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FOLDER TITLE:

VAWA [Violence Against Women Act] [Binder] [2]

2012-0254-S
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RESTRICTION CODES

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

P1 National Security Classified Information [(a)(1) 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]

Statistics



U.S. Department of Justice

Charles

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

MAY 08 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH:

THE DEPUTY ATTORNEY GENERAL

THE ACTING ASSOCIATE ATTORNEY GENERAL

Mary Lou Leary *Mary Lou Leary*
Acting Assistant Attorney General
Office of Justice Programs

FROM:

Jan M. Chaiken *Jan M. Chaiken*
Director, Bureau of Justice Statistics

SUBJECT:

Advance Notification of BJS Publication

PURPOSE: To provide the Attorney General with advance copies and notification of the pending publication of **Intimate Partner Violence** (NCJ 178247), by Callie Rennison of BJS.

DISCUSSION: **Intimate Partner Violence** provides information on violence by intimates (current or former spouses, girlfriends, or boyfriends) since the redesign of the National Crime Victimization Survey (NCVS). The redesigned survey has new questions about violence by intimates. The report covers 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. Intimate victimizations measured include rape, sexual assault, robbery, aggravated assault, and simple assault. Data on murder by intimates are also given. The data for this report came from the NCVS and the FBI's Supplementary Homicide Reports. Highlights include the following:

Lethal

- Intimate partners committed fewer murders in each of the 3 years 1996, 1997, and 1998 than in any other year since 1976.
- Between 1976 and 1998, the number of male victims of intimate partner homicide fell an average 4% per year and the number of female victims fell an average 1%.

Page 2

- In 1998 women were nearly 3 out of 4 victims of the 1,830 murders attributable to intimate partners. In 1976 women were just over half the approximate 3,000 victims.

Nonlethal

- The number of female victims of intimate violence declined from 1993 to 1998. In 1998 women experienced an estimated 876,340 violent offenses at the hands of an intimate, down from 1.1 million in 1993.

- In both 1993 and 1998, men were victims of about 160,000 violent crimes by an intimate partner.

- About half the intimate partner violence against women, 1993-98, was reported to the police; black women were more likely than other women to report such violence.

- About 4 of 10 female victims of intimate partner violence lived in households with children under age 12. Population estimates suggest that 27% of U.S. households were home to children under 12.

COORDINATION: BJS staff worked with James Fox, Ph.D., BJS Visiting Fellow to develop the homicide data presented. The report also benefitted from discussions with personnel from the VAWO and NIJ offices.

DISSEMINATION: The text and data tabulations will be made available on the Internet for instantaneous dissemination at the time of the press release. When printed, this report will be distributed to criminal justice practitioners, policymakers, and others who have indicated an interest in this subject. We have consulted with the OJP Office of Congressional and Public Affairs and they have made preliminary plans to issue a press release.

TIMETABLE: The press release is currently scheduled for Wednesday, May 17, 2000, at 4:30 p.m. EDT. BJS will begin distributing this publication at the time of the press release.

If we may provide additional information about this document, I may be reached at 307-0765.

cc: Steven R. Schlesinger, Director, Statistics Division
Administrative Office of the U.S. Courts
Thomas R. Kane, Assistant Director, Bureau of Prisons

CC: Ann M. Harkins, Chief of Staff, OAG (without attachment)
Wifredo Ferrer, Deputy Chief of Staff, OAG (without attachment)
Christopher Moore, White House Fellow, OAG (without attachment)
Daphne McFerren, Counsel to the Attorney General, OAG
Deborah Smolover, Counsel to the Deputy Attorney General, ODAG
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Meg Morrow, Special Assistant to the Deputy Assistant Attorney General, OJP

U.S. Department of Justice
Office of Justice Programs



Bureau of Justice Statistics Special Report

May 2000, NCJ 178247

Intimate Partner Violence

By Callie Marie Rennison, Ph.D.
and Sarah Welchans
BJS Statisticians

Estimates from the National Crime Victimization Survey (NCVS) indicate that in 1998 about 1 million violent crimes were committed against persons by their current or former spouses, boyfriends, or girlfriends. Such crimes, termed *intimate partner violence*, are committed primarily against women. About 85% of victimizations by intimate partners in 1998, about 876,340, were against women.

