause (iii) or (iv) of section
 5 204(a)(1)(A) or clause (ii) or (iii) of sec-
 6 tion 204(a)(1)(B);

7 “(ii) an alien who qualifies for status
 8 as the spouse or child of a United States
 9 citizen or lawful permanent resident under
 10 section 204(a)(1)(A) (i) or (ii) or section
 11 204(a)(1)(B)(i) and who has been battered
 12 or subjected to extreme cruelty; or

13 “(iii) derivatives and immediate rel-
 14 ative children of aliens under clause (i) or
 15 (ii) of this subparagraph.”.

16 (I) GRANTS TO COMBAT VIOLENT CRIMES AGAINST
 17 WOMEN.—

18 (1) IN GENERAL.—Section 2001 of the Omni-
 19 bus Crime Control and Safe Streets Act of 1968 (42
 20 U.S.C. 3796gg) is amended—

21 (A) in subsection (a), by inserting “, the
 22 Immigration and Naturalization Service and the
 23 Executive Office of Immigration Review,” after
 24 “Indian tribal governments”; and

25 (B) in subsection (b)—

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

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

7 (iii) in paragraph (7), by striking the
8 period at the end and inserting “; and”;
9 and

10 (iv) by adding at the end the follow-
11 ing:

12 “(8) training justice system personnel on the
13 immigration provisions of the Violence Against
14 Women Act of 1994 and the ramifications of those
15 provisions for victims of domestic violence who ap-
16 pear in civil and criminal court proceedings and po-
17 tential immigration consequences for the perpetra-
18 tors of domestic violence.”.

19 (2) GRANTS TO ENCOURAGE ARREST POLI-
20 CIES.—Section 2101(c) of the Omnibus Crime Con-
21 trol and Safe Streets Act of 1968 (42 U.S.C.
22 3796hh(c)) is amended—

23 (A) in paragraph (3), by striking “and” at
24 the end;

1 (B) by striking the period at the end and
2 inserting “; and”; and

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

4 “(5) certify that their laws, policies, and prac-
5 tices do not discourage or prohibit prosecutors and
6 law enforcement officers from granting access to in-
7 formation about the immigration status of a domes-
8 tic violence perpetrator to the victim, the child, or
9 their advocate”.

10 (3) EFFECT ON OTHER GOALS.—Section 287(g)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1357(g)) is amended by adding at the end the fol-
13 lowing:

14 “(11) Notwithstanding any other provision of this
15 section, identifying and reporting the alien status of a
16 crime victim or of a victim of a domestic violence crime
17 shall not supersede the goal of obtaining the cooperation
18 of the victim in the reporting and prosecution of such
19 crime or the goal of protecting the victim of such crime
20 with a protection order or other legal relief available to
21 assist crime victims or domestic violence victims under
22 Federal or State laws.”.

23 (m) REPORT.—Not later than 6 months after the
24 date of enactment of this Act, the Attorney General shall

1 submit to the Committees on the Judiciary of the Senate
2 and House of Representatives a report on—

3 (1) the number of and processing times of peti-
4 tions under section 204(a)(1)(A) (iii) and (iv) and
5 204(a)(1)(B) (ii) and (iii) of the Immigration and
6 Nationality Act at district offices of the Immigration
7 and Naturalization Service and at the regional office
8 of the Service in St. Albans, Vermont;

9 (2) the policy and procedures of the Immigra-
10 tion and Naturalization Service by which an alien
11 who has been battered or subjected to extreme cru-
12 elty who is eligible for suspension of deportation or
13 cancellation of removal under can place him or her-
14 self in deportation or removal proceedings so that he
15 or she may apply for suspension of deportation or
16 cancellation of removal, the number of requests filed
17 at each district office under this policy and the num-
18 ber of these requests granted broken out by District;
19 and

20 (3) the average length of time at each Immigra-
21 tion and Naturalization office between the date that
22 an alien who has been subject to battering or ex-
23 treme cruelty eligible for suspension of deportation
24 or cancellation of removal requests to be placed in
25 deportation or removal proceedings, and the date

1 that immigrant appears before an immigration judge
 2 to file an application for suspension of deportation
 3 or cancellation of removal.

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

5 (a) VIOLENCE AGAINST WOMEN ACT OF 1994
 6 AMENDMENTS.—The Violence Against Women Act of
 7 1994 (108 Stat. 1902) is amended by adding at the end
 8 the following:

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

13 **“SEC. 40801. DEFINITIONS.**

14 “In this subtitle:

15 “(1) IN GENERAL.—The terms ‘elder abuse, ne-
 16 glect, and exploitation’, ‘domestic violence’, and
 17 ‘older individual’ have the meanings given the terms
 18 in section 102 of the Older Americans Act of 1965
 19 (42 U.S.C. 3002).

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

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

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

8 **“SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCE-**
9 **MENT OFFICERS.**

10 “The Attorney General shall develop curricula and
11 offer, or provide for the offering of, training programs to
12 assist law enforcement officers and prosecutors in rec-
13 ognizing, addressing, investigating, and prosecuting in-
14 stances of elder abuse, neglect, and exploitation, including
15 domestic violence, and sexual assault, against older indi-
16 viduals.

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

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

20 (b) FAMILY VIOLENCE PREVENTION AND SERVICES
21 ACT AMENDMENTS.—

22 (1) DEFINITIONS.—Section 309 of the Family
23 Violence Prevention and Services Act (42 U.S.C.
24 10408) is amended by adding at the end the follow-
25 ing:

1 “(7) The term ‘older individual’ has the mean-
 2 ing given the term in section 102 of the Older Amer-
 3 icans Act of 1965 (42 U.S.C. 3002).”.

4 (2) DOMESTIC VIOLENCE SERVICES FOR OLDER
 5 INDIVIDUALS.—Section 311(a) of the Family Vio-
 6 lence Prevention and Services Act (42 U.S.C.
 7 10410(a)) is amended—

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

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

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

13 “(6) work with domestic violence programs to
 14 encourage the development of programs, including
 15 outreach, support groups, and counseling, targeted
 16 to older individuals.”.

17 (3) DEMONSTRATION GRANTS FOR COMMUNITY
 18 INITIATIVES.—Section 318(b)(2)(F) of the Family
 19 Violence Prevention and Services Act (42 U.S.C.
 20 10418(b)(2)(F)) is amended by inserting “and adult
 21 protective services entities” before the semicolon.

22 (c) OLDER AMERICANS ACT OF 1965 AMEND-
 23 MENTS.—

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

4 “(45) The term ‘domestic violence’ has the
5 meaning given the term in section 2003 of the Om-
6 nibus Crime Control and Safe Streets Act of 1968
7 (42 U.S.C. 3796gg–2).

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

12 (2) RESEARCH ABOUT THE SEXUAL ASSAULT
13 OF WOMEN WHO ARE OLDER INDIVIDUALS.—Section
14 202(d)(3)(C) of the Older Americans Act of 1965
15 (42 U.S.C. 3012(d)(3)(C)) is amended—

16 (A) by striking “and” at the end of clause
17 (i);

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

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

21 “(iii) in establishing research priorities under
22 clause (i), consider the importance of research about
23 the sexual assault of women who are older individ-
24 uals.”.

