



FACTS ABOUT DOMESTIC VIOLENCE

Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.¹

Women are at an increased risk of harm after separation from an abusive partner. Separated women are 3 times more likely than divorced women and 25 times more likely than married women to be victims of violence at the hands of an intimate partner.²

According to National Crime Victimization Survey data from the Department of Justice (a conservative estimate) between 1992 and 1996, women and girls over 12 experienced, on average, 960,000 incidents of assault, rape and murder at the hands of a current or former spouse or intimate partner annually. During the same period, the same surveys found that men were victims of about 150,000 violent crimes by current or former spouse or intimate partner.³ Other surveys have found a much higher rate of domestic violence against women.⁴

Of the estimated more than 1,000,000 persons age 65 and over who are victims of abuse each year, at least two-thirds are women. In almost 9 out of 10 incidents of domestic elder abuse and neglect the perpetrator is a family member and adult children of the victims are the largest category of perpetrators and spouses are the second largest category of perpetrators.⁵

In 1996, 65% of all intimate partner homicides involved guns.⁶ Family and intimate assaults involving guns are 12 times more likely to result in death than other family and intimate partner assaults.⁷

In 1994, approximately 37% of women seeking injury-related treatment in hospital emergency rooms were there because of injuries inflicted by a current or former spouse or intimate partner.⁸

A recent survey found that over 50% of abused women lost at least three days of work monthly due to abuse⁹ and surveys show at least 60% of abused women report being late for work due to abuse.¹⁰ Sixty percent of battered women surveyed in one study had been reprimanded because of work problems associated with abuse, and 70% reported difficulty in performing their job because of abuse.¹¹

To prevent their immigrant wives from reporting domestic violence, men may threaten to take her children away from the United States, fail to file papers to legalize her immigration status, or threaten to report her to INS to get her deported.¹²

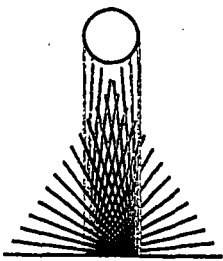
Children who witness domestic violence are at a high risk of anxiety and depression, and exhibit more aggressive, antisocial, inhibited and fearful behaviors.¹³

Domestic violence is strongly correlated with child abuse. Studies have found that between 50% and 70% of men who abuse their female partners also abuse their children.¹⁴

Of all homeless women and children, 50% are fleeing domestic violence.¹⁵

For more information, contact Juley Fulcher or Marlo Cohen at (202) 544-7358.

January 12, 1999



National Task Force to End Violence Against Women

**NOW LEGAL DEFENSE
AND EDUCATION FUND**

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Email: preuss@nowldefdc.org / Website: www.nowldef.org

How To Plan A Local Town Meeting To Support VAWA '99

Thanks for your interest in helping the National Task Force on Violence Against Women get the word out about the Violence Against Women Act of 1999 (VAWA '99). This informational guide offers some tips on how to plan a local public education event around VAWA '99. Nothing is better than a good 'ol fashioned town meeting to get the community talking about the importance of addressing violence against women and its impact upon all of us.

Planning Your Town Meeting

1. Form an organizing committee.

Identify individuals and organizations in your area that may be interested in planning a town meeting. Consider a cross-section of participants, such as women's groups, civic groups, government officials, local law enforcement, youth groups, disability groups, senior citizen groups, health care professionals, religious and educational leaders, local campus leaders, immigrants rights advocates, domestic violence and sexual assault advocates, gay and lesbian groups, union and labor organizers, as well as and interested citizens. All can offer unique input and lend strong support to the event.

Consider the possibility of bringing a VAWA '99 focus to an established local effort, such as a community fair, picnic, panel discussion or political forum.

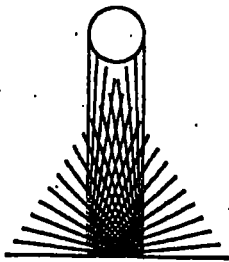
2. Choose the focus.

Decide how big you want your event to be. Do you just want a literature table and a mini-postcard campaign at a local fair? Or, do you want a more formal meeting in a municipal building or local school auditorium?

Identify your focus and format. On which provisions of the bill would you like to focus? How do you want to present the issues? For example, a town meeting held in New York City last year was presented in a hearing-type format. The meeting consisted of three panels—one on sexual assault, a second on workplace violence and a third on domestic violence. Each panel had three speakers—a violence survivor, an advocate and someone who talked about solutions. Each speaker made a brief five minute statement using their personal experience to highlight the provisions in the new bill that they personally thought were important and why. The event was hosted by then Congressman Charles Schumer of New York, one of the co-sponsors of VAWA '98, and was about two hours long. This was a great way to cover a number of issues in a modest period of time.

3. Identify your target audience.

Determine your target audience and the number of people you think may attend. Gather any contact information that will help you reach your target audience. If you would like to make contact with potential participants through the organizations that participate in the National Task Force To End Violence Against Women, just contact the Washington, DC office of NOW LDEF for assistance.



**NOW LEGAL DEFENSE
AND EDUCATION FUND**

1522 K STREET, NW, SUITE 550, WASHINGTON, D.C. 20005 (202) 326-0040 FAX (202) 589-0511

VAWA REAUTHORIZATION ACTION PACKET

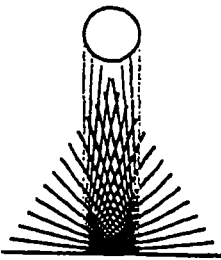
Please note that our contact information has changed to:

NOW LDEF
1522 K Street NW, Suite 550
Washington, DC 20005
Ph: (202) 326-0040
Fx: (202) 589-0511

We recognize that this list does not address many important anti-violence initiatives, including increased rape prevention programs, violence and the workplace initiatives, attention to many underserved communities, health care issues, violence/poverty issues, campus safety issues, child welfare and custody issues, and others. We expect that our coalition partners will continue to work on and promote these concerns and that the Task Force will continue to relay information and alerts to our members as we receive them. We also will continue to collect sponsors for H.R. 357 and S. 51, since reauthorization is part of the mission of these bills. However, we consider the above 5 issues to be the most pressing – and crucial – for the anti-violence against women community and urge you to give them your IMMEDIATE attention.

To ensure that the VAWA reauthorization and funding proposals are acted on by Congress this Spring, we ask for your assistance with the following:

1. **Call, write, e-mail, fax, and visit your Representatives, especially if they are co-sponsors of H.R. 1248 or H.R. 357.** Let them know that we want the VAWA Reauthorization Bill (H.R. 1248) to move through the committee process and be **scheduled for mark-up by March 8, 2000** (which is International Women's Day). We believe that VAWA reauthorization must pass both houses of Congress by the **end of April** to ensure that the budget and appropriations committee will have guidance when they make funding decisions for 2001. **VAWA Reauthorization MUST NOT get lost in the shuffle as Congress hurries home for the 2000 campaigns and elections.** Urge these co-sponsors to use their leadership and collective voices to make VAWA Reauthorization a reality as soon as possible.
2. If your Representative is not a co-sponsor of VAWA Reauthorization through H.R. 1248 or H.R. 357, encourage them to add their name to H.R. 1248 by contacting Kate Dickens in Rep. Morella's office at 225-5341. If your program has received VAWA funding, send your member stories of how this money has made a positive impact on his/her constituency. This is a particularly effective strategy for influencing members who are more fiscally conservative. We want to ensure that VAWA Reauthorization has an overwhelming number of sponsors from both political parties and it is essential to make this a bi-partisan issue.
3. Help us get the word out to the advocacy community. The Task Force runs a legislative fax and e-mail alert system and we hope that you will send this alert out far and wide. If you would like to add your name or suggest names of other contacts for this network, please call Rachel Little at (202) 326-0040 or send her an e-mail at rlittle@nowldef.org. Rachel also has in-depth information about the VAWA reauthorization campaign.
4. To receive more information about the Battered Immigrant Women Protection Act, H.R. 3083 and other immigration provisions currently before Congress, please call Janice Kaguyutan or Leslye Orloff at the NOW LDEF Immigrant Women Program at (202) 326-0040. For more information about civil legal assistance provisions, please call Lynn Rosenthal at NNEDV, (202) 543-5566. For more information about housing legislation, please call Juley Fulcher or Marlo Cohen at NCADV, (202) 745-1211.
5. If you only have time for one thing, go to the VAWA website, <http://www.VAWAct.org>, and sign onto, download and/or circulate a petition supporting VAWA '99, which includes reauthorization. The National Task Force will be collecting petition signatures until February 16, 2000 and plans to present these to Congress in coordination with NCADV's lobby day on March 8, 2000. For more information about the lobby day, please call Marlo Cohen at NCADV, (202) 745-1211. A sign-up sheet for the lobby day is enclosed.



National Task Force to End Violence Against Women

NOW LEGAL DEFENSE

AND EDUCATION FUND 395 HUDSON STREET, NEW YORK, NY 10014-3684 (212) 925-6635 FAX: (212) 226-1066

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Violence Against Women Act of 1999 "VAWA '99" — H.R. 357 Bill Summary

TITLE I. - Continuing the Commitment of the Violence Against Women Act

Subtitle A. Law Enforcement and Prosecution Grants to Combat Violence Against Women - reauthorizes and amends STOP grants to increase funds and to ensure that domestic violence and sexual assault advocates are involved in planning and implementation of programs; proposes new formula -- 35% to victim services, 20% each to prosecution and law enforcement, 10% to state courts, and 15% discretionary, with language to ensure that there will be no harm to existing programs.

Subtitle B. National Domestic Violence Hotline - reauthorizes funding for the National Domestic Violence Hotline; includes additional oversight and review prior to reauthorization.

Subtitle C. Battered Women's Shelters and Services - amends Family Violence Prevention and Services Act to authorize \$1 billion to battered women's shelters over the next five years; includes additional oversight and review; caps spending for training and technical assistance by State coalitions with the remaining money going to domestic violence programs; adds new proposals for training and technical assistance; allots money for tribal domestic violence coalitions.

Subtitle D. Grants for Community Initiatives - reauthorizes and increases funding for grants for community initiatives; includes additional oversight.

Subtitle E. Education and Training for Judges and Court Personnel - reauthorizes funding for federal and state judicial training on violence against women; adds a training component on domestic violence and child abuse in custody determinations.

Subtitle F. Grants to Encourage Arrest Policies - reauthorizes funding for implementation of proarrest policies in domestic violence cases; coordinates computer tracking of cases to ensure communication among police, prosecution and courts; strengthens legal advocacy programs for victims; adds set-aside for tribes.

Subtitle G. Rural Domestic Violence and Child Abuse Enforcement - reauthorizes funding for the establishment of cooperative efforts among law enforcement, prosecutors and victim advocacy groups to provide investigation, prosecution, counseling, treatment, and education with respect to domestic violence and child abuse in rural communities; adds set-aside for tribes.

Subtitle H. National Stalker and Domestic Violence Reduction - reauthorizes funding for the improvement of local, State and national crime databases for tracking stalking and domestic violence.

Subtitle I. Federal Victims' Counselors - reauthorizes funding for Victim/Witness Counselors in the prosecution of sex crimes and domestic violence under federal law.

Subtitle F. Rescheduling and Classification of Date-Rape Drugs - directs the Attorney General to amend the Controlled Substances Act by transferring flunitrazepam to schedule I and by adding Gamma y-hydroxybutyrate to schedule I and ketamine hydrochloride to schedule III.

Subtitle G. Access to Safety and Advocacy for Victims of Sexual Assault - makes grants available to enhance safety and justice for victims of sexual violence through access to the justice system and improved legal advocacy and representation.

TITLE IV. - Domestic Violence Prevention

Subtitle A. Domestic Violence Victims' Housing - amends the McKinney Homeless Assistance Act to make funding available for transitional housing services for domestic violence victims, including rental assistance for battered women seeking to establish permanent housing separate from their abuser.

Subtitle B. Full Faith and Credit for Protection Orders - clarifies VAWA's full faith and credit provisions to ensure meaningful enforcement by States and Tribes; provides grants to States and Tribes to improve enforcement and record keeping; reduces Byrne grants to law enforcement for failure to comply with the 1994 VAWA's full faith and credit provisions with significant safeguards to allow law enforcement to come into compliance before a penalty is assessed.

Subtitle C. Victims of Abuse Insurance Protection - prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination.

Subtitle D. National Summit on Sports and Violence - Sense of Congress that a national summit of sports, community, and media leaders with expertise in anti-violence advocacy and youth advocacy should be convened to develop a plan to deter acts of violence.

Subtitle E. Keeping Firearms from Intoxicated Persons - adds Intoxication to the list of grounds for prohibiting sale of firearms.

Subtitle F. Access to Safety and Advocacy - issues grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes.

Subtitle G. Strengthening Enforcement to Reduce Violence Against Women - amends the Interstate Domestic Violence Statute to make it a crime to commit domestic violence or to violate a protection order in the course of travel in interstate commerce; criminalizes stalking in the course of travel in interstate commerce.

Subtitle H. Disclosure Protections - protects victims fleeing domestic violence from disclosure of their whereabouts through the federal child support locator service.

TITLE V. Violence Against Women in the Military System

Subtitle A. Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence - makes an employee or dependant of the military who commits an act while outside the United States that would be a punishable domestic violence or sexual assault offense if perpetrated within the United States subject to the same punishment as if it had been committed in the United States.

Subtitle B. Transitional Compensation and Health Care for Abused Dependents of Members of the Armed Forces - allows a resumption of transitional compensation benefits to an abused dependant who temporarily reconciles with the batterer.

Subtitle C. Confidentiality of Records - directs the Secretary of Defense to adopt regulations that provide confidentiality of communications between a military dependent who is a victim of sexual harassment, sexual assault or domestic violence and the victim's therapist, counselor, or advocate.

administrators and administrative law judges who are involved in federal and state benefits programs.

Subtitle F. Workers' Compensation - Sense of Congress that worker's compensation benefits should be provided to women who have been injured in the workplace, including full compensation for physical and non-physical injuries; and that women who survive crimes such as rape, domestic violence and sexual assault at work should be able to pursue other legal actions, based on the employers role in the workplace violence.

TITLE VIII. Violence Against Women Intervention, Prevention and Education Research

Directs the Attorney General and the Secretary of Health and Human Services to establish a multi-agency task force to coordinate research on violence against women; provides grants to support research on causes of violence against women and the effectiveness of education, prevention and intervention programs; provides grants to address gaps in research on violence against women, particularly violence against women in underserved communities and instances where domestic violence is a factor in a divorce/child custody case; mandates a study and report by the U.S. Sentencing Commission on sentences given in crimes of domestic violence; issues grants to conduct research on the experiences of women and girls in the health care, judicial and social services systems who become pregnant as a result of sexual assault; authorizes a study and report on the uniformity of laws among States and their effectiveness in prosecuting rape and sexual assault offenses; directs the Secretary of Health and Human Services and the Attorney General to establish three research centers to develop and coordinate research on violence against women.

For more information about VAWA '99, contact Andrea Williams, NOW LDEF/NYC at (212) 925-6635 or Pa: Reuss, NOW LDEF/DC at (202) 544-4470.

April 1999



Continuing The Commitment of the Violence Against Women Act

"The VAWA Reauthorization Bill" – H.R. 1248

Summary — For more information contact Juley Fulcher or Marlo Cohen in the Public Policy Office at (202) 544-7358.

The programs created under the Violence Against Women Act of 1994 have already made a difference in thousands of women's lives -- bolstering prosecution of domestic violence, sexual assault and child abuse, increasing victim services, increasing resources for law

enforcement, and creating a National Domestic Violence Hotline. On March 24, 1999 Representatives Constance Morella (R-MD) and Nancy Johnson (R-CT), along with 29 other co-sponsors, introduced the VAWA Reauthorization bill which will continue these crucial programs. It reauthorizes VAWA programs for another five years at levels essential to service providers and law enforcement doing this work on the front lines. With the original Violence Against Women Act programs due to run out in fiscal year 2000, this reauthorization package will continue the Congressional commitment to making our streets and homes safe for women and children.

Subtitle A. Law Enforcement and Prosecution Grants to Combat Violence Against Women - reauthorizes and amends STOP grants to increase funds and to ensure that domestic violence and sexual assault advocates are involved in planning and implementation of programs; proposes a new formula – 35% to victim services, 20% to prosecution, 20% to law enforcement, 10% to state courts, and 15% discretionary with language to ensure that there will be no harm to existing programs.

Subtitle B. National Domestic Violence Hotline - reauthorizes funding for the National Domestic Violence Hotline; includes additional oversight and review prior to reauthorization.

Subtitle C. Battered Women's Shelters and Services - amends the Family Violence Prevention and Services Act to authorize \$1 billion to battered women's shelters over the next five years; includes additional oversight and review; caps spending for training and technical assistance by State coalitions with the remaining money to go to domestic violence programs; adds new proposals for training and technical assistance; allots money for tribal domestic violence coalitions.

Subtitle D. Grants for Community Initiatives - reauthorizes and increases funding for grants for community initiatives; includes additional oversight.

Subtitle E. Education and Training for Judges and Court Personnel - reauthorizes funding for federal and state judicial training on violence against women; adds a training component regarding domestic violence and child abuse in custody determinations.

Subtitle F. Grants to Encourage Arrest Policies - reauthorizes funding for implementation of pro-arrest policies in domestic violence cases; coordinates computer tracking of cases to ensure communication among police, prosecution and courts; strengthens legal advocacy programs for victims; adds set-aside for tribes.

Subtitle G. Rural Domestic Violence and Child Abuse Enforcement - reauthorizes funding for the establishment of cooperative efforts among law enforcement, prosecutors and victim advocacy groups to provide investigation, prosecution, counseling, treatment, and education with respect to domestic violence and child abuse in rural communities; adds set-aside for tribes.

Subtitle H. National Stalker and Domestic Violence Reduction - reauthorizes funding for improvement of local, state and national crime databases for tracking stalking & domestic violence.

Subtitle I. Federal Victims' Counselors - reauthorizes funding for Victim/Witness Counselors in the prosecution of sex crimes and domestic violence under federal law.

Subtitle J. Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth - reauthorizes funding for street-based outreach, education, treatment, counseling and referrals for runaway, homeless, and street youth who have been abused or are at risk of abuse; includes additional oversight mechanisms.

Subtitle K. Victims of Child Abuse Programs - reauthorizes funding for court-appointed Special Advocates for victims of child abuse, for training programs about child abuse for judicial personnel and attorneys, for closed-circuit televising and video taping of child testimony to protect the child from the trauma of facing the abuser in court; includes additional oversight mechanisms.

Subtitle L. Rape Prevention Education - establishes a National Resource Center on Sexual Assault; increases funds for rape prevention and education; helps states provide technical assistance, information dissemination, and educational



COMPARISON OF HOUSE & SENATE VERSIONS OF VAWA '99

H.R. 357 "VAWA '99"—Conyers (D-MI), Morella (R-MD) & Roybal-Allard (D-CA)
 H.R. 1248 "Reauthorization Bill"—Morella (R-MD) & Johnson (R-CT)
 S. 1069 "BWESSA"—Wellstone (D-MN), Murray (D-WA) & Schumer (D-NY)
 S. 51—Biden (D-DE) & Specter (R-PA)
 S. 245—Hatch (R-UT)

☺ = Included

■ = Not included

Provision	H.R. 357 VAWA 99	H.R. 1248 Reauthorization Bill	S. 1069 BWESSA	S. 51 (Biden/Specter)	S. 245 (Hatch)
Expanded Definition of DV	☺	☺	☺	☺	■
STOP Grants	☺	☺	■	☺ alternate version/ only through 2002	☺ alternate version/only through 2002
National Domestic Violence Hotline	☺	☺	■	☺ includes legal services database/ only through 2002	☺ only through 2002
Battered Women's Shelters	☺	☺	☺	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Grants for Community Initiatives	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Education & Training for Judges	☺	☺	■	☺ lower funding/ only through 2002	■
Grants to Encourage Arrests	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Rural DV & Child Abuse	☺	☺	■	☺ only through 2002	☺ higher funding/ only through 2002
National Stalker & DV Reduction	☺	☺	■	☺ only through 2002	☺ only through 2002
Federal Victims' Counselors	☺	☺	■	☺ only through 2002	■
Runaway & Homeless Youth	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Victims of Child Abuse Programs	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Rape Prevention and Education	☺	☺	■	☺ limited version/ lower funding/ only through 2002	■
Safe Havens for Children	☺	■	■	☺ lower funding/ only through 2002	■

Provision	H.R. 337 VAWA 99	H.R. 1248 Reauthorization Bill	S. 1069 BWESSA	S. 31 (Biden/Spector)	(Hatch)
Civilian Jurisdiction for SA & DV	☺	☹	☹	☺ limited version	☹
Transitional Compensation	☺	☹	☹	☺ limited version	☹
Confidentiality of Records in Military	☺	☹	☹	☹	☹
Training for Health Professions	☺	☹	☹	☺	☹
Research on VAW	☺	☹	☹	☺ limited; lower funding	☹
Child Custody Resolution	☺	☹	☹	☹	☹
Child Welfare Worker Training	☺	☹	☹	☹	☹
Child Abuse Accountability	☺	☹	☹	☹	☹
Sexual Assault in Prisons	☺	☹	☹	☹	☹
Summit on Sports & Violence	☺	☹	☹	☹	☹
"No Guns for Drunks"	☺	☹	☹	☹	☹
Workers' Compensation	☺	☹	☹	☹	☹
TANF Waivers for Victims of DV	☹	☹	☺	☹	☹
Building Opportunities Bonus	☹	☹	☺	☹	☹

June 1, 1999

For More Information Contact Juley Fulcher or Mario Cohen in the Public Policy Office of NCADV at (202) 544-7358

Page 3 of 3



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BATTERED WOMEN'S ECONOMIC SECURITY AND SAFETY ACT

"BWESSA" — S. 1069

Summary — June 1, 1999

The programs created under the Violence Against Women Act of 1994 have already made a difference in thousands of women's lives. Such programs have bolstered prosecution of child abuse, sexual assault and domestic violence, increased victim services, increased resources for law enforcement, and created a National Domestic Violence hotline. The Battered Women's Economic Security and Safety Act ("BWESSA") was introduced on May 18th by Senators Paul Wellstone (D-MN), Patricia Murray (D-WA) and Charles Schumer (D-NY). It is an omnibus package designed both to enhance the successful programs initiated by VAWA '94 and to take the next step toward creating real solutions to the continuing problem of domestic violence.

TITLE I. - Domestic Violence Prevention

Subtitle A. Domestic Violence and Sexual Assault Victims' Housing - makes funding available for supportive housing services through the McKinney Homeless Assistance Act, including rental assistance to victims trying to establish permanent housing safe from the batterer. **Sponsor:** Sen. Wellstone (D-MN) **Contact:** Susheela Varky, McAuley Institute, (301) 588-3110. ⇒ **House VAWA '99, H.R. 357, Title IV Subtitle A, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle B. Full Faith and Credit for Protection Orders - clarifies VAWA's full faith and credit provisions to ensure meaningful enforcement by states and tribes; provides grants to states and Tribes to improve enforcement and record keeping. **Adapted from H.R. 935, S. 666 (105th Congress), Sponsors:** Rep. Conyers (D-MI) **Sen. Lautenberg (D-NJ) Contacts:** Juley Fulcher, NCADV, 544-7358, Dawn Burton, Conyers, 225-6906. ⇒ **Adapted from House VAWA '99, H.R. 357, Title IV Subtitle B, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle C. Victims of Abuse Insurance Protection - prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination. **Sponsors:** Reps. Sanders (I-VT) & Morella (R-MD), Sen. Wellstone (D-MN) & Sen. Schumer (D-NY). **Contact:** Terry Fromson, Women's Law Project, (215) 928-9801. ⇒ **House VAWA '99, H.R. 357, Title IV Subtitle C, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

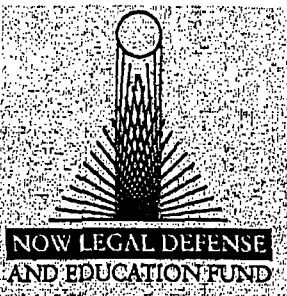
Subtitle D. Access to Safety and Advocacy - issues grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes. **Contact:** Bette Garlow, ABA Comm. on DV; 662-8637. ⇒ **House VAWA '99, H.R. 357, Title IV Subtitle D, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle E. Battered Women's Shelters and Services - amends the Family Violence Prevention and Services Act to authorize \$1 billion to battered women's shelters over the next five years; includes additional oversight and review; caps spending for training and technical assistance by State coalitions with the remaining money to go to domestic violence programs; adds new proposals for training and technical assistance; allots money for tribal domestic violence coalitions. **Based on H.R. 3665 (105th Congress), Sponsor:** Rep. Lowey (D-NY) **Contact:** Matthew Traub, Lowey 225-6506. ⇒ **House VAWA '99, H.R. 357, Title I Subtitle C, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle F. Battered Immigrant Women's Economic Security and Safety - addresses gaps, errors and oversights in current legislation that impede battered immigrant women's ability to flee violent relationships and survive economically; ensures that battered immigrants with pending immigration applications are able to access public benefits, Food Stamps, SSI, housing, work permits, and immigration relief. **Contact:** Leslye Orloff, AYUDA, 387-0434. ⇒ **House VAWA '99, H.R. 357, Title VI Subtitle C, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

TITLE II. - Violence Against Women and the Workplace

Subtitle A. National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace Grant - establishes clearinghouse and resource center to give information and assistance to businesses, employers and labor organizations in their efforts to develop and implement responses to assist victims of domestic violence and sexual assault. **S. 51, Sen. Biden (D-**



BATTERED IMMIGRANT WOMEN PROTECTION ACT OF 1999 H.R. 3083

FACT SHEET

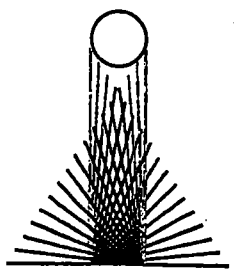
The Battered Immigrant Women Protection Act of 1999 H.R. 3083 sponsored by Reps. Schakowsky (D-IL), Morella (R-MD), and Jackson-Lee (D-TX) continues the work that began with the passage of the first Violence Against Women Act in 1994. Prior to VAWA 1994, immigration laws ensured that abusive citizens and permanent residents had total control

over their spouses immigration status. As a result, battered immigrant women and children were forced to remain in abusive relationships, unable to appeal to law enforcement and courts for protection for fear of deportation. VAWA 1994 immigration provisions provided a remedy by allowing battered immigrants to file their own applications for immigration relief without the cooperation of their abusive spouse or parent, enabling them to flee the violence and find safety.

Despite the successes of the immigration provisions of VAWA 1994, subsequent immigration reform bills drastically reduced access to VAWA immigration relief for battered immigrants. VAWA 1999 seeks to restore and expand access to a variety of legal protections for battered immigrants so they may flee violent homes, obtain court protection, cooperate in the criminal prosecution of their abusers, and take control of their lives without the fear of deportation.

The Battered Immigrant Women Protection Act of 1999 H.R. 3083 (Reps. Schakowsky (D-IL), Morella (R-MD), and Jackson-Lee (D-TX) addresses:

- **VAWA Restoration Act:** This section allows battered immigrant women and children to obtain permanent immigration status without leaving the U.S. Under current immigration laws, many battered immigrants will be forced to leave the U.S. to obtain their lawful permanent residence. Traveling outside the U.S. deprives these women of the protection provided by courts, legislation, custody decrees, and law enforcement. This section allows battered women to safely obtain immigration status in the U.S. This section allows battered immigrant women placed in immigration proceedings to apply for cancellation or suspension, restoring them to the legal relief they were granted under VAWA in 1994. Additionally, this section exempts VAWA applicants from the cancellation removal cap and allows battered immigrants to file motions to reopen their immigration case beyond the ninety day limitation.
- **Problems with VAWA Implementation:** This section grants battered immigrants access to information about their abuser's immigration status that they need to file under VAWA immigration relief. Additionally, this section ensures that changes in the abuser's citizenship or immigration status will have either a positive effect or no effect on a battered woman's application for immigration relief. Likewise, the abuser's deportation or death will not bar the battered immigrant from applying for relief. This section also requires INS to adjudicate pending family-based visa applications without the abuser when credible evidence of abuse is presented to the INS and allows remarriage of battered immigrants after their self-petition has been approved.
- **Waivers for VAWA Eligible Applicants:** This section grants the Attorney General the discretion to



Violence Against Women Act of 1994 Reauthorization Needs

NOW LEGAL DEFENSE

AND EDUCATION FUND 119 CONSTITUTION AVENUE, N.E., WASHINGTON, D.C., 20002 (202) 544-4470 FAX (202) 546-8605

Authorization for the Violence Against Women Act of 1994 ("VAWA '94") ends in 2000 and many vital VAWA '94 programs are already overdue for reauthorization! Congress will not be able or willing to fund the violence programs at appropriate levels unless these programs are reauthorized immediately. The Violence Against Women Act of 1999 reauthorizes this critical funding for these important programs at the levels needed for the next 5 years. Below is a summary of the original authorization schedule of VAWA '94 programs.

Programs in need of immediate reauthorization in order to inform Congress' Budget and Appropriations allocations for 2001!
This begins in January, 2000!

National Domestic Violence Hotline

VAWA '94 authorized \$400,000 per year through fiscal year 2000 to create and run a national domestic violence telephone hotline. Since the hotline opened on February 2, 1996, operators have assisted more than 250,000 callers. The demand for services has far exceeded Congressional expectations when the original funding amounts were put in place. In addition to reauthorization, an increase in authorization is essential to maintain this invaluable resource.

Battered Women's Shelters and Services

VAWA '94 authorized \$325 million for battered women's shelters through fiscal year 2000. While this funding has provided thousands of women and children with safe harbor, continued and increased funding is needed to ensure that all battered women and children have a safe place to go.

Victims of Child Abuse Programs

VAWA '94 authorized funding through fiscal year 2000 for victims of child abuse, including money for advocates, judicial training and televised testimony.

Rape Prevention Education

VAWA '94 authorized funding for national rape prevention education and training and local hotlines through fiscal year 2000.

Youth Education and Domestic Violence

VAWA '94 authorized funding for fiscal year 1996 for the development of 4 model programs for the education of young people about domestic violence and violence among intimate partners. Congress has never authorized funding for the implementation of the model programs that were developed.

Violence Against Women Intervention, Prevention, and Education

VAWA '94 directed the National Research Council to develop a research agenda to help reduce violence against women. Congress has never authorized funding to carry out that research agenda.

Safety for Women in Public Transit and Public Parks

VAWA '94 authorized funding for lighting, surveillance, security and other capital improvements to public transit, national parks, and public parks to reduce violent crimes against women. These funds were never appropriated and the safety improvements never made.

immigrant women's ability to flee violent relationships and survive economically. This section ensures that battered immigrants with pending immigration applications are able to access public benefits, Food Stamps, SSI, and housing.

- **Access to Shelter Services and Legal Representation:** This section grants VAWA eligible battered immigrants access to funds from the Legal Services Corporation to be used in their protection order and immigration cases. It also allows programs to use private funds to represent any battered immigrant who qualifies for relief under state domestic violence laws. Legal Services attorneys provide these immigrants with access to the legal system enabling them to flee violent homes while gaining economic security. This section also clarifies that the definition of "underserved populations" under VAWA clearly covers immigrants. It specifically allows VAWA and other domestic violence grant funds, including civil legal assistance funds, to be used for legal and social service assistance to battered immigrants and it requires a report to be submitted to Congress detailing how funds are being used to serve underserved populations.
- **VAWA Training:** This section makes grant money available for training of federal and state civil and criminal judges, including immigration judges, INS officers, the military and other justice system personnel dealing with issues affecting battered immigrants. There have been increased reports of judges, prosecutors and police who are inquiring into the immigration status of domestic violence crime victims who call them for help. When this happens, battered immigrants are unwilling to call the police or seek protection orders. Instead they are forced to remain with their abusers and continue suffering ever increasing violence. This training will enable judicial and law enforcement system employees to restrain from arbitrarily inquiring into the immigration status of crime victims and refocuses their attention toward the perpetrators of domestic violence.
- **Protection for Certain Crime Victims Including Crimes Against Women:** This section allows victims of rape, torture, incest, battery or extreme cruelty, sexual assault, female genital mutilation, forced prostitution, trafficking, being held hostage, or any other violent crime to obtain a non-immigrant visa. The victim can self-petition for a visa but will need to submit an affidavit from a law enforcement officer, prosecutor or state enforcement agency verifying that they have information that has assisted or would assist in the investigation or prosecution of a crime. By providing temporary legal status to aliens who have suffered severe victimization, this provision will strengthen the ability of law enforcement agencies to investigate and prosecute cases of trafficking aliens and cases of domestic violence while protecting victims of such offenses.
- **Nicaraguan and Central American Relief Act (NACARA), Haitian Refugee Immigration Fairness Act, and Cuban Adjustment:** Under these provisions, battered spouses and children of NACARA petitioners, Haitian Refugee Immigration Fairness Act petitioners and Cuban adjustment applicants may self-petition for relief. Moreover, this legislation removes the requirement that battered immigrant spouses and children of Cuban Adjustment applicants must be living with the Cuban Adjustment applicant at the time of filing.

For more information, contact Leslye Orloff or Janice Kaguyutan at the Immigrant Women Program of NOW Legal Defense and Education Fund (202) 326-0040 tel., (202) 589-0511 fax.

Violence Against Women Act Meeting

Friday, May 19 2000
10:30 am – 11:30am
Roosevelt Room

AGENDA

Remarks and Discussion

Maria Echaveste, Assistant to the President and Deputy Chief of Staff

*Let's start with ****

Melanne Verveer, Assistant to the President and Chief of Staff to the First Lady

*During a week *** on some issues*

Lynn Cutler, Deputy Assistant to the President and Special Assistant to the Chief of Staff for Indian Affairs and Special Projects

*→ March *** + will present*

Beth Nolan, Counsel to the President

Bonnie Campbell

Director, Violence Against Women Office

Department of Justice

White House Legislative Affairs, TBD

Closing

7th Annual Institute for Psychology in Schools

American Psychological Association
Practice Directorate

THEME: Increased Federal Support for Children and Youth: New Funding Opportunities for Practice and Research

Substantial, recent increases in federal funds for practice and research have potential to increase mental health services for youth in schools and communities in today's tight budget climate. Psychologists often have the skills to effectively utilize these funds, but may lack the "nuts and bolts" details necessary to find and secure these funds. This year's Institute is designed to provide you with specific, "how to" information to help practitioners, administrators and university trainers who are interested in schooling and children's issues access new federal funding opportunities. Attend the Institute to learn about these programs and how to apply for federal funds for practice and research.

WHEN: Thursday, August 3, 2000, 9:30 a.m. until 1:15 p.m.

WHERE: Renaissance Washington Hotel, Washington, DC

PROGRAM:

Opening Plenary Session - White House staff will present an overview of federal agencies, programs and funding for schools and communities.

Break with refreshments

Four Concurrent Breakout Sessions - An overview of several federal agencies and specific "how to" information will be provided by key leaders from federal agencies. Attendees will be provided print and electronic resources to facilitate application for funds from these agencies. Federal agencies represented will include the Department of Education, Department of Health and Human Services, Department of Justice, National Institute of Mental Health, and the Centers for Disease Control and Prevention.

Extended break with a snack and other refreshments

Closing Town Hall Session - A panel of psychologists who have successfully obtained federal funding will discuss their experiences and answer "how to" and other questions from attendees regarding the process.

A Brochure is available upon request. Early registration fee is \$55 until July 7, 2000 (\$65 after July 7th).

(This program has been submitted for review to provide 4 CE credits for psychologists.)

FOR INFORMATION: Contact



AMERICAN
PSYCHOLOGICAL
ASSOCIATION

Office of Policy and Advocacy in the Schools
APA Practice Directorate

Phone: (202) 336-5878 / E-Mail: achuukwu@apa.org



TalleyRC@aol.com
05/10/2000 12:15:03 PM

Record Type: Record

To: Eric J. Morse/OPD/EOP
cc: denise.bradley@mail.utexas.edu
Subject: Re: Keynote presentation invite

Hi Eric,

I received your message yesterday, but was out of town all day, so I'm just getting back to you. Information about the Institute Program may be found below as well as in an attachment to this e-note. If Ann needs more before she decides on a presentation title, please let her know that I'm available to talk with her. I'm at 502-386-1121.

Thanks so much!

Ronda Talley

7th Annual Institute for Psychology in Schools

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WHEN: Thursday, August 3, 2000, 8:30 a.m. until 1:15 p.m.
WHERE: Renaissance Washington Hotel, Washington, DC

PROGRAM:

Opening Plenary Session - White House staff will present an overview of federal agencies, programs and funding for schools and communities.

Break with refreshments

Four Concurrent Breakout Sessions - An overview of several federal agencies and specific "how to" information will be provided by key leaders from federal agencies. Attendees will be provided print and electronic resources to facilitate application for funds from these agencies. Federal agencies represented will include the Department of Education, Department of Health and Human Services, Department of Justice, National Institute of Mental Health, and the Centers for Disease Control and Prevention.

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FOR INFORMATION: Contact

Office of Policy and Advocacy in the Schools
APA Practice Directorate
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U.S. Department of Justice

Office of Policy Development

Washington, D.C. 20530

FACSIMILE COVER SHEET

OFFICE OF POLICY DEVELOPMENT

U.S. DEPARTMENT OF JUSTICE

TO: Mary Smith

FACSIMILE: (202) 456-1647

DATE: May 18, 2000

FROM: Jennifer E. Kaplan
telephone: (202) 514-0052
facsimile: (202) 514-4456

Total Pages (including this cover): 11

ADDITIONAL MESSAGE:

Mary:

As you requested, I've attached copies of the AG/Shalala letter to Sen. Hyde (but for the second sentence, the letter to Rep. Hyde is identical) and the VP's statement on re-authorization. Also, in response to your last voicemail, I've attached a copy of the Q&As regarding U.S. v. Morrison that we prepared for the AG for yesterday's VAWA II press event. I've also included a quick and entirely unofficial summary that OPD prepared of the Morrison decision for the AG's office on Monday. I think these will give you the information that you need for Beth. Please call me if you have any questions.

I'll be e-mailing you information on attendees for tomorrow's VAWA II meeting. Thanks.

- Jennifer

THE WHITE HOUSE

Office of the Vice President

**For Immediate Release
Wednesday, May 17, 2000**

**Contact:
(202) 456-7035**

STATEMENT BY THE VICE PRESIDENT ON THE REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Today the Administration called on Congress to reauthorize the Violence Against Women Act (VAWA) for another five years in order to continue keeping women safe from domestic violence. According to the Department of Justice's "Intimate Violence" Special Report, released today, intimate partners -- including current or former spouses, boyfriends and girlfriends -- committed fewer murders in 1996, 1997, and 1998 than in any other year since 1976. This is proof that more women are safer today than they have been in almost a generation.

The report also found that in 1998, women experienced 20.3% fewer violent offenses at the hands of an intimate partner than in 1993. This is evidence that our administration's Violence Against Women Act (VAWA) and the over \$1 billion in grants for law enforcement assistance and battered women shelters which have been made under VAWA are working.

As I travel the country talking to youth, I have found that one of their greatest concerns is the devastating amount of domestic violence in their homes. While the numbers released today are very encouraging, the fact remains that there were still 876,340 violent offenses against women in 1998--down from 1.1 million in 1993. While the work of our administration has been key to reducing domestic violence--we cannot relax our effort to protect women against domestic violence. This is the time to intensify our efforts with the goal of eliminating violence in the home in any form.

That is why I am pledging to work with Congress to reauthorize the important VAWA legislation. And, I reiterate my wholehearted commitment to working with Congress to restore protections struck down by the Supreme Court earlier this week to give victims of gender-motivated violence the power to sue their attackers for lost earnings, medical expenses, and other damages.

###

THE WHITE HOUSE

Office of the Vice President

**For Immediate Release
Monday, May 15, 2000**

**Contact:
(202) 456-7035**

**STATEMENT BY THE VICE PRESIDENT ON THE SUPREME COURT DECISION
TO OVERTURN A KEY PROVISION OF THE VIOLENCE AGAINST
WOMEN ACT**

I am deeply disappointed that, in a 5-4 decision, the Supreme Court today struck down a key provision of the Violence Against Women Act (VAWA). The Court struck down the important provision that gave victims of gender-motivated violence the power to sue their attackers for lost earnings, medical expenses, and other damages. Each year an alarming number of women fall prey to gender-motivated acts of violence. This decision is a setback for these women who each day strive to heal and repair the broken pieces in their lives caused by domestic violence.

The Supreme Court's decision today does not strike down all of VAWA. It leaves in place grant programs that have assisted communities in addressing the plague of violence against women in ways that have made a crucial difference to women across the nation. Nor does it affect federal criminal provisions that punish interstate domestic violence and stalking crimes.

But the authorization for VAWA funding runs out at the end of fiscal year 2000. I will do everything in my power to reauthorize the funding of this critically important legislation, and pledge my wholehearted commitment to work with Congress to try to restore this important protection for victims of gender-motivated violence.

###

THE WHITE HOUSE

Office of the Vice President

For Immediate Release
Wednesday, May 17, 2000

Contact:
(202) 456-7035

VICE PRESIDENT GORE CALLS ON CONGRESS TO REAUTHORIZE VIOLENCE AGAINST WOMEN ACT

Today the Administration called on Congress to reauthorize the Violence Against Women Act (VAWA) for another five years in order to continue keeping women safe from domestic violence. According to the Department of Justice's "Intimate Violence" Special Report, released today, intimate partners -- including current or former spouses, boyfriends and girlfriends -- committed fewer murders in 1996, 1997, and 1998 than in any other year since 1976. This is proof that more women are safer today than they have been in almost a generation.

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As I travel the country talking to youth, I have found that one of their greatest concerns is the devastating amount of domestic violence in their homes. While the numbers released today are very encouraging, the fact remains that there were still 876,340 violent offenses against women in 1998--down from 1.1 million in 1993. While the work of our administration has been key to reducing domestic violence--we cannot relax our effort to protect women against domestic violence. This is the time to intensify our efforts with the goal of eliminating violence in the home in any form.

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###

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

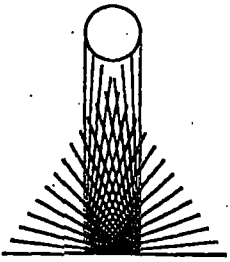
May 15, 2000

STATEMENT BY THE PRESIDENT

I am deeply disappointed by the Supreme Court's decision today in *United States v. Morrison*. In this case, the Court struck down the civil remedy provision contained in the Violence Against Women Act (VAWA). In 1994, as part of comprehensive crime control legislation, I signed into law the Violence Against Women Act. This historic piece of federal legislation contains a broad array of ground-breaking laws to combat violence against women. VAWA passed Congress with bipartisan support.

The Supreme Court's decision today does not affect the viability of VAWA as a whole. It does not affect any of the VAWA grant programs nor does it affect federal criminal provisions that punish interstate domestic violence and stalking crimes. The Supreme Court did, however, invalidate one important provision of the Violence Against Women Act that gave victims of gender-motivated violence the ability to sue their attackers for lost earnings, medical expenses, and other damages. Because I continue to believe that there should be remedies for victims of gender-motivated violence, we plan to study the Supreme Court's decision in *Morrison* to determine the best means to help these victims.

VAWA has provided funds to communities across the nation to address the tragedy of violence against women. These funds have made a crucial difference in women's lives. Unfortunately, VAWA funding is only authorized until the end of fiscal year 2000. I have made the reauthorization and strengthening of VAWA a top legislative goal for this year. If we work together, we can enact a bill that will keep women in this country safe from violence.



NOW LEGAL DEFENSE

AND EDUCATION FUND

1522 K STREET, NW, SUITE 550, WASHINGTON, D.C. 20005 (202) 326-0040 FAX (202) 589-0511

VAWA REAUTHORIZATION ACTION PACKET

Please note that our contact information has changed to:

NOW LDEF
1522 K Street NW, Suite 550
Washington, DC 20005
Ph: (202) 326-0040
Fx: (202) 589-0511

National Task Force To End Sexual and Domestic VIOLENCE AGAINST WOMEN

c/o NOW Legal Defense & Education Fund 1522 K Street NW, Suite 550 WDC 20005
phone: (202) 326-0040 fax: 589-0511 e-mail: preuss@nowldef.org

Updated Legislative Priorities for VAWA Reauthorization - Spring 2000

Reauthorizing the Violence Against Women Act of 1994 continues to be a top priority for the Task Force and several important developments have taken place thanks to the efforts of our members. First, the VAWA Reauthorization Bill, H.R. 1248, was marked up by the House Judiciary Subcommittee on Crime this past week. We expect this bill to be marked up by the full Judiciary Committee and moved to a floor vote before July. Second, Senators Biden (D-DE) and Hatch (R-UT) have been in active negotiations during the past few months and hope to reach a compromise on a VAWA Reauthorization bill in the Senate very soon. While we are pleased to see that VAWA Reauthorization is finally moving forward, the Task Force will continue to be vigilant and will encourage our members to contact congressional offices to ensure that programs are fully funded at levels supported by Task Force members and coalition partners. The following list sums up the consensus priorities of the Task Force for the remaining months of this congressional session. While we will all continue to promote our organization-specific VAW agendas and issues, it is important that we **act in unison to ensure that the following critical issues receive immediate congressional attention.**

1. **Reauthorize the Violence Against Women Act of 1994 (VAWA '94) for 5 years at funding levels that reflect the increased costs and importance of programs and services across the nation. Funding parity must be ensured for sexual assault and domestic violence programs, as well as for victim services, state coalitions, and community-based programs.** This can be accomplished through the passage of the **VAWA Reauthorization Bill, H.R. 1248** (Morella, R-MD, and Johnson, R-CT), which is also Title I of the Violence Against Women Act of 1999, H.R. 357 (Conyers, D-MI, Morella, R-MD, and Roybal-Allard, D-CA). Funding for programs that were created under VAWA '94 will run out on October 1, 2000. In order for Congress to plan for VAWA funding for 2001, the Appropriations Committee needs the blueprint of an official reauthorization before June. **We must therefore ask our House sponsors and allies to pass H.R. 1248 as quickly as possible. We must also encourage the Senate to craft and pass a similar reauthorization bill that is as comprehensive and inclusive as the House bill.**
2. Include language in the Reauthorization package that funds **civil legal assistance programs for survivors of domestic violence and sexual assault** (as found in a bill to be introduced by Rep. Lowey (D-NY) and **housing programs** (from H.R. 1352, Schakowsky (D-IL) and S. 2112, Torricelli (D-NJ)).
3. Include language in the Reauthorization package that **protects battered immigrant women and their families** by restoring and refining VAWA '94 protections that were eroded by subsequent welfare and immigration bills (from the Battered Immigrant Women Protection Act - H.R. 3083, Schakowsky (D-IL) and a Senate bill to be introduced by Abraham (R-MI) and Kennedy (D-MA).)
4. Provide **technical corrections** to 1) change the STOP VAWA Formula to allow a specific percentage of funding to go to sexual assault and domestic violence coalitions (without reducing funding for current programs), 2) allow dating violence to be included in the federal definition of domestic violence (as found in H.R. 357) and 3) clarify how VAWA '94 full faith and credit provisions should be implemented, as well as establishing training programs on these provisions. This will ensure that

We recognize that this list does not address many important anti-violence initiatives, including increased rape prevention programs, violence and the workplace initiatives, attention to many underserved communities, health care issues, violence/poverty issues, campus safety issues, child welfare and custody issues, and others. We expect that our coalition partners will continue to work on and promote these concerns and that the Task Force will continue to relay information and alerts to our members as we receive them. We also will continue to collect sponsors for H.R. 357 and S. 51, since reauthorization is part of the mission of these bills. However, we consider the above 5 issues to be the most pressing – and crucial – for the anti-violence against women community and urge you to give them your IMMEDIATE attention.

To ensure that the VAWA reauthorization and funding proposals are acted on by Congress this Spring, we ask for your assistance with the following:

1. **Call, write, e-mail, fax, and visit your Representatives**, especially if they are co-sponsors of H.R. 1248 or H.R. 357. Let them know that we want the VAWA Reauthorization Bill (H.R. 1248) to move through the committee process and be **scheduled for mark-up by March 8, 2000** (which is International Women's Day). We believe that VAWA reauthorization must pass both houses of Congress by the **end of April** to ensure that the budget and appropriations committee will have guidance when they make funding decisions for 2001. **VAWA Reauthorization MUST NOT get lost in the shuffle as Congress hurries home for the 2000 campaigns and elections.** Urge these co-sponsors to use their leadership and collective voices to make VAWA Reauthorization a reality as soon as possible.
2. If your Representative is not a co-sponsor of VAWA Reauthorization through H.R. 1248 or H.R. 357, encourage them to add their name to H.R. 1248 by contacting Kate Dickens in Rep. Morella's office at 225-5341. If your program has received VAWA funding, send your member stories of how this money has made a positive impact on his/her constituency. This is a particularly effective strategy for influencing members who are more fiscally conservative. We want to ensure that VAWA Reauthorization has an overwhelming number of sponsors from both political parties and it is essential to make this a bi-partisan issue.
3. Help us get the word out to the advocacy community. The Task Force runs a legislative fax and e-mail alert system and we hope that you will send this alert out far and wide. If you would like to add your name or suggest names of other contacts for this network, please call Rachel Little at (202) 326-0040 or send her an e-mail at rlittle@nowldef.org. Rachel also has in-depth information about the VAWA reauthorization campaign.
4. To receive more information about the Battered Immigrant Women Protection Act, H.R. 3083 and other immigration provisions currently before Congress, please call Janice Kaguyutan or Leslye Orloff at the NOW LDEF Immigrant Women Program at (202) 326-0040. For more information about civil legal assistance provisions, please call Lynn Rosenthal at NNEDV, (202) 543-5566. For more information about housing legislation, please call Juley Fulcher or Marlo Cohen at NCADV, (202) 745-1211.
5. If you only have time for one thing, go to the VAWA website, <http://www.VAWAct.org>, and sign onto, download and/or circulate a petition supporting VAWA '99, which includes reauthorization. The National Task Force will be collecting petition signatures until February 16, 2000 and plans to present these to Congress in coordination with NCADV's lobby day on March 8, 2000. For more information about the lobby day, please call Marlo Cohen at NCADV, (202) 745-1211. A sign-up sheet for the lobby day is enclosed.

220 CO-SPONSORS OF VAWA REAUTHORIZATION

VAWA REAUTHORIZATION (H.R. 1248) 172 CO-SPONSORS TITLE I OF VAWA (H.R. 357) 48 CO-SPONSORS

H.R. 1248 CHIEF SPONSORS:

Johnson, N (CT)
Morella (MD) ♣

CO-SPONSORS:

Abercrombie (HI) ♣
Ackerman (NY) ♣
Allen (ME) ♣
Andrews, R. (NJ) ♣
Baird (WA) ♣
Baldacci (ME) ♣
Baldwin (WI) ♣
Barrett (WI) ♣
Bentsen (TX) ♣
Berkley (NV) ♣
Berman (CA) ♣
Biggert (IL) ♣
Bilbray (CA)
Bishop (GA) ♣
Blumenauer (OR) ♣
Boehlert (NY)
Bonior (MI) ♣
Borski (PA) ♣
Boucher (VA) ♣
Brady, K. (TX)
Brady, R (PA)
Brown, C (FL) ♣
Brown, G (CA) ♣
Brown, S (OH) ♣
Burton (IN)
Calvert (CA)
Capps (CA) ♣
Capuano (MA) ♣
Cardin (MD) ♣
Carson (IN) ♣
Christian-Christensen(VI) ♣
Clayton (NC) ♣
Clement (TN) ♣
Clyburn (SC) ♣
Conyers (MI) ♣
Cook (UT)
Cooksey (LA)
Crowley (NY) ♣
Cubin (WY)
Cummings (MD) ♣
Danner (MO)
Davis, D. (IL) ♣
DeFazio (OR) ♣
DeGette (CO) ♣
Delahunt (MA) ♣
DeLauro (CT) ♣
Deutsch (FL) ♣
Dunn (WA)
Emerson (MO)
Eshoo (CA) ♣
Etheridge (NC)
Evans (IL) ♣
Faleomavaega(AS) ♣
Farr (CA) ♣
Filner (CA) ♣
Foley (FL) ♣
Ford, Jr. (TN) ♣
Fowler (FL)
Franks, B (NJ)
Frelinghuysen (NJ)
Frost (TX) ♣
Gejdenson (CT) ♣
Gilchrest (MD) ♣
Gilman (NY) ♣
Granger (TX)
Green (TX) ♣
Guterrez (IL) ♣
Hastings (FL) ♣
Hilliard (AL) ♣
Hinchey (NY) ♣
Hinojosa (TX) ♣
Hoeffel (PA) ♣
Holt (NJ)
Hoyer (MD) ♣
Hulshof (MO)
Inslee (WA)
Jackson Lee (TX) ♣
Jefferson (LA) ♣
Johnson, E. (TX) ♣
Jones (OH) ♣
Kaptur (OH) ♣
Kelly (NY)
Kennedy, P. (RI) ♣
Kilpatrick (MI) ♣
Kind (WI) ♣
Klink (PA) ♣
Kolbe (AZ) ♣
Kucinich (OH) ♣
Kuykendall (CA)

LaFalce (NY) ♣
Lampson (TX) ♣
Lantos (CA) ♣
Larson (CT) ♣
Leach (IA) ♣
Lewis (GA) ♣
Lipinski (IL) ♣
LoBiondo (NJ)
Lofgren (CA) ♣
Lowey (NY) ♣
Maloney, C. (NY) ♣
Maloney, J. (CT) ♣
Markey (MA) ♣
Martinez (CA) ♣
Matsui (CA) ♣
McCarthy, C. (NY) ♣
McDermott (WA) ♣
McGovern (MA) ♣
McKinney (GA) ♣
McNulty (NY) ♣
Meek (FL) ♣
Millender-McDonald(CA) ♣
Miller (CA) ♣
Mink (HI) ♣
Moore (KS) ♣
Moran (VA) ♣
Moran (KS)
Myrick (NC)
Nadler (NY) ♣
Napolitano (CA) ♣
Neal (MA) ♣
Northrup (KY)
Norton (DC) ♣
Olver (MA) ♣
Pallone (NJ) ♣
Pascrell (NJ) ♣
Pastor (AZ) ♣
Payne (NJ) ♣
Pelosi (CA) ♣
Pomeroy (ND) ♣
Porter (IL)
Price (NC) ♣
Pryce (OH)
Rahall (WV) ♣
Rangel (NY) ♣
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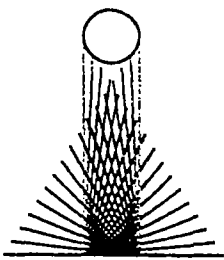
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*as of April 26, 2000



National Task Force to End Violence Against Women

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Violence Against Women Act of 1999 "VAWA '99" — H.R. 357 Bill Summary

TITLE I. - Continuing the Commitment of the Violence Against Women Act

Subtitle A. Law Enforcement and Prosecution Grants to Combat Violence Against Women- reauthorizes and amends STOP grants to increase funds and to ensure that domestic violence and sexual assault advocates are involved in planning and implementation of programs; proposes new formula -- 35% to victim services, 20% each to prosecution and law enforcement, 10% to state courts, and 15% discretionary, with language to ensure that there will be no harm to existing programs.