Intimate partner violence made up 22% of violent crime against women between 1993 and 1998. By contrast, during this period intimate partners committed 3% of the violence against men.

Women experienced intimate partner violence at lower rates in 1998 than in 1993. From 1993 to 1997 the rate of intimate partner violence fell from 9.8 to 7.5 per 1,000 women. In 1998 the rate was virtually unchanged from that in 1997 (7.7 per 1,000 women). Males experienced intimate partner violence at similar rates in 1993 and 1998 (1.6 and 1.5 per 1,000 men, respectively).

In 1998 about 1,830 murders were attributable to intimate partners, down substantially from the 3,000 murders in 1976.

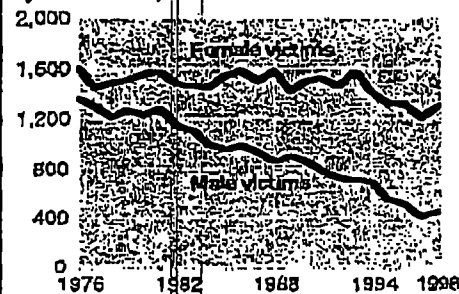
Highlights

Intimate partners: current or former spouses, boyfriends, and girlfriends

Violent crimes include lethal (homicide) and nonlethal (rape, sexual assault, robbery, aggravated assault, and simple assault) offenses.

Lethal

Number of victims murdered by an intimate partner



- Intimate partners committed fewer murders in each of the 3 years 1996, 1997, and 1998 than in any other year since 1976.

- Between 1976 and 1998, the number of male victims of intimate partner homicide fell an average 4% per year and the number of female victims fell an average 1%.

- In 1998 women were nearly 3 out of 4 victims of the 1,830 murders attributable to intimate partners. In 1976 women were just over half the approximate 3,000 victims.

- The percentage of female murder victims killed by intimate partners has remained at about 30% since 1976.

Nonlethal

- The number of female victims of intimate violence declined from 1993 to 1998. In 1998 women experienced an estimated 876,340 violent offenses at the hands of an intimate, down from 1.1 million in 1993.

- In both 1993 and 1998, men were victims of about 160,000 violent crimes by an intimate partner.

- Between 1993 and 1998 women ages 16 to 24 experienced the highest per capita rates of intimate violence (19.6 per 1,000 women).

- About half the intimate partner violence against women, 1993-98, was reported to the police; black women were more likely than other women to report such violence.

- About 4 of 10 female victims of intimate partner violence lived in households with children under age 12. Population estimates suggest that 27% of U.S. households were home to children under 12.

- Half of female victims of intimate partner violence reported a physical injury. About 4 in 10 of these victims sought professional medical treatment.

Measuring intimate partner victimization

... report updates findings presented in *Violence by Intimates* (March 1998, NCJ 167237) and provides more complete statistics of intimate partner violence against men.

Data

Findings regarding violent crime came from National Crime Victimization Survey (NCVS) data collected by the Bureau of Justice Statistics (BJS). The NCVS collects data about criminal victimizations from an ongoing nationally representative sample of households in the United States. Homicide data were collected by the FBI, under the Supplementary Homicide Reports (SHR) of the Uniform Crime Reporting Program (UCR).

Definitions

As defined in this report, intimate relationships involve current or former spouses, boyfriends, or girlfriends. These individuals may be of the same gender.

Violent acts examined include murder, rape, sexual assault, robbery, aggravated assault and simple assault. Definitions of these violent crimes are provided in the definitions section on page 9.

Rate of violence by an intimate partner, by gender, 1993-98

Number of victimizations by an intimate partner per 1,000 persons of each gender age 12 or older

