

107TH CONGRESS
2^D SESSION

S. 2009

To amend the Public Health Service Act to provide services for the prevention of family violence.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2002

Mr. DURBIN (for himself, Ms. COLLINS, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to provide services for the prevention of family violence.

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.**

4 This Act may be cited as the “Family Violence Pre-
5 vention Act of 2002”.

6 **SEC. 2. FAMILY VIOLENCE PREVENTION.**

7 Title III of the Public Health Service Act (42 U.S.C.
8 241 et seq.) is amended by adding at the end the fol-
9 lowing:

1 **“PART R—FAMILY VIOLENCE PREVENTION**

2 **“SEC. 399AA. DEFINITION.**

3 “In this part the term ‘family violence’ means any
4 act or threatened act of violence, including any forceful
5 detention of an individual, that—

6 “(1) results or threatens to result in physical
7 injury; and

8 “(2) is committed by a person against another
9 individual (including an elderly individual or a
10 child)—

11 “(A) to whom such person is or was re-
12 lated by blood or marriage or is otherwise le-
13 gally related;

14 “(B) with whom such person is or was law-
15 fully residing; or

16 “(C) with whom such person is or has been
17 in a social relationship of a romantic or inti-
18 mate nature where the existence of such a rela-
19 tionship shall be determined based on a consid-
20 eration of—

21 “(i) the length of the relationship;

22 “(ii) the type of the relationship; and

23 “(iii) the frequency of interaction be-
24 tween the individuals involved in the rela-
25 tionship.

1 **“SEC. 399AA-1. OFFICE OF FAMILY VIOLENCE.**

2 “(a) ESTABLISHMENT.—

3 “(1) IN GENERAL.—There is established within
4 the Department of Health and Human Services an
5 Office of Family Violence (in this part referred to as
6 the ‘Office’) under the general authority of the Sec-
7 retary.

8 “(2) SEPARATE OFFICE.—The Office shall be a
9 separate office headed by a Director who shall report
10 to the Secretary through the Assistant Secretary for
11 Health, and who shall also serve as Counsel to the
12 Secretary.

13 “(b) JURISDICTION.—The Office shall—

14 “(1) facilitate coordination between all pro-
15 grams within the Department of Health and Human
16 Services relating to the prevention of family violence;

17 “(2) collaborate with family violence programs
18 (including child abuse, domestic violence, and elder
19 abuse programs) administered by other Federal de-
20 partments or agencies to develop a Federal family
21 violence prevention Internet website to provide
22 information—

23 “(A) to the public concerning the Federal
24 resources available to combat family violence,
25 including child abuse, domestic violence, and
26 elder abuse; and

1 “(B) concerning ongoing or prospective re-
2 search efforts that might be of use to family vi-
3 olence prevention advocates, researchers, and
4 others; and

5 “(3) carry out other activities related to family
6 violence (including child abuse, domestic violence,
7 and elder abuse) prevention that are determined ap-
8 propriate by the Secretary.

9 “(c) DIRECTOR.—

10 “(1) APPOINTMENT.—The President, by and
11 with the advice and consent of the Senate, shall ap-
12 point a Director for the Office of Family Violence
13 (in this part referred to as the ‘Director’) to be re-
14 sponsible for the administration, coordination, and
15 implementation of the programs and activities of the
16 Office.

17 “(2) OTHER EMPLOYMENT.—The Director shall
18 not—

19 “(A) engage in any employment other than
20 that of serving as Director; or

21 “(B) hold any office in, or act in any ca-
22 pacity for, any organization, agency, or institu-
23 tion with which the Office makes any contract
24 or other agreement.

1 “(3) VACANCY.—In the case of a vacancy, the
2 President may designate an officer or employee who
3 shall act as Director during the vacancy.

4 “(4) COMPENSATION.—The Director shall be
5 compensated at a rate of pay not to exceed the rate
6 payable for level V of the Executive Schedule under
7 section 5316 of title 5, United States Code.

8 “(d) REGULATIONS.—The Director may, after appro-
9 priate consultation with representatives of States and
10 units of local government, establish such rules, regula-
11 tions, and procedures as are necessary to the exercise of
12 the functions of the Office.

13 “(e) STAFF.—The Secretary shall ensure that there
14 is adequate staff to support the Director in carrying out
15 the responsibilities of the Director under this part.

16 “(f) REPORT.—The Director shall annually report to
17 the appropriate authorizing and appropriating committees
18 of Congress concerning the coordination of activities that
19 are being carried out by all family violence program within
20 the Department of Health and Human Services.