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Subtitle K. Victims of Child Abuse Programs - reauthorizes funding for Court-appointed Special Advocates for victims of child abuse, for training programs on child abuse for judicial personnel and attorneys, for closed-circuit televising and video taping of child testimony to protect the child from the trauma of facing the abuser in court; includes additional oversight mechanisms.

TITLE II. Limiting the Effects of Violence on Children

Subtitle A. Safe Havens for Children - grants to establish and operate supervised visitation centers to facilitate child visitation and visitation exchange.

Subtitle B. Violence Against Women Prevention in Schools - grants to school systems to develop, modify and implement policies and programs in elementary, middle, and secondary schools which address domestic violence, sexual assault and stalking.

Subtitle C. Family Safety - amends the criminal component of the Parental Kidnaping Prevention Act (PKPA) to provide defenses in domestic violence and child sexual assault cases; amends the civil full faith and credit provisions of PKPA to include domestic violence, child sexual assault and stalking as factors in determining which state has jurisdiction of a custody case.

Subtitle D. Domestic Violence and Children - Sense of Congress calling for reforms of State laws on domestic violence and child custody.

Subtitle E. Child Welfare Worker Training on Domestic Violence and Sexual Assault - provides grants to enable child welfare service agencies to train staff and modify policies, procedures, and programs for the purpose of recognizing domestic violence and sexual assault as serious problems that threaten the safety and well-being of its child and adult victims.

Subtitle F. Child Abuse Accountability - permits private employee pension benefits to be assigned to satisfy a judgement against a person for physically, sexually or emotionally abusing a child.

TITLE III. Sexual Assault Prevention

Subtitle A. Rape Prevention Education - establishes a National Resource Center on Sexual Assault; increases funds for rape prevention and education; helps States provide technical assistance, information dissemination and educational programs; allots money for the creation of tribal sexual assault coalitions.

Subtitle B. Standards of Practice and Training for Sexual Assault Examinations - directs the Attorney General and the Secretary of Health and Human Services to evaluate existing standards of training, practice and payment of forensic examinations and to recommend a national protocol.

Subtitle C. Violence Against Women Training for Health Professions - amends Title VII and Title VIII of the Public Health Services Act to give priority in funding to medical schools and training programs that require students to be trained in identifying, treating, and referring patients who are the victims of domestic violence or sexual assault.

Subtitle D. Prevention of Custodial Sexual Assault by Correctional Staff - directs the Attorney General to establish guidelines regarding the prevention of custodial sexual misconduct in prisons; prohibits individuals who have been convicted of or found civilly liable for sexual misconduct from becoming correctional staff; criminalizes sexual conduct between correctional staff and prisoners.

Subtitle E. Hate Crimes Prevention - amends federal hate crimes legislation to permit federal prosecution for bias crimes based on gender, sexual orientation, and disability; funds additional FBI and law enforcement personnel to assist State and local law enforcement.

Subtitle F. Rescheduling and Classification of Date-Rape Drugs - directs the Attorney General to amend the Controlled Substances Act by transferring flunitrazepam to schedule I and by adding Gamma y-hydroxybutyrate to schedule I and ketamine hydrochloride to schedule III.

Subtitle G. Access to Safety and Advocacy for Victims of Sexual Assault - makes grants available to enhance safety and justice for victims of sexual violence through access to the justice system and improved legal advocacy and representation.

TITLE IV. - Domestic Violence Prevention

Subtitle A. Domestic Violence Victims' Housing - amends the McKinney Homeless Assistance Act to make funding available for transitional housing services for domestic violence victims, including rental assistance for battered women seeking to establish permanent housing separate from their abuser.

Subtitle B. Full Faith and Credit for Protection Orders - clarifies VAWA's full faith and credit provisions to ensure meaningful enforcement by States and Tribes; provides grants to States and Tribes to improve enforcement and record keeping; reduces Byrne grants to law enforcement for failure to comply with the 1994 VAWA's full faith and credit provisions with significant safeguards to allow law enforcement to come into compliance before a penalty is assessed.

Subtitle C. Victims of Abuse Insurance Protection - prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination.

Subtitle D. National Summit on Sports and Violence - Sense of Congress that a national summit of sports, community, and media leaders with expertise in anti-violence advocacy and youth advocacy should be convened to develop a plan to deter acts of violence.

Subtitle E. Keeping Firearms from Intoxicated Persons - adds Intoxication to the list of grounds for prohibiting sale of firearms.

Subtitle F. Access to Safety and Advocacy - issues grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes.

Subtitle G. Strengthening Enforcement to Reduce Violence Against Women - amends the Interstate Domestic Violence Statute to make it a crime to commit domestic violence or to violate a protection order in the course of travel in interstate commerce; criminalizes stalking in the course of travel in interstate commerce.

Subtitle H. Disclosure Protections - protects victims fleeing domestic violence from disclosure of their whereabouts through the federal child support locator service.

TITLE V. Violence Against Women in the Military System

Subtitle A. Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence - makes an employee or dependant of the military who commits an act while outside the United States that would be a punishable domestic violence or sexual assault offense if perpetrated within the United States subject to the same punishment as if it had been committed in the United States.

Subtitle B. Transitional Compensation and Health Care for Abused Dependents of Members of the Armed Forces - allows a resumption of transitional compensation benefits to an abused dependant who temporarily reconciles with the batterer.

Subtitle C. Confidentiality of Records - directs the Secretary of Defense to adopt regulations that provide confidentiality of communications between a military dependent who is a victim of sexual harassment, sexual assault or domestic violence and the victim's therapist, counselor, or advocate.

TITLE VI. Preventing Violence Against Women in Underserved Communities

Subtitle A. Older Women's Protection from Violence - authorizes law school clinical programs on domestic violence against older women; authorizes training programs for law enforcement offices, social service and health providers on domestic violence against older women; authorizes community initiatives to combat domestic violence against older women; authorizes outreach programs targeted to older women who are victims of domestic violence.

Subtitle B. Protection Against Violence and Abuse for Women with Disabilities - ensures inclusion of women with disabilities in existing domestic violence and sexual assault programs; provides for judicial training on issues of violence against women with disabilities; authorizes training program for social service and health care providers; authorizes research and technical assistance to service providers.

Subtitle C. Battered Immigrant Women - allows for adjustment of status for VAWA self-petitioners; prevents changes in abuser's status from undermining victim's petitions; provides for numerous waivers and exceptions to inadmissibility for VAWA eligible applicants; improves access to VAWA for battered immigrant women whose spouse is a member of the armed forces, who are married to bigamists, and/or are the victims of elder abuse; allows for discretionary waivers for good moral character determinations; removes public charge for VAWA applicants; gives VAWA applicants access to work authorization; allows VAWA applicants access to food stamps, housing and legal services; trains judges, immigration officials, armed forces supervisors and police on VAWA immigration provisions.

Subtitle D. Conforming Amendments to the Violence Against Women Act - amends the definitions of "underserved" in the Family Violence Prevention and Services Act and the Omnibus Crime Control and Law Enforcement Act in order to create consistent use of the term.

TITLE VII. Violence Against Women and the Workplace

Subtitle A. National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace Grant - establishes a clearinghouse and resource center to give information and assistance to employers and labor organizations in their efforts to develop and implement responses to assist victims of domestic violence and sexual assault.

Subtitle B. Victims' Employment Rights - prohibits employers from taking adverse job actions against an employee because they are the victim of domestic violence, sexual assault or stalking.

Subtitle C. Workplace Violence Against Women Prevention Tax Credit - provides tax credit to businesses implementing workplace safety programs to combat violence against women.

Subtitle D. Battered Women's Employment Protection - ensures eligibility for unemployment compensation to women separated from their jobs due to circumstances directly resulting from domestic violence; requires employers who already provide leave to employees to allow employees to use that leave for the purpose of dealing with domestic violence and its aftermath; allows women to use their family and medical leave or existing leave under State law or a private benefits program to deal with domestic abuse, including going to the doctor for domestic violence injuries, seeking legal remedies, including court appearances, seeking orders of protection or meeting with a lawyer; provides for training of personnel involved in assessing unemployment claims based on domestic violence.

Subtitle E. Education and Training Grants to Promote Responses to Violence Against Women - authorizes grants for developing, testing, presenting and disseminating model programs to provide education and training to individuals who are likely to come in contact with victims of domestic violence and sexual assault in the course of their employment, including campus personnel, justice system professionals (including guardians ad litem, probation, parole and others), mental health professionals, clergy, caseworkers, supervisors, administrators and administrative law judges who are involved in federal and state benefits programs.

administrators and administrative law judges who are involved in federal and state benefits programs.

Subtitle F. Workers' Compensation - Sense of Congress that worker's compensation benefits should be provided to women who have been injured in the workplace, including full compensation for physical and non-physical injuries; and that women who survive crimes such as rape, domestic violence and sexual assault at work should be able to pursue other legal actions, based on the employers role in the workplace violence.

TITLE VIII. Violence Against Women Intervention, Prevention and Education Research

Directs the Attorney General and the Secretary of Health and Human Services to establish a multi-agency task force to coordinate research on violence against women; provides grants to support research on causes of violence against women and the effectiveness of education, prevention and intervention programs; provides grants to address gaps in research on violence against women, particularly violence against women in underserved communities and instances where domestic violence is a factor in a divorce/child custody case; mandates a study and report by the U.S. Sentencing Commission on sentences given in crimes of domestic violence; issues grants to conduct research on the experiences of women and girls in the health care, judicial and social services systems who become pregnant as a result of sexual assault; authorizes a study and report on the uniformity of laws among States and their effectiveness in prosecuting rape and sexual assault offenses; directs the Secretary of Health and Human Services and the Attorney General to establish three research centers to develop and coordinate research on violence against women.

For more information about VAWA '99, contact Andrea Williams, NOW LDEF/NYC at (212) 925-6635 or Pa. Reuss, NOW LDEF/DC at (202) 544-4470.

April 1999

VIOLENCE AGAINST WOMEN ACT OF 1999 (H.R. 357)

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◆ Sponsor of VAWA '98 (H.R. 3514)

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\$ Sponsor of VAWA Reauthorization Bill (H.R. 1248)

*as of April 25, 2000



Continuing The Commitment of the Violence Against Women Act

"The VAWA Reauthorization Bill" – H.R. 1248

Summary — For more information contact Juley Fulcher or Marlo Cohen in the Public Policy Office at (202) 544-7358.

The programs created under the Violence Against Women Act of 1994 have already made a difference in thousands of women's lives -- bolstering prosecution of domestic violence, sexual assault and child abuse, increasing victim services, increasing resources for law enforcement, and creating a National Domestic Violence Hotline. On March 24, 1999 Representatives Constance Morella (R-MD) and Nancy Johnson (R-CT), along with 29 other co-sponsors, introduced the VAWA Reauthorization bill which will continue these crucial programs. It reauthorizes VAWA programs for another five years at levels essential to service providers and law enforcement doing this work on the front lines. With the original Violence Against Women Act programs due to run out in fiscal year 2000, this reauthorization package will continue the Congressional commitment to making our streets and homes safe for women and children.

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VAWA REAUTHORIZATION BILL (H.R. 1248)

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 ♠ Sponsor of VAWA '99 (H.R. 357)
 ★ Sponsor of Hate Crimes '99 (H.R. 1082)

*as of April 26, 2000



COMPARISON OF HOUSE & SENATE VERSIONS OF VAWA '99

H.R. 357 "VAWA '99"—Conyers (D-MI), Morella (R-MD) & Roybal-Allard (D-CA)

H.R. 1248 "Reauthorization Bill"—Morella (R-MD) & Johnson (R-CT)

S. 1069 "BWESSA"—Wellstone (D-MN), Murray (D-WA) & Schumer (D-NY)

S. 51 — Biden (D-DE) & Specter (R-PA)

S. 245 — Hatch (R-UT)

☺ = Included

■ = Not included

Provision	H.R. 357 VAWA 99	H.R. 1248 Reauthorization Bill	S. 1069 BWESSA	S. 51 (Biden/Specter)	S. 245 (Hatch)
Expanded Definition of DV	☺	☺	☺	☺	■
STOP Grants	☺	☺	■	☺ alternate version/ only through 2002	☺ alternate version/only through 2002
National Domestic Violence Hotline	☺	☺	■	☺ includes legal services database/ only through 2002	☺ only through 2002
Battered Women's Shelters	☺	☺	☺	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Grants for Community Initiatives	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Education & Training for Judges	☺	☺	■	☺ lower funding/ only through 2002	■
Grants to Encourage Arrests	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Rural DV & Child Abuse	☺	☺	■	☺ only through 2002	☺ higher funding/ only through 2002
National Stalker & DV Reduction	☺	☺	■	☺ only through 2002	☺ only through 2002
Federal Victims' Counselors	☺	☺	■	☺ only through 2002	■
Runaway & Homeless Youth	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Victims of Child Abuse Programs	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Rape Prevention and Education	☺	☺	■	☺ limited version/ lower funding/ only through 2002	■
Safe Havens for Children	☺	■	■	☺ lower funding/ only through 2002	■

Provision	H.R. 357 VAWA 99	H.R.1248 Reauthorization Bill	S. 1069 BWESSA	S. 51 (Biden/Specter)	S. 245 (Hatch)
Date Rape Drug Rescheduling	☺	■	■	☺ limited version	■
Safety & Advocacy for victims of SA	☺	■	■	■	■
VAW Prevention in Schools	☺	■	■	☺ limited version/ lower funding/ only through 2002	■
Family Safety	☺	■	■	☺ limited version	■
Battered Immigrant Women	☺	■	☺ alternate version	☺ limited version	☺ very limited version
Underserved Populations Definition	☺	■	☺	■	■
Clearinghouse - DV/SA/Workplace	☺	■	☺	☺ twice as much funding/ only through 2002	■
Victims' Employment Rights Act	☺	■	☺	■	■
Workplace Tax Credit	☺	■	☺	■	■
Battered ♀'s Employment Protection	☺	■	☺	☺ limited version	■
Education & Training Grants on VAW	☺	■	■	☺ lower funding/ only through 2002	■
Standards/Training for SA Exams	☺	■	■	☺	■
Hate Crimes Prevention	☺	■	■	☺	■
DV & SA Victims' Housing	☺	■	☺	■	■
Full Faith and Credit	☺	■	☺ alternate version	☺ limited version; no funding	☺ limited/ no funding
DV Insurance Protection	☺	■	☺	☺ enforcement only if states fail to	■
Safety & Advocacy for Victims DV	☺	■	☺	☺ very limited version; only through 2002	■
Amendments to Interstate Stalking	☺	■	■	☺	☺
Disclosure under Child Support Program	☺	■	☺	■	■
Older Women's Protection	☺	■	■	☺	■
Protection for Disabled Women	☺	■	■	☺ limited version; lower funding; only through 2002	☺ limited version; lower funding

Provision	H.R. 357 VAWA 99	H.R.1248 Reauthorization Bill	S. 1069 BWESSA	S. 51 (Bidon/Spector)	S. 243 (Hatch)
Civilian Jurisdiction for SA & DV	☺	☹	☹	☺ limited version	☹
Transitional Compensation	☺	☹	☹	☺ limited version	☹
Confidentiality of Records in Military	☺	☹	☹	☹	☹
Training for Health Professions	☺	☹	☹	☺	☹
Research on VAW	☺	☹	☹	☺ limited; lower funding	☹
Child Custody Resolution	☺	☹	☹	☹	☹
Child Welfare Worker Training	☺	☹	☹	☹	☹
Child Abuse Accountability	☺	☹	☹	☹	☹
Sexual Assault in Prisons	☺	☹	☹	☹	☹
Summit on Sports & Violence	☺	☹	☹	☹	☹
"No Guns for Drunks"	☺	☹	☹	☹	☹
Workers' Compensation	☺	☹	☹	☹	☹
TANF Waivers for Victims of DV	☹	☹	☺	☹	☹
Building Opportunities Bonus	☹	☹	☺	☹	☹

June 1, 1999

For More Information Contact Juley Fulcher or Marlo Cohen in the Public Policy Office of NCADV at (202) 544-7358

Page 3 of 3



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 119 Constitution Avenue NE Washington, DC 20002
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VIOLENCE AGAINST WOMEN ACT II (S. 51)

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*as of: October 19, 1999

★ - Co-sponsor of Hate Crimes Prevention Act of 1999 (S. 622)

× - Co-sponsor of Violence Against Women Act of 1994 (S.11)



BATTERED WOMEN'S ECONOMIC SECURITY AND SAFETY ACT

"BWESSA" — S. 1069

Summary — June 1, 1999

The programs created under the Violence Against Women Act of 1994 have already made a difference in thousands of women's lives. Such programs have bolstered prosecution of child abuse, sexual assault and domestic violence, increased victim services, increased resources for law enforcement, and created a National Domestic Violence Hotline. The Battered Women's Economic Security and Safety Act ("BWESSA") was introduced on May 18th by Senators Paul Wellstone (D-MN), Patricia Murray (D-WA) and Charles Schumer (D-NY). It is an omnibus package designed both to enhance the successful programs initiated by VAWA '94 and to take the next step toward creating real solutions to the continuing problem of domestic violence.

TITLE I. - Domestic Violence Prevention

Subtitle A. Domestic Violence and Sexual Assault Victims' Housing - makes funding available for supportive housing services through the McKinney Homeless Assistance Act, including rental assistance to victims trying to establish permanent housing safe from the batterer. **Sponsor:** Sen. Wellstone (D-MN) **Contact:** Susheela Varky, McAuley Institute, (301) 588-3110. ⇒ **House VAWA '99, H.R. 357, Title IV Subtitle A, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle B. Full Faith and Credit for Protection Orders - clarifies VAWA's full faith and credit provisions to ensure meaningful enforcement by states and tribes; provides grants to states and Tribes to improve enforcement and record keeping. **Adapted from H.R. 935, S. 666 (105th Congress), Sponsors:** Rep. Conyers (D-MI) **Sen. Lautenberg (D-NJ) Contacts:** Juley Fulcher, NCADV, 544-7358, Dawn Burton, Conyers, 225-6906. ⇒ **Adapted from House VAWA '99, H.R. 357, Title IV Subtitle B, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle C. Victims of Abuse Insurance Protection - prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination. **Sponsors:** Reps. Sanders (I-VT) & Morella (R-MD), Sen. Wellstone (D-MN) & Sen. Schumer (D-NY). **Contact:** Terry Fromson, Women's Law Project, (215) 928-9801. ⇒ **House VAWA '99, H.R. 357, Title IV Subtitle C, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle D. Access to Safety and Advocacy - issues grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes. **Contact:** Bette Garlow, ABA Comm. on DV, 662-8637. ⇒ **House VAWA '99, H.R. 357, Title IV Subtitle F, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle E. Battered Women's Shelters and Services - amends the Family Violence Prevention and Services Act to authorize \$1 billion to battered women's shelters over the next five years; includes additional oversight and review; caps spending for training and technical assistance by State coalitions with the remaining money to go to domestic violence programs; adds new proposals for training and technical assistance; allots money for tribal domestic violence coalitions. **Based on H.R. 3665 (105th Congress), Sponsor:** Rep. Lowey (D-NY) **Contact:** Matthew Traub, Lowey 225-6506. ⇒ **House VAWA '99, H.R. 357, Title I Subtitle C, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle F. Battered Immigrant Women's Economic Security and Safety - addresses gaps, errors and oversights in current legislation that impede battered immigrant women's ability to flee violent relationships and survive economically; ensures that battered immigrants with pending immigration applications are able to access public benefits, Food Stamps, SSI, housing, work permits, and immigration relief. **Contact:** Leslye Orloff, AYUDA, 387-0434. ⇒ **House VAWA '99, H.R. 357, Title VI Subtitle C, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

TITLE II. - Violence Against Women and the Workplace

Subtitle A. National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace Grant - establishes clearinghouse and resource center to give information and assistance to businesses, employers and labor organizations in their efforts to develop and implement responses to assist victims of domestic violence and sexual assault. **S. 51, Sen. Biden (D-**

DE). Contact: Jane Woodfin, Biden, 224-5042. ⇒House VAWA '99, H.R. 357, Title VII Subtitle A, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

Subtitle B. Victims' Employment Rights - prohibits employers from taking adverse job actions against an employee because they are the victim of domestic violence, sexual assault or stalking. Contact: Julie Goldscheid, NOW LDEF, (212) 925-6635. ⇒House VAWA '99, H.R. 357, Title VII Subtitle B, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

Subtitle C. Workplace Violence Against Women Prevention Tax Credit - provides tax credit to businesses implementing workplace safety programs to combat violence against women. Based on H.R. 1071 (105th Congress), Sponsors: Rep. Lowey (D-NY) Contact: Matthew Traub, Lowey, 225-6506. ⇒House VAWA '99, H.R. 357, Title VII Subtitle C, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

Subtitle D. Employment Protection for Battered Women - ensures eligibility for unemployment compensation to women separated from their jobs due to circumstances directly resulting from domestic violence; requires employers who already provide leave to employees to allow employees to use that leave for the purpose of dealing with domestic violence and its aftermath; allows women to use their family and medical leave or existing leave under state law or a private benefits program to deal with domestic abuse, including going to the doctor for domestic violence injuries, seeking legal remedies, attending court hearings, seeking orders of protection and meeting with a lawyer; provides for training of personnel involved in assessing unemployment claims based on domestic violence. H.R. 851, S.367 (105th Congress), Sponsors: Rep. Roybal-Allard (D-CA), Sen. Wellstone (D-MN) Contact: Charlotte Oldham-Moore, Wellstone, 224-5641, Ellen Riddleberger, Roybal-Allard, 225-1766. ⇒House VAWA '99, H.R. 357, Title VII Subtitle D, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

TITLE III. - Protections for Victims of Domestic Violence Under Programs Authorized under the Social Security Act

Section 3001. Waivers for Victims of Domestic Violence under the TANF Program - finds that Congressional intent of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was to allow states to take the effects of domestic violence into consideration by allowing good cause, temporary waivers of the requirements of the program for victims of domestic violence; places no numerical limits upon States in the granting of good cause waivers; provides that individuals granted good cause waivers shall not be included in the participation rate for purposes of applying limitations or imposing penalties on the States; allows for Secretarial review and possible revocation of good cause waivers granted in States where penalties have been imposed. Sponsor: Sen. Murray (D-WA) Contact: Juley Fulcher, NCADV, 544-7358.

Section 3002. Disclosure Protections under the Child Support Program - protects victims fleeing from domestic violence from disclosure of their whereabouts through the federal child support locator service. Sponsor: Sen. Murray (D-WA) Contact: Juley Fulcher, NCADV, 544-7358. ⇒House VAWA '99, H.R. 357, Title IV Subtitle H, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

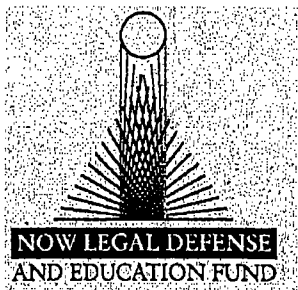
Section 3003. Bonus to Encourage Women and Children's Well-Being - amends the Social Security Act to provide bonuses to States that demonstrate high performance in operating their State welfare programs by providing recipients and low-income families with adequate access to affordable and quality childcare; by effectively placing recipients in sustainable wage, non-traditional employment; and by adequately addressing domestic violence in the lives of recipients of assistance; requires HHS and others to develop a formula for measuring State performance, H.R. 699, Sponsor: Rep. Woolsey (D-CA), Contact: Yolanda Wu, NOWLDEF, (212) 343-4324.

TITLE IV. - Miscellaneous Provisions - technical amendments to existing programs to ensure access to funds to address violence against women in all communities. ⇒House VAWA '99, H.R. 357, Title I, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

For more information about BWESSA or VAWA '99, contact Juley Fulcher, Public Policy Director, or Marlo Cohen, Public Policy Assistant, in the Washington, DC Office of NCADV at (202) 544-7358.



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BATTERED IMMIGRANT WOMEN PROTECTION ACT OF 1999 H.R. 3083

FACT SHEET

The Battered Immigrant Women Protection Act of 1999 H.R. 3083 sponsored by Reps. Schakowsky (D-IL), Morella (R-MD), and Jackson-Lee (D-TX) continues the work that began with the passage of the first Violence Against Women Act in 1994. Prior to VAWA 1994, immigration laws ensured that abusive citizens and permanent residents had total control over their spouses immigration status. As a result, battered immigrant women and children were forced to remain in abusive relationships, unable to appeal to law enforcement and courts for protection for fear of deportation. VAWA 1994 immigration provisions provided a remedy by allowing battered immigrants to file their own applications for immigration relief without the cooperation of their abusive spouse or parent, enabling them to flee the violence and find safety.

Despite the successes of the immigration provisions of VAWA 1994, subsequent immigration reform bills drastically reduced access to VAWA immigration relief for battered immigrants. VAWA 1999 seeks to restore and expand access to a variety of legal protections for battered immigrants so they may flee violent homes, obtain court protection, cooperate in the criminal prosecution of their abusers, and take control of their lives without the fear of deportation.

The Battered Immigrant Women Protection Act of 1999 H.R. 3083 (Reps. Schakowsky (D-IL), Morella (R-MD), and Jackson-Lee (D-TX) addresses:

- **VAWA Restoration Act:** This section allows battered immigrant women and children to obtain permanent immigration status without leaving the U.S. Under current immigration laws, many battered immigrants will be forced to leave the U.S. to obtain their lawful permanent residence. Traveling outside the U.S. deprives these women of the protection provided by courts, legislation, custody decrees, and law enforcement. This section allows battered women to safely obtain immigration status in the U.S. This section allows battered immigrant women placed in immigration proceedings to apply for cancellation or suspension, restoring them to the legal relief they were granted under VAWA in 1994. Additionally, this section exempts VAWA applicants from the cancellation removal cap and allows battered immigrants to file motions to reopen their immigration case beyond the ninety day limitation.
- **Problems with VAWA Implementation:** This section grants battered immigrants access to information about their abuser's immigration status that they need to file under VAWA immigration relief. Additionally, this section ensures that changes in the abuser's citizenship or immigration status will have either a positive effect or no effect on a battered woman's application for immigration relief. Likewise, the abuser's deportation or death will not bar the battered immigrant from applying for relief. This section also requires INS to adjudicate pending family-based visa applications without the abuser when credible evidence of abuse is presented to the INS and allows remarriage of battered immigrants after their self-petition has been approved.
- **Waivers for VAWA Eligible Applicants:** This section grants the Attorney General the discretion to

waive certain bars to immigration relief and grounds of deportation for qualified VAWA applicants. Circumstances for the waiver include women who: acted in a criminal manner in self-defense; were convicted of violating a protection order issued to protect themselves which should not have legally been enforced against them; acted out of fear or under the duress of their abuser. This section also exempts battered immigrants from certain other immigration violations that would bar them from VAWA immigration relief. This section removes barriers to VAWA relief which were newly imposed by post-VAWA immigration bills.

- **Physical Presence Waiver:** A VAWA applicant must be continuously present in the US in order to obtain VAWA status in proceedings. An abuser who wishes to undermine the victim's cooperation with authorities in his criminal prosecution for domestic violence need only remove the victim from the U.S. for a certain period of time to render her ineligible for VAWA immigration relief in proceedings. This section allows the Attorney General to waive certain breaks in continuous presence for humanitarian purposes when the applicant has been a victim of domestic violence.
- **Improved Access to VAWA:** This section removes the U.S. residency requirement, granting access to VAWA protection to abused wives and children of U.S. military, U.S. government workers and other U.S. citizens and lawful permanent residents residing abroad. This section also deletes the extreme hardship requirement, which impedes access to VAWA for many unrepresented victims. It allows children, who are included in their mother's VAWA petition when they are under twenty-one, to receive their green cards, along with their mother, after turning twenty-one. It also allows VAWA applicants under twenty-one years old to include any children they may have in their self-petition or cancellation application. VAWA self-petitioning would also be available to victims who file within two years after divorce from their abuser, death or loss of legal immigration status of their abusive spouse or parent. This section also expands access to VAWA self-petitioning to certain other needy immigrants battered by family members.
- **Improved Access to VAWA Status in Immigration Proceedings (Cancellation of Removal):** This section expands access to VAWA status in immigration proceedings to: victims of elder abuse, spouses married to bigamists, abused sons and daughters over 21 years old, and abused spouses and children living abroad who are married to or are the children of citizens or resident abusers. This legislation allows child abuse victims filing as minors, sons or daughters to include any children they may have in cancellation cases. It also provides battered immigrants with the option of including children in their VAWA cancellation application.
- **Good Moral Character:** This section creates a discretionary waiver for good moral character determinations for VAWA self-petitioners, VAWA cancellation, and VAWA suspension of deportation cases. Waivers are permitted when there is a connection between the abuse and the commission of, arrest for, conviction of, or plea to a crime.
- **Battered Immigrant Women's Economic Security Act:** Battered immigrants who leave their abusers often sever ties with their prime source of economic support. Congress offered battered immigrants with pending or approved cases before INS access to immigration relief, work permits, and some public benefits. This section addresses gaps, errors and oversights in current legislation that impede battered

immigrant women's ability to flee violent relationships and survive economically. This section ensures that battered immigrants with pending immigration applications are able to access public benefits, Food Stamps, SSI, and housing.

- **Access to Shelter Services and Legal Representation:** This section grants VAWA eligible battered immigrants access to funds from the Legal Services Corporation to be used in their protection order and immigration cases. It also allows programs to use private funds to represent any battered immigrant who qualifies for relief under state domestic violence laws. Legal Services attorneys provide these immigrants with access to the legal system enabling them to flee violent homes while gaining economic security. This section also clarifies that the definition of "underserved populations" under VAWA clearly covers immigrants. It specifically allows VAWA and other domestic violence grant funds, including civil legal assistance funds, to be used for legal and social service assistance to battered immigrants and it requires a report to be submitted to Congress detailing how funds are being used to serve underserved populations.
- **VAWA Training:** This section makes grant money available for training of federal and state civil and criminal judges, including immigration judges, INS officers, the military and other justice system personnel dealing with issues affecting battered immigrants. There have been increased reports of judges, prosecutors and police who are inquiring into the immigration status of domestic violence crime victims who call them for help. When this happens, battered immigrants are unwilling to call the police or seek protection orders. Instead they are forced to remain with their abusers and continue suffering ever increasing violence. This training will enable judicial and law enforcement system employees to restrain from arbitrarily inquiring into the immigration status of crime victims and refocuses their attention toward the perpetrators of domestic violence.
- **Protection for Certain Crime Victims Including Crimes Against Women:** This section allows victims of rape, torture, incest, battery or extreme cruelty, sexual assault, female genital mutilation, forced prostitution, trafficking, being held hostage, or any other violent crime to obtain a non-immigrant visa. The victim can self-petition for a visa but will need to submit an affidavit from a law enforcement officer, prosecutor or state enforcement agency verifying that they have information that has assisted or would assist in the investigation or prosecution of a crime. By providing temporary legal status to aliens who have suffered severe victimization, this provision will strengthen the ability of law enforcement agencies to investigate and prosecute cases of trafficking aliens and cases of domestic violence while protecting victims of such offenses.
- **Nicaraguan and Central American Relief Act (NACARA), Haitian Refugee Immigration Fairness Act, and Cuban Adjustment:** Under these provisions, battered spouses and children of NACARA petitioners, Haitian Refugee Immigration Fairness Act petitioners and Cuban adjustment applicants may self-petition for relief. Moreover, this legislation removes the requirement that battered immigrant spouses and children of Cuban Adjustment applicants must be living with the Cuban Adjustment applicant at the time of filing.

For more information, contact Leslye Orloff or Janice Kaguyutan at the Immigrant Women Program of NOW Legal Defense and Education Fund (202) 326-0040 tel., (202) 589-0511 fax.

BATTERED IMMIGRANT WOMEN PROTECTION ACT (H.R. 3083) 66 COSPONSORS

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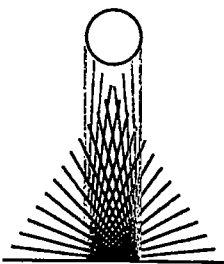
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☆ Sponsor of VAWA '94 (not full listing)

* as of April 17, 2000 NOWLDEF



Violence Against Women Act of 1994 Reauthorization Needs

NOW LEGAL DEFENSE

AND EDUCATION FUND 119 CONSTITUTION AVENUE, N.E., WASHINGTON, D.C., 20002 (202) 544-4470 FAX (202) 546-8605

Authorization for the Violence Against Women Act of 1994 ("VAWA '94") ends in 2000 and many vital VAWA '94 programs are already overdue for reauthorization! **Congress will not be able or willing to fund the violence programs at appropriate levels unless these programs are reauthorized immediately.** The Violence Against Women Act of 1999 reauthorizes this critical funding for these important programs at the levels needed for the next 5 years. Below is a summary of the original authorization schedule of VAWA '94 programs.

**☛ Programs in need of immediate reauthorization in order to inform Congress' Budget and Appropriations allocations for 2001!
This begins in January, 2000!**

National Domestic Violence Hotline

VAWA '94 authorized \$400,000 per year through **fiscal year 2000** to create and run a national domestic violence telephone hotline. Since the hotline opened on February 2, 1996, operators have assisted more than 250,000 callers. The demand for services has far exceeded Congressional expectations when the original funding amounts were put in place. In addition to reauthorization, an increase in authorization is essential to maintain this invaluable resource.

Battered Women's Shelters and Services

VAWA '94 authorized \$325 million for battered women's shelters through **fiscal year 2000**. While this funding has provided thousands of women and children with safe harbor, continued and increased funding is needed to ensure that all battered women and children have a safe place to go.

Victims of Child Abuse Programs

VAWA '94 authorized funding through **fiscal year 2000** for victims of child abuse, including money for advocates, judicial training and televised testimony.

Rape Prevention Education

VAWA '94 authorized funding for national rape prevention education and training and local hotlines through **fiscal year 2000**.

Youth Education and Domestic Violence

VAWA '94 authorized funding for fiscal year 1996 for the development of 4 model programs for the education of young people about domestic violence and violence among intimate partners. Congress has never authorized funding for the implementation of the model programs that were developed.

Violence Against Women Intervention, Prevention, and Education

VAWA '94 directed the National Research Council to develop a research agenda to help reduce violence against women. Congress has never authorized funding to carry out that research agenda.

Safety for Women in Public Transit and Public Parks

VAWA '94 authorized funding for lighting, surveillance, security and other capital improvements to public transit, national parks, and public parks to reduce violent crimes against women. These funds were never appropriated and the safety improvements never made.

Law Enforcement and Prosecution Grants to Combat Violence Against Women

These grants, commonly referred to as STOP grants, were provided to each State and territory to implement a coordinated effort among all systems in the State (law enforcement, judicial, social services, shelters, etc.) in order to improve the legal response and victim services in the cases of violent crimes against women. VAWA '94 authorized funding for these grants through **fiscal year 2000**.

☛ Programs already overdue for reauthorization!

☛ Grants for Community Initiatives

VAWA '94 authorized \$10 million in demonstration grants to non-profit local organizations to establish model programs on domestic violence intervention and prevention which were to be designed and implemented as a coordinated community effort. This program was only authorized through **fiscal year 1997** and is in need of reauthorization.

☛ Education and Training for Judges and Court Personnel

VAWA '94 authorized \$1.3 million for the development and dissemination of model programs for training State and Federal court judges and court personnel in the laws regarding violence against women. All monies were authorized only for **fiscal year 1996**. However, no funds were appropriated and the judges and court personnel have never received the benefit of this training program.

☛ Grants to Encourage Arrest Policies

VAWA '94 authorized funding through **fiscal year 1998** for grants to States, Indian tribes and local governments to implement mandatory arrest or pro-arrest programs, to improve the tracking of domestic violence cases, to increase the coordination among police, prosecutors and the judiciary in cases of domestic violence, to strengthen legal advocacy service programs for victims of domestic violence, and to educate judges about domestic violence. This program is in need of reauthorization.

☛ Rural Domestic Violence and Child Abuse Enforcement

VAWA '94 authorized grants to rural States and localities and Indian tribes through **fiscal year 1998** to improve the prosecution of domestic violence and child abuse cases and to increase prevention strategies and victim services in these isolated areas so often lacking in resources. This program has been so crucial that appropriations exceeded authorization in fiscal year 1998 and were continued in fiscal year 1999.

☛ National Stalker and Domestic Violence Reduction

VAWA '94 authorized \$6 million through **fiscal year 1998** for access to federal crime databases by civil and criminal courts for use in domestic violence and stalking cases, as well as the inclusion of stalking and domestic violence information in crime databases.

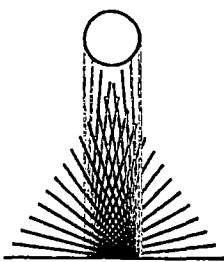
☛ Federal Victims' Counselors

VAWA '94 authorized federal victim-witness counselors to provide a crucial link between prosecutors and victims in the federal prosecution for sex crimes and domestic violence in federal jurisdictions such as the District of Columbia through **fiscal year 1998**. This program has been so successful that Congress appropriated double the authorized sum for fiscal year 1998.

☛ Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth

VAWA '94 provided grants to non-profits through **fiscal year 1998** for street-based outreach and education, treatment, counseling, and referral of runaway and homeless youth who are being victimized by sexual abuse or are at risk of such victimization.

For more information about the reauthorization proposals of the Violence Against Women Act of 1999, contact Pat Reuss in the Washington, DC NOW LDEF office at (202) 544-4470 or Juley Fulcher in the NCADV office at (202) 745-1211.



National Task Force to End Violence Against Women

**NOW LEGAL DEFENSE
AND EDUCATION FUND**

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How To Plan A Local Town Meeting To Support VAWA '99

Thanks for your interest in helping the National Task Force on Violence Against Women get the word out about the Violence Against Women Act of 1999 (VAWA '99). This informational guide offers some tips on how to plan a local public education event around VAWA '99. Nothing is better than a good 'ol fashioned town meeting to get the community talking about the importance of addressing violence against women and its impact upon all of us.

Planning Your Town Meeting

1. Form an organizing committee.

Identify individuals and organizations in your area that may be interested in planning a town meeting. Consider a cross-section of participants, such as women's groups, civic groups, government officials, local law enforcement, youth groups, disability groups, senior citizen groups, health care professionals, religious and educational leaders, local campus leaders, immigrants rights advocates, domestic violence and sexual assault advocates, gay and lesbian groups, union and labor organizers, as well as and interested citizens. All can offer unique input and lend strong support to the event.

Consider the possibility of bringing a VAWA '99 focus to an established local effort, such as a community fair, picnic, panel discussion or political forum.

2. Choose the focus.

Decide how big you want your event to be. Do you just want a literature table and a mini-postcard campaign at a local fair? Or, do you want a more formal meeting in a municipal building or local school auditorium?

Identify your focus and format. On which provisions of the bill would you like to focus? How do you want to present the issues? For example, a town meeting held in New York City last year was presented in a hearing-type format. The meeting consisted of three panels--one on sexual assault, a second on workplace violence and a third on domestic violence. Each panel had three speakers -- a violence survivor, an advocate and someone who talked about solutions. Each speaker made a brief five minute statement using their personal experience to highlight the provisions in the new bill that they personally thought were important and why. The event was hosted by then Congressman Charles Schumer of New York, one of the co-sponsors of VAWA '98, and was about two hours long. This was a great way to cover a number of issues in a modest period of time.

3. Identify your target audience.

Determine your target audience and the number of people you think may attend. Gather any contact information that will help you reach your target audience. If you would like to make contact with potential participants through the organizations that participate in the National Task Force To End Violence Against Women, just contact the Washington, DC office of NOW LDEF for assistance.

It is important to be realistic about what you can do. Try not to choose too many issues and too many speakers. Be sure to leave time for discussion and questions.

3. Planning and Scheduling

Choose the date and location as early as possible. In setting the date, consider having it coincide with a special calendar event such as a local election or domestic violence awareness month. Also consider joining forces with a community event such as a local teen night, a college "take back the night" rally, or a senior citizen forum.

In choosing a location, remember that you may need to reserve space in advance. Be sure the location is suited for the event that you are planning. Check for adequate space, lighting, acoustics, accessibility, parking, and availability of audio-visual equipment. Pick locations near public transportation if possible.

Invite your Congressperson(s) to participate. At present the House version of VAWA '99 presently has 160 co-sponsors. If your representative is a co-sponsor of this bill, he/she would welcome an opportunity to talk to the community about why this bill is important. If they have not yet signed on, it is an opportunity for the community to solicit their support. Don't limit yourself to your local Congressional representative. Your state governor, town mayor or other elected officials may also want to get involved. Remember this is a great forum for them as well. In addition, they may be able to help you access resources, including a large venue and advertising at free or low cost.

Establish a time frame for getting your various tasks accomplished. If you have a large coalition or group of organizers, establish committees or subcommittees and delegate the duties.

Determine your financial needs such as copying costs, honoraria, travel expenses for the speakers, refreshments, audio-video set-up and room rental.

Allow plenty of time to contact potential participants. Keep them advised as to any change in plans.

Have a resource/literature table where you can provide information about the bill and where local

groups can provide information about their services and events.

4. Publicize the event.

Submit releases to newspapers, TV and radio stations. Produce flyers, posters and other types of announcements. Submit editorials and articles to local newspapers. For tips, see *Talking Back: Getting Your Message Out*.

5. Make acknowledgment arrangements.

Keep track of all names and contact information of the invited participants. Prepare program invitations and flyers with acknowledgments of those groups and individuals who are assisting. Be sure to send post-event appreciation notices to all who helped.

6. Follow-up

Let the National Task Force To End Violence Against Women know about the success of your event. How many people attended? What media covered the event? Did the program reach a diverse audience? How many people participated in the planning and coordination?

Good Luck!!!

***For additional information contact NOW LDEF
at 202-544-4470 or 212-925-6635.***

Adapted from "Invest in the Future: Support Safe Motherhood" a publication from the American Association for World Health. To obtain a copy contact: American Association for World Health, 1825 K Street, NW, Ste. 1208, Washington, DC 20006, tel: (202)466-5883.

April 1999



FACTS ABOUT DOMESTIC VIOLENCE

Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.¹

Women are at an increased risk of harm after separation from an abusive partner. Separated women are 3 times more likely than divorced women and 25 times more likely than married women to be victims of violence at the hands of an intimate partner.²

According to National Crime Victimization Survey data from the Department of Justice (a conservative estimate) between 1992 and 1996, women and girls over 12 experienced, on average, 960,000 incidents of assault, rape and murder at the hands of a current or former spouse or intimate partner annually. During the same period, the same surveys found that men were victims of about 150,000 violent crimes by current or former spouse or intimate partner.³ Other surveys have found a much higher rate of domestic violence against women.⁴

- Of the estimated more than 1,000,000 persons age 65 and over who are victims of abuse each year, at least two-thirds are women. In almost 9 out of 10 incidents of domestic elder abuse and neglect the perpetrator is a family member and adult children of the victims are the largest category of perpetrators and spouses are the second largest category of perpetrators.⁵
- In 1996, 65% of all intimate partner homicides involved guns.⁶ Family and intimate assaults involving guns are 12 times more likely to result in death than other family and intimate partner assaults.⁷
- In 1994, approximately 37% of women seeking injury-related treatment in hospital emergency rooms were there because of injuries inflicted by a current or former spouse or intimate partner.⁸
- A recent survey found that over 50% of abused women lost at least three days of work monthly due to abuse⁹ and surveys show at least 60% of abused women report being late for work due to abuse.¹⁰ Sixty percent of battered women surveyed in one study had been reprimanded because of work problems associated with abuse, and 70% reported difficulty in performing their job because of abuse.¹¹
- To prevent their immigrant wives from reporting domestic violence, men may threaten to take her children away from the United States, fail to file papers to legalize her immigration status, or threaten to report her to INS to get her deported.¹²
- Children who witness domestic violence are at a high risk of anxiety and depression, and exhibit more aggressive, antisocial, inhibited and fearful behaviors.¹³
- Domestic violence is strongly correlated with child abuse. Studies have found that between 50% and 70% of men who abuse their female partners also abuse their children.¹⁴
- Of all homeless women and children, 50% are fleeing domestic violence.¹⁵

ENDNOTES

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5. 1998 National Elder Abuse Incidence Study.
6. *Violence by Intimates*, supra at v.
7. Linda E. Saltzman, et al, "Weapon Involvement and Injury Outcome in Family and Intimate Assaults," 267 *Journal of the American Medical Ass'n* 3043 (1992).
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9. Connie Stanley, *Domestic Violence: An Occupational Impact Study* 17 (Tulsa, Oklahoma, July 27, 1992); Louise Laurence & Roberta Spalter-Roth, *Measuring the Costs of Domestic Violence Against Women and the Cost Effectiveness of Interventions* 25 (IWPR, Victims' Services & the Domestic Violence Training Project, May 1996).
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LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

The Violence Against Women Act of 1999
"VAWA '99" – H.R. 357

The 1994 Violence Against Women Act made important strides in reforming our system's response to women victimized by gender-based assaults. One overlooked component of ending violence against women is protecting children from domestic violence and sexual assault. Batterers often harm children as well as their intimate partners. Witnessing violence has a devastating impact on children. Further, the system often fails victims of child sexual abuse. Finally, sexual assault and dating violence are problems for too many teenage girls.

THE PROBLEM

- Between 50 and 70% of men who abuse their female partners also abuse their children.¹
- Children who witness violence are at a high risk of anxiety and depression, and exhibit more aggressive, antisocial, inhibited and fearful behaviors.²
- Children often fail to report child sexual abuse because of a fear of retaliation, or a belief that the abuse is their fault.³
- Separated women are three times more likely than divorced women and twenty-five times more likely than married women still living with their husbands to be victimized by a batterer.⁴
- According to one study, 5% of abusive fathers threaten during visitation to kill the mother, 34% threaten to kidnap their children, and 25% threaten to hurt their children.⁵
- The need for supervised visitation centers far exceeds the number of available programs, resulting in courts ordering unsupervised visitation and endangering parents and children.⁶
- New data just released by the Department of Justice finds that teenage girls (age 16-19) experience one of the highest rates of violence by an intimate partner when compared to other age groups.⁷
- Although adults may be more likely to warn girls about sexual danger posed by strangers, 96% of survivors under 12 years old, 85% of those 12 to 17 years old, and 67% of those 18 or older were raped by family members, friends, or acquaintances.⁸
- According to a 1996 report by the American Psychological Association (APA), custody and visitation disputes are more frequent when there is a history of domestic violence. Further, fathers who batter mothers are twice as likely to seek sole custody of their children⁹ and they may misuse the legal system as a forum for continuing abuse through harassing and retaliatory legal actions.
- Despite the perception that mothers always win custody cases, studies show that fathers who contest custody win sole or joint custody in 40 to 70 percent of cases.¹⁰

THE RESPONSE

VAWA '99 includes important programs addressing harms to children from domestic violence and sexual assault, which also promote increased safety for their mothers.

Safe Havens for Children (Title II, Subtitle A) funds supervised visitation programs to protect children from injury and trauma in domestic violence and sexual abuse cases and to protect the other parent from injury or trauma at the hands of the abusive parent by providing safe and secure locations for visitation and/or visitation exchange.

Violence Against Women Prevention in Schools (Title II, Subtitle B) provides grants to adapt, implement, and disseminate educational curricula and materials on violence against women, including training for school personnel, for children in elementary and secondary schools. It also allows the grants to be used to develop effective school policies for addressing the violence that children and adolescents may be witnessing or experiencing themselves.

Family Safety (Title II, Subtitle C) amends the federal Parental Kidnaping Prevention Act (PKPA) to provide a defense to women who flee across state lines to escape domestic violence or sexual assault, and to ensure that a civil court can consider domestic violence and the parent and child's safety when determining which State should hear a custody dispute. It also pulls the Full Faith and Credit and Custody pieces of the PKPA more in line with the Uniform Child Custody Jurisdiction Enforcement Act which States are beginning to adopt.

Domestic Violence and Children (Title II, Subtitle D) states the Sense of Congress in favor of a presumption of a child's primary residence being with the primary caretaker and a presumption against joint custody in cases of domestic violence, as well as promoting other state law reforms to protect victims in domestic violence cases.

Child Welfare Worker Training on Domestic Violence and Sexual Assault (Title II, Subtitle E) provides demonstration grants to child welfare/child protection agencies to implement policies and procedures and training on domestic violence, including building community networks with local domestic violence programs to better serve victims.

Child Abuse Accountability (Title II, Subtitle F) allows the attachment of a private pension to satisfy a tort judgment in a child abuse case.

January 12, 1999

For more information contact Juley Fulcher or Marlo Cohen at the National Coalition Against Domestic Violence, at (202) 544-7358.

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VIOLENCE IN THE LIVES OF YOUNG WOMEN

The Violence Against Women Act of 1999
"VAWA '99" – H.R. 357

Lynn began dating 17-year-old Garry when she was 15; he "regularly slapped and punched her, called her 'fat' and once flung her across the room." Once, he beat her so severely that she ended up in the hospital "with a smashed nose, black eyes, and bites, blood and bruises all over her body".¹

"I didn't want to tell anybody what happened to me, because I was too ashamed and embarrassed that I let it happen. I figured everybody would be like, 'we told you so,' because nobody liked my boyfriend. But I loved him, and I never expected him to hit me or force things during, like, sex. I don't say I was a victim, because I want to think on some level that he did love me." — Karan, age 18²

A 12-year-old junior high school student was raped and sodomized by three boys in the basement of her school. The boys were suspended for 10 days each. Despite her parents' repeated requests, the girl was not transferred and remains in the same class with the offenders.³

While many girls endure sexual violence, battering, and harassment, violence against women is typically cast as a problem facing adults. And although three out of every four child victims of violence are girls,⁴ violence against children is typically cast in gender-neutral terms. Thus, violence against girls and young women is often not given the attention needed to address the problem and make young women and girls safe. Moreover, without education and outreach, girls and young women are often forced to suffer in silence. Like adult women, girls often do not reveal the victimization they experience, whether out of love, shame, fear of retaliation, or fear of not being heard.⁵ Her silence may even become the weapon of a victimizer. Given the fear of escalated violence if they refuse to give in to male pressure, some girls report saying "yes" or falling silent when they want to say "no".⁶ The problem is exacerbated by the fact that so many children are witnessing male violence in their own homes which "may set the tone for boys to accept violence as normal, and for girls to see it as inevitable in their own relationships."⁷ It is essential that we break the silence about the violence that millions of girls and young women face every year.