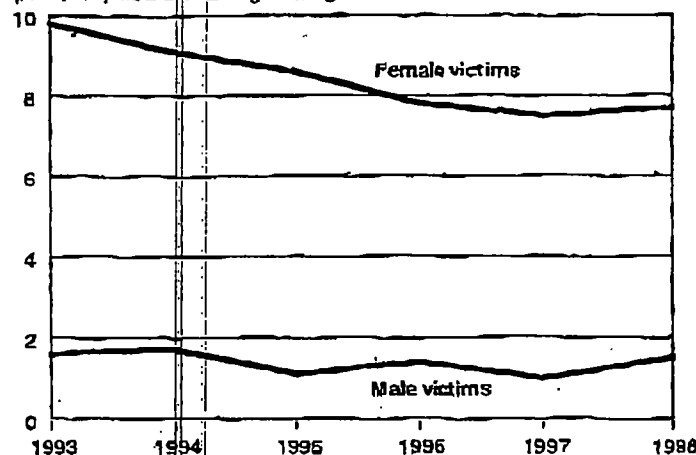


Figure 1

Intimate partner violence in 1998

In 1998 women were victims in about 876,340 victimizations and men were victims in about 157,330 victimizations committed by an intimate partner (table 1). Women were victims of intimate partner violence at a rate about 5 times that of males (767 versus 146 per 100,000 persons, respectively). Women were more likely to be victimized by a nonstranger, which includes a friend, family member, or intimate partner, while men were more likely to be victimized by a stranger (appendix table 2, page 10). Sixty-five percent of all intimate partner violence against women and 68% of intimate partner violence against men involved a simple assault, the least serious form of violence studied.

In 1998 intimate partner homicides accounted for about 11% of all murders nationwide. Of the 1,830 persons murdered by intimates in 1998, 72% or 1,320 were women. Female murder victims were substantially more likely than male murder victims to have been killed by an intimate partner. In 1998 intimate partner homicides comprised about 33% of the murders of women but about 4% of the murders of men.

Trends in violence against intimate partners, 1993-98

Intimate partner violence against women decreased after 1993. The estimated number of violent victimizations of women by intimate partners decreased from the 1993 level of 1.1 million to 848,000 in 1997. The victimization rate over same period fell from 10 to 7.5 per 1,000 women. A nominal but not significant increase in female intimate partner violence rates occurred from 1997 to 1998 (7.5 to 7.7 per 1,000 women) (figure 1, table 2, appendix table 2).

Intimate partner victimization rates for males were similar in 1993 and 1998 (1.6 and 1.5 men victimized per 1,000 males), despite some fluctuation during intervening years. The rate of victimization of male intimate partners in 1998 represented an increase from 1.0 per 1,000 in 1997.

Table 1. Violence by intimate partners, by type of crime and gender, 1998

	Intimate partner violence by gender					
	Total		Female		Male	
	Number	Rate per 100,000 persons	Number	Rate per 100,000 persons	Number	Rate per 100,000 persons
Overall violent crime	1,033,660	465.9	876,340	766.8	157,330	146.2
Murder	1,830	0.8	1,320	1.2	510	0.5
Rape/sexual assault	63,490	28.6	63,490	55.6	-	-
Robbery	103,940	46.8	101,830	89.1	-	-
Aggravated assault	187,970	84.7	140,050	122.5	47,910	44.6
Simple assault	676,440	304.9	568,650	498.4	106,790	99.2

Note: Rates for this table only are the number of victimizations per 100,000 persons. Rates reported in other tables are the number of victimizations per 1,000 persons. Populations for calculation of rates are presented in appendix table 9, page 11. The difference in male and female intimate partner victimization rates is significant at the 95% confidence level within each victimization category presented.

-Based on 10 or fewer sample cases.

Homicide of intimate partners, 1976-98

Overall, the number of women killed by an intimate partner was stable between 1976 and 1993 and then declined 23% between 1993 and 1997. The number of women murdered by an intimate partner increased 8% between 1997 and 1998. The number of men murdered by an intimate partner fell 60% from 1976 to 1998 (*Highlights* figure).

Most victims of intimate partner homicide are killed by their spouses, although much less so in recent years. In 1998 murders by spouses represented 53% of all intimate partner homicides, down from 75% in 1976 (figure 2).

White females represent the only category of victims for whom intimate partner homicide has not decreased substantially since 1976 (figure 3). The number of intimate partner homicides for all other racial and gender groups declined during the period. The number of black females killed by intimates dropped 45%; black males, 74%; and white males, 44%. Between 1997 and

Homicides of intimate partners, by victim-offender relationship, 1976-98

Number of homicides of an intimate partner

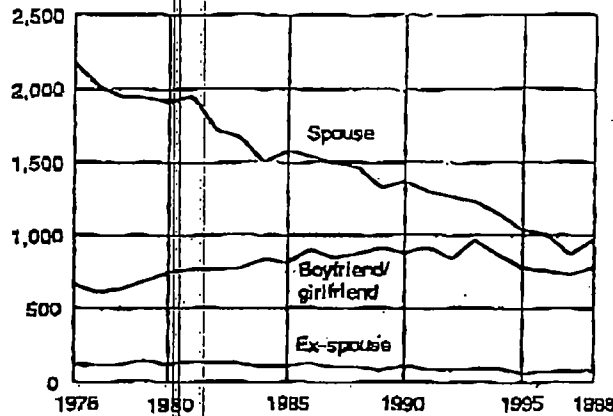


Figure 2

In 1998 the number of white females killed by an intimate partner increased 15%.