21 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section,
23 \$5,000,000 for fiscal year 2003, and such sums as may
24 be necessary for each of fiscal years 2004 through 2007.

1 **“SEC. 399AA-2. FAMILY VIOLENCE RESEARCH CENTERS.**

2 “(a) ESTABLISHMENT.—The Secretary shall provide
3 for the establishment of 5 family violence research and
4 education centers to conduct research and disseminate in-
5 formation, including professional and public education,
6 concerning family violence.

7 “(b) LINKAGES.—In establishing centers under sub-
8 section (a), the Secretary shall ensure that—

9 “(1) one center is linked to the Centers for Dis-
10 ease Control and Prevention;

11 “(2) one center is linked to the National Insti-
12 tute of Mental Health; and

13 “(3) each center is linked to national, State,
14 and local community resources, including domestic
15 violence coalition shelters, community health centers,
16 health care delivery systems, and domestic and sex-
17 ual assault hotlines, through which information may
18 be distributed.

19 “(c) GENERAL DUTIES.—Each center established
20 under subsection (a)—

21 “(1) shall provide for the conduct of family vio-
22 lence research, including, in collaboration with the
23 Centers for Disease Control and Prevention, the ad-
24 ministration of annual national surveys concerning
25 the prevalence and characteristics of different forms

1 of family violence, including child abuse, domestic vi-
2 olence, and elder abuse; and

3 “(2) may provide for the conduct of family vio-
4 lence research, including—

5 “(A) research concerning the development,
6 implementation, evaluation, and dissemination
7 of appropriate curricula for health professional
8 training in the area of family violence;

9 “(B) research concerning the effectiveness
10 of different educational methodologies that are
11 used to present the curricula described in sub-
12 paragraph (A);

13 “(C) research concerning patterns of
14 health care utilization by victims of family vio-
15 lence and child witnesses of family violence, the
16 effects that family violence has on other health
17 behaviors and the health status of individuals,
18 families, and populations, and the health care
19 costs attributable to family violence;

20 “(D) research concerning the effects of
21 mandatory family violence reporting require-
22 ments, including—

23 “(i) the effects of such requirements
24 on—

1 “(I) the prevalence and incidence
2 of family violence;

3 “(II) victim and dependent safety
4 and self-efficacy;

5 “(III) referral and treatment pat-
6 terns; and

7 “(IV) access to health care, legal,
8 and advocacy services;

9 “(ii) the development of mechanisms
10 to provide resources, consultation, and
11 technical assistance to State and local gov-
12 ernments and to agencies and non-profit
13 entities that are concerned with evaluating
14 the effect of mandatory reporting on the
15 health and safety of victims and depend-
16 ents;

17 “(E) research and testing of best messages
18 and strategies to mobilize public action con-
19 cerning the prevention of family violence;

20 “(F) research on the relationship between
21 childhood exposure to domestic violence and
22 child and adult health and safety outcomes;

23 “(G) research on effective interventions for
24 children exposed to violence; and

1 “(H) research on the effects of family vio-
2 lence on other health behaviors and health con-
3 ditions.

4 “(d) GRANTS AND CONTRACTS.—

5 “(1) IN GENERAL.—In carrying out subsection
6 (a), the Secretary may make grants to and enter
7 into contracts with public and nonprofit private enti-
8 ties.

9 “(2) APPLICATION FOR AWARD.—The Secretary
10 may make an award of a grant or contract under
11 paragraph (1) only if an application for the award
12 is submitted to the Secretary and the application is
13 in such form, is made in such manner, and contains
14 such agreements, assurances, and information as the
15 Secretary determines to be necessary to carry out
16 the purposes for which the award is to be made.

17 “(e) ADVISORY BOARD.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish an advisory board to make recommendations
20 concerning the research agenda carried out by the
21 research centers under this section.

22 “(2) COMPOSITION.—

23 “(A) APPOINTED MEMBERS.—The advisory
24 board shall be composed of 19 members to be
25 appointed by the Secretary as follows:

1 “(i) Twelve members shall be ap-
2 pointed from among individuals who are
3 scientific or health care experts in the
4 areas of elder abuse, domestic violence,
5 child abuse, mental health, epidemiology,
6 social work, or health education.