Consider the following facts:

- According to the U.S. Department of Justice, young women between the ages of 16 and 24 experience the highest rates of violence by current or former intimate partners.⁸
- Forty percent of teenage girls between the ages of 14 and 17 report knowing someone their age who has been hit or beaten by a boyfriend.⁹
- One third of high school and college students experience violence in an intimate relationship during their dating years. According to community-based surveys, more than half of adolescent girls who reported being sexually assaulted were assaulted while on dates.¹⁰
- According to the U.S. Department of Education, there were an estimated 4,000 incidents of rape or other types of sexual assault in public schools across the country during the 1996-1997 school year.¹¹
- According to a 1992 survey, 62 percent of all forcible rape cases occurred to victims who were under 17 years of age; 32 percent of victims of rape were between 11 and 17 years old; 29 percent of victims were younger than 11 years old.¹²
- In 1996, convicted rape and sexual assault offenders serving time in state prisons reported that two-thirds of their victims were under the age of 18. Fifty-eight percent said their victims were 12 and younger.¹³

- More than 50% of female victims of violence by an intimate partner live in households with children under the age of 12.¹⁴
- Girls who reported that they had been sexually or physically abused were more than twice as likely as non-abused girls to report smoking, drinking and using illegal drugs. In addition, 32 percent of girls who had been abused reported bingeing and purging.¹⁵

The Response:

The Violence Against Women Act of 1999 or "VAWA 99" (H.R. 357) contains a number of components designed to address the violence in the lives of girls and young women.

Recognizing Teen Dating Violence - The current federal statutory definitions of domestic violence do not cover dating violence; they only specifically cover violence in relationships between current or former spouses, individuals who have a child in common and individuals who have lived together. The result is that only limited VAWA funding is available to address dating violence, leaving both adult and teen victims of dating violence with less than adequate services and protections. However, it is teenagers who are particularly negatively impacted by this unnecessary constraint. VAWA '99 would modify the federal definitions of domestic violence to include dating violence, thereby assuring that programming money is available to address the problem.

Violence Against Women Prevention in Schools - Title II, Subtitle B of VAWA '99 would provide grants to adapt, implement, and disseminate educational curricula and materials which were created under the original VAWA to address violence against women and girls. The grants would include training for school personnel and for children in elementary and secondary schools. The grants could also be used to develop effective school policies for addressing the violence that children and teens may be witnessing at home or experiencing themselves in a dating relationship.

Rape prevention education - Title III, Subtitle A of VAWA '99 would establish a National Resource Center on Sexual Assault and continue and expand the ongoing national and community efforts at rape prevention and education that are crucial for the safety of all girls and young women.

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Violence Against Women Act of 1999 “VAWA ‘99” — H.R. 357

VIOLENCE AGAINST OLDER WOMEN

In 1994, Congress enacted the Violence Against Women Act (VAWA I), a landmark piece of federal legislation that contained a broad array of ground-breaking laws to reduce and eliminate the epidemic of violence against women and children. VAWA I funded important systemic innovations in federal, state and local programs to assist victims of violence, enhance prosecution of domestic violence and sexual assault crimes, and prevent violence against women and children in their homes and on the streets. Despite VAWA I's successes, legislators and advocates alike agree that VAWA I was only a first step. To this end, the Violence Against Women Act of 1999 (VAWA '99 — H.R. 357) offers a more comprehensive approach to ending violence against women and children by expanding the programs and services created under VAWA I to specifically reach underserved populations that are experiencing violence, such as older women.

THE PROBLEM: Older women are frequently abused by family members, caretakers or intimate partners. However, scant attention is paid to this troubling phenomenon because domestic violence is usually cast as an issue affecting only younger and middle-aged women. Friends, neighbors, and even health care providers and other professionals may not recognize the signs of abuse in older women. They may mistakenly attribute symptoms of abuse and neglect to “old age” or conditions commonly associated with old age, such as dementia or an unsteady gait. Additionally, older women are often more economically vulnerable than younger women, and may fear poverty, homelessness, or loss of health care benefits if they report abusive behavior by a spouse or family member. Older abused women are often ashamed to speak out and lack knowledge of or access to effective support or assistance programs when they do try to seek help. This is due to a combination of a shortage of education and outreach programs specifically tailored to older women and the lack of training and technical assistance available to Offices on Aging, victim services, law enforcement and the justice system in dealing with older battered women.

CONSIDER THE FOLLOWING FACTS:

- **More than two-thirds of all abusers/neglecters/exploiters of older women are family members** — adult children (36.7%), spouses (12.6%), other family (10.8%), grandchildren (7.7%), and siblings (2.7%).¹ A study on elder sexual abuse found that 78% of suspected offenders were family members, and of that number, 39% were the victims' adult sons and 29% were the victim's spouses.²
- **Reports of domestic abuse against the elderly rose from 117,000 in 1986³ to 293,000 total reports in 1996.⁴** After taking the rates of reporting into account, the National Center for Elder Abuse extrapolates that there were 818,000 total elderly domestic abuse victims in 1994.⁵ In 1995 and 1996, 66% and 67.3%, respectively, of the victims in reported elder abuse cases were women.⁶
- **Victim's services programs are not meeting the needs of older abused women.** Despite widespread elder abuse by family members, older women are not effectively utilizing traditional victim's services programs. A survey conducted under the auspices of the Wisconsin Bureau on Aging examined 52 domestic abuse

programs in that state and found that 60% of the programs had served fewer than 10 older battered women in their entire histories.⁷ Another study in Florida found that less than 2% of the women using shelters in that state in 1991 were older women.⁸

THE SOLUTION: Title VI, Subtitle A of VAWA '99 (H.R. 357) amends and expands the original Violence Against Women Act, the Older Americans Act, and other related federal statutes to create a comprehensive approach that aims to eradicate violence against older women. Some of the key provisions included are:

- ◆ **Training programs for law enforcement, prosecutors, social service and health care providers** in recognizing, investigating, prosecuting, addressing and treating cases of elder abuse.
- ◆ **Initiatives to encourage domestic violence and sexual assault programs to develop services targeted at older abused women** and to provide increased access to and availability of domestic violence shelters and sexual assault programs. This section includes grants for outreach to elder women and for research on the sexual assault of older women and on the obstacles to providing shelter services to older abused women.
- ◆ **Grants to law school clinical programs** to incorporate cases of elder abuse and sexual assault into their caseloads.
- ◆ **Community initiatives and projects to prevent and combat elder abuse.** This section makes grants available to coordinate activities that focus on intervention and prevention of abuse against older women.
- ◆ **Initiatives to give preference to health profession training programs** that include a requirement for their students to receive significant training in the identification, treatment and referral of elder victims of domestic violence and sexual assault.

VAWA '99 contains these and many other provisions to end violence against traditionally underserved populations; such as training programs for judicial personnel, health care professionals, and social service providers to better assist disabled women; funding to Native American tribes to provide services, protection and justice to victims of domestic violence and sexual assault; and several provisions to allow battered immigrant women to leave abusive U.S. citizen or permanent resident spouses without fear of deportation or other adverse consequences.

Contact Juley Fulcher or Marlo Cohen in the Public Policy Office of the National Coalition Against Domestic Violence at (202) 544-7358 for more information.

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Violence Against Women Act of 1999 “VAWA ‘99” – H.R. 357

VIOLENCE AGAINST WOMEN WITH DISABILITIES

THE PROBLEM: Special issues arise when women with disabilities are the victims of abuse or violence, particularly if the abuser is someone close to them. Service providers and workers in the criminal justice system are often unaware of the unique issues facing women with disabilities and do not adequately identify and address such issues.

- Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.¹
- In domestic violence cases, women with disabilities stay with their batterers almost twice as long as women without disabilities.²
- Violence and abuse against women with disabilities takes many forms, including verbal abuse, physical abuse, sexual assault, forced isolation, control over economic resources, and the withholding of equipment, medication, transportation, or personal care assistance.³
- Many women with disabilities fail to report because they are dependent on their abusers and fear being abandoned or institutionalized.⁴
- Many women with disabilities are unable to leave abusive or violent spouses or co-habitants because of the inaccessibility of services or the fear of abandoning dependent children.⁵
- Law enforcement, the criminal justice system, legal services, and victim services are often not equipped or trained to effectively identify and respond to abuse or violence against women with disabilities.⁶
- Respondents to a national survey of 200 disabled women rated abuse and domestic violence as the number one priority issue to confront. They identified two key information needs: the development and dissemination of materials for women with disabilities and service providers about violence, and the dissemination of information to victim assistance programs and criminal justice agencies about their legal requirements to serve women with disabilities.⁷
- Disabled women are less likely to be believed when they report incidents of abuse or assault. Despite the high rates of violence, most crimes against disabled women go unreported.⁸

THE SOLUTION: Title VI, Subtitle B, of VAWA '99 (H.R. 357) amends the original Violence Against Women Act of 1994 to focus attention on the needs of women with disabilities and to protect such women from violence and abuse. Some of the key provisions are:

- **Creating grants for technical assistance programs that provide information on violence, abuse, and sexual assault against women with disabilities.** The amendment would provide funding for groups to compile information on the requirements of the Americans with Disabilities Act. This information would be sent to victims' services, battered women's shelters, and other facilities, along with suggestions on inexpensive ways to come into compliance so that women with disabilities receive appropriate assistance when contacting these programs. Grants would also be available to provide outreach activities to ensure that women who are individuals with disabilities and victims of domestic violence and sexual assault are aware of their rights and safety options.
- **Educating law enforcement personnel and employees of the criminal justice system about the special issues that arise when women with disabilities are the victims of abuse and violence.** Current law already encourages programs to educate police, prosecutors, judges, court personnel and victim services about domestic violence and sexual assault. This amendment provides that the special issues that arise when victims of violence have disabilities are addressed in these programs.
- **Providing for research and data collection on violence against women with disabilities.** The lack of complete and accurate information concerning violence against women with disabilities makes it a more difficult problem to solve. Studies must be done about the frequency and nature of abuse and violence against this highly vulnerable segment of the population. Under VAWA '99, research is encouraged that would include studies of women with disabilities that are victims of domestic violence and sexual assault.

For more information contact Curt Decker, NAPAS, at (202) 408-9514.

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The Access to Safety and Advocacy Act

Title IV Subtitle F of VAWA '99 (H.R. 357)

Title I Subtitle D of BWESSA (S. 1069)

The Access to Safety and Advocacy Act of VAWA '99 is intended to enhance safety and justice for victims of domestic violence through improved access to the justice system. Victims of domestic violence are often inundated with legal problems including the need for restraining orders, custody & visitation orders, reimbursement for medical bills and property damage, resolution of landlord-tenant disputes, and assistance with complicated divorce cases. The Act issues grants to provide legal assistance, lay advocacy, and referral services to victims who have inadequate access to sufficient financial resources for appropriate legal assistance. These grants would be available to every state, tribal land, territory, and commonwealth.

Victims of domestic violence face more than just bruises, broken bones, and broken spirits — they also face a complicated and varying set of legal problems. For example:

- ⇒ Mary is trying to leave her abusive husband. She has no job and no money, but she fears leaving her 3 children behind because her husband has threatened to harm them if she leaves. After a particularly severe beating, Mary is forced to leave the home without her children, fearing for her life. She needs legal assistance in order to obtain a protection order, custody of her children, and child support.
- ⇒ Sue's ex-boyfriend broke into her apartment and destroyed almost everything she owned including her furniture, her clothes, and her home office. He broke the windows in her car, and has repeatedly broken the windows in her apartment. Now her landlord is trying to evict her and her insurance company is increasing her premiums. Her ex-boyfriend's actions have left her in financial ruin and she is unable to afford legal assistance.

The Problem:

Currently, the majority of domestic violence service providers nationwide report that victim demand for lay and legal advocates far exceed their availability.¹

A civil protection order can resolve a survivor's family-law problems swiftly (e.g., temporary custody, temporary child support, etc.), but it only provides temporary relief — many orders expire in 6-12 months. Because so few domestic violence victims are represented by counsel, only a small percentage understand the need to file for permanent relief early in the life of their civil protection order. In the District of Columbia, for example, approximately 65% of petitioners and 70% of respondents are unrepresented in civil protection order cases.²

Fathers who batter the mother of their children are twice as likely as non-violent fathers to seek sole custody of their children.³ And despite the perception that mothers always win custody cases, studies show that fathers who contest custody win sole or joint custody in 40-70 percent of cases.⁴ It is not unusual for contested custody cases to cost over \$30,000⁵. In 1997, full time working women earned only 74.9% of median earnings for men.⁶ Clearly, battered women are often severely disadvantaged in legal proceedings against the batterer.

- According to one study, 5% of abusive fathers threaten to kill the mother during visitation, 34% threaten to kidnap their children, and 25% threaten to hurt their children.⁷ Statistics such as these reinforce the need for proper legal assistance for women fighting for the rights and lives of their children.
- According to a survey of the domestic violence shelters in Texas, approximately 75% of the shelters reported a great need for more legal services for divorces in domestic violence cases and 85% indicated a great need for legal services in regards to child custody cases. Only 25% of those surveyed believed that the quality of legal representation available reflected that legal counsel was informed about the issue of domestic violence.⁸

The Response:

The Access to Safety and Advocacy Act provides grants for domestic violence programs, bar associations, law school clinic programs, coalitions, and many other types of organizations to aid domestic violence victims who are unable to afford appropriate legal assistance with legal representation or lay advocacy in civil actions, administrative proceedings, or criminal cases.

These grants will be available to promote:

- ✓ better and more readily available legal assistance to enhance victim safety, economic protection, and protection of child victims
- ✓ the encouragement of partnerships between domestic violence programs, law firms, and advocacy programs
- ✓ increases in pro bono or low-cost representation by the private bar
- ✓ improved judicial and administrative handling of *pro se* cases
- ✓ an increase of clinical programs on domestic violence in law schools and increased continuing education programs for practicing attorneys

March 2, 2000

For more information, contact Juley Fulcher or Marlo Cohen at the National Coalition Against Domestic Violence at 202-745-1211.

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Violence Against Women Act 1999 VAWA '99 - H.R. 357

IMPLEMENTATION OF FULL FAITH AND CREDIT Title IV, Subtitle B

Background:

The Violence Against Women Act of 1994 requires states and tribal jurisdictions to give full faith and credit to protection orders issued by another state or Indian tribe. The goal of this legislation was to protect women if they are traveling, relocating, or if their daily activities take them across jurisdictional lines.

Here are some examples of how the legislation is meant to work:

- ⇒ A woman living in Washington, DC obtains a protective order from a Washington, DC court to protect her from her abusive ex-boyfriend. She works in Maryland. If her abuser stalks her at her job in Maryland, her DC order of protection is valid and enforceable by the Maryland police and courts.
- ⇒ A woman lives in Nevada. She obtains a protective order from a Nevada court to protect her from her abusive husband and files for divorce. The protection order gives her temporary custody of their two children. She takes her children to California to visit their grandparents during the Christmas holidays. Her abusive husband follows her to California and attempts to forcibly remove the children from the home of their grandparents. Her order of protection is valid and enforceable by the California police and courts.
- ⇒ A Sioux woman lives on the Sioux reservation with her abusive boyfriend during the summer. She obtains a protective order from the tribal court and goes back to college in the fall. Her abusive ex-boyfriend follows her and begins harassing her at school in South Dakota. Her order of protection is valid and enforceable by the South Dakota police and courts.

The Problem:

While the goal of the statute seemed straightforward, implementation has not been quick or easy. In fact, many jurisdictions have done nothing to implement full faith and credit. Police officers, court personnel, and judges often refuse to enforce the orders of other state and tribal courts. The barriers to implementation differ from jurisdiction to jurisdiction but here are some examples of common problems:

- Women have called the police when their batterers are harassing them only to be told that there is nothing that can be done because the order of protection from another state or tribal jurisdiction is not valid in the jurisdiction where the police have been called.
- In some cases, women have been denied access to the courts, being told by court personnel that filing a claim to hold the batterer in contempt for violating a court order is only possible in the state or tribal jurisdiction that issued the protective order.

Judges have refused to enforce the orders of other states, claiming that the order of protection must be registered in the new jurisdiction in order for it to be enforceable in that jurisdiction.

Some courts have required that a new protective order be issued on the protecting state's form, and that the new order be served on the batterer before it is enforceable in that state.

Protection orders issued by tribal courts have been virtually ignored by state jurisdictions and, more significantly, tribal courts are not legally recognized to have enforcement jurisdiction over offenders who are non-tribal members, even for crimes that they commit on the reservation.

These are all problems that VAWA '94 was meant to address. Non-enforcement means that victims of domestic violence are not safe. A protection order only provides protection to the extent that it is enforced by the police and the courts. It is crucial that we provide states and tribal jurisdictions with the information, tools and guidance that they need to carry out the full faith and credit requirements of VAWA '94 and provide safety for victims of domestic violence.

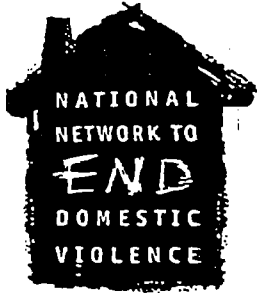
What VAWA '99 Does:

Title IV, Subtitle B addresses this problem directly. The proposed legislation:

- ✓ Clarifies VAWA's full faith and credit provisions to ensure meaningful enforcement by states and tribes by explaining that an enforcing jurisdiction can not require registration of an order issued in another jurisdiction in order to enforce the order.
- ✓ Clarifies that tribal courts have jurisdiction over any person -- tribal member, non-member Indian or non-Indian -- who violates a protection order within the tribal court's jurisdiction.
- ✓ Clarifies that custody and visitation provisions of a protection order should be accorded full faith and credit.
- ✓ Requires police officers called to the scene to assume a protective order from outside jurisdictions to be a valid and enforceable order.
- ✓ Directs the United States Attorney General to issue regulations specifying what states must have in place to be in compliance with VAWA full faith and credit provisions.
- ✓ Provides grants to states to implement full faith and credit. Eligible activities include: training police and court personnel; developing, installing or expanding data collection and communication systems to identify and track protection orders; and developing Memoranda of Understanding and other cooperative efforts across jurisdictional lines.
- ✓ Two years after passage of this subtitle, takes a ten-percent reduction in state Byrne grant funding for states that the Attorney General has deemed to be out of compliance with full faith and credit. A state that has been assessed the penalty will have a period of six months to come into compliance to reclaim lost funding. If after six months a state still fails to comply the funding will be redistributed to states in compliance.

February 29, 2000

For more information contact Juley Fulcher or Marlo Cohen in the Public Policy Office of the National Coalition Against Domestic Violence, at (202) 745-1211.



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FACT SHEET - Domestic Violence and the Military

"As the number of married service couples increase, more couples are fac[ed with] the challenge: of balancing military duties and family obligations."¹ The Department of Defense (DoD) is faced with a similar challenge of balancing military readiness and its responsibility to military families. The following discussion provides an overview of the DoD procedures for addressing incidents of domestic violence, the prevalence of domestic violence in the military, and suggestions for achieving a balance between the important interests of the armed forces, family welfare, and military strength.

Q Is domestic violence really a problem in the military?

A. Yes. There are over 800,000 married couples in the armed services. Although, "the majority of military families cope reasonably well and are satisfied with military life, a substantial percentage are at risk for partner violence."² The DoD has documented an increase in the rate of "substantiated abuse" from 14.5 per 1,000 spouses in Fy 1990 to 22.0 per 1,000 spouses in fiscal year (Fy) 1997.³

Q. How accurate are the pre-1997 rates of "substantiated abuse?"

A. Unclear. The DoD modified its procedure for tabulating the rate of "substantiated abuse from counting cases (which could include several incidents) in 1990 to counting incidents."⁴ Accordingly, it is impossible to ascertain whether the prior statistics reflect an accurate rate of "substantiated abuse" or should be equal to or higher than the 22.0 per 1,000 spouses in 1997. DoD data includes: "reports of physical abuse that did not require medical treatment and reports of emotional abuse without any physical abuse."⁵ Such data, however, is considered *unsubstantiated* unless it meets the DoD Family Advocacy Program's (FAP) definition of a "substantiated case."

Q. What is the definition of a "substantiated case" of abuse?

A. The DoD Family Advocacy Program defines a "substantiated case" as one in which the "preponderance of available information indicates that abuse has occurred."⁶ The DoD maintains a central registry of spousal abuse rates (which is separate and distinct

from the registry of substantiated rates). The central registry consistently reports a higher number of spousal abuse cases or includes anonymous self or spouse reported incidents of violence (versus the substantiated rates which exclude such reports). Also, [as previously noted] prior to Fy 1997 substantiated rates were ascertained by counting cases *versus* incidents of abuse. Accordingly, the rate of substantiated abuse should be viewed as a floor rather than a ceiling.

Q. What is the DoD Family Advocacy Program?

A. The FAP was formally established by the DoD in 1981 as part of policy directive 6400.1. The DoD has mandated that each of the military services establish programs for the prevention, reporting, investigation, assessment, treatment, and follow up of child abuse and neglect and spouse abuse. The programs and services addressing the problems of child abuse and neglect and spouse in the military are collectively referred to as the Family Advocacy Program (FAP). Responsibility for the FAP "rests with the commander and his or her designated Family Advocacy Program Officer (FAPO). Unless otherwise assigned, the commander and the FAPO are responsible for ensuring that the action to be taken in each program is completed." ⁷The directive emphasized a coordinated approach at several levels:⁸

- Among the Services;
- Between the Services and civilian agencies; [and]
- Between the F.A.P and similar medical and/or social programs, such as those dealing with substance abuse."⁹

Q. What are Military Protective Orders and how do they function within the reporting system?

A. Military Protective Orders (MPOs) are "similar to civil court orders of protection. They are issued by commanding officers, and formal hearings are not required. If ordered ex parte, they do not normally exceed 10 days in duration. If a longer period of safety and protection is required, the commanding officer normally gives victims and alleged offenders an opportunity to respond to abuse allegations. The purpose of the MPO is to stabilize the situation and to provide additional time for incident investigation while taking into account any hardships that may be imposed on both victims and alleged offenders. MPOs may direct service members to stay away from victims or designated places; refrain from contact with victims; refrain from doing certain things; and provide support for family members." ¹⁰

Q. What steps do FAPs follow in processing an incident?

A. In 1992, the DoD. "implemented uniform program standards for all installation FAPs."¹¹ These standards address program components which include, but are not limited to:

- "organization and management of the FAP;
- family support [prevention] services; [and]
- investigation, assessment of the complaint; and disposition of F.AP cases."¹²

Specific requirements for handling family advocacy cases are encompassed within these program areas from the "receipt of the initial report of abuse and opening of a case through case closure."¹³

Q. What type of penalties exist or what is the current level of offender accountability?

A. "When a service member has been accused of committing a family violence offense the commanding officer must direct or make a formal inquiry into such charges. After the investigation is complete, (s)he may dismiss the charges, initiate administrative action, impose non-judicial punishment (NJP), convene a summary or special courts-martial (if empowered to do so), or forward the case to general courts-martial convening authority."¹⁴ Dependent on the severity of the offense, punishments from punitive censure to confinement.

Q. Based on available research what policy recommendations have been made by military and civilian authorities?

A. The most commonly cited recommendations include:

- "Primary prevention [e.g., general education about the abuse] and secondary prevention efforts [e.g., services for high risk population] should be expanded;
- Self-reporting should be encouraged. Victims and aggressors may be reluctant to come forward due to concerns about confidentiality, fear of the consequences, and lack of knowledge about available services;
- Enhancement of confidentiality protection for F.A.P. victims and abusers [e.g., limit membership on review committees, when the commander notification is necessary label "eyes only" communication];

- Place higher level of emphasis on victim assistance [job training & search assistance, expand treatment options to address different types and levels of abuse];
- Have entire officer network share in the responsibility of teaching nonviolence [versus] just the FAP network."¹⁵
- Increase research funding for intervention and testing of the practices that are currently being utilized [e.g., team experienced civilian researchers with military researchers].
- Increase funding to surrounding non profits/parallel programs
- FAP definition of abuse lacks clarity or are not widely understood (and may not be the definition applied by commanders). Result: Lack of clarity may negatively affect reporting behavior and influence decisions about how to respond when "abuse" is reported.¹⁶
- Define parameters or narrow commanders' latitude of discretion: "The decision to take legal or disciplinary action rests solely with the service member's commanding officer; FAP staff rarely even make recommendations. Lacking training or uniform guidelines for dealing with abuse cases, commanders handle each incident on a "case by case basis," weighing various factors into their decisions. Because commanders have considerable discretion in how they respond to abuse cases, the overall military response to abuse incidents appeared to many arbitrary and inconsistent."¹⁷
- Follow Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P & R)); recommendation to utilize individual therapy by treating each partner in "separate but coordinated programs," that are "run by psychologists or social workers. "Research on the efficacy of these programs indicates they reduce aggression over time."¹⁸
- "Uniform Code of Military Justice (UCMJ) Article 128 definition of assault lacks clarity or fails to distinguish between various types of assaults and the seriousness of the harm that may be done. Unless an assault falls under one of the specifically enumerated aggravated assaults, it by default may only be charged as an Assault Consummated by a Battery (government limited to maximum confinement punishment of six months)."¹⁵

¹ West, Carolyn M., N.N.F.R.: *Partner Violence: A 20 Year Literature Review and Synthesis*, Family Research Laboratory, Univ. of NH (1995).

² Id.

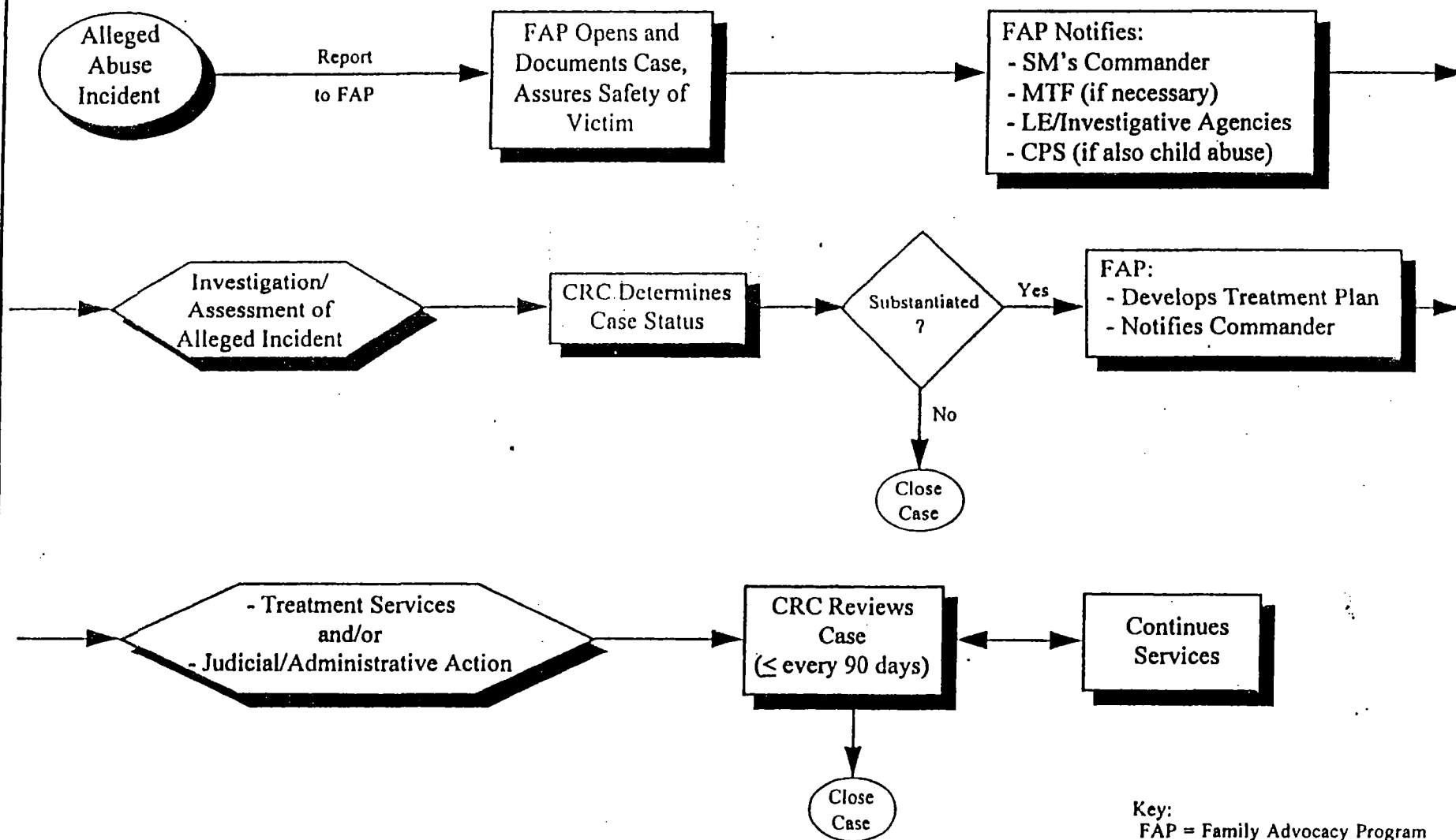
³ Department of Defense, *Spouse Abuse in Military Families*, (Sept. 1998).

⁴ Id.

⁵ Id.

⁶ *Final Report on the Study of Spousal Abuse in the Armed Forces*, Caliber Associates (Sept. 1996).

EXHIBIT II-5
OVERVIEW: FAMILY ADVOCACY PROGRAM PROCEDURES FOR
RESPONDING TO INCIDENTS OF SPOUSAL ABUSE



Key:
 FAP = Family Advocacy Program
 SM = Service Member
 CPS = Child Protective Services
 MTF = Medical Treatment Facility
 LE = Law Enforcement
 CRC = Case Review Committee

⁷ Family Advocacy Program: Standards and Self Assessment Tool, Assistant Secretary of Defense (Force Mgmt and Personnel) (1992).

⁸ *Abuse Victims Study Final Report*, Under Secretary of Defense for Personnel (1994).

⁹ *Id.*

¹⁰ Randy N. Eltringham, Ed.D. 14 *The Impact of Domestic Violence on Your Legal Practice: A Lawyer's Handbook*, American Bar Association Comm'n on Domestic Violence, 14-1 (1996).

¹¹ *Id.*, See also West, Carolyn M., *N.N.F.R.: Partner Violence: A 20-Year Literature Review and Synthesis* (1995).

¹² *Id.*

¹³ *Id.*, See also Exhibit I

¹⁴ Randy N. Eltringham, Ed.D. 14 *The Impact of Domestic Violence on Your Legal Practice: A Lawyer's Handbook*, American Bar Association Comm'n on Domestic Violence, 14-3 (1996).

¹⁴ *Id.*

¹⁵ Abuse Victims Study Final Report, Under Secretary of Defense for Personnel (1994).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁵ Lieutenant Commander Peter A. Dutton, JAGC, USN, *Spousal Battering as Aggravated Assault: A Proposal to Modify the UCMJ*, Naval Law Review (1996).

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Violence Against Women Act 1999

Domestic Violence Training Grants for CPS Workers **Title II, Subtitle E**

Background

Child abuse and domestic violence often occur in the same family and are linked in ways that have serious consequences for the safety of both the children and the parent who is not the predominant aggressor. First, domestic violence often results in physical or psychological harm to children. Second, even when it does not, it can compromise the ability of both the battered woman and the domestic violence perpetrator's ability to parent. Finally, the effectiveness of child abuse interventions is limited if domestic violence and the safety of the adult victim are not addressed.

- In a national survey of over 6,000 American families, researchers found that 50 percent of the men who frequently assaulted their wives also frequently abused their children (Straus & Gelles, 1996).
- Reviewing 200 substantiated child abuse reports, the Massachusetts Department of Social Services found that 30 percent of the case records mentioned domestic violence (Hangen, 1994).
- The Oregon Department of Human Resources reported that domestic violence was present in 41 percent of the families experiencing critical injuries or deaths due to child abuse or neglect (Oregon children's Services Division, 1993).
- 80 to 90 percent of children living in homes with domestic violence are aware of the violence (Carlson, 1984).
- Adolescents who have grown up in violent homes are at risk for recreating the abusive relationships they have seen (Jaffe and Sudermann, 1995).
- Women are eight times more likely to hurt their children while they themselves were being battered than after they left the abusive relationship (Straus, Gelles, and Steinmetz, 1980).

While research and service providers have noted an overlap between domestic violence and child abuse, domestic violence programs and CPS are collaborating to address it in only a handful of communities.

What VAWA does:

Title II, Subtitle E provides grants to states, Indian tribal governments, or units of local government to enable child welfare service agencies to partner with domestic violence service providers, coalitions and programs to train staff and modify policies, practices and services so that they are consistent with the following principles:

- 1) they protect the children,
- 2) they increase the safety and well-being of the children, including increasing the safety of the nonabusing parent;
- 3) they increase the safety of the children by supporting the autonomy and capacity of the adult victim;
- 4) They hold perpetrators, not the victims, responsible for stopping the abusive behaviors.

Eligible grantees are states, Indian tribal governments or local governments partnering with domestic violence service providers. Grantees must:

- 1) Develop protocols for screening intake assessment investigation and follow-up to reports of abuse and neglect, and
- 2) Train staff about domestic violence and sexual assault and their impact on children and adult victims, screening for domestic violence and assess danger to children and adult victims, appropriate interventions that give appropriate consideration to preserving those family members not responsible for the abuse, protection of victim confidentiality.
- 3) Develop community-based networks of services and supports that respond effectively to the needs of child and adult victims of domestic violence and sexual assault.

Authorized amounts are \$3, 000,000 for FY 2000, \$4,000,000 for FY 01, \$5,000,000 for each year FY 02 –FY 04.

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Violence Against Women Act of 1999 “VAWA '99” — H.R. 357

HOUSING FOR VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The Violence Against Women Act of 1994 (VAWA I) made significant progress toward reducing instances of domestic violence. It funds important systemic innovations in federal, state and local programs to assist victims of violence, enhances prosecution of domestic violence and sexual assault crimes and prevents violence against women and children in their homes and on the streets. VAWA I's success has also served to highlight areas where more comprehensive services and resources are needed. To this end, the Violence Against Women Act of 1999 (VAWA '99--H.R. 357) expands programs and services created under VAWA I and adds new programs that affect the safety and economic concerns of battered women and their children. VAWA '99 increases funding for battered women's shelter services, and includes a provision for supportive housing for individuals or families victimized by domestic violence, stalking or adult or child sexual assault.

THE PROBLEM: *Many women who leave their abusers are forced to return to their abusers because of inadequate shelter or lack of money. Even if they leave their abusers to go to a shelter, they often return home because the isolation from familiar surroundings, friends and neighborhood resources makes them feel even more vulnerable. Shelters and transitional housing facilities are often located far from a victim's neighborhood. Consider the following.*

- *The overall number of emergency shelters beds for homeless people is estimated to have decreased by an average of 3% in 1997 while requests for shelter have increased on the average by 3%. Emergency shelters struggle to meet the increased need for services with about 32% of the requests for shelter by homeless families going unmet due to inadequate resources for services.¹*
- *Of all homeless women and children, 50% are fleeing domestic violence.²*
- *Among cities surveyed, 44% identified domestic violence as a primary cause of homelessness.³*

THE RESPONSE: VAWA '99 includes provisions that address victims' safe, decent and affordable housing needs. Title I, Subtitle C - Battered Women's Shelters and Services provides \$1 billion in shelter services for battered women. VAWA '99 also includes a new, supportive housing program geared to victims of domestic violence and sexual assault. Title IV, Subtitle A - Domestic Violence and Sexual Assault Victims' Housing provides \$50 million through the supportive housing program of the Stewart B. McKinney Homeless Assistance Act to:

- Directly target funds to shelter providers to ensure that most of the funding goes directly toward transitional housing for clients;
- Obtain new money for shelter and social service providers to collaborate with affordable housing developers to provide transitional housing for domestic violence victims;
- Expand VAWA I's definition of transitional housing beyond tenant-based vouchers;
- Broaden eligibility criteria to include organizations that provide transitional housing placement to their clients despite the lack of housing in their missions;
- Require a 25% match for services from a source other than the \$50 million for transitional housing for domestic violence and sexual assault victims; and
- Provide a 5% set-aside to Indian tribes or Indian tribal organizations.

VAWA '99 contains these and many other provisions to mitigate the effects of violence and sexual abuse and to prevent their recurrence. For more information, please contact Susheela Varky, McAuley Institute, (301) 588-8110 x264 or svarky@mcauley.org.

Resources

¹ The United States Conference of Mayors, A Status Report on Hunger and Homelessness in America's Cities, December 1997, Appendix: "Hunger and Homelessness in America's Cities. A Thirteen Year Comparison of Data."

² The Women and Housing Task Force, *Unlocking the Door III: A Call to Action, Battered Women*, September 1996 (citing Schneider, Elizabeth, *Legal Reform Efforts for Battered Women: Past, Present and Future* (prepared for the Ford Foundation)).

³ The United States Conference of Mayors, A Status Report on Hunger and Homelessness in America's Cities, December 1997, Appendix: "Hunger and Homelessness in America's Cities. A Thirteen Year Comparison of Data."

CREATING HARMONY



ENDING VIOLENCE

Violence Against Women Act of 1999 “VAWA ‘99” — H.R. 357

Rape, Sexual Assault and the Use of Date Rape Drugs

In 1994 Congress passed the Violence Against Women Act, an historic piece of federal legislation that contains a broad array of ground breaking laws to combat the epidemic of violence against women. Despite VAWA’s success, legislators and advocates alike agree that many gaps in our laws remain. In the past few years the use of date rape drugs in cases of rape and sexual assault has received increased public attention. Title III, Subtitle F, Rescheduling and Classification of Date Rape Drugs is one important step in addressing this problem.

What is the Problem?

Drugs and alcohol are often used to incapacitate victims of rape and sexual assault. The most common substances used in drug induced rape are Rohypnol, GHB and ketamine.

The National Drug Intelligence Center reports that 57,000 tablets of Rohypnol were seized in a raid in 1995.

The DEA attributes 32 deaths and 3,500 incidents, including overdoses to GHB since 1992.

The DEA, in an article dated February 4, 1997, states that ketamine abuse is increasing. In an article in the “Forensic Drug Abuse Advisor” ketamine is cited as the “hot new drug of abuse.”

What are Rohypnol, GHB and Ketamine?

Rohypnol is...

- A sleeping pill, 10 times more powerful than valium.
- A drug that causes a decrease in blood pressure, memory impairment, drowsiness, visual disturbances, dizziness and confusion.
- A drug whose effects may persist up to 8 hours.
- Potentially fatal when put in alcoholic drinks.

Current Legal Status — Rohypnol is a schedule IV controlled substance. It is not medically sold in the United States.

GHB is...

- A banned anesthetic.
- Commonly used as a colorless clear liquid.
- A drug that causes decreased inhibitions, then drowsiness, then sleep.
- A drug which, in high doses, results in immediate intoxication, deep, unresponsive sleep and amnesia.
- Potentially fatal when mixed with alcohol.

Current Legal Status — GHB is illegal to manufacture or distribute but not to possess or use in the United States. GHB is of potential use in the treatment of narcolepsy. However, a schedule I drug may still be used for clinical trials if approved by the FDA.

Ketamine is...

- An animal tranquilizer that causes hallucinations and convulsions in humans.
- Commonly called "special K" on the street.
- Mixed in drinks to immobilize a woman targeted for sexual assault.
- A drug that can cause an agitated person to become violent and a depressed person to commit suicide.

Current Legal Status — Ketamine is not a scheduled drug. It is used in veterinary medicine. Veterinary use will not be affected by ketamine's classification as a schedule IV drug.

What is the Solution?

Title III, Subtitle F – Rescheduling and Classification of Date Rape Drugs, of VAWA '99 will amend the Controlled substances Act to increase the criminal penalties for the unlawful use of rohypnol, GHB and ketamine. This provision will not only serve as a deterrent to their distribution but also give law enforcement the tools that they need to keep these drugs out of the hands of perpetrators of crimes of sexual violence.

What can you do?

- ✓ Support VAWA '99.
- ✓ Be sure your Representative is a sponsor of H.R. 357, VAWA '99.
- ✓ Participate in public education efforts.

For more information on the rape and sexual assault provisions in VAWA '99, contact Susan Higgenbotham, South Carolina Coalition Against Domestic Violence and Sexual Assault at (803)256-2900 or Diane Moyer, Esq., Pennsylvania Coalition Against Rape at (717)728-9740.

For general information about VAWA '99, contact Juley Fulcher at the National Coalition Against Domestic Violence in Washington, DC at (202)544-7358.

March 9, 1999

Resources

The Flunitrazepam Blues: The Spreading of Abuse of Rohypnol, National Drug Intelligence Center, June 1998.

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Drug-Facilitated Rape: What Members of the Multi-Disciplinary Team Need to Know, Discussion Paper, Narcotic and Dangerous Drug Section, Criminal Division, U.S. Department of Justice, April 20, 1998.

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The New Drugs of the 1990's Control Act, Testimony by Senator Biden. April 30, 1998.

Potent Sedative Leaves Rapists' Prey Defenseless. Associated Press. May 30, 1996.

Senators Hear from Women Victimized by Date Rape Drug, Press Release. Senator Coverdell, July 16, 1996.

Pennsylvania Coalition Against Rape

125 N. Enola Drive ■ Enola, PA 17025 ■ Phone: 717-728-9740 ■ Fax: 717-728-9781



Violence Against Women Act of 1999 "VAWA '99" -- H.R. 357

TITLE IV: DOMESTIC VIOLENCE PREVENTION

The Violence Against Women Act of 1994 (VAWA) made significant inroads in the prevention of domestic violence. This progress, though, has brought to our attention several areas where additional Congressional action is required to continue the fight against domestic violence that we began in 1994. Having sufficient resources to live independently is a significant factor in a woman's ability to leave her abuser. Many battered women have limited economic resources. They cannot afford to establish new housing arrangements to be safe from their batterers or to hire attorneys to obtain protection orders, divorce decrees, and child custody orders. Even when battered women do obtain protection orders, law enforcement does not always honor them, as required under VAWA, once battered women leave their ordering states' jurisdictions. Further, fleeing battered women also are concerned that their abusers will discover their new homes. Finally, many insurance companies deny victims of abuse access to all lines of insurance by using domestic violence as an underwriting criterion.

THE PROBLEM

- Women who do leave their abusers lack emergency shelter options. The overall number of emergency shelter beds for homeless people is estimated to have decreased by an average of 3% in 1997 while requests for shelter have increased on the average by 3%. Emergency shelters struggle to meet the increased need for services with about 32% of the requests for shelter by homeless families going unmet due to inadequate resources for services.¹
- In 1994, an informal survey by the staff of the Subcommittee on Crime and Criminal Justice of the U.S. House Judiciary Committee revealed that eight of the 16 largest insurers in the country used domestic violence as a factor in deciding whether to issue insurance and in determining premiums.
- In 1996, 65% of all intimate partner homicides involved guns.² Family and intimate assaults involving guns are 12 times more likely to result in death than other family and intimate partner assaults.³
- Fathers who batter the mother are twice as likely to seek sole custody of their children than are nonviolent fathers.⁴ It is not unusual for contested custody cases to cost over \$30,000.⁵ In 1997, full time working women earned only 74.9% of median earnings for men.⁶
- Eighty percent of women who are stalked by former husbands are physically assaulted by that partner and 30 percent are sexually assaulted by that partner.⁷

THE RESPONSE

VAWA '99 includes important programs addressing the safety and economic concerns of battered women.

Domestic Violence Victims' Housing (Title IV, Subtitle A) makes funding available for supportive housing services through the McKinney Homeless Assistance Act, including rental assistance to victims trying to establish permanent housing safe from the batterer.

Full Faith and Credit for Protection Orders (Title IV, Subtitle B) clarifies and ensures meaningful enforcement by states and tribes of the 1994 VAWA's full faith and credit provisions; reduces Byrne grants to States by 10% for failure to comply with the full faith and credit requirements of VAWA '94 but with safeguards to allow law enforcement to come into compliance with full faith and credit before suffering a noncompliance penalty; increases access to funding for states to implement full faith and credit protocols.

Victims of Abuse Insurance Protection (Title IV, Subtitle C) prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination.

National Summit on Sports and Violence (Title IV, Subtitle D) is a sense of Congress that a national summit of sports, community and media leaders with expertise in anti-violence advocacy and youth advocacy should be convened to develop a plan to deter acts of violence.

Keeping Firearms from Intoxicated Persons (Title IV, Subtitle E) adds intoxication to the list of grounds for prohibiting sale of firearms.

Access to Safety and Advocacy (Title IV, Subtitle F) issues grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes.

Strengthening Enforcement to Reduce Violence Against Women (Title IV, Subtitle G) amends the Interstate Domestic Violence Statute to make it a crime to commit domestic violence or to violate a protection order in the course of travel in interstate commerce; criminalizes stalking in the course of travel in interstate commerce.

Disclosure Protections (Title IV, Subtitle H) protects victims fleeing from domestic violence from disclosure of their whereabouts through the federal child support locator service.

January 12, 1999

For more information contact Juley Fulcher or Marlo Cohen at (202) 544-7358.

ENDNOTES

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2. Lawrence A. Greenfeld, et al, *Violence By Intimates: Analysis of Data on Crimes By Current or Former Spouses, Boyfriends and Girlfriends* 3 (Bureau of Justice Statistics 1998).

3. Linda E. Saltzman, et al., "Weapon Involvement and Injury Outcome in Family and Intimate Assaults," 267 *Journal of the American Medical Ass'n* 3043 (1992).

4. American Psychological Association, *Report of the American Psychological Association Presidential Task Force on Violence and the Family* 40 (1996).

5. Joan Zorza, *How Battered Women Can Fight For Custody With Little Money* 7 (1997).

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7. Center for Policy Research, *Stalking in America*, July 1997.



NATIONAL DOMESTIC VIOLENCE HOTLINE

1-800-799-SAFE (7233)

1-800-787-3224 (TTY FOR THE DEAF)

Summary Information

Passage of HR 357—the Violence Against Women Act of 1999—is crucial to addressing the needs of battered women across the United States. Since beginning operations on February 21, 1996 through February 15, 1999, the Hotline has received 292,996 calls from victims of domestic violence and their concerned family and friends. Re-authorizing funding for the National Domestic Violence Hotline at the level set in HR 357 will ensure that this important service continues to provide the information, support, and referrals battered women need.

Who is calling the Hotline?

- ◆ *A young pregnant woman in Boston says her husband hit her last night and her three year old son tried to stop him. She asks if we know someone in her area who can help her. Referrals are provided.*
- ◆ *A Spanish-speaking victim in Arizona needs shelter for herself and her three children and wants to return to her hometown. A Hotline advocate calls a shelter in Phoenix, connects with a Spanish speaking counselor, and gets the counselor's name and directions to the shelter for the caller.*
- ◆ *A father in San Francisco calls to talk about his daughter, who moved to New Jersey and who hasn't called him in three months. He knows her boyfriend is abusive, and he wants to tell her how to get help in New Jersey when he calls her. A Hotline advocate gives him the names and numbers of several programs in New Jersey, and the name of San Francisco programs in case she returns home.*

Services available

- Hotline staff and volunteers provide victims of domestic violence and those calling on their behalf with crisis intervention, information about domestic violence, and referrals to local service providers.
- Hotline services are available 24 hours a day, 7 days a week, toll-free from anywhere in the United States, District of Columbia, Puerto Rico or the U.S. Virgin Islands.
- One call to the Hotline at 1-800-799-SAFE or 1-800-787-3224 (TTY for the Deaf) summons help in English or Spanish. Hotline staff and volunteers also have access to translators in 139 languages.
- Hotline call volume averages 9,000 calls per month with calls coming from all across the US and its territories.
- The Hotline provides educational and promotional materials in English and Spanish free of charge to organizations across the country, including state and national coalitions, shelters, law enforcement, WIC centers, radio and television broadcasters, health care providers, and others. These materials have been distributed in every state and US territory.
- The Hotline database contains more information on more than 4,000 organizations nationwide that provide shelter, counseling, legal advocacy, food and clothing, safety planning or other services. This database is the largest of its kind ever in existence and is continually updated and expanded.
- The Hotline Data Collection Program collects, analyzes, and makes available national data on the nature, scope and impact of family violence on the United States for use by professionals and policy makers at the local, state and national levels. This data has never before been available.

Who is Supporting the National Domestic Violence Hotline?

- The Hotline has received wide public support for its work, including financial support from foundations, corporations, and individuals.

Jane Doe Inc.

Violence Against Women Act of 1999 "VAWA '99" – H.R. 357

Title III – Sexual Assault Prevention and Education

In 1994 Congress passed the Violence Against Women Act (VAWA I), an historic piece of federal legislation that contains a broad array of ground-breaking laws and programs to combat the epidemic of violence against women and girls. Despite VAWA I's success, legislators and advocates agree that many gaps in our laws to protect and prevent further victims of violence remain. VAWA I funded important systemic innovations in national, state and local services to assist victims and prevent domestic violence. The success of these domestic violence programs provides a model for implementation of similar resources to prevent rape and sexual assault.

THE PROBLEM

- In 1995, approximately 876,100 forcible rapes and attempted rapes were perpetrated against women in the U.S.¹
- 54% of women raped in 1992 were younger than 18 years of age. 22% were under 12 years old and 32% were 12 to 17 years old when they were first raped.²
- 1 in 6 women has experienced an attempted or completed rape in her lifetime.³
- Women are 10 times more likely than men to be victims of rape or sexual assault.⁴
- In sexual assaults of female victims 12 years or older, 26% of offenders were intimates (current or ex-spouse, partner, boyfriend/girlfriend), 3% were other relatives, 53% were friends or acquaintances and 18% were strangers.⁵
- An estimated two-thirds of all rapes are not reported to the police.⁶ Many factors contribute to underreporting, including embarrassment, fear of retaliation or further injury, and fear of court police and court procedures that too often scrutinize and judge the victim's behavior, history and credibility.
- Several sociocultural influences contribute to the incidence and prevalence of sexual assault. These include increased acceptance of interpersonal violence, adversarial stereotypes of male and female relationships, prevalent myths about rape and sex role stereotyping.⁷
- A survey found that in one-third of all rapes and physical assaults perpetrated against women, the victim sustained an injury. In 36%⁸ to 41%⁹ of all such injury victimizations, the victim received some type of medical care (e.g., paramedic care, emergency room treatment, physical therapy).

Sexual assault service providers steadfastly labor in their communities and states to try to support survivors and end violence against women and girls, but because of the lack of adequate informational and organizational resources, are confronting a nearly impossible struggle.

THE RESPONSE

Rape prevention education (Title III, Subtitle A) establishes a National Resource Center on Sexual Assault; helps state coalitions provide technical assistance, information dissemination and educational programs to increase awareness about rape prevention; allots funds for the creation of tribal sexual assault coalitions.

Standards, practice, and training for sexual assault examinations (Title III, Subtitle B) evaluates existing standards of training, practice and payment of forensic examinations and recommends a national protocol.

Violence against women training for health professionals (Title III, Subtitle C) gives priority in funding to medical schools and training programs that require students to be trained in identifying, treating, and referring patients who are victims of domestic violence or sexual assault.

Prevention of custodial sexual assault by correctional staff (Title III, Subtitle D) established guidelines regarding the prevention of custodial sexual misconduct in prisons; prohibits individuals who have been convicted of or found civilly liable for sexual misconduct from becoming correctional staff; criminalizes sexual conduct between correctional staff and prisoners.

Hate crimes prevention (Title III, Subtitle E) amends federal hate crimes legislation to permit federal prosecution for bias crimes based on gender, sexual orientation and disability; funds additional FBI and law enforcement personnel to assist state and local law enforcement.

Rescheduling and classification of date-rape drugs (Title III, Subtitle F) amends the Controlled Substances Act by transferring flunitrazepam and by adding gammahydroxybutyrate to Schedule I and ketamine to Schedule III.

Access to safety and advocacy for victims of sexual assault (Title III, Subtitle G) makes grants available to enhance and improve legal assistance and advocacy on behalf of low-income and indigent persons who have inadequate access to sufficient financial resources for appropriate legal assistance.

March 8, 1999

For more information, contact Stephanie Brown at Jane Doe Inc., MCASADV, (617) 248-0922.

ENDNOTES

¹ National Institute of Justice, Centers for Disease Control and Prevention. *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*. (November 1998).

² *ibid.*

³ *ibid.*

⁴ U.S. Department of Justice Statistics, Bureau of Justice Statistics National Crime Victimization Survey. *Criminal Victimization 1996: Changes 1995-96 with Trends 1993-96*. (November 1997).

⁵ U.S. Department of Justice Statistics, Bureau of Justice Statistics National Crime Victimization Survey Special Report. *Violence Against Women: Estimates from the Redesigned Survey*. (August 1995).

⁶ U.S. Department of Justice, Bureau of Justice Statistics Executive Summary. *Sex Offenses and Offenders*. (December 1996).

⁷ Schwartz, I.L. "Sexual Violence Against Women: Prevalence, Consequences, Societal Factors, and Prevention. *American Journal of Preventative Medicine*. 7 (6). (1991).

