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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	re: VAWA meeting (4 pages)	05/19	P5
002. email	Mary Smith to Ann O'Leary and Heather Howard (partial) (1 page)	04/20/2000	P3/b(3)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Heather Howard (Subject Files)
OA/Box Number: 21197

FOLDER TITLE:

VAWA [Violence Against Women Act] [Binder] [1]

2012-0254-S

rc674

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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RR. Document will be reviewed upon request.



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National Task Force To End Sexual and Domestic VIOLENCE AGAINST WOMEN

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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**



Date: ____ May 17, 2000 ____

To: NEERA

Telephone:

Fax:

From: Heather Howard

Telephone: 456-7263

Fax: 456-2878

Subject:

Pages: 18 (Including this cover sheet)

Comments:

Neera – here's some VAWA info. We are going to try and turn up the heat on VAWA reauthorization so an event next week might fit in nicely. I am attaching recent statements (about the Brzonkala decision and the new statistics), as well as the BJS report itself.

(released today)

SECOND FLOOR WEST WING ♦ WASHINGTON, DC 20502
TELEPHONE (202) 456-7263 ♦ FACSIMILE 456-2878

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.

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

Joel Johnson



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 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.

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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.

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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.

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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

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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

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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

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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.

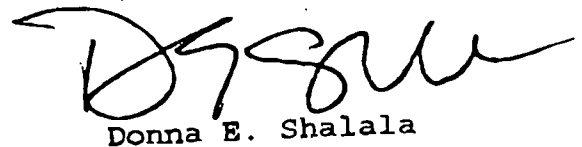
These seven points are critical elements of a federal legislative plan to reduce violence against women. We also want to express our support for other programs that combat violence against women that do not fall under the authority of the Department of Justice or the Department of Health and Human Services. 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

05/18/00 THU 14:33 FAX

THE WHITE HOUSE

Office of the Vice President

Contact:
(202) 456-7035

For Immediate Release
Wednesday, May 17, 2000

**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.

###

Date: May 16, 2000
Prepared by: Jennifer Kaplan (4-0052)
Reviewed by: Elizabeth Fine (4-3824), Charles Simon (5-8283)

Q&A
VAWA Reauthorization Hill Meeting and Press Conference
May 17, 2000
12:45-1:30 p.m.

I. U.S. v. Morrison (Brzonkala)

Q: What is your reaction to the Supreme Court's decision on Monday in U.S. v. Morrison?

A: I'm deeply disappointed by the decision. In that case, the Court struck down the civil remedy provision contained in the Violence Against Women Act of 1994. That provision gave victims of gender-motivated violence the ability to sue their attackers for lost earnings, medical expenses, and other damages. I regret that the Court held that Congress does not have the authority to provide such a remedy for victims. But the Supreme Court's decision does not affect the viability of VAWA as a whole and should give us no pause in our efforts to improve and re-authorize the 1994 statute.

Q: Would the Administration support a "legislative fix" to create a new civil rights remedy to replace the one struck down by the Supreme Court?

A: We plan to study the Supreme Court's decision in U.S. v. Morrison to determine, in light of that decision, what is the best approach is to providing remedies for victims of gender-motivated violence.

Q: Is re-authorizing of the VAWA grant programs in jeopardy because of Monday's Supreme Court decision about VAWA?

A: No. The Supreme Court's decision in United States v. Morrison invalidated only one provision of the VAWA and does not implicate or affect the validity of the VAWA grant programs. The Court did not address or question whether Congress has the authority to establish and fund grant programs to address violence against women. Instead, the Court addressed only the private civil rights remedy -- one discrete piece of the VAWA. The Court held that Congress did not have the constitutional authority under the Commerce Clause or the Fourteenth Amendment to enact the VAWA civil rights remedy. In enacting -- and in re-authorizing -- the grant programs, however, Congress acts under a different source of constitutional authority, the Spending Clause, and Congress's authority to enact and fund those programs has not been questioned.

Q: In U.S. v. Morrison, the Supreme Court seems to have said that States, not the federal government, have the constitutional authority to regulate local, criminal activity, but you're asking Congress to amend the federal criminal provisions of the VAWA. What effect does the Supreme Court's decision have on federal prosecution of these types of crimes?

A: The decision does not affect the federal criminal provisions that punish interstate domestic violence and stalking crimes. First of all, those provisions were not at issue in the case. Moreover, the Court went out of its way to note that, unlike the civil rights remedy provision at issue in Morrison, the federal criminal remedies in VAWA address interstate -- rather than intrastate -- crimes. Congress clearly has the authority under the Commerce Clause to regulate interstate criminal activity. The Court also noted that the Courts of Appeals have uniformly upheld these criminal provisions against constitutional challenges.

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
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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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.

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.

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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.

30-30-30



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.

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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.

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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.

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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

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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

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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

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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.

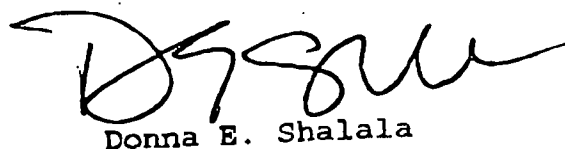
These seven points are critical elements of a federal legislative plan to reduce violence against women. We also want to express our support for other programs that combat violence against women that do not fall under the authority of the Department of Justice or the Department of Health and Human Services. 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

VAWA Supreme Court Case
May 15, 2000

What is the Administration's reaction to the Supreme Court's decision today in the Brzonkala case involving the Violence Against Women Act?

While the Administration has not had an opportunity to thoroughly review the decision, we are very disappointed that the Supreme Court did not uphold the provision in the Violence Against Women Act (VAWA), which would permit a victim's suit for civil damages against his or her attacker, whether or not the attacker crossed state lines. In 1994, the President signed into law 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. The Supreme Court held today that Congress, in enacting that part of VAWA which permits civil suits, overstepped its authority to regulate interstate commerce and enforce the Constitution's equal protection guarantee because this part of VAWA does not provide a remedy against state officials only private citizens. The President is seeking to reauthorize VAWA this year.

you just look at the last century, hate crimes have manifested themselves.

Here we talk about sad people twisted inside who somehow felt they could fill a hole in their own lives by taking the lives of other people away, people who had somehow been convinced that they were so superior to other people they could shoot at them, kill them. What possessed that person in California to shoot at all those little kids walking into the Jewish community school?

I saw one person said that when he killed a Filipino postal worker, he thought he had a double success -- he'd killed an Asian and a federal employee. What makes people think that way? There are all kinds of explanations, but we know that it's profoundly wrong to believe that you can ever lift yourself up by putting someone else down.

The point I want to make, just briefly, is that it's not very far from there to the awful examples we've seen in our time of political leaders who try to get one group of people in the majority in the country to blame all their problems on another group of people in the minority. And then you have a holocaust, or you have a Kosovo, where a whole country is just flushed out.

So this is very important. It is just not true that hate crimes are like other crimes. It is not even true that every crime is a hate crime. And that is fundamentally at the heart of this debate.

We had the first-ever conference at the White House on this three years ago. Since then, we've increased the number of federal agents working on these cases, prosecuted successfully a number of quite serious ones, formed local hate crimes groups with local U.S. Attorney's offices around the nation, and worked with more and more police officers to identify the signs of hate crimes.

This coming year, one of the things in our budget I hope the Congress will adopt involves funds for extensive training for local law enforcement officials in this area. But we have to do more. The Deputy Attorney General told you quite eloquently, precisely, and clearly why we need a federal hate crimes law that allows the Justice Department to do so much more than it can now. Commander O'Malley told you the devastating financial consequences that can come to local law enforcement from simply trying to do the right thing without the necessary federal support.

But underneath it all, and far more important than everything else, are the stories: the life young Matthew Shepard had, and the one he might have had; the wonderful life Ricky Byrdsong had, and the one he might have had. Last year, or in 1998, that's the last year we have figures -- there were -- listen to this -- 7,755 reported hate crimes, nearly one every hour every day.

More importantly, we know this is only the tip of the iceberg. Today, we have new evidence that confirms what many have long suspected, and that is that hate crimes are under-reported. A survey conducted by Northeastern University found that as many as 6,000 law enforcement agencies may have encountered hate crimes over the past year, but failed to report them to the FBI.

We also learned that 85 percent of law enforcement officers responding to the survey agree with Commander O'Malley's belief that hate crimes -- hate-motivated crimes are more serious than similar crimes not motivated by bias.

That's why I'm directing the Justice Department today to work with local authorities to develop a plan within 120 days to make sure

we report all hate crimes so we'll know what the scope of the challenge is. It will examine a number of strategies, from pilot programs in states suspected of under-reporting, to increasing training to help local officials identify such crimes.

This is all very important. But only Congress can do what really should be done here. That's why the House must vote yes on the hate crimes legislation offered by Congressman Conyers today, and yes on sending me the final hate crimes legislation before the adjourn for the year. Both yeses are important. (Applause.) Thank you.

I also ask Congress to reauthorize the Violence Against Women Act before it's too late so that we can continue to build on its success.

You know, over the last several decades, over and over again, when it came down to protecting the lives of innocent Americans, Congress has been willing to take bipartisan action to do the right thing. I hope and believe it will do nothing less with hate crimes legislation and the Violence Against Women Act.

Let me just close with this. One of the cruelest aspects of the systematic hate crimes that were perpetrated by the Nazis is their attempt to prove that somehow it was justified by science, by some sort of innate superiority.

One of the happiest aspects of most recent scientific developments in biology is that we can now scientifically confirm what faiths have always taught, that the most important fact of our common existence on this earth is our common humanity.

The human genome research project has documented that we are genetically 99.9 percent the same. Furthermore, that the differences among people within the same ethnic or racial groups are greater than the genetic differences between profiles of different racial groups.

Now, this is a stunning thing. In other words, this is not an affair of the body, it is an affair of the heart, of the spirit. It is, therefore, an even more dangerous kind of infection.

I don't think any of us believe we can ever root it out just by punishing people. But the most important thing is that we do have the tools we need to take a strong stand before these things spread even wider. That's what Sberialyn said, and that's why she came.

We've got a chance here to reaffirm America at its best. And I hope we can do it. Because the most important thing, if we want to make the most of all this modern, wondrous economy we have, is to get rid of our oldest demons and build one America.

Thank you very much. (Applause.)

END 3:00 P.M. EDT

THE WHITE HOUSE

Office of the Vice President

For Immediate Release

September 13, 2000

STATEMENT BY THE VICE PRESIDENT

Today I join the President in calling on the Congress to enact strong hate crimes legislation. In June, I was present in the Senate when it approved Senator Kennedy's bill. I said then, and repeat today, that passage of hate crimes legislation is a victory for the American people -- because Americans stand for decency, for tolerance, and for goodness. Hate crimes are targeted at America's heart and aim to destroy our values and purpose.

It has often been said that our laws reflect the values we share as a society. Passage of a strong hate crimes law will send a clear message that we value everyone in our society, and we will work together to oppose those who use hate to divide us.

I support the President's directive to the Department of Justice to join with local and state law enforcement officials in developing a plan to improve the reporting of hate crimes. As the study released today demonstrates, many hate crimes are not reported to police or to the FBI. We need to do more to bring the problem of hate crimes and the plight of victims into sharper focus so that we can direct more attention to prevention and to apprehending those who perpetrate this kind of violence.

I also join the President today in urging Congress to work together to ensure that the vital Violence Against Women Act is reauthorized this year. This law has made a tremendous difference in the lives of countless women. I hope that a bipartisan majority in Congress will do the right thing, reauthorize the Violence Against Women Act, and make a real contribution to the fight against domestic violence, stalking and sexual assault.

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PRESIDENT CLINTON AND DEMOCRATIC LEADERS CHALLENGE CONGRESS
TO ACT NOW ON AMERICA'S PRIORITIES
September 5, 2000

Today, following a meeting with House and Senate Democratic leaders, President Clinton will call on Congress to put progress before partisanship, and get back to work for the American people. Joined by Senator Daschle and Congressman Gephardt, the President and the Democratic leaders will reaffirm their commitment to breaking the legislative logjam. Instead of working to override the President's veto of the estate tax bill -- which would give tax cuts to 54,000 of America's wealthiest families -- President Clinton will call on the Republican leaders to make their first order of business raising the minimum wage to help more than 10 million hard pressed workers make ends meet. He will also urge Congress to move forward with fiscal discipline, responsible tax cuts, and public investments that fuel our prosperity, such as an affordable prescription drug benefit for all Medicare beneficiaries, a meaningful Patients' Bill of Rights, and expanded health care coverage for low-income families. He will note the release of two new studies that demonstrate the effectiveness of the Administration's targeted approach to expanding health coverage. President Clinton will also urge Congress to pass a fiscally responsible budget that maintains America's prosperity by paying down the debt, provides targeted middle-class tax cuts, and makes key investments in improving education, protecting the environment and fighting crime.

PRESIDENT CLINTON WILL CALL ON CONGRESS TO MAINTAIN AND EXPAND ECONOMIC PROSPERITY: President Clinton's economic strategy of maintaining fiscal discipline, making investments in the American people and opening foreign markets has created the conditions for the longest economic expansion in history and put us on track to pay off the national debt by 2012. Before the 106th Congress adjourns it should take actions that will expand and maintain our prosperity for future generations:

-- Increase the minimum wage: At a time when we are experiencing the longest economic expansion in history, the proposed \$1 increase before Congress would merely return the real value of the minimum wage to the level it was in 1982. This modest raise would help more than 10 million workers, including millions of women and hard-pressed families, make ends meet. Full-time workers would receive an annual raise of about \$2,000 a year -- enough to pay for nearly 7 months of groceries or 5 months of rent. -- Provide targeted tax cuts: President Clinton's package of responsible, targeted tax cuts provides more tax relief for middle-class families at less than half the cost of Republican plans. It would allow America to maintain our fiscal discipline, strengthen the solvency of Social Security and Medicare, invest in key priorities, and pay off the debt by at least 2012. President Clinton's fiscally responsible plan provides marriage penalty relief for couples and tax credits that reward retirement savings, expand college opportunity, help families with the rising costs of long-term care and child care, and promote philanthropy by encouraging charitable giving. The President is also committed to working with Congress to achieve targeted estate tax relief for small businesses and farmers. -- Maintain fiscal discipline: The Clinton-Gore Administration turned \$290 billion deficits into the largest surpluses in our history and has put us on track to pay off the entire national debt by at least 2012. Fiscal discipline has produced lower interest rates while encouraging productivity and investment. Republican tax cuts passed this year, combined with those they have proposed for next year, squander the entire projected surplus, leaving America permanently in debt and making it impossible to invest in priorities like improving education or adding a Medicare prescription drug benefit.