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

8 (4) TRAINING FOR HEALTH PROFESSIONALS ON
 9 SCREENING FOR ELDER ABUSE, NEGLECT, AND EX-
 10 PLOITATION.—Section 411 of the Older Americans
 11 Act of 1965 (42 U.S.C. 3031) is amended by adding
 12 at the end the following:

13 “(f) TRAINING FOR HEALTH PROFESSIONALS ON
 14 SCREENING FOR ELDER ABUSE, NEGLECT, AND EXPLOI-
 15 TATION.—

16 “(1) IN GENERAL.—The Secretary shall, in con-
 17 sultation with the Assistant Secretary, develop cur-
 18 ricula and implement continuing education training
 19 programs for protective service workers, health care
 20 providers, social workers, clergy, and other commu-
 21 nity-based social service providers in settings, includ-
 22 ing senior centers, adult day care settings, and sen-
 23 ior housing, to improve the ability of the persons
 24 using the curriculum and training programs to rec-
 25 ognize and address instances of elder abuse, neglect,

1 and exploitation, including domestic violence, and
 2 sexual assault, against older individuals.

3 “(2) TRAINING AND CURRICULA.—In carrying
 4 out paragraph (1), the Secretary shall develop and
 5 implement separate curricula and training programs
 6 for adult protective services workers, medical stu-
 7 dents, physicians, physician assistants, nurse practi-
 8 tioners, nurses, and clergy.”.

9 (5) DOMESTIC VIOLENCE SHELTERS AND PRO-
 10 GRAMS FOR OLDER INDIVIDUALS.—Section 422(b) of
 11 the Older Americans Act of 1965 (42 U.S.C.
 12 3035a(b)) is amended—

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

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

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

18 “(13) expand access to domestic violence shel-
 19 ters and programs for older individuals and encour-
 20 age the use of senior housing, nursing homes, or
 21 other suitable facilities or services when appropriate
 22 as emergency short-term shelters or measures for
 23 older individuals who are the victims of elder abuse,
 24 including domestic violence, and sexual assault,
 25 against older individuals; and

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

6 (6) AUTHORIZATION OF APPROPRIATIONS.—

7 (A) OMBUDSMAN PROGRAM.—Section
8 702(a) of the Older Americans Act of 1965 (42
9 U.S.C. 3058a(a)) is amended to read as follows:

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

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

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

21 (7) COMMUNITY INITIATIVES AND OUT-
22 REACH.—Title VII of the Older Americans Act of
23 1965 (42 U.S.C. 3058 et seq.) is amended—

24 (A) by redesignating subtitle C as subtitle
25 D;

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

4 (C) by inserting after subtitle B the follow-
 5 ing:

6 **“Subtitle C—Community Initiatives**
 7 **and Outreach**

8 **“SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER**
 9 **ABUSE, NEGLECT, AND EXPLOITATION.**

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

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

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

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

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

5 (d) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

6 (1) TITLE VII PROGRAMS; PREFERENCES IN FI-
7 NANCIAL AWARDS.—Section 791 of the Public
8 Health Service Act (42 U.S.C. 295j), as amended by
9 section 107(a) of the Health Professions Education
10 Partnerships Act of 1998 (Public Law 105–392; 112
11 Stat. 3560) is amended by adding at the end the fol-
12 lowing:

13 “(d) PREFERENCES REGARDING TRAINING IN IDEN-
14 TIFICATION AND REFERRAL OF VICTIMS OF ELDER
15 ABUSE AND NEGLECT.—

16 “(1) IN GENERAL.—In the case of a health pro-
17 fessions entity specified in paragraph (2), the Sec-
18 retary shall, in making awards of grants or contracts
19 under this title, give preference to any such entity
20 (if otherwise a qualified applicant for the award in-
21 volved) that has in effect the requirement that, as a
22 condition of receiving a degree or certificate (as ap-
23 plicable) from the entity, each student have had sig-
24 nificant training (such as training conducted in ac-
25 cordance with curricula or programs authorized
26 under section 411(f) of the Older Americans Act of

1 1965 (42 U.S.C. 3031(f))), in carrying out the fol-
 2 lowing functions as a provider of health care:

3 “(A) Identifying victims of elder abuse and
 4 neglect, including domestic violence, and sexual
 5 assault, against older individuals, and maintain-
 6 ing complete medical records that include docu-
 7 mentation of the examination, treatment given,
 8 and referrals made, and recording the location
 9 and nature of the victim’s injuries.

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

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

19 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
 20 TIES.—For purposes of paragraph (1), a health pro-
 21 fessions entity specified in this paragraph is any en-
 22 tity that is a school of medicine, a school of osteo-
 23 pathic medicine, a graduate program in mental
 24 health practice, a school of nursing (as defined in
 25 section 801), a program for the training of physician

1 assistants, or a program for the training of allied
2 health professionals.

3 “(3) REPORT TO CONGRESS.—Not later than 2
4 years after the date of the enactment of the Violence
5 Against Women Act II, the Secretary shall submit to
6 the Committee on Commerce of the House of Rep-
7 resentatives, and the Committee on Labor and
8 Human Resources of the Senate, a report
9 specifying—

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

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

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

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

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

20 “(A) IN GENERAL.—The terms ‘abuse’,
21 ‘neglect’, ‘domestic violence’, and ‘older individ-
22 ual’ have the meanings given the terms in sec-
23 tion 102 of the Older Americans Act of 1965
24 (42 U.S.C. 3002).

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

4 “(C) SEXUAL ASSAULT.—The term ‘sexual
5 assault’ has the meaning given the term in sec-
6 tion 2003 of the Omnibus Crime Control and
7 Safe Streets Act of 1968 (42 U.S.C. 3796gg–
8 2).”.

9 (2) TITLE VIII PROGRAMS; PREFERENCES IN FI-
10 NANCIAL AWARDS.—Section 806 of the Public
11 Health Service Act (as added by section 123 of the
12 Health Professions Education Partnerships Act of
13 1998 (Public Law 105–392)) is amended by adding
14 at the end the following:

15 “(i) PREFERENCES REGARDING TRAINING IN IDEN-
16 TIFICATION AND REFERRAL OF VICTIMS OF ELDER
17 ABUSE AND NEGLECT.—

18 “(1) IN GENERAL.—In the case of a health pro-
19 fessions entity specified in paragraph (2), the Sec-
20 retary shall, in making awards of grants or contracts
21 under this title, give preference to any such entity
22 (if otherwise a qualified applicant for the award in-
23 volved) that has in effect the requirement that, as a
24 condition of receiving a degree or certificate (as ap-
25 plicable) from the entity, each student have had sig-

1 nificant training (such as training conducted in ac-
2 cordance with curricula or programs authorized
3 under section 411(f) of the Older Americans Act of
4 1965 (42 U.S.C. 3031(f))), in carrying out the fol-
5 lowing functions as a provider of health care:

6 “(A) Identifying victims of elder abuse and
7 neglect, including domestic violence, and sexual
8 assault, against older individuals, and maintain-
9 ing complete medical records that include docu-
10 mentation of the examination, treatment given,
11 and referrals made, and recording the location
12 and nature of the victim’s injuries.

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

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

22 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
23 TIES.—For purposes of paragraph (1), a health pro-
24 fessions entity specified in this paragraph is any en-
25 tity that is a school of nursing or other public or

1 nonprofit private entity that is eligible to receive an
2 award described in such paragraph.

3 “(3) REPORT TO CONGRESS.—Not later than 2
4 years after the date of the enactment of the Violence
5 Against Women Act II, the Secretary shall submit to
6 the Committee on Commerce of the House of Rep-
7 resentatives, and the Committee on Labor and
8 Human Resources of the Senate, a report
9 specifying—

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

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

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

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

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

20 “(A) IN GENERAL.—The terms ‘abuse’,
21 ‘neglect’, ‘domestic violence’, and ‘older individ-
22 ual’ have the meanings given the terms in sec-
23 tion 102 of the Older Americans Act of 1965
24 (42 U.S.C. 3002).