⁸ National Institute of Justice, Centers for Disease Control and Prevention. *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*. (November 1998).

⁹ U.S. Department of Justice Statistics, Bureau of Justice Statistics National Crime Victimization Survey Special Report. *Violence Against Women: Estimates from the Redesigned Survey*. (August 1995).



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Domestic Violence and Work: What You Can Do to Help Battered Women

The Problem: Domestic violence is not confined to the home. In many cases, batterers may harass, stalk, or assault the victim at her job. Studies have shown that as many as 70 percent of employed battered women were harassed at work by their batterers. Unfortunately, many battered women are doubly-penalized -- first at home, and then at work -- if they are fired or demoted because of the abuse or because they took time off to go to court, to the doctor, or to make arrangements for their safety and the safety of their families.

Employers are beginning to recognize that it makes good business sense to develop policies and programs to help employees who are coping with domestic violence. Counselors are working with battered women to help them keep their jobs in the face of violence. Policymakers and legislators are developing initiatives to ensure that battered women are treated fairly at work, given time off for health and legal matters and provided the benefits and support needed to leave violent relationships and reach safety.

Whether you are an employer or an employee, a union member, an advocate or concerned community member, you can join the national effort to address this important problem. Following is a summary of initiatives being taken around the country to develop new policies and laws that help battered women with work-related issues that arise as they seek safety.

Working Together to End Domestic Violence at Work: While there are many things employers can do, they can start by issuing and implementing domestic violence policies in their workplace, holding educational and training sessions for employees and supporting community efforts to address domestic violence.

Policies: Employment policies can be critically important in helping battered women keep their jobs while dealing with the violence in their lives. Policies can help reduce the chance that domestic violence will surface at the workplace because employees will be more likely to work with management to develop safety plans if they are assured that they will not be penalized if they disclose that they are in an abusive relationship. Policies and collective bargaining agreement provisions addressing such issues as leave, flex time and disability should permit battered women to attend to legal or medical needs, or to alter their schedules so that a battering partner can no longer track their whereabouts. Desk locations, work assignments or telephone numbers can be changed to ensure safety from batterers. Some employers assign security personnel to escort employees to their car or to public transportation. Others have adapted sexual harassment or workplace violence policies to specifically address domestic violence. These steps, which frequently are no- or low-cost, help ensure the safety of everyone at work.

Training and Education: One of the most important components of a workplace response to domestic violence is a training and education campaign. Informing employees about domestic violence and about workplace and community resources to help victims can be key in letting women know about their options and encouraging them to get the help they need. General workplace awareness can help remove the stigma that frequently surrounds domestic violence and encourage women to develop workplace safety plans. Projects such as Battered Women Employed (BWE), a joint project of NOW Legal Defense and Education Fund and the Legal Aid Society of San Francisco, have developed fact sheets about battered women's employment rights.

Community Initiatives: Employers play important roles in community efforts to address domestic violence. Some work closely to support local service providers. Others make in-kind donations, such as food, clothing or telephones, consistent with their line of business. Still others participate in community initiatives to share information, mentor companies that have not yet addressed domestic violence, and advance an array of policies to improve workplace responses to domestic violence. In New York, for example, private companies have teamed up with small businesses, labor organizations, domestic violence advocates and government agencies to form SAFE@WORK, a coalition created to collect and disseminate resources about the impact of domestic violence at the workplace and how to deal with it.

Legislative and Policy Initiatives to Help Battered Women at Work

Federal Legislation: The key piece of legislation, the **Violence Against Women Act of 1999 (H.R. 357)**, has an entire section, Title VII, that addresses battered women's employment rights. Among other things, the bill would prohibit workplace discrimination against victims of domestic violence, stalking or sexual assault, provide leave time and unemployment benefits for domestic violence victims and sexual assault survivors, and provide tax credits for businesses that develop prevention and education programs to address domestic violence. These same employment provisions appear in the **Battered Women Economic Security and Safety Act BWESSA (S. 1069)**, and some are included in the **Violence Against Women Act** introduced in the Senate (**S. 51**). The full texts of these bills are available at <http://thomas.loc.gov> (type in the bill number). To receive summaries of the legislation or to get involved, contact Rachel Little at NOW LDEF (202) 544-4470 or rlittle@nowldefdc.org.

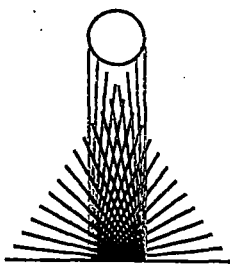
State and Local Initiatives: Some state and local governments have passed laws in three key employment areas: Anti-Discrimination, Employment Leave, and Unemployment Compensation:

Employment Anti-Discrimination Laws. Several states have enacted laws that prohibit employment discrimination on the basis of an employee's status as a domestic violence victim. Legislation recently enacted in California prohibits job discrimination against domestic violence victims for taking time off from work to obtain relief to ensure the health, safety and welfare of themselves or their children. Rhode Island prohibits employers from refusing to hire, discharging, or discriminating against a person *solely because she seeks or obtains a protective order*; Texas prohibits *welfare programs* from denying a victim of family violence access to education, training, employment and other services; and Maryland's Governor signed an Executive Order that prohibits unfair treatment of *state employees* by the employer based solely on their status as domestic violence victims.

Leave from Employment. Some new state laws provide paid or unpaid leave for domestic violence victims who need to take time off from work to deal with the medical, legal, and other effects of domestic violence. Maine and Miami-Dade County Florida have passed legislation providing employment leave for domestic violence victims. Similar legislation is pending in Pennsylvania. These bills differ in the amount of leave available, whether it is paid, and the types of services or proceedings for which leave may be taken.

Unemployment Insurance. At least 6 states have enacted laws that provide unemployment compensation for employees who lose their jobs due to domestic violence. These states include California, Connecticut, New Hampshire, Maine, New York, North Carolina, and Wyoming. Several other states have similar legislation pending including: Delaware, New Jersey, Oregon and Washington. In some other states, domestic violence victims may be eligible for benefits under existing unemployment compensation statutes.

For more information, contact Julie Goldscheid at (212) 925-6635, or Jackie Payne at (202) 544-4470. For additional resources, go to <http://www.nowldef.org>; <http://www.Safeatworkcoalition.org>; or the Family Violence Prevention Fund's Workplace Resource Center at <http://www.fvpf.org>.



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THE HATE CRIMES PREVENTION ACT of 1999 (HCPA) AMENDS 18 U.S.C. § 245 TO INCLUDE GENDER BIAS CRIMES

Current federal hate crimes legislation, 18 U.S.C. § 245 makes it a federal crime for private individuals to commit bias-motivated violence against persons engaging in certain federally-protected activities (such as voting) on the basis of race, color, religion or national origin. The Hate Crimes Prevention Act of 1999 (HCPA) amends the law to extend coverage beyond protected activities and to allow federal prosecutors to pursue bias crimes based on gender, as well as sexual orientation and disability.

WOMEN ARE TARGETS OF GENDER BIAS CRIMES:

New Hampshire: Although convicted on five occasions for assaulting one woman, a batterer never served time for the assaults. Upon his next assault conviction, a trial court judge held that the batterer had a pattern of assaulting, terrorizing, and demeaning women and that his actions were motivated by gender bias. The judge used the state hate crime law to impose a sentence of more than double the jail time that would have otherwise been given for a misdemeanor assault conviction. As a result, the man will now serve two to five years in jail.¹

Maine: A serial batterer was found to have violated that state's civil bias law for his crimes against women. Two former girlfriends and his ex-wife recounted his abuse, including severe physical battering, death threats, assault on his wife while she was pregnant, constant slurs and profanities, calling the women "sluts," "bitches," and "whores," and telling them that they made him sick. He was ordered to stay away from the three women and to refrain from violence against other women.²

Massachusetts: A Massachusetts state court found a serial batterer's abuse constituted bias crimes against women under the state's bias crime law. Four women testified that his abuse included severe physical battering, rape, death threats, and unlawful restraint. In conjunction with the physical abuse, the man constantly verbally abused the women, making derogatory comments and calling them "whores", "bitches", and "sluts."³

FEDERAL HATE CRIME LEGISLATION SHOULD TREAT GENDER BIAS CRIMES AS IT TREATS OTHER BIAS CRIMES.

Bias-Motivated Crimes Against Women Are Forms of Sex-Based Discrimination. Bias crimes against women are directed at women because of their gender. As with all bias crimes, gender bias crimes are attacks against an individual that send a message to all women and make them afraid. They limit where women work, live, study, and travel.

Florida: The media reports that a serial murderer "has a taste for petite brunettes." One by one, the bodies of his women victims are discovered horribly mutilated. Women in the community sleep in groups with guns. They leave town by the hundreds, many refusing to return. The murderer is eventually identified when his DNA matches semen from the crime scenes.⁴

Women Need Uniform Protection Against Bias Crimes. While states hold primary authority for prosecuting gender-based hate crimes, federal law is needed to ensure that women in every state have uniform recourse against bias-motivated violence. Presently only 20 states have laws addressing gender bias crimes.⁵

Gender bias crimes frequently go unpunished by state authorities. As Congress recognized when it enacted the 1994 Violence Against Women Act (VAWA), state law enforcement systems still persist in treating crimes committed against women less seriously than comparable crimes affecting men.⁶ Unfortunately, the majority of states still do not have laws prohibiting gender bias crimes. Even in the 20 states that have enacted these laws, many lack comprehensive penalties, procedures and enforcement.

Twenty-two State Attorneys General have gone on record urging Congress to amend 18 U.S.C. §245 to include gender-bias crimes. They stated: "The amendment to 18 U.S.C. Section 245 would provide invaluable tools for the United States Department of Justice and the United States Attorney to combat hate crimes effectively. Therefore, we strongly urge passage of this important hate crimes legislation."⁷

Nevada: In another state without gender bias crime laws, a woman befriends a man on the internet and agrees to meet him. For security reasons she insists they meet at her parents home, where she lives. He and another man come to the home, handcuff her, stuff her into the trunk of the car, kidnap, rape and assault her. They then drive her home telling her that no one will believe her. When she reports the assault, local police laugh at her, call her a liar, and tell her that if she is lying she will have to pay for the cost of the lab tests. The matter is not pursued until months later when a second victim, a seventeen year old girl, is lured to the same man's apartment, raped and escapes half naked. Four other women come forward to report that the local authorities treated their claims of sexual assault in a similar manner.⁸

Florida: In a state without laws against gender-bias crime, a woman runs from a fraternity house, naked and crying. She calls the police, alleging that she had been raped and that it had been videotaped. The police find the video tape in which at least one man assaults the woman while several of his "brothers" commentate for the video, stating "This is what you call . . . Rape. Rape. Rape. Rape white trash," "The night we rape a white-trash crack-head bitch," "It is Rape-thirty in the morning," and "Notice the struggle of the hands." After viewing the video, local police claim the video clearly demonstrates consent and arrest the woman for making a false report. The men have not been arrested.⁹

Until 18 U.S.C. § 245 includes gender bias crimes, victims of multi-bias crimes will not have justice. Women of color, lesbians, bisexuals, trans-gender individuals and those who resist traditional roles are targeted for violence based on intersecting forms of bias. Until 18 U.S.C. § 245 is amended to include gender bias crimes, their unique experience of violence based on intersecting forms of hate cannot be fully addressed.

Outlawing gender-based bias crimes brings the United States into compliance with international law. As a signatory to the International Covenant on Civil and Political Rights ("ICCPR"), the United States is obliged to provide broad protection against gender-based violence.¹⁰

NOT EVERY ACT OF VIOLENCE AGAINST WOMEN WOULD BE PROSECUTED .

Only crimes containing evidence of gender-motivation will be covered. As with other bias crimes, gender bias crimes will only be charged in those cases that meet the criteria for a bias crime prosecution. Generally accepted guidelines for identifying bias crimes direct courts to employ common sense and to look at a range of factors, including: *a history of misogynistic behavior, a pattern of assaulting women, sexual violence, bias language, epithets, extreme brutality, mutilation and seemingly motiveless cruelty that characterizes bias crimes.*¹¹ For example:

Arkansas: Two days after her second wedding anniversary, a woman was found stabbed approximately 130 times in the breasts, vagina, buttocks, both eyes and forehead. Her husband was charged with the murder.¹²

Gender bias crimes are identifiable. Congress recognized the applicability of those guidelines to gender-motivated crimes when it enacted the Civil Rights Remedy of VAWA 1994. Federal Courts have identified violence motivated by gender bias in a variety of contexts, including cases brought under the VAWA Civil Rights Remedy.

Federal District Court, Washington: Raped, restrained, battered, disfigured, threatened with a loaded shotgun, and verbally threatened and harassed upon attempting to leave, a Washington woman sued her ex-husband under the VAWA civil rights remedy. The court found that the allegations of rape and sexual violence were sufficient to conclude that the violence was gender motivated. These allegations included gender-specific epithets, acts that perpetuated stereotypes of a woman's submissive role, severe and excessive attacks, especially during pregnancy, and acts of violence committed without provocation and at times when the plaintiff asserted her independence.¹³

States retain primary authority to prosecute crimes of sexual assault and domestic violence. Under Section 245's certification requirement, federal resources may only be invoked for hate crimes prosecution once the Attorney General has certified that a prosecution is "in the public interest and necessary to secure substantial justice."¹⁴

The HCPA contains a "jurisdictional requirement" that further limits the gender bias cases subject to federal prosecution. Under HCPA, gender, sexual orientation, and disability based bias crimes may only be prosecuted where the crime is connected to interstate commerce. This ensures federal involvement only where traditional federal interests are involved.

WOMEN LACK FEDERAL PROTECTION AGAINST BIAS CRIMES.

No Federal Criminal Laws. None of the federal criminal civil rights laws specifically include gender. Section 245 currently is limited to bias crimes based on race, color, religion or national origin. Other federal criminal civil rights laws (such as those applying to public officials) prohibit interference with constitutionally-protected rights, but the courts have not consistently treated civil rights violations against women as covered by existing federal criminal law.

VAWA Provides No Criminal Remedy. The VAWA 94's Civil Rights Remedy¹⁵ permits a woman to bring a civil lawsuit for a gender-based bias crime. VAWA's felony provisions only cover interstate domestic violence and interstate violation of a protective order. Women surviving all other forms of gender bias crimes have no federal criminal recourse, even if their state law enforcement system has not prosecuted the crime.

The Hate Crimes Statistics Act Excludes Gender. The HCSA documents bias crimes on the basis of race, ethnicity, religion and sexual orientation, but excludes bias crimes against women. This limits documentation of gender-based violence and effective training of law enforcement personnel.

INCLUDING GENDER IN THE HCPA ENJOYS WIDE SUPPORT

The Clinton Administration strongly supports including gender bias crimes in the federal hate crime law. President Clinton recognizes that "we must prohibit crimes committed because of a victim's sexual orientation, gender or disability" because "all Americans deserve protection from hate."¹⁶ Noting that, "current federal law does not permit us to prosecute hate crimes based on an individual's gender, disability or sexual orientation," United States Attorney General Janet Reno has urged Congress to pass the HCPA to "close the gap in the law."¹⁷

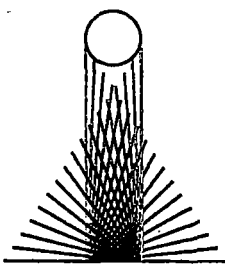
*The Department of Justice believes gender based bias crimes should be treated like all other bias crimes and supports amending 18 U.S.C. § 245. In 1998 the DOJ testified before both the House and Senate Judiciary Committees supporting the enactment of the HCPA because it would significantly increase the ability of state and federal law enforcement agencies to work together to solve and prevent a wider range of hate crimes, including those based on gender, than is possible under the current law.*¹⁸

*The American Public believes hate crime legislation is incomplete without gender. In a February 1999 poll conducted by CNN, Gallup, and USA Today, eighty-three (83) percent of those polled believe that if hate crime legislation is enacted it should include bias crimes against women.*¹⁹

A more detailed memorandum further explaining why gender-based bias crimes must be recognized and how they should be evaluated is available from NOW LDEF. *For further information, contact Julie Goldscheid, NOW LDEF (212) 925-6635 or Jackie Payne, NOW LDEF (202) 544-4470.*

Apr. 1999

1. Laura Kiernan, "N.H. Judge Applies Hate-Crimes Law in Case of Man's Assault on Woman," *The Boston Globe*, p.38 (June 13, 1993).
2. Maine v. Cabana, No. CV-98-034 (Maine Sup. Ct. Feb. 9, 1998).
3. Massachusetts v. Aboulez, No. 94-0984H (Mass. Sup. Ct. Mar. 14, 1994).
4. Deborah Sharp, "Trial begins in college slayings," *USA TODAY*, p. 3A (February 14, 1994).
5. Anti-Defamation League, 1999 Hate Crimes Laws, 20-21 (1998).
6. See, e.g., S. Rep. No. 103-138, at 49 (1993) (citing studies of state gender-bias task forces); S. Rep. 102-197, at 46-47 (1991) (same); Ericson v. Syracuse Univ., 98 Civ. 3435, at p.3 n.1 (S.D.N.Y. Apr. 13, 1999) (recounting reports of gender-bias task forces).
7. See Letter from twenty-two members of the National Association of Attorneys General to Senate Judiciary Chairman Orrin Hatch and Ranking Member Patrick Leahy, U.S. Senate (March 5, 1998) (on file with NOW Legal Defense and Education Fund).
8. The Associated Press, "Woman: Nev. Cops Called Me a Liar," *Newsday*, p. A24 (March 24, 1999).
9. See Statement of UF/SFCC Campus NOW (April 1, 1999) (on file with NOW LDEF); Brian Geller, "Videotape a Focus of Controversy," *Gainesville Sun* (April 2, 1999).
10. See International Covenant on Civil and Political Rights, opened for signature Dec. 16, 1966, S. Treaty Doc. No. 95-2, 999 U.N.T.S. 171 (ratified by United States on June 8, 1992). International human rights standards recognize gender-based violence as an impermissible form of discrimination. See, e.g., Compilation of General Comments and Recommendations Adopted by Human Rights Treaty Bodies, at General Recommendation 19, p.112 U.N. Doc. NRI/GEN/1/Rev.2 (29 March 1996).
11. See U.S. Dep't of Justice Federal Bureau of Investigation, Hate Crimes Data Collection Guidelines 1-4; Northwest Women's Law Center et al., Gender Bias Crimes: A Legislative Resource Manual 12-14 (1994); Center for Women Policy Studies, Violence Against women as Bias Motivated Hate Crimes: Defining the Issues 8-12 (1991). Decisions analyzing other civil rights laws, such as Title VII or 42 U.S.C. § 1985 (3) also demonstrate how circumstantial evidence can establish bias motivation underlying violent acts.
12. Suzanne Pharr, "Hate Violence Against Women: A Long Killing Season," *Violence Against Women* (National Network of Women's Funds, Spring 1991).
13. Ziegler v. Ziegler, No. CS-97-0467-WFN (E.D. Wa. Sept. 24, 1998).
14. 18 U.S.C. § 245 (a)(1).
15. 42 U.S.C. § 13981 (1998).
16. See Statement by the President, Office of the Press Secretary, The White House, (Nov. 10, 1997).
17. See Statement of Attorney General Janet Reno on Hate Crimes Legislation, DOJ Press Release, (Oct. 13, 1998).
18. Hearing on the Hate Crimes Prevention Act of 1998, S. 1529, before the Senate Comm. on the Judiciary, 105th Cong., 1st Sess. (July 8, 1998) (statement of Eric H. Holder, Jr., Deputy Atty. Gen.); Hearing on the Hate Crimes Prevention Act of 1998, H.R. 3081, before the House Comm. on the Judiciary, 105th Cong., 1st Sess. (July 22, 1998) (statement of Bill Lann Lee, Acting Asst. Atty. Gen.).
19. CNN/Gallup/USA Today conducted 2/19/99-2/21/99 (February 23, 1999) (on file with NOW LDEF).



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Real-Life Gender Bias Crimes

The following are all true stories of violence against real women summarized from newspaper articles and court cases. These examples have been identified as gender-bias crimes by using the widely accepted FBI guidelines for identifying bias crimes. Under these guidelines, analysts use common sense and look at a range of factors, including whether there is: *a history of misogynistic behavior, a pattern of assaulting women, sexual violence, bias language, epithets, extreme brutality, mutilation and seemingly motiveless cruelty that characterizes bias crimes.*¹ While a few of these examples demonstrate that states with gender bias crime laws are able to identify violence motivated by gender bias, others demonstrate why federal jurisdiction over these crimes is imperative.

Arkansas: A woman's badly mutilated body was discovered just two days after her second wedding anniversary. She had been stabbed approximately 130 times in the breasts, vagina, buttocks, eyes and forehead. Her husband was ultimately charged with the murder.²

California: On February 15, 1999, a man bound, gagged, and eventually killed a woman, her daughter, and a young woman friend in the women's hotel room just outside Yosemite National Park in Northern California. The bodies of the mother and the young friend were found a month later in the trunk of their car, so badly burned the cause of death was difficult to establish. The daughter's body was found nearby, her throat slashed so deeply she was nearly decapitated. According to the murderer, he sexually assaulted her for hours before killing her. A few months later the same man struck in Yosemite again, attacking a young woman in her home. After an intense struggle the man decapitated the young woman and dumped her body in a stream behind her home. He has since confessed to all of the murders, explaining that he has fantasized about killing women for the last thirty years. He did not know any of his victims, he targeted them simply because they were women.³

California: On November 3, 1998, a man was arrested after walking into the Humboldt County Sheriff's Department and admitting that he had hurt a lot of women. He pulled a woman's severed breast from his coat pocket, saying the evidence was "the tip of the iceberg." The man confessed to killing four women, describing how he picked up one woman as she walked near a shopping mall. He decapitated her, severed her arms and breasts and cooked one breast in the oven. He burned the woman's clothing and disposed of her body parts in various locations. Her nude torso was discovered 12 days later in a slough. The man admitted to authorities that he often picked up prostitutes and other women and that it was not uncommon for women to stop breathing while they were having sex with him.⁴

Connecticut: Two police officers have been charged with having coerced sexual favors from women under threat of arrest. While in uniform and on duty, Officer Rivera is alleged to have repeatedly coerced five different women to engage in sexual acts under threat of arrest. He forced one woman into his police vehicle and took her to a remote location, ordered her to pose nude while lewd photos were taken and forced her to engage in fellatio. He forced another to lie on the seat of the vehicle while he masturbated over her face and chest, forced her to masturbate with the police baton, and to engage in fellatio. He coerced another into engaging in sexual acts in exchanged for promises that his official actions would be influenced thereby. He grabbed another woman who was walking with her minor daughter, forced her into his patrol car, and told her: "Bitch, you are going to jail." "You f----- slut. One of these days you are going to suck my d--- and my a--hole" and forcibly ejected her from the car. Officer Basile is alleged to have: forced a woman into his vehicle, driven her to a remote location and coerced her to engage in fellatio with him, under threat of arrest; coerced

another to engage in fellatio with him, under threat of arrest; and coerced yet another woman to engage in fellatio with him on numerous occasions, also under threat of arrest. While these two officers have pleaded innocent to these charges, a third officer who was present and did not intervene in the incidents has pleaded guilty to aiding and abetting the officers, and a fourth man, a former officer, pleaded guilty to providing the camera that was used to take the lewd photos of the first victim.⁵

Illinois: Upon his confession, a man was convicted for the horrific murder of a 21 year old woman who was abducted on her way to work and whose mutilated body was later found in a cemetery. Authorities believe the man belonged to a cult blamed for the kidnappings, rapes, and mutilation murders of 18 Chicago-area women in the early 80's.⁶

Florida: The media reported that a serial murderer "has a taste for petite brunettes." One by one, the bodies of his women victims were discovered horribly mutilated. Women in the community slept in groups with guns. According to USA Today, women left the college town by the hundreds, many refusing to return. The murderer was eventually identified when his DNA matched semen from the crime scenes.⁷

Florida: A woman ran from a fraternity house, naked and crying. She called the police, alleging that she had been raped and that it had been videotaped. The police found the video tape in which at least one man assaulted the woman while several of his fraternity "brothers" commentate for the video, stating "This is what you call . . . Rape. Rape. Rape. Rape white trash," "The night we rape a white-trash crack-head bitch," "It is Rape-thirty in the morning," and "Notice the struggle of the hands." After viewing the video, local police claimed the video clearly demonstrated consent and arrested the woman for making a false report. The men have not been arrested.⁸

Maine: A serial batterer was found to have violated that state's civil bias law for his bias crimes against women. Two former girlfriends and his ex-wife recounted his abuse, including severe physical battering, death threats, assault on his wife while she was pregnant, constant slurs and profanities, calling the women "sluts," "bitches," and "whores," and telling them that they made him sick. He was ordered to stay away from the three women and to refrain from violence against other women.⁹

Massachusetts: A Massachusetts state court found a serial batterer's abuse constituted bias crimes against women under the state's bias crime law. Four women testified that his abuse included severe physical battering, rape, death threats, unlawful restraint and constant verbal abuse. He called the women "whores", "bitches", and "sluts", and made derogatory comments that they and all women are weaker than men, and not as smart as men.¹⁰

Michigan: A young woman was severely and repeatedly beaten by her husband. He kicked her with steel-toed boots, broke her arm, and repeatedly penetrated her vagina with the barrel of a loaded handgun, all the while threatening to kill her. After she left him he stalked, harassed, threatened, and assaulted her. She filed for divorce and got an order of protection, but the police refused to enforce the order. One day as she was on her way to work, he abducted her in public at gun point. He battered her, raped her repeatedly, and attempted to take her across state lines. She escaped and her testimony got him convicted. Four and one-half years later he was released from prison. Two weeks after that, he was back stalking, threatening, and harassing her. Perhaps realizing that the law does not protect her and those like her, the commission granted her an unrestricted license to carry a concealed weapon.¹¹

Nevada: A woman befriended a man on the internet and agreed to meet him, but for security reasons insisted that he meet her at her parents home, where she lives. He and another man came to the home, handcuffed her, stuffed her into the trunk of the car, kidnapped, raped and assaulted her. They then drove her home telling her that no one would believe her. When she reported the assault, local police laughed at her, called her a liar, and told her that if she was lying she would have to pay for the cost of the lab tests. The case was not pursued until months later after a second victim, a seventeen year old girl, was lured to the same man's apartment, raped and escaped half naked. After learning how the case was handled, four other women in the community reported similar treatment by the local authorities.¹²

New Hampshire: Although convicted on five occasions for assaulting one woman, a batterer never served time for the assaults. Upon his next misdemeanor assault conviction, a trial court judge held that the batterer had a pattern of assaulting, terrorizing, and demeaning women and that his actions were motivated by gender bias. The judge used the state hate crime law to impose a sentence of more than double the jail time that would have otherwise been given for a misdemeanor assault conviction. As a result, the man will now serve two to five years in jail.¹³

Washington: Raped, restrained, battered, disfigured, threatened with a loaded shotgun, and verbally threatened and harassed upon attempting to leave, a Washington woman sought justice from the legal system. She sued her ex-husband under the VAWA civil rights remedy. The federal court judge found that the allegations of rape and sexual violence were sufficient to conclude that the violence was gender motivated. These allegations included gender-specific epithets, acts that perpetuated stereotypes of a woman's submissive role, severe and excessive attacks, especially during pregnancy, and acts of violence committed without provocation and at times when the plaintiff asserted her independence.¹⁴

Virginia: A college student was raped in her dorm three times by two men within minutes of first meeting them. During a college disciplinary hearing, one of the men conceded that she twice told him "no" before he raped her. The young woman eventually dropped out of school and returned home after the school permitted one of the alleged assailants to return on a full athletic scholarship with no discipline other than being required to attend a one-hour educational session. Although her VAWA civil rights case against the men was eventually dismissed on other grounds, each court to analyze the facts found evidence of gender bias. Indeed, one judge said the case had "all the earmarks of a hate crime."¹⁵

1. See U.S. Dep't of Justice Federal Bureau of Investigation, Hate Crimes Data Collection Guidelines 1-4; Northwest Women's Law Center et al., Gender Bias Crimes: A Legislative Resource Manual 12-14 (1994); Center for Women Policy Studies, Violence Against Women as Bias Motivated Hate Crimes: Defining the Issues 8-12 (1991). Decisions analyzing other civil rights laws, such as Title VII or 42 U.S.C. § 1985 (3) also demonstrate how circumstantial evidence can establish bias motivation underlying violent acts.

2. Suzanne Pharr, "Hate Violence Against Women: A Long Killing Season," *Violence Against Women* (National Network of Women's Funds, Spring 1991).

3. Daniel Klaidman and Patricia King, "The Handyman and His 'Voices,'" *NEWSWEEK*, p. 36 (August 9, 1999).

4. Trucker Describes Slaying to Jury," *The Eureka Times-Standard* (April 8, 1999).

5. U.S. v. Rivera, No. 3:99CR63AWT (D. Conn. Apr. 8, 1999) (Grand Jury Indictment); U.S. v. Basile, No. 3:99CR64AWT (D. Conn. Apr. 8, 1999) (Grand Jury Indictment).

6. "IL Executes Man for 1982 Murder," *The Associated Press* (March 17, 1999).

7. Deborah Sharp, "Trial begins in college slayings," *USA TODAY*, p. 3A (February 14, 1994).

8. See Statement of UF/SFCC Campus NOW (April 1, 1999) (on file with NOW LDEF); Brian Geller, "Videotape a Focus of Controversy," *Gainesville Sun* (April 2, 1999).

9. Maine v. Cabana, No. CV-98-034 (Maine Sup. Ct. Feb. 9, 1998).

10. Massachusetts v. Aboulez, No. 94-0984H (Mass. Sup. Ct. Mar. 14, 1994).

11. Pam Maples, "Domestic Violence: Old Problem, New Attitudes; Attacks on Women are a Form of Hate Crime, Many Feminists Argue," p.4B *St. Louis Dispatch* (June 13, 1993).

12. The Associated Press, "Woman: Nev. Cops Called Me a Liar," *Newsday*, p. A24 (March 24, 1999).

13. Laura Kiernan, "N.H. Judge Applies Hate-Crimes Law in Case of Man's Assault on Woman," *The Boston Globe*, p.38 (June 13, 1993).

14. Ziegler v. Ziegler, No. CS-97-0467-WFN (E.D. Wa. Sept. 24, 1998).

15. Brzonkala v. Virginia Polytechnic and State Univ., 132 F.3d 949, 963 (4th Cir. 1997), rev'd on other grounds, 169 F.3d 820 (4th Cir. en banc 1999).

May 18, 2000

MEMORANDUM FOR MARIA ECHAVESTE

**FROM: ANN O'LEARY
HEATHER HOWARD
MARY SMITH
LAUREN SUPINA**

**CC: MELANNE VERVEER
BETH NOLAN
LYNN CUTLER
KAY CASSTEVENS
BRUCE REED**

SUBJECT: VIOLENCE AGAINST WOMEN ACT MEETING

On May 19, 2000, you are chairing a meeting, with Melanne Verveer, Lynn Cutler and Beth Nolan, with the coalition of women's groups that is pushing for reauthorization of the Violence Against Women Act (VAWA). The purpose of the meeting is to demonstrate White House commitment to fighting for the reauthorization of VAWA this year.

Attached as background material are:

- Agenda
- Talking points
- List of attendees
- Statement by the Vice President on new domestic violence statistics (released 5/17/00) and reauthorization (5/17/00)
- Statements by the President and Vice President on U.S. v. Morrison (the Brzonkala case) (5/15/00)
- A summary of U.S. v. Morrison
- Shalala/Reno letter to Chairmen Hyde and Hatch on reauthorization (5/15/00)
- Statement of Attorney General Reno on new domestic violence statistics and reauthorization (5/17/00)

FOR INTERNAL USE ONLY

Violence Against Women Act Meeting

Friday, May 19 2000

10:30 am – 11:30 am

Roosevelt Room

AGENDA

Maria Echaveste: Welcome and Overview

Melanne Verveer: Building an outreach strategy and importance to the First I

Lynn Cutler: Women's Caucus activities and importance to the Vice Presid

Beth Nolan: U.S. v. Morrison

Bonnie Campbell: Bureau of Justice Statistics' Special Report on Intimate violen

Director, Violence Against Women Office, Department of Justice

Kay Casstevens: Legislative Strategy

May 19, 2000 – VAWA Meeting

**Pat Reuss
NOW LDEF**

**Jackie Payne
NOW LDEF**

**Leslye Orloff
NOW LDEF – Immigrant Women Program**

**Juley Fulcher
National Coalition Against Domestic Violence**

**Lynn Rosenthal
National Network to End Domestic Violence**

**Lisa Lederer
Family Violence Prevention Fund**

**Ellen Nolan
National Alliance of Sexual Assault Coalitions**

**Diane Moyer
Pennsylvania Coalition Against Rape**

**Jody Rabhan
National Council of Jewish Women**

**Rob Valente
Pennsylvania Coalition Against Domestic Violence**

**Lisa Levine
AAUW**

**Joanne Howes
Bass & Howes**

**Donna Lenhoff
National Partnership for Women and Families**

**Bonnie Campbell
DOJ – Violence Against Women Office**

**MEETING WITH WOMEN'S GROUPS
REGARDING THE VIOLENCE AGAINST WOMEN ACT**

May 19, 2000

10:30 AM

Roosevelt Room

TALKING POINTS

- This Administration is committed to reauthorizing VAWA this year. VAWA programs have helped hundreds of thousands of women, through grants to law enforcement and shelters. As the statistics in this week's Department of Justice report show, our efforts to keep women safe from domestic violence are working, but we cannot relax our efforts. Now is the time to intensify our efforts to eliminate violence against women.
- The Supreme Court decision in Brzonkala is very disappointing but may help provide momentum for reauthorization.
- This issue is very important to the President, Vice President, and First Lady. This week both the President and Vice President issued statements expressing disappointment regarding the Supreme Court's ruling in Brzonkala and urging the Congress to reauthorize VAWA. On Wednesday, the Vice President issued a statement regarding the new statistics and again called for reauthorization.
- We are gearing up to push hard for reauthorization of VAWA and are planning to amplify the message:
 - We will be intensifying our efforts to work with the Hill and doing everything we can legislatively to move the reauthorization. We not only need to reauthorize the critical grant programs in VAWA, but also need to make critical improvements to the statute, such as expanding it to include dating relationships (which was taken out of Morella's bill in subcommittee). NOTE: **Ask** what their priorities are for the legislation.
 - We are also planning a meeting to reach out to law enforcement to help get the word out that the law enforcement community is seeing results and that they support reauthorization. We want to work with you to build a strong coalition for reauthorization.
 - We plan to do (an) event(s) to highlight the need to reauthorize. We want to demonstrate that there is broad, bipartisan support for VAWA. [NOTE: we should be a little vague about exactly what kind of event(s) we would do.]

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

May 15, 2000

STATEMENT BY THE PRESIDENT

I am deeply disappointed by the Supreme Court's decision today in *United States v. Morrison*. In this case, the Court struck down the civil remedy provision contained in the Violence Against Women Act (VAWA). In 1994, as part of comprehensive crime control legislation, I signed into law the Violence Against Women Act. This important piece of federal legislation contains a broad array of ground-breaking laws to combat violence against women. VAWA passed Congress with bipartisan support.

The Supreme Court's decision today does not affect the viability of VAWA as a whole. It does not affect any of the VAWA grant programs nor does it affect federal criminal provisions that punish interstate domestic violence and stalking crimes. The Supreme Court did, however, invalidate one important provision of the Violence Against Women Act that gave victims of gender-motivated violence the ability to sue their attackers for lost earnings, medical expenses, and other damages. Because I continue to believe that there should be remedies for victims of gender-motivated violence, we plan to study the Supreme Court's decision in *Morrison* to determine the best means to help these victims.

VAWA has provided funds to communities across the nation to address the tragedy of violence against women. These funds have made a crucial difference in women's lives. Unfortunately, VAWA funding is only authorized until the end of fiscal year 2000. I have made the reauthorization and strengthening of VAWA a top legislative goal for this year. If we work together, we can enact a bill that will keep women in this country safe from violence.

THE WHITE HOUSE

Office of the Vice President

For Immediate Release
Monday, May 15, 2000

Contact:
(202) 456-7035

**STATEMENT BY THE VICE PRESIDENT ON THE SUPREME COURT DECISION
TO OVERTURN A KEY PROVISION OF THE VIOLENCE AGAINST
WOMEN ACT**

I am deeply disappointed that, in a 5-4 decision, the Supreme Court today struck down a key provision of the Violence Against Women Act (VAWA). The Court struck down the important provision that gave victims of gender-motivated violence the power to sue their attackers for lost earnings, medical expenses, and other damages. Each year an alarming number of women fall prey to gender-motivated acts of violence. This decision is a setback for these women who each day strive to heal and repair the broken pieces in their lives caused by domestic violence.

The Supreme Court's decision today does not strike down all of VAWA. It leaves in place grant programs that have assisted communities in addressing the plague of violence against women in ways that have made a crucial difference to women across the nation. Nor does it affect federal criminal provisions that punish interstate domestic violence and stalking crimes.

But the authorization for VAWA funding runs out at the end of fiscal year 2000. I will do everything in my power to reauthorize the funding of this critically important legislation, and pledge my wholehearted commitment to work with Congress to try to restore this important protection for victims of gender-motivated violence.

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Summary of U.S. v. Morrison. — S. Ct. —, 2000 WL 574361 (May 15, 2000)

The Supreme Court today struck down 42 U.S.C. § 13981, a provision of the 1994 Violence Against Women Act that provides civil remedies for crimes of gender-motivated violence. Petitioner Christy Bronzkala filed suit under this provision, alleging that she was raped by respondents while they were students at the Virginia Polytechnic Institute. In a 5 - 4 opinion, the Supreme Court held that Congress lacked authority to enact § 13981 under either the Commerce Clause or Section 5 of the Fourteenth Amendment. Chief Justice Rehnquist, writing for the majority, held that the decision was compelled by the Court's opinions in United States v. Lopez, 514 U.S. 549 (1995), United States v. Harris, 106 U.S. 629 (1883), and The Civil Rights Cases, 109 U.S. 3 (1883).

On Commerce Clause grounds, the Court held that its analysis of § 13981 was governed by the framework set forth in Lopez, identified four "significant considerations" that had contributed to the Lopez decision, and applied them to § 13981. First, the Court stated that, in Lopez, the non-economic, criminal nature of the activity being regulated (namely, possession of a firearm in a school zone), was central to the Court's conclusion that Congress lacked regulatory authority under the Commerce Clause. Similarly, gender-motivated crimes of violence are in no way economic activity. Second, the Court found that, like the statute in Lopez, § 13981 fails to contain a jurisdictional element to limit its reach to a discrete set of activity that has an explicit connection with, or effect on, interstate commerce. Third, the Court explained that, although § 13981, unlike the statute in Lopez, was supported by numerous congressional findings showing the serious economic impact of gender-motivated violence, those findings could not in and of themselves sustain the constitutionality of the statute. Fourth, the Court explained that its Lopez decision rested in part on the fact that the link between gun possession and a substantial effect on interstate commerce was attenuated. In this case, the Congressional findings were weakened because they relied on the same already-rejected connection, namely a but-for chain of causation from the initial violent act to every attenuated effect upon interstate commerce. While the Court declined to "adopt a categorical rule against aggregating the effects of any non-economic activity in order to decide these cases," it intimated that it would not uphold commerce clause regulation of intrastate activity that was non-economic in nature.

In holding that section 5 of the Fourteenth Amendment does not give Congress the authority to enact § 13981, the Court noted that Congress could prohibit only state action, not private conduct. It rejected petitioners' suggestion that this conclusion, reached by the Court in Harris and The Civil Rights Cases, has essentially been overturned by more recent precedent. Furthermore, even assuming that this case could be distinguished on the grounds that Congress had evidence here of pervasive state bias against victims of gender-motivated violence, the Court held that the statute lacked the necessary "congruence and proportionality" between means and ends. It explained that § 13981 does not provide a remedy against state officials and applies to all states, regardless whether a particular state discriminates against victims of gender-motivated crimes.

THE WHITE HOUSE

Office of the Vice President

For Immediate Release

May 17, 2000

VICE PRESIDENT GORE CALLS ON CONGRESS TO REAUTHORIZE VIOLENCE
AGAINST WOMEN ACT

Today the Administration called on Congress to reauthorize the Violence Against Women Act (VAWA) for another five years in order to continue keeping women safe from domestic violence. According to the Department of Justice's "Intimate Violence" Special Report, released today, intimate partners -- including current or former spouses, boyfriends and girlfriends -- committed fewer murders in 1996, 1997, and 1998 than in any other year since 1976. This is proof that more women are safer today than they have been in almost a generation.

The report also found that in 1998, women experienced 20.3% fewer violent offenses at the hands of an intimate partner than in 1993. This is evidence that our administration's Violence Against Women Act (VAWA) and the over \$1 billion in grants for law enforcement assistance and battered women shelters which have been made under VAWA are working.

As I travel the country talking to youth, I have found that one of their greatest concerns is the devastating amount of domestic violence in their homes. While the numbers released today are very encouraging, the fact remains that there were still 876,340 violent offenses against women in 1998--down from 1.1 million in 1993. While the work of our administration has been key to reducing domestic violence--we cannot relax our effort to protect women against domestic violence. This is the time to intensify our efforts with the goal of eliminating violence in the home in any form.

That is why I am pledging to work with Congress to reauthorize the important VAWA legislation. And, I reiterate my wholehearted commitment to working with Congress to restore protections struck down by the Supreme Court earlier this week to give victims of gender-motivated violence the power to sue their attackers for lost earnings, medical expenses, and other damages.

Department of Justice



FOR IMMEDIATE RELEASE
WEDNESDAY, MAY 17, 2000 (202) 514-2007
WWW.USDOJ.GOV TDD (202) 514-1888

STATEMENT OF THE ATTORNEY GENERAL ON REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

"Thank you Senator Biden, Senator Schumer, Representative Conyers, Representative Morella, Representative Baldwin, and the other members here, for your leadership in combating violence against women. I would also like to thank Bonnie Campbell for the important work she has done as the Director of the Violence Against Women Office. We are here today to express our support for legislation that will reauthorize the Violence Against Women Act and make improvements to this statute that Senator Biden has described.

"In 1994, Congress sent a clear message to this nation that violence against women is not just wrong -- it is a crime. Today, we must fortify that message by reauthorizing and strengthening the Act.

"This morning, the Bureau of Justice Statistics released a Special Report on Intimate Partner Violence that tells us that we have made real progress -- intimate partner violence has decreased. Violence against women by intimate partners fell by 21% from 1993- 1998. However, the study tells us that violence still devastates too many lives and too many women, children and families in this country.

"Intimate partner violence made up 22% of violent crime against women between 1993 and 1998. That is too much. In 1998, women made up nearly 75% of the 1,830 intimate partner murder victims. And the percentage of female murder victims killed by intimate partners has remained constant at about 30% since 1976.

"We must continue our efforts -- by police, by prosecutors, by physicians, by judges, by advocates, by community leaders, and here, in Congress. We must work together to keep victims safe and hold offenders accountable. With the authorization for VAWA funding set to expire this year, we cannot fail to act when so many women in this country are victims of domestic violence, sexual assault and stalking.

"As Secretary Shalala and I outlined in a letter delivered this morning to chairmen Hatch and Hyde, we need this legislation that continues to support community-based efforts, strengthens federal criminal enforcement and protects all victims, including battered immigrant women, Native American women, and those in dating relationships.

"As you know, on Monday, the Supreme Court in United States v. Morrison invalidated

one aspect of the Act-- the federal civil suit remedy for victims of gender-motivated violence. I

-MORE-

am deeply disappointed by the Court's ruling, but that decision does not affect the other important aspects of VAWA, including our responsibility to implement the criminal provisions of VAWA. Nor does it affect Congress' authority to re-authorize and improve VAWA. I urge Congress take prompt action to get this Act passed to end violence against women.

"Finally, I want to say -- as I have said time and again -- that we will not stop violence on our streets and in our neighborhoods, unless we first stop violence in our homes. With crime down eight years in a row, we have a unique opportunity to end the culture of violence in this county -- wherever it takes place. Now, we must seize that opportunity."

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00-276



The Department of Justice
and
The Department of Health and Human Services



May 15, 2000

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Six years ago, Congress passed, and the President signed, the landmark Violence Against Women Act (VAWA). Thanks to your leadership and that of Senator Biden, the Violence Against Women Act has become an important tool in this country's effort to combat domestic violence, stalking, and sexual assault. During the past 6 years, this law has made a critical difference in the lives of countless women and children. In implementing the Act, the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) have forged a new partnership to expand our prevention efforts, ensure the safety of more victims, and hold perpetrators of violence accountable for their acts.

Overall, more than \$1.5 billion in VAWA grant funds have supported the work of prosecutors, law enforcement officials, the courts, victim advocates, and intervention and prevention programs to address violence against women at the federal, tribal, state, and local levels. Under five discretionary grant programs, DOJ has awarded more than 900 grants and has also awarded 280 STOP (Services, Training, Officers, Prosecutors) formula grants to the states and territories. More than 6,500 STOP subgrants have supported community partnerships to address violence against women. To date, DOJ has prosecuted 242 cases in the federal system involving interstate domestic violence, interstate stalking, interstate violation of a protection order, or possession of a firearm while under a protection order or after conviction for a misdemeanor crime of domestic violence. Through VAWA funding, HHS has provided grant funds to shelter more than 300,000 women and their dependents each year and the National Domestic Violence Hotline has responded to approximately 500,000 calls. VAWA resources for community-based domestic violence and sexual assault programs and the training of health care and social services professionals have ensured that more women seeking help after being sexually assaulted or battered can receive the assistance they need in their own communities.

The programs and initiatives that we have established are only the beginning of our struggle to end violence against women in our Nation. Violence still devastates the lives of many women and children. Our national statistics are sobering:

- Nearly one-third of women murdered each year are killed by their intimate partners.
- Violence by intimates accounts for over 20 percent of all violent crime against women.
- Approximately one million women are stalked each year.
- Women were raped and sexually assaulted 307,000 times in 1998 alone.

The Federal Government alone cannot solve the problem. But we can help provide to states and communities the tools they need to prevent and fight violence and to assist victims, and we can make certain that federal law enforcement is unhindered in its pursuit of those offenders who violate federal law. Congress and this Administration have an opportunity now to build on our strong record opposing violence against women. We therefore urge Congress to continue its unprecedented bipartisan leadership on this issue and both re-authorize the Violence Against Women Act and make critical improvements to the statute. We believe that the following provisions are essential to include in violence against women legislation.¹

1. Re-authorize and improve the Violence Against Women Act grant programs.

The Violence Against Women Act of 1994 authorized and funded critically important grant programs to forge partnerships among federal, state, tribal, and local governments, between the criminal justice system and victim advocates, and within communities. The VAWA grant programs assist state, tribal, and local governments and agencies in training personnel, enforcing laws, developing policies and procedures, assisting victims of violence, and holding perpetrators accountable. Over the past six years, victim services providers, including battered women's shelters and rape crisis programs, victim advocates, law enforcement, prosecutors, courts, health care providers, and community organizations have all received crucial VAWA funding.

¹ Today's decision by the Supreme Court in United States v. Morrison, which invalidated VAWA's federal civil remedy for victims of gender-motivated violence, does not implicate or affect Congress's ability to re-authorize and strengthen VAWA in the manner proposed in this letter.

These grant programs have proved to be an effective tool in our fight against violence against women. The following steps, which are included in the Administration's proposed crime bill, would help to continue and improve these programs:

- Re-authorize through fiscal year 2005 the critical DOJ and HHS programs so we can expand investigation and prosecution of crimes and provide greater numbers of victims with much needed assistance. It is particularly important to ensure that funding for domestic violence and sexual assault programs is adequate to respond to the increasing demand for their services as the criminal justice, medical and social services systems more regularly identify and refer victims to them.
- Re-authorize the Battered Women's Shelter program to expand and provide services to more of those who are currently underserved, such as women of color, older women, women with disabilities, and women in rural areas.
- Re-authorize the National Domestic Violence Hotline at a level adequate to continue the high quality services currently provided and to expand the training and knowledge of the staff to deal with related issues, such as sexual assault.
- Provide authorizing legislation for the Domestic Violence Victims' Civil Legal Assistance Program, which currently operates only under appropriations acts. This vital program offers victims legal representation in cases related to their safety and well-being.
- Continue to support research and evaluation in order to provide sound data for ongoing improvement of policies, practices and programs for reducing violence against women.
- Provide authorizing language to allow HHS to utilize funds for administrative purposes, such as monitoring and stewardship, to support the programs and services provided to victims of domestic violence.
- Extend to fiscal year 2005 the authorization of the Grants to Combat Violent Crimes Against Women on Campuses Grant Program, which focuses on the safety of women at institutions of higher education.
- Amend the definition of domestic violence under all VAWA grant programs to permit support of services for victims of dating violence in all funded jurisdictions.

The recent, tragic death of a young Columbia University student at the hands of her boyfriend in February 2000 underscores the need to protect young people trapped in violent relationships.

- Direct critical resources toward traditionally underserved populations. Adding these populations to the "purposes" sections of existing grant programs will reinforce our commitment to serve these victims.
 - Set aside 5 percent of Department of Justice grant funds for tribes. A recent study by the Bureau of Justice Statistics found the rates of violent victimization were substantially higher among Native Americans. The rate of violent crime experienced by Native American women is estimated to be more than twice that experienced by women generally. We can best combat this violence by helping tribes to provide focused, culturally appropriate assistance to victims in their communities.
 - Include a specific allocation for courts in the STOP Violence Against Women Formula Grant Program (STOP program) and re-authorize the State Justice Institute VAWA grants for model judicial training programs, so that judges and other court personnel can receive the training and resources they need to enhance their handling of domestic violence and sexual assault cases. Educated judges ensure that orders enhance victim safety and that offenders are held accountable through graduated sanctions.
 - Amend VAWA to include a re-allotment provision in the STOP program so that funds that remain unobligated after 2 years may be reallocated to support victim services projects.
 - Re-authorize through fiscal year 2005 rape prevention and education programs that help to supplement the rape crisis centers and state sexual assault coalitions.
 - Re-authorize through fiscal year 2005 the Community Coordinated Response programs that support the development and implementation of coordinated community intervention and prevention activities concerning violence against women.
2. Amend Title 18 to strengthen federal domestic violence laws and protect Native American and other women.

The Violence Against Women Act and subsequent legislation added criminal provisions to Title 18 that authorized federal law

enforcement officials to investigate and prosecute crimes of interstate domestic violence, stalking, and violations of protection orders. Based on our experience implementing the VAWA criminal provisions, we now have identified ways in which these provisions of Title 18 can be made more effective. To this end, we support a number of changes to the VAWA criminal provisions that would improve our ability to protect Native American victims of violence. Native American women are suffering from domestic violence and sexual assault at extraordinary rates. Minor statutory changes will clarify that victims who live in Indian Country enjoy the full protection of federal law and will enable us to apprehend and prosecute offenders who victimize Native American women or cross tribal boundaries to pursue or abuse their victims. We also advocate other technical amendments that are designed to clarify the elements of the VAWA offenses, ensure consistency in their statutory language, and close loopholes that hamper effective prosecution of these crimes.

3. **Authorize federal law enforcement officials to protect victims in dating relationships with their abusers.**

The Violence Against Women Act empowered federal law enforcement officials to bring certain dangerous offenders to justice. Data collected by the Bureau of Justice Statistics indicate that domestic violence occurs at the highest rates among young persons aged 16-19 and 20-24 and that more than four in ten incidents of domestic violence involve non-married persons. The Violence Against Women Act as enacted in 1994, however, does not authorize federal law enforcement personnel to apprehend and prosecute offenders who prey on these young victims. Just as it is essential to cover "dating relationships" in grants to all jurisdictions, we believe that it is critical to clarify specifically that the VAWA criminal provisions cover "dating relationships" in order to close a dangerous loophole in federal law.

4. **Protect immigrant women and children from domestic violence.**

The Violence Against Women Act included important provisions to protect battered immigrant women and children. The central premise of these protections was that no one should be forced to choose between deportation and abuse - that is, an abuser should not be able to use United States immigration laws as a means to coerce, control, or intimidate a spouse or child. Since the enactment of the immigration provisions of VAWA, more than 6,000 battered immigrants are now eligible for lawful permanent residence based on their approved self-petitions, enabling them to work and provide for a safe future for themselves and their families. However, the complexities of immigration law have undermined the relief created by VAWA. Consequently, many women

and children with approved self-petitions are unable to seek adjustment of status. It is essential to pass amendments that redress these undesired effects while ensuring that domestic abusers with immigrant victims are brought to justice and that the battered immigrants Congress sought to help under VAWA are able to escape the abuse.