For additional information on trends of intimate partner homicide, refer to the BJS website: <http://www.ojp.usdoj.gov/bjs/homicide/intimates.htm>

Characteristics of intimate partner violence victims, 1993-98

Regardless of the demographic characteristics considered, women experienced intimate partner violence

at higher rates than men between 1993 and 1998.* Among women, being black, young, divorced or separated, earning lower incomes, living in rental housing, and living in an urban area were all associated with higher rates of intimate partner victimization between 1993 and 1998. Men who were young, black, divorced or separated, or living in rented housing had significantly higher rates of intimate partner violence than other men.

*The remainder of the report examines nonlethal violent victimization, although inclusion of homicides would not affect the findings.

Table 2. Violence by intimate partners, by gender, 1993-98

Year	Violent victimization by intimate partners		Violent victimization by intimate partners	
	Female victims	Rate per 1,000	Male victims	Rate per 1,000
1993	1,072,080	9.8	163,570	1.8
1994	1,003,180	9.1	176,180	1.7
1995	853,700	8.6	115,490	1.1
1996	878,290	7.8	150,730	1.4
1997	848,480	7.5	107,850	1.0
1998	876,340	7.7	157,330	1.5

Note: See appendix table 9, page 11, for the populations used to calculate rates.

The difference between male and female rates of intimate partner victimization for every year is significant at the 95% confidence level. The rates for males in 1993 and 1998 were not significantly different. Male intimate partner victimization rates fell significantly between 1994 and 1995, fell slightly between 1996 and 1997, and increased significantly between 1997 and 1998. Rates of intimate partner violence against females declined from 1994 to 1997 and slightly between 1994 and 1998.