PRESIDENT CLINTON WILL ALSO CALL ON CONGRESS TO COMPLETE WORK ON AMERICA'S KEY PRIORITIES:

Provide an Affordable, Accessible Prescription Drug Benefit Option For All Medicare Beneficiaries: Three out of five Medicare beneficiaries have inadequate prescription drug coverage or none at all. In the context of broader reform that ensures that Medicare revenues are only used for Medicare, the President has proposed a voluntary, affordable Medicare prescription drug benefit for all beneficiaries. Beginning in 2002, it would provide prescription drug coverage that would have a zero deductible and cover half of all prescription drug costs up to \$5,000 when fully phased in. It would limit all out-of-pocket medication costs to \$4,000. This optional benefit would also provide negotiated discounts that would guarantee that Medicare beneficiaries no longer pay the highest prices in the marketplace. And, it would explicitly pay for the cost of prescription drugs in managed care plans beginning next year to ensure that they continue to offer this important benefit.

Enact A Meaningful Patient's Bill Of Rights: The majority of the United States Senate supports passing a strong, enforceable Patients' Bill of Rights, similar to the bipartisan Norwood-Dingell Patients' Bill of Rights. Unfortunately, the Republican leadership continues to support an approach that leaves over 135 million people without protections and does not assure that plans are held accountable when they make decisions that harm patients. The Norwood-Dingell legislation, endorsed by over 200 health care provider and consumer advocacy groups, is the only bipartisan proposal currently being considered that protects state-based accountability provisions already available under current law and includes: protections for all Americans in all health plans; protections for patients accessing emergency room care from financial sanctions; guarantees that assure access to necessary and accessible health care specialists; and meaningful enforcement mechanisms that ensure recourse for patients who have been harmed as a result of a health plan's actions.

Provide Affordable Health Insurance Coverage for Low-Income Families: The President has proposed a new state option to cover millions of uninsured parents and their children in CHIP FamilyCare, workers in between jobs, 55 to 65 year olds, young adults between 19 and 20, and legal immigrants. The Administration's approach is supported by two new studies being released today by the independent Center on Budget and Policy Priorities (CBPP) and the White House Council of Economic Advisors (CEA). The CBPP report concludes that coverage expansions including parents increase enrollment among eligible but unenrolled children by nearly 25 percent. The CEA report documents that tax approaches such as those advocated by the Republican leadership are highly inefficient, expensive, and ineffective mechanisms to expand coverage, while policies such as the FamilyCare initiative proposed by the President efficiently and effectively assure coverage.

Pass A Fiscally Responsible Budget That Invests In Education and Other Key Priorities: The President proposed a balanced and fiscally responsible budget that extends the solvency of Social Security and Medicare and makes investments in key priorities for the American people. The President's budget includes important investments in education -- such as modernizing 6,000 schools and repairing 25,000 more, meeting our commitment to hire 100,000 quality teachers to reduce class size, funding teacher training to put qualified teachers in every classroom, increasing accountability including identifying and turning around failing schools, increasing after school opportunities, and preparing at-risk youth for college success. To pay for fiscally irresponsible tax cuts, Congressional Republicans have cut key priorities, resulting in fewer quality teachers for schools, fewer law enforcement officers and prosecutors to fight crime, reduced environmental protection, and less funding for National Science Foundation research. The President will also call on Congress to put the people's interest above the interests of big tobacco by fully

funding federal tobacco litigation and letting the American taxpayers have their day in court to recover tobacco-related health care costs.

Approve Common Sense Gun Safety Legislation: Sensible gun safety legislation has languished in Congress for over a year. Meanwhile, an estimated 30,000 Americans have lost their lives to gun violence. The Senate passed common sense gun safety measures in May 1999, with Vice President Gore casting the tie-breaking vote to close the gun show loophole. Since then, Republican leaders have delayed and bottled up this legislation at the behest of the gun lobby, despite the fact that 10 children are killed by gunfire every day. The President will call on the Republican leadership to put the safety of America's children first as they return to school by passing a bill that closes the gun show loophole, requires child safety locks to be sold with handguns, bans the importation of large-capacity ammunition clips, and prevents violent juvenile offenders from buying guns as adults.

Pass Legislation to Prevent Hate Crimes and Legislation to Combat Violence Against Women: The President will also urge Congress to pass bipartisan legislation to prevent hate crimes and further respond to violence against women. The Senate has already passed hate crimes legislation that will punish hate crimes based on a victim's sexual orientation, gender, or disability -- areas not covered by current law. The President will urge the House to act expeditiously to pass this critical proposal. In addition, this legislation also recognizes that state and local law enforcement still have primary responsibility for investigating and prosecuting hate crimes. The President will also call on Congress to reauthorize the Violence Against Women Act to continue his support for the work of prosecutors, law enforcement officials, victim advocates, and health and social service professionals as they respond to the problems of violence against women in communities throughout the country.

#

The White House
Office of the First Lady

FOR IMMEDIATE RELEASE
June 12, 2000

CONTACT: LISSA MUSCATINE
ERIKA BATCHELLER
JENNIFER SMITH
202/456-2960

**FIRST LADY HILLARY RODHAM CLINTON JOINS WITH LAW ENFORCEMENT
TO CALL FOR REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT**

First Lady Hillary Rodham Clinton today will join members of the law enforcement community and a bipartisan group of lawmakers to urge Congress to reauthorize the Violence Against Women Act (VAWA). She will announce key law enforcement support for reauthorization and will highlight the progress of VAWA, releasing reports from the Departments of Justice and Health and Human Services documenting the success of the law. In addition, she will announce that the National Domestic Violence Hotline, established under VAWA, received nearly 500,000 calls from February 1996 to May 31, 2000. Finally, the First Lady will announce that Attorney General Janet Reno and Health and Human Services Secretary Donna Shalala will call on their Cabinet colleagues to use their agency resources to address the problem of domestic violence. The Vice President also is joining the call for reauthorization, sending a letter to every Member of Congress asking them to make reauthorization a priority.

The First Lady will be joined by Attorney General Joseph Curran, Jr. of Maryland; Sheriff Kathy Witt of Fayette County, Kentucky; Rose Pulliam, associate director of the Alabama Coalition Against Domestic Violence; Senator Barbara Boxer; and Rep. Constance Morella.

VAWA'S SUCCESS IN COMBATING DOMESTIC VIOLENCE

Over the last seven years, the Clinton Administration has led an historic effort to reduce crime in our nation's communities and, in particular, to recognize and respond to the problem of violence against women. In 1994, with the First Lady's strong support, Congress passed the landmark Violence Against Women Act (VAWA) as part of the Administration's crime bill. The Act established new Federal criminal provisions and key grant programs to improve the criminal justice system's response to domestic violence, sexual assault and stalking, and to direct critical services to victims. Reports released today by DOJ and HHS show that these programs have awarded \$1.5 billion dollars in Federal grants to states to help law enforcement agencies and communities across the nation promote the safety of women and hold offenders accountable. These grants have supported the work of prosecutors, law enforcement officials, the courts, victim advocates, health care and social service professionals, and intervention and prevention programs.

A recent report by the Bureau of Justice Statistics shows that domestic violence has declined since 1993 and that VAWA programs are working. For example, the number of women

experiencing violence at the hands of an intimate partner declined 21 percent from 1993 to 1998. In addition, in 1996, 1997, and 1998, intimate partners committed fewer murders than in any year since 1976.

VAWA MUST BE REAUTHORIZED

Although tremendous strides have been made, domestic violence still devastates the lives of many women and children. 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 crimes against women, and women were raped and sexually assaulted 307,000 times in 1998 alone. If Congress fails to reauthorize VAWA, many critical programs may lose their funding. Reauthorization will help ensure that we maintain support of existing programs, expand the investigation and prosecution of crimes, provide greater numbers of victims with assistance, maintain and expand the domestic violence hotline, shelter, and rape prevention and education programs, and support creative partnerships between law enforcement, victim advocates and communities that have proven so effective. In addition, reauthorization will:

- Strengthen the VAWA criminal provisions;
- Expand protections of federal criminal laws and grant programs to women in dating relationships;
- Protect immigrant women and children from domestic violence;
- Enhance the full faith and credit provisions;
- Facilitate filing and service of protection orders; and
- Ensure that children remain in the custody of non-abusive parents.

LAW ENFORCEMENT RALLIES BEHIND REAUTHORIZATION

VAWA programs have provided tremendous support to law enforcement in their efforts to combat violence against women. DOJ has awarded more than \$800 million dollars in VAWA grants to law enforcement officials, prosecutors, victim advocates, and courts to address the problem of violence against women at the state, local, and tribal levels. These grants have enabled states to train personnel in handling cases of violence against women, increase prosecutions, assist victims, and build innovative partnerships between law enforcement, prosecutors, and victim services providers.

The First Lady today will stand with law enforcement to recognize the importance of VAWA to the law enforcement community. The International Association of Chiefs of Police (IACP), the National Association of Attorneys General (NAAG), the National Sheriffs Association, and the Police Executive Research Forum (PERF) all support reauthorization. The First Lady also will release a resolution from NAAG in support of reauthorization, and a letter from IACP to President Clinton supporting reauthorization.

Interagency Group: VAWA

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VA	Maria Fernandez	273-5760		Maria.fernande@mail.va.gov

VAWA

comprehensive strategy

internal

inter-agency

legislative

coalition

may challenge nty to do macro strategy

include Lynn + Donna Freiberg
Litten

Ann → Moella bill

1994 law

big mtg w/ HHS + DoJ

Biden v. Hatzis

events - DoJ grants - ^{late} June, ^{late} July
HHS - work until Sept - shelters

Intelligence Report

announce coalition - working for reauthorization

do side-by-side of all the bills

House - need full committee work up
Senate -

mtg next week w/ DoJ + HHS

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.

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 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.

30-30-30

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	re: VAWA meeting (4 pages)	05/19	P5

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Heather Howard (Subject Files)
OA/Box Number: 21197

FOLDER TITLE:

VAWA [Violence Against Women Act] [Binder] [1]

2012-0254-S
rc674

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

③

5/15

VAWA

Bonnie Campbell
Ronna Frieberg
Lyne Cutler
Laura Supina
Kay Cassleman
Tom Wigninton
Amen O'Leary
Therese Bueno

Biden + Hatch are close to an agreement

Wants to tie to RLPPA

will hold VAWA hostage

if RLPPA moves attach VAWA

what is the deal

House - marked up Houlla last week in subc.

Need to get cops, prosecutors to weigh in

May - use executive action as bully pulpit

① Bronckla - statement

② DOJ - BTS report on DV stats

announce stats

call for reauthorization

campaign - do statement as Bronckla

Mr. Collman

do an event w/ cops? - law enforcement / VAWA are
STOP grants, other things that help law enforcement

(5/15)

(2)

meet of groups - ♀ + law enforcement + victims groups
[reach out to law enforcement before]

HRC meet w/ ♀'s groups + law enforcement
w/ ♀'s caucus

Biden may attach to ♀'s trafficking bill

meet w/ Biden's staff later this week

4/20

VAWA

Mary Smith
Ann

Needs Reauthorization

Senate - Biden - DOJ basically supports
Hate

can bill was - but not now

DOJ leg - mtg - this maybe flower

Congress - kitchen sink bill

DOJ views better - where is it?

leg - think Morelle + Baldwin will go for straight route

Interagency Task Force - Reno / Shultz of outside groups
'advising Council on Violence against W
not prepared to release until Sept.

Mary talking to agencies to see if there are deliverables,
directives

mid-may - BTA - new stats on DV - we can't release
but maybe follow up

whether we
want to
accomplish

Battered immigrant
trafficking provision
Se-fencing enhancements
dating relationships

Brunkala - assuming it'll be bad
Justice working on leg fix

next steps - working w/ DOJ leg on research.
looking for events to highlight

4/18

VAWA

Jenica

VAWA - passed in 1994

514-3737

does many things:

- authorizes & funds grant programs
- in DOJ + HHS mostly

created some criminal offense -

Full Faith + Credit - extending to
P.O. from other states --
~~stop~~ what's necessary

civil remedy - victims can sue in civil court
Bronkela - all we have is civil remedy
Q - did Congress have authority
criminal not at risk

some things have been added since 1994.

Civil Legal Asst. Program - grants to LS for
attys for
Campus Grants Program - VAWA a campus

VAWA II - ① reauthorize everything

② other things floating out there

admin. supports some things

- Δ to criminal provisions to make more effective

- adding tribes (prob. drafting error)

- dating relationship - covered?

- restore extrajurisdiction - battered & restricting - restate VAWA provisions violated in DoJ or

4/18

②

intimate partner — include
~~in~~ ~~include~~ spouse, former spouse, selected as spouse
our dating relationships

2 major bills

Biden — reauth, dating, technical

Congress — huge bill

insurance protection, housing

Morella bill — just reauthorizing

Crane bill — reauth plus a little

Biden & that working on something

Patty First — OLA 574-4810
Deb 84-0708

What happens if don't reauthorize?

- can still appropriate for grant programs

- but wouldn't have dating relationships, other things

dating relationships — imp — (1) grant programs — want to serve
look at state law for definition people — dating relationships
(2) criminal prosecution

Biden S. 51

Congress

Nat. Coalition Against Domestic Violence

4/17

Melanne

OSP-
Jensen

VAWA - reauthorization

prominent in Beijing + 5 commitments

Shelala / Reno event a Hill

mtg - end of next week - strategy mtg -
when is it?

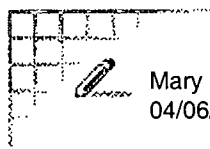
What are ideal points we want from reauthorizing
leg. strategy

can we do some events?