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

4 “(C) SEXUAL ASSAULT.—The term ‘sexual
5 assault’ has the meaning given the term in sec-
6 tion 2003 of the Omnibus Crime Control and
7 Safe Streets Act of 1968 (42 U.S.C. 3796gg–
8 2).”.

9 (3) CONFORMING AMENDMENT.—Section 411(f)
10 of the Older Americans Act of 1965 (as added by
11 subsection (c)(4)) is amended by adding at the end
12 the following:

13 “(3) In carrying out paragraph (1), the Secretary
14 shall provide information about the curricula and training
15 programs to entities described in section 791(d)(2) of the
16 Public Health Service Act (42 U.S.C. 295j(d)(2)) and sec-
17 tion 806(i)(2) of the Public Health Service Act (as added
18 by section 123 of the Health Professions Education Part-
19 nerships Act of 1998 and amended by section 209(d)(2)
20 of the Violence Against Women Act II) that seek grants
21 or contracts under title VII or VIII of such Act.”.

1 **TITLE III—LIMITING THE EF-**
2 **FFECTS OF VIOLENCE ON**
3 **CHILDREN**

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

5 (a) IN GENERAL.—The Attorney General may make
6 grants to States and Indian tribal governments to enable
7 States and Indian tribal governments to enter into con-
8 tracts and cooperative agreements with public or private
9 nonprofit entities to assist those entities in establishing
10 and operating supervised visitation centers for purposes
11 of facilitating supervised visitation and visitation exchange
12 of children by and between parents.

13 (b) CONSIDERATIONS.—In awarding grants under
14 subsection (a), the Attorney General shall take into
15 account—

16 (1) the number of families to be served by the
17 proposed visitation center;

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

23 (3) with respect to an applicant for a contract
24 or cooperative agreement, the extent to which the
25 applicant demonstrates cooperation and collabora-

tion with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims;

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral; and

(5) the extent to which the applicant demonstrates implementation of domestic violence and sexual assault training for all employees.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts provided under a grant, contract, or cooperative agreement awarded under this section shall be used to establish and operate supervised visitation centers.

(2) APPLICANT REQUIREMENTS.—The Attorney General shall award grants for contracts and cooperative agreements under this section in accordance with such regulations as the Attorney General may promulgate. The regulations shall establish a multi-year grant process. The Attorney General shall give priority in awarding grants for contracts and cooperative agreements under this section to States that

1 consider domestic violence in making a custody deci-
2 sion and require findings on the record. An appli-
3 cant awarded a contract or cooperative agreement by
4 a State that receives a grant under this section
5 shall—

6 (A) demonstrate recognized expertise in
7 the area of family violence and a record of high
8 quality service to victims of domestic violence
9 and/or sexual assault;

10 (B) demonstrate collaboration with and
11 support of the State domestic violence coalition,
12 sexual assault coalition or local domestic vio-
13 lence and sexual assault shelter or program in
14 the locality in which the supervised visitation
15 center will be operated;

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

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

22 (E) demonstrate that adequate security
23 measures, including adequate facilities, proce-
24 dures, and personnel capable of preventing vio-

1 lence, are in place for the operation of super-
2 vised visitation; and

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

5 (d) REPORTING.—Not later than 120 days after the
6 end of each fiscal year, the Attorney General shall submit
7 to Congress a report that includes information
8 concerning—

9 (1) the number of individuals served and the
10 number of individuals turned away from services
11 (categorized by State), the number of individuals
12 from underserved populations served and turned
13 away from services, and the type of problems that
14 underlie the need for supervised visitation or visita-
15 tion exchange, such as domestic violence, child
16 abuse, sexual assault, emotional or other physical
17 abuse, or a combination of such factors;

18 (2) the numbers of supervised visitations or vis-
19 itation exchanges ordered during custody determina-
20 tions under a separation or divorce decree or protec-
21 tion order, through child protection services or other
22 social services agencies, or by any other order of a
23 civil, criminal, juvenile, or family court;

24 (3) the process by which children or abused
25 partners are protected during visitations, temporary

1 custody transfers, and other activities for which the
 2 supervised visitation centers are established under
 3 this section;

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

8 (5) the number of parental abduction cases in
 9 a judicial district using supervised visitation services,
 10 both as identified in criminal prosecution and cus-
 11 tody violations; and

12 (6) program standards across the country that
 13 are in place for operating a supervised visitation cen-
 14 ter.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There are authorized to be
 17 appropriated from the Violent Crime Reduction
 18 Trust Fund established under section 310001 of the
 19 Violent Crime Control and Law Enforcement Act of
 20 1994 (42 U.S.C. 14211) to carry out this section—

21 (A) \$20,000,000 for fiscal year 2000;

22 (B) \$30,000,000 for fiscal year 2001; and

23 (C) \$30,000,000 for fiscal year 2002.

24 (2) DISTRIBUTION.—Of amounts made avail-
 25 able to carry out this section for each fiscal year, not

less than 95 percent shall be used to award grants, contracts, or cooperative agreements.

(3) ALLOTMENT FOR INDIAN TRIBES.—

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

(B) REALLOTMENT OF FUNDS.—If, beginning 9 months after the first day of any fiscal year for which amounts are made available under this paragraph, any amount made available under this paragraph remains unobligated, the unobligated amount may be allocated without regard to subparagraph (A).

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

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

(1) conduct a study of Federal and State laws relating to child custody, including the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of imple-

1 menting or applying new model State laws, and the
2 recommendations of the Attorney General regarding
3 legislative changes to reduce the incidence or pattern
4 of violence against women or of sexual assault of the
5 child.

6 (b) SUFFICIENCY OF DEFENSES.—In carrying out
7 subsection (a) with respect to the Parental Kidnaping Pre-
8 vention Act of 1980, and the amendments made by that
9 Act, the Attorney General shall examine the sufficiency
10 of defenses to parental abduction charges available in
11 cases involving domestic violence, and the burdens and
12 risks encountered by victims of domestic violence arising
13 from compliance with the full faith and credit (and judicial
14 jurisdiction) requirements of that Act and the amend-
15 ments made by that Act.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriate to carry out this section
18 \$200,000 for each of fiscal years 2000 and 2001.

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

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

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

4 **SEC. 303. REAUTHORIZATION OF RUNAWAY AND HOMELESS**
 5 **YOUTH GRANTS.**

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

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

14 “(1) \$21,000,000 for fiscal year 2000;

15 “(2) \$22,000,000 for fiscal year 2001; and

16 “(3) \$23,000,000 for fiscal year 2002.”.

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

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

22 (2) by inserting after subsection (c) the follow-
 23 ing:

24 “(d) DISSEMINATION OF INFORMATION.—The Sec-
 25 retary shall annually compile and broadly disseminate (in-

cluding through electronic publication) information about the use of amounts expended and the projects funded under this subtitle, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target community-based programs, including domestic violence and sexual assault programs.”.

SEC. 304. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended to read as follows:

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

“(1) \$10,000,000 for fiscal year 2000; and

“(2) \$12,000,000 for each of fiscal years 2001 and 2002.”.

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

1 “(a) AUTHORIZATION.—There are authorized to be
 2 appropriated from the Violent Crime Reduction Trust
 3 Fund established under section 310001 of the Violent
 4 Crime Control and Law Enforcement Act of 1994 (42
 5 U.S.C. 14211) to carry out this subtitle \$2,300,000 for
 6 each of fiscal years 2000 through 2002.”.