5. Amend the full faith and credit provision of the Violence Against Women Act.

Enforcement of protection orders is a cornerstone of victim safety. To improve such enforcement, the Violence Against Women Act, 18 U.S.C. § 2265, requires states and territories to give full faith and credit to protection orders issued by the courts of other states, territories, or tribes. As we have worked with jurisdictions on implementing this provision, we have identified two aspects of the statute that should be clarified in order to enhance enforcement across all jurisdictions in our Nation.

Currently, a few states require victims with protection orders from other jurisdictions to register those orders in their courts, creating an unnecessary and dangerous prerequisite to enforcement. Some jurisdictions notify abusers that such orders have been registered, gravely endangering victims who have relocated to hide from their abusers. To secure the safety of these victims, we urge you to amend the full faith and credit provision of VAWA to prohibit registration as a prerequisite to enforcement of foreign orders and to prohibit notification of a batterer without the victim's consent when a foreign protection order is registered in a new jurisdiction.

We must reinforce that protection orders issued by tribes are entitled to full faith and credit by states. Tribal orders are essential to protecting Native American victims and deserve the same recognition as state orders. In addition, we must make it clear that Indian tribes have jurisdiction to enforce protection orders and hold offenders, both Indian and non-Indian, accountable.

6. Facilitate filing and service of protection orders for victims.

Recipients of STOP formula grant funds under the Violence Against Women Act should be required, as a condition of their grant, to facilitate filing and service without cost to the victim in both civil and criminal cases. Current federal law regarding eligibility criteria for states and tribes to receive grants under the STOP program does not clearly prohibit charging fees for all of these services, leaving many victims struggling with the cost of initiating protection order proceedings and serving the orders. We cannot permit financial resources to

The Honorable Orrin G. Hatch
Page 7

determine victim safety and access to the protections of our legal system.

7. Ensure that children remain in the custody of non-abusive parents.

We can reduce the impact of domestic violence on children by helping to ensure that children remain in the custody of non-abusive parents. We believe that the federal Parental Kidnaping Prevention Act should be amended to enhance the ability of victims fleeing from abuse with their children to obtain custody orders without returning to dangerous jurisdictions.

We also support establishing grants for supervised visitation centers to help preserve families and protect children from violence by creating safe places for visitation and exchange of children. These centers help protect victims of domestic violence and their children and minimize the danger of parental abduction.

These seven points are critical elements of a federal legislative plan to reduce violence against women. We also want to express our support for other programs that combat violence against women that do not fall under the authority of the Department of Justice or the Department of Health and Human Services. Members of Congress have introduced legislation that contains many important programs, including employment protections, housing assistance initiatives, and protection for victims of abuse who experience insurance discrimination, that will dramatically improve the lives of victims and their families.

Thank you again for your thoughtful consideration of these issues and for all the important work that you have done to safeguard lives and support victims of domestic violence, sexual assault and stalking. We cannot rest while so many women and children live in terror and experience violence. We have made great strides in the last 6 years, and we are proud of our joint accomplishments. But even that progress has demonstrated the need to do more. We look forward to working with you as we renew our efforts to free our Nation of violence against women.

Sincerely,



Janet Reno



Donna E. Shalala

REAUTHORIZATION OF VAWA

What we want to accomplish in reauthorization:

- Reauthorize grant programs
- Fix/Add:
 - Dating relationships (currently only covers spouse, former spouse, or situated as spouse – does not cover dating relationships and therefore excludes many, esp. young women)
 - Battered immigrant provision (restore VAWA protections vitiated by IRIRA)
 - Native American women (clarification that women in Indian Country are covered)
 - Enforcement of protective orders (prohibit registration as a prerequisite to enforcement of foreign orders)
 - Ensure that children remain in custody of non-abusive parents (allow victims to obtain custody orders without returning to dangerous jurisdictions)
 - Legislative fix to Bzronkala (is there one)?

Internal strategy

Inter-agency strategy

Legislative strategy

Coalition strategy

The Honorable Henry J. Hyde
Chairman, Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Six years ago, Congress passed, and the President signed, the landmark Violence Against Women Act (VAWA). Thanks to the leadership of you and Senator Biden, the Violence Against Women Act has become an important tool in this country's effort to combat domestic violence, stalking, and sexual assault. During the past six years, this law has made a critical difference in the lives of countless women and children. In implementing the Act, the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) have forged a new partnership to expand our prevention efforts, ensure the safety of more victims, and hold perpetrators of violence accountable for their acts.

Overall, more than \$1.5 billion in VAWA grant funds have supported the work of prosecutors, law enforcement officials, the courts, victim advocates, and intervention and prevention programs to address violence against women at the federal, tribal, state, and local levels. Under five discretionary grant programs, DOJ has awarded more than 900 grants and has also awarded 280 STOP formula grants to the states and territories. More than 6,500 STOP subgrants have supported community partnerships to address violence against women. To date, DOJ has prosecuted 242 cases in the federal system involving interstate domestic violence, interstate stalking, interstate violation of a protection order, or possession of a firearm while under a protection order or after conviction for a misdemeanor crime of domestic violence. Through VAWA funding, HHS has provided grant funds to shelter more than 300,000 women and their dependents each year and the National Domestic Violence Hotline has responded to over 430,000 calls. VAWA resources for community-based domestic violence and sexual assault programs and the training of health care and social services professionals have ensured that more women seeking help after being sexually assaulted or battered can receive the assistance they need in their own communities.

The programs and initiatives that we have established are only the beginning of our struggle to end violence against women in our nation. Violence still devastates the lives of many women and children. Our national statistics are sobering:

- Nearly one-third of women murdered each year are killed by their intimate partners.
- Domestic violence accounts for nearly 20% of all violent crime.
- Over one million women are stalked each year.
- Over 308,000 women were sexually assaulted in 1998 alone.

The federal government alone cannot solve the problem. But we can help provide to states and communities the tools they need to prevent and fight violence and to assist victims, and we can make certain that federal law enforcement is unhindered in its pursuit of those offenders who violate federal law. Congress and this Administration have an opportunity now to build on our strong record opposing violence against women. We therefore urge Congress to continue its unprecedented bipartisan leadership on this issue and both re-authorize the Violence Against Women Act and make critical improvements to the statute. We believe that the following provisions are essential to include in violence against women legislation.

1. Re-authorize and improve the Violence Against Women Act grant programs.

The Violence Against Women Act of 1994 authorized and funded critically important grant programs to forge partnerships among federal, state, tribal, and local governments, between the criminal justice system and victim advocates, and within communities. The VAWA grant programs assist state, tribal, and local governments and agencies in training personnel, enforcing laws, developing policies and procedures, assisting victims of violence, and holding perpetrators accountable. Over the past six years, victim services providers, including battered women's shelters and rape crisis programs, victim advocates, law enforcement, prosecutors, courts, health care providers, and community organizations have all received crucial VAWA funding.

These grant programs have proved to be an effective tool in our fight against violence against women, and the following steps would help to continue and improve these programs:

- Re-authorize through fiscal year 2005 the critical DOJ and HHS programs at graduated funding levels so that we can expand investigation and prosecution of crimes and provide greater numbers of victims with much-needed assistance. It is particularly important to ensure that funding for domestic violence and sexual assault programs is adequate to respond to the increasing demand for their services as the criminal justice, medical and social services systems more regularly identify and refer victims to them.
- Re-authorize the Battered Women's Shelter program to expand and provide services to more of those who are currently underserved, such as women of color, older women, women with disabilities, and women in rural areas.
- Re-authorize the National Domestic Violence Hotline at a level adequate to continue the high quality services currently provided and to expand the training and knowledge of the staff to deal with related issues, such as sexual assault.
- Provide authorizing legislation for the Domestic Violence Victims' Civil Legal Assistance Program, which currently operates only under appropriations acts. This vital program offers victims legal representation in cases related to their safety and well-being.

- Continue to support research and evaluation in order to provide sound data for ongoing improvement of policies, practices and programs for reducing violence against women.
- Provide authorizing language to allow HHS to utilize funds for administrative purposes, such as monitoring and stewardship, to support the programs and services provided to victims of domestic violence.
- Extend to fiscal year 2005 the authorization of the Grants to Combat Violent Crimes Against Women on Campuses Grant Program, which focuses on the safety of women at institutions of higher education, at graduated funding levels.
- Amend the definition of domestic violence under all VAWA grant programs to permit support of services for victims of dating violence in all funded jurisdictions. The recent, tragic death of a young Columbia University student at the hands of her boyfriend in February underscores the need to protect young people trapped in violent relationships.
- Direct critical resources toward traditionally underserved populations. Adding these populations to the “purposes” sections of existing grant programs will reinforce our commitment to serve these victims.
- Set aside five percent of grant funds for tribes. A recent study by the Bureau of Justice Statistics found the rates of violent victimization were substantially higher among American Indians. The rate of violent crime experienced by Native American women is estimated to be more than twice that experienced by women generally. We can best combat this violence by helping tribes to provide focused, culturally appropriate assistance to victims in their communities.
- Include a specific allocation for courts in the STOP Violence Against Women Formula Grant Program (STOP program) and re-authorize the State Justice Institute VAWA grants for model judicial training programs, so that judges and other court personnel can receive the training and resources they need to enhance their handling of domestic violence and sexual assault cases. Educated judges ensure that orders enhance victim safety and that offenders are held accountable through graduated sanctions.
- Amend VAWA to include a re-allotment provision in the STOP program so that funds that remain unobligated after two years may be reallocated to support victim services projects.
- Re-authorize through fiscal year 2005 rape prevention and education programs that help to supplement the rape crisis centers and state sexual assault coalitions.

- * Re-authorize through fiscal year 2005 the Community Coordinated Response programs that support the development and implementation of coordinated community intervention and prevention activities concerning violence against women.

2. Amend Title 18 to strengthen federal domestic violence laws and protect Native American and other women.

The Violence Against Women Act and subsequent legislation added criminal provisions to Title 18 that authorized federal law enforcement officials to investigate and prosecute crimes of interstate domestic violence, stalking, and violations of protection orders. Based on our experience implementing the VAWA criminal provisions, we now have identified ways in which these provisions of Title 18 can be made more effective. To this end, we support a number of changes to the VAWA criminal provisions that would improve our ability to protect Native American victims of violence. Native American women are suffering from domestic violence and sexual assault at extraordinary rates. Minor statutory changes will clarify that victims who live in Indian Country enjoy the full protection of federal law and will enable us to apprehend and prosecute offenders who victimize Native American women or cross tribal boundaries to pursue or abuse their victims. We also advocate other technical amendments that are designed to clarify the elements of the VAWA offenses, ensure consistency in their statutory language, and close loopholes that hamper effective prosecution of these crimes.

3. Authorize federal law enforcement officials to protect victims in dating relationships with their abusers.

The Violence Against Women Act empowered federal law enforcement officials to bring certain dangerous offenders to justice. Data collected by the Bureau of Justice Statistics indicate that domestic violence occurs at the highest rates among young persons aged 16 - 19 and 20 - 24 and that more than four in ten incidents of domestic violence involve non-married persons. The Violence Against Women Act as enacted in 1994, however, does not authorize federal law enforcement personnel to apprehend and prosecute offenders who prey on these young victims.

{ Just as it is essential to cover “dating relationships” in grants to all jurisdictions, we believe that it is critical to clarify specifically that the VAWA criminal provisions cover “dating relationships” in order to close a dangerous loophole in federal law.

4. Protect immigrant women and children from domestic violence.

The Violence Against Women Act included important provisions to protect battered immigrant women and children. The central premise of these protections was that no one should be forced to choose between deportation and abuse – that is, an abuser should not be able to use United States immigration laws as a means to coerce, control, or intimidate a spouse or child.

Since the enactment of the immigration provisions of VAWA, more than 6,000 battered immigrants are now eligible for lawful permanent residence based on their approved self-petitions, enabling them to work and provide for a safe future for themselves and their families. However, the complexities of immigration law have undermined the relief created by VAWA. Consequently, many women and children with approved self-petitions are unable to seek adjustment of status. It is essential to pass amendments that redress these undesired effects while ensuring that domestic abusers with immigrant victims are brought to justice and that the battered immigrants Congress sought to help under VAWA are able to escape the abuse.

5. Amend the full faith and credit provision of the Violence Against Women Act.

Enforcement of protection orders is a cornerstone of victim safety. To improve such enforcement, the Violence Against Women Act, 18 U.S.C. § 2265, requires states and territories to give full faith and credit to protection orders issued by the courts of other states, territories, or tribes. As we have worked with jurisdictions on implementing this provision, we have identified two aspects of the statute that should be clarified in order to enhance enforcement across all jurisdictions in our nation.

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safety and access to the protections of our legal system.

7. Ensure that children remain in the custody of non-abusive parents.

We can reduce the impact of domestic violence on children by helping to ensure that children remain in the custody of non-abusive parents. We believe that the federal Parental Kidnaping Prevention Act should be amended to enhance the ability of victims fleeing from abuse with their children to obtain custody orders without returning to dangerous jurisdictions.

We also support establishing grants for supervised visitation centers to help preserve families and protect children from violence by creating safe places for visitation and exchange of children. These centers help protect victims of domestic violence and their children and minimize the danger of parental abduction. Although access and visitation centers are currently being funded through the Office of Child Support Enforcement in the Administration for Children and Families at HHS, existing resources fail to meet the desperate need for these resources.

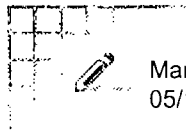
These seven points are critical elements of a federal legislative plan to reduce violence against women. We also want to express our support for other programs that combat violence against women that do not fall under the authority of the Department of Justice or the Department of Health and Human Services. Members of Congress have introduced legislation that contains many important programs, including employment protections, housing assistance initiatives, protection for victims of abuse who experience insurance discrimination, and aid for abused dependents of members of the armed services, that will dramatically improve the lives of victims and their families.

Thank you again for your thoughtful consideration of these issues and for all the important work that you have done to safeguard lives and support victims of domestic violence, sexual assault and stalking. We cannot rest while so many women and children live in terror and experience violence. We have made great strides in the last six years, and we are proud of our joint accomplishments. But even that progress has demonstrated the need to do more. We look forward to working with you as we renew our efforts to free our nation of violence against women.

Sincerely,

Janet Reno

Donna E. Shalala



Mary L. Smith
05/15/2000 10:53:46 AM

Record Type: Record

To: William Marshall/WHO/EOP@EOP, Heather H. Howard/OPD/EOP@EOP, Ann O'Leary/OPD/EOP@EOP,
Lisa M. Brown/OVP/EOP@EOP

cc:

Subject: ap story

this is the most I've seen so far
Court Rejects Federal Rape Law

by LAURIE ASSEO
Associated Press Writer

WASHINGTON (AP) -- The Supreme Court today threw out a law that let rape victims sue their attackers in federal court, saying Congress wrongly trampled on an area of state authority.

The 5-4 ruling in a Virginia case invalidated a key provision of the 1994 Violence Against Women Act and followed the court's recent trend of expanding states' rights at the expense of the federal government.

Congress, in enacting the provision, overstepped its authority to regulate interstate commerce and enforce the Constitution's equal-protection guarantee, the justices said.

The justices ruled that Christy Brzonkala, a former Virginia Tech student, cannot pursue her federal lawsuit against two football players, alleging that they raped her in a dormitory room. Brzonkala, who has allowed her name to be disclosed, became the first person to sue under the law in 1995.

"Petitioner Brzonkala's complaint alleges that she was the victim of a brutal assault," Chief Justice William H. Rehnquist wrote for the court. "If the allegations here are true, no civilized system of justice could fail to provide her a remedy ... But under our federal system that remedy must be provided by the

commonwealth of Virginia, and not by the United States."

The justices rejected arguments by her lawyer and the Clinton administration that the law was needed because states are not doing enough to protect rape victims, and because gender-based violence restricts women's choices in jobs and travel.

That argument "would allow Congress to regulate any crime as long as the nationwide, aggregated impact of that crime has substantial effects on employment, production, transit or consumption," Rehnquist said. "Indeed, if Congress may regulate gender-motivated violence, it would be able to regulate murder or any other type of violence. ..."

The chief justice's opinion was joined by Justices Sandra Day O'Connor, Antonin Scalia, Anthony M. Kennedy and Clarence Thomas.

Dissenting were Justices David H. Souter, John Paul Stevens, Ruth Bader Ginsburg and Stephen G. Breyer.

Writing for the four, Souter cited "the mountain of data assembled by Congress, here showing the effects of violence against women on interstate commerce. ... Violence against women may be found to affect interstate commerce and to affect it substantially."

Today's ruling affirmed a federal appeals court that threw out Brzonkala's lawsuit against student athletes Antonio Morrison and James Crawford. The appeals court said such lawsuits come under the authority of the states, not the federal government.

The case is a followup to the Supreme Court's 1995 ruling that struck down as unconstitutional the federal Gun-Free School Zones Act, which made it a federal crime to possess a gun within 1,000 feet of a school.

The justices ruled then that gun possession was insufficiently linked to interstate commerce and that the gun possession law usurped states' authority over such crimes.

Since then, the court has issued a number of rulings that tipped the balance of power toward the states, including one in January that shielded state governments against federal age-bias claims by their employees.

Justice Department lawyers told the Supreme Court that in deciding to let rape victims sue their attackers in federal court, Congress found that "archaic prejudices and improper stereotypes" about women were affecting the outcomes of cases in state courts. Violent crime against women costs the nation at least \$3 billion a year, government lawyers told the court.

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UNITED STATES v. MORRISON (99-5)
169 F.3d 820, affirmed.

Syllabus	Opinion [Rehnquist]	Concurring [Thomas]	Dissent [Souter]	Dissent [Breyer]
HTML version PDF version	HTML version PDF version	HTML version PDF version	HTML version PDF version	HTML version PDF version

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued.

The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader.

See *United States v. Detroit Timber & Lumber Co.*, 200 U.S. 321, 337.

SUPREME COURT OF THE UNITED STATES

UNITED STATES v. MORRISON et al.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 99—5. Argued January 11, 2000—Decided May 15, 2000¹

Petitioner Brzonkala filed suit, alleging, *inter alia*, that she was raped by respondents while the three were students at the Virginia Polytechnic Institute, and that this attack violated 42 U.S.C. § 13981 which provides a federal civil remedy for the victims of gender-motivated violence. Respondents moved to dismiss on the grounds that the complaint failed to state a claim and that §13981's civil remedy is unconstitutional. Petitioner United States intervened to defend the section's constitutionality. In dismissing the complaint, the District Court held that it stated a claim against respondents, but that Congress lacked authority to enact §13981 under either §8 of the Commerce Clause or §5 of the Fourteenth Amendment, which Congress had explicitly identified as the sources of federal authority for §13981. The en banc Fourth Circuit affirmed.

Held: Section 13981 cannot be sustained under the Commerce Clause or §5 of the Fourteenth Amendment. Pp. 7—28.

(a) The Commerce Clause does not provide Congress with authority to enact §13981's federal civil remedy. A congressional enactment will be invalidated only upon a plain showing that Congress has exceeded its constitutional bounds. See *United States v. Lopez*, 514 U.S. 549, 568, 577—578. Petitioners assert that §13981 can be sustained under Congress' commerce power as a regulation of activity that substantially affects interstate commerce. The proper framework for analyzing such a claim is provided by the principles the Court set out in *Lopez*. First, in *Lopez*, the noneconomic, criminal nature of

possessing a firearm in a school zone was central to the Court's conclusion that Congress lacks authority to regulate such possession. Similarly, gender-motivated crimes of violence are not, in any sense, economic activity. Second, like the statute at issue in *Lopez*, §13981 contains no jurisdictional element establishing that the federal cause of action is in pursuance of Congress' regulation of interstate commerce. Although *Lopez* makes clear that such a jurisdictional element would lend support to the argument that §13981 is sufficiently tied to interstate commerce to come within Congress' authority, Congress elected to cast §13981's remedy over a wider, and more purely intrastate, body of violent crime. Third, although §13981, unlike the *Lopez* statute, is supported by numerous findings regarding the serious impact of gender-motivated violence on victims and their families, these findings are substantially weakened by the fact that they rely on reasoning that this Court has rejected, namely a but-for causal chain from the initial occurrence of violent crime to every attenuated effect upon interstate commerce. If accepted, this reasoning would allow Congress to regulate any crime whose nationwide, aggregated impact has substantial effects on employment, production, transit, or consumption. Moreover, such reasoning will not limit Congress to regulating violence, but may be applied equally as well to family law and other areas of state regulation since the aggregate effect of marriage, divorce, and childrearing on the national economy is undoubtedly significant. The Constitution requires a distinction between what is truly national and what is truly local, and there is no better example of the police power, which the Founders undeniably left reposed in the States and denied the central government, than the suppression of violent crime and vindication of its victims. Congress therefore may not regulate non-economic, violent criminal conduct based solely on the conduct's aggregate effect on interstate commerce. Pp. 7—19.

(b) Section 5 of the Fourteenth Amendment, which permits Congress to enforce by appropriate legislation the constitutional guarantee that no State shall deprive any person of life, liberty, or property, without due process or deny any person equal protection of the laws, *City of Boerne v. Flores*, 521 U.S. 507, 517, also does not give Congress the authority to enact §13981. Petitioners' assertion that there is pervasive bias in various state justice systems against victims of gender-motivated violence is supported by a voluminous congressional record. However, the Fourteenth Amendment places limitations on the manner in which Congress may attack discriminatory conduct. Foremost among them is the principle that the Amendment prohibits only state action, not private conduct. This was the conclusion reached in *United States v. Harris*, 106 U.S. 629, and the *Civil Rights Cases*, 109 U.S. 3, which were both decided shortly after the Amendment's adoption. The force of the doctrine of *stare decisis* behind these decisions stems not only from the length of time they have been on the books, but also from the insight attributable to the Members of the Court at that time, who all had intimate knowledge and familiarity with the events surrounding the Amendment's adoption. Neither *United States v. Guest*, 383 U.S. 745, nor *District of Columbia v. Carter*, 409 U.S. 418, casts any doubt on the enduring vitality of the *Civil Rights Cases* and *Harris*. Assuming that there has been gender-based disparate treatment by state authorities in this case, it would not be enough to save §13981's civil remedy, which is directed not at a State or state actor but at individuals who have committed criminal acts motivated by gender bias. Section 13981 visits no consequence on any Virginia public official involved in investigating or prosecuting Brzonkala's assault, and it is thus unlike any of the §5 remedies this Court has previously upheld. See e.g., *South Carolina v. Katzenbach*, 383 U.S. 301. Section 13981 is also different from previously upheld remedies in that it applies uniformly throughout the Nation, even though Congress' findings indicate that the problem addressed does not exist in all, or even most, States. In contrast, the §5 remedy in *Katzenbach* was directed only to those States in which Congress found that there had been discrimination. Pp. 19—27.

169 F.3d 820, affirmed.

Rehnquist, C. J., delivered the opinion of the Court, in which O'Connor, Scalia, Kennedy, and Thomas, JJ., joined. Thomas, J., filed a concurring opinion. Souter, J., filed a dissenting opinion, in which Stevens, Ginsburg, and Breyer, JJ., joined. Breyer, J., filed a dissenting opinion, in which Stevens, J., joined, and in which Souter and Ginsburg, JJ., joined as to Part I—A.

Notes

1. Together with No. 99—29, *Brzonkala v. Morrison et al.*, also on certiorari to the same court.

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UNITED STATES v. MORRISON (99-5)
169 F.3d 820, affirmed.

Syllabus	Opinion (Rehnquist)	Concurrence Thomas	Dissent Souter	Dissent Breyer
HTML version	HTML version	HTML version	HTML version	HTML version
PDF version	PDF version	PDF version	PDF version	PDF version

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

 Nos. 99—5 and 99—29

UNITED STATES, PETITIONER

CHRISTY BRZONKALA, PETITIONER

 ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
 APPEALS FOR THE FOURTH CIRCUIT

[May 15, 2000]

Chief Justice Rehnquist delivered the opinion of the Court.

In these cases we consider the constitutionality of 42 U.S.C. § 13981 which provides a federal civil remedy for the victims of gender-motivated violence. The United States Court of Appeals for the Fourth Circuit, sitting en banc, struck down §13981 because it concluded that Congress lacked constitutional authority to enact the section's civil remedy. Believing that these cases are controlled by our decisions in *United States v. Lopez*, 514 U.S. 549 (1995), *United States v. Harris*, 106 U.S. 629 (1883), and the *Civil Rights Cases*, 109 U.S. 3 (1883), we affirm.

I

Petitioner Christy Brzonkala enrolled at Virginia Polytechnic Institute (Virginia Tech) in the fall of 1994. In September of that year, Brzonkala met respondents Antonio Morrison and James Crawford, who were both students at Virginia Tech and members of its varsity football team. Brzonkala alleges that, within 30 minutes of meeting Morrison and Crawford, they assaulted and repeatedly raped her. After the attack, Morrison allegedly told Brzonkala, "You better not have any ... diseases." Complaint ¶22. In the months following the rape, Morrison also allegedly announced in the dormitory's dining room that he "like[d] to get girls drunk and" *Id.*, ¶31. The omitted portions, quoted verbatim in the briefs on file with this Court, consist of boasting, debased remarks about what Morrison would do to

women, vulgar remarks that cannot fail to shock and offend.

Brzonkala alleges that this attack caused her to become severely emotionally disturbed and depressed. She sought assistance from a university psychiatrist, who prescribed antidepressant medication. Shortly after the rape Brzonkala stopped attending classes and withdrew from the university.

In early 1995, Brzonkala filed a complaint against respondents under Virginia Tech's Sexual Assault Policy. During the school-conducted hearing on her complaint, Morrison admitted having sexual contact with her despite the fact that she had twice told him "no." After the hearing, Virginia Tech's Judicial Committee found insufficient evidence to punish Crawford, but found Morrison guilty of sexual assault and sentenced him to immediate suspension for two semesters.

Virginia Tech's dean of students upheld the judicial committee's sentence. However, in July 1995, Virginia Tech informed Brzonkala that Morrison intended to initiate a court challenge to his conviction under the Sexual Assault Policy. University officials told her that a second hearing would be necessary to remedy the school's error in prosecuting her complaint under that policy, which had not been widely circulated to students. The university therefore conducted a second hearing under its Abusive Conduct Policy, which was in force prior to the dissemination of the Sexual Assault Policy. Following this second hearing the Judicial Committee again found Morrison guilty and sentenced him to an identical 2-semester suspension. This time, however, the description of Morrison's offense was, without explanation, changed from "sexual assault" to "using abusive language."

Morrison appealed his second conviction through the university's administrative system. On August 21, 1995, Virginia Tech's senior vice president and provost set aside Morrison's punishment. She concluded that it was " 'excessive when compared with other cases where there has been a finding of violation of the Abusive Conduct Policy,' " 132 F.3d 950, 955 (CA4 1997). Virginia Tech did not inform Brzonkala of this decision. After learning from a newspaper that Morrison would be returning to Virginia Tech for the fall 1995 semester, she dropped out of the university.

In December 1995, Brzonkala sued Morrison, Crawford, and Virginia Tech in the United States District Court for the Western District of Virginia. Her complaint alleged that Morrison's and Crawford's attack violated §13981 and that Virginia Tech's handling of her complaint violated Title IX of the Education Amendments of 1972, 86 Stat. 373—375, 20 U.S.C. § 1681—1688. Morrison and Crawford moved to dismiss this complaint on the grounds that it failed to state a claim and that §13981's civil remedy is unconstitutional. The United States, petitioner in No. 99—5, intervened to defend §13981's constitutionality.

The District Court dismissed Brzonkala's Title IX claims against Virginia Tech for failure to state a claim upon which relief can be granted. See *Brzonkala v. Virginia Polytechnic and State Univ.*, 935 F. Supp. 772 (WD Va. 1996). It then held that Brzonkala's complaint stated a claim against Morrison and Crawford under §13981, but dismissed the complaint because it concluded that Congress lacked authority to enact the section under either the Commerce Clause or §5 of the Fourteenth Amendment. *Brzonkala v. Virginia Polytechnic and State Univ.*, 935 F. Supp. 779 (WD Va. 1996).

A divided panel of the Court of Appeals reversed the District Court, reinstating Brzonkala's §13981 claim and her Title IX hostile environment claim.¹ *Brzonkala v. Virginia Polytechnic and State Univ.*, 132 F.3d 949 (CA4 1997). The full Court of Appeals vacated the panel's opinion and reheard the case en banc. The en banc court then issued an opinion affirming the District Court's conclusion that Brzonkala stated a claim under §13981 because her complaint alleged a crime of violence and the allegations of Morrison's crude and derogatory statements regarding his treatment of women sufficiently indicated that his crime was motivated by gender animus.² Nevertheless, the court by a divided vote affirmed the District Court's conclusion that Congress lacked constitutional authority to enact §13981's civil remedy. *Brzonkala v. Virginia Polytechnic and State Univ.*, 169 F.3d 820 (CA4 1999). Because the Court of Appeals invalidated a federal statute on constitutional grounds, we granted certiorari. 527 U.S. 1068 (1999).

Section 13981 was part of the Violence Against Women Act of 1994, §40302, 108 Stat. 1941—1942.

It states that “[a]ll persons within the United States shall have the right to be free from crimes of violence motivated by gender.” 42 U.S.C. § 13981(b). To enforce that right, subsection (c) declares:

“A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) of this section shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.”

Section 13981 defines a “crime of violence motivated by gender” as “a crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim’s gender.” §13981(d)(1). It also provides that the term “crime of violence” includes any

“(A) ... act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of Title 18, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

“(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.” §13981(d)(2).

Further clarifying the broad scope of §13981’s civil remedy, subsection (e)(2) states that “[n]othing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c) of this section.” And subsection (e)(3) provides a §13981 litigant with a choice of forums: Federal and state courts “shall have concurrent jurisdiction” over complaints brought under the section.

Although the foregoing language of §13981 covers a wide swath of criminal conduct, Congress placed some limitations on the section’s federal civil remedy. Subsection (e)(1) states that “[n]othing in this section entitles a person to a cause of action under subsection (c) of this section for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender.” Subsection (e)(4) further states that §13981 shall not be construed “to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.”

Every law enacted by Congress must be based on one or more of its powers enumerated in the Constitution. “The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution is written.” *Marbury v. Madison*, 1 Cranch 137, 176 (1803) (Marshall, C. J.). Congress explicitly identified the sources of federal authority on which it relied in enacting §13981. It said that a “federal civil rights cause of action” is established “[p]ursuant to the affirmative power of Congress ... under section 5 of the Fourteenth Amendment to the Constitution, as well as under section 8 of Article I of the Constitution.” 42 U.S.C. § 13981(a). We address Congress’ authority to enact this remedy under each of these constitutional provisions in turn.

II

Due respect for the decisions of a coordinate branch of Government demands that we invalidate a congressional enactment only upon a plain showing that Congress has exceeded its constitutional bounds. See *United States v. Lopez*, 514 U.S., at 568, 577—578 (Kennedy, J., concurring); *United States v. Harris*, 106 U.S., at 635. With this presumption of constitutionality in mind, we turn to the question whether §13981 falls within Congress’ power under Article I, §8, of the Constitution. Brzonkala and the United States rely upon the third clause of the Article, which gives Congress power “[t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

As we discussed at length in *Lopez*, our interpretation of the Commerce Clause has changed as our Nation has developed. See *Lopez*, 514 U.S., at 552—557; *id.*, at 568—574 (Kennedy, J., concurring); *id.*, at 584, 593—599 (Thomas, J., concurring). We need not repeat that detailed review of the Commerce Clause's history here; it suffices to say that, in the years since *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937), Congress has had considerably greater latitude in regulating conduct and transactions under the Commerce Clause than our previous case law permitted. See *Lopez*, 514 U.S., at 555—556; *id.*, at 573—574 (Kennedy, J., concurring).

Lopez emphasized, however, that even under our modern, expansive interpretation of the Commerce Clause, Congress' regulatory authority is not without effective bounds. *Id.*, at 557.

"[E]ven [our] modern-era precedents which have expanded congressional power under the Commerce Clause confirm that this power is subject to outer limits. In *Jones & Laughlin Steel*, the Court warned that the scope of the interstate commerce power 'must be considered in the light of our dual system of government and may not be extended so as to embrace effects upon interstate commerce so indirect and remote that to embrace them, in view of our complex society, would effectually obliterate the distinction between what is national and what is local and create a completely centralized government.'" *Id.*, at 556—557 (quoting *Jones & Laughlin Steel*, *supra*, at 37).³

As we observed in *Lopez*, modern Commerce Clause jurisprudence has "identified three broad categories of activity that Congress may regulate under its commerce power." 514 U.S., at 558 (citing *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, 452 U.S. 264, 276—277 (1981); *Perez v. United States*, 402 U.S. 146, 150 (1971)). "First, Congress may regulate the use of the channels of interstate commerce." 514 U.S., at 558 (citing *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241, 256 (1964); *United States v. Darby*, 312 U.S. 100, 114 (1941)). "Second, Congress is empowered to regulate and protect the instrumentalities of interstate commerce, or persons or things in interstate commerce, even though the threat may come only from intrastate activities." 514 U.S., at 558 (citing *Shreveport Rate Cases*, 234 U.S. 342 (1914); *Southern R. Co. v. United States*, 222 U.S. 20 (1911); *Perez*, *supra*, at 150). "Finally, Congress' commerce authority includes the power to regulate those activities having a substantial relation to interstate commerce, ... *i.e.*, those activities that substantially affect interstate commerce." 514 U.S., at 558—559 (citing *Jones & Laughlin Steel*, *supra*, at 37).

Petitioners do not contend that these cases fall within either of the first two of these categories of Commerce Clause regulation. They seek to sustain §13981 as a regulation of activity that substantially affects interstate commerce. Given §13981's focus on gender-motivated violence wherever it occurs (rather than violence directed at the instrumentalities of interstate commerce, interstate markets, or things or persons in interstate commerce), we agree that this is the proper inquiry.

Since *Lopez* most recently canvassed and clarified our case law governing this third category of Commerce Clause regulation, it provides the proper framework for conducting the required analysis of §13981. In *Lopez*, we held that the Gun-Free School Zones Act of 1990, 18 U.S.C. § 922(q)(1)(A), which made it a federal crime to knowingly possess a firearm in a school zone, exceeded Congress' authority under the Commerce Clause. See 514 U.S., at 551. Several significant considerations contributed to our decision.

First, we observed that §922(q) was "a criminal statute that by its terms has nothing to do with 'commerce' or any sort of economic enterprise, however broadly one might define those terms." *Id.*, at 561. Reviewing our case law, we noted that "we have upheld a wide variety of congressional Acts regulating intrastate economic activity where we have concluded that the activity substantially affected interstate commerce." *Id.*, at 559. Although we cited only a few examples, including *Wickard v. Filburn*, 317 U.S. 111 (1942); *Hodel*, *supra*; *Perez*, *supra*; *Katzenbach v. McClung*, 379 U.S. 294 (1964); and *Heart of Atlanta Motel*, *supra*, we stated that the pattern of analysis is clear. *Lopez*, 514 U.S., at 559—560. "Where economic activity substantially affects interstate commerce, legislation regulating that activity will be sustained." *Id.*, at 560.

Both petitioners and Justice Souter's dissent downplay the role that the economic nature of the regulated activity plays in our Commerce Clause analysis. But a fair reading of *Lopez* shows that the

noneconomic, criminal nature of the conduct at issue was central to our decision in that case. See, e.g., *id.*, at 551 (“The Act [does not] regulat[e] a commercial activity”), 560 (“Even *Wickard*, which is perhaps the most far reaching example of Commerce Clause authority over intrastate activity, involved economic activity in a way that the possession of a gun in a school zone does not”), 561 (“Section 922(q) is not an essential part of a larger regulation of economic activity”), 566 (“Admittedly, a determination whether an intrastate activity is commercial or noncommercial may in some cases result in legal uncertainty. But, so long as Congress’ authority is limited to those powers enumerated in the Constitution, and so long as those enumerated powers are interpreted as having judicially enforceable outer limits, congressional legislation under the Commerce Clause always will engender ‘legal uncertainty’ ”), 567 (“The possession of a gun in a local school zone is in no sense an economic activity that might, through repetition elsewhere, substantially affect any sort of interstate commerce”); see also *id.*, at 573—574 (Kennedy, J., concurring) (stating that *Lopez* did not alter our “practical conception of commercial regulation” and that Congress may “regulate in the commercial sphere on the assumption that we have a single market and a unified purpose to build a stable national economy”), 577 (“Were the Federal Government to take over the regulat-

ion of entire areas of traditional state concern, areas having nothing to do with the regulation of commercial activities, the boundaries between the spheres of federal and state authority would blur”), 580 (“[U]nlike the earlier cases to come before the Court here ~~neither the actors nor their conduct has a commercial character, and neither the purposes nor the design of the statute has an evident commercial nexus.~~ The statute makes the simple possession of a gun within 1,000 feet of the grounds of the school a criminal offense. In a sense any conduct in this interdependent world of ours has an ultimate commercial origin or consequence, but we have not yet said the commerce power may reach so far” (citation omitted)).

Lopez’s re-view of Commerce Clause case law demonstrates that in those cases where we have sustained federal regulation of intrastate activity based upon the activity’s substantial effects on interstate commerce, the activity in question has been some sort of economic endeavor. See *id.*, at 559—560.⁴

The second consideration that we found important in analyzing §922(q) was that the statute contained “no express jurisdictional element which might limit its reach to a discrete set of firearm possessions that additionally have an explicit connection with or effect on interstate commerce.” *Id.*, at 562. Such a jurisdictional element may establish that the enactment is in pursuance of Congress’ regulation of interstate commerce.

Third, we noted that neither §922(q) “nor its legislative history contain[s] express congressional findings regarding the effects upon interstate commerce of gun possession in a school zone.” *Ibid.* (quoting Brief for United States, O.T. 1994, No. 93—1260, pp. 5—6). While “Congress normally is not required to make formal findings as to the substantial burdens that an activity has on interstate commerce,” 514 U.S., at 562 (citing *McClung*, 379 U.S., at 304; *Perez*, 402 U.S., at 156), the existence of such findings may “enable us to evaluate the legislative judgment that the activity in question substantially affect[s] interstate commerce, even though no such substantial effect [is] visible to the naked eye.” 514 U.S., at 563.

Finally, our decision in *Lopez* rested in part on the fact that the link between gun possession and a substantial effect on interstate commerce was attenuated. *Id.*, at 563—567. The United States argued that the possession of guns may lead to violent crime, and that violent crime “can be expected to affect the functioning of the national economy in two ways. First, the costs of violent crime are substantial, and, through the mechanism of insurance, those costs are spread throughout the population. Second, violent crime reduces the willingness of individuals to travel to areas within the country that are perceived to be unsafe.” *Id.*, at 563—564 (citation omitted). The Government also argued that the presence of guns at schools poses a threat to the educational process, which in turn threatens to produce a less efficient and productive workforce, which will negatively affect national productivity and thus interstate commerce. *Ibid.*

We rejected these “costs of crime” and “national productivity” arguments because they would permit

Congress to “regulate not only all violent crime, but all activities that might lead to violent crime, regardless of how tenuously they relate to interstate commerce.” *Id.*, at 564. We noted that, under this but-for reasoning:

“Congress could regulate any activity that it found was related to the economic productivity of individual citizens: family law (including marriage, divorce, and child custody), for example. Under the[se] theories . . . , it is difficult to perceive any limitation on federal power, even in areas such as criminal law enforcement or education where States historically have been sovereign. Thus, if we were to accept the Government’s arguments, we are hard pressed to posit any activity by an individual that Congress is without power to regulate.” *Ibid.*

With these principles underlying our Commerce Clause jurisprudence as reference points, the proper resolution of the present cases is clear. Gender-motivated crimes of violence are not, in any sense of the phrase, economic activity. While we need not adopt a categorical rule against aggregating the effects of any noneconomic activity in order to decide these cases, thus far in our Nation’s history our cases have upheld Commerce Clause regulation of intrastate activity only where that activity is economic in nature. See, e.g., *id.*, at 559—560, and the cases cited therein.

Like the Gun-Free School Zones Act at issue in *Lopez*, §13981 contains no jurisdictional element establishing that the federal cause of action is in pursuance of Congress’ power to regulate interstate commerce. Although *Lopez* makes clear that such a jurisdictional element would lend support to the argument that §13981 is sufficiently tied to interstate commerce, Congress elected to cast §13981’s remedy over a wider, and more purely intrastate, body of violent crime.²

In contrast with the lack of congressional findings that we faced in *Lopez*, §13981 is supported by numerous findings regarding the serious impact that gender-motivated violence has on victims and their families. See, e.g., H. R. Conf. Rep. No. 103—711, p. 385 (1994); S. Rep. No. 103—138, p. 40 (1993); S. Rep. No. 101—545, p. 33 (1990). But the existence of congressional findings is not sufficient, by itself, to sustain the constitutionality of Commerce Clause legislation. As we stated in *Lopez*, “[S]imply because Congress may conclude that a particular activity substantially affects interstate commerce does not necessarily make it so.” 514 U.S., at 557, n. 2 (quoting *Hodel*, 452 U.S., at 311 (Rehnquist, J., concurring in judgment)). Rather, “[w]hether particular operations affect interstate commerce sufficiently to come under the constitutional power of Congress to regulate them is ultimately a judicial rather than a legislative question, and can be settled finally only by this Court.” 514 U.S., at 557, n. 2 (quoting *Heart of Atlanta Motel*, 379 U.S., at 273 (Black, J., concurring)).

In these cases, Congress’ findings are substantially weakened by the fact that they rely so heavily on a method of reasoning that we have already rejected as unworkable if we are to maintain the Constitution’s enumeration of powers. Congress found that gender-motivated violence affects interstate commerce

“by deterring potential victims from traveling interstate, from engaging in employment in interstate business, and from transacting with business, and in places involved in interstate commerce; . . . by diminishing national productivity, increasing medical and other costs, and decreasing the supply of and the demand for interstate products.” H. R. Conf. Rep. No. 103—711, at 385.

Accord, S. Rep. No. 103—138, at 54. Given these findings and petitioners’ arguments, the concern that we expressed in *Lopez* that Congress might use the Commerce Clause to completely obliterate the Constitution’s distinction between national and local authority seems well founded. See *Lopez*, *supra*, at 564. The reasoning that petitioners advance seeks to follow the but-for causal chain from the initial occurrence of violent crime (the suppression of which has always been the prime object of the States’ police power) to every attenuated effect upon interstate commerce. If accepted, petitioners’ reasoning would allow Congress to regulate any crime as long as the nationwide, aggregated impact of that crime has substantial effects on employment, production, transit, or consumption. Indeed, if Congress may regulate gender-motivated violence, it would be able to regulate murder or any other type of violence since gender-motivated violence, as a subset of all violent crime, is certain to have lesser economic impacts than the larger class of which it is a part.

Petitioners' reasoning, moreover, will not limit Congress to regulating violence but may, as we suggested in *Lopez*, be applied equally as well to family law and other areas of traditional state regulation since the aggregate effect of marriage, divorce, and childrearing on the national econ-

omy is undoubtedly significant. Congress may have recognized this specter when it expressly precluded §13981 from being used in the family law context.⁶ See 42 U.S.C. § 13981(e)(4). Under our written Constitution, however, the limitation of congressional authority is not solely a matter of legislative grace.⁷ See *Lopez*, *supra*, at 575—579 (Kennedy, J., concurring); *Marbury*, 1 Cranch, at 176—178.

We accordingly reject the argument that Congress may regulate noneconomic, violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce. The Constitution requires a distinction between what is truly national and what is truly local. *Lopez*, 514 U.S., at 568 (citing *Jones & Laughlin Steel*, 301 U.S., at 30). In recognizing this fact we preserve one of the few principles that has been consistent since the Clause was adopted. The regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the States. See, e.g., *Cohens v. Virginia*, 6 Wheat. 264, 426, 428 (1821) (Marshall, C. J.) (stating that Congress "has no general right to punish murder committed within any of the States," and that it is "clear ... that congress cannot punish felonies generally").

Indeed, we can think of no better example of the police power, which the Founders denied the National Government and reposed in the States, than the suppression of violent crime and vindication of its victims.⁸ See, e.g., *Lopez*, 514 U.S., at 566 ("The Constitution ... withhold[s] from Congress a plenary police power"); *id.*, at 584—585 (Thomas, J., concurring) ("[W]e always have rejected readings of the Commerce Clause and the scope of federal power that would permit Congress to exercise a police power"), 596—597, and n. 6 (noting that the first Congresses did not enact nationwide punishments for criminal conduct under the Commerce Clause).

III

Because we conclude that the Commerce Clause does not provide Congress with authority to enact §13981, we address petitioners' alternative argument that the section's civil remedy should be upheld as an exercise of Congress' remedial power under §5 of the Fourteenth Amendment. As noted above, Congress expressly invoked the Fourteenth Amendment as a source of authority to enact §13981.

The principles governing an analysis of congressional legislation under §5 are well settled. Section 5 states that Congress may "enforce," by "appropriate legislation" the constitutional guarantee that no State shall deprive any person of "life, liberty or property, without due process of law," nor deny any person "equal protection of the laws." *City of Boerne v. Flores*, 521 U.S. 507, 517 (1997). Section 5 is "a positive grant of legislative power," *Katzenbach v. Morgan*, 384 U.S. 641, 651 (1966), that includes authority to "prohibit conduct which is not itself unconstitutional and [to] intrud[e] into 'legislative spheres of autonomy previously reserved to the States.'" *Flores*, *supra*, at 518 (quoting *Fitzpatrick v. Bitzer*, 427 U.S. 445, 455 (1976)); see also *Kimel v. Florida Bd. of Regents*, 528 U.S. ___, ___ (2000) (slip op., at 16). However, "[a]s broad as the congressional enforcement power is, it is not unlimited." *Oregon v. Mitchell*, 400 U.S. 112, 128 (1970); see also *Kimel*, *supra*, at ___ — ___ (slip op., at 16—17). In fact, as we discuss in detail below, several limitations inherent in §5's text and constitutional context have been recognized since the Fourteenth Amendment was adopted.

Petitioners' §5 argument is founded on an assertion that there is pervasive bias in various state justice systems against victims of gender-motivated violence. This assertion is supported by a voluminous congressional record. Specifically, Congress received evidence that many participants in state justice systems are perpetuating an array of erroneous stereotypes and assumptions. Congress concluded that these discriminatory stereotypes often result in insufficient investigation and prosecution of gender-motivated crime, inappropriate focus on the behavior and credibility of the victims of that crime, and unacceptably lenient punishments for those who are actually convicted of gender-motivated violence. See H. R. Conf. Rep. No. 103—711, at 385—386; S. Rep. No. 103—138, at 38, 41—55; S. Rep. No. 102—197, at 33—35, 41, 43—47. Petitioners contend that this bias denies victims of gender-motivated violence the equal protection of the laws and that Congress therefore acted

appropriately in enacting a private civil remedy against the perpetrators of gender-motivated violence to both remedy the States' bias and deter future instances of discrimination in the state courts.

As our cases have established, state-sponsored gender discrimination violates equal protection unless it "serves 'important governmental objectives and ... the discriminatory means employed' are 'substantially related to the achievement of those objectives.'" *United States v. Virginia*, 518 U.S. 515, 533 (1996) (quoting *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 724 (1982), in turn quoting *Wengler v. Druggists Mut. Ins. Co.*, 446 U.S. 142, 150 (1980)). See also *Craig v. Boren*, 429 U.S. 190, 198—199 (1976). However, the language and purpose of the Fourteenth Amendment place certain limitations on the manner in which Congress may attack discriminatory conduct. These limitations are necessary to prevent the Fourteenth Amendment from obliterating the Framers' carefully crafted balance of power between the States and the National Government. See *Flores, supra*, at 520—524 (reviewing the history of the Fourteenth Amendment's enactment and discussing the contemporary belief that the Amendment "does not concentrate power in the general government for any purpose of police government within the States") (quoting T. Cooley, *Constitutional Limitations* 294, n. 1 (2d ed. 1871)). Foremost among these limitations is the time-honored principle that the Fourteenth Amendment, by its very terms, prohibits only state action. "[T]he principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the Fourteenth Amendment is only such action as may fairly be said to be that of the States. That Amendment erects no shield against merely private conduct, however discriminatory or wrongful." *Shelley v. Kraemer*, 334 U.S. 1, 12, n. 12 (1948).

Shortly after the Fourteenth Amendment was adopted, we decided two cases interpreting the Amendment's provisions, *United States v. Harris*, 106 U.S. 629 (1883), and the *Civil Rights Cases*, 109 U.S. 3 (1883). In *Harris*, the Court considered a challenge to §2 of the Civil Rights Act of 1871. That section sought to punish "private persons" for "conspiring to deprive any one of the equal protection of the laws enacted by the State." 106 U.S., at 639. We concluded that this law exceeded Congress' §5 power because the law was "directed exclusively against the action of private persons, without reference to the laws of the State, or their administration by her officers." *Id.*, at 640. In so doing, we reemphasized our statement from *Virginia v. Rives*, 100 U.S. 313, 318 (1880), that "'these provisions of the fourteenth amendment have reference to State action exclusively, and not to any action of private individuals.'" *Harris, supra*, at 639 (misquotation in *Harris*).

We reached a similar conclusion in the *Civil Rights Cases*. In those consolidated cases, we held that the public accommodation provisions of the Civil Rights Act of 1875, which applied to purely private conduct, were beyond the scope of the §5 enforcement power. 109 U.S., at 11 ("Individual invasion of individual rights is not the subject-matter of the [Fourteenth] [A]mendment"). See also, e.g., *Romer v. Evans*, 517 U.S. 620, 628 (1996) ("[I]t was settled early that the Fourteenth Amendment did not give Congress a general power to prohibit discrimination in public accommodations"); *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 936 (1982) ("Careful adherence to the 'state action' requirement preserves an area of individual freedom by limiting the reach of federal law and federal judicial power"); *Blum v. Yaretsky*, 457 U.S. 991, 1002 (1982); *Moose Lodge No. 107 v. Irvis*, 407 U.S. 163, 172 (1972); *Adickes v. S. H. Kress & Co.*, 398 U.S. 144, 147 n. 2 (1970); *United States v. Cruikshank*, 92 U.S. 542, 554 (1876) ("The fourteenth amendment prohibits a state from depriving any person of life, liberty, or property, without due process of law; but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guaranty against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society").

The force of the doctrine of *stare decisis* behind these decisions stems not only from the length of time they have been on the books, but also from the insight attributable to the Members of the Court at that time. Every Member had been appointed by President Lincoln, Grant, Hayes, Garfield, or Arthur—and each of their judicial appointees obviously had intimate knowledge and familiarity with the events surrounding the adoption of the Fourteenth Amendment.

Petitioners contend that two more recent decisions have in effect overruled this longstanding limitation on Congress' §5 authority. They rely on *United States v. Guest*, 383 U.S. 745 (1966), for the proposition that the rule laid down in the *Civil Rights Cases* is no longer good law. In *Guest*, the Court

reversed the construction of an indictment under 18 U.S.C. § 241 saying in the course of its opinion that “we deal here with issues of statutory construction, not with issues of constitutional power.” 383 U.S., at 749. Three Members of the Court, in a separate opinion by Justice Brennan, expressed the view that the *Civil Rights Cases* were wrongly decided, and that Congress could under §5 prohibit actions by private individuals. 383 U.S., at 774 (opinion concurring in part and dissenting in part). Three other Members of the Court, who joined the opinion of the Court, joined a separate opinion by Justice Clark which in two or three sentences stated the conclusion that Congress could “punis[h] all conspiracies—with or without state action—that interfere with Fourteenth Amendment rights.” *Id.*, at 762 (concurring opinion). Justice Harlan, in another separate opinion, commented with respect to the statement by these Justices:

“The action of three of the Justices who joined the Court’s opinion in nonetheless cursorily pronouncing themselves on the far-reaching constitutional questions deliberately not reached in Part II seems to me, to say the very least, extraordinary.” *Id.*, at 762, n. 1 (opinion concurring in part and dissenting in part).

Though these three Justices saw fit to opine on matters not before the Court in *Guest*, the Court had no occasion to revisit the *Civil Rights Cases* and *Harris*, having determined “the indictment [charging private individuals with conspiring to deprive blacks of equal access to state facilities] in fact contain[ed] an express allegation of state involvement.” 383 U.S., at 756. The Court concluded that the implicit allegation of “active connivance by agents of the State” eliminated any need to decide “the threshold level that state action must attain in order to create rights under the Equal Protection Clause.” *Ibid.* All of this Justice Clark explicitly acknowledged: See *id.*, at 762 (concurring opinion) (“The Court’s interpretation of the indictment clearly avoids the question whether Congress, by appropriate legislation, has the power to punish private conspiracies that interfere with Fourteenth Amendment rights, such as the right to utilize public facilities”).