WH events

And what is in the reauthorization - DOJ prosecutive provisions? HHS too?
when is notice #

NOW LDF - Pat Rense - 514-4470



Mary L. Smith
04/06/2000 02:29:34 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: VAWA Followup Meeting

We will meet at 4p.m. on Monday, April 10 at 4p.m. in Room 324 to follow up on our discussion of possible domestic violence announcements. Please bring to the meeting some paper on possible new initiatives; upcoming reports and grants; and any other items such as public-private partnerships that are potential deliverables. We will discuss these items at the meeting. Please email me your date of birth and social security number by **COB, Friday, April 7** for clearance purposes. If you have any questions, please call me at 456-5571. Thanks, Mary

Message Sent To:

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VAWA Meeting
April 4, 2000

Education

- Domestic violence on college campuses – any grants? – DOJ
- New education statistics
- Posters/booklets for distribution at schools with information and hotline numbers

HHS

- Training for child welfare workers
- Child abuse initiative – maybe tie to children exposed to violence initiative

HUD

- Training for housing officers on domestic violence
- Transitional housing for victims of domestic violence

Justice

- Update on Violence by Intimate report
- Advisory Council on Violence Against Women report (also HHS)

Labor

- ▪ Any additional actions we can take with respect to FMLA and victims of domestic violence
- ▪ Unemployment insurance and victims of domestic violence

Treasury

- Participate in targeted effort with DOJ

OPM

- New items to help federal employees who are victims of domestic violence
 - Liberal leave for victims and witnesses of DV
 - Eligibility for leave bank
- Anything new on workplace violence
- Office Transfers

Veterans Affairs

- Treatment for veterans who are victims of domestic violence
- Violence against older women

4/4

Domestic Violence

VAWA needs to be reauthorized this year
in crime bill + SOTU

Went
for
AS 9/10/14

message events on need to reauthorize

legislative - Biden

Congress - broader (WH not comfortable w/ all of it)

Morella - straight reauthorization

Congress - maybe bring up in context after done w/ internet gambling

Hatch trying to tie VAWA to RLPA

if legislation on RLPA he'll allow VAWA to go forward

DOJ

BJ's report - due out in late April

Violence ^{by} ~~against~~ Intimate

new #'s are newsworthy - maybe WH announcement
may will get list of other reports to come out; early #'s from reports

snapshot project - U. Southern Maine - interviews of VAWA grant recipients
release at WH VAWA event?

Report from Advisory Council on Violence Against Women
(AG^(DOJ) + Secretary (HHS)) - not ready by end of April/
will it have a few deliverables we can do?

②

OPM

See OPM report
maybe directive to OPM to conduct trainings

Education

DOJ-

grant announcements

HUD

training housing officers - Housing Authorities ^{you} have their own
Drug Elimination Program - has funds available
~~emergency~~
DV hotline

emergency transfers
shelters

DOJ has given HUD ideas - they did a focus group to brainstorm

Labor-

FMLA - Can we do anything else? - sensitive b/c of
expansion b/c of adoption
Congress bill has stuff on unemployment
distribute something to all Federal contractors

Veterans

will explore ideas of G's Office
June Conference - Healing of Veterans
- VP requested to speak

meet again Monday 4pm - Agencies will report back

meeting

**VAWA REAUTHORIZATION
INTERAGENCY STRATEGY SESSION
May 24, 2000**

- I. Increasing White House Involvement
 - Presidential and Vice Presidential Statements
 - Outreach Meetings — Health care, judges, immigrant, faith
 - Possible Events NA, business, campus
- II. Specific Policy Issues
 - Dating relationships
 - Impact of Domestic Violence on Youth Violence
 - Immigrants
 - Native Americans
- III. Legislative Strategy — membership packets for Senate
- IV. Signaling VAWA as one of Administration's top legislative priorities
 - Cabinet Members Raising Profile
 - Working with outside groups
 - Press strategy/Op-Eds
- V. On-going Interagency Policy Coordination
 - Bi-Weekly Interagency VAWA meetings — Wednesdays at 4:00 PM?

White House Staff Contacts:

Domestic Policy Council:	Ann O'Leary	202/456-6275	ann_o'leary@opd.eop.gov
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WH Counsel:	Mary Smith	202/456-5571	mary_smith@opd.eop.gov
WH Women's Office:	Lauren Supina	202/456-7396	lauren_supina@who.eop.gov

lynn - call into Carolyn Maloney
lifetime
Creative Coalition

5/24

Interagency Mtg. on VAWA

Patty - Mueller - base minimum - health plus some
fixes to criminal provisions

full comte - early June

mtg of Congress / McCollum staff

McCollum interested in working closely relationships for
grant programs but not criminal

sequentially referred to Ed + Workforce

for HHS programs (part of CAPTA)

- meet w/ 9 comte members - get them to discharge

Senate HELP may want

Senate - Biden / Hatch near compromise

pretty good - everything but debt w/it.

Texas - OK

immigrant & - whatever Kennedy + Albinham agree on

adds new § on transitional housing under HHS

+ adds sexual assault to hotline

Hatch want move up RUPA

Biden - wants to attach to RUPA

? letter to Full com to a Novella

9's Caucus Mtg - Lynn will call Carolyn Maloney

Joel/Patty - Senate ♀

laurie - get 9's groups to lobby

big Five - Dating Relationships
public records research on dating violence
do a report? press availability

get NANO + one law enforcement + 9's groups
to do talking piece

event - Shelah/Reis w/ a DOJ report

celebrity - meet w/ 9's Caucus

Youth Violence -

VP particularly interested b/c of his school days visits

immigrant 9 - Leslie O'Roarty

Ab memo highlighting successful local programs
she will do traveling

Joel - reason
a reason

OPD - report on who's gotten it

5/24

working it into Reno's speeches

IBA mtg:

Mayors - June

WAAO

Sherriffs

Courties

big - reluctant to talk about just VAWA -
other reauthorizations -

COPS + Trust Fund

don't do VAWA on stand alone basis

When we talk about COPS, etc., add VAWA
as well.

Follow up

Joel - makes packets - message for booklet

OPD - one page - fact sheet + talking points - w/ APHS
fact sheet on youth violence

THE WHITE HOUSE
WASHINGTON

Violence Against Women Act Meeting with Law Enforcement Community

Tuesday, May 23, 2000
11:00 am – 12:00 noon
Room 180, Eisenhower Executive Office Building

Agenda

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

*Bonnie Campbell
Director, Violence Against Women Office
Department of Justice*

*Jennifer Kaplan
Senior Counsel, Office of Policy Development
Department of Justice*

Lisa Brown, Counsel to the Vice President

*Lynn Cutler, Deputy Assistant to the President and Senior Advisor to the Vice President and
the Chief of Staff*

*Kay Casstevens
Deputy Director of Legislative Affairs*

ANGELA BLAKE

05/23/2000 08:48:21 AM

Record Type: Record

To: Ruby Shamir/WHO/EOP@EOP
cc: heather h. howard/opd/eop@eop, ann o'leary/opd/eop@eop
bcc:
Subject: Re: VAWA meeting 



VAWA LawEnforcement Agenda.do

I'm waiting on confirmation on Beth Nolan, otherwise this is the agenda. Representatives from the following law enforcement organizations have been invited:

International Association of Campus Law Enforcement Administrators
Major Cities Chiefs (MCC)
Federal Law Enforcement Officers Association (FLEOA)
Fraternal Order of Police (FOP)
International Association of Chiefs of Police (IACP)
International Brotherhood of Police Officers (IBPO)
International Union of Police Associations (IUPA)
National Association of Police Organizations (NAPO)
National District Attorneys Association (NDAA)
National Organization of Black Law Enforcement Execs (NOBLE)
National Sheriff's Association (NSA)
National Troopers Coalition (NTC)
Police Executive Research Forum (PERF)
Police Foundation
National Black Police Association (NBPA)
National Black Prosecutors Association (NBPA)
National Association of Attorneys General

I put Melanne towards the bottom of the agenda to accomidate her possibly coming late. Thanks!

Ruby Shamir



Ruby Shamir
05/22/2000 08:14:06 PM

Record Type: Record

To: Heather H. Howard/OPD/EOP@EOP

Violence Against Women Act Meeting with Law Enforcement

**Tuesday, May 23, 2000
11:00 am – 12:00 noon
Room 180, Eisenhower Executive Office Building**

Agenda

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

*Bonnie Campbell
Director, Violence Against Women Office
Department of Justice*

*Jennifer Kaplan
Senior Counsel, Office of Policy Development
Department of Justice*

Lisa Brown, Counsel to the Vice President

*Lynn Cutler, Deputy Assistant to the President and Senior Advisor to the Vice President
and the Chief of Staff*

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

*Kay Casstevens
Deputy Director of Legislative Affairs*

5/23

VANA mtg of law enforcement

Maia

Bonnie

Maia - reauthorization is up to WH
statistics show that DV ↓ -
we need to do more

Bonnie - Thank you for supporting

lots of \$ has gone to policing agencies
infrastructure building

reauthorize the \$

technical assistance to the grant programs + criminal
dating relationships

larger % of set-asides to Tribes

civil legal assistance program - get it authorized, created
FF+C

Lynn -

Tennie - grant programs helpful to law enforcement

STOP formula grant - block grants to states

25% for law enforcement - prosecutors

grant programs to encourage arrest policies

since 1975 - over \$300 million to law enforcement

dating relationships - not covered by Fed criminal law
also grant programs can't provide services
to those in relationships

Patty First - leg outlook

NAAAG - resolution supporting reauthorization of VAWA
understand imp. of VAWA grant funding

- resource manual
- summit? / meeting last summer

Arizona leg passed bill providing civil remedy

will this be a vehicle for gun control?

Patty - ~~the~~ leadership won't allow it to be amended
it will come up only under U.C.

any - this is WH priority
WH event

Meeting of Judges - set aside for courts - STOP

NATL. Center for State Courts

~~Assoc. for Chief Justices~~ Council of Chief Justices
NAJTC

State Court administrators

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 violence,
Director, Violence Against Women Office, Department of Justice*

Kay Casstevens: Legislative Strategy

**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.]

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**

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.

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.

###

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 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 Honorable Orrin G. Hatch
Page 2

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.

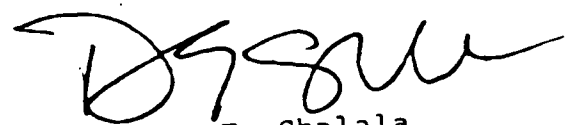
We also support establishing grants for supervised visitation centers to help preserve families and protect children from violence by creating safe places for visitation and exchange of children. These centers help protect victims of domestic violence and their children and minimize the danger of parental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

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-

I 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."

###

00-276

**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 we would do.]

THE WHITE HOUSE
WASHINGTON

Violence Against Women Act Meeting

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

Agenda

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

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

Lynn Cutler, Deputy Assistant to the President and Senior Advisor to the Vice President and the Chief of Staff

Lisa Brown, Counsel to the Vice President

Beth Nolan, Counsel to the President

*Bonnie Campbell
Director, Violence Against Women Office
Department of Justice*

*Kay Casstevens
Deputy Director of Legislative Affairs*

EVENTS

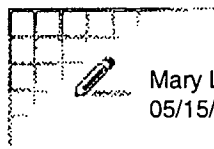
EVENT IDEAS

May 22, 2000

Roundtable on Hate on the Internet (Ready in June): The President can convene a roundtable to discuss how hate is disseminated on the Internet and how to empower parents to have the tools to say “no” to hate on the Internet. We could announce a new version of an umbrella website (GetNetWise) that provides tools to protect children. (This new version updates the site for the new privacy regulations regarding not collecting information on children under the age of 13). The Department of Justice is also exploring creating a new website directed toward teaching teachers about hate on the Internet.

Major Call for Violence Against Women Reauthorization (end of June). We could hold a big rally event with the women’s groups, law enforcement, and Congresspersons to support the reauthorization of the Violence Against Women Act (VAWA). At this event, we could announce approximately \$28 million which will be awarded for strengthening civil legal assistance programs for victims of domestic violence. Eligible applicants include victim service programs, law school legal clinics, and other legal clinics assisting battered women and other entities involved in addressing domestic violence.

Domestic Violence Event/STOP Formula Grants (end of July). We could also have another VAWA event in July to bring the bully pulpit to bear again on the need to reauthorize VAWA this year. At this event we could announce the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grants which are awarded to States to develop and strengthen the criminal justice system’s response to violence against women and to support and enhance services for victims. Each State and territory must allocate 25 percent of the grant funds to law enforcement, 25 percent to prosecution, 25 percent to victim services, and the remaining 25 percent among the three categories at each grantee’s discretion. Approximately \$180 million will be awarded this year.



Mary L. Smith
05/15/2000 01:38:09 PM

Record Type: Record

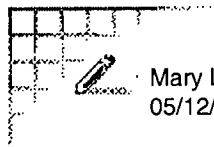
To: See the distribution list at the bottom of this message

cc:

Subject: Re: New VAWA statistics --Possibe event for Wed. May 17

I'm still following up -- we will have new domestic violence statistics on Wednesday that DOJ is putting out that shows that incidents of domestic violence are decreasing. Also today, the Supreme Court struck down one part of the Violence Against Women Act. It would be great if we could use these two things to do a departure statement or some type of event on Wednesday as a springboard to call for reauthorization of the Violence Against Women Act. DOJ would like one of the principals here to do something on Wednesday. I am also going to have a conference call with DOJ later today to see if there are any executive actions we could do to accompany these statistics. If we did something, I think we would earn major points with the women's groups, particularly given the bad decision that came down from the Supreme Court today. Please let me know so that I can get back to DOJ (because they are going to have their own event if we don't do something). Thanks, Mary

----- Forwarded by Mary L. Smith/OPD/EOP on 05/15/2000 01:30 PM -----



Mary L. Smith
05/12/2000 04:27:34 PM

Record Type: Record

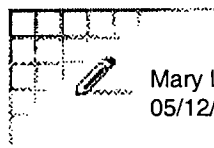
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Mary L. Smith
05/12/2000 09:34:18 AM

Record Type: Record

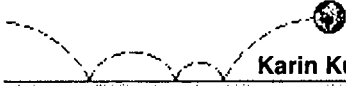
To: Karin Kullman/OPD/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc: Records Management@EOP

Subject: Re: New VAWA statistics --Possibe event for Wed. May 17

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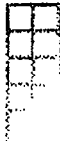
 **Karin Kullman** 05/11/2000 06:48:45 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
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Mary L. Smith

  Mary L. Smith
05/11/2000 06:04:16 PM

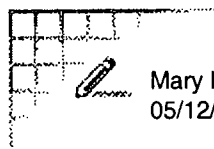
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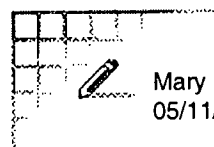
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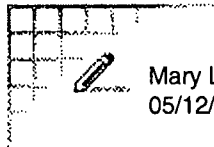
Bruce N. Reed/OPD/EOP@EOP
 Eric P. Liu/OPD/EOP@EOP
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 deanne e. benos/opd/eop@eop



Mary L. Smith
05/12/2000 03:57:27 PM

Record Type: Record

To: See the distribution list at the bottom of this message

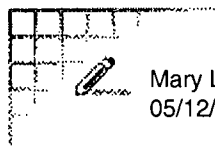
cc:

Subject: Internal VAWA meeting

Senator Biden's staff and the women's groups both wanted to talk to us about VAWA strategy. So let's meet internally on Monday, May 15 at 2p.m. in Room 324 to get a sense of where we are. Thanks, Mary (Also, if I have inadvertently missed anyone, please forward this on and/or let me know).