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

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 2000 through
 16 2002.”.

17 (d) DISSEMINATION OF INFORMATION.—The Attor-
 18 ney General shall annually compile and broadly dissemi-
 19 nate (including through electronic publication) informa-
 20 tion about the use of amounts expended and the projects
 21 funded under section 218(a) of the Victims of Child Abuse
 22 Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the
 23 Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)),
 24 and section 1007(a)(7) of title I of the Omnibus Crime
 25 Control and Safe Streets Act of 1968 (42 U.S.C.

1 3793(a)(7)), including any evaluations of the projects and
 2 information to enable replication and adoption of the
 3 strategies identified in the projects. Such dissemination
 4 shall target community-based programs, including domes-
 5 tic violence and sexual assault programs.

6 **TITLE IV—STRENGTHENING**
 7 **EDUCATION AND TRAINING**
 8 **TO COMBAT VIOLENCE**
 9 **AGAINST WOMEN**

10 **SEC. 401. EDUCATION AND TRAINING OF HEALTH PROFES-**
 11 **SIONALS.**

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

16 “(d) PREFERENCES REGARDING TRAINING IN IDEN-
 17 TIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC
 18 VIOLENCE.—

19 “(1) IN GENERAL.—In the case of a health pro-
 20 fessions entity specified in paragraph (2), the Sec-
 21 retary shall, in making awards of grants or contracts
 22 under this title, give preference to any such entity
 23 (if otherwise a qualified applicant for the award in-
 24 volved) that has in effect the requirement that, as a
 25 condition of receiving a degree or certificate (as ap-

1 plicable) from the entity, each student have had sig-
2 nificant training in carrying out the following func-
3 tions as a provider of health care:

4 “(A) Identifying victims of domestic vio-
5 lence, and maintaining complete medical
6 records that include documentation of the ex-
7 amination, treatment given, and referrals made,
8 and recording the location and nature of the
9 victim’s injuries.

10 “(B) Examining and treating such victims,
11 within the scope of the health professional’s dis-
12 cipline, training, and practice, including, at a
13 minimum, providing medical advice regarding
14 the dynamics and nature of domestic violence.

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

18 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
19 TIES.—For purposes of paragraph (1), a health pro-
20 fessions entity specified in this paragraph is any en-
21 tity that is a school of medicine, a school of osteo-
22 pathic medicine, a graduate program in mental
23 health practice, a school of nursing (as defined in
24 section 853), a program for the training of physician

1 assistants, or a program for the training of allied
2 health professionals.

3 “(3) REPORT TO CONGRESS.—Not later than 2
4 years after the date of enactment of this subsection,
5 the Secretary shall submit to the Committee on
6 Commerce of the House of Representatives, and the
7 Committee on Labor and Human Resources of the
8 Senate, a report specifying—

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

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

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

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

18 “(4) DEFINITION OF DOMESTIC VIOLENCE.—In
19 this subsection, the term ‘domestic violence’ includes
20 behavior commonly referred to as domestic violence,
21 sexual assault, spousal abuse, woman battering,
22 partner abuse, child abuse, elder abuse, and ac-
23 quaintance rape.”.

24 (b) TITLE VIII PROGRAMS; PREFERENCES IN FI-
25 NANCIAL AWARDS.—Section 860 of the Public Health

1 Service Act (42 U.S.C. 298b–7), as amended by section
 2 209 of this Act, is amended by adding at the end the fol-
 3 lowing:

4 “(g) PREFERENCES REGARDING TRAINING IN IDEN-
 5 TIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC
 6 VIOLENCE.—

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

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

23 “(B) Examining and treating such victims,
 24 within the scope of the health professional’s dis-
 25 cipline, training, and practice, including, at a

1 minimum, providing medical advice regarding
2 the dynamics and nature of domestic violence.

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

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

12 “(3) REPORT TO CONGRESS.—Not later than 2
13 years after the date of the enactment of the Domes-
14 tic Violence Identification and Referral Act of 1997,
15 the Secretary shall submit to the Committee on
16 Commerce of the House of Representatives, and the
17 Committee on Labor and Human Resources of the
18 Senate, a report specifying—

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

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

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

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

3 “(4) DEFINITION OF DOMESTIC VIOLENCE.—In
4 this subsection, the term ‘domestic violence’ includes
5 behavior commonly referred to as domestic violence,
6 sexual assault, spousal abuse, woman battering,
7 partner abuse, child abuse, elder abuse, and ac-
8 quaintance rape.”.

9 **SEC. 402. EDUCATION AND TRAINING IN APPROPRIATE RE-**
10 **SPONSES TO VIOLENCE AGAINST WOMEN.**

11 (a) AUTHORITY.—The Attorney General may make
12 grants in accordance with this section to public and pri-
13 vate nonprofit entities that, in the determination of the
14 Attorney General, have—

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

17 (2) a record of commitment and quality re-
18 sponses to reduce domestic violence and sexual as-
19 sault.

20 (b) PURPOSE.—Grants under this section may be
21 used for the purposes of developing, testing, presenting,
22 and disseminating model programs to provide education
23 and training in appropriate and effective responses to vic-
24 tims of domestic violence and victims of sexual assault (in-
25 cluding, as appropriate, the effects of domestic violence

1 on children) to individuals (other than law enforcement
2 officers and prosecutors) who are likely to come into con-
3 tact with such victims during the course of their employ-
4 ment, including—

5 (1) campus personnel, such as administrators,
6 housing officers, resident advisers, counselors, and
7 others;

8 (2) caseworkers, supervisors, administrators,
9 administrative law judges, and other individuals ad-
10 ministering Federal and State benefits programs,
11 such as child welfare and child protective services,
12 Temporary Assistance to Needy Families, social se-
13 curity disability, child support, medicaid, unemploy-
14 ment, workers' compensation, and similar programs;

15 (3) justice system professionals, such as court
16 personnel, guardians ad litem and other individuals
17 appointed to represent or evaluate children, proba-
18 tion and parole officers, bail commissioners, judges,
19 and attorneys;

20 (4) medical and health care professionals, in-
21 cluding mental and behavioral health professionals
22 such as psychologists, psychiatrists, social workers,
23 therapists, counselors, and others; and

24 (5) religious professionals, such as clergy per-
25 sons and lay employees.

1 (c) 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 2000 through 2002.

7 **SEC. 403. RAPE PREVENTION AND EDUCATION.**

8 (a) IN GENERAL.—Part J of title III of the Public
 9 Health Service Act (42 U.S.C. 280b et seq.) is amended
 10 by inserting after section 393A the following:

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

13 “(a) PERMITTED USE.—Notwithstanding section
 14 1904(a)(1), amounts transferred by the State for use
 15 under this part shall be used for rape prevention and edu-
 16 cation programs conducted by rape crisis centers, State
 17 sexual assault coalitions, and other public and private non-
 18 profit entities for—

19 “(1) educational seminars;

20 “(2) the operation of hotlines;

21 “(3) training programs for professionals;

22 “(4) the preparation of informational material;

23 “(5) education and training programs for stu-
 24 dents and campus personnel designed to reduce the

1 incidence of sexual assault at colleges and univer-
2 sities; and

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

9 “(b) NATIONAL RESOURCE CENTER.—The Secretary
10 of Health and Human Services shall, through the National
11 Center for Injury Prevention and Control at the Centers
12 for Disease Control and Prevention, establish a National
13 Resource Center on Sexual Assault to provide resource in-
14 formation, policy, training, and technical assistance to
15 Federal, State, and Indian tribal agencies, as well as to
16 State sexual assault coalitions and local sexual assault
17 programs and to other professionals and interested parties
18 on issues relating to sexual assault. The Resource Center
19 shall maintain a central resource library in order to col-
20 lect, prepare, analyze, and disseminate information and
21 statistics and analyses thereof relating to the incidence
22 and prevention of sexual assault.