To accept petitioners’ argument, moreover, one must add to the three Justices joining Justice Brennan’s reasoned explanation for his belief that the *Civil Rights Cases* were wrongly decided, the three Justices joining Justice Clark’s opinion who gave no explanation whatever for their similar view. This is simply not the way that reasoned constitutional adjudication proceeds. We accordingly have no hesitation in saying that it would take more than the naked dicta contained in Justice Clark’s opinion, when added to Justice Brennan’s opinion, to cast any doubt upon the enduring vitality of the *Civil Rights Cases* and *Harris*.

Petitioners also rely on *District of Columbia v. Carter*, 409 U.S. 418 (1973). *Carter* was a case addressing the question whether the District of Columbia was a “State” within the meaning of Rev. Stat. §1979, 42 U.S.C. § 1983—a section which by its terms requires state action before it may be employed. A footnote in that opinion recites the same litany respecting *Guest* that petitioners rely on. This litany is of course entirely dicta, and in any event cannot rise above its source. We believe that the description of the §5 power contained in the *Civil Rights Cases* is correct:

“But where a subject has not submitted to the general legislative power of Congress, but is only submitted thereto for the purpose of rendering effective some prohibition against particular [s]tate legislation or [s]tate action in reference to that subject, the power given is limited by its object, any legislation by Congress in the matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited state laws or proceedings of [s]tate officers.” 109 U.S., at 18.

Petitioners alternatively argue that, unlike the situation in the *Civil Rights Cases*, here there has been gender-based disparate treatment by state authorities, whereas in those cases there was no indication of such state action. There is abundant evidence, however, to show that the Congresses that enacted the Civil Rights Acts of 1871 and 1875 had a purpose similar to that of Congress in enacting §13981: There were state laws on the books bespeaking equality of treatment, but in the administration of these laws there was discrimination against newly freed slaves. The statement of Representative Garfield in the House and that of Senator Sumner in the Senate are representative:

“[T]he chief complaint is not that the laws of the State are unequal, but that even where the laws are just

and equal on their face, yet, by a systematic maladministration of them, or a neglect or refusal to enforce their provisions, a portion of the people are denied equal protection under them." Cong. Globe, 42d Cong., 1st Sess., App. 153 (1871) (statement of Rep. Garfield).

"The Legislature of South Carolina has passed a law giving precisely the rights contained in your 'supplementary civil rights bill.' But such a law remains a dead letter on her statute-books, because the State courts, comprised largely of those whom the Senator wishes to obtain amnesty for, refuse to enforce it." Cong. Globe, 42d Cong., 2d Sess., 430 (1872) (statement of Sen. Sumner).

See also, e.g., Cong. Globe, 42d Cong., 1st Sess., at 653 (statement of Sen. Osborn); *id.*, at 457 (statement of Rep. Coburn); *id.*, at App. 78 (statement of Rep. Perry); 2 Cong. Rec. 457 (1874) (statement of Rep. Butler); 3 Cong. Rec. 945 (1875) (statement of Rep. Lynch).

But even if that distinction were valid, we do not believe it would save §13981's civil remedy. For the remedy is simply not "corrective in its character, adapted to counteract and redress the operation of such prohibited [s]tate laws or proceedings of [s]tate officers." *Civil Rights Cases*, 109 U.S., at 18. Or, as we have phrased it in more recent cases, prophylactic legislation under §5 must have a "congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end." *Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank*, 527 U.S. 627, 639 (1999); *Florida*, 521 U.S., at 526. Section 13981 is not aimed at proscribing discrimination by officials which the Fourteenth Amendment might not itself proscribe; it is directed not at any State or state actor, but at individuals who have committed criminal acts motivated by gender bias.

In the present cases, for example, §13981 visits no consequence whatever on any Virginia public official involved in investigating or prosecuting Brzonkala's assault. The section is, therefore, unlike any of the §5 remedies that we have previously upheld. For example, in *Katzbach v. Morgan*, 384 U.S. 641 (1966), Congress prohibited New York from imposing literacy tests as a prerequisite for voting because it found that such a requirement disenfranchised thousands of Puerto Rican immigrants who had been educated in the Spanish language of their home territory. That law, which we upheld, was directed at New York officials who administered the State's election law and prohibited them from using a provision of that law. In *South Carolina v. Katzenbach*, 383 U.S. 301 (1966), Congress imposed voting rights requirements on States that, Congress found, had a history of discriminating against blacks in voting. The remedy was also directed at state officials in those States. Similarly, in *Ex parte Virginia*, 100 U.S. 339 (1880), Congress criminally punished state officials who intentionally discriminated in jury selection; again, the remedy was directed to the culpable state official.

Section 13981 is also different from these previously upheld remedies in that it applies uniformly throughout the Nation. Congress' findings indicate that the problem of discrimination against the victims of gender-motivated crimes does not exist in all States, or even most States. By contrast, the §5 remedy upheld in *Katzbach v. Morgan*, *supra*, was directed only to the State where the evil found by Congress existed, and in *South Carolina v. Katzenbach*, *supra*, the remedy was directed only to those States in which Congress found that there had been discrimination.

For these reasons, we conclude that Congress' power under §5 does not extend to the enactment of §13981.

IV

Petitioner Brzonkala's complaint alleges that she was the victim of a brutal assault. But Congress' effort in §13981 to provide a federal civil remedy can be sustained neither under the Commerce Clause nor under §5 of the Fourteenth Amendment. If the allegations here are true, no civilized system of justice could fail to provide her a remedy for the conduct of respondent Morrison. But under our federal system that remedy must be provided by the Commonwealth of Virginia, and not by the United States. The judgment of the Court of Appeals is

Affirmed.

Notes

1. The panel affirmed the dismissal of Brzonkala's Title IX disparate treatment claim. See 132 F.3d, at 961—962.
2. The en banc Court of Appeals affirmed the District Court's conclusion that Brzonkala failed to state a claim alleging disparate treatment under Title IX, but vacated the District Court's dismissal of her hostile environment claim and remanded with instructions for the District Court to hold the claim in abeyance pending this Court's decision in *Davis v. Monroe County Bd. of Ed.*, 526 U.S. 629 (1999). *Brzonkala v. Virginia Polytechnic and State Univ.*, 169 F.3d 820, 827, n. 2 (CA4 1999). Our grant of certiorari did not encompass Brzonkala's Title IX claims, and we thus do not consider them in this opinion.
3. Justice Souter's dissent takes us to task for allegedly abandoning *Jones & Laughlin Steel* in favor of an inadequate "federalism of some earlier time." *Post*, at 15—17, 29. As the foregoing language from *Jones & Laughlin Steel* makes clear however, this Court has always recognized a limit on the commerce power inherent in "our dual system of government." 301 U.S. at 37. It is the dissent's remarkable theory that the commerce power is without judicially enforceable boundaries that disregards the Court's caution in *Jones & Laughlin Steel* against allowing that power to "effectually obliterate the distinction between what is national and what is local." *Ibid*.
4. Justice Souter's dissent does not reconcile its analysis with our holding in *Lopez* because it apparently would cast that decision aside. See *post*, at 10—16. However, the dissent cannot persuasively contradict *Lopez*'s conclusion that, in every case where we have sustained federal regulation under *Wickard*'s aggregation principle, the regulated activity was of an apparent commercial character. See, e.g., *Lopez*, 514 U.S., at 559—560, 580.
5. Title 42 U.S.C. § 13981 is not the sole provision of the Violence Against Women Act of 1994 to provide a federal remedy for gender-motivated crime. Section 40221(a) of the Act creates a federal criminal remedy to punish "interstate crimes of abuse including crimes committed against spouses or intimate partners during interstate travel and crimes committed by spouses or intimate partners who cross State lines to continue the abuse." S. Rep. No. 103—138, p. 43 (1993). That criminal provision has been codified at 18 U.S.C. § 2261(a)(1), which states: "A person who travels across a State line or enters or leaves Indian country with the intent to injure, harass, or intimidate that person's spouse or intimate partner, and who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b)." The Courts of Appeals have uniformly upheld this criminal sanction as an appropriate exercise of Congress' Commerce Clause authority, reasoning that "[t]he provision properly falls within the first of *Lopez*'s categories as it regulates the use of channels of interstate commerce—i.e., the use of the interstate transportation routes through which persons and goods move." *United States v. Lankford*, 196 F.3d 563, 571—572 (CA5 1999) (collecting cases) (internal quotation marks omitted).
6. We are not the first to recognize that the but-for causal chain must have its limits in the Commerce Clause area. In *Lopez*, 514 U.S., at 567, we quoted Justice Cardozo's concurring opinion in *A. L. A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935): "There is a view of causation that would obliterate the distinction between what is national and what is local in the activities of commerce. Motion at the outer rim is communicated perceptibly, though minutely, to recording instruments at the center. A society such as ours 'is an elastic medium which transmits all tremors throughout its territory; the only question is of their size.' " *Id.*, at 554 (quoting *United States v. A. L. A. Schechter Poultry Corp.*, 76 F.2d 617, 624 (CA2 1935) (L. Hand, J., concurring)).
7. Justice Souter's dissent theory that *Gibbons v. Ogden*, 9 Wheat. 1 (1824), *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985), and the Seventeenth Amendment provide the answer to these cases, see *post*, at 19—26, is remarkable because it undermines this central principle of

our constitutional system. As we have repeatedly noted, the Framers crafted the federal system of government so that the people's rights would be secured by the division of power. See, e.g., *Arizona v. Evans*, 514 U.S. 1, 30 (1995) (Ginsburg, J., dissenting); *Gregory v. Ashcroft*, 501 U.S. 452, 458—459 (1991) (cataloging the benefits of the federal design); *Atascadero State Hospital v. Scanlon*, 473 U.S. 234, 242 (1985) ("The 'constitutionally mandated balance of power' between the States and the Federal Government was adopted by the Framers to ensure the protection of 'our fundamental liberties' ") (quoting *Garcia, supra*, at 572 (Powell, J., dissenting)). Departing from their parliamentary past, the Framers adopted a written Constitution that further divided authority at the federal level so that the Constitution's provisions would not be defined solely by the political branches nor the scope of legislative power limited only by public opinion and the legislature's self-restraint. See, e.g., *Marbury v. Madison*, 1 Cranch 137, 176 (1803) (Marshall, C. J.) ("The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution is written"). It is thus a " 'permanent and indispensable feature of our constitutional system' " that " 'the federal judiciary is supreme in the exposition of the law of the Constitution.' " *Miller v. Johnson*, 515 U.S. 900, 922—923 (1995) (quoting *Cooper v. Aaron*, 358 U.S. 1, 18 (1958)). No doubt the political branches have a role in interpreting and applying the Constitution, but ever since *Marbury* this Court has remained the ultimate expositor of the constitutional text. As we emphasized in *United States v. Nixon*, 418 U.S. 683 (1974), "[I]n the performance of assigned constitutional duties each branch of the Government must initially interpret the Constitution, and the interpretation of its powers by any branch is due great respect from the others.... Many decisions of this Court, however, have unequivocally reaffirmed the holding of *Marbury* ... that '[i]t is emphatically the province and duty of the judicial department to say what the law is.' " *Id.*, at 703 (citation omitted). Contrary to Justice Souter's suggestion, see *post*, at 19—21, and n. 14, *Gibbons* did not exempt the commerce power from this cardinal rule of constitutional law. His assertion that, from *Gibbons* on, public opinion has been the only restraint on the congressional exercise of the commerce power is true only insofar as it contends that political accountability is and has been the only limit on Congress' exercise of the commerce power *within that power's outer bounds*. As the language surrounding that relied upon by Justice Souter makes clear, *Gibbons* did not remove from this Court the authority to define that boundary. See *Gibbons, supra*, at 194—195 ("It is not intended to say that these words comprehend that commerce, which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or affect other States.... Comprehensive as the word 'among' is, it may very properly be restricted to that commerce which concerns more States than one. The phrase is not one which would probably have been selected to indicate the completely interior traffic of a State, because it is not an apt phrase for that purpose; and the enumeration of the particular classes of commerce to which the power was to be extended, would not have been made, had the intention been to extend the power to every description. The enumeration presupposes something not enumerated; and that something, if we regard the language or the subject of the sentence, must be the exclusively internal commerce of a State").

8. Justice Souter disputes our assertion that the Constitution reserves the general police power to the States, noting that the Founders failed to adopt several proposals for additional guarantees against federal encroachment on state authority. See *post*, at 19—22, and n. 14. This argument is belied by the entire structure of the Constitution. With its careful enumeration of federal powers and explicit statement that all powers not granted to the Federal Government are reserved, the Constitution cannot realistically be interpreted as granting the Federal Government an unlimited license to regulate. See, e.g., *New York v. United States*, 505 U.S. 144, 156—157 (1992). And, as discussed above, the Constitution's separation of federal power and the creation of the Judicial Branch indicate that disputes regarding the extent of congressional power are largely subject to judicial review. See n. 7, *supra*. Moreover, the principle that "[t]he Constitution created a Federal Government of limited powers," while reserving a generalized police power to the States is deeply ingrained in our constitutional history. *New York, supra*, at 155 (quoting *Gregory v. Ashcroft, supra*, at 457; see also *Lopez*, 514 U.S., at 584—599 (Thomas, J., concurring) (discussing the history of the debates surrounding the adoption of the Commerce Clause and our subsequent interpretation of the Clause); *Maryland v. Wirtz*, 392 U.S. 183, 196 (1968).

(d) DEFINITIONS.—In this section—

“Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

Subtitle X—Gang Resistance Education and Training

42 USC 13921.

SEC. 32401. GANG RESISTANCE EDUCATION AND TRAINING PROJECTS.

(a) ESTABLISHMENT OF PROJECTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall establish not less than 50 Gang Resistance Education and Training (GREAT) projects, to be located in communities across the country, in addition to the number of projects currently funded.

(2) SELECTION OF COMMUNITIES.—Communities identified for such GREAT projects shall be selected by the Secretary of the Treasury on the basis of gang-related activity in that particular community.

(3) AMOUNT OF ASSISTANCE PER PROJECT; ALLOCATION.—The Secretary of the Treasury shall make available not less than \$800,000 per project, subject to the availability of appropriations, and such funds shall be allocated—

(A) 50 percent to the affected State and local law enforcement and prevention organizations participating in such projects; and

(B) 50 percent to the Bureau of Alcohol, Tobacco and Firearms for salaries, expenses, and associated administrative costs for operating and overseeing such projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

- (1) \$9,000,000 for fiscal year 1995;
- (2) \$7,200,000 for fiscal year 1996;
- (3) \$7,200,000 for fiscal year 1997;
- (4) \$7,200,000 for fiscal year 1998;
- (5) \$7,200,000 for fiscal year 1999; and
- (6) \$7,720,000 for fiscal year 2000.

Violence Against
Women Act
of 1994.

42 USC 13701
note.

TITLE IV—VIOLENCE AGAINST WOMEN

SEC. 40001. SHORT TITLE.

This title may be cited as the “Violence Against Women Act of 1994”.

Subtitle A—Safe Streets for Women

SEC. 40101. SHORT TITLE.

This subtitle may be cited as the "Safe Streets for Women Act of 1994".

Safe Streets for
Women Act of
1994.
42 USC 13701
note.

CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES

SEC. 40111. REPEAT OFFENDERS.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2247. Repeat offenders

"Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact have become final, is punishable by a term of imprisonment up to twice that otherwise authorized."

(b) AMENDMENT OF SENTENCING GUIDELINES.—The Sentencing Commission shall implement the amendment made by subsection (a) by promulgating amendments, if appropriate, in the sentencing guidelines applicable to chapter 109A offenses.

28 USC 994 note.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2247. Repeat offenders."

SEC. 40112. FEDERAL PENALTIES.

28 USC 994 note.

(a) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend, where necessary, its sentencing guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, or sexual abuse under section 2242 of title 18, United States Code, as follows:

(1) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to enhance penalties if more than 1 offender is involved in the offense.

(2) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to reduce unwarranted disparities between the sentences for sex offenders who are known to the victim and sentences for sex offenders who are not known to the victim.

(3) The Commission shall review and promulgate amendments to the guidelines to enhance penalties, if appropriate, to render Federal penalties on Federal territory commensurate with penalties for similar offenses in the States.

(4) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to account for the general problem of recidivism in cases of sex offenses, the severity of the offense, and its devastating effects on survivors.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission shall review and submit to Congress a report containing an analysis of Federal rape sentencing, accompanied by comment from independent experts in the field, describing—

(1) comparative Federal sentences for cases in which the rape victim is known to the defendant and cases in which the rape victim is not known to the defendant;

(2) comparative Federal sentences for cases on Federal territory and sentences in surrounding States; and

(3) an analysis of the effect of rape sentences on populations residing primarily on Federal territory relative to the impact of other Federal offenses in which the existence of Federal jurisdiction depends upon the offense's being committed on Federal territory.

SEC. 40113. MANDATORY RESTITUTION FOR SEX CRIMES.

(a) **SEXUAL ABUSE.**—

(1) **IN GENERAL.**—Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

“§ 2248. Mandatory restitution

“(a) **IN GENERAL.**—Notwithstanding section 3663, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

“(b) **SCOPE AND NATURE OF ORDER.**—

“(1) **DIRECTIONS.**—The order of restitution under this section shall direct that—

“(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (3); and

“(B) the United States Attorney enforce the restitution order by all available and reasonable means.

“(2) **ENFORCEMENT BY VICTIM.**—An order of restitution also may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

“(3) **DEFINITION.**—For purposes of this subsection, the term ‘full amount of the victim's losses’ includes any costs incurred by the victim for—

“(A) medical services relating to physical, psychiatric, or psychological care;

“(B) physical and occupational therapy or rehabilitation;

“(C) necessary transportation, temporary housing, and child care expenses;

“(D) lost income;

“(E) attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

“(F) any other losses suffered by the victim as a proximate result of the offense.

“(4) **ORDER MANDATORY.**—(A) The issuance of a restitution order under this section is mandatory.

“(B) A court may not decline to issue an order under this section because of—

“(i) the economic circumstances of the defendant; or

“(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(C)(i) Notwithstanding subparagraph (A), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(ii) For purposes of this subparagraph, the term 'economic circumstances' includes—

"(I) the financial resources and other assets of the defendant;

"(II) projected earnings, earning capacity, and other income of the defendant; and

"(III) any financial obligations of the defendant, including obligations to dependents.

"(D) Subparagraph (A) does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of the amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(5) MORE THAN 1 OFFENDER.—When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(6) MORE THAN 1 VICTIM.—When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) PAYMENT SCHEDULE.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(9) EFFECT ON OTHER SOURCES OF COMPENSATION.—The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) CONDITION OF PROBATION OR SUPERVISED RELEASE.—Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release,

modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

“(c) PROOF OF CLAIM.—

“(1) AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

“(2) OBJECTION.—If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

“(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

“(4) FINAL DETERMINATION OF LOSSES.—If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

“(d) MODIFICATION OF ORDER.—A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

“(e) REFERENCE TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed

findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

"(f) DEFINITION.—For purposes of this section, the term 'victim' means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian."

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2248. Mandatory restitution."

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2259. Mandatory restitution

"(a) IN GENERAL.—Notwithstanding section 3663, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) DIRECTIONS.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (3); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) ENFORCEMENT BY VICTIM.—An order of restitution may also be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

"(3) DEFINITION.—For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric,

or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, as well as other costs incurred; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(4) ORDER MANDATORY.—(A) The issuance of a restitution order under this section is mandatory.

"(B) A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(CXi) Notwithstanding subparagraph (A), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(ii) For purposes of this subparagraph, the term 'economic circumstances' includes—

"(I) the financial resources and other assets of the defendant;

"(II) projected earnings, earning capacity, and other income of the defendant; and

"(III) any financial obligations of the defendant, including obligations to dependents.

"(D) Subparagraph (A) does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of the amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(5) MORE THAN 1 OFFENDER.—When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(6) MORE THAN 1 VICTIM.—When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) PAYMENT SCHEDULE.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceedings; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(9) EFFECT ON OTHER SOURCES OF COMPENSATION.—The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) CONDITION OF PROBATION OR SUPERVISED RELEASE.—Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions

of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release, modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

"(c) PROOF OF CLAIM.—

"(1) AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) OBJECTION.—If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

"(4) FINAL DETERMINATION OF LOSSES.—If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) MODIFICATION OF ORDER.—A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

"(e) REFERENCE TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

"(f) DEFINITION.—For purposes of this section, the term 'victim' means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian."

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

"2259. Mandatory restitution."

SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.

There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia)—

- (1) \$500,000 for fiscal year 1996;
- (2) \$500,000 for fiscal year 1997; and
- (3) \$500,000 for fiscal year 1998.

**CHAPTER 2—LAW ENFORCEMENT AND PROSECUTION
GRANTS TO REDUCE VIOLENT CRIMES AGAINST
WOMEN**

SEC. 40121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 32101(a), is amended—

- (1) by redesignating part T as part U;
- (2) by redesignating section 2001 as section 2101; and
- (3) by inserting after part S the following new part:

"PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of—

- "(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against

SPECIAL MASTER.—The section with a proposed special master for proposed to disposition, subject to court action, the term 'victim' of a commission of a case of a victim who incapacitated, or deceased, representative of the victim's or person appointed as shall the defendant be

chapter analysis for Code, is amended by

VICTIM'S COUNSELORS. for the United States Victim/Witness Counselors domestic violence crimes (ombia)—

AND PROSECUTION CRIMES AGAINST

CRIMES AGAINST WOMEN. us Crime Control and et seq.), as amended

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purpose of this part nts, and units of local ctive law enforcement crimes against women, ces in cases involving

AY BE USED.—Grants ining, technical assist- r the more widespread of persons committing ally, for the purposes

rs and prosecutors to violent crimes against

women, including the crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

"(6) developing, enlarging, or strengthening programs addressing stalking; and

"(7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

"SEC. 2002. STATE GRANTS.

42 USC 3796gg-1.

"(a) **GENERAL GRANTS.**—The Attorney General may make grants to States, for use by States, units of local government, nonprofit nongovernmental victim services programs, and Indian tribal governments for the purposes described in section 2001(b).

"(b) **AMOUNTS.**—Of the amounts appropriated for the purposes of this part—

"(1) 4 percent shall be available for grants to Indian tribal governments;

"(2) \$500,000 shall be available for grants to applicants in each State; and

"(3) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States (not including populations of Indian tribes).

"(c) **QUALIFICATION.**—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used for any of the purposes described in section 2001(b);

"(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with non-profit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following 3 areas: prosecution, law enforcement, and victim services; and

"(4) any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle.

"(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 shall apply to grants made under this part. In addition, each application shall include the certifications of qualification required by subsection (c), including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2). An application shall include—

"(1) documentation from the prosecution, law enforcement, and victim services programs to be assisted, demonstrating—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background;

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 2005; and

"(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 2006.

"(e) DISBURSEMENT.—

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

"(A) disburse the appropriate sums provided for under this part; or

"(B) inform the applicant why the application does not conform to the terms of section 513 or to the requirements of this section.

"(2) REGULATIONS.—In disbursing monies under this part, the Attorney General shall issue regulations to ensure that States will—

"(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

"(B) determine the amount of subgrants based on the population and geographic area to be served;

"(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

"(D) recognize and address the needs of underserved populations.

develop a plan for coordinate with non-programs, including m services programs; unt granted shall be he following 3 areas: services; and or this part shall be eral funds that would l under this subtitle. application require- grants made under include the certifi- (c), including docu- victim services pro- ng the plan required on, law enforcement, ed, demonstrating— of grant funds; and f the populations to us, disability, race, requirements for the ed in section 2005; rements for paying nce cases provided ys after the receipt ey General shall— provided for under e application does or to the require- as under this part, as to ensure that ng geographic size on the availability assault programs to be served in ms in other such ants based on the ed; geographic basis arious geographic s of underserved

"(f) FEDERAL SHARE.—The Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted.

"(g) INDIAN TRIBES.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

"(h) GRANTEE REPORTING.—

"(1) IN GENERAL.—Upon completion of the grant period under this part, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this part.

"(2) CERTIFICATION BY GRANTEE AND SUBGRANTEES.—A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

"(3) SUSPENSION OF FUNDING.—The Attorney General shall suspend funding for an approved application if—

"(A) an applicant fails to submit an annual performance report;

"(B) funds are expended for purposes other than those described in this part; or

"(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

SEC. 2003. DEFINITIONS.

"In this part—

"(1) the term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

"(2) the term 'Indian country' has the meaning stated in section 1151 of title 18, United States Code;

"(3) the term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(4) the term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

"(5) the term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders,

42 USC
3796gg-2.

including such agency's component bureaus (such as governmental victim services programs);

"(6) the term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim;

"(7) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities; and

"(8) the term 'victim services' means a nonprofit, non-governmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs, including nonprofit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process.

42 USC
3796gg-3.

"SEC. 2004. GENERAL TERMS AND CONDITIONS.

"(a) **NONMONETARY ASSISTANCE.**—In addition to the assistance provided under this part, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

"(b) **REPORTING.**—Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

"(1) the number of grants made and funds distributed under this part;

"(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

"(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

"(4) an evaluation of the effectiveness of programs funded under this part.

"(c) **REGULATIONS OR GUIDELINES.**—Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment, the Attorney General shall publish final regulations or guidelines implementing this part.

42 USC
3796gg-4.

"SEC. 2005. RAPE EXAM PAYMENTS.

"(a) **RESTRICTION OF FUNDS.**—

"(1) **IN GENERAL.**—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the

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full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

"(2) REDISTRIBUTION.—Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

"(b) MEDICAL COSTS.—A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

"(1) provides such exams to victims free of charge to the victim;

"(2) arranges for victims to obtain such exams free of charge to the victims; or

"(3) reimburses victims for the cost of such exams if—

"(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

"(B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

"(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

"(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

"SEC. 2006. FILING COSTS FOR CRIMINAL CHARGES.

"(a) IN GENERAL.—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government—

"(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or

"(2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of—

"(A) the period ending on the date on which the next session of the State legislature ends; or

"(B) 2 years.

"(b) REDISTRIBUTION.—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata."

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42

42 USC
3796gg-5.

U.S.C. 3711 et seq.), as amended by section 32101(b), is amended by striking the matter relating to part T and inserting the following:

"PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

- "Sec. 2001. Purpose of the program and grants.
- "Sec. 2002. State grants.
- "Sec. 2003. General definitions.
- "Sec. 2004. General terms and conditions.
- "Sec. 2005. Rape exam payments.
- "Sec. 2006. Filing costs for criminal charges.

"PART U—TRANSITION—EFFECTIVE DATE—REPEALER

- "Sec. 2101. Continuation of rules, authorities, and proceedings."

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 32101(d), is amended—

(1) in paragraph (3) by striking "and S" and inserting "S, and T"; and

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

"(18) There are authorized to be appropriated to carry out part T—

"(A) \$26,000,000 for fiscal year 1995;

"(B) \$130,000,000 for fiscal year 1996;

"(C) \$145,000,000 for fiscal year 1997;

"(D) \$160,000,000 for fiscal year 1998;

"(E) \$165,000,000 for fiscal year 1999; and

"(F) \$174,000,000 for fiscal year 2000."

**CHAPTER 3—SAFETY FOR WOMEN IN PUBLIC TRANSIT
AND PUBLIC PARKS**

42 USC 13931.

Appropriation
authorization.

**SEC. 40131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT
CRIME IN PUBLIC TRANSPORTATION.**

(a) **GENERAL PURPOSE.**—There is authorized to be appropriated not to exceed \$10,000,000, for the Secretary of Transportation (referred to in this section as the "Secretary") to make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

(b) GRANTS FOR LIGHTING, CAMERA SURVEILLANCE, AND SECURITY PHONES.—

(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

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(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

(c) REPORTING.—All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be compiled on the basis of the type of crime, sex, race, ethnicity, language, and relationship of victim to the offender.

(d) INCREASED FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share under this section for each capital improvement project that enhances the safety and security of public transportation systems and that is not required by law (including any other provision of this Act) shall be 90 percent of the net project cost of the project.

(e) SPECIAL GRANTS FOR PROJECTS TO STUDY INCREASING SECURITY FOR WOMEN.—From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

(f) GENERAL REQUIREMENTS.—All grants or loans provided under this section shall be subject to the same terms, conditions, requirements, and provisions applicable to grants and loans as specified in section 5321 of title 49, United States Code.

SEC. 40132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.

Public Law 91-383 (16 U.S.C. 1a-1 et seq.) is amended by adding at the end the following new section:

"SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.

"(a) AVAILABILITY OF FUNDS.—There are authorized to be appropriated out of the Violent Crime Reduction Trust Fund, not to exceed \$10,000,000, for the Secretary of the Interior to take all necessary actions to seek to reduce the incidence of violent crime in the National Park System.

"(b) RECOMMENDATIONS FOR IMPROVEMENT.—The Secretary shall direct the chief official responsible for law enforcement within the National Park Service to—

"(1) compile a list of areas within the National Park System with the highest rates of violent crime;

"(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and

"(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

"(c) DISTRIBUTION OF FUNDS.—Based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute the funds authorized by subsection (a) throughout the National Park System. Priority shall be given to those areas with the highest rates of sexual assault.

"(d) USE OF FUNDS.—Funds provided under this section may be used—

16 USC 1a-7a.

Appropriation
authorization.

"(1) to increase lighting within or adjacent to National Park System units;

"(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to National Park System units;

"(3) to increase security or law enforcement personnel within or adjacent to National Park System units; or

"(4) for any other project intended to increase the security and safety of National Park System units."

SEC. 40133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC PARKS.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8) is amended by adding at the end the following new subsection:

"(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—

"(1) AVAILABILITY OF FUNDS.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed \$15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

"(A) increase lighting within or adjacent to public parks and recreation areas;

"(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(C) increase security personnel within or adjacent to public parks and recreation areas; and

"(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

"(2) ELIGIBILITY.—In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall be dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

Urban areas.

"(3) FEDERAL SHARE.—Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes described in this subsection, and the remaining share of the cost shall be borne by the State."

CHAPTER 4—NEW EVIDENTIARY RULES

SEC. 40141. SEXUAL HISTORY IN CRIMINAL AND CIVIL CASES.

(a) MODIFICATION OF PROPOSED AMENDMENT.—The proposed amendments to the Federal Rules of Evidence that are embraced by an order entered by the Supreme Court of the United States on April 29, 1994, shall take effect on December 1, 1994, as otherwise provided by law, but with the amendment made by subsection (b).

28 USC 2074
note.
Effective date.

(b) RULE.—Rule 412 of the Federal Rules of Evidence is amended to read as follows: 28 USC app.

"Rule 412. Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition"

"(a) EVIDENCE GENERALLY INADMISSIBLE.—The following evidence is not admissible in any civil or criminal proceeding involving alleged sexual misconduct except as provided in subdivisions (b) and (c):

"(1) Evidence offered to prove that any alleged victim engaged in other sexual behavior.

"(2) Evidence offered to prove any alleged victim's sexual predisposition.

"(b) EXCEPTIONS.—

"(1) In a criminal case, the following evidence is admissible, if otherwise admissible under these rules:

"(A) evidence of specific instances of sexual behavior by the alleged victim offered to prove that a person other than the accused was the source of semen, injury or other physical evidence;

"(B) evidence of specific instances of sexual behavior by the alleged victim with respect to the person accused of the sexual misconduct offered by the accused to prove consent or by the prosecution; and

"(C) evidence the exclusion of which would violate the constitutional rights of the defendant.

"(2) In a civil case, evidence offered to prove the sexual behavior or sexual predisposition of any alleged victim is admissible if it is otherwise admissible under these rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. Evidence of an alleged victim's reputation is admissible only if it has been placed in controversy by the alleged victim.

"(c) PROCEDURE TO DETERMINE ADMISSIBILITY.—

"(1) A party intending to offer evidence under subdivision (b) must—

"(A) file a written motion at least 14 days before trial specifically describing the evidence and stating the purpose for which it is offered unless the court, for good cause requires a different time for filing or permits filing during trial; and

"(B) serve the motion on all parties and notify the alleged victim or, when appropriate, the alleged victim's guardian or representative.

"(2) Before admitting evidence under this rule the court must conduct a hearing in camera and afford the victim and parties a right to attend and be heard. The motion, related papers, and the record of the hearing must be sealed and remain under seal unless the court orders otherwise."

(c) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence is amended by amending the item relating to rule 412 to read as follows:

"412. Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition:

"(a) Evidence generally inadmissible.

"(b) Exceptions.

"(c) Procedure to determine admissibility."

CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL
ASSAULT

SEC. 40151. EDUCATION AND PREVENTION GRANTS TO REDUCE SEX-
UAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Human Services Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new section:

42 USC 300w-10. "SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDU-
CATION.

"(a) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities for—

- "(1) educational seminars;
- "(2) the operation of hotlines;
- "(3) training programs for professionals;
- "(4) the preparation of informational materials; and
- "(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved racial, ethnic, and language minority communities.

"(b) TARGETING OF EDUCATION PROGRAMS.—States providing grant monies must ensure that at least 25 percent of the monies are devoted to education programs targeted for middle school, junior high school, and high school students.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- "(1) \$35,000,000 for fiscal year 1996;
- "(2) \$35,000,000 for fiscal year 1997;
- "(3) \$45,000,000 for fiscal year 1998;
- "(4) \$45,000,000 for fiscal year 1999; and
- "(5) \$45,000,000 for fiscal year 2000.

"(d) LIMITATION.—Funds authorized under this section may only be used for providing rape prevention and education programs.

"(e) DEFINITION.—For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(f) TERMS.—The Secretary shall make allotments to each State on the basis of the population of the State, and subject to the conditions provided in this section and sections 1904 through 1909."

42 USC 13941.

SEC. 40152. TRAINING PROGRAMS.

(a) IN GENERAL.—The Attorney General, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of—

- (1) case management;
- (2) supervision; and
- (3) relapse prevention.

(b) TRAINING PROGRAMS.—The Attorney General shall ensure, to the extent practicable, that training programs developed under

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subsection (a) are available in geographically diverse locations throughout the country.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- (1) \$1,000,000 for fiscal year 1996; and
- (2) \$1,000,000 for fiscal year 1997.

SEC. 40153. CONFIDENTIALITY OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT OR DOMESTIC VIOLENCE VICTIMS AND THEIR COUNSELORS.

42 USC 13942.

(a) STUDY AND DEVELOPMENT OF MODEL LEGISLATION.—The Attorney General shall—

(1) study and evaluate the manner in which the States have taken measures to protect the confidentiality of communications between sexual assault or domestic violence victims and their therapists or trained counselors;

(2) develop model legislation that will provide the maximum protection possible for the confidentiality of such communications, within any applicable constitutional limits, taking into account the following factors:

(A) the danger that counseling programs for victims of sexual assault and domestic violence will be unable to achieve their goal of helping victims recover from the trauma associated with these crimes if there is no assurance that the records of the counseling sessions will be kept confidential;

(B) consideration of the appropriateness of an absolute privilege for communications between victims of sexual assault or domestic violence and their therapists or trained counselors, in light of the likelihood that such an absolute privilege will provide the maximum guarantee of confidentiality but also in light of the possibility that such an absolute privilege may be held to violate the rights of criminal defendants under the Federal or State constitutions by denying them the opportunity to obtain exculpatory evidence and present it at trial; and

(C) consideration of what limitations on the disclosure of confidential communications between victims of these crimes and their counselors, short of an absolute privilege, are most likely to ensure that the counseling programs will not be undermined, and specifically whether no such disclosure should be allowed unless, at a minimum, there has been a particularized showing by a criminal defendant of a compelling need for records of such communications, and adequate procedural safeguards are in place to prevent unnecessary or damaging disclosures; and

(3) prepare and disseminate to State authorities the findings made and model legislation developed as a result of the study and evaluation.

(b) REPORT AND RECOMMENDATIONS.—Not later than the date that is 1 year after the date of enactment of this Act, the Attorney General shall report to the Congress—

(1) the findings of the study and the model legislation required by this section; and

(2) recommendations based on the findings on the need for and appropriateness of further action by the Federal Government.

Reports.

(c) REVIEW OF FEDERAL EVIDENTIARY RULES.—The Judicial Conference of the United States shall evaluate and report to Congress its views on whether the Federal Rules of Evidence should be amended, and if so, how they should be amended, to guarantee that the confidentiality of communications between sexual assault victims and their therapists or trained counselors will be adequately protected in Federal court proceedings.

42 USC 13943.

SEC. 40154. INFORMATION PROGRAMS.

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18, United States Code, or for the commission of a similar offense, including halfway houses and psychiatric institutions.

42 USC 5712d.

SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended—

- (1) by redesignating sections 316 and 317 as sections 317 and 318, respectively; and
- (2) by inserting after section 315 the following new section:

“GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

“SEC. 316. (a) IN GENERAL.—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

“(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to runaway, homeless, and street youth.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- “(1) \$7,000,000 for fiscal year 1996;
- “(2) \$8,000,000 for fiscal year 1997; and
- “(3) \$15,000,000 for fiscal year 1998.

“(d) DEFINITIONS.—For the purposes of this section—

“(1) the term ‘street-based outreach and education’ includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

“(2) the term ‘street youth’ means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.”

SEC. 40156. VICTIMS OF CHILD ABUSE PROGRAMS.

(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—

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(1) REAUTHORIZATION.—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 to carry out this subtitle—

- "(1) \$6,000,000 for fiscal year 1996;
- "(2) \$6,000,000 for fiscal year 1997;
- "(3) \$7,000,000 for fiscal year 1998;
- "(4) \$9,000,000 for fiscal year 1999; and
- "(5) \$10,000,000 for fiscal year 2000."

(2) TECHNICAL AMENDMENT.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking "this chapter" and inserting "this subtitle".

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—

(1) REAUTHORIZATION.—Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

- "(1) \$750,000 for fiscal year 1996;
- "(2) \$1,000,000 for fiscal year 1997;
- "(3) \$2,000,000 for fiscal year 1998;
- "(4) \$2,000,000 for fiscal year 1999; and
- "(5) \$2,300,000 for fiscal year 2000."

(2) TECHNICAL AMENDMENT.—Section 221(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13021(b)) is amended by striking "this chapter" and inserting "this subtitle".

(c) GRANTS FOR TELEVISED TESTIMONY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by amending section 1001(a)(7) (42 U.S.C. 3793(a)(7)) to read as follows:

"(7) There are authorized to be appropriated to carry out part N—

Appropriation authorization.

- "(A) \$250,000 for fiscal year 1996;
- "(B) \$1,000,000 for fiscal year 1997;
- "(C) \$1,000,000 for fiscal year 1998;
- "(D) \$1,000,000 for fiscal year 1999; and
- "(E) \$1,000,000 for fiscal year 2000."

(2) in section 1402 (42 U.S.C. 3796aa-1) by striking "to States, for the use of States and units of local government in the States";

(3) in section 1403 (42 U.S.C. 3796aa-2)—

(A) by inserting "or unit of local government" after "of a State";

(B) by inserting "and" after paragraph (1);

(C) in paragraph (2) by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (3) and (4);

(4) in section 1404 (42 U.S.C. 3796aa-3)—

(A) in subsection (a)—

(i) by striking "The Bureau" and all that follows through "determining that" and inserting "An applicant is eligible to receive a grant under this part if—";

(ii) in paragraph (1) by striking "there is in effect in such State" and inserting "the applicant certifies

and the Director determines that there is in effect in the State";

(iii) in paragraph (2) by striking "such State law shall meet" and inserting "the applicant certifies and the Director determines that State law meets";

(iv) by inserting "and" after subparagraph (E);

(v) in paragraph (3)—

(I) by inserting "the Director determines that" before "the application"; and

(II) by striking "; and" and inserting a period;

(vi) by striking paragraph (4);

(vii) by striking "Each application" and inserting the following:

"(b) Each application"; and

(viii) by striking "the Bureau" each place it appears and inserting "the Director"; and

(B) by redesignating subsection (b) as subsection (c) and by striking "The Bureau" and inserting "The Director";

(5) by striking section 1405 (42 U.S.C. 3796aa-4);

(6) in section 1406 (42 U.S.C. 3796aa-5)—

(A) in subsection (a)—

(i) by striking "State which" and inserting "State or unit of local government that";

(ii) by striking "title" and inserting "part"; and

(iii) in paragraph (1) by striking "State"; and

(B) in subsection (b)(1) by striking "such State" and inserting "the State and units of local government in the State";

(7) in section 1407 (42 U.S.C. 3796aa-6)—

(A) in subsection (c)—

(i) by striking "Each State" and all that follows through "effective audit" and inserting "Grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) shall keep such records as the Director may require by rule to facilitate such an audit."; and

(ii) in paragraph (2) by striking "States which receive grants, and of units of local government which receive any part of a grant made under this part"

and inserting "grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds)"; and

(B) by adding at the end the following new subsection:

"(d) UTILIZATION OF PRIVATE SECTOR.—Nothing in this part shall prohibit the utilization of any grant funds to contract with a private organization to provide equipment or training for the televising of testimony as contemplated by the application submitted by an applicant.";

(8) by striking section 1408 (42 U.S.C. 3796aa-7); and

(9) in the table of contents—

(A) in the item relating to section 1405 by striking "Allocation and distribution of funds under formula grants" and inserting "(Repealed)"; and

(B) in the item relating to section 1408 by striking "State office" and inserting "(Repealed)".

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VIOLENT CRIME CONTROL ACT

Subtitle B—Safe Homes for Women

SEC. 40201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act of 1994".

CHAPTER 1—NATIONAL DOMESTIC VIOLENCE HOTLINE

SEC. 40211. GRANT FOR A NATIONAL DOMESTIC VIOLENCE HOTLINE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

42 USC 10416.

"(a) IN GENERAL.—The Secretary may award a grant to a private, nonprofit entity to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

"(b) DURATION.—A grant under this section may extend over a period of not more than 5 years.

"(c) ANNUAL APPROVAL.—The provision of payments under a grant under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

"(d) ACTIVITIES.—Funds received by an entity under this section shall be used to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, a private, nonprofit entity shall—

"(1) contract with a carrier for the use of a toll-free telephone line;

"(2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

"(3) assemble and maintain a current database of information relating to services for victims of domestic violence to which callers may be referred throughout the United States, including information on the availability of shelters that serve battered women; and

"(4) publicize the hotline to potential users throughout the United States.

"(e) APPLICATION.—A grant may not be made under this section unless an application for such grant has been approved by the Secretary. To be approved by the Secretary under this subsection an application shall—

"(1) contain such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register;

"(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

"(A) the training program for hotline personnel;

"(B) the hiring criteria for hotline personnel;

"(C) the methods for the creation, maintenance and updating of a resource database;

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Sec. 40211

Safe Homes for
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"(D) a plan for publicizing the availability of the hotline;

"(E) a plan for providing service to non-English speaking callers, including hotline personnel who speak Spanish; and

"(F) a plan for facilitating access to the hotline by persons with hearing impairments;

"(3) demonstrate that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including a demonstration of support from advocacy groups, such as domestic violence State coalitions or recognized national domestic violence groups;

"(4) demonstrates that the applicant has a commitment to diversity, and to the provision of services to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities; and

"(5) contain such other information as the Secretary may require.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) \$1,000,000 for fiscal year 1995;

"(B) \$400,000 for fiscal year 1996;

"(C) \$400,000 for fiscal year 1997;

"(D) \$400,000 for fiscal year 1998;

"(E) \$400,000 for fiscal year 1999; and

"(F) \$400,000 for fiscal year 2000.

"(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until expended."

CHAPTER 2—INTERSTATE ENFORCEMENT

SEC. 40221. INTERSTATE ENFORCEMENT.

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

"CHAPTER 110A—DOMESTIC VIOLENCE

"Sec. 2261. Interstate domestic violence.

"Sec. 2262. Interstate violation of protection order.

"Sec. 2263. Pretrial release of defendant.

"Sec. 2264. Restitution.

"Sec. 2265. Full faith and credit given to protection orders.

"Sec. 2266. Definitions.

"§ 2261. Interstate domestic violence

"(a) OFFENSES.—

"(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country with the intent to injure, harass, or intimidate that person's spouse or intimate partner, and who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b).

"(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion,

duress, or fraud and, in the course or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person's spouse or intimate partner, shall be punished as provided in subsection (b).

"(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned—

"(1) for life or any term of years, if death of the offender's spouse or intimate partner results;

"(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;

"(3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case, or both fined and imprisoned.

"§ 2262. Interstate violation of protection order

"(a) OFFENSES.—

"(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

"(A)(i) violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued; or

"(ii) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the order was issued; and

"(B) subsequently engages in such conduct, shall be punished as provided in subsection (b).

"(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, intentionally commits an act that injures the person's spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (b).

"(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned—

"(1) for life or any term of years, if death of the offender's spouse or intimate partner results;

"(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;

"(3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed

in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case, or both fined and imprisoned.

"§ 2263. Pretrial release of defendant

"In any proceeding pursuant to section 3142 for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

"§ 2264. Restitution

"(a) IN GENERAL.—Notwithstanding section 3663, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) DIRECTIONS.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (3); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) ENFORCEMENT BY VICTIM.—An order of restitution also may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

"(3) DEFINITION.—For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(4) ORDER MANDATORY.—(A) The issuance of a restitution order under this section is mandatory.

"(B) A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(C)(i) Notwithstanding subparagraph (A), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

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"(ii) For purposes of this subparagraph, the term 'economic circumstances' includes—

"(I) the financial resources and other assets of the defendant;

"(II) projected earnings, earning capacity, and other income of the defendant; and

"(III) any financial obligations of the defendant, including obligations to dependents.

"(D) Subparagraph (A) does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of the amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(5) MORE THAN 1 OFFENDER.—When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(6) MORE THAN 1 VICTIM.—When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) PAYMENT SCHEDULE.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(9) EFFECT ON OTHER SOURCES OF COMPENSATION.—The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) CONDITION OF PROBATION OR SUPERVISED RELEASE.—Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release, modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willful-

ness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

"(c) AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days before sentencing, the United States Attorney (or such Attorney's delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of the affidavit.

"(d) OBJECTION.—If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (a) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(e) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

"(f) FINAL DETERMINATION OF LOSSES.—If the victim's losses are not ascertainable 10 days before sentencing as provided in subsection (c), the United States Attorney (or the United States Attorney's delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 90 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(g) RESTITUTION IN ADDITION TO PUNISHMENT.—An award of restitution to the victim of an offense under this chapter is not a substitute for imposition of punishment under this chapter.

"§ 2265. Full faith and credit given to protection orders

"(a) FULL FAITH AND CREDIT.—Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

"(b) PROTECTION ORDER.—A protection order issued by a State or tribal court is consistent with this subsection if—

"(1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and

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"(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) CROSS OR COUNTER PETITION.—A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

§ 2266. Definitions

"In this chapter—

"bodily injury" means any act, except one done in self-defense, that results in physical injury or sexual abuse.

"Indian country" has the meaning stated in section 1151.

"protection order" includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

"spouse or intimate partner" includes—

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

"(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides.

"State" includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

"travel across State lines" does not include travel across State lines by an individual who is a member of an Indian tribe when such individual remains at all times in the territory of the Indian tribe of which the individual is a member."

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

"110A. Domestic violence 2261."

**CHAPTER 3—ARREST POLICIES IN DOMESTIC
VIOLENCE CASES**

SEC. 40231. ENCOURAGING ARREST POLICIES.

(a) **IN GENERAL.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40121(a), is amended—

42 USC 3797.

- (1) by redesignating part U as part V;
- (2) by redesignating section 2101 as section 2201; and
- (3) by inserting after part T the following new part:

**“PART U—GRANTS TO ENCOURAGE ARREST
POLICIES**

42 USC 3796hh.

“SEC. 2101. GRANTS.

“(a) **PURPOSE.**—The purpose of this part is to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law.

“(b) **GRANT AUTHORITY.**—The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

“(1) To implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations.

“(2) To develop policies and training in police departments to improve tracking of cases involving domestic violence.

“(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

“(4) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

“(5) To strengthen legal advocacy service programs for victims of domestic violence.

“(6) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

“(c) **ELIGIBILITY.**—Eligible grantees are States, Indian tribal governments, or units of local government that—

“(1) ~~certify that their laws or official policies—~~

“(A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

“(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

“(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

“(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and

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"(4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

SEC. 2102. APPLICATIONS.

"(a) APPLICATION.—An eligible grantee shall submit an application to the Attorney General that—

"(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 2101(c) are met or will be met within the later of—

"(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

"(B) 2 years of the date of enactment of this part;

"(2) describes plans to further the purposes stated in section 2101(a);

"(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

"(b) PRIORITY.—In awarding grants under this part, the Attorney General shall give priority to applicants that—

"(1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; and

"(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

SEC. 2103. REPORTS.

"Each grantee receiving funds under this part shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Attorney General may prescribe.

SEC. 2104. REGULATIONS OR GUIDELINES.

"Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment of this part, the Attorney General shall publish final regulations or guidelines implementing this part.

SEC. 2105. DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant

42 USC
3796hh-1.

42 USC
3796hh-2.

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42 USC
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monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the eligible State, Indian tribal government, or unit of local government that receives a grant under this part; and

"(2) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding."

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40121(b), is amended by striking the matter relating to part U and inserting the following:

"PART U—GRANTS TO ENCOURAGE ARREST POLICIES

"Sec. 2101. Grants.
"Sec. 2102. Applications.
"Sec. 2103. Reports.
"Sec. 2104. Regulations or guidelines.
"Sec. 2105. Definitions.

"PART V—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 2201. Continuation of rules, authorities, and proceedings."

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 40121(c), is amended—

(1) in paragraph (3) by striking "and T" and inserting "T, and U"; and

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

"(19) There are authorized to be appropriated to carry out part U—

"(A) \$28,000,000 for fiscal year 1996;

"(B) \$33,000,000 for fiscal year 1997; and

"(C) \$59,000,000 for fiscal year 1998.

(d) ADMINISTRATIVE PROVISIONS.—

(1) REGULATIONS.—Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782(b)), is amended by striking "and O" and inserting "O, and U".

(2) DENIAL OF APPLICATION.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended in the first sentence by striking "or O" and inserting "O, or U".

CHAPTER 4—SHELTER GRANTS

SEC. 40241. GRANTS FOR BATTERED WOMEN'S SHELTERS.

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

"(1) \$50,000,000 for fiscal year 1996;

"(2) \$60,000,000 for fiscal year 1997;

"(3) \$70,000,000 for fiscal year 1998;

"(4) \$72,500,000 for fiscal year 1999; and

"(5) \$72,500,000 for fiscal year 2000."

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CHAPTER 5—YOUTH EDUCATION

SEC. 40251. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 40211, is amended by adding at the end the following new section:

"SEC. 317. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

42 USC 10417

"(a) GENERAL PURPOSE.—For purposes of this section, the Secretary may, in consultation with the Secretary of Education, select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

"(b) NATURE OF PROGRAM.—The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in consultation with educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers.

"(c) REVIEW AND DISSEMINATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$400,000 for fiscal year 1996."

CHAPTER 6—COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

SEC. 40261. ESTABLISHMENT OF COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 40251, is amended by adding at the end the following new section:

"SEC. 318. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

42 USC 10418.

"(a) IN GENERAL.—The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity—

"(1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and

"(2) shall include representatives of pertinent sectors of the local community, which may include—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

Federal
Register,
publication.

"(F) human service entities such as State child services divisions;

"(G) business and civic leaders; and

"(H) other pertinent sectors.

"(c) APPLICATIONS.—An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for, developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Secretary may require.

"(d) TERM.—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(e) CONDITIONS ON PAYMENT.—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Secretary; and

"(2) availability of appropriations.

"(f) GEOGRAPHICAL DISPERSION.—The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"(g) USE OF GRANT MONIES.—

"(1) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(2) REQUIREMENTS.—In establishing and operating a project, a nonprofit private organization shall—

"(A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

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"(B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) \$4,000,000 for fiscal year 1996; and

"(2) \$6,000,000 for fiscal year 1997.

"(i) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after the date of enactment, the Secretary shall publish final regulations implementing this section."

Publication.

CHAPTER 7—FAMILY VIOLENCE PREVENTION AND SERVICES ACT AMENDMENTS

SEC. 40271. GRANTEE REPORTING.

(a) SUBMISSION OF APPLICATION.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" after "such State".

(b) APPROVAL OF APPLICATION.—Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following new paragraph:

"(4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds."

SEC. 40272. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 309(5)(B) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(5)(B)) is amended by inserting "or other supportive services" before "by peers individually or in groups."

(b) SPECIAL ISSUE RESOURCE CENTERS.—

(1) GRANTS.—Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by striking "six" and inserting "seven".

(2) FUNCTIONS.—Section 308(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(c)) is amended—

(A) by striking the period at the end of paragraph (6) and inserting “, including the issuance and enforcement of protection orders.”; and

(B) by adding at the end the following new paragraph:
“(7) Providing technical assistance and training to State domestic violence coalitions.”