Homicides of intimate partners, by gender and race of the victims, 1976-98

Number of victims killed by an intimate partner

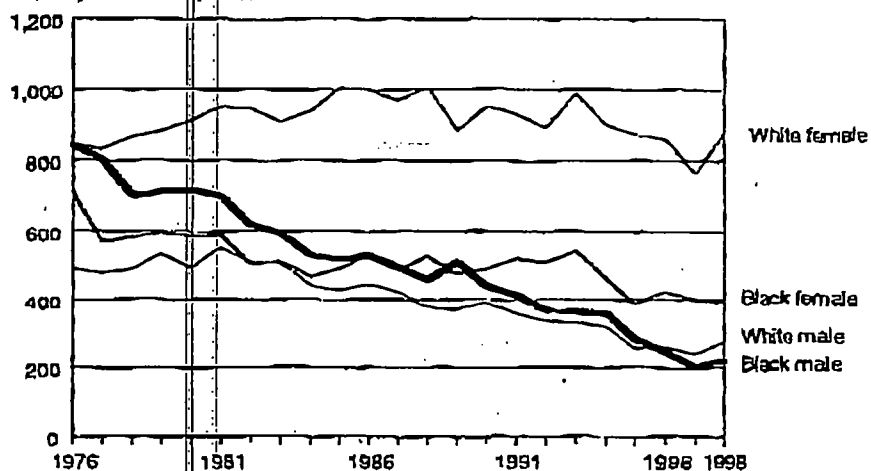


Figure 3

Rate of intimate partner violence, by victim's race, 1993-98

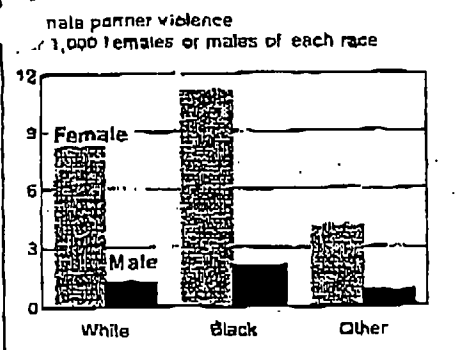


Figure 4

Rate of intimate partner violence, by annual household income, 1993-98

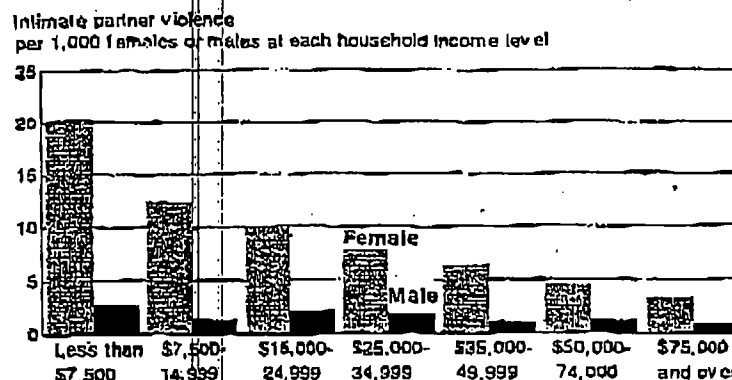
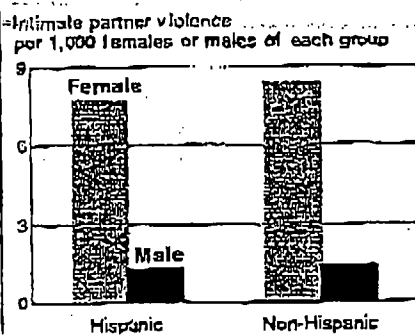


Figure 7

Rate of intimate partner violence, by victim's ethnicity, 1993-98



JRS 5

Race and ethnicity

Overall, blacks were victimized by intimate partners at significantly higher rates than persons of any other race between 1993 and 1998 (figure 4, appendix table 3). Black females experienced intimate partner violence

at a rate 35% higher than that of white females, and about 2½ times the rate of women of other races. Black males experienced intimate partner violence at a rate about 62% higher than that of white males and about 2½ times the rate of men of other races.

No difference in intimate partner victimization rates between Hispanic and non-Hispanic persons emerged, regardless of gender (figure 5).

Age

For both women and men, rates of violence by an intimate partner were below 3 victimizations per 1,000 persons under age 16 or over age 50 (figure 6 and appendix table 4). Women ages 20-24 were victimized by an intimate partner at the highest rate, 21 per 1,000 women. This rate was about 8 times the peak rate for men

(3 victimizations per 1,000 men ages 25-34).

Household income

Women living in households with lower annual household incomes experienced intimate partner violence at significantly higher rates than women in households with higher annual incomes (figure 7, appendix table 5). Intimate partners victimized women living in households with the lowest annual household income at a rate nearly 7 times that of women living in households with the highest annual household income (20 versus 3 per 1,000). No discernible relationship between male intimate partner violence and household income was evident.