23 “(c) TARGETING OF EDUCATION PROGRAMS.—States
24 providing grant moneys must ensure that not less than
25 25 percent of the funds are used for educational programs

1 targeted for middle school, junior high, and high school
 2 students. The programs targeted under this subsection
 3 shall be provided by or in consultation with rape crisis cen-
 4 ters, State sexual assault coalitions, or other entities rec-
 5 ognized for their expertise in preventing sexual assault or
 6 in providing services to victims of sexual assault.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—

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

13 “(A) \$55,000,000 for fiscal year 2000;

14 “(B) \$60,000,000 for fiscal year 2001; and

15 “(C) \$60,000,000 for fiscal year 2002.

16 “(2) SEXUAL ASSAULT COALITIONS.—Not less
 17 than 10 percent of the total amount made available
 18 under this subsection in each fiscal year shall be
 19 used to make grants to State sexual assault coal-
 20 itions to address public health issues associated with
 21 sexual assault through training, resource develop-
 22 ment, or similar research.

23 “(3) NATIONAL RESOURCE CENTER ALLOT-
 24 MENT.—Not less than 1 percent of the total amount
 25 made available under this subsection in each fiscal

1 year shall be available for allotment under sub-
2 section (b).

3 “(e) LIMITATIONS.—

4 “(1) SUPPLEMENT NOT SUPPLANT.—Amounts
5 transferred by States for use under this section shall
6 be used to supplement and not supplant other Fed-
7 eral, State, and local public funds expended to pro-
8 vide services of the type described in subsection (a).

9 “(2) STUDIES.—A State may not use more
10 than 2 percent of the amount received by the State
11 under this section for each fiscal year for surveil-
12 lance studies or prevalence studies.

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

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

20 “(1) demonstrate that it has recognized exper-
21 tise in the area of sexual assault, a record of high-
22 quality services to victims of sexual assault, includ-
23 ing a demonstration of support from advocacy
24 groups, such as State sexual assault coalitions or
25 recognized national sexual assault groups; and

1 “(2) demonstrate a commitment to the provi-
2 sion of services to underserved populations.

3 “(g) DEFINITIONS.—In this section—

4 “(1) the term ‘rape prevention and education’
5 includes education and prevention efforts directed at
6 sexual offenses committed by offenders who are not
7 known to the victim as well as offenders who are
8 known to the victim;

9 “(2) the term ‘rape crisis center’ means a pri-
10 vate nonprofit organization that is organized, or has
11 as one of its primary purposes, to provide services
12 for victims of sexual assault and has a record of
13 commitment and demonstrated experience in provid-
14 ing services to victims of sexual assault;

15 “(3) the term ‘sexual assault’ has the meaning
16 given the term in section 2003 of title I of the Om-
17 nibus Crime Control and Safe Streets Act of 1968
18 (42 U.S.C. 3796gg-2); and

19 “(4) the term ‘State sexual assault coalition’
20 means a statewide nonprofit, non-governmental
21 membership organization administering a majority
22 of sexual assault programs within the State that,
23 among other activities, provides training and tech-
24 nical assistance to sexual assault programs within
25 the State.

1 “(h) TERMS.—

2 “(1) BASIS OF ALLOTMENTS.—The Secretary
3 shall make allotments to each State on the basis of
4 the population of the State.

5 “(2) LIMITATION.—No State may use amounts
6 made available by reason of subsection (a) in any
7 fiscal year for administration of any prevention pro-
8 gram other than the rape prevention and education
9 program for which allotments are made under this
10 section.

11 “(3) AVAILABILITY OF FUNDS.—Any amount
12 paid to a State for a fiscal year and remaining unob-
13 ligated at the end of such year shall remain available
14 for the next fiscal year to such State for the pur-
15 poses for which it was made.”.

16 (b) TECHNICAL AMENDMENTS.—

17 (1) PUBLIC HEALTH SERVICE.—Section 1910A
18 of the Public Health Service Act (42 U.S.C. 300w–
19 10) is repealed.

20 (2) VIOLENCE AGAINST WOMEN ACT OF 1994.—
21 Section 40151 of the Violence Against Women Act
22 of 1994 (108 Stat. 1920) is repealed.

1 **SEC. 404. VIOLENCE AGAINST WOMEN PREVENTION EDU-**
2 **CATION AMONG YOUTH.**

3 (a) GRANTS AUTHORIZED.—The Secretary of Health
4 and Human Services, in consultation with the Secretary
5 of Education, shall provide grants to individuals or organi-
6 zations to carry out educational programs for elementary
7 schools, middle schools, secondary schools, or institutions
8 of higher education with respect to information regarding,
9 and prevention of, domestic violence and violence among
10 intimate partners.

11 (b) ELIGIBILITY.—To be eligible for a grant under
12 this section, an individual or organization shall work in
13 domestic violence prevention, health or social work, law
14 or law enforcement, schools, or institutions of higher edu-
15 cation.

16 (c) APPLICATIONS.—An individual or organization
17 that desires to receive a grant under this section shall sub-
18 mit to the Secretary of Health and Human Services an
19 application, in such form and manner as the Secretary of
20 Health and Human Services shall prescribe, that—

21 (1) demonstrates that the educational program
22 is comprehensive, engaging, and appropriate to the
23 target ages, addresses cultural diversity, has the po-
24 tential to change attitudes and behaviors, is devel-
25 oped based on research and experience in the areas
26 of youth education and domestic violence, collects

1 some form of data on changes in participants' atti-
 2 tudes or behavior, and includes an evaluation compo-
 3 nent;

4 (2) in the case of a program for a collegiate au-
 5 dience, demonstrates input from members of the
 6 campus community, campus or local law enforce-
 7 ment, education professionals, legal and psycho-
 8 logical experts on battering, and victim advocate or-
 9 ganizations; and

10 (3) contains such other information, agree-
 11 ments, and assurances as the Secretary of Health
 12 and Human Services may require.

13 (d) USES OF FUNDS.—

14 (1) IN GENERAL.—An individual or organiza-
 15 tion that receives a grant under this section may use
 16 the grant funds—

17 (A) to carry out educational programs for
 18 elementary schools, middle schools, secondary
 19 schools, or institutions of higher education with
 20 respect to information regarding, and preven-
 21 tion of, domestic violence and violence among
 22 intimate partners;

23 (B) to modify the program materials of the
 24 model programs implemented under section 317
 25 of the Family Violence Prevention and Services

1 Act (42 U.S.C. 10417), if appropriate, in order
2 to make the materials applicable to a particular
3 age group;

4 (C) to purchase the materials described in
5 subparagraph (B); or

6 (D) to establish pilot educational programs
7 described in paragraph (1) for institutions of
8 higher education for the purpose of identifying
9 model programs for such institutions.

10 (2) LIMITATION.—An individual or organization
11 that receives a grant under this section for a fiscal
12 year shall use not more than 7 percent of the grant
13 funds for administrative expenses.