(c) STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5);

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph:

“(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

“(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

“(B) planning and conducting State needs assessments and planning for comprehensive services;

“(C) serving as an information clearinghouse and resource center for the State; and

“(D) collaborating with other governmental systems which affect battered women.”;

(3) in paragraph (2)(K), as redesignated by paragraph (1), by striking “and court officials and other professionals” and inserting “, judges, court officers and other criminal justice professionals,”;

(4) in paragraph (3), as redesignated by paragraph (1)—

(A) by inserting “, criminal court judges,” after “family law judges,” each place it appears;

(B) in subparagraph (F), by inserting “custody” after “temporary”; and

(C) in subparagraph (H), by striking “supervised visitations that do not endanger victims and their children,” and inserting “supervised visitations or denial of visitation to protect against danger to victims or their children”, and

(5) in paragraph (4), as redesignated by paragraph (1), by inserting “, including information aimed at underserved racial, ethnic or language-minority populations” before the semicolon.

CHAPTER 8—CONFIDENTIALITY FOR ABUSED PERSONS

42 USC 13951.
Postal Service.

SEC. 40281. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

(a) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses.

(b) REQUIREMENTS.—The regulations under subsection (a) shall require—

(1) in the case of an individual, the presentation to an appropriate postal official of a valid, outstanding protection order; and

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(2) in the case of a domestic violence shelter, the presentation to an appropriate postal authority of proof from a State domestic violence coalition that meets the requirements of section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410)) verifying that the organization is a domestic violence shelter.

(c) **DISCLOSURE FOR CERTAIN PURPOSES.**—The regulations under subsection (a) shall not prohibit the disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes.

(d) **EXISTING COMPILATIONS.**—Compilations of addresses existing at the time at which order is presented to an appropriate postal official shall be excluded from the scope of the regulations under subsection (a).

CHAPTER 9—DATA AND RESEARCH

SEC. 40291. RESEARCH AGENDA.

42 USC 13961.

(a) **REQUEST FOR CONTRACT.**—The Attorney General shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice, and direct services to victims and experts on domestic violence in diverse, ethnic, social, and language minority communities and the social sciences. In setting the agenda, the Academy shall focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations.

(b) **DECLINATION OF REQUEST.**—If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Attorney General shall carry out subsection (a) through the nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) **REPORT.**—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 40292. STATE DATABASES.

42 USC 13962.
Reports.

(a) **IN GENERAL.**—The Attorney General shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of sexual and domestic violence offenses within a State.

(b) **CONSULTATION.**—In conducting its study, the Attorney General shall consult persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services

to victims of domestic violence. The final report shall set forth the views of the persons consulted on the recommendations.

(c) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committees on the Judiciary of the Senate and the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$200,000 for fiscal year 1996.

42 USC 13963.

SEC. 40293. NUMBER AND COST OF INJURIES.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Centers for Disease Control Injury Control Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—\$100,000 for fiscal year 1996.

CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

42 USC 13971.

SEC. 40295. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) GRANTS.—The Attorney General may make grants to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) DEFINITIONS.—In this section—

“Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“rural State” has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) \$7,000,000 for fiscal year 1996;

(B) \$8,000,000 for fiscal year 1997; and

(C) \$15,000,000 for fiscal year 1998.

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(2) ADDITIONAL FUNDING.—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

Subtitle C—Civil Rights for Women

SEC. 40301. SHORT TITLE.

This subtitle may be cited as the "Civil Rights Remedies for Gender-Motivated Violence Act".

SEC. 40302. CIVIL RIGHTS.

(a) PURPOSE.—Pursuant to the affirmative power of Congress to enact this subtitle under section 5 of the Fourteenth Amendment to the Constitution, as well as under section 8 of Article I of the Constitution, it is the purpose of this subtitle to protect the civil rights of victims of gender motivated violence and to promote public safety, health, and activities affecting interstate commerce by establishing a Federal civil rights cause of action for victims of crimes of violence motivated by gender.

(b) RIGHT TO BE FREE FROM CRIMES OF VIOLENCE.—All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d)).

(c) CAUSE OF ACTION.—A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "crime of violence motivated by gender" means a crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim's gender; and

(2) the term "crime of violence" means—

(A) an act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of title 18, United States Code, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.

(e) LIMITATION AND PROCEDURES.—

(1) LIMITATION.—Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be dem-

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42 USC 13701
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42 USC 13981.

onstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d)).

(2) NO PRIOR CRIMINAL ACTION.—Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

(3) CONCURRENT JURISDICTION.—The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this subtitle.

(4) SUPPLEMENTAL JURISDICTION.—Neither section 1367 of title 28, United States Code, nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

(5) LIMITATION ON REMOVAL.—Section 1445 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(d) A civil action in any State court arising under section 40302 of the Violence Against Women Act of 1994 may not be removed to any district court of the United States.”

SEC. 40303. ATTORNEY'S FEES.

Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended in the last sentence—

(1) by striking “or” after “Public Law 92-318,”; and

(2) by inserting “, or section 40302 of the Violence Against Women Act of 1994,” after “1964”.

SEC. 40304. SENSE OF THE SENATE CONCERNING PROTECTION OF THE PRIVACY OF RAPE VICTIMS.

It is the sense of the Senate that news media, law enforcement officers, and other persons should exercise restraint and respect a rape victim's privacy by not disclosing the victim's identity to the general public or facilitating such disclosure without the consent of the victim.

Equal Justice
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of 1994.

**Subtitle D—Equal Justice for Women in
the Courts Act**

42 USC 13701
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SEC. 40401. SHORT TITLE.

This subtitle may be cited as the “Equal Justice for Women in the Courts Act of 1994”.

**CHAPTER 1—EDUCATION AND TRAINING FOR JUDGES
AND COURT PERSONNEL IN STATE COURTS**

42 USC 13991.

SEC. 40411. GRANTS AUTHORIZED.

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States (as defined in section 202 of the State Justice Institute Act of 1984 (42 U.S.C. 10701)) in training judges and court personnel in the laws of the States and by Indian tribes in training tribal judges and court personnel in the laws

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of the tribes on rape, sexual assault, domestic violence, and other
crimes of violence motivated by the victim's gender.

SEC. 40412. TRAINING PROVIDED BY GRANTS.

42 USC 13992.

Training provided pursuant to grants made under this subtitle
may include current information, existing studies, or current data
on—

(1) the nature and incidence of rape and sexual assault
by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child
sexual abuse;

(3) the physical, psychological, and economic impact of rape
and sexual assault on the victim, the costs to society, and
the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidi-
vism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape
and sexual assault;

(6) sex stereotyping of female and male victims of rape
and sexual assault, racial stereotyping of rape victims and
defendants, and the impact of such stereotypes on credibility
of witnesses, sentencing, and other aspects of the administra-
tion of justice;

(7) application of rape shield laws and other limits on
introduction of evidence that may subject victims to improper
sex stereotyping and harassment in both rape and nonrape
cases, including the need for sua sponte judicial intervention
in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma
syndrome, child sexual abuse accommodation syndrome, post-
traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual
assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of
domestic violence on the victim, the costs to society, and the
implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and
victims and the implications for court proceedings and credibil-
ity of witnesses;

(13) sex stereotyping of female and male victims of domestic
violence, myths about presence or absence of domestic violence
in certain racial, ethnic, religious, or socioeconomic groups,
and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic
violence;

(15) proper and improper interpretations of the defenses
of self-defense and provocation, and the use of expert witness
testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation
of violence by batterers, and the potential impact of incarcer-
ation and other meaningful sanctions for acts of domestic
violence including violations of orders of protection;

(17) economic, psychological, social and institutional rea-
sons for victims' inability to leave the batterer, to report domes-
tic violence or to follow through on complaints, including the
influence of lack of support from police, judges, and court

personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases; and

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims.

42 USC 13993.

SEC. 40413. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

42 USC 13994.

SEC. 40414. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this chapter \$600,000 for fiscal year 1996.

(b) **MODEL PROGRAMS.**—Of amounts appropriated under this section, the State Justice Institute shall expend not less than 40 percent on model programs regarding domestic violence and not less than 40 percent on model programs regarding rape and sexual assault.

CHAPTER 2—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

42 USC 14001.

SEC. 40421. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) **STUDIES.**—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits and to implement recommended reforms.

(b) **MATTERS FOR EXAMINATION.**—The studies under subsection (a) may include an examination of the effects of gender on—

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of violent crimes in judicial proceedings;

(5) sentencing;

(6) sentencing alternatives and the nature of supervision of probation and parole;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

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(10) appointment of arbitrators, experts, and special masters;

(11) the admissibility of the victim's past sexual history in civil and criminal cases; and

(12) the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts.

(c) **CLEARINGHOUSE.**—The Administrative Office of the United States Courts shall act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide the Administrative Office of the Courts of the United States with their reports and related material.

(d) **MODEL PROGRAMS.**—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, may—

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 40422. AUTHORIZATION OF APPROPRIATIONS.

42 USC 14002.

There are authorized to be appropriated—

(1) to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services to carry out section 40421(a) \$500,000 for fiscal year 1996;

(2) to the Federal Judicial Center to carry out section 40421(d) \$100,000 for fiscal year 1996; and

(3) to the Administrative Office of the United States Courts to carry out section 40421(c) \$100,000 for fiscal year 1996.

Subtitle E—Violence Against Women Act Improvements

SEC. 40501. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.

Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(3) by adding after subparagraph (B) the following new subparagraph:

“(C) any felony under chapter 109A or chapter 110.”.

SEC. 40502. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.

Section 2245(2) of title 18, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking “; and” at the end of subparagraph (C) and inserting “; or”; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;"

42 USC 14011.

SEC. 40503. PAYMENT OF COST OF TESTING FOR SEXUALLY TRANSMITTED DISEASES.

(a) **FOR VICTIMS IN SEX OFFENSE CASES.**—Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault. A victim may waive anonymity and confidentiality of any tests paid for under this section."

(b) **LIMITED TESTING OF DEFENDANTS.**—

(1) **COURT ORDER.**—The victim of an offense of the type referred to in subsection (a) may obtain an order in the district court of the United States for the district in which charges are brought against the defendant charged with the offense, after notice to the defendant and an opportunity to be heard, requiring that the defendant be tested for the presence of the etiologic agent for acquired immune deficiency syndrome, and that the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

(2) **SHOWING REQUIRED.**—To obtain an order under paragraph (1), the victim must demonstrate that—

(A) the defendant has been charged with the offense in a State or Federal court, and if the defendant has been arrested without a warrant, a probable cause determination has been made;

(B) the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and

(C) the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease Control, of the etiologic agent for acquired immune deficiency syndrome to the victim.

(3) **FOLLOW-UP TESTING.**—The court may order follow-up tests and counseling under paragraph (b)(1) if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

(4) **TERMINATION OF TESTING REQUIREMENTS.**—An order for follow-up testing under paragraph (3) shall be terminated if the person obtains an acquittal on, or dismissal of, all charges of the type referred to in subsection (a).

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(5) CONFIDENTIALITY OF TEST.—The results of any test ordered under this subsection shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results only to any medical professional, counselor, family member or sexual partner(s) the victim may have had since the attack. Any such individual to whom the test results are disclosed by the victim shall maintain the confidentiality of such information.

(6) DISCLOSURE OF TEST RESULTS.—The court shall issue an order to prohibit the disclosure by the victim of the results of any test performed under this subsection to anyone other than those mentioned in paragraph (5). The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

(7) CONTEMPT FOR DISCLOSURE.—Any person who discloses the results of a test in violation of this subsection may be held in contempt of court.

(c) PENALTIES FOR INTENTIONAL TRANSMISSION OF HIV.—Not later than 6 months after the date of enactment of this Act, the United States Sentencing Commission shall conduct a study and prepare and submit to the committees on the Judiciary of the Senate and the House of Representatives a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

Reports.

SEC. 40504. EXTENSION AND STRENGTHENING OF RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (2) by inserting "including an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim";

(2) by striking "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

SEC. 40505. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.

Section 3663 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(1) A Federal agency shall immediately suspend all Federal benefits provided by the agency to the defendant, and shall terminate the defendant's eligibility for Federal benefits administered by that agency, upon receipt of a certified copy of a written judicial finding that the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section.

"(2) Any written finding of delinquency described in paragraph (1) shall be made by a court, after a hearing, upon motion of

the victim named in the order to receive the restitution or upon motion of the United States.

"(3) A defendant found to be delinquent may subsequently seek a written finding from the court that the defendant has rectified the delinquency or that the defendant has made and will make good faith efforts to rectify the delinquency. The defendant's eligibility for Federal benefits shall be reinstated upon receipt by the agency of a certified copy of such a finding.

"(4) In this subsection, 'Federal benefit' means a grant, contract, loan, professional license, or commercial license provided by an agency of the United States."

42 USC 14012.

SEC. 40506. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) **STUDY.**—The Attorney General, in consultation with the Secretary of Education, shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) **REPORT.**—Based on the study required by subsection (a) and data collected under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of non-campus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims; including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits and civil liability;

(6) in conjunction with the report produced by the Department of Education in coordination with institutions of education under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, an assessment of the policies and practices of educational institutions that are of greatest effectiveness in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Congress no later than September 1, 1996.

(d) DEFINITION.—For purposes of this section, "campus sexual assaults" includes sexual assaults occurring at institutions of post-secondary education and sexual assaults committed against or by students or employees of such institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the study required by this section—\$200,000 for fiscal year 1996.

SEC. 40507. REPORT ON BATTERED WOMEN'S SYNDROME.

42 USC 14013.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the House Committee on Energy and Commerce, the Senate Committee on Labor and Human Resources, and the Committees on the Judiciary of the Senate and the House of Representatives a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been considered in criminal trials.

(b) COMPONENTS.—The report under subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State, tribal, and Federal court cases in which evidence of battered women's syndrome was offered in criminal trials; and

(3) an assessment by State, tribal, and Federal judges, prosecutors, and defense attorneys of the effects that evidence of battered women's syndrome may have in criminal trials.

42 USC 14014.

SEC. 40508. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) **REPORT.**—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) **USE OF COMPONENTS.**—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

42 USC 14015.

SEC. 40509. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

Subtitle F—National Stalker and Domestic Violence Reduction

Records.

SEC. 40601. AUTHORIZING ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.

(a) **ACCESS AND ENTRY.**—Section 534 of title 28, United States Code, is amended by adding at the end the following:

“(e)(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

“(2) Federal and State criminal justice agencies authorized to enter information into criminal information databases may include—

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"(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

"(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

"(3) As used in this subsection—

"(A) the term 'national crime information databases' means the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

"(B) the term 'protection order' includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection."

(b) RULEMAKING.—The Attorney General may make rules to carry out the subsection added to section 534 of title 28, United States Code, by subsection (a), after consultation with the officials charged with managing the National Crime Information Center and the Criminal Justice Information Services Advisory Policy Board.

SEC. 40602. GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General is authorized to provide grants to States and units of local government to improve processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or unit of local government shall certify that it has or intends to establish a program that enters into the National Crime Information Center records of—

(1) warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence;

(2) arrests or convictions of persons violating protection or domestic violence; and

(3) protection orders for the protection of persons from stalking or domestic violence.

SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

- (1) \$1,500,000 for fiscal year 1996;
- (2) \$1,750,000 for fiscal year 1997; and
- (3) \$2,750,000 for fiscal year 1998.

SEC. 40604. APPLICATION REQUIREMENTS.

An application for a grant under this subtitle shall be submitted in such form and manner, and contain such information, as the Attorney General may prescribe. In addition, applications shall include documentation showing—

28 USC 534 note.

42 USC 14031
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42 USC 14032.

42 USC 14033.

- (1) the need for grant funds and that State or local funding, as the case may be, does not already cover these operations;
- (2) intended use of the grant funds, including a plan of action to increase record input; and
- (3) an estimate of expected results from the use of the grant funds.

42 USC 14034.

SEC. 40605. DISBURSEMENT.

Not later than 90 days after the receipt of an application under this subtitle, the Attorney General shall either provide grant funds or shall inform the applicant why grant funds are not being provided.

42 USC 14035.

SEC. 40606. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATIONS.

The Attorney General may provide technical assistance and training in furtherance of the purposes of this subtitle, and may provide for the evaluation of programs that receive funds under this subtitle, in addition to any evaluation requirements that the Attorney General may prescribe for grantees. The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, or through contracts or other arrangements with other entities.

42 USC 14036.

SEC. 40607. TRAINING PROGRAMS FOR JUDGES.

The State Justice Institute, after consultation with nationally recognized nonprofit organizations with expertise in stalking and domestic violence cases, shall conduct training programs for State (as defined in section 202 of the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701)) and Indian tribal judges to ensure that a judge issuing an order in a stalking or domestic violence case has all available criminal history and other information, whether from State or Federal sources.

42 USC 14037.

SEC. 40608. RECOMMENDATIONS ON INTRASTATE COMMUNICATION.

The State Justice Institute, after consultation with nationally recognized nonprofit associations with expertise in data sharing among criminal justice agencies and familiarity with the issues raised in stalking and domestic violence cases, shall recommend proposals regarding how State courts may increase intrastate communication between civil and criminal courts.

42 USC 14038.

SEC. 40609. INCLUSION IN NATIONAL INCIDENT-BASED REPORTING SYSTEM.

Not later than 2 years after the date of enactment of this Act, the Attorney General, in accordance with the States, shall compile data regarding domestic violence and intimidation (including stalking) as part of the National Incident-Based Reporting System (NIBRS).

42 USC 14039.

SEC. 40610. REPORT TO CONGRESS.

The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of State antistalking efforts and legislation.

42 USC 14040.

SEC. 40611. DEFINITIONS.

As used in this subtitle—

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(1) the term "national crime information databases" refers to the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(2) the term "protection order" includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

Subtitle G—Protections for Battered Immigrant Women and Children

SEC. 40701. ALIEN PETITIONING RIGHTS FOR IMMEDIATE RELATIVE OR SECOND PREFERENCE STATUS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)",

(B) by redesignating the second sentence as clause

(ii), and

(C) by adding at the end the following new clauses:

"(iii) An alien who is the spouse of a citizen of the United States, who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the alien's spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien if such a child has not been classified under clause (iv)) under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States, the marriage between the alien and the spouse was entered into in good faith by the alien, and during the marriage the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's spouse; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien or a child of the alien.

"(iv) An alien who is the child of a citizen of the United States, who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States and during the period of residence with the citizen parent the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien.";

(2) in subparagraph (B)—

(A) by inserting "(i)" after "(B)"; and

(B) by adding at the end the following new clauses:

"(ii) An alien who is the spouse of an alien lawfully admitted for permanent residence, who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's legal permanent resident spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien if such a child has not been classified under clause (iii)) under such section if the alien demonstrates to the Attorney General that the conditions described in subclauses (I) and (II) of subparagraph (A)(iii) are met with respect to the alien.

"(iii) An alien who is the child of an alien lawfully admitted for permanent residence, who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States and during the period of residence with the permanent resident parent the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien."; and

(3) by adding at the end the following new subparagraph:

"(H) In acting on petitions filed under clause (iii) or (iv) of subparagraph (A) or clause (ii) or (iii) of subparagraph (B), the Attorney General shall consider any credible evidence relevant to the petition. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General."

(b) CONFORMING AMENDMENTS.—(1) Section 204(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(2)) is amended—

(A) in subparagraph (A) by striking "filed by an alien who," and inserting "for the classification of the spouse of an alien if the alien,"; and

(B) in subparagraph (B) by striking "by an alien whose prior marriage" and inserting "for the classification of the spouse of an alien if the prior marriage of the alien".

(2) Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "204(a)(1)(A)" and inserting "204(a)(1)(A)(ii)".

(c) SURVIVAL RIGHTS TO PETITION.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(h) The legal termination of a marriage may not be the sole basis for revocation under section 205 of a petition filed under subsection (a)(1)(A)(iii) or a petition filed under subsection (a)(1)(B)(ii) pursuant to conditions described in subsection (a)(1)(A)(iii)(I)."

Sept. 13

Sept. 13

VIOLENT CRIME CONTROL ACT

P.L. 103-322
Sec. 50001

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect January 1, 1995.

* USC 1151 note.

SEC. 40702. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIVER APPLICATIONS.

(a) **IN GENERAL.**—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by inserting after the second sentence the following: "In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to applications made before, on, or after such date.

* USC 1186a note.

SEC. 40703. SUSPENSION OF DEPORTATION.

(a) **BATTERED SPOUSE OR CHILD.**—Section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)) is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by inserting after paragraph (2) the following:

"(3) is deportable under any law of the United States except section 241(a)(1)(G) and the provisions specified in paragraph (2); has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child of a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); and proves that during all of such time in the United States the alien was and is a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in extreme hardship to the alien or the alien's parent or child."

(b) **CONSIDERATION OF EVIDENCE.**—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(g) In acting on applications under subsection (a)(3), the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General."

TITLE V—DRUG COURTS

SEC. 50001. DRUG COURTS.

(a) **IN GENERAL.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40231(a), is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

42 USC 3797.

Bill Summary & Status for the 106th Congress

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H.R.1248

Sponsor: Rep Morella, Constance A. (introduced 3/24/1999)

Latest Major Action: 5/11/2000 House committee/subcommittee actions

Title: To prevent violence against women.

SUMMARY AS OF:

3/24/1999--Introduced.

TABLE OF CONTENTS:

Title I: Continuing the Commitment of the Violence Against

Women Act

Subtitle A: Law Enforcement and Prosecution Grants to

Combat Violence Against Women

Subtitle B: National Domestic Violence Hotline

Subtitle C: Battered Women's Shelters and Services

Subtitle D: Community Initiatives

Subtitle E: Education and Training for Judges and Court

Personnel

Subtitle F: Grants to Encourage Arrest Policies

Subtitle G: Rural Domestic Violence and Child Abuse

Enforcement

Subtitle H. National Stalker and Domestic Violence

Reduction

Subtitle I: Federal Victims' Counselors

Subtitle J: Education and Prevention Grants to Reduce

Sexual Abuse of Runaway, Homeless, and Street Youth

Subtitle K: Victims of Child Abuse Programs

Morella

Summary

bill text

Title II: Sexual Assault Prevention

Violence Against Women Act of 1999 - Title I: Continuing the Commitment of the Violence Against Women Act - Subtitle A: Law Enforcement and Prosecution Grants to Combat Violence Against Women - Amends the Omnibus Crime Control and Safe Streets Act of 1968 (the Act) to authorize appropriations for grants to combat violent crimes against women.

(Sec. 102) Revises grant allocation guidelines governing prosecution grants, victims' services and State court systems,.

Expands grant purposes to include training that addresses sexual assault, domestic violence, and stalking for State, local, and tribal judicial personnel, as well as training of sexual assault forensic nurse examiners, and supporting the development of sexual assault response teams.

Directs the Attorney General to deny State grant applications that fail to provide documentation of collaborative efforts with other agencies or organizations.

Redefines "victims' services" to include advocacy and assistance for victims seeking legal, social, and health care services.

Includes as a prerequisite for Federal reimbursement of forensic medical exams of victims of sexual assault that the participating governmental entity notify all victims that such reimbursement is neither contingent upon the victim's report to law enforcement officials, nor upon the victim's cooperation in the prosecution of the assault.

(Sec. 103) Directs the Attorney General to make grants to State domestic violence and sexual assault coalitions for purposes of coordinating with: (1) victim services activities; and (2) Federal, State, and local entities engaged in violence-against-women activities.

Subtitle B: National Domestic Violence Hotline - Amends the Family Violence Prevention and Services Act (FVPSA) to authorize increased appropriations for the national domestic violence hotline grant. Requires grantees to submit a grant evaluation report to the Secretary of Health and Human Services (the HHS Secretary) for publication and public comment as a prerequisite to a grant award or renewal.

Subtitle C: Battered Women's Shelters and Services - Battered Women's Shelters and Services Act - Amends the FVPSA to authorize appropriations for State grants. Modifies guidelines governing: (1) allotment of appropriations; (2) grants for information and technical assistance centers; and (3) authorization of appropriations.

(Sec. 123) Instructs the HHS Secretary to award grants for: (1) State domestic violence coalitions and local domestic violence programs providing shelter or related assistance, in order to develop model strategies to address domestic violence in underserved populations; (2) each State domestic violence coalition for an emergency assistance fund for domestic violence victims; (3) technical assistance and training for State and local domestic violence programs; and (4) private, nonprofit, tribal domestic violence coalitions with representatives from a majority of the programs for victims of domestic violence operating within Indian reservations, and programs whose primary focus is the populations of such Indian country.

Subtitle D: Community Initiatives - Authorizes appropriations for demonstration grants for community initiatives.

Subtitle E: Education and Training for Judges and Court Personnel - Amends the Equal Justice for Women in the Courts Act of 1994 to permit training grants for judges and court personnel to include: (1) child custody, visitation, and safety issues raised by domestic violence and child sexual assault; and (2) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice.

Authorizes appropriations.

Subtitle F: Grants to Encourage Arrest Policies - Amends the Act to reauthorize appropriations to implement the functions of the Bureau of Justice Statistics.

(Sec. 153) Mandates that at least five percent of appropriated funds be used for grants to Indian tribal governments to treat domestic violence as a serious violation of criminal law.

Subtitle G: Rural Domestic Violence and Child Abuse Enforcement - Amends the Safe Homes for Women Act of 1994 to authorize appropriations for rural domestic violence and child abuse enforcement. Mandates that five percent of such funds be used for grants to Indian tribal governments.

Subtitle H: National Stalker and Domestic Violence Reduction - Amends the Safe Homes for Women Act of 1994 to authorize appropriations for grants to enter stalking and domestic violence data into crime information databases.

Subtitle I: Federal Victims' Counselors - Amends the Safe Streets for Women Act of 1994 to authorize appropriations for the United States Attorneys to appoint Victim-Witness counselors for the prosecution of domestic violence and sexual assault crimes.

Subtitle J: Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth - Amends the Runaway and Homeless Youth Act to authorize appropriations for street-based outreach and education to prevent sexual abuse and exploitation.

Subtitle K: Victims of Child Abuse Programs - Amends the Victims of Child Abuse Act of 1990 to authorize appropriations for: (1) the court-appointed special advocate program; and (2) child abuse training programs for judicial personnel and practitioners.

(Sec. 195) Amends the Act to authorize appropriations for grants for closed-circuit televising of testimony of child abuse victims.

Title II: Sexual Assault Prevention - Amends the Public Health Service Act to require the use of certain State funds exclusively for rape prevention and education programs conducted by rape crisis centers and private nonprofit nongovernmental State and tribal sexual assault coalitions for specified programs.

(Sec. 201) Instructs the HHS Secretary to establish a National Resource Center on Sexual Assault when appropriations reach a specified minimum level. Mandates that State grantors ensure that at least 25 percent of the funds are devoted to educational programs targeted for middle school, junior high, and high school aged students. Authorizes appropriations.

HR 1248 IH

106th CONGRESS

1st Session

H. R. 1248

To prevent violence against women.

IN THE HOUSE OF REPRESENTATIVES

March 24, 1999

Mrs. MORELLA (for herself, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mrs. MALONEY of New York, Ms. CARSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHOWS, Mrs. MYRICK, Mr. SHAYS, Mrs. WILSON, Ms. MCKINNEY, Mr. MATSUI, Mr. MCNULTY, Mr. ETHERIDGE, Ms. BERKLEY, Ms. LOFGREN, Mrs. JONES of Ohio, Mr. BOUCHER, Mrs. BIGGERT, Ms. DEGETTE, Mr. INSLEE, Ms. DANNER, Mr. LEACH, Mr. RANGEL, Mrs. CUBIN, Mrs. FOWLER, Mr. GILMAN, Ms. NORTON, Mr. LANTOS, Mr. WAXMAN, and Ms. GRANGER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent violence against women.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE- This Act may be cited as the 'Violence Against Women Act of 1999'.

(b) TABLE OF CONTENTS- The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I--CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

Subtitle A--Law Enforcement and Prosecution Grants To Combat Violence Against Women

Sec. 101. Reauthorization.

Sec. 102. Technical amendments.

Sec. 103. State coalition grants.

Subtitle B--National Domestic Violence Hotline

Sec. 111. Reauthorization.

Sec. 112. Technical amendments.

Subtitle C--Battered Women's Shelters and Services

Sec. 121. Short title.

Sec. 122. Authorization of appropriations for family violence prevention and services.

Sec. 123. FVPSA improvements.

Subtitle D--Community Initiatives

Sec. 131. Grants for community initiatives.

Subtitle E--Education and Training for Judges and Court Personnel

Sec. 141. Reauthorization.

Subtitle F--Grants To Encourage Arrest Policies

Sec. 151. Definitions.

Sec. 152. Reauthorization.

Sec. 153. Technical amendment.

Subtitle G--Rural Domestic Violence and Child Abuse Enforcement

Sec. 161. Reauthorization.

Sec. 162. Technical amendments.

Subtitle H--National Stalker and Domestic Violence Reduction

Sec. 171. Technical amendments.

Sec. 172. Reauthorization.

Subtitle I--Federal Victims' Counselors

Sec. 181. Reauthorization.

Subtitle J--Education and Prevention Grants To Reduce Sexual Abuse of Runaway, Homeless, and Street Youth

Sec. 191. Reauthorization.

Sec. 192. Dissemination of information.

Subtitle K--Victims of Child Abuse Programs

Sec. 193. Reauthorization of court-appointed special advocate program.

Sec. 194. Reauthorization of child abuse training programs for judicial personnel and practitioners.

Sec. 195. Reauthorization of grants for televised testimony.

Sec. 196. Dissemination of information.

TITLE II--SEXUAL ASSAULT PREVENTION

Sec. 201. Transfer of rape prevention and education program.

Sec. 202. Rape prevention education.

SEC. 2. DEFINITIONS.

(a) IN GENERAL- For purposes of this Act--

(1) DOMESTIC VIOLENCE- The term 'domestic violence' includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(2) INDIAN COUNTRY- The term 'Indian country' has the same meaning as is given such term by section 1151 of title 18, United States Code.

(3) SEXUAL ASSAULT- The term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

(4) **STALKING-** The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear death, sexual assault, or bodily injury to such person or a member of such person's immediate family, when the person engaging in such conduct has knowledge or should have knowledge that the specific person will be placed in reasonable fear of death, sexual assault, or bodily injury to such person or a member of such person's immediate family and when the conduct induces fear in the specific person of death, sexual assault, or bodily injury to such person or a member of such person's immediate family.

(b) **UNDERSERVED POPULATIONS-** Section 2003(7) of the Omnibus Crime Control and Law Enforcement Act of 1968 (42 U.S.C. 3796gg-2(7)) is amended to read as follows:

'(7) the term 'underserved populations' includes populations underserved because of race, ethnicity, age, disability, sexual orientation, religion, alienage status, geographic location (including rural isolation), language barriers, and any other populations determined to be underserved by the State planning process; and'.

TITLE I--CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

Subtitle A--Law Enforcement and Prosecution Grants To Combat Violence Against Women

SEC. 101. REAUTHORIZATION.

Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended--

- (1) by striking 'and' at the end of subparagraph (E);
- (2) by striking the period at the end of subparagraph (F) and inserting '; and'; and
- (3) by inserting after subparagraph (F) the following:
 - '(G) \$185,000,000 for fiscal year 2001;
 - '(H) \$185,000,000 for fiscal year 2002;
 - '(I) \$185,000,000 for fiscal year 2003; and
 - '(J) \$195,000,000 for fiscal year 2004.'

SEC. 102. TECHNICAL AMENDMENTS.

(a) Section 2002(c)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(c)(3)) is amended to read as follows:

'(3) up to 20 percent to be allocated to law enforcement, up to 20 percent to prosecution grants, at least 35 percent to victims' services, and at least 10 percent to State court systems; and'.

(b) 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 new paragraph:

‘(3) REALLOTMENT OF FUNDS-

‘(A) If, at the end of the 9th month of any fiscal year for which funds are appropriated under section 1001(a)(18), the amounts made available are unspent or unobligated, such unspent or unobligated funds shall be reallocated to the current fiscal year recipients in the victim services area pursuant to section 2002(c)(3)) proportionate to their original allotment for the current fiscal year.

‘(B) For the first 2 fiscal years following the date of the enactment of the Violence Against Women Act of 1999, the Attorney General may waive the qualification requirements of section 2002(c), at the request of the State and with the support of law enforcement, prosecution, and victims’ services grantees currently funded under this section, if the reallocation of funds among law enforcement, prosecution, victims’ services and State court systems mandated by this Act adversely impacts victims of sexual assault, domestic violence, and stalking, due to the reduction of funds to programs and services funded under this section in the prior fiscal year.’.

(c) Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended--

(1) by striking ‘and’ at the end of paragraph (6); and

(2) by redesignating paragraph (7) as paragraph (10) and by inserting after paragraph (6) the following new paragraphs:

‘(7) developing, enlarging, or strengthening State court programs, including training for State, local, and tribal judges and court personnel, addressing violent crimes against women, including sexual assault, domestic violence, and stalking;

‘(8) training of sexual assault forensic nurse examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault; and

‘(9) supporting the development of sexual assault response teams to strengthen the investigation of sexual assaults and coordinate services for victims of sexual assault.’.

(d) Section 2002 of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively, and by inserting after subsection (d) the following:

‘(e) MONITORING AND COMPLIANCE- The Attorney General shall deny applications--

‘(1) that do not meet the requirements set forth in subsections (c) and (d); and

‘(2) for failure to provide documentation, including memoranda of understanding, contract, or other document of any collaborative efforts with other agencies or organizations.’.

(e) Section 2003(8) of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(8)) is amended by striking 'assisting domestic violence or sexual assault victims through the legal process' and inserting 'providing advocacy and assistance for victims seeking legal, social, and health care services', and inserting before the period the following: ', except that such term shall not include programs or activities that are targeted primarily for offenders'.

(f) Section 2002(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(b)(1)) is amended by striking '4 percent' and inserting '5 percent'.

(g) Section 2005(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4(b)(3)) is amended--

(1) by striking 'and' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting '; and'; and

(3) by inserting after subparagraph (D) the following:

'(E) the reimbursement is not contingent upon the victim's report of the sexual assault to law enforcement or upon the victim's cooperation in the prosecution of the sexual assault.'

(h) Section 2006(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-5(a)(1)) is amended by inserting 'civil or criminal' before 'protection order'.

SEC. 103. STATE COALITION GRANTS.

Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by inserting after subsection (b) the following new subsection:

'(c)(1) PURPOSE- The Attorney General shall make grants to each of the State domestic violence and sexual assault coalitions in the State for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities. In no case will such awards preclude the State domestic violence and sexual assault coalitions from receiving grants under this part T to fulfill the purposes described in subsections (a) and (b).

'(2) GRANTS TO COALITIONS- Five percent of the funds appropriated for a fiscal year under section 1001(a)(18) shall be made available for grants to domestic violence and sexual assault coalitions for the purposes described in paragraph (1).

'(3) GEOGRAPHICAL ALLOTMENT-

'(A) AMOUNT- The domestic violence and sexual assault coalition in each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined United States Territories shall each receive an amount equal to 1/54 of the amount made available under paragraph (2). The combined United States Territories shall not receive less than 1.5 percent of the funds made available under paragraph (2) for each fiscal year and the tribal domestic violence and sexual assault coalitions shall not receive less than 1.5 percent of the funds made available under paragraph (2) for each fiscal year.

'(B) DEFINITION- For the purposes of this section, the term 'combined United States Territories' means Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

'(C) INDIANS- 1/54 of the amount appropriated shall be made available for development and operation of nonprofit nongovernmental tribal domestic violence and sexual assault coalitions in Indian country. The term 'Indian country' has the same meaning as is given such term by section 1151 of title 18, United States Code.

'(4) DISBURSEMENT OF GEOGRAPHICAL ALLOTMENTS- Fifty percent of the 1/54 allotted to each State, the District of Columbia, Commonwealth of Puerto Rico, the combined United States Territories, and Indian country under paragraph (3) shall be made available to the domestic violence coalition as defined in the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.) and fifty percent shall be made available to the sexual assault coalition as defined under the Public Health Service Act; and

'(5) COMPONENT ELIGIBILITY- In the case of combined domestic violence and sexual assault coalitions, each component shall be deemed eligible for the awards for sexual assault and domestic violence activities, respectively.'

Subtitle B--National Domestic Violence Hotline

SEC. 111. REAUTHORIZATION.

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

'(1) IN GENERAL- There are authorized to be appropriated to carry out the purposes of this section--

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

'(B) \$1,800,000 for fiscal year 2001;

'(C) \$2,000,000 for fiscal year 2002;

'(D) \$2,000,000 for fiscal year 2003; and

'(E) \$2,000,000 for fiscal year 2004.'

SEC. 112. TECHNICAL AMENDMENTS.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

'(f) Within 90 days after the date of the enactment of the Violence Against Women Act of 1999, all entities receiving funds pursuant to activities under subsection (a) shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary

shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.’.

Subtitle C--Battered Women's Shelters and Services

SEC. 121. SHORT TITLE.

This subtitle may be cited as the ‘Battered Women’s Shelters and Services Act’.

SEC. 122. AUTHORIZATION OF APPROPRIATIONS FOR FAMILY VIOLENCE PREVENTION AND SERVICES.

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

‘(a) IN GENERAL- There are authorized to be appropriated to carry out this title--

‘(1) \$120,000,000 for fiscal year 2000;

‘(2) \$160,000,000 for fiscal year 2001;

‘(3) \$200,000,000 for fiscal year 2002;

‘(4) \$260,000,000 for fiscal year 2003; and

‘(5) \$260,000,000 for fiscal year 2004.’.

SEC. 123. FVPSA IMPROVEMENTS.

(a) Section 304(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(a)) is amended--

(1) by inserting after ‘grant authorized under section 303(a)’ the following: ‘\$500,000, with the remaining funds to be allotted to each State in’;

(2) by striking paragraph (1), by striking the dash preceding paragraph (1), by striking ‘(2)’, and by running in the text of paragraph (2) after ‘except that’;

(3) by striking the last sentence.

(b) Section 304(d) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(d)) is amended--

(1) by inserting after ‘to such State in grants under section 303(a)’ the following: ‘or Indian tribe or tribal organization under section 303(b)’;

(2) by inserting after ‘failure of such State’ the following: ‘or Indian tribe or tribal organization, or other entity’;

(3) by inserting after ‘such amount to States’ the following: ‘and Indian tribes and tribal

organizations’;

(4) by inserting after ‘which meet such requirements’ the following: ‘proportionate to the original allocation made under subsection (a) or (b) of section 303, respectively’; and

(5) by redesignating paragraph (2) as paragraph (3) and adding after paragraph (1) the following:

‘(2) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 310, the amount allotted to an entity has not been made available to such entity in grants under sections 308 and 311 because of the failure of such entity to meet the requirements for a grant or because the limitation on expenditure has been reached, then the Secretary shall reallocate such amount to States and Indian tribes and tribal organizations that meet such requirements proportionate to the original allocation under subsection (a) or (b) of section 303, respectively.’

(c) Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by adding ‘on providing training and technical assistance’ after ‘focusing’, and by adding at the end the following: ‘The Secretary may award grants to nonprofit, nongovernmental organizations for technical assistance and training initiatives on the subjects identified in subsection (c) if such initiatives do not duplicate the work of the entities funded under subsection (c) and the total amounts awarded for such initiatives do not exceed \$500,000.’

(d) Section 308(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(c)) is amended by adding ‘on emerging issues in domestic violence service, prevention, or law and’ after ‘service providers, and’, by striking ‘domestic violence service, prevention, or law’ after ‘following areas’, and by adding after paragraph (7) the following:

‘(8) Providing technical assistance and training to local domestic violence programs that provide shelter or related assistance.

‘(9) Improving access to services, information, and training within Indian tribes and tribal organizations.

‘(10) Responding to emerging issues in the field of domestic violence that the Secretary may identify in consultation with advocates representing local programs providing shelter or related assistance, State domestic violence coalitions, and national domestic violence organizations.

‘(11) Nothing in this section shall prohibit the Secretary from making multiple grants to any nonprofit, nongovernmental entity to fulfill the purposes of this section.’

(e) Section 309(1)(B) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(1)(B)) is amended by inserting ‘, with whom such person is or has been in a continuing social relationship of a romantic or intimate nature,’ before ‘or with whom’.

(f) Section 309 of such Act (42 U.S.C. 10408) is amended by adding at the end the following:

‘(7) The term ‘Indian country’ has the same meaning as is given such term by section 1151 of title 18, United States Code.’

(g) Section 310(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(c)) is amended by adding after 'for each fiscal year,' the following: 'the lesser of \$7,500,000 or'.

(h) Section 310(d) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(d)) is amended by striking 'not less than' and inserting 'the lesser of \$22,000,000 or' and by adding at the end the following: 'At such time as the appropriation under this subsection exceeds \$11,000,000, the Secretary shall designate that of the amounts appropriated under this subsection up to 20 percent of such funds shall be made available in the amounts necessary to State domestic violence coalitions for the specific purpose of providing technical assistance and training and direct assistance in the following areas or other priorities that may be determined by the Secretary in consultation with State domestic violence coalitions and programs that provide shelter or related assistance:

'(1) MODEL LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION IN UNDERSERVED COMMUNITIES- The Secretary shall award grants of up to 3 years to not more than 10 State and tribal domestic violence coalitions and not more than 10 local domestic violence programs providing shelter or related assistance to develop model strategies to address domestic violence in underserved populations as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7)). Such grants shall be made to assess the needs of underserved populations in the State or Indian country; build collaborative relationships with community-based organizations serving underserved populations; and develop and implement model community intervention strategies to decrease the incidence of domestic violence in underserved populations.

'(A) ELIGIBILITY- To be eligible for a 1-year model leadership grant under this paragraph, an applicant shall demonstrate--

'(i) a plan for assessing the needs of underserved populations and identifying a specific population for development of an intervention strategy in the year of the grant; and

'(ii) inclusion of representatives from community-based organizations in underserved communities in planning, designing, and disseminating the needs assessment instruments.

'(B) ELIGIBILITY FOR CONTINUED FUNDING- To be eligible for continued funding of up to 2 additional years, an applicant shall provide--

'(i) a plan for implementing the model strategies which includes collaborative partnerships with community-based organizations within the underserved populations identified; and

'(ii) a plan for disseminating the model strategy throughout the State or Indian country, or to other States during year 3 of the grant.

'(C) PRIORITY FOR COLLABORATIVE FUNDING- In awarding grants under this section, the Secretary shall give preference to State and tribal domestic violence coalitions and local domestic violence shelters and programs that submit applications in collaboration with community-based organizations serving underserved populations. A grant may not be made under this subsection in an amount less than \$100,000 for each fiscal year.

‘(2) DIRECT EMERGENCY ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE-

‘(A) IN GENERAL- The Secretary shall award grants to each State and tribal domestic violence coalition for the purpose of administering an emergency assistance fund for victims of domestic violence. Funds received under this paragraph may be used only to provide emergency assistance directly to victims of domestic violence who are in the process of fleeing an abusive situation. Emergency assistance shall include transportation, housing, and other expenses associated with relocation. Funds shall be requested by domestic violence shelters and programs on behalf of victims.

‘(B) APPLICATION- Prior to receipt of emergency assistance funds under this paragraph, the State or tribal domestic violence coalition shall provide to the Secretary--

‘(i) a detailed description of the process for receiving and reviewing applications for emergency assistance;

‘(ii) a detailed description of the process for notifying domestic violence shelters and programs about the availability of emergency assistance funds;

‘(iii) an application form that includes the type of assistance requested, a statement of need for the funds, a statement about the impact of the funds on the victim's ability to escape domestic violence,

and other such information that would be helpful in disbursing emergency assistance funds;

‘(iv) the process used to make payments to recipients; and

‘(v) a statement of procedures used to protect the confidentiality of recipients.

‘(C) REPORTING- The State or tribal domestic violence coalition shall file an annual report to the Secretary describing the distribution of funds to victims of domestic violence by type and amount of assistance provided. For reasons of safety and confidentiality, such report shall not contain individually identifying information.

‘(3) TECHNICAL ASSISTANCE AND TRAINING FOR STATE, LOCAL, AND TRIBAL DOMESTIC VIOLENCE PROGRAMS-

‘(A) IN GENERAL- The Secretary shall award grants to a State or tribal domestic violence coalition or coalitions for the purpose of providing training and technical assistance for State and tribal domestic violence coalitions and other nonprofit, nongovernmental State, local, and tribal domestic violence programs. Funds received under this section shall be used to conduct regional training and technical assistance initiatives to be developed and implemented by a nonprofit, nongovernmental State or tribal domestic violence coalition or coalitions within each of the regions administered by the Department of Health and Human Services. Funds shall be used to prioritize, plan, and implement solutions to regional problems experienced by domestic violence coalitions and programs providing shelter or related assistance within the region.

‘(B) ELIGIBILITY- To be eligible for funding under this paragraph the grantee shall

have the support of the majority of State and tribal domestic violence coalitions within the region and shall have its principal place of operation within the region. Nothing in this section shall prohibit domestic violence programs within Indian tribes from receiving technical assistance and training under this grant program. Grantees shall be encouraged to work in collaboration with domestic violence advocates and organizations outside of the region and with the national resource center and special issue resource centers established in this Act to provide expertise in delivering training and technical assistance within the region.

‘(C) REPORTING- The grantee State or tribal domestic violence coalition or coalitions shall file an annual report to the Secretary describing the recipients and the type of technical assistance and training received.’.

(i) Section 308(e) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(e)) is amended by adding at the end the following: ‘Within 90 days after the date of the enactment of the Violence Against Women Act of 1999, all entities receiving funds pursuant to activities under this section shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.’.

(j) Section 307(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

‘(3) The Secretary shall deny any application that fails to provide documentation, including memoranda of understanding, of the specific involvement of the State or tribal domestic violence coalition and other knowledgeable individuals and interested organizations, in the development of the State or tribe’s application.’.

(k) Section 303(b) of the Family Violence Prevention Services Act (42 U.S.C. 10402(b)) is amended by adding at the end the following:

‘(4) From the amounts made available under paragraph (1), there shall be awarded by the Secretary not less than 5 percent of such amounts for the funding of tribal domestic violence coalitions. To be eligible for a grant under this paragraph, an entity shall be a private nonprofit coalition whose membership includes representatives from a majority of the programs for victims of domestic violence operating within the boundaries of an Indian reservation and programs whose primary purpose is serving the populations of such Indian country and whose board membership is representative of such programs. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities including--

‘(A) training and technical assistance for local Indian domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence in Indian country;

‘(B) planning and conducting needs assessments and planning for comprehensive services in Indian country;

‘(C) serving as an information clearinghouse and resource center for the Indian reservation represented by the coalition receiving these funds;

'(D) collaborating with Indian, State, and Federal governmental systems which affect battered women in Indian country, including judicial and law enforcement and child protective services agencies, to encourage appropriate responses to domestic violence cases;

'(E) conducting public education and outreach activities addressing domestic violence in Indian country;

'(F) collaborating with State domestic violence coalitions in the areas described above; and

'(G) participating in planning and monitoring of the distribution of grants and grant funds to the Indian reservation and tribal organizations under paragraph (1).'

Subtitle D--Community Initiatives

SEC. 131. GRANTS FOR COMMUNITY INITIATIVES.

(a) Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

'(h) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section--

'(1) \$8,000,000 for fiscal year 2000;

'(2) \$9,000,000 for fiscal year 2001;

'(3) \$10,000,000 for fiscal year 2002;

'(4) \$11,000,000 for fiscal year 2003; and

'(5) \$12,000,000 for fiscal year 2004.'

(b) Subsection (i) of section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended by inserting the text of the subsection as a cut-in paragraph (1) with the heading 'IN GENERAL- ' and by adding at the end the following:

'(2) INFORMATION- The Secretary shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target other community-based programs, including domestic violence and sexual assault programs.'

Subtitle E--Education and Training for Judges and Court Personnel

SEC. 141. REAUTHORIZATION.

(a) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS- (1) Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended--

(A) by striking 'and' at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19); and

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

'(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways domestic violence may relate to an abuser's desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

'(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault; and

'(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice.'.

(2) Section 40414(a) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amended by inserting 'and \$1,500,000 for each of the fiscal years 2000 through 2004' after '1996'.

(b) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS- (1) Section 40421(d) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14001(d)) is amended to read as follows:

'(d) MODEL PROGRAMS- The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.'.

(2) Section 40422(2) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amended by inserting 'and \$500,000 for each of the fiscal years 2000 through 2004' after '1996'.

(c) TECHNICAL AMENDMENTS TO THE EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1994-

(1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS- Section 40413 of the Equal Justice for Women in the Courts Act (42 U.S.C. 13993) is amended by adding 'including national, State, tribal, and local domestic violence and sexual assault programs and coalitions,' after 'victim advocates'.

(2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS- Section 40411 of the Equal Justice for Women in the Courts Act (42 U.S.C. 13991) is amended by adding at the end the following: 'Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to

train judges and court personnel on the laws of the States.'

(3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS- Section 40414 of the Equal Justice for Women in the Courts Act (42 U.S.C. 13994) is amended by adding at the end the following:

'(c) The State Justice Institute may use up to 5 percent of the funds appropriated under this section for annually compiling and broadly disseminating (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable the replication and adoption of the projects.'

Subtitle F--Grants To Encourage Arrest Policies

SEC. 151. DEFINITIONS.

Section 2105(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-4(1)) is amended to read as follows:

'(1) the term 'domestic violence' includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.'

SEC. 152. REAUTHORIZATION.

Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended--

- (1) by striking 'and' at the end of subparagraph (B);
- (2) by striking the period at the end of subparagraph (C) and inserting a semicolon; and
- (3) by inserting after subparagraph (C) the following:
 - '(D) \$63,000,000 for fiscal year 2000;
 - '(E) \$67,000,000 for fiscal year 2001;
 - '(F) \$70,000,000 for fiscal year 2002;
 - '(G) \$70,000,000 for fiscal year 2003; and

‘(H) \$70,000,000 for fiscal year 2004.’.

SEC. 153. TECHNICAL AMENDMENT.

Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by adding at the end the following:

‘(d) DISBURSEMENT- At least 5 percent of the funds appropriated under this section shall be used for grants to Indian tribal governments.’.

Subtitle G--Rural Domestic Violence and Child Abuse Enforcement

SEC. 161. REAUTHORIZATION.

Section 40295(c)(1) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(c)(1)) is amended--

- (1) by striking ‘and’ at the end of subparagraph (B);
- (2) by striking the period at the end of subparagraph (C) and inserting ‘; and’; and
- (3) by inserting after subparagraph (C) the following:

‘(D) \$35,000,000 for each of the fiscal years 2000, 2001, 2002, 2003, and 2004.’.

SEC. 162. TECHNICAL AMENDMENTS.

Section 40295(c) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(c)) is amended by adding at the end the following:

‘(3) DISBURSEMENT- At least 5 percent of the funds appropriated under paragraph (1) shall be used for grants to Indian tribal governments.’.

Subtitle H--National Stalker and Domestic Violence Reduction

SEC. 171. TECHNICAL AMENDMENTS.

Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031(a)) is amended by inserting ‘and implement’ after ‘improve’.

SEC. 172. REAUTHORIZATION.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended--

- (1) by striking ‘and’ at the end of paragraph (2);
- (2) by striking the period at the end of paragraph (3) and inserting ‘; and’; and
- (3) by inserting after paragraph (3) the following:

‘(4) \$3,000,000 for each of the fiscal years 2000, 2001, 2002, 2003, and 2004.’.

Subtitle I--Federal Victims' Counselors

SEC. 181. REAUTHORIZATION.

The text of section 40114 of the Safe Streets for Women Act of 1994 is amended to read as follows:
‘There

are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of domestic violence and sexual assault crimes where applicable (such as the District of Columbia) \$1,000,000 for each of the fiscal years 2000, 2001, 2002, 2003, and 2004.’.

Subtitle J--Education and Prevention Grants To Reduce Sexual Abuse of Runaway, Homeless, and Street Youth

SEC. 191. REAUTHORIZATION.

Section 316(c) of the Runaway and Homeless Youth Act (42 U.S.C. 5712d(c)) is amended--

- (1) by striking ‘and’ at the end of paragraph (2);
- (2) by striking the period at the end of paragraph (3) and inserting a semicolon; and
- (3) by inserting after paragraph (3) the following:

‘(4) \$22,000,000 for each of the fiscal years 2000, 2001, 2002, 2003, and 2004.’.

SEC. 192. DISSEMINATION OF INFORMATION.

Section 316 of part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

‘(d) The Secretary shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about 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.’.

Subtitle K--Victims of Child Abuse Programs

SEC. 193. REAUTHORIZATION OF 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--

- (1) by striking ‘and’ at the end of paragraph (4);

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

(3) by inserting after paragraph (5) the following:

‘(6) \$12,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.’

SEC. 194. REAUTHORIZATION OF 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--

(1) by striking ‘and’ at the end of paragraph (4);

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

(3) by inserting after paragraph (5) the following:

‘(6) \$2,300,000 for each of the fiscal years 2001, 2002, 2003, and 2004.’

SEC. 195. REAUTHORIZATION OF GRANTS FOR TELEVISED TESTIMONY.