Message Sent To:

Lynn G. Cutler/WHO/EOP@EOP
Ann O'Leary/OPD/EOP@EOP
Lauren M. Supina/WHO/EOP@EOP
Joel K. Wiginton/WHO/EOP@EOP
Kay Casstevens/WHO/EOP@EOP
Broderick Johnson/WHO/EOP@EOP
Broderick Johnson/WHO/EOP@EOP
Cameron N. Cohen/WHO/EOP@EOP
Heather H. Howard/OPD/EOP@EOP
Irene Bueno/OPD/EOP@EOP
Lisa M. Brown/OVP/EOP@EOP
Anna Richter/OPD/EOP@EOP



Mary L. Smith
05/12/2000 04:27:34 PM

Record Type: Record

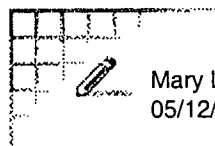
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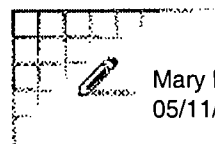
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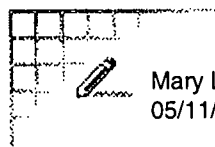
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Mary L. Smith
05/11/2000 06:04:16 PM

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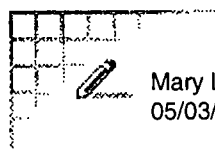
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Mary L. Smith
05/03/2000 06:14:57 PM

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP, Heather H. Howard/OPD/EOP@EOP

cc:

Subject: VAWA mark up

----- Forwarded by Mary L. Smith/OPD/EOP on 05/03/2000 06:14 PM -----



Christy Gallagher <cgallagh@os.dhhs.gov>
05/03/2000 05:57:45 PM

Please respond to cgallagh@os.dhhs.gov

Record Type: Record

To: Mary L. Smith/OPD/EOP

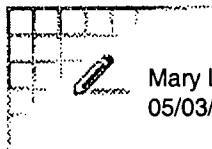
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I can let you know afterwards how it went.

- Christy Quigley Gallagher
HHS, Legislation



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Record Type: Record

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cc:

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Possible Domestic Violence Announcements
Updated April 10, 2000

Grants at the Department of Justice

1. Domestic Violence Victims' Civil Legal Assistance Grant Program (end of June). Approximately \$28 million will be awarded for strengthening civil legal assistance programs for victims of domestic violence. Eligible applicants include victim service programs, law school legal clinics, and other legal clinics assisting battered women and other entities involved in addressing domestic violence.
2. STOP Formula Grant Program (end of July). The STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grants are awarded to States to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. Each State and territory must allocate 25 percent of the grant funds to law enforcement, 25 percent to prosecution, 25 percent to victim services, and the remaining 25 percent among the three categories at each grantee's discretion. Approximately \$180 million will be awarded this year.
3. Grants to Combat Violent Crimes Against Women on Campuses Grant Program (end of September). Approximately \$10 million will be awarded.

Grants at the Department of Health and Human Service

4. Extamural Injury Research Grants for the Prevention of Intimate Partner Violence and Sexual Violence (July 2000). These research grants, funded by the Centers for Disease Control (CDC), will award approximately \$1 million for 3 or 4 projects.
5. Request for applications for Consortium on Child Abuse and Neglect (September). These research grants, funded by the National Institute of Health, will look at behavior surrounding domestic violence and alcohol abuse and mental health issues. Approximately \$3 million per year is available for 5 years. HHS anticipates 15 awards by September 2000.
6. Cooperative Agreement for the Integration of Intimate Partner Violence Surveillance into Injury Surveillance Systems (September). This research grant, funded by the CDC, will examine existing data sets such as emergency rooms and crime data to try to examine patterns in domestic violence. Approximately \$900,000 is available to fund 3 projects.
7. Demonstration Projects for the Early Intervention and Prevention of Sexual Violence and Abuse and Intimate Partner Violence Among Underserved Populations (September). This research project, funded by the CDC, will look at domestic violence in underserved populations such as minorities. Approximately \$1.2 million is available to fund 3-4 projects.

Other Announcements

1. The Advisory Council on Violence Against Women. **(September)** President Clinton created the Advisory Council on Violence Against Women on July 13, 1995. Co-chaired by Attorney General Janet Reno and Secretary of Health and Human Services Donna Shalala, the Council consists of 47 experts -- representatives from law enforcement, media, business, sports, health and social services, and victim advocacy -- working together to prevent violence against women and raise awareness of this pressing problem. The Council will be releasing a new report making recommendations on how to combat domestic violence. At the time the report is released, we expect to be able to announce that we could implement a few of these recommendations. At this time, we could also call for reauthorization of the Violence Against Women Act.
2. New Statistics on Domestic Violence. **(Mid-May).** The Department of Justice reports that there will be some new statistics coming out on domestic violence. While this report has to be released by DOJ to maintain the independence of the research, we can make concurrent release statements and call for reauthorization of the Violence Against Women Act, which is up for reauthorization this year. This report will provide updated information on violence by intimates, covering trends in intimate violence, characteristics of victims (race, sex, age, income, ethnicity, and whether the victims live in urban, suburban, or rural areas), type of crime (physical assault, verbal threats), and trends for reporting to police. The data for this report came from the National Crime Victimization Survey and the FBI's Supplementary Homicide Reports through 1998.
3. Directives to DOJ. These directives could accompany the above new statistics. DOJ is going to provide more details, but here are some initial ideas:
 - We could direct the VAWA coordinators in each of the U.S. Attorneys Offices to work more closely with local prosecutors to make sure protection orders have good language.
 - We could direct DOJ to print a promising practices guide from some of the initiatives sponsored by the VAWA coordinators in the U.S. Attorneys Offices.
 - Maybe we could get DOJ to fund a PSA campaign on domestic violence.
4. Child Abuse/Domestic Violence Announcement: Green Book Project **(Awards in September 2000).** An emerging body of research shows that children who witness domestic violence manifest a range of behavioral and emotional problems, and there is some evidence that they are more likely to use violence as adults. Studies also demonstrate a significant co-occurrence of domestic violence and child abuse, revealing that in 30 to 60 percent of cases where women are abused, their children are also maltreated. All too often, the co-occurrence of domestic violence and child abuse is overlooked by the very systems to which battered women and children turn for safety -- dependency courts, child protective services, and domestic violence advocacy organizations. This new initiative, an unprecedented partnership between the

Departments of Justice and Health and Human Services, along with several private foundations, will improve how these systems work with battered women and their children. This initiative will strengthen these three systems' capacity to address the co-occurrence of child abuse and domestic violence. This public-private partnership will support up to five communities in more effectively assisting battered women and their children to achieve greater safety and well-being. Together, the Departments of Justice and Health and Human Services will contribute roughly \$3 million for direct funding of the five communities, an evaluation of their work, and for training and expert guidance to assist in the development and implementation of their projects. The private partners are the David and Lucile Packard Foundation, the Edna McConnell Clark Foundation, and the Annie E. Casey Foundation. Together they have committed to provide between \$700,000 and \$1 million.

5. Department of Veteran Affairs Grants. (April – May) For the first time, VA is going to use approximately \$3 million of its homeless veterans funding to fund approximately 10 pilot projects to address issues of domestic violence for homeless women veterans. They will collaborate with private-sector partners on this.

6. Pamphlets to Federal Contractors. The Department of Labor is going to explore whether it can print up pamphlets to distribute to all 100,000 federal contractors on how to deal with domestic violence in the workplace.

7. New Survey Questions on Domestic Violence. HHS states that they are trying to get a few states to agree, on a pilot basis, to ask survey questions on domestic violence in the annual Behavioral Risk Factors Survey. They are working on getting some states on board, and providing more information.

8. New Violence Against Women Survey. DOJ and HHS are going to provide more information on whether they are going to do a survey on violence against women this year.

COMMENT LETTERS

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Management and Budget
Legislative Reference Division
7218 New Executive Office Building
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Date: June 22, 2000

*Do 5
comment letter*

TO:	AGENCY:	FAX Phone
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FROM: Lisa J. Macecevic

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COMMENTS: Attached is a copy of the final Justice letter on H.R. 1248, the Violence Against Women Act (VAWA II). Let me know if you do not receive this full transmission.

Thank you again for all of your help in the clearance

Lisa

**U.S. Department of Justice****Office of Legislative Affairs**

*Washington, D.C. 20530***June 21, 2000**

**The Honorable Henry Hyde
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515**

Dear Chairman Hyde:

This letter provides the views of the Department of Justice on H.R. 1248, introduced by Congresswoman Morella, the Violence Against Women Act (VAWA II), as passed by the House Subcommittee on Crime. This legislation would reauthorize the critically important programs created in 1994 by the original VAWA and by subsequent legislation. The Department of Justice supports this legislation, with the amendments discussed below, and appreciates the time and dedication that you and Congressman Conyers have devoted to fighting violence against women.

During the last six years, the Violence Against Women Act has made a crucial 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 worked together and with communities to expand prevention efforts, enhance the safety of more victims, and hold perpetrators of violence against women accountable for their acts.

Domestic violence occurs in all communities, crossing ethnic, racial, age, national origin, religious, sexual orientation, and socioeconomic lines. While domestic violence crosses gender lines as well, more than 85% of victimizations by intimate partners from 1993-1998 were perpetrated against women, according to the most recent study by the Bureau of Justice Statistics.¹ Domestic violence is also devastating for children, who often suffer physical, emotional, or developmental effects from experiencing or witnessing family violence. Because domestic violence is so pervasive in our families, we must continue to support comprehensive community-based efforts to keep victims safe and hold offenders accountable.

Under the violence against women grant programs, DOJ has awarded more than \$800 million in grant funds, making over 900 discretionary grants and 280 STOP (Services, Training, Officers, Prosecutors) formula grants to the states and territories. These grant programs help

¹Bureau of Justice Statistics, U.S. Department of Justice, Intimate Partner Violence 3 (2000).

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state, tribal, and local governments and community-based agencies to train personnel, enforce laws, develop policies and procedures, establish specialized domestic violence and sexual assault units, assist victims of violence, and holding perpetrators accountable. More than 6,500 STOP subgrants have supported community partnerships among police, prosecutors, victim advocates, and others to address violence against women. To date, DOJ has prosecuted more than 250 cases in the federal system involving interstate domestic violence, interstate stalking, interstate violation of a protection order, or possession of a firearm while subject to a protection order or after conviction for a misdemeanor crime of domestic violence.

The programs and initiatives that we have established together are only the beginning of our struggle to end violence against women in our nation. Violence still devastates the lives of many women and their children. Nearly one-third of women murdered each year are killed by their intimate partners, and violence by intimate partners accounts for over 20 percent of all violent crime against women. Approximately one million women are stalked each year, and women were raped and sexually assaulted 307,000 times in 1998 alone. We therefore urge you to continue your unprecedented bipartisan leadership on this issue.

In its current form, H.R. 1248 is an important step toward our mutual goal of re-authorizing and improving VAWA. We are pleased that the legislation would authorize critical VAWA grant programs including some through fiscal year 2005. Based on our experience administering the VAWA grant programs over the past six years, we believe that a predictable federal commitment to continued funding is essential to encourage communities to develop and implement long-term partnerships to combat violence against women. We also strongly support improvements that the bill would make to these programs, including improving the definition of "victim services," creating five percent set-asides for grants to Indian tribal governments under the VAWA grant programs, and expanding the STOP Grant Program purpose areas to include courts, sexual assault medical examiners, and sexual assault response teams.

While we strongly support the effort to re-authorize the VAWA grant programs, many key improvements to these programs and other VAWA provisions, however, have not been included in this legislative proposal. We urge the House Judiciary Committee to amend the bill to strengthen our efforts to end violence against. We have provided a detailed description of proposed amendments in the attached section-by-section comments. We would urge you in particular to address the following key issues:

First, the Department recommends that the bill be revised to extend re-authorization of all of the Violence Against Women Act grant programs to 2005. With the exception of four programs (Grants to Encourage Arrest Policies Program, the National Domestic Violence Hotline, the Battered Women's Shelters and Services Program, and the Rape Prevention Education Program), the bill currently only re-authorizes the VAWA programs through 2004.

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We urge you to assure grant recipients that all the VAWA grant programs will be maintained for at least five more years, and to ensure that the authorization is consistent throughout the bill. In addition, we strongly recommend that the bill extend the authorization for the Grants to Combat Violent Crimes Against Women on Campuses Program, currently authorized under the Higher Education Amendments of 1998, through 2005 and make a few technical amendments to the authorizing statute for that program.

Second, we oppose the removal of the language that is in H.R. 1248 as introduced that would have permitted VAWA grantees to target dating violence in all jurisdictions. The need for including dating relationships in the definition of domestic violence under the Department of Justice's VAWA grant programs is amply supported by Bureau of Justice Statistics (BJS) data that indicate that domestic violence occurs at alarmingly high rates among young persons aged 16-24 and among non-married partners in general. See Bureau of Justice Statistics, U.S. Department of Justice, Intimate Partner Violence 4, 10 (2000). Federal VAWA funds are intended to assist communities in addressing the specific problems that they confront related to violence against women. Where local community members identify dating violence as a pressing need, critical resources should be available under VAWA to respond. We urge you to include amendments covering dating violence in all jurisdictions to the definitions of "domestic violence" under the STOP Formula Grant Program, the Grants to Encourage Arrest Policies Program, and the Grants to Combat Violent Crimes Against Women on Campuses Program. In particular, we note that such an amendment to the Campus Program authorizing language already has been included in the VAWA II bill under consideration in the Senate. Similarly, we urge you to make a parallel amendment to the definition of "spouse or intimate partner" in 18 U.S.C. § 2266 to cover dating relationships under the federal criminal offenses created by VAWA and subsequent legislation.