14 (e) PUBLICATION.—The Secretary of Health and
15 Human Services shall publish the availability of grants
16 under this section through announcements in professional
17 publications for the individuals or organizations described
18 in subsection (d)(2), and through notice in the Federal
19 Register.

20 (f) TERM.—A grant under this section may be award-
21 ed for a period of not more than 3 fiscal years.

22 (g) EQUITABLE DISTRIBUTION.—In awarding grants
23 under this section, the Secretary of Health and Human
24 Services shall ensure an equitable geographic distribution

1 to individuals and organizations throughout the United
2 States.

3 (h) REQUIREMENTS.—In carrying out an educational
4 program under this section, an individual or organization
5 shall—

6 (1) develop the program, or acquire model pro-
7 gram materials if available;

8 (2) carry out the program with a school's or in-
9 stitution of higher education's involvement; and

10 (3) report the results of the program to the
11 Secretary of Health and Human Services in a for-
12 mat provided by the Secretary.

13 (i) EVALUATION AND REPORT.—

14 (1) COLLEGE LEVEL PROGRAMS.—Not later
15 than December 31, 2000, the Secretary shall evalu-
16 ate the pilot educational programs for college audi-
17 ences assisted under subsection (e)(1)(D) with the
18 goal of identifying and describing model programs.

19 (2) EVALUATION AND REPORT.—Not later than
20 3 years after the date of enactment of this Act, the
21 Secretary of Health and Human Services shall—

22 (A) transmit to Congress the design and
23 an evaluation of the model collegiate programs;

24 (B) report to Congress regarding results of
25 the elementary school, middle school, secondary

1 school, and institution of higher education pro-
2 grams funded under this section; and

3 (C) suggest changes or improvements to be
4 made in the programs.

5 (j) REGULATIONS.—Not later than 90 days after the
6 date of enactment of this Act, the Secretary of Health and
7 Human Services shall publish in the Federal Register pro-
8 posed regulations implementing this section. Not later
9 than 180 days after the date of enactment of this Act,
10 the Secretary of Health and Human Services shall publish
11 in the Federal Register final regulations implementing this
12 section.

13 (k) DEFINITIONS.—

14 (1) ELEMENTARY SCHOOL; SECONDARY
15 SCHOOL.—The terms “elementary school” and “sec-
16 ondary school” have the meanings given the terms
17 in section 14101 of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 8801).

19 (2) INSTITUTION OF HIGHER EDUCATION.—The
20 term “institution of higher education” has the
21 meaning given the term in section 1201 of the High-
22 er Education Act of 1965 (20 U.S.C. 1141).

23 (l) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—There are authorized to be
25 appropriated to carry out this section (other than

1 subsection (d)(1)(D) and subparagraphs (A) and (B)
 2 of subsection (i)(2))—

3 (A) \$2,700,000 for fiscal year 2000; and

4 (B) \$2,700,000 for fiscal year 2001.

5 (2) COLLEGIATE PROGRAMS; REPORT.—There
 6 is authorized to be appropriated from the Violent
 7 Crime Reduction Trust Fund established under sec-
 8 tion 310001 of the Violent Crime Control and Law
 9 Enforcement Act of 1994 (42 U.S.C. 14211) to
 10 carry out subsection (d)(1)(D) and subparagraphs
 11 (A) and (B) of subsection (i)(2) \$400,000 for fiscal
 12 year 2001.

13 (3) AVAILABILITY.—Amounts appropriated
 14 under this subsection shall remain available until the
 15 earlier of—

16 (A) the date on which those amounts are
 17 expended; or

18 (B) December 31, 2001.

19 **SEC. 405. EDUCATION AND TRAINING TO END VIOLENCE**
 20 **AGAINST AND ABUSE OF WOMEN WITH DIS-**
 21 **ABILITIES.**

22 (a) IN GENERAL.—The Attorney General shall make
 23 grants to States and nongovernmental private entities to
 24 provide education and technical assistance for the purpose
 25 of providing training, consultation, and information on vi-

1 olence, abuse, and sexual assault against women who are
2 individuals with disabilities (as defined in section 3 of the
3 Americans with Disabilities Act of 1990 (42 U.S.C.
4 12102)).

5 (b) PRIORITIES.—In making grants under this sec-
6 tion, the Attorney General shall give priority to applica-
7 tions designed to provide education and technical assist-
8 ance on—

9 (1) the nature, definition, and characteristics of
10 violence, abuse, and sexual assault experienced by
11 women who are individuals with disabilities;

12 (2) outreach activities to ensure that women
13 who are individuals with disabilities who are victims
14 of violence, abuse, and sexual assault receive appro-
15 priate assistance;

16 (3) the requirements of shelters and victim
17 services organizations under Federal anti-discrimina-
18 tion laws, including the Americans with Disabilities
19 Act of 1990 and section 504 of the Rehabilitation
20 Act of 1973; and

21 (4) cost-effective ways that shelters and victim
22 services may accommodate the needs of individuals
23 with disabilities in accordance with the Americans
24 with Disabilities Act of 1990.

1 (c) USES OF GRANTS.—Each recipient of a grant
 2 under this section shall provide information and training
 3 to organizations and programs that provide services to in-
 4 dividuals with disabilities, including independent living
 5 centers, disability-related service organizations, and do-
 6 mestic violence programs providing shelter or related as-
 7 sistance.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
 9 authorized to be appropriated from the Violent Crime Re-
 10 duction Trust Fund established under section 310001 of
 11 the Violent Crime Control and Law Enforcement Act of
 12 1994 (42 U.S.C. 14211) to carry out this section—

13 (1) \$4,000,000 for fiscal year 2000;

14 (2) \$5,000,000 for fiscal year 2001; and

15 (3) \$6,000,000 for fiscal year 2002.

16 **SEC. 406. COMMUNITY INITIATIVES.**

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

19 (1) in subsection (b)(2)—

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

22 (B) by redesignating subparagraph (H) as
 23 subparagraph (I); and

24 (C) by inserting after subparagraph (G)
 25 the following:

1 “(H) groups that provide services to or ad-
 2 vocacy on behalf of individuals with disabilities
 3 (as defined in section 3 of the Americans with
 4 Disabilities Act of 1990 (42 U.S.C. 12102));
 5 and”; and

6 (2) by striking subsection (h) and inserting the
 7 following:

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

13 “(1) \$5,000,000 for fiscal year 2000;

14 “(2) \$6,000,000 for fiscal year 2001; and

15 “(3) \$7,000,000 for fiscal year 2002.”.

16 **SEC. 407. NATIONAL COMMISSION ON STANDARDS OF**
 17 **PRACTICE AND TRAINING FOR SEXUAL AS-**
 18 **SAULT EXAMINATIONS.**

19 (a) IN GENERAL.—The Attorney General shall estab-
 20 lish a multidisciplinary, multiagency national commission,
 21 which shall—

22 (1) evaluate standards of training and practice
 23 for licensed health care professionals performing sex-
 24 ual assault forensic examinations and develop a na-
 25 tional recommended standard for training;

1 (2) recommend minimum sexual assault foren-
2 sic examination training for all health care students
3 to improve the recognition of injuries suggestive of
4 rape and sexual assault and baseline knowledge of
5 appropriate referrals in victim treatment and evi-
6 dence collection;

7 (3) review national, State, and local protocols
8 on sexual assault for forensic examinations, and
9 based on the review, develop a recommended na-
10 tional protocol, and establish a mechanism for na-
11 tionwide dissemination; and

12 (4) study and evaluate State procedures for
13 payment of forensic examinations for victims of sex-
14 ual assault and establish a recommended Federal
15 protocol for the payment of forensic examinations.