Marital status

For both men and women, divorced or separated persons were subjected to

Rate of intimate partner violence, by age, 1993-98

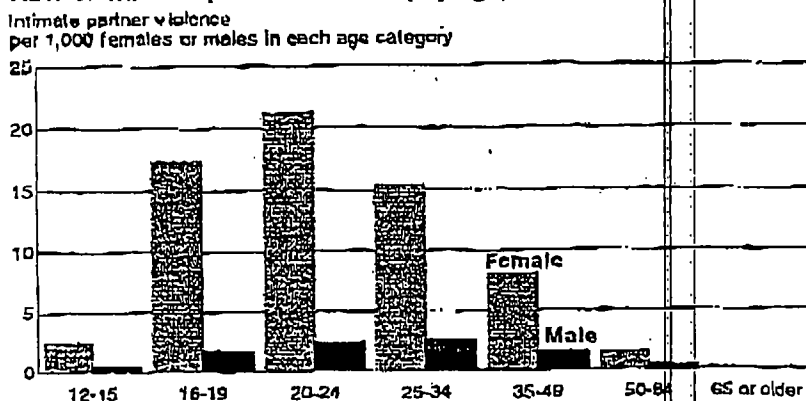


Figure 6

Rate of intimate partner violence, by marital status, 1993-98

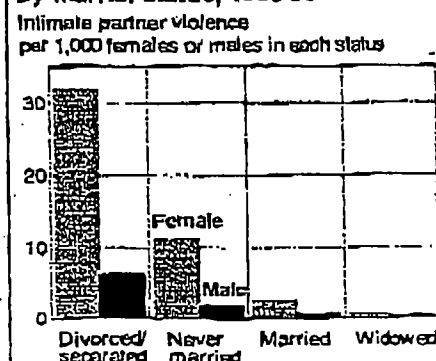


Figure 8

the highest rates of intimate partner victimization, followed by never married sons (figure 8, appendix table 6). Because the NCVS reflects a respondent's marital status at the time of the interview, it is not possible to determine whether a person was separated or divorced at the time of the victimization or whether separation or divorce followed the violence.

Home ownership

Intimate partner victimization rates were significantly higher for persons living in rental housing regardless of the victim's gender (figure 9, appendix table 7). Females residing in rental housing were victimized by an intimate partner violence at more than 3 times the rate of women living in owned housing, and males residing in rental housing were victimized by an intimate partner at more than twice the rate of men living in purchased housing.

Urban, suburban, and rural households

Women in urban areas were victims of intimate partner violence at significantly higher rates than suburban women and at somewhat higher rates than rural women. Ten per thousand urban women were victims of intimate partner violence compared to 8 per 1,000 women in suburban and rural areas between 1993 and 1998.

Urban and suburban males were victims of intimate partner violence at similar rates. Both experienced violence at rates slightly higher than that the rate of men in rural areas.

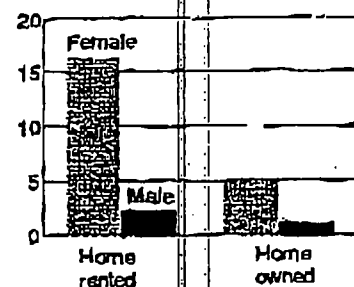
The nature of intimate partner victimization

Location and time

Between 1993 and 1998 almost two-thirds of intimate partner violence against women, and about half of all intimate partner violence against men occurred in the victim's home (table 3).

Rate of Intimate partner violence, by home ownership and location of household, 1993-98

Intimate partner violence per 1,000 females or males in each status



Intimate partner violence per 1,000 females or males in each type of area

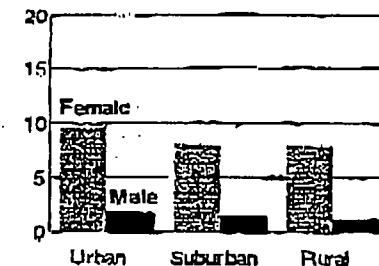


Figure 9

Table 3. Location and time of intimate partner violence, by gender of victim, 1993-98

Location and time	Female average annual		Male average annual	
	Number	Percent	Number	Percent
Total intimate partner victims	937,490	100%	144,620	100%
Victim's home	590,030	63%	74,480	52%
Near victim's home	81,600	9%	23,910	17%
Friend/neighbor's home	115,430	12%	22,300	15%
Commercial place	24,020	3%	5,820	4%
Parking lot or garage	34,800	4%	5,660	4%
School	11,350	1%	-	-
Other	80,260	9%	9,630	7%
Daytime (6 a.m. to 5 p.m.)	353,560	38%	58,900	41%
Nighttime	558,130	60%	84,910	59%
Don't know	25,800	3%	-	-

--Based on 10 or fewer sample cases.

*The difference between male and female percentages is significant at the 95%-confidence level.

Table 4. Households with children under age 12, by gender of victims of intimate partner violence, 1993-98

Present	Total annual average		Female average annual		Male average annual	
	Number	Percent	Number	Percent	Number	Percent
Total intimate-partner victims	1,082,110	100%	937,490	100%	144,620	100%
Children in household	459,590	43%	424,140	45%	35,450	25%
Children not in household	462,090	43%	364,720	39%	97,370	67%
Unknown	160,430	15%	148,630	16%	11,800	8%

Note: The difference between male and female percentages is significant at the 95%-confidence level for each category shown. The difference in having children as household members and not having them is significant at the 95%-confidence level for both women and men.

Intimate partner violence occurred most often between 6 p.m. and 6 a.m., accounting for about 6 in 10 female and male victimizations by intimate partners (60% and 59%).