Third, we urge that you adopt other proposed Title 18 amendments that would strengthen and clarify the VAWA and VAWA-related criminal provisions. While U.S. Attorney's offices nationwide have prosecuted and continue to prosecute cases involving these crimes, the proposed amendments are designed to remove obstacles to federal prosecution reported from federal prosecutors and will improve our impact in this nationwide crime problem. While our jurisdiction to prosecute these cases remains settled, limitations now arise from the statutory language that unduly hampers DOJ's prosecutions. The Title 18 amendments that we propose, most of which are included in the bill currently under consideration in the Senate, not only would improve the effectiveness of our prosecutions but also would better protect Native American victims of violence.

Fourth, we strongly recommend including language that would authorize the Domestic Violence Victims' Civil Legal Assistance Grant Program and would extend the assistance funded

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by that program to victims of sexual assault and stalking. The authorizing legislation should describe explicitly the types of civil legal assistance that could be supported under the program. We support Representative Lowey's efforts to address this issue, and we would be happy to work with your staff on modifying H.R. 4663 for inclusion in H.R. 1248.

Fifth, the Department supports adding Section 234(d)(1) of H.R. 357 to the bill. This provision would expand emergency jurisdiction under the federal Parental Kidnaping Prevention Act (PKPA) to include domestic violence, and thereby make the PKPA consistent with the model uniform state law on interstate custody jurisdiction, the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). This amendment would enhance the ability of victims fleeing from abuse with their children to obtain custody orders without returning to dangerous jurisdictions.

Sixth, we also strongly support amendments to VAWA's full faith and credit provision that would prohibit requiring registration of foreign protection orders as a prerequisite to enforcement of foreign orders, prohibit notification of a batterer without the victim's consent when a foreign protection order is registered in a new jurisdiction, reinforce that protection orders issued by tribes are entitled to full faith and credit, and make it clear that Indian tribes have jurisdiction to enforce protection orders against Indian and non-Indian offenders. Similarly, we support language clarifying that custody and support orders within protection orders are entitled to full faith and credit when they comply with interstate custody and support laws.

Seventh, the Department strongly supports amendments that would protect battered immigrants. Although VAWA contains provisions that were designed to free battered immigrants from abusers who misused immigration laws to coerce, intimidate, and control their spouses and children, subsequent legislation has inadvertently eroded the efficacy of those original provisions. We urge you to correct this problem. The Administration's crime bill includes improved protections for battered immigrants, as does the bill under consideration in the Senate.

Eighth, the Department supports a new grant program to fund supervised visitation centers that would help keep families safe and protect children from violence by creating safe places for visitation and exchange of children. We have provided your staff with language based on the supervised visitation grant program on H.R. 357. We also note that the bill under consideration by the Senate would establish a Safe Havens for Children pilot program to provide for such secure environments.

Thank you again for your hard work to assist victims of domestic violence, sexual assault, and stalking and to hold offenders accountable. This Administration is deeply committed to continuing the progress that has been made in confronting violence against women. We look forward to working with the Committee as it considers these and other issues raised by the

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revised bill. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Raben", written in a cursive style.

Robert Raben
Assistant Attorney General

**Section-by-Section Analysis
H.R. 1248 as passed Subcommittee**

Section 2. DEFINITIONS

The Department strongly opposes the removal of the language in H.R. 1248 as introduced that would have permitted VAWA grantees to target dating violence in all jurisdictions. Under section 2(a)(1) and (2), after "by a person who is cohabiting with or has cohabited with the victim," we suggest inserting "by a person who is or has been in a social relationship of a romantic or intimate nature with the victim." We recommend making this modification to the definitions of "domestic violence" or "intimate partner" everywhere they appear in the bill and in the original VAWA, so that the grant programs and the interstate domestic violence and stalking crimes may cover dating violence, regardless of jurisdiction.²

In section 2(b) the current definition of "Indian country" excludes Alaskan tribes (with one exception). In Alaska v. Native Village of Venetie, 118 S. Ct. 948 (1998) the Supreme Court interpreted the term "Indian country", and Congress made the definition clear in 18 U.S.C. § 1151. The current language proposes a 1/54 allotment for sexual assault coalitions "in Indian country." Therefore, if section 2(b) is not changed, the proposed State Coalition Grant program (Sec. 103) will exclude Alaskan tribes. We would recommend the same language change also be made everywhere "Indian country" is defined in the bill.

We are concerned that the term "stalking" in section 2(c) is defined too narrowly. This definition applies to grant programs that address stalking, and the definition should be written to allow grantees to target all forms of stalking, even where the stalking behavior appears innocuous to the outside observer – such as someone continuing to send messages after being told not to do so by the victim, even where the messages do not contain a specific threat. For example, the "reasonable fear of death or serious bodily injury" standard is too high. In some instances the stalker's intent is to harass and cause psychological distress. This behavior may escalate to more overtly threatening behavior, and law enforcement must be able to intervene at the early stages to protect victims and to terminate the stalking behavior. In addition, some stalkers have used the Internet to post malicious and harassing messages about their victims, but again, this behavior may not rise to the level of "causing fear of death or serious bodily injury." Therefore, we recommend replacing this definition with the definition that originally appeared in H.R. 1248, with the following modifications:

²In addition, as noted in our cover letter, we urge Congress to make a number of amendments to Title 18 to enhance the ability of federal law enforcement officials to combat interstate domestic violence, sexual assault and stalking. We are submitting proposed language for these amendments to Title 18, including an amendment to 18 U.S.C. § 2266's definition of "spouse or intimate partner" to cover dating relationships under the federal criminal offenses created by VAWA and subsequent legislation.

a) insert "or that would cause a reasonable person to have a high level of fear" after "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,";

b) insert "or has knowledge or should have knowledge that the specific person will have a high level of fear" after "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

c) insert "or induces a high level of fear in the specific person" after "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."

The Department opposes the deletion of "sexual orientation, religion, and alienage status" from the definition of "underserved populations" that appeared in section 2(d) of H.R. 1248 as introduced. Culturally appropriate services are needed in all parts of the criminal and civil justice systems. By explicitly including these traditionally underserved populations, the bill would help communities nationwide to improve the accessibility and appropriateness of their services.

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.

The Department strongly supports reauthorization of the STOP Formula Grant Program, but we recommend that the authorization for this program be extended to fiscal year 2005.

Sec. 102. Technical Amendments.

This section would make several important improvements to the STOP Formula Grant Program. In particular, we strongly support the provisions in this section that would increase the set-aside for tribal governments from four percent to five percent, clarify the definition of victim services, and provide that reimbursement of sexual assault survivors for forensic medical exams is not contingent upon the victim's report to law enforcement or cooperation in the prosecution of the perpetrator.

We are concerned, however, that the proposed allocation percentages under the STOP Formula Grant Program will reduce the percentages of STOP funds that currently support law

enforcement and prosecution grants. Under VAWA, 25% of STOP fund must support law enforcement and 25% must support prosecutors. This provision would allocate 50% of STOP funds to police, prosecutors, and judges. While we are in favor of establishing an allocation for courts under the program, we do not support reducing the allocation for law enforcement and prosecution in order to create such an allocation. Instead, we recommend allocating 25% each to law enforcement and prosecution, 10% to courts, and 30% to victim services. In section 102(a), we recommend inserting “, tribal,” after “State” to clarify that grants may be awarded to tribal courts as well as to state and local courts.

While we support a reallocation provision under the STOP Program, the reallocation deadline in section 102(b) of nine months into the fiscal year is unreasonable, given the processes that states have in place to award subgrants. The structure of the VAWA encourages the states to engage in a strategic planning process, which requires some time. After receiving their annual STOP award, states initiate their strategic planning process and then issue a subgrant solicitation as part of a competitive process for selecting STOP subgrantees. States would not be able to evaluate the quality of the applications received, make funding decisions, and reallocate unused funds effectively within twelve months. We recommend instead allowing reallocation of any funds set aside for police, prosecution, and courts that remain unobligated as of the end of the next year after the fiscal year for which funds are appropriated. We therefore suggest replacing “at the end of the 9th month of” with “at the end of the next fiscal year after” in section 102(b).

Under section 102(b) the purpose of proposed section 2002(e)(3)(B) is unclear to us. If the goal is to prevent an adverse impact on victims due to the new percent allocation formula, the waiver should not be limited to the first two years following enactment of the legislation. This approach postpones, but does not eliminate, the adverse impact. In addition, as discussed above, we recommend inserting “, tribal,” after “State” on page 9, line 2, to clarify that grants may be awarded to tribal courts as well as to state and local courts.

The Department supports the addition of purpose areas to the STOP Formula Grant Program in section 102(c) that would address training for judges and court personnel, training for sexual assault medical examiners on collecting evidence and working with victims, and developing sexual assault response teams. However, we recommend inserting “, tribal,” after “State” on page 9, line 19, and we recommend deleting “forensic” on page 9, line 23.

We believe that section 102(d) is unnecessary because we already have the authority to enforce compliance with grant program requirements. If certifications are not included at the application stage and the applicant receives an award, a special condition is included in the award that requires the submission of the certification, and grant funds are not available until the grantee has complied with the special condition. If a site visit later reveals that a grantee is not in compliance with certification, the grantee is required to comply immediately. Grant funds may be frozen if the grantee does not comply. However, if subsection (d) is not deleted, “document of any collaborative efforts” should be “documentation of any collaborative efforts” in the proposed section 2002(e)(2).

The Department supports section 102(e), but we recommend inserting "sexual assault, domestic violence, and stalking" between "providing advocacy and assistance for" and "victims seeking" and adding the words "and economic services" to the list "legal, social, and abuse-related health care services". The revised phrase would read "providing advocacy and assistance for sexual assault, domestic violence, and stalking victims seeking legal, social, and economic services, and abuse-related health care services."

We are concerned that section 102(h) does not accomplish its intended goal. We believe the goal of this section is to amend section 2006(a)(1) of the STOP authorization to extend STOP's prohibition on protection order filing fees to civil protection orders not connected to a criminal case. However, inserting "civil or criminal" does not accomplish this goal. The STOP regulations currently interpret this section as precluding charging for service of a protection order (civil or criminal) when it arises from an incident that is the subject of a criminal arrest or prosecution. To extend this requirement to all civil protection orders would require making the following changes to Section 2006(a)(1) (42 U.S.C. § 3796gg-5(a)(1)):

- a) after the current language "in connection with the prosecution of any misdemeanor or felony domestic violence offense," add "or in connection with the filing, issuance, registration, or service of a protection order to protect a victim of domestic violence, stalking, or sexual assault.";
- b) after the current language "or the costs associated with" add the word "filing," before the word "issuance" add the word "registration," before "or service."; and
- c) after the current language "warrant, protection order," add "petition."

In addition, at the very end of the current provision, we suggest adding, "whether issued inside or outside of the jurisdiction." This would require states to serve both in-state and out-of-state documents without charge to the victim. The new paragraph would read:

"(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or"

Sec. 103. State Coalition Grants.

The Department strongly recommends making the authorizing language discretionary by changing "shall" to "may" in proposed section 2001(c)(1), and we recommend changing the set-aside to two percent.

Under section 103, in the proposed section 2001(c)(3)(C), we recommend deleting "nongovernmental" and inserting "or comparable programs" after "coalitions" to ensure that tribes that do not have coalitions but have comparable public or private programs in place will receive the funding.

Subtitle E Education and Training for Judges and Court Personnel

Sec. 141. Reauthorization.

We strongly support this section, which would reauthorize important grants for education and training for judges and court personnel in state and federal courts. However, in proposed section 40412(20), the Department recommends changing "predominant" to "primary." While we recognize the word "predominant" has been proposed in an attempt to overcome misunderstandings about the concept of primary aggressor, its use will be confusing for state and local judges and law enforcement because most state laws and trainings use the term "primary."

Additionally, the language proposed in Section 141(a)(1)(C) seeks to describe ideas that are too complex to be conveyed in a statute and instead should be part of program implementation. For example, the phrase "the legitimate reasons parents may report domestic violence" suggests that there are also illegitimate reasons for parents to report domestic violence, whereas the goal of this phrase is to convey the need for judicial training to dispel the myth that such reports frequently are fabricated in child custody cases. We recommend revising these provisions to read: "(20) the impact of domestic violence issues in custody and visitation cases; (21) sexual assault issues, with a focus on victim safety, in custody and visitation cases;".

Subtitle F Grants to Encourage Arrest Policies

We strongly support this subtitle, which would reauthorize the Grants to Encourage Arrest Policies Program through fiscal year 2005 and create a five percent set-aside under the program for Indian tribal governments.

Subtitle G Rural Domestic Violence and Child Abuse Enforcement

This subtitle would reauthorize the Rural Domestic Violence and Child Victimization Enforcement Program through fiscal year 2004 and would create a five percent set-aside for grants to Indian tribal governments under the Rural Program. We strongly support these provisions but recommend that the authorization for the program be extended to fiscal year 2005, as section 151 would do for the Arrest Program.

Subtitle H National Stalker and Domestic Violence Reduction

The Department supports this subtitle. These funds have not been reauthorized since FY 1998, but this is a priority funding area for the Bureau of Justice Statistics under the NCHIP program, and there is a great need for these funds for implementation of the full faith and credit



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.

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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.

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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.

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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

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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

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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.

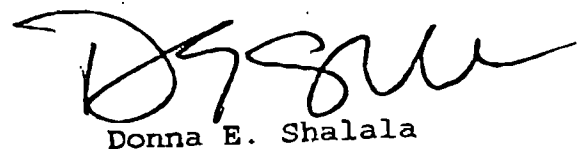
These seven points are critical elements of a federal legislative plan to reduce violence against women. We also want to express our support for other programs that combat violence against women that do not fall under the authority of the Department of Justice or the Department of Health and Human Services. 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.

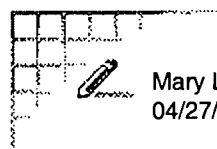
Sincerely,



Janet Reno



Donna E. Shalala



Mary L. Smith
04/27/2000 01:22:50 PM

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP, Heather H. Howard/OPD/EOP@EOP

cc:

Subject: AG/Sec. Shalala letter on VAWA reauthorization for review

----- Forwarded by Mary L. Smith/OPD/EOP on 04/27/2000 01:22 PM -----

From: Ronald E. Jones on 04/27/2000 12:59:01 PM

Record Type: Record

To: ocl@ios.doi.gov @ inet, llr@do.treas.gov @ inet, ogc_legislation@ed.gov @inet, dodlrs@osdgc.osd.mil @ inet

cc: See the distribution list at the bottom of this message

Subject: AG/Sec. Shalala letter on VAWA reauthorization for review

AGENCIES: YOU WILL RECEIVE A FAX OF THIS LRM AND THE ATTACHED 7-PAGE DOCUMENT.