16 (b) MEMBERSHIP.—The members of the national
17 commission established under this section shall be ap-
18 pointed by the Attorney General from among individuals
19 who are experts in the prevention and treatment of rape
20 and sexual assault, including—

21 (1) individuals employed in the fields of victim
22 services, criminal justice, forensic nursing, forensic
23 science, emergency room medicine, law, and social
24 services; and

1 (2) individuals who are experts in the preven-
2 tion and treatment of sex crimes in ethnic, social,
3 and language minority communities, as well as rural,
4 disabled, and other underserved communities.

5 (c) REPORT.—Not later than 1 year after the date
6 of enactment of this Act, the Attorney General shall sub-
7 mit a report to Congress on the findings of the commission
8 established under subsection (a).

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated from the Violent Crime Re-
11 duction Trust Fund established under section 310001 of
12 the Violent Crime Control and Law Enforcement Act of
13 1994 (42 U.S.C. 14211) to carry out this section
14 \$200,000 for fiscal year 2000.

15 **SEC. 408. NATIONAL WORKPLACE CLEARINGHOUSE ON VIO-**
16 **LENCE AGAINST WOMEN.**

17 (a) AUTHORITY.—The Attorney General may make
18 a grant in accordance with this section to a private, non-
19 profit entity that meets the requirements of subsection (b)
20 to establish and operate a national clearinghouse and re-
21 source center to provide information and assistance to em-
22 ployers and labor organizations on appropriate workplace
23 responses to domestic violence and sexual assault.

1 (b) GRANTEES.—Each applicant for a grant under
2 this section shall submit to the Attorney General an appli-
3 cation, which shall—

4 (1) demonstrate that the applicant—

5 (A) has a nationally recognized expertise in
6 the area of domestic violence and sexual assault
7 and a record of commitment and quality re-
8 sponses to reduce domestic violence and sexual
9 assault; and

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

14 (2) include a plan to conduct outreach to en-
15 courage employers (including small and large busi-
16 nesses, as well as public entities such as universities,
17 and State and local governments) to develop and im-
18 plement appropriate responses to assist employees
19 who are victims of domestic violence or sexual as-
20 sault.

21 (c) USE OF GRANT AMOUNT.—A grant under this
22 section may be used for salaries, travel expenses, equip-
23 ment, printing, and other reasonable expenses necessary
24 to assemble, maintain, and disseminate to employers and
25 labor organizations information on appropriate responses

1 to domestic violence and sexual assault, including costs as-
2 sociated with such activities as—

3 (1) developing and disseminating model proto-
4 cols and workplace policies;

5 (2) developing and disseminating models for
6 employer and union sponsored victims' services;

7 (3) developing and disseminating training vid-
8 eos and model curricula to promote better under-
9 standings of workplace issues surrounding domestic
10 violence; and

11 (4) planning and conducting conferences and
12 other educational opportunities.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated from the Violent Crime Re-
15 duction Trust Fund established under section 310001 of
16 the Violent Crime Control and Law Enforcement Act of
17 1994 (42 U.S.C. 14211) to carry out this section
18 \$1,000,000 for each of fiscal years 2000 through 2002.

19 **SEC. 409. STRENGTHENING RESEARCH TO COMBAT VIO-**
20 **LENCE AGAINST WOMEN.**

21 Chapter 9 of subtitle B of the Violence Against
22 Women Act of 1994 (42 U.S.C. 13961 et seq.) is amended
23 by adding at the end the following:

1 **“SEC. 40294. RESEARCH TO COMBAT VIOLENCE AGAINST**
2 **WOMEN.**

3 “(a) EDUCATION, PREVENTION, AND INTERVENTION
4 RESEARCH GRANTS.—

5 “(1) PURPOSES.—The Secretary of Health and
6 Human Services and the Attorney General shall
7 make grants to entities, including domestic violence
8 and sexual assault organizations, research organiza-
9 tions, and academic institutions, to support research
10 and evaluation of education, prevention, and inter-
11 vention programs on violent behavior against women.

12 “(2) USE OF FUNDS.—The research conducted
13 under this section shall include—

14 “(A) longitudinal research to study the de-
15 velopmental trajectory of violent behavior
16 against women and the manner in which that
17 violence differs from other violent behaviors;

18 “(B) the examination of risk factors for
19 sexual and intimate partner violence for victims
20 and perpetrators, such as poverty, childhood
21 victimization and other traumas;

22 “(C) the examination of short- and long-
23 term efforts of programs designed to prevent
24 sexual and intimate partner violence;

1 “(D) outcome evaluations of interventions
2 and school curriculum targeted at children and
3 teenagers;

4 “(E) the examination and documentation
5 of the processes and informal strategies women
6 experience in attempting to manage and stop
7 the violence in their lives; and

8 “(F) the development, testing, and evalua-
9 tion of the economic and health benefits of ef-
10 fective methods of domestic violence screening
11 and prevention programs at all points of entry
12 into the health care system, including mental
13 health, emergency medicine, obstetrics, gyne-
14 cology, and primary care, and an assessment of
15 the costs of domestic violence to the health care
16 system.

17 “(b) ADDRESSING GAPS IN RESEARCH.—

18 “(1) PURPOSES.—The Secretary of Health and
19 Human Services and the Attorney General shall
20 make grants to domestic violence and sexual assault
21 organizations, research organizations, and academic
22 institutions in order to address gaps in research and
23 knowledge about violence against women, including
24 violence against women in underserved communities.

1 “(2) USES OF FUNDS.—The research conducted
2 with grants made under this subsection shall
3 include—

4 “(A) the development of national- and
5 community-level survey studies to measure the
6 incidence and prevalence of violence against
7 women in underserved populations and the
8 terms women use to describe their experiences
9 of violence;

10 “(B) qualitative and quantitative research
11 to understand the manner in which factors that
12 shape the context and experience of violence in
13 women’s lives, as well as the education, preven-
14 tion, and intervention strategies available to
15 women (including minors);

16 “(C) a study of violence against women as
17 a risk factor for diseases from a multivariate
18 perspective;

19 “(D) an examination of the prevalence and
20 dynamics of emotional and psychological abuse,
21 the effects on women of such abuse, and the
22 education, prevention, and intervention strate-
23 gies that are available to address this type of
24 abuse;

1 “(E) an examination of the need for and
2 availability of legal assistance and services for
3 victims of sexual assault; and

4 “(F) the use of nonjudicial alternative dis-
5 pute resolution (such as mediation, negotiation,
6 conciliation, and restorative justice models) in
7 cases in which domestic violence is a factor,
8 comparing nonjudicial alternative dispute reso-
9 lution and traditional judicial methods based
10 upon the quality of representation of the victim,
11 the training of mediators or other facilitators,
12 the satisfaction of the parties, the outcome of
13 the proceedings, and such other factors as may
14 be identified; and

15 “(G) an examination of effective models to
16 address domestic violence in child protective
17 services and child welfare agencies, including—

18 “(i) documenting the scope of the
19 problem;

20 “(ii) identifying the risk of harm per-
21 petrators of domestic violence pose to chil-
22 dren and to parents who are victims of do-
23 mestic violence; and

24 “(iii) examining effective models to
25 address domestic violence in the context of

1 child welfare and child protection that pro-
2 tect children while protecting parents who
3 are victims of domestic violence.