Section 1001(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)) is amended--

(1) by striking ‘and’ at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(3) by inserting after subparagraph (E) the following:

‘(F) \$1,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.’

SEC. 196. DISSEMINATION OF INFORMATION.

Section 40156 of the Violence Against Women Act of 1994 is amended by inserting at the end the following:

‘(d) The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target community-based programs, including domestic violence and sexual assault programs.’

TITLE II--SEXUAL ASSAULT PREVENTION

SEC. 201. TRANSFER OF RAPE PREVENTION AND EDUCATION PROGRAM.

Part J of title III of the Public Health Service Act is amended by inserting after section 393A the following new section:

'SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

'(a) GRANTS-

'(1) PERMITTED USE- Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part shall be used for rape prevention and education programs conducted by rape crisis centers and private nonprofit nongovernmental State and tribal sexual assault coalitions for--

'(A) educational seminars;

'(B) the operation of hotlines;

'(C) training programs for professionals;

'(D) the preparation of informational material; and

'(E) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities (as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7))).

'(2) TERMS-

'(A) POPULATIONS- The Secretary shall make grants under subsection (a) to each State on the basis of the population of the State.

'(B) RAPE PREVENTION AND EDUCATION PROGRAMS- No State may use funds made available by reason of paragraph (1) in any fiscal year for administration of any prevention program other than the rape prevention and education program for which grants are made under paragraph (1).

'(C) AVAILABILITY- Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

'(D) ADMINISTRATIVE AND TECHNICAL ASSISTANCE- The Secretary shall use not more than 5 percent of the funds available under paragraph (1) for the purposes of administrative and technical assistance.

'(E) TARGETING OF EDUCATION PROGRAMS- States receiving grant moneys under paragraph (1) shall ensure that at least 25 percent of the moneys are devoted to educational programs targeted for middle school, junior high, and high school aged students. The programs targeted under this subsection shall be conducted by rape crisis centers and State and tribal sexual assault coalitions.

'(b) NATIONAL RESOURCE CENTER-

'(1) ESTABLISHMENT- At such time as appropriations under subsection (c) reach at least \$80,000,000, the Secretary of Health and Human Services shall, through the National Center

for Injury Prevention and Control at the Centers for Disease Control and Prevention, establish a National Resource Center on Sexual Assault to provide resource information, policy, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to State and tribal sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault. The Resource Center shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

‘(2) ELIGIBLE ORGANIZATIONS- The Secretary shall award a grant under paragraph (1) to a private nonprofit organization which can--

‘(A) demonstrate that it has recognized expertise in the area of sexual assault, a record of high-quality services to victims of sexual assault, including a demonstration of support from advocacy groups, such as State and tribal sexual assault coalitions or recognized national sexual assault groups; and

‘(B) demonstrate a commitment to diversity and to the provision of services to underserved populations as defined in section 2003(7) of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796gg-2(7)).

‘(c) AUTHORIZATION OF APPROPRIATIONS-

‘(1) IN GENERAL- There are authorized to be appropriated to carry out this section--

‘(A) \$80,000,000 for fiscal year 2000;

‘(B) \$105,000,000 for fiscal year 2001;

‘(C) \$105,000,000 for fiscal year 2002;

‘(D) \$155,000,000 for fiscal year 2003; and

‘(E) \$155,000,000 for fiscal year 2004.

Funds authorized to be appropriated under this section are appropriated from the Violent Crime Reduction Fund pursuant to section 31001(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(c)) and paragraph (16) under the definition of ‘prevention program’ in section 31001(d) of such Act (42 U.S.C. 14214(d)).

‘(2) SEXUAL ASSAULT COALITIONS- At such time as appropriations under subsection (c) reach at least \$80,000,000, the Secretary shall designate 15 percent of the total amount appropriated to be used for making grants to nonprofit, nongovernmental State sexual assault coalitions to address public health issues associated with sexual assault through training, resource development, or similar research.

‘(3) INDIAN COUNTRY- At such time as the appropriations under subsection (c) reach at least \$80,000,000, there shall be awarded by the Secretary not less than 5 percent of such amounts for the funding of tribal sexual assault coalitions. To be eligible for a grant under this paragraph, an entity shall be a private nonprofit coalition whose membership includes

representatives from a majority of the programs for adult and child victims of sexual assault operating within the boundaries of such Indian country and programs whose primary purpose is serving the population of an Indian reservation, and whose board membership is representative of such programs. Such coalitions shall further the purposes of sexual assault intervention and prevention through activities including--

‘(A) training and technical assistance for local Indian sexual assault programs and providers of direct services to encourage appropriate responses to sexual assault in Indian country;

‘(B) planning and conducting needs assessments and planning for comprehensive services in Indian country;

‘(C) serving as an information clearinghouse and resource center for any Indian reservation represented by the coalition receiving these funds;

‘(D) collaborating with Indian, State, and Federal systems which affect adult and child victims of sexual assault in Indian country, including judicial, law enforcement, and child protective services agencies, to encourage appropriate responses to sexual assault cases;

‘(E) conducting public education and outreach activities addressing sexual assault in Indian country;

‘(F) collaborating with sexual assault coalitions in the areas described above; and

‘(G) participating in planning and monitoring of the distribution of grants and grant funds to Indian reservation and tribal organizations under this section.

‘(4) SUBSECTION (b) ALLOTMENT- Of the amount appropriated for any fiscal year under this section, at least \$1,000,000 shall be made available for grants under subsection (b), with yearly increases of at least 10 percent of the prior year’s allotment.

‘(d) LIMITATIONS-

‘(1) A State may use funds under subsection (a) only so as to supplement and, to the extent practicable, increase the level of funds that would be available from non-Federal sources for the activities described in subsection (a), and in no case may such funds be used to supplant funds from other sources.

‘(2) A State may not use more than 2 percent of the funds received in each fiscal year under this section for surveillance studies or prevalence studies and funds for such studies shall be available only at such time as appropriations under subsection (c) reach at least \$80,000,000.

‘(3) A State may not use more than 5 percent of funds received in each fiscal year under subsection (a) for administrative expenses.

‘(e) DEFINITIONS-

‘(1) RAPE PREVENTION AND EDUCATION- For purposes of this section, the term ‘rape

prevention and education' includes education and prevention efforts directed at sexual offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

'(2) SEXUAL ASSAULT- The term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

'(3) RAPE CRISIS CENTER- The term 'rape crisis center' means a private, nonprofit, nongovernmental organization that is organized, or has as one of its primary purposes, to provide services for victims of sexual assault and has a record of commitment and demonstrated experience in providing services to victims of sexual assault.

'(4) SEXUAL ASSAULT PROGRAM- The term 'sexual assault program' means a private, nonprofit, nongovernmental organization that is organized, or has as one of its primary purposes, to provide services for victims of sexual assault and has a record of commitment and demonstrated experience in providing services to victims of sexual assault.

'(5) STATE COALITION OF SEXUAL ASSAULT PROGRAMS- The term 'State coalition of sexual assault programs' means a statewide nonprofit, nongovernmental membership organization of a majority of sexual assault programs within the State that, among other activities, provides training and technical assistance to sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority.'

SEC. 202. RAPE PREVENTION EDUCATION.

(a) REPEAL- Section 1910A of the Public Health and Human Services Act (42 U.S.C. 300w-10) is repealed.

(b) EFFECTIVE DATE- The repeal made by subsection (a) of this section shall take effect the day after the date of enactment of this Act.

END

Bill Summary & Status for the 106th Congress

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H.R.357

Sponsor: Rep Conyers, John, Jr. (introduced 1/19/1999)

Latest Major Action: 2/25/1999 Referred to House subcommittee

Title: To prevent violence against women, and for other purposes.



SUMMARY AS OF:

1/19/1999--Introduced.

Violence Against Women Act of 1999- Title I: Continuing the Commitment of the Violence Against Women Act - Subtitle A: Law Enforcement and Prosecution Grants to Combat Violence Against Women - Amends the Omnibus Crime Control and Safe Streets Act of 1968 (the Act) to authorize appropriations for grants to combat violent crimes against women.

(Sec. 102) Revises grant allocation guidelines governing prosecution grants, victims' services and State court systems.

Expands grant purposes to include training that addresses sexual assault, domestic violence, and stalking for State, local, and tribal judicial personnel, as well as training of sexual assault forensic nurse examiners, and supporting the development of sexual assault response teams.

Directs the Attorney General to deny State grant applications that fail to provide documentation of collaborative efforts with other agencies or organizations.

Redefines "victims' services" to include advocacy and assistance for victims seeking legal, social, and health care services.

Includes as a prerequisite for Federal reimbursement of forensic medical exams of victims of sexual assault that the participating governmental entity notify all victims that such reimbursement is neither contingent upon the victim's report to law enforcement officials nor upon the victim's cooperation in the prosecution of the assault.

(Sec. 103) Directs the Attorney General to make grants to State domestic violence and sexual assault coalitions for purposes of coordinating with: (1) victim services activities; and (2) Federal, State, and local entities engaged in violence-against-women activities.

Subtitle B: National Domestic Violence Hotline - Amends the Family Violence Prevention and Services Act (FVPSA) to authorize increased appropriations for the national domestic violence hotline grant. Requires grantees to submit a grant evaluation report to the Secretary of Health and Human Services (the HHS Secretary) for publication and public comment as a prerequisite to a grant award or renewal.

Subtitle C: Battered Women's Shelters and Services - Battered Women's Shelters and Services Act - Amends the FVPSA to authorize appropriations for State grants. Modifies guidelines governing: (1) allotment of appropriations; (2) grants for information and technical assistance centers; and (3) authorization of appropriations.

(Sec. 123) Instructs the HHS Secretary to award grants for: (1) State domestic violence coalitions and local domestic violence programs providing shelter or related assistance, in order to develop model strategies to address domestic violence in underserved populations; (2) each State domestic violence coalition for an emergency assistance fund for domestic violence victims; (3) technical assistance and training for State and local domestic violence programs; and (4) private, nonprofit, tribal domestic violence coalitions with representatives from a majority of the programs for victims of domestic violence operating within Indian reservations, and programs whose primary focus is the populations of such Indian country.

Subtitle D: Community Initiatives - Authorizes appropriations for demonstration grants for community initiatives.

Subtitle E: Education and Training for Judges and Court Personnel - Amends the Equal Justice for Women in the Courts Act of 1994 to permit training grants for judges and court personnel to include: (1) child custody, visitation, and safety issues raised by domestic violence and child sexual assault; and (2) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice.

Authorizes appropriations.

Subtitle F: Grants to Encourage Arrest Policies - Amends the Act to reauthorize appropriations to implement the functions of the Bureau of Justice Statistics.

(Sec. 153) Mandates that at least five percent of appropriated funds be used for grants to Indian tribal governments to treat domestic violence as a serious violation of criminal law.

Subtitle G: Rural Domestic Violence and Child Abuse Enforcement - Amends the Safe Homes for Women Act of 1994 to authorize appropriations for rural domestic violence and child abuse enforcement. Mandates that five percent of such funds be used for grants to Indian tribal governments.

Subtitle H: National Stalker and Domestic Violence Reduction - Amends the Safe Homes for Women Act of 1994 to authorize appropriations for grants to enter stalking and domestic violence data into crime information databases.

Subtitle I: Federal Victims' Counselors - Amends the Safe Streets for Women Act of 1994 to authorize appropriations for the United States Attorneys to appoint Victim-Witness counselors for the prosecution of domestic violence and sexual assault crimes.

Subtitle J: Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth - Amends the Runaway and Homeless Youth Act to authorize appropriations for street-based outreach and education to prevent sexual abuse and exploitation.

Subtitle K: Victims of Child Abuse Programs - Amends the Victims of Child Abuse Act of 1990 to authorize appropriations for: (1) the court-appointed special advocate program; and (2) child abuse training programs for judicial personnel and practitioners.

(Sec. 195) Amends the Act to authorize appropriations for grants for closed-circuit televising of testimony of child abuse victims.

Title II: Limiting the Effects of Violence on Children - Subtitle A: Safe Havens for Children - Authorizes the Attorney General to award grants to public or private nonprofit nongovernmental entities to

establish and operate supervised visitation centers. Authorizes appropriations.

Subtitle B: Violence Against Women Prevention in Schools - Authorizes appropriations for the Secretary of Education to provide grants to State, local, or tribal school systems to implement programs for elementary, middle, and secondary schools which address domestic violence, assault and stalking.

Subtitle C: Family Safety - Family Safety Act - Amends the Parental Kidnaping Prevention Act of 1980 to include among its purposes: (1) the promotion of cooperation between State and tribal courts to protect parents and children from domestic violence or sexual assault; (2) the promotion of realistic and protective standards for interstate relocation when parents dispute custody; (3) the avoidance of jurisdictional conflicts between State courts in matters of child custody and visitation consistent with not endangering or inappropriately punishing parents who are victims of domestic violence, or children who are victims of sexual assault.

(Sec. 233) Amends the Federal criminal code (the code) to provide as a defense to prosecution of either a criminal custodial interference or parental abduction charge, or criminal contempt of court relating to an underlying child custody or visitation determination, that the defendant was fleeing an incident or pattern of domestic violence or sexual assault of the child, or would otherwise have a defense under the Parental Kidnaping Prevention Act. Directs the Attorney General to issue guidelines to assist U.S. Attorneys and the Federal Bureau of Investigation to determine whether to initiate or terminate an action due to the potential availability of such defense.

(Sec. 234) Amends the Federal judicial code to: (1) provide that no State shall be required to enforce any order obtained in a proceeding which would violate the constitution of the enforcing State if the proceeding were conducted in the enforcing State; and (2) declare that the intent of full faith and credit doctrine in child custody determinations is to preempt inconsistent State law. Declares that a protection order regarding custody and visitation of a minor child that is consistent with this Act shall be given full faith and credit by the courts of any State where the party who sought the order seeks enforcement.

Modifies State court jurisdiction guidelines governing: (1) relocation of the child due to domestic violence or sexual assault; and (2) court authority to decline to exercise jurisdiction on behalf of parents engaged in specified conduct.

Subtitle D: Domestic Violence and Children - Expresses the sense of the Congress that for purposes of determining child custody: (1) it is in the best interest of children to have a presumption that their main physical residence should be with their primary caretaker parent unless such parent is unfit; (2) child abuse and sexual abuse allegations shall be fully investigated regardless of when raised, or whether the child has withdrawn the allegation; (3) States shall not order specified measures if they may endanger either parent or child; and (4) States shall provide training to all relevant professionals on how domestic violence and sexual assault affects determinations of custody, child support, and visitation.

Subtitle E: Child Welfare Worker Training on Domestic Violence and Sexual Assault - Directs the Attorney General to make grants in consultation with the HHS Secretary to enable child welfare service agencies to train their staffs and modify their policies, procedures, programs, and practices in order to make them consistent with specified principles and goals. Sets forth grantee eligibility criteria. Authorizes appropriations.

Subtitle F: Child Abuse Accountability - Child Abuse Accountability Act - Amends the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1986 to permit the assignment or alienation of any pension benefit payable to a participant pursuant to a qualified child abuse

order. Exempts qualified child abuse orders from preemption by ERISA.

Title III: Sexual Assault Prevention - Subtitle A: Rape Prevention Education - Amends the Public Health Service Act to require the use of certain State funds exclusively for rape prevention and education programs conducted by rape crisis centers and private nonprofit nongovernmental State and tribal sexual assault coalitions for specified programs.

Instructs the HHS Secretary to establish a National Resource Center on Sexual Assault when appropriations reach a specified minimum level. Mandates that State grantors ensure that at least 25 percent of the funds are devoted to educational programs targeted for middle school, junior high, and high school aged students. Authorizes appropriations.

Subtitle B: Standards, Practice, and Training for Sexual Assault Examinations - Standards, Practice, and Training for Sexual Assault Forensic Examinations Act - Directs the Attorney General, in conjunction with the HHS Secretary, to: (1) evaluate standards of training and practice for licensed health care professionals performing sexual assault forensic examinations, and develop a national recommended training standard; (2) recommend sexual assault examination training for health care students to improve recognition of injuries suggestive of rape and sexual assault; and (3) establish a mechanism for nationwide dissemination of a national protocol on sexual assault for forensic examinations. Authorizes appropriations.

Subtitle C: Violence Against Women Training for Health Professions - Violence Against Women Training for Health Professions Act - Amends the Public Health Service Act to direct the HHS Secretary, when making health care grants for rural areas, to give preference to a health professions entity that requires, as a condition of receiving a degree or certificate, each student to have had significant training in identification, examination, treatment, and referral of victims of domestic violence and sexual assault.

Subtitle D: Prevention of Custodial Sexual Assault by Correctional Staff - Prevention of Custodial Sexual Assault by Correctional Staff Act - Directs the Attorney General to establish and disseminate to the States certain guidelines regarding the prevention of custodial sexual misconduct by correctional staff. Requires withholding of specified correctional facilities funds from any State that fails to implement: (1) such guidelines; or (2) criminal penalties explicitly prohibiting custodial sexual misconduct by correctional staff against prisoners.

(Sec. 345) Directs the Attorney General to create a national, confidential, toll-free telephone hotline to collect data, and to provide information and assistance to prisoners who have experienced custodial sexual misconduct by corrections staff. Authorizes appropriations.

Subtitle E: Hate Crimes Prevention - Hate Crimes Prevention Act of 1999 - Amends the code to establish criminal penalties for willfully causing bodily injury because of a person's race, color, religion, or national origin.

(Sec. 355) Directs the United States Sentencing Commission to study the issue of adult recruitment of juveniles to commit hate crimes, and, where appropriate, to amend Federal sentencing guidelines to provide sentencing enhancements for adult defendants who do such recruiting.

(Sec. 356) Directs the Administrator of the Department of Justice Office of Juvenile Justice and Delinquency Prevention to make grants to State and local programs to combat hate crimes committed by juveniles.

(Sec. 357) Authorizes appropriations for the Department of the Treasury and the Department of Justice (including the Community Relations Service), to increase the number of personnel to prevent and respond to such hate crimes.

Subtitle F: Rescheduling and Classification of Date-Rape Drugs - Directs the Attorney General to: (1) transfer flunitrazepam from schedule IV to schedule I; and (2) add ketamine hydrochloride to schedule III and, by order, add Gamma Hydroxy Butyric Acid to schedule I.

Subtitle G: Access to Safety and Advocacy for Victims of Sexual Assault- Authorizes the Attorney General to make grants to designated grantees and services to improve legal assistance to victims of sexual violence through access to the justice system, legal advocacy, and representation. Authorizes appropriations.

Title IV: Domestic Violence Prevention - Subtitle A: Domestic Violence and Sexual Assault Victims' Housing - Domestic Violence and Sexual Assault Victims Housing Act - Authorizes increased appropriations under the Stewart B. McKinney Homeless Assistance Act exclusively for qualified, nonprofit, nongovernmental organizations, and solely to provide supportive housing and tenant-based rental and financial assistance for persons leaving a residence due to victimization by domestic violence, stalking, or adult or child sexual assault.

Subtitle B: Full Faith and Credit for Protection Orders - Amends the code to: (1) grant a tribal court civil and criminal jurisdiction over any person who violates a protection order within its jurisdiction, subject to Federal habeas corpus review, and after tribal court remedies are exhausted; and (2) require the Attorney General to reduce the amount of certain grants to any State that fails to comply with Federal full faith and credit requirements for protection orders.

(Sec. 412) Authorizes the Attorney General to provide grants to assist governmental entities to develop and strengthen law enforcement and recordkeeping strategies to enforce protective orders issued by other governmental entities. Authorizes appropriations.

Subtitle C: Victims of Abuse Insurance Protection - Victims of Abuse Insurance Protection Act - Prohibits an insurer from denying or restricting insurance coverage on the basis that the applicant or insured (or any employee or associated person) is, has been, or may be the subject of abuse or has incurred or may incur abuse-related claims. Confers enforcement jurisdiction upon the Federal Trade Commission. Authorizes a private cause of action by an applicant or insured adversely affected by a violation of this Act.

Subtitle D: National Summit on Sports and Violence - Expresses the sense of the Congress that: (1) a national summit should be promptly convened to develop a multifaceted action plan to deter acts of violence, especially domestic violence and sexual assault; (2) the members of such summit should include sports, community, political, and media leaders, as well as Members of Congress and other governmental and community leaders with relevant expertise; and (3) summit members should assume leadership roles deterring acts of domestic violence and sexual assault.

Subtitle E: Keeping Firearms from Intoxicated Persons - Amends the code to declare unlawful the transfer of a firearm or ammunition to any person reasonably believed to be intoxicated.

Subtitle F: Access to Safety and Advocacy - Access to Safety and Advocacy Act - Authorizes the Attorney General to make grants to designated grantees and services to improve legal assistance to victims of domestic violence through access to the justice system, legal advocacy, and representation. Authorizes appropriations.

Subtitle G: Strengthening Enforcement to Reduce Violence Against Women - Amends the code to revise guidelines governing persons who travel in interstate and foreign commerce and engage in domestic violence and stalking, or who violate protection orders.

Subtitle H: Disclosure Protections - Amends the Social Security Act, Title IV part D, to modify disclosure protections in connection with the Federal Parent Locator Service and State plan requirements for child and spousal support.

Title V: Violence Against Women in the Military System - Subtitle A: Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence - Amends the code to declare that domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying the armed forces outside of the United States shall be subject to prosecution in the Federal District Court of the jurisdiction of origin of the person arrested. Provides for concurrent jurisdiction with other military tribunals and foreign governments.

(Sec. 502) Amends Federal law governing separation from the armed forces to mandate that: (1) a copy of records of any penal action taken against the departing member of the armed forces be transmitted to the Director of the Federal Bureau of Investigation (FBI); and (2) any member convicted by court-martial of an offense of a sexual nature provide whatever specimen is necessary to conduct DNA analysis for inclusion in the Combined DNA Identification System of the FBI.

Subtitle B: Transitional Compensation for Abused Dependents of Members of the Armed Forces - Revises Federal guidelines governing transitional compensation for abused dependents of former members of the armed forces.

Subtitle C: Confidentiality of Records - Prescribes guidelines under which the Secretary of Defense is directed to: (1) study procedures of military departments for protecting the confidentiality of communications between military dependents involved in sexual or intrafamily abuse and the professionals from whom they seek services in connection with the effects of such abuse; and (2) issue regulations to provide the maximum protections for the confidentiality of such communications; and (3) report to the Congress on results of such study and implementation of the regulations.

Title VI: Preventing Violence Against Women in Traditionally Underserved Communities - Subtitle A: Older Women's Protection From Violence - Older Women's Protection From Violence Act of 1999 - **Chapter 1: Violence Against Women Act of 1994** - Amends the Violence Against Women Act of 1994 to direct the Attorney General to: (1) make grants to law school clinical programs to fund the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault against older individuals; and (2) develop curricula and provide for training programs in those issues for law enforcement officers and prosecutors (including tribal authorities). Authorizes appropriations.

Chapter 2: Family Violence Prevention and Services Act - Amends the Family Violence Prevention and Services Act to require federally-funded State domestic violence coalitions to include programs and providers of direct services targeted to older individuals.

606) Authorizes entities eligible for a community initiatives demonstration grant to include representatives of adult protective services entities.

Chapter 3: Older Americans Act of 1965 - Amends the Older Americans Act of 1965 to direct the

Assistant Secretary of Health and Human Services for Aging to consider the importance of research about the sexual assault of older women when establishing research priorities for grants or contracts for research and demonstration projects on elder abuse.

(Sec. 609) Authorizes appropriations without fiscal year limitation for grants to implement a State long-term care ombudsman program.

(Sec. 610) Directs such Assistant Secretary to update and improve curricula and implement continuing education training programs to improve the ability of designated health care and social services providers to recognize and address instances of elder abuse, including domestic violence and sexual assault.

(Sec. 611) Directs the Assistant Secretary, when making grants and contracts, to give special consideration to projects designed to: (1) expand access to domestic violence shelters and programs for older individuals and encourage the use of certain facilities as emergency short-term shelters; and (2) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and programs.

(Sec. 612) Authorizes appropriations for the ombudsman and the elder abuse prevention program.

(Sec. 613) Directs the Assistant HHS Secretary to make grants to: (1) nonprofit private or tribal organizations to support projects in local communities to coordinate activities for intervention in and prevention of elder abuse, including domestic violence and sexual assault; and (2) develop outreach programs for assisting elder abuse victims, including some for assisting individuals in certain senior housing facilities. Authorizes appropriations.

Chapter 4: Public Health Service Act - Elder Abuse Identification and Referral Act of 1999 - Amends the Health Service Act to instruct the HHS Secretary, when awarding grants or contracts, to give preferences to health professions schools or programs that condition the awarding of their degrees or certificates upon significant student training in specified areas of elder abuse identification and treatment.

(Sec. 616) Amends the Public Health Service Act to authorize: (1) area health education centers to include training in domestic violence, sexual assault, and elder abuse screening and referral protocols; and (2) Federal grants to geriatric education centers for training and retraining of faculty to provide instruction regarding elder abuse situations.

Subtitle B: Protections Against Violence and Abuse for Women with Disabilities - Protections Against Violence and Abuse for Women with Disabilities Act - Makes the protection of women with disabilities eligible for grants and research under the following Acts: (1) the Omnibus Crime Control and Safe Streets Act of 1968; (2) Family Violence Prevention and Services Act; (3) Safe Homes for Women Act of 1994; and (4) Equal Justice for Women in the Courts Act of 1994.

(Sec. 625) Authorizes the HHS Secretary to: (1) develop curricula and implement training programs to improve the ability of social service and health providers to recognize and address domestic violence directed against women with disabilities; and (2) make grants and enter into contracts for such training programs for health professionals. Authorizes appropriations.

(Sec. 627) Directs the HHS Secretary to consider the importance of research about the sexual assault of, and violence against, women with disabilities in establishing certain research priorities.

(Sec. 628) Directs the Attorney General to establish a grants program for States, nongovernmental private

entities, and tribal organizations to provide education and technical assistance for information dissemination on abuse and violence against women with disabilities. Authorizes appropriations.

Subtitle C: Battered Immigrant Women -

VAWA Restoration Act - Amends the Immigration and Nationality Act to modify procedures and provide special rules for battered spouses and children with respect to: (1) adjustment of status; (2) removal and deportation; (3) implementation of immigration provisions in the Violence Against Women Act (VAWA); (4) waivers and exceptions to inadmissibility for otherwise qualified battered immigrants; (5) calculation of physical presence in VAWA cancellation of removal proceedings and suspension of deportation proceedings; (6) VAWA immigration protections; (7) VAWA cancellation of removal and adjustment of status for certain nonpermanent residents; and (8) good moral character determinations for self-petitioning immediate relatives.

(Sec. 638) Prescribes guidelines for: (1) discretionary first time offender waivers for aliens making child support payments; (2) misrepresentation waivers for battered spouses of United States citizens and lawful permanent residents; (3) waiver of deportability; (4) inapplicability of public charge determinations for designated aliens; and (5) access to naturalization for divorced victims of abuse. Authorizes the Attorney General to grant certain battered applicants documentation signifying authorization of employment during the pendency of certain application procedures..

Amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to redefine "qualified alien" to include certain battered aliens for purposes of welfare and public benefits eligibility.

Amends the Housing and Community Development Act of 1980 to declare restrictions on the use of assisted housing inapplicable to certain battered aliens.

(Sec. 639) Amends the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1998 to provide that requirements and restrictions placed upon Legal Services Corporation funding shall not be construed to prohibit a recipient from providing related legal assistance to certain aliens who have been battered or subjected to extreme cruelty.

(Sec. 640) Amends the Act to require each branch of the U.S. military to train its supervisory military officers in domestic violence dynamics in military families, and the protections available for battered immigrant women and children.

Expands the purposes of training grants to combat violent crimes against women to include: (1) training immigration and asylum officers and judges; and (2) training justice system personnel on the judicial ramifications of the Violence Against Women Act, and the potential immigration consequences for perpetrators of domestic violence.

Amends the Immigration and Nationality Act to express the intent of the Congress that statutory constraints upon the powers of immigration personnel not be construed as discouraging crime and domestic violence victims from reporting crimes to the police, from cooperating in criminal prosecutions, or from obtaining the legal relief needed for protection from ongoing violence.

Subtitle D: Conforming Amendments to the Violence Against Women Act - Amends the Act to make technical and conforming amendments to law enforcement and prosecution grants.

Title VII: Violence Against Women and the Workplace - Subtitle A: National Clearinghouse on

Domestic Violence and Sexual Assault and the Workplace Grant - Authorizes the Attorney General to award a grant to a private non-profit entity, including a tribal organization, to provide for establishment of a national clearinghouse and resource center to disseminate information and assistance to employers and labor organizations responding to victims of domestic violence and sexual assault. Authorizes appropriations.

Subtitle B: Victims' Employment Rights - Victim s' Employment Rights Act - Prohibits an employer from taking any discriminatory employment action towards an individual for reasons pertaining to sexual or domestic violence, or stalking.. Prohibits any adverse job action for an employee's participation in related judicial proceedings requiring absence from work. Prescribes enforcement guidelines, including civil action by an affected employee for actual and treble punitive damages.

(Sec. 726) Sets forth defenses to such an action, including extraordinary threats to workplace safety, and undue hardship.

Subtitle C: Workplace Violence Against Women Prevention Tax Credit - Workplace Violence Against Women Prevention Tax Credit Act - Amends the Internal Revenue Code to allow an employer a workplace safety program tax credit for 40 percent of the costs of implementing workplace safety and education programs to combat violence against women.

Subtitle D: Battered Women's Employment Protection - Battered Women's Employment Protection Act - Amends the Internal Revenue Code to provide for unemployment compensation for separation from employment as a direct result of an employee's experience of domestic violence.

(Sec. 743) Amends the Social Security Act to provide for the training of claims reviewers and hearing personnel in the nature and dynamics of domestic violence, and in methods of ascertaining and keeping confidential information about domestic violence experiences so that employment separations stemming from such violence are identified and adjudicated while full confidentiality is provided for the employee's claim and submitted evidence.

(Sec. 744) Amends the Family and Medical Leave Act of 1993 to establish an entitlement for leave resulting from certain domestic violence situations for both Federal and non-Federal employees. Prescribes confidentiality guidelines for an employee's situation of domestic violence. Requires that employees, under State law, be permitted to use existing leave for domestic violence situations. Empowers the Secretary of Labor to enforce the entitlement for leave due to an employee's domestic violence situation.

Subtitle E: Education and Training Grants to Promote Responses to Violence Against Women - Authorizes the Attorney General to award grants to public and private nonprofit, nongovernmental organizations for the education and training of individuals who, as a result of their employment responsibilities, are likely to come into contact with victims of domestic violence or sexual assault. Authorizes appropriations.

Subtitle F: Workers' Compensation - Expresses the sense of the Congress that State workers' compensation laws should: (1) provide benefits to eligible female victims of workplace violence, including full compensation for physical and nonphysical injuries; and (2) permit the employee to pursue an action at law (other than statutory workers' compensation benefits) against an employer's role in the act of workplace violence.

Title VIII: - Violence Against Women Intervention, Prevention, and Education Research - Amends the Violence Against Women Act of 1994 to direct the HHS Secretary and the Attorney General to

establish a multi-agency task force coordinating research on violence against women. Authorizes appropriations.

(Sec. 901) Directs the Department of Health and Human Services to make grants to entities to: (1) support research to further the understanding of the causes of violent behavior against women; and (2) evaluate education, prevention, and intervention programs. Authorizes appropriations.

Directs the Departments of Health and Human Services and of Justice to make grants to domestic violence and sexual assault organizations, research organizations and academic institutions to expand knowledge about violence against women, with a particular emphasis on exploring such issues as they affect underserved communities. Authorizes appropriations.

Directs the United States Sentencing Commission to study and report to the Congress on specified aspects of domestic violence.

Directs the Secretary to award grants to designated entities to gather data on the experiences of women and girls who become pregnant as a result of sexual assault within State and tribal health care, judicial, and social services systems. Authorizes appropriations.

Instructs the Attorney General to conduct a national study and report to the Congress on the status, implementation and efficacy of Federal, State, and tribal laws regarding rape and sexual assault offenses and their effectiveness in addressing those crimes and protecting the victims. Authorizes appropriations.

Directs the Secretary and the Attorney General to establish three research centers to: (1) support the development of research and training programs that focus on violence against women; (2) provide collaboration mechanisms between researchers and practitioners; and (3) provide technical assistance for integrating research into the provision of services. Authorizes appropriations.

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S.51

Sponsor: [Sen Biden, Joseph R., Jr.](#) (introduced 1/19/1999)

Latest Major Action: 1/19/1999 Referred to Senate committee

Title: A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

SUMMARY AS OF:

1/19/1999--Introduced.

TABLE OF CONTENTS:

Title I: Strengthening Law Enforcement to Reduce Violence

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Violence Against Women

Title V: Extension of Violent Crime Reduction Trust Fund

Violence Against Women Act II - Title I: Strengthening Law Enforcement to Reduce Violence Against Women - Amends the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to eligible States, Indian tribal governments, or local governmental units to provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread, including interstate, enforcement of protection orders. Instructs the Attorney General to give priority to grant applicants that: (1) have established cooperative agreements with neighboring jurisdictions to facilitate the enforcement of protection orders from other jurisdictions; and (2) will give priority to using the grant to develop and install data collection and communication systems linking police, prosecutors, courts, and tribal jurisdictions in order to identify and track protection orders and violations of such orders.

Directs the Attorney General to compile and disseminate information about successful data collection and communication systems.

Amends Federal criminal code provisions governing full faith and credit given to protection orders to provide that: (1) a State or Indian tribe shall not notify the party against whom a protection order has been made that the protection order has been registered or filed in the State or tribal jurisdiction unless

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requested to do so by the party protected under that order; and (2) nothing in this title may be construed to require prior filing or registration of such orders in the enforcing State as a prerequisite to enforcement by such State. Directs that a protection order that is otherwise consistent with this title shall be accorded full faith and credit and enforced notwithstanding the failure to provide notice to the party against whom the order is made of its registration or filing in the enforcing State or Indian tribe.

(Sec. 102) Amends such Act to designate State, local, and Indian tribal courts as eligible grantees in the program to combat violent crimes against women. Revises allocation percentages for police and prosecutors, victim services, and State and local courts (not less than 25 percent, 30 percent, and ten percent, respectively).

Amends the Equal Justice for Women in the Courts Act to expand training that may be provided under domestic violence training grants to include training with respect to issues concerning individuals with disabilities. Authorizes appropriations from the Violent Crime Reduction Trust Fund through FY 2002.

Includes State, local, and tribal courts among the grantees eligible for Federal grants to encourage arrest policies. Earmarks a minimum of five percent of the total amount available for grants each fiscal year for grants to Indian tribal governments.

(Sec. 103) Reauthorizes appropriations through FY 2002 for grants to combat violent crimes against women. Directs the Attorney General to make grants to State domestic violence and sexual assault coalitions for coordinating State victim services activities and for coordinating with Federal, State, and local entities engaged in violence against women activities.

(Sec. 104) Instructs the Attorney General to transfer flunitrazepam (the "date-rape" drug) from schedule IV of the Controlled Substances Act to schedule I (the strictest level of Federal drug penalty and control).

(Sec. 105) Reauthorizes appropriations through FY 2002 for grants to encourage arrest policies.

(Sec. 106) Amends the Federal criminal code to provide that any person who, while employed by or accompanying the armed forces outside of the United States, engages in conduct that would constitute a domestic violence or sexual assault offense if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be subject to prosecution in a U.S. district court. Sets forth provisions regarding concurrent jurisdiction and priority of exercise of jurisdiction. Authorizes the Secretary of Defense to designate and authorize any individual serving in a law enforcement position in the Department of Defense to arrest such a person outside of the United States if there is probable cause to believe that such person committed such an offense. Provides for the release of such arrested persons to civilian law enforcement authorities in specified circumstances.

Provides for delivery of such persons to the appropriate authorities of a foreign country if: (1) delivery is requested for trial for such conduct as an offense under the laws of that country; and (2) delivery is authorized by a treaty or other international agreement to which the United States is a party.

Requires the Secretary of the military department concerned to transmit to the Director of the Federal Bureau of Investigation a copy of records of any penal actions taken, including certain nonjudicial punishments imposed, against a member of the armed forces who is discharged, dismissed, or released from active duty.

(Sec. 107) Prohibits and sets penalties for willfully causing bodily injury to any person or attempting, through the use of fire, a firearm, or an explosive device, to cause bodily injury to any person, whether or

not acting under color of law, because of: (1) the actual or perceived race, color, religion, or national origin of any person; or (2) the actual or perceived religion, gender, sexual orientation, or disability of any person if, in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce, or the offense is in or affects such commerce. Authorizes appropriations to the Departments of the Treasury and of Justice through FY 2002 to increase the number of personnel to prevent and respond to such alleged violations.

Directs the United States Sentencing Commission to study and, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements for adult defendants who recruit juveniles to assist in the commission of hate crimes.

Directs the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to make grants to State and local programs designed to combat hate crimes committed by juveniles. Authorizes appropriations.

(Sec. 108) Amends the Violence Against Women Act of 1994 to reauthorize through FY 2002: (1) rural domestic violence and child abuse enforcement grants (and allots not less than five percent of the total made available for each fiscal year for grants to Indian tribal governments); and (2) national stalker and domestic violence reduction grants.

(Sec. 110) Modifies Federal criminal code provisions regarding interstate domestic violence, interstate stalking, and interstate violation of a protective order to cover situations where persons travel in interstate or foreign commerce or to or from Indian country. Deems a tribal court, for purposes of full faith and credit provisions, to have jurisdiction over any activity occurring in Indian country.

Title II: Strengthening Services to Victims of Violence - Authorizes the Attorney General to make grants to private and nonprofit entities, publicly funded organizations not acting in a governmental capacity, and Indian tribal governments and affiliated organizations, to: (1) implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim advocacy organizations and civil legal assistance providers to strengthen a broad range of civil legal assistance for victims of domestic violence, stalking, and sexual assault; (2) implement, expand, and establish efforts and projects to strengthen a broad range of civil legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and (3) provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer civil legal assistance to victims of domestic violence, stalking, and sexual assault.

Authorizes the Attorney General to: (1) make a grant to establish, operate, and maintain a national computer database of programs that provide civil legal assistance to victims of domestic violence, stalking, and sexual assault; and (2) evaluate the grants funded under this title through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault and on evaluation research. Authorizes appropriations from the Violent Crime Reduction Trust Fund to carry out this title through FY 2002, with at least five percent of available amounts in each fiscal year used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(Sec. 202) Amends the Family Violence Prevention and Services Act with respect to State demonstration grants for programs and projects to prevent family violence and provide immediate shelter and related assistance to victims. Requires grant applicants to provide documentation, including memoranda of

understanding, of the specific involvement of the State domestic violence coalition and other knowledgeable individuals and interested organizations, in the development of the application.

Earmarks funds to provide emergency assistance directly to victims of family violence, or their dependents, who are in the process of fleeing an abusive situation.

Changes from a formula amount to \$500,000 the minimum allotment to each State for such grants.

Requires the Secretary of Health and Human Services to make grants to Indian tribes and organizations from any sums not distributed to them.

Authorizes the Secretary to award grants to private nonprofit organizations for information, training, and technical assistance initiatives in specified subject areas.

Authorizes appropriations under such Act through FY 2002.

Revises the formula for the allocation of appropriations for grants for State coalitions.

Directs the Secretary to conduct a nationwide needs assessment relating to family violence prevention and services programs.

Authorizes the Secretary to award grants to up to ten State domestic violence coalitions, and up to ten local entities that carry out domestic violence programs providing shelter or related assistance, to develop and implement model community intervention strategies to address family violence in underserved populations.

Prescribes formulae for the redistribution of funds available due to certain limitations.

(Sec. 203) Prohibits any insurer from, directly or indirectly, taking any adverse action against: (1) an innocent insured; or (2) an applicant or insured on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association is, has been, or may be the subject of abuse.

Defines an innocent insured as a subject of abuse insured under the same policy as the abuser, but who is not (in light of all the facts and circumstances) the cause of any claim incurred or that may incur.

Requires any insurer taking an adverse action against a known subject of abuse to advise the applicant or insured in writing of the specific reasons for the action.

Empowers the Federal Trade Commission (FTC) to enforce such prohibitions and policy. Provides for a private action against an insurer by an applicant or insured affected by a violation of this Act.

(Sec. 204) Amends the Family Violence Prevention and Services Act to extend through FY 2002 the authorization of appropriations for the national domestic violence hotline.

(Sec. 205) Amends the Violent Crime Control and Law Enforcement Act of 1994 to extend through FY 2002 and increase the authorization of appropriations for Federal victims' counselors.

(Sec. 206) Amends the Family and Medical Leave Act of 1993 to entitle employees to leave to: (1) address domestic violence and its effects; or (2) care for a child or parent of the employee who is addressing

domestic violence and its effects. Authorizes an employer to require an employee to provide documentation or other corroborating evidence.

Amends Federal civil service law to entitle Federal employees to take such leave, subject to the same requirements.

(Sec. 207) Amends the Internal Revenue Code to authorize unemployment compensation where an individual is separated from employment due to circumstances directly resulting from the individual's experience of domestic violence.

Amends the Social Security Act to require State laws to provide for methods of administration that will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of claims for unemployment compensation based on domestic violence, including methods of ascertaining and keeping information confidential.

(Sec. 208) Amends the Immigration and Nationality Act, the Omnibus Crime Control and Safe Streets Act of 1968, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 with respect to aliens who have been battered or subjected to extreme cruelty to provide for waiver of certain immigration requirements.

(Sec. 209) Amends the Violence Against Women Act of 1994 to add a new Subtitle H (Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older Individuals).

Directs the Attorney General to: (1) make grants to law school clinical programs for the purposes of funding the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals; and (2) develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers and prosecutors in recognizing, addressing, investigating, and prosecuting instances of such abuse, neglect, and exploitation. Authorizes appropriations.

Amends the Family Violence Prevention and Services Act and the Older Americans Act of 1965 with respect to programs addressing such issues, including related training for health professionals.

Amends the Older Americans Act of 1965 to authorize appropriations for programs and activities for the prevention of elder abuse, neglect, and exploitation.

Requires the Secretary to make grants to: (1) support projects in local communities to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals; and (2) develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation, including those in senior housing complexes and senior centers. Authorizes appropriations.

Amends the Public Health Service Act (as amended by the Health Professions Education Partnerships Act of 1998) to require the Secretary to give preference in the award of certain grants and contracts to any health professions educational entity that requires, as a condition of receiving a degree or certificate, that each student have had significant training in the identification and referral of victims of elder abuse and neglect.

Title III: Limiting the Effects of Violence on Children - Authorizes the Attorney General to make grants to States and Indian tribal governments to enable them to enter into contracts and cooperative

agreements to assist public or private nonprofit entities in establishing and operating supervised visitation centers for purposes of facilitating supervised visitation and visitation exchange of children by and between parents. Requires that priority be given to States that consider domestic violence in making a custody decision and require findings on the record.

(Sec. 302) Directs the Attorney General to study and report to Congress on Federal and State laws relating to child custody, including the Parental Kidnaping Prevention Act of 1980, and their effect on child custody cases in which domestic violence is a factor. Requires such study to examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from compliance with the full faith and credit (and judicial jurisdiction) requirements of that Act. Authorizes appropriations.

(Sec. 303) Amends the Runaway and Homeless Youth Act to authorize appropriations for grants through FY 2002.

Directs the Secretary to compile annually and disseminate, especially to community-based programs (including domestic violence and sexual assault programs), specified information about the use of amounts expended and the projects funded under such Act.

(Sec. 304) Amends the Victims of Child Abuse Act of 1990 to authorize appropriations through FY 2002 for: (1) the court-appointed special advocate program; (2) child abuse training programs for judicial personnel and practitioners; and (3) grants for televised testimony.

Directs the Attorney General to compile annually and disseminate, especially to community-based programs (including domestic violence and sexual assault programs), specified information about the use of amounts expended and the projects funded under such Act.

Title IV: Strengthening Education and Training to Combat Violence Against Women - Amends the Public Health Service Act to direct the Secretary of Health and Human Services, in awarding grants or contracts for health professions and nurse education, to give preference to a relevant health professions entity that requires, as a condition of receiving a degree or certificate, that a student has had significant training in the identification, examination, treatment, and referral of victims of domestic violence.

(Sec. 401) Defines relevant health professions entity as a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing, a program for the training of physician assistants, or a program for the training of allied health professionals.

(Sec. 402) Authorizes the Attorney General to make grants for the development and dissemination of model programs to provide education and training in appropriate and effective responses to victims of domestic violence and victims of sexual assault (including, as appropriate, the effects of domestic violence on children) to individuals (other than law enforcement officers and prosecutors) who are likely to come into contact with such victims during the course of their employment. Limits such grants to public and private nonprofit entities that have: (1) nationally recognized expertise in the areas of domestic violence and sexual assault; and (2) a record of commitment and quality responses to reduce domestic violence and sexual assault. Authorizes appropriations.

(Sec. 403) Requires States to use certain transferred funds for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for: (1) educational seminars; (2) hotlines; (3) training programs for professionals; (4) the preparation of informational material; (5) education and training programs for students and campus

personnel designed to reduce the incidence of sexual assault at colleges and universities; and (6) other efforts to increase awareness of, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities. Requires at least 25 percent of grant funds are used for educational programs targeted for middle school, junior high, and high school students.

Directs the Secretary, through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, to establish a National Resource Center on Sexual Assault (with a central resource library) to provide resource information, policy, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault.

Authorizes appropriations.

(Sec. 404) Directs the Secretary to provide grants to individuals or organizations to carry out educational programs for elementary schools, middle schools, secondary schools, or institutions of higher education with respect to information regarding, and prevention of, domestic violence and violence among intimate partners. Authorizes appropriations.

(Sec. 405) Directs the Attorney General to make grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on violence, abuse, and sexual assault against women who are individuals with disabilities. Authorizes appropriations for such grants through FY 2002.

(Sec. 406) Amends the Family Violence Prevention and Services Act to make grants to groups that provide services to or advocate on behalf of individuals with disabilities eligible for demonstration grants for community initiatives. Authorizes appropriations for such grants through FY 2002.

(Sec. 407) Directs the Attorney General to establish a multidisciplinary, multiagency national commission to: (1) evaluate standards of training and practice for licensed health care professionals performing sexual assault forensic examinations, and develop a national recommended training standard; (2) recommend minimum sexual assault forensic examination training for all health care students; (3) review national, State, and local protocols on sexual assault for forensic examinations, and develop a recommended national protocol and a mechanism for nationwide dissemination; and (4) study and evaluate State procedures for payment of forensic examinations for victims of sexual assault, and establish a recommended Federal protocol for such payment. Authorizes appropriations.

(Sec. 408) Authorizes the Attorney General to make a grant to a private, nonprofit entity meeting certain requirements to establish a national clearinghouse and resource center to provide information and assistance to employers and labor organizations on appropriate workplace responses to domestic violence and sexual assault. Authorizes appropriations.

(Sec. 409) Amends the Violence Against Women Act of 1994 to direct the Secretary to make grants to entities, including domestic violence and sexual assault organizations, research organizations, and academic institutions, to: (1) support specified research and evaluation of education, prevention, and intervention programs on violent behavior against women; and (2) address gaps in research and knowledge about violence against women, including violence against women in underserved communities.

Directs the U.S. Sentencing Commission to report to Congress on: (1) Federal and State sentences for homicides or assaults in which the victim was a spouse, former spouse, or intimate partner of the offender;

(2) the effect of illicit drugs and alcohol on domestic violence and the sentences imposed for offenses involving them in which domestic violence occurred; (3) the extent to which acts of domestic violence committed against the offender, including coercion, may have contributed to the commission of an offense; (4) an analysis delineated by race, gender, type of offense, and any other categories that would be useful for understanding the problem of domestic violence; and (5) recommendations with respect to all such offenses, including any basis for a downward adjustment in any applicable Federal sentencing guidelines determination.

Directs the Secretary to make grants to nonprofit entities, including sexual assault organizations, research organizations, and academic institutions, in order to gather qualitative and quantitative data on the experiences of minors and adults who become pregnant as a result of sexual assault within State health care, judicial, and social services systems.

Requires the Attorney General to study and report to Congress on the status of the law with respect to rape and sexual assault offenses and the effectiveness of the implementation of laws in addressing such crimes and protecting their victims.

Authorizes appropriations.

Title V: Extension of Violent Crime Reduction Trust Fund - Amends the Violent Crime Control and Law Enforcement Act of 1994 to authorize appropriations to the Violent Crime Reduction Trust Fund through FY 2002.

Reduces discretionary spending limits for FY 2001 and 2002 in the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings Act) by specified offsetting amounts.

Bill Summary & Status for the 106th Congress

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S.245

Sponsor: Sen Hatch, Orrin G. (introduced 1/19/1999)

Latest Major Action: 1/19/1999 Referred to Senate committee

Title: A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

SUMMARY AS OF:

1/19/1999--Introduced.

TABLE OF CONTENTS:

Title I: Strengthening Law Enforcement to Reduce Violence
Against Women

Title II: Strengthening Services to Victims of Violence

Title III: Limiting the Effects of Violence on Children

Title IV: Strengthening Education and Training to Combat

Violence Against Women

Violence Against Women Act of 1999 - **Title I: Strengthening Law Enforcement to Reduce Violence Against Women** - Amends the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to eligible States, Indian tribal governments, or local governmental units to provide technical assistance and computer and other equipment to police departments, prosecutors, and courts to facilitate the widespread, including interstate, enforcement of protection orders. Instructs the Attorney General to give priority to grant applicants that: (1) have established cooperative agreements with neighboring jurisdictions to facilitate the enforcement of protection orders from other jurisdictions; and (2) will use the grant to develop and install data collection and communication systems linking police, prosecutors, and courts in order to identify and track protection orders and violations of such orders.

Directs the Attorney General to compile and disseminate information about successful data collection and communication systems.

(Sec. 102) Reauthorizes appropriations through FY 2002 for grants to: (1) combat violent crimes against women; and (2) encourage arrest policies.

(Sec. 104) Authorizes the Attorney General to make grants to institutions of higher education for use by campus personnel and nonprofit victim services programs to assist campus administrators and campus security personnel to develop and strengthen: (1) effective security and investigation strategies to combat violent crimes against women on campuses, particularly sexual assault, stalking, and domestic violence; and (2) victim services in cases involving violent crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victims services agencies.

Hatch

Sets forth provisions regarding application and certification requirements, disbursement of funds, and the Federal share. Authorizes appropriations through FY 2002.

(Sec. 105) Amends the Violence Against Women Act of 1994 to reauthorize through FY 2002: (1) rural domestic violence and child abuse enforcement grants (and allots not less than five percent of the total made available for each fiscal year for grants to Indian tribal governments); and (2) national stalker and domestic violence reduction grants.

(Sec. 107) Modifies Federal criminal code provisions regarding interstate domestic violence, interstate stalking, and interstate violation of a protective order to cover situations where persons travel in interstate or foreign commerce or to or from Indian country.

(Sec. 108) Directs the Secretary of Defense to: (1) conduct a review of the occurrence of domestic violence by members of the Armed Forces at military installations inside and outside the United States and the actions taken within the Department of Defense to prevent, control, and otherwise respond to such violence; and (2) report to Congress.

Title II: Strengthening Services to Victims of Violence - Amends the Family Violence Prevention and Services Act to reauthorize appropriations through FY 2002.

Directs the Secretary of Health and Human Services (the Secretary) to conduct a nationwide needs assessment relating to family violence prevention and services programs. Requires that, in awarding grants, the application indicate the number of persons served and develop a plan for evaluating need and utility of services.

(Sec. 202) Extends through FY 2002 the authorization of appropriations for the national domestic violence hotline.

(Sec. 208) Makes changes to the Immigration and Nationality Act, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, aimed at removing barriers to adjustment of status for victims of domestic violence, removing barriers to cancellation of removal and suspension of deportation for such victims, and eliminating time limitations on motions to reopen removal and deportation proceedings for such victims.

Title III: Limiting the Effects of Violence on Children - Reauthorizes appropriations through FY 2002 under: (1) the Runaway and Homeless Youth Act; and (2) the Victims of Child Abuse Act of 1990 for the court-appointed special advocate program and for child abuse training programs for judicial personnel and practitioners.

Directs the Secretary and the Attorney General, respectively, to compile annually and disseminate, especially to community-based programs (including domestic violence and sexual assault programs), specified information about the use of amounts expended and the projects funded under such Acts.

Title IV: Strengthening Education and Training to Combat Violence Against Women - Directs the Attorney General to make grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on violence, abuse, and sexual assault against women who are individuals with disabilities. Authorizes appropriations through FY 2002.

(Sec. 402) Amends the Family Violence Prevention and Services Act to make grants to groups that provide services to or advocate on behalf of individuals with disabilities eligible for demonstration grants for community initiatives. Authorizes appropriations for such grants through FY 2002.