EXOP REVIEWERS: NO HARD COPY OF THIS LRM WILL BE SENT TO YOUR OFFICE.

COMMENTS ARE DUE BY NOON, MONDAY, MAY 1ST TO RON JONES.

COMMENTS CAN BE CALLED IN (395-3386), FAXED (395-3109), OR EMAILED (RONALD_E._JONES@OMB.EOP.GOV).



ag-shalala letter 4-11.wpd

----- Forwarded by Ronald E. Jones/OMB/EOP on 04/27/2000 12:52 PM -----
LRM ID: REJ339

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Thursday, April 27, 2000

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: Ronald E. Jones
PHONE: (202)395-3386 FAX: (202)395-3109
SUBJECT: **JUSTICE Report on HR357 Violence Against Women Act of 1999**

DEADLINE: **Noon Monday, May 1, 2000**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: Justice reports the attached letter, which is to be signed by Attorney General Reno and Sec. Shalala, needs to be sent prior to a possible markup of VAWA legislation next week. The Department is not certain whether HR357 or another bill will be the subject of the markup. The attached letter is intended to convey the Administration's general views on VAWA reauthorization. An identical letter will be sent to the Senate Judiciary Committee.

Unless we hear otherwise prior to the deadline cited above, we will assume you have no objection to the proposed letter.

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Mary Jo Siclari

SUBJECT: JUSTICE Report on HR357 Violence Against Women Act of 1999

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

Please include the LRM number shown above, and the subject shown below.

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Copied To: _____

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Mary Jo Siclari/OMB/EOP@EOP

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

Very Interesting

Focus not on
unmarried,
untraditional
relationships but
instead on
young people's
dating relationships

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.

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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.

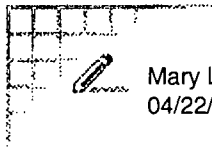
These seven points are critical elements of a federal legislative plan to reduce violence against women. We also want to express our support for other programs that combat violence against women that do not fall under the authority of the Department of Justice or the Department of Health and Human Services. 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
04/22/2000 06:11:25 PM

Record Type: Record

To: Heather H. Howard/OPD/EOP@EOP, Ann O'Leary/OPD/EOP@EOP

cc:

Subject: comments on VAWA bill

Here is the views letter on Conyer's VAWA bill

----- Forwarded by Mary L. Smith/OPD/EOP on 04/22/2000 06:11 PM -----

From: Ronald E. Jones on 04/03/2000 10:17:34 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: electronic copy of LRM REJ 308

Attached is an electronic copy of the DOJ letter on HR 357. According to DOJ, it is identical to the letter that was faxed to you last week. Please note the deadline for comments in COB Thursday, April 6th.



hr357dojltr.wpd

Wayne Upshaw
Crystal J. Roach

LRM ID: REJ308

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, March 30, 2000

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Richard E. Green (for) Assistant Director for Legislative Reference

OMB CONTACT: Ronald E. Jones
PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: **JUSTICE Views on HR357 Violence Against Women Act of 1999**

DEADLINE: **Thursday, April 6, 2000**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: Justice plans provide this letter to Rep. Conyers for use in a meeting he expects to have with Republican members of the House Judiciary Committee.

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Mark A. Weatherly

- Discussion Draft -

**H.R. 357
The Violence Against Women Act of 1999
"VAWA '99"
March 30, 2000**

Introduction

H.R. 357 is comprehensive legislation developed nearly two years ago with input from the domestic violence and sexual assault victim advocacy communities. We are pleased to have the opportunity to comment on this bill. In this views letter we will only be commenting on sections related to Department of Justice programs. Our comments will demonstrate progress the Department has made and new programs we have undertaken in addressing domestic violence. Also, while many of the provisions of H.R. 357 are worthy, they are not necessarily appropriate for the Department to address. Furthermore, H.R. 357 would lead to substantive changes in law which raise questions as to whether federal or state action is preferable. We hope you will find our comments constructive and we look forward to working with Mr. Conyers to further address the issue of domestic violence.

General Comments

Before presenting comments on each title where we have them, we have several general comments. First, we point out that the definition of "sexual assault" [subsection 2(3) at page 9] is limited to offenses under Chapter 109A of Title 18. However, the offenses in Chapter 117 of Title 18 involving trafficking of women and minors for prostitution are sex crimes as well, and should be included in the definition of sexual assault. This change also need to be made throughout the bill wherever "sexual assault" is defined.

Secondly, reauthorization of the Grants to Combat Violent Crimes Against Women on Campuses Program is missing from the bill, as are a few needed amendments to the program. The Department has language that was drafted for the Administration's crime bill, which we would be happy to provide upon request.

Thirdly, we suggest replacing the definition of "dating relationship" in the STOP Grants and Grants to Encourage Arrest programs ("a continuing social relationship of a romantic or intimate nature with the victim.") with "by a person who has or has had a dating or sexual relationship with the victim." We would add, however, that the definition of "dating relationship" should be changed wherever it is used throughout the bill – beginning with Section 2, "Definitions," at the start of the bill.

Lastly, the definition of "stalking" on page 9 should be amended to add "(as defined in section 115 of Title 18)" after "a member of such person's immediate family" to provide an appropriate definition for the term.

- Discussion Draft -

Title I - Continuing the Commitment of the Violence Against Women Act

Subtitle A: Law Enforcement and Prosecution Grants to Combat Violence Against Women

In section 102 [page 11], “Technical Amendments” the Department would prefer an allocation formula of 25% each to law enforcement and prosecution, 30% to victim services, and 10% to courts. This language appears in the Administration’s crime bill. In section 102(a), line 8: the word “State” should be removed to clarify that local and tribal courts also are eligible to receive such grants. We support subsection (b) which provides that funds not spent or obligated by the states will be reallocated to victim services programs, however, we oppose the 9 month time frame in H.R. 357 because it is unreasonable, given the processes that the states have in place to award subgrants, rather, we support permitting reallocation of unobligated funds at the end of the two-year project period. We also support the addition in subsection (c) of new grant purpose areas that create training programs both for judges and court personnel, and for sexual assault forensic nurse examiners (in evidence collection and handling and trauma treatment) and support development of sexual assault response teams.

The Department opposes the relatively flat funding levels for STOP in the bill because they do not allow for growth in the program. In addition, the program should be reauthorized through FY 2005, as the Senate bill and the crime bill would do. (*VAWO Comment - The purpose of (3)(B) under section 102(b) is unclear to us – if the goal is to prevent an adverse impact on victims due to the new percent allocation formula, why limit the waiver to the first 2 fiscal years following enactment of the legislation?*) This approach postpones but does not eliminate the adverse impact.

We also believe that section 102(d) is unnecessary because we already have the authority to enforce compliance with grant program requirements. If certifications are not included at the application stage and the applicant receives an award, a special condition is included in the award that requires the submission of the certification and grant funds are not available until the grantee has complied with the special condition. If a site visit later reveals that a grantee is not in compliance with certification, the grantee is required to comply immediately; grant funds may be frozen if the grantee does not comply. In addition, “document” should be “documentation” in the proposed (e)(2). We support section 102(e), but we recommend inserting “sexual assault, domestic violence, and stalking” between “providing advocacy and assistance for” and “victims seeking” and adding “economic” to the list “legal, social, and health care services”.

The Department feels that section 102(h) does not accomplish its intended goal. We believe the goal of section 102(h) is to amend section 2006(a)(1) of the STOP authorization to extend STOP’s prohibition on protection order filing fees to civil protection orders not connected to a criminal case. However, inserting “civil or criminal” does not accomplish this goal. The STOP regulations currently interpret this section as precluding charging for service of a protection order (civil or criminal) when it arises from an incident that is the subject of a criminal arrest or prosecution. The amendment that would extend this to all civil protection orders would

- Discussion Draft -

be to delete from section 2006(a)(1) “in connection with the prosecution of any misdemeanor or felony domestic violence offense” and replace it with “in domestic violence cases”. Another way to do this would be to make the following changes to Section 2006(a)(1) (42 U.S.C. § 3796gg-5(a)(1)). First, after the current language “in connection with the prosecution of any misdemeanor or felony domestic violence offense” (which VAWO suggests changing to “in domestic violence cases”) add “or in connection with the filing, issuance, registration, or service of a protection order to protect a victim of domestic violence, stalking, or sexual assault.” Second, after the current language “or the costs associated with” add the word “filing,” before the word “issuance” and the word “registration,” before “or service.” Third, after the current language “warrant, protection order,” add “petition.” Additionally, at the very end of the current provision, we suggest adding, “whether issued inside or outside of the jurisdiction.” This would require states to serve both in-state and out-of-state documents without charge to the victim.

With respect to the set aside for coalitions in section 103 of the bill, we recommend supporting the two percent set aside in S. 51 and not the five percent set aside in HR 357. Of course, we only would support this set aside if the authorizing language is discretionary (if “shall” is changed to “may” in section 103).

Subtitle B: National Domestic Violence Hotline

&

Subtitle C: Battered Women’s Shelters and Services

The Department would like to point out that the flat funding after FY 2002 fails to allow for growth in the hotline’s work and that section 111 should include a reauthorization for FY 2005. In addition, the 90-day time frame in section 112 for evaluating the effectiveness of grantees under the Family Violence Prevention and Services Act (FVPSA) is insufficient to conduct an evaluation. This provision also requires notice and comment on grant awards, which is inconsistent with administration of federal grant programs across federal agencies.

Additionally, we have the same comment on Subtitle C – Battered Women’s Shelters and Services, Section 123(i), which imposes an additional 90-day evaluation requirement and a notice and comment requirement for grant awards under the FVPSA. We recommend deleting the phrase “other knowledgeable individuals and interested organizations” in section 123(j) because it is too vague; a possible substitution would be “individuals and organizations with expertise on violence against women” or “nongovernmental, nonprofit victim service providers.”

Subtitle E: Education and Training for Judges and Court Personnel

The language proposed in Section 141(a)(1)(C) is too detailed for a statute and seeks to convey complex ideas that should be part of program implementation. For example, the phrase “the legitimate reasons parents may report domestic violence” suggests that there are also illegitimate reasons for parents to report domestic violence, whereas the goal of this phrase is to convey the need for judicial training to dispel the myth that such reports frequently are fabricated in child custody cases. We recommend revising these provisions to read: “(20) the impact of domestic violence issues in custody and visitation cases; (21) sexual assault issues, with a focus

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on victim safety, in custody and visitation cases;”. Also please note, that this language appears two times in the bill, at 141(a)(20) and (21).

Subtitle F: Grants to Encourage Arrest Policies

The Department supports the graduated funding under this section which will allow for growth and expansion of this program. The Department supports the five percent minimum set-aside for tribes. We would also like to note that although the funding levels allow for continuation funding of existing grantees as well as funding for new projects, the authorization is flat after FY 2002. We would prefer continued graduated funding, including an authorization through FY 2005, which is currently missing from section 152.

In section 151, we support the inclusion of dating violence in the definition of domestic violence under the arrest program, but we recommend the following language in place of “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 who has or has had a dating or sexual relationship with the victim”. We also recommend that this revised definition of domestic violence be added to the STOP program by amending section 2003(1) of the STOP authorization.

Subtitle G: Rural Domestic Violence and Child Abuse Enforcement

The Department fully supports continued reauthorization of this grant program, but notes that the funding levels of \$35 million for FY 2000, 2001, 2002, 2003, and 2004 are set too low. These levels do not allow for continued growth and expansion of the program. The authorized amounts for fiscal years 2000 through 2004 should provide for annual increases to enable additional jurisdictions and Indian tribal governments to initiate projects, and previous or current grant recipients to enhance the projects funded in prior years. We further ask that the bill reauthorize the program through FY 2005. The Department also supports the five percent minimum set-aside for tribes.

The Department strongly encourages inclusion of a new definition of “rural,” as we have previously proposed. Some states, including Kentucky and West Virginia, are not categorized as rural states because, although they have large rural populations, they also have large population centers that disqualify them under the current definition. To address this problem, the Department recommends that the Rural Program be amended to strike the current definition of rural state (based on 42 U.S.C. 3796bb(B)), and insert a new definition that comports more closely with current demographics. We would note, however, that this expansion of the definition of “rural” will greatly increase the number of applications under the program, which in turn will create a strong demand for additional funding. Thus, consistent with our recommendation above, we support gradually increasing the funding authorizations to handle this growth in applications.

Subtitle H: National Stalker and Domestic Violence Reduction

The Department supports this subtitle. These funds have not been reauthorized since FY 1998, but this is a priority funding area for the Bureau of Justice Statistics under the NCHIP

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program, and there is a great need for these funds for implementation of the full faith and credit provision of VAWA, as well as the VAWA-related gun provisions.

Subtitle I: Federal Victims' Counselors, Education and Prevention

We strongly support the annual appropriation of \$1 million through 2004 to the Executive Office of the U.S. Attorneys for the purpose of funding federal victims' counselors, education, and prevention; but are concerned that the level of funding remains stagnant for each of the four years following FY 2000.

Subtitle K: Victims of Child Abuse Programs

The Department recommends that funds be authorized for the requirement in section 196 that the Attorney General compile and broadly disseminate information on the CASA program, child abuse training, and televised testimony grants. Otherwise, this requirement will decrease the amount of funds available for these programs.

Title II – Limiting the Effects of Violence on Children

Subtitle A: Safe Havens for Children

The Department supports the creation of a grant program to help nonprofits set up supervised visitation centers in section 212 [pages 48-55]. However, we have several concerns about the program as drafted. In section 212(a), the grants should be awarded to Indian tribal governments or to Indian-controlled national organizations with expertise in violence against Indian women to work with tribal organizations and nonprofits, rather than being awarded directly to such organizations and nonprofits. We also oppose subsection (b)(1)'s emphasis on the *number* of families served, to the possible detriment of the *quality* of services.