4 “(c) SENTENCING COMMISSION STUDY.—Not later
5 than 1 year after the date of enactment of this section,
6 the United States Sentencing Commission shall submit to
7 Congress a report on—

8 “(1) sentences given to offenders incarcerated
9 in Federal and State prisons for homicides or as-
10 saults in which the victim was a spouse, former
11 spouse, or intimate partner of the offender;

12 “(2) the effect of illicit drugs and alcohol on do-
13 mestic violence and the sentences imposed for of-
14 fenses involving illicit drugs and alcohol in which do-
15 mestic violence occurred;

16 “(3) the extent to which acts of domestic vio-
17 lence committed against the offender, including coer-
18 cion, may have contributed to the commission of an
19 offense;

20 “(4) an analysis delineated by race, gender,
21 type of offense, and any other categories that would
22 be useful for understanding the problem of domestic
23 violence; and

24 “(5) recommendations with respect to the of-
25 fenses described in this subsection, including any

1 basis for a downward adjustment in any applicable
2 Federal sentencing guidelines determination.

3 “(d) RESEARCH ON PREGNANCY AND SEXUAL AS-
4 SAULT.—

5 “(1) PURPOSES.—The Secretary of Health and
6 Human Services and the Attorney General shall
7 make grants to nonprofit entities, including sexual
8 assault organizations, research organizations, and
9 academic institutions, in order to gather qualitative
10 and quantitative data on the experiences of minors
11 and adults who become pregnant as a result of sex-
12 ual assault within State health care, judicial, and so-
13 cial services systems.

14 “(2) USE OF AMOUNTS.—The research con-
15 ducted with grants made under this subsection shall
16 include—

17 “(A) the incidence and prevalence of preg-
18 nancy resulting from sexual assault, including
19 the ages of the victim and perpetrator, and any
20 relationship between the perpetrator and the
21 victim (such as family, acquaintance, intimate
22 partner, spouse, household member, etc.);

23 “(B) the degree to which State adoption,
24 child custody, visitation, child support, parental
25 termination, and child welfare criminal justice

1 laws and policies serve the needs of women (in-
2 cluding minors) who become pregnant as a re-
3 sult of sexual assault;

4 “(C) the impact of State social services
5 rules, policies, and procedures on women (in-
6 cluding minors) who become pregnant as a re-
7 sult of sexual assault and on those children
8 born as a result of the sexual assault;

9 “(D) the availability of public and private
10 legal, medical, and mental health counseling, fi-
11 nancial, and other forms of assistance to women
12 (including minors) who become pregnant as a
13 result of sexual assault, and to the children
14 born as a result of the sexual assault, including
15 the extent to which barriers exist in accessing
16 that assistance; and

17 “(E) recommendations for improvements
18 in State health care, judicial, and social services
19 systems to address the needs of women (includ-
20 ing minors) who become pregnant as a result of
21 sexual assault and of the children born as a re-
22 sult of the sexual assault.

23 “(e) STATUS REPORT ON LAWS REGARDING RAPE
24 AND SEXUAL ASSAULT OFFENSES.—

1 “(1) STUDY.—The Attorney General, in con-
2 sultation with national, State, and local domestic vi-
3 olence and sexual assault coalitions and programs,
4 including, nationally recognized experts on sexual as-
5 sault, such as from the judiciary, the legal profes-
6 sion, psychological associations, and sex offender
7 treatment providers, shall conduct a national study
8 to examine the status of the law with respect to rape
9 and sexual assault offenses and the effectiveness of
10 the implementation of laws in addressing such
11 crimes and protecting their victims. In carrying out
12 this subsection, the Attorney General may utilize the
13 Bureau of Justice Statistics, the National Institute
14 of Justice, and the Office for Victims of Crime, or
15 any other appropriate component of the Department
16 of Justice.

17 “(2) REPORT.—Not later than 1 year after the
18 date of enactment of this section, the Attorney Gen-
19 eral shall submit to Congress a report on the find-
20 ings of the study under paragraph (1), which shall
21 include—

22 “(A) an analysis of the degree of uniform-
23 ity among the States with respect to rape and
24 sexual assault laws (including sex offenses com-

mitted against children), including the degree of
uniformity among States with respect to—

“(i) definitions of rape and sexual assault, including any marital rape exception and any other exception or downgrading of offense;

“(ii) the element of consent and coercive conduct, including deceit;

“(iii) the element of physical resistance and affirmative nonconsent as a precondition for conviction;

“(iv) the element of force, including penetration requirement as aggravating factor and use of coercion;

“(v) evidentiary matters—

“(I) inferences—timeliness of complaint under the Model Penal Code;

“(II) post traumatic stress disorder (including rape trauma syndrome) relevancy of scope and admissibility;

“(III) rape shield laws—in camera evidentiary determinations;

“(IV) prior bad acts; and

1 “(V) corroboration requirement
 2 and cautionary jury instructions;
 3 “(vi) the existence of special rules for
 4 rape and sexual assault offenses;
 5 “(vii) the use of experts;
 6 “(viii) sentencing—
 7 “(I) plea bargains;
 8 “(II) presentence reports;
 9 “(III) recidivism and remorse;
 10 “(IV) adolescents;
 11 “(V) psychological injuries;
 12 “(VI) gravity of crime and trauma to victim; and
 13 “(VII) race; and
 14 “(ix) any personal or professional relationship between the perpetrator and the
 15 victim; and
 16 “(B) any recommendations of the Attorney
 17 General for reforms to foster uniformity among
 18 the States in addressing rape and sexual assault offenses in order to protect victims more
 19 effectively while safeguarding the due process
 20 rights of the accused.
 21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 22 is authorized to be appropriated from the Violent Crime
 23
 24
 25

1 Reduction Trust Fund established under section 310001
 2 of the Violent Crime Control and Law Enforcement Act
 3 of 1994 (42 U.S.C. 14211)—

4 “(1) to carry out subsection (a), \$3,000,000 for
 5 each of fiscal years 2000 and 2001;

6 “(2) to carry out subsection (b), \$2,100,000 for
 7 each of fiscal years 2000 and 2001;

8 “(3) to carry out subsection (c), \$200,000 for
 9 fiscal year 2000;

10 “(4) to carry out subsection (d), \$500,000 for
 11 fiscal year 2000; and

12 “(5) to carry out subsection (e), \$200,000 for
 13 fiscal year 2000.”.

14 **TITLE V—EXTENSION OF VIO-**
 15 **LENT CRIME REDUCTION**
 16 **TRUST FUND**

17 **SEC. 501. EXTENSION.**

18 (a) IN GENERAL.—Section 310001(b) of the Violent
 19 Crime Control and Law Enforcement Act of 1994 (42
 20 U.S.C. 14211(b)) is amended—

21 (1) in paragraph (5), by striking “and” at the
 22 end;

23 (2) in paragraph (6), by striking the period at
 24 the end and inserting a semicolon; and

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

1 “(7) for fiscal year 2001, \$4,400,000,000; and
2 “(8) for fiscal year 2002, \$4,500,000,000.”.

3 (b) CONFORMING DISCRETIONARY SPENDING CAP
4 REDUCTION.—Upon enactment of this Act, the discre-
5 tionary spending limits for fiscal years 2001 and 2002 set
6 forth in section 251(c) of the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 (2 U.S.C. 901(c)) are
8 reduced as follows:

9 (1) For fiscal year 2001, \$4,400,000,000 in
10 new budget authority and \$5,981,000,000 in out-
11 lays.

12 (2) For fiscal year 2002, \$4,500,000,000 in
13 new budget authority and \$4,530,000,000 in out-
14 lays.

○