Children less than 12 present in the household

Between 1993 and 1998 children under the age of 12 resided in 43% of the households where intimate partner

Table 5. Percent of threats, attempted attacks, and physical attacks in intimate partner violent crimes, 1993-98

Type of violence	Victims of intimate partners	
	Female	Male
Attempt or threat	31%	35%
Threatened to kill	32	21
Threatened to rape	1	-
Threatened in "other" way	52	41
Threatened with a weapon	18	22
Threw object at victim	4	11
Followed/surrounded victim	4	-
Tried to hit, slap, or knock down victim	13	15
Physically attacked	69%	65%

Note: Detail may not add to total because victims may have reported more than one type of threat.
 --Based on 10 or fewer sample cases.
 *The difference between male and female percentages is significant at the 95% confidence level.

violence occurred (table 4). Population estimates suggest that in general, 27% of households in the United States were home to children under the age 12. This study is not able to determine the extent to which young children witnessed intimate partner violence.

Injuries and treatment

Between 1993 and 1998, about two-thirds of the male and female victims of intimate partner violence were physically attacked (table 5). The remaining third were victims of threats or attempted violence. Though percentages of males and females being attacked were similar, the outcome of these attacks differed (table 6). Fifty percent of female victims of intimate partner violence were injured by an intimate partner versus 32% of male victims.

Percent of intimate partner victimization reported to police, by gender, race, and ethnicity, 1993-98

Percent of intimate partner violence reported to police

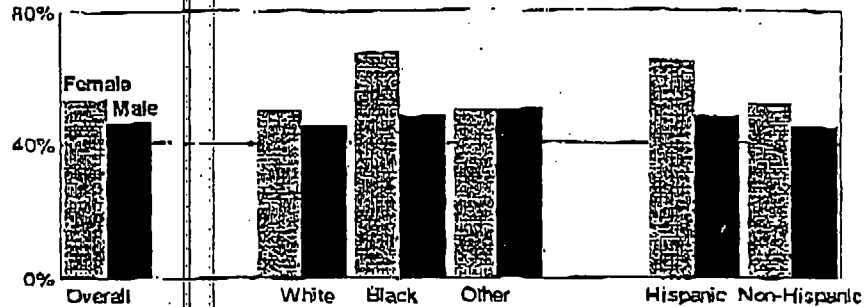


Figure 10

Among those injured, similar percentages of men and women suffered serious injuries (4% and 5%, respectively). A significantly higher percentage of women than men sustained minor injuries (more than 4 in 10 females and fewer than 3 in 10 males).

Most victims injured by an intimate partner did not report seeking profes-

sional medical treatment for their injuries. About 6 in 10 female and male victims of intimate partner violence were injured but not treated. In general, injuries were minor, involving cuts and bruises. Most of those injured who were treated received care at home or at the scene of the victimization (17% of women and 24% of men).

Table 6. Injuries and treatment as a result of intimate partner violence, by gender, 1993-98

Injury and treatment	Female average annual		Male average annual	
	Number	Percent	Number	Percent
Total intimate partner victims	937,490	100%	144,620	100%
Not injured	466,380	50%	97,620	68%
Injured	471,110	50*	47,000	32
Serious injury	43,910	5	8,380	4
Gunshot wound	-	-	-	-
Knife wounds	5,410	1	-	-
Internal injuries	10,170	1	-	-
Broken bones	16,380	2	-	-
Knocked unconscious	9,210	1	-	-
Other serious injuries	-	-	-	-
Rape/sexual assault without additional injuries	33,260	4	-	-
Minor injuries only	392,810	42*	39,690	27
Injuries unknown	-	-	-	-
Injured	471,110	100%	47,000	100%
Injured, not treated	297,800	63	26,090	60
Treated for injury	172,540	37	18,910	40
At scene or home	82,200	17*	11,240	24
Doctor's office or clinic	23,000	5	-	-
Hospital	-	-	-	-
Not admitted	16,990	4	-	-
Emergency, not admitted	39,850	8	-	-
Emergency, admitted	5,840	1	-	-
Other locale	5,020	1	-	-
Don't know	-	-	-	-

--Based on 10 or fewer sample cases.

*The difference in male and female percentages is significant at the 95%-confidence level.