Third, the provision in section 212(c)(1) mandates that grantees target visitation facilities to "the economically disadvantaged and those individuals who could not otherwise afford visitation centers." While we understand the drafters' motive, we think that this provision runs contrary to our understanding of domestic violence, which affects persons of all socio-economic conditions. Simply, the fact that a victim is a member of a wealthy family does not always mean that she has access to more money than an "economically disadvantaged" victim. Accordingly, we would not so limit the grant program. We would therefore remove the quoted language and, instead, retain the current requirement that the visitation facilities operate on a sliding scale fee basis that accounts for individuals' ability to pay.

Third, we oppose the requirement in subsection (c)(2) that the Attorney General issue regulations for the program. We do not believe regulations will be necessary because sufficient guidance can be provided in application materials, and the publication of regulations would significantly slow down the grant award process.

Fourth, although we support giving priority to entities in jurisdictions where courts are

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required to consider domestic violence in making custody decisions, we suggest re-wording subsection (c)(2) to read: “The Attorney General Shall give priority in awarding grants, contracts, and cooperative agreements under this title to entities in States and Indian country where courts are required to consider domestic violence and make such findings on the record in making a custody decision.” This language would clarify that it is the courts, rather than any other entities seeking grants under this program, that make custody decisions. This language also would give priority to entities in jurisdictions that require courts both to consider domestic violence in custody cases and make relevant findings on the record so that there is a clear record of the evidence that the court considered in reaching its decision.

Fifth, we oppose the requirement in subsection (c)(2)(A)(i) [page 51] that applicants must “demonstrate recognized expertise” in domestic violence, and suggest instead that language be incorporated in the following subparagraph, currently numbered “(ii)” on the same page, that securing such expertise be a part of the required memorandum of understanding. This would allow entities, such as local bar associations, to collaborate with organizations or programs that have staff with such expertise.

Lastly, the Department opposes section 212(d). As drafted, this section will burden grantees with elaborate and expensive data collection duties that would drain resources from the services intended to be funded. Instead, we propose a more general provision be added to require research and evaluation of the quality and impact of services. Furthermore, we feel that the more general provision on evaluation of funded projects (to replace section 212(d)) should include a funding authorization for the evaluation to avoid draining resources from the services provided under the grant program. If reporting is to be required, however, we strongly suggest that (d)(4), page 54, be amended to require centers to report not only parental abductions but attempted abductions. We also would amend (d)(5) by adding the words “and visitation” before “violations” so that it is clear that both custody and visitation violations are included. We also note that if section 212(d) remains in the bill, a time frame of 60 days after the end of the fiscal year to report to Congress is unrealistic; grantees for that fiscal year will not be sufficiently far along in the implementation process to provide the information required for this report. Two years would be a more realistic time frame for grantees to gather and submit this information.

Subtitle B: Violence Against Women Prevention in Schools

Although this program would not be administered by the Department of Justice, we feel strongly that the words “victims or” should be deleted from section 221(e)(1)(C). This provision perpetuates the myth that victims of sexual assault, domestic violence, or stalking are responsible for the violence due to “risky” behavior or that those “at risk of becoming victims” should be held responsible for preventing their victimization.

Subtitle C: Family Safety

The provisions contained in this subtitle are based on the very real problems created when perpetrators of domestic violence use custody battles as further means of controlling and abusing their adult victims and their children. The actions of perpetrators in these cases create significant

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physical dangers for victimized family members.

Section 232 (a)(3): The finding in section 232(a)(3) would amend section 7(a) of the PKPA to add the following; “(5) existing Federal and State laws are inadequate to protect parents from domestic violence and to protect children from sexual assault . . .” There appears to be a drafting error in this language, which currently only equates parents with domestic violence and children with sexual assault. We propose the following correction: “(5) existing Federal and State laws are inadequate to protect parents and children from domestic abuse and sexual assault . . .”

The Department supports section 233 but recommends that the Uniform Child Custody Jurisdiction Act be added to the proposed subsection (b)(1)(C) along with the acronyms for both laws in parentheses (UCCJA and UCCJEA). This change is necessary because the UCCJEA is in effect in only a small number of states.

We are opposed to two aspects of the language in section 234(a): first, we oppose the exception for orders “obtained in a proceeding which would violate the constitution of the enforcing State” because it undermines full faith and credit for child custody determinations, which is the stated goal of this section. We also recommend deleting the last sentence in section 234(a) because it creates two different rules for custody provisions in protection orders and for custody provisions in divorce proceedings.

In section 234(b)(2) we question why the definition of “child-custody proceeding” does not explicitly include an adoption proceeding. Next, section 234(b)(3) appears to seek to amend 28 U.S.C. § 1738A(b)(6) by permitting a person who does not currently have physical custody of child to qualify as a “person acting as a parent.” The language in the bill does not accomplish this result. As currently drafted, physical custody would still be required. To accomplish the fix, subparagraph (b)(6) would need to read in full: “‘person acting as a parent’ means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody, or who does not have physical custody but who has had physical custody for a period of 6 consecutive months, including any temporary absence, within one year immediately before the commencement of a child-custody proceeding.”

In the definitions in section 234 (subsection (b)(5)), we recommend deleting the phrase “with more deliberate intent” (page 69, line 4) because it is too vague, and the fact is sufficiently clear without this phrase.

Section 234(b)(11) defines “predominant aggressor.” We recommend that subparagraph (E) of this definition be modified to remove the requirement that the primary aggressor intend to cause “severe” pain or injury.

Section 234(c) amends the jurisdictional requirements of 28 U.S.C. § 1738A(c)(2)(A)(ii). We’re not certain what this language accomplishes, and it is not clear how this custody

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modification assists victims of domestic violence or relates to violence against women. *Sent to Judy Schretter.*

We strongly support the amendments in section 234(d) because they bring the Parental Kidnapping Protection Act (PKPA) up to speed with the UCCJEA by making it clear that a child custody determination made by a court exercising emergency jurisdiction in cases of domestic violence is entitled to full faith and credit. Additionally, we would suggest that you ask the State Department to review section 234 as well.

Subtitle D: Domestic Violence and Children

The Department strongly opposes the language in section 241(a) stating that it is in the best interest of children to have their main physical residence with their primary caretaker parent. It is not clear that such a presumption would help victims of domestic violence, particularly in cases where the batterer is also the primary caretaker. We also urge that subsection 241(1) be deleted. In addition, sections 241(4) and (5) should use the verb “should” in place of “shall” since this is a sense of Congress, and we recommend changing “training in domestic violence and sexual assault, as they impact custody,” to “training about the impact of domestic violence and sexual assault on custody,”.

Subtitle E: Child Welfare Worker Training on Domestic Violence and Sexual Assault

While we support the goals of section 251 [pages 73-81], the authority to operate this program should rest solely with the Secretary of Health and Human Services, not jointly with the Attorney General, since the grants are intended to provide training to child welfare workers. Appropriate deletions should be made in each of the subsections, (b) through (g). Additionally, in section 251, we recommend deleting “its” before “child and adult victims”.

The Department would also like to make two additional comments on this section. First, this subtitle appears to endorse the view that victims of domestic violence should not lose their children through civil “failure to protect” proceedings. Because we agree that it is generally inappropriate to bring “failure to protect” proceedings against victims, we query why this subtitle does not explicitly address this issue. It is particularly important that this issue be included in the reports that grantees are required to make. Second, subsection 251(d)(2)(A)(iv) contains a drafting error. The subsection should read “. . . appropriate consideration to preserving relationships with those family members not responsible for the abuse.”

Subtitle G: Access to Safety and Advocacy for Victims of Sexual Assault

With regard to the current bill, we note in particular our objection to the current language in subsection 374(c)(2), which highlights that these funds are not restricted based on immigration status or sexual orientation. The inclusion of this language suggests that other funds are so restricted, which is not true. However, rather than recommending that this language be deleted, we recommend that the bill include a broader provision that would prohibit such restrictions in all grant programs. We would strongly support inclusion of the Department’s proposed civil legal

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assistance language, which we can provide.

Title III - Sexual Assault Prevention

Subtitle B: Standards of Practice and Training for Sexual Assault Examinations

The Department has two comments on sections 311 and 312. First, the \$200,000 allocated under this provision may be insufficient to develop the national protocol envisioned by the bill. Second, while we agree with the goal of developing a national protocol it is important to note the most pressing need is for every community to have in place the infrastructure (trained sexual assault nurse examiners, equipment such as colposcopes, etc.) to properly conduct rape exams. Ideally, there would be national standards for the exam - - and also standards for the healthcare personnel and for the equipment. For example, a nurse examiner or doctor should need to do a minimum number of rape exams per year to maintain proficiency; they would also need to receive continuing education.

The Department believes that there should be funding to enhance the scientific aspects of rape exams and forensic analysis, including DNA research into FISH (fluorescence In Situ Hybridization) techniques documenting internal/external injuries. Unless this research is conducted, we will fail to provide prosecutors all the evidence possible in rape cases and prosecutors may be unwilling to prosecute some cases because such evidence was not available. In other words, such scientific/forensic research is essential to enhance the likelihood that rapists will be brought to justice.

Subtitle D: Prevention of Custodial Sexual Assault by Correctional Staff

The Department strongly supports addressing the issue of custodial sexual assault. We have several general comments on this section which would broaden its application. First, the language should be expanded to prohibit the hiring of persons convicted of sexual assault in any setting, not just custodial sexual assault. Secondly, the language should also cover INS detainees held in state and local facilities pursuant to an Intergovernmental Service Agreement (IGSA), persons held as defendants, material witnesses or those charged and awaiting trial. We feel the bill should be narrowed however, regarding the requirement that the Civil Rights Division investigate all complaints of sexual assault nationwide. Rather, the legislation should permit the investigation and sanction of cases by effective state and local programs, with targeted Civil Rights involvement as appropriate. Lastly, please note, federal law refers to inmates as “wards” not persons in “custody.”

Additionally, we oppose broad penalties which affect the Byrne grant program, and prefer, instead, a system of incentives that encourage state compliance. It would also create a hardship for the State Administrative Agencies (SAAs) designated to implement the Byrne program. Furthermore, we support a broader approach which would include prevention programs, intervention strategies and services to victims.

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Section 342, paragraph (3) - should not include the term “female.” While we recognize that the HRW report focused on sexual abuse of female prisoners, it is important that legislation of this nature be gender neutral so as to protect all inmates.

Section 343, paragraph (a) (2) (A) should include a prohibition from hiring correctional staff who have been fired for custodial sexual misconduct. (Many cases are handled administratively and are not criminally prosecuted.) With regard to the prohibition against hiring anyone found liable of custodial sexual misconduct, absent self-reporting on an employment application, it appears doubtful that States would have a mechanism to uncover this information.

Section 343, paragraph (a) (2) (b) requires state corrections departments to maintain a database listing individuals with convictions for custodial sexual misconduct. Such convictions could be misdemeanors, which are not necessarily reported to the NCIC by some states. Thus, state corrections departments may have difficulty obtaining the necessary information to maintain the database.

Section 345 creates a national toll-free telephone hotline number for prisoners who wish to report sexual misconduct. Although it is not explicit in the language of the proposed legislation, we assume that the drafters expect that Federal inmates would also be given access to this hotline. We believe that implementation of this provision in the Federal system may be problematic due to the complexity of our existing telephone system(s).

Although the creation of a hotline would be useful, we note that the legislation does not provide for any information to be relayed to the correctional authority in a timely fashion so that immediate steps could be taken to safeguard/isolate the inmate from the alleged offender. We also would add that the funds authorized in section 345(e) for the hotline number are insufficient to implement this provision.

Section 346 defines “custodial sexual misconduct” in what appears to be a narrow fashion. Paragraph (2) of the legislation should be expanded to include the following language after “person:” “with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.”

Subparagraph (A) does not clearly delineate the roles of the parties to the extent that this language could arguably cover situations of inmates raping staff members. Also, it is not clear whether a person incarcerated in a private correctional facility would be included in the phrase “in the custody of a correctional department.” The definition also fails to include language to cover attempted sexual assault or misconduct.

To address these problems, we recommend using language similar to 18 U.S.C. Sec. 2243(b), “Whoever knowingly engages in sexual contact with another person who is in official detention and under the custodial authority of the person so engaging or attempts to do so.”

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Subtitle E: Hate Crimes Prevention

We strongly support the aim of the provisions in this subtitle [pages 114-120]. However, this section does not reflect substantial improvements made to the hate crimes legislation since the 105th Congress. We suggest replacing this section with language from H.R. 1082, the Hate Crimes Prevention Act of 1999, introduced by Mr. Conyers. This legislation would also permit federal prosecution of crimes based on gender, sexual orientation and disability, as well as dismantle undue jurisdictional requirements. The changes reflect the needs of the state and local law enforcement community. This new language is supported by the Administration and the Department and enjoys strong bipartisan support in both the House and Senate.

Subtitle F: Rescheduling and Classification of Date-Rape Drugs - sent to proper drug folks.

At this time, the Department does not have a formal comment on the classification of ketamine. Likewise, the Department defers to the DEA on the rescheduling of flunitrazepam. However, because GHB is a drug of abuse with no currently accepted medical use in treatment in the United States, placement in Schedule I is appropriate under the current scheduling system. See 21 U.S.C. 812(b). This would not preclude research under the IND, (Investigational New Drug exemption) but would entail certain security and other regulatory compliance for researchers. (In the past, other substances in Schedule I have been researched by drug developers and, once approved as safe and effective by the FDA, have been moved to a lower schedule.) Placement of GHB in Schedule I would also greatly simplify the control of GBL (gamma-butyrolactone), which is synthesized by the body into GHB and is also abused in its own right. By virtue of placement in Schedule I, GBL would, to the extent intended for human consumption, be considered a controlled substance analogue and be treated as a Schedule I controlled substance. See 21 U.S.C. 813 and 802 (32).

Subtitle G: Access to Safety and Advocacy for Victims of Sexual Assault (and Subtitle F of Title IV – Access to Safety and Advocacy)

These two subtitles in the bill are virtually identical, one creating a civil legal assistance program for victims of sexual assault and the other doing the same for domestic violence victims. The Department recommends that the bill include authorizing language for a single civil legal assistance program for victims of domestic violence, sexual assault, and stalking rather than two separate programs. The Department currently administers a grant program designed to strengthen civil legal assistance for victims of domestic abuse through innovative, collaborative programs that increase access to legal services for battered women on a wide range of civil legal issues. The core components of projects are training, mentoring and collaborative relationships to ensure qualified representation by attorneys who are knowledgeable about the law and sensitive to the dynamics of battering relationships. This program was created through an appropriation, but authorizing language is needed. Such language could expand the existing program to cover sexual assault and stalking. The Department has drafted authorizing language, which we would be happy to provide upon request. In particular, we believe that the authorizing language needs to define civil legal assistance to include “assistance to victims of domestic violence, stalking, and sexual assault in family, criminal, protection or stay away orders, immigration, landlord-tenant, disability, welfare, and other public benefits, or similar matters.”