7 “(ii) Seven members shall be ap-
8 pointed from among nationally recognized
9 experts in domestic violence, child abuse,
10 and elder abuse who have a documented
11 history of effective and respected work in
12 their respective field, of which—

13 “(I) at least one member shall be
14 an expert in domestic violence and
15 dating violence;

16 “(II) at least one member shall
17 be an expert in child abuse;

18 “(III) at least one member shall
19 be an expert in elder abuse;

20 “(IV) at least one member shall
21 be an expert in the impact of domestic
22 violence on children and youth; and

23 “(V) at least one member shall
24 be an expert in domestic violence
25 against older or disabled women.

1 “(B) EX OFFICIO MEMBERS.—The fol-
2 lowing shall be ex-officio members of the advi-
3 sory board:

4 “(i) The Assistant Secretary for
5 Health.

6 “(ii) The Director of the National In-
7 stitutes of Health.

8 “(iii) The Director of the National In-
9 stitute for Mental Health.

10 “(iv) The Director of the Centers for
11 Disease Control and Prevention.

12 “(v) The Assistant Secretary for Chil-
13 dren and Families.

14 “(vi) The Assistant Secretary for
15 Aging.

16 “(vii) The Administrator of the
17 Health Resources and Services Administra-
18 tion.

19 “(viii) The Director of the Substance
20 Abuse and Mental Health Services Admin-
21 istration.

22 “(ix) The Assistant Attorney General
23 for the Office of Justice Programs.

24 “(C) CHAIRPERSON.—The members of the
25 advisory board appointed under subparagraph

1 (A) shall elect a chairperson from among such
2 members.

3 “(3) MEETINGS.—The advisory board shall
4 meet at the call of the chairperson or upon the re-
5 quest of the Secretary, but not less often than 4
6 times each year.

7 “(4) DUTIES.—In order to ensure the most ef-
8 fective use and organization of Federal resources
9 concerning family violence, the advisory board shall
10 provide advice and make recommendations to Con-
11 gress and the Secretary with respect to the imple-
12 mentation and revision of the research agenda of the
13 research centers established under this section.

14 “(5) SUBCOMMITTEES.—In carrying out its
15 functions under this subsection, the advisory board
16 may establish subcommittees, convene workshops
17 and conferences, and collect data. Such subcommit-
18 tees may be composed of advisory board members
19 and nonmember consultants with expertise in the
20 particular area addressed by such subcommittees.

21 “(6) REPORTS.—The advisory committee shall
22 annually report to the appropriate authorizing and
23 appropriations committees of Congress concerning
24 the research agenda for the centers established

1 under this section and the progress made in ful-
 2 filling that research agenda.

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 4 is authorized to be appropriated to carry out this section,
 5 \$25,000,000 for fiscal year 2003, and such sums as may
 6 be necessary for each of fiscal years 2004 through 2007.

7 **“SEC. 399AA-3. HEALTH PROFESSIONAL TRAINING GRANTS.**

8 “(a) IN GENERAL.—The Director of the Office shall
 9 award grants to eligible entities to enable such entities to
 10 develop, implement, evaluate, and disseminate family vio-
 11 lence education and training curricula, programs, and
 12 strategies.

13 “(b) ELIGIBILITY.—To be eligible to receive a grant
 14 under subsection (a), an entity shall—

15 “(1) be—

16 “(A) a health care delivery system or
 17 health care training entity, such as an academic
 18 health center, a federally qualified health cen-
 19 ter, a hospital, and a community health center;
 20 or

21 “(B) an entity not described in subpara-
 22 graph (A) that enters into a collaborative rela-
 23 tionship with an entity described in such sub-
 24 paragraph for purposes of this section, such as
 25 a national or local non-profit entity with exper-

1 tise in family violence, a State coalition for do-
2 mestic violence, a State coalition for sexual as-
3 sault, and a State public health agency;

4 “(2) demonstrate an ability to maintain the
5 training systems established with amounts received
6 under the grant after the expiration of the grant
7 funding and provide an assurance that such systems
8 will be maintained if determined to be effective; and

9 “(3) prepare and submit to the Director at such
10 time, in such manner, and containing such agree-
11 ments, assurances, and information as the Director
12 determines to be necessary to carry out the purposes
13 for which the grant is to be made.

14 “(c) USE OF FUNDS.—An entity shall use amounts
15 received under a grant under this section to—

16 “(1) conduct evaluations of existing family vio-
17 lence identification and treatment training pro-
18 grams; and

19 “(2) develop and implement innovative training
20 models or programs to identify and appropriately
21 treat and refer victims of family violence.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section,

1 \$25,000,000 for fiscal year 2003, and such sums as may
2 be necessary for each of fiscal years 2004 through 2007.”.

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