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Title IV - Domestic Violence Prevention

From OPD

Subtitle A: Domestic Violence and Sexual Assault Victims' Housing

The Department recognizes that generally this section falls under the purview of HUD. However, we do strongly support the goals of this section but we feel that the “determination” section needs to be thought through more carefully. As currently written, subsection 405(2)(B), which addresses the determination that a family or individual was a victim of domestic violence, stalking, or adult or child sexual assault, is extremely unclear and requires rewriting. We would suggest one change (although it would not completely remedy these problems) which is the use of the following language: “For the purposes of making a determination under subparagraph (A), any reliable evidence that domestic violence, stalking, or adult or child sexual assault has occurred may be considered. A victim’s statement that domestic violence, stalking, or adult or child sexual assault has occurred shall be sufficient unless the agency has an independent, reasonable basis to find the individual not credible.”

Subtitle B: Full Faith and Credit for Protection Orders - sent to OTJ for comment.

We support section 411 of the bill [pages 144-149]. Enforcement of protection orders by tribal courts is now very difficult because tribal courts lack jurisdiction over non-Indian offenders. Many perpetrators of domestic violence on reservations or against Indian women, however, are non-Indians. This section would give Indian victims the right to seek protection from their own tribal court systems in cases where the perpetrator is non-Indian. However, tribal justice systems currently also lack the resources to provide for indigent defense, which could become a problem in the event of more vigorous enforcement of protection orders.

We also strongly support the language discouraging the establishment of a protection order registration requirement by states or tribal governments. Women in crisis who must cross state lines in order to escape from abusive partners will rarely have the time, resources, or capacity to register their protection orders in a new state. So long as protection orders are valid on their face, and all due process notice requirements are met, registration should not be required for their enforcement.

Although we support subsection (d), we recommend changing (d)(2) to read: “by adding ‘Custody, visitation, and support provisions in protection orders are subject to the mandates of this chapter so long as they conform with other relevant federal law.’”. We also should note that we only support this provision if the bill also includes the clarification of emergency jurisdiction under the PKPA in section 234(d) of the bill; this would ensure that “other relevant federal law” includes the necessary protections for domestic violence victims with respect to full faith and credit for child custody determinations. In addition, the 50 percent set aside for tribal governments under the grant program in section 412 may be an error – the drafter most likely meant to provide a 5 percent set aside for the tribes.

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But we do not support the subsection's two further amendments to section 2265 of Title 18. The first would add a new subsection (f) to that section [page 147], directing the Attorney General to promulgate regulations to determine whether a state is in compliance with the FFC. Because there is currently no single standard for compliance with the FFC, the Department has undertaken a carefully thought out program to identify standards, models, guidelines, and information useful in helping states to implement the FFC. The regulatory process mandated here is far too stringent given the current state of knowledge and compliance in the states. The issues raised here (what constitutes "good faith efforts;" the need for training of judicial, law enforcement, and state officials; the patterns of enforcement or non-enforcement; and the barriers to compliance caused by outdated technology and record keeping problems) are important, but challenging. It would be better at this stage for them to be identified, studied, and evaluated, rather than to be prematurely mandated as regulations. Additionally, subsection 411(a)(2) should not include the term "and criminal" before jurisdiction. In United States v. Oliphant, 435 U.S. 191 (1979), the Court held that tribal courts lack criminal adjudicatory jurisdiction over non-Indians. Even without this language, however, courts can enforce civil protection orders through civil contempt proceedings.

For similar reasons, we do not support the new subsection (g) [page 147], creating a Byrne formula grant reduction penalty. Until we have a national consensus on standards for compliance, it will be very difficult to determine noncompliance. Moreover, because it would involve broader penalties affecting the Byrne program, we consider the penalties draconian. In general, we oppose such penalties, and prefer, instead, a system of incentives that encourage state compliance. Withholding 10 percent of Byrne funds for noncompliance would unfairly penalize states and impair a broad-base, general purpose crime and drug prevention and control program in order to serve a very narrow purpose. It would also create a hardship for the State Administrative Agencies (SAAs) designated to implement the Byrne program. These agencies have no direct link to or control over FFC implementation. Imposing a penalty, regardless of the lead time before actual implementation, would erode the good relationship which OJP and BJA have with the states, and put the federal grant implementing agency (BJA) in an adversarial position vis-a-vis the SAAs.

Subsection (f) of section 411 [page 148] would create a new Byrne grant purpose, to assist states in collaborating with adjoining states on custody and related issues. Rather than create a new grant purpose, we think it would be more appropriate to insert the new language in section 503 of the current Act as an assurance that grant applicants must make. If, however, a new grant purpose is enacted, it would best be inserted at the end of the current purpose series, rather than in the middle, to avoid the need to substantially rework BJA's automated system which tracks expenditures under the Byrne formula.

The Department also supports the grant provisions in section 412 [pages 149-150], as a positive way to encourage development and change in the states regarding the FFC enforcement of protection orders.

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In addition to VAWO's comments, we need to explain that subsection

Subtitle E: Keeping Firearms From Intoxicated Persons

Although keeping firearms away from intoxicated persons is an urgent and desirable goal, it is doubtful that section 441 [page 165] could be effectively enforced. We recommend that the Department first study this issue more closely. And, we note that the definition may not cover many of the various scenarios that might arise with transfers to, or possession of firearms by, intoxicated persons.

Subtitle F: Access to Safety and Advocacy

We recommend replacing this subtitle with our proposed authorizing language for the civil legal assistance program. We would be pleased to provide this language.

Subtitle G: Strengthening Enforcement to Reduce Violence Against Women

We recommend that this subtitle be replaced with our crime bill language on the criminal provisions. We would be pleased to provide this language. *This language was forwarded to Margaret Groban for her review.*

Subtitle H: Disclosure Protections

No comment at this time.

Title V - Violence Against Women in the Military System

Subtitle A: Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence

The Department agrees with the basic intent of section 501 which is to cover crimes committed abroad by civilians accompanying the armed forces. However, as currently drafted, this language presents many problems. This idea is embodied by our Administration crime bill and we would be happy to provide that language.

Subtitle B: Transitional Compensation for Abused Dependents of Members of the Armed Forces

We strongly support this subtitle, which would provide much needed assistance to military dependants who are victims of domestic violence.

Title VI: Preventing Violence Against Women in Traditionally Underserved Communities

*Subtitle A: Older Women's Protection From Violence
and*

Subtitle B: Protections Against Violence and Abuse for Women With Disabilities

Violence against disabled and elderly women is a growing problem of great concern. We

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support the underlying intent of these subtitles, but believe their goals could be more effectively met by including support for elderly and disabled women as special purpose areas in VAWA's existing grant programs. The best way to do this would be to amend STOP purpose area # 5 (section 2001(b)(5)) by adding "and other underserved populations" after "racial, cultural, ethnic, and language minorities" and to amend the STOP definition of underserved populations (section 2003(7)) to include "populations underserved because of age" or "older victims of domestic violence and sexual assault". For example, the proposed grant program for law school clinics to serve older battered women could be added as a purpose area in the Civil Legal Assistance program, while the component regarding training of law enforcement officers might appropriately be placed in the Grants to Encourage Arrest program.

The finding numbered 13 in section 602 of Subtitle A [page 197] should be deleted. It incorrectly states that "the Department of Justice does not include age as a category for criminal statistics reporting." In fact, the BJS data collection activities do obtain information on age under all of its statistical series covering arrests, victimization, convictions, sentencing, and corrections. BJS analyzes data from the National Crime Victimization Survey on age patterns, as well as particular subgroups of the population, including elderly victims.

Subtitle C: Battered Immigrant Women

We strongly support improved protections for battered immigrant women and the goals of this subtitle. However, we recommend that the provisions developed by Senators Abraham and Kennedy be inserted in this bill in place of this subtitle. These provisions represent the most up-to-date thinking on the additional legal protections that are needed for battered immigrant women. They are currently under review by the Department, and we support their inclusion in this bill subject to any specific changes the Department may have.

Title VIII—Violence Against Women Intervention, Prevention, and Education Research

Section 801 makes various findings on the status of research on violence against women, in section 40901 of a new subtitle I to the 1994 Act. We recommend inserting the following additional finding at the end of the section (page 340):

“(6) At the direction of Congress, the Department of Justice, through its National Institute of Justice, has begun to implement a 5-year research program on violence against women, and has formed partnerships with the Department of Health and Human Services’ Centers for Disease Control and Prevention and other organizations.”

Apart from the ongoing research agenda that DOJ is implementing, there may be some merit in section 40902 [page 340], directing HHS and DOJ, in consultation with others, to establish a multiagency task force to coordinate research on violence against women. However, at present this section is fraught with administrative problems because it lacks specificity about a number of key operational issues, among them: Who would lead the task force? Which agency

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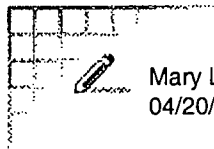
would receive the funds authorized? To whom is the strategy to be delivered? And to what extent would the task force's conclusions be binding if either HHS or DOJ disagrees with them? *Has some of this been handled by the advisory council?*

Although the Department has technical comments below with respect to each of the research grant programs set up by sections 40903, 40904, and 40906, we suggest that the latter two programs be subsumed within section 40903, to avoid needless duplication.

Section 40903 (page 342), Education, Prevention, and Intervention Research Grants states that: "The Department of Health and Human Services in consultation with the Department of Justice shall make grants..." Given DOJ's interest in this area, and NIJ's ongoing research responsibilities, the Attorney General should have equal authority to make research grants under this section. We recommend that "and" be substituted for "in consultation with," and that the more usual form of vesting grant-awarding authority in cabinet and agency heads (in this case, the HHS Secretary and the Attorney General) be followed here as well. In addition, we feel strongly that the words "victims and" should be deleted from the proposed section 40903(b)(2); this provision implies that victims of sexual and intimate partner violence are responsible for the violence due to "risky" behavior or that those "at risk of becoming victims" should be held responsible for preventing their victimization.

If each of the following research programs should retain their separate status, we recommend parallel changes to section 40904 (page 344), "Addressing Gaps in Research," and section 40906, "Research on Pregnancy & Sexual Assault," (page 348) because both currently direct the HHS Secretary to make grants "in conjunction with the Attorney General." We would again replace the underlined phrase with "and" in each case.

Finally, we oppose section 40908 (page 354) because the creation of additional research centers would afford the Department less flexibility in managing its research program and burden us with higher support costs for the necessary infrastructure required to establish new organizations.



Mary L. Smith
04/20/2000 05:59:12 PM

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP, Heather H. Howard/OPD/EOP@EOP

cc:

Subject: LRM LJM107 - - JUSTICE Request for Technical Review of 21st Century Law Enforcement and Public Safety Act

crime bill

----- Forwarded by Mary L. Smith/OPD/EOP on 04/20/2000 05:58 PM -----

From: Lisa J. Macecevic on 03/03/2000 08:44:46 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Richard E. Green/OMB/EOP@EOP, gregory.m.jones@usdoj.gov @ inet, James J. Jukes/OMB/EOP@EOP

Subject: LRM LJM107 - - JUSTICE Request for Technical Review of 21st Century Law Enforcement and Public Safety Act

Attached is LJM107.

The Crime Bill was informally transmitted to the Congress in December 1999. The attached version of the Crime Bill (one attachment is statutory language and a second is the sectional analysis) is being sent for your review to identify technical changes that need to be made to update the bill to ensure that it is current in anticipation of formal introduction in the Congress. In the attached version of the bill, Justice has already identified and made some of these technical changes; these changes are specified in the third attachment. These are the only changes from the version sent to the Hill in December. The nature of the Justice changes include dates that need to be changed (e.g., 1999 to 2000), authorization levels that need to be changed to be consistent with the FY 2001 Budget, and minor changes to the sectional analysis for clarification. Please provide us with any technical changes that you believe are necessary to make the bill current. Please provide only technical changes.

The three files are attached below.

These files are very large; we are ONLY going to send them electronically.

If you have a problem opening these files, please call me (Lisa Macecevic) at (202) 395-1092.

Please return any comments to RON JONES by Thursday, March 9th by NOON.

Ron can be reached the following ways:

Fax: (202) 395-3109

Email: Ronald_E._Jones@omb.eop.gov

Phone: (202) 395-3386 after Monday (on Monday feel free to phone me--see above)

Contacting either Ron or me will ensure your comment is received.

Thank you.

Bill Text:  - crimebill303.wpd

Section-by-Section Analysis:  - crimebillsbs303.wpd

Summary of Technical Changes Made by Justice:  - crimebillchanges.wpd

----- Forwarded by Lisa J. Macecevic/OMB/EOP on 03/03/2000 08:48 PM -----
LRM ID: LJM107

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Friday, March 3, 2000

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Richard E. Green (for) Assistant Director for Legislative Reference

OMB CONTACT: Ronald E. Jones
PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: **JUSTICE Request for Technical Review of 21st Century Law Enforcement and Public Safety Act**

DEADLINE: **NOON Thursday, March 9, 2000**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: The Crime Bill was informally transmitted to the Congress in December 1999. The attached version of the Crime Bill (one attachment is statutory language and a second is the sectional analysis) is being sent for your review to identify technical changes that need to be made to update the bill to ensure that it is current in anticipation of formal introduction in the Congress. In the attached version of the bill, Justice has already identified and made some of these technical changes; these changes are specified in the third attachment. These are the only changes from the version sent to the Hill in December. The nature of the Justice changes include dates that need to be changed (e.g., 1999 to 2000), authorization levels that need to be changed to be consistent with the FY 2001 Budget, and minor changes to the sectional analysis for clarification. Please provide us with any technical changes that you believe are necessary to make the bill current. **Please provide only technical changes.**

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002. email	Mary Smith to Ann O'Leary and Heather Howard (partial) (1 page)	04/20/2000	P3/b(3)
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Heather Howard (Subject Files)
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2012-0254-S
rc674

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
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b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
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LRM ID: LJM107 **SUBJECT:** JUSTICE Request for Technical Review of 21st Century Law Enforcement and Public Safety Act

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Ronald E. Jones Phone: 395-3386 Fax: 395-3109
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

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