Reporting to police

About half of all victims of intimate partner violence between 1993 and 1998 reported the violence to law enforcement authorities (53% of women and 47% of men) (table 7, figure 10, and appendix table 8).

The percentage of victims reporting to police differed by race and ethnicity. Black women (67%) reported their victimization to police at significantly higher percentages than black men (48%), white men (45%) and white women (50%). No difference in white male and female percentages reporting emerged (45% versus 50%). Hispanic females reported intimate partner violence at higher percentages than did non-Hispanic females (65% versus 52%).

Among victims of violence by an intimate partner, the percentage of women who reported the crime was greater in 1998 (59%) than in 1993 (48%). There was no significant difference between 1993 and 1998 in the percentage of men's reporting their victimization.

In 1997 and 1998 a significantly higher percentage of female intimate partner violence victims reported the victimizations to the police than did not. Prior to 1997 similar percentages of females reported and did not report.

For males, for all years but 1997, approximately half the victims did not report their victimization to the police. In 1997 a slightly higher percentage of male victims did not report to the authorities. About half of the male victims' reasons and a third of the female victims' reasons for not reporting their intimate partner victimization to the police was because it was a "private or personal matter" (table 8). While this reason was the most often given by

Table 7. Percent of reporting intimate partner violence to police, by gender, 1993-98

Type of victim	1993	1994	1995	1996	1997	1998	1993-98
Female total	100%	100%	100%	100%	100%	100%	100%
Reported	48%	50%	52%	53%	58%	59%	53%
Not reported	52	50	47	46 ¹	42 [*]	41 [*]	47 [*]
Don't know	0	0	1	1	0	0	0
Male total	100%	100%	100%	100%	100%	100%	100%
Reported	47%	48%	49%	46%	38%	49%	46%
Not reported	53	50	51	52	60 ¹	51	53
Don't know	0	2	0	2	2	0	1

^{*}The difference in percent of within gender reporting and not reporting is significant at the 95%-confidence level.

¹The difference in percent of within gender reporting and not reporting is significant at the 95%-confidence level.

Table 8. Reasons intimate partner violence was not reported to the police, by gender of victim, 1993-98

Reasons for not reporting to police	Female average annual		Male average annual	
	Number	Percent	Number	Percent
Total victimizations not reported	480,060		85,403	
Private or personal matter	151,900	35% [*]	39,680	52%
Afraid of reprisal	83,080	19	—	—
Minor crime	28,270	7	11,480	15
Police will not bother	25,440	6	—	—
Protect offender	13,580	3	8,400	11
Police biased	12,200	3%	—	—
Inconvenient	14,180	3	—	—
Reported to another official	11,910	3	—	—
Police ineffectiveness	15,280	4	—	—
Not clear a crime occurred	7,010	2	—	—
Don't know why I did not report it	7,100	2	—	—
Other reason given	109,070	25	14,500	19

Note: Detail may not add to total because victims may have reported more than one reason and because of values not shown in instances in which the sample cases were fewer than 10.

^{*}Based on 10 or fewer sample cases.

¹The difference in male and female percentages is significant at the 95%-confidence level.

both male and female victims, it was given by male victims in a significantly higher percentage than female victims.

Fear of reprisal by the perpetrator made up 19% of the reasons females did not report their victimization to the police. About 1 in 10 male victims and fewer than 1 in 10 female victims did not report the crime to the police because they did not want to get the offender in trouble with the law.

Methodology

Except for homicide data obtained from the FBI's Uniform Crime Reporting Program, this report presents data from the BJS National Crime Victimization Survey. The NCVS gathers data about crimes using an ongoing, nationally representative sample of households in the United States. NCVS data include information about crime victims (age, gender, race, ethnicity, marital status, income and educational level), criminal offenders (gender, race, approximate age, and victim-offender relations) and the nature of the crime

(for example, time and place of occurrence, use of weapons, nature of injury, and economic consequences).

S victimization data include incidents reported and not reported to police.

Between 1993 and 1998 approximately 293,400 households and 574,000 individuals age 12 or older were interviewed. For the NCVS data presented, response rates varied between 93% and 96% of eligible households, and between 89% and 92% of eligible individuals. The 1998 data presented in this report were collected during the calendar year being estimated. Data for 1993 to 1997 are based on crimes occurring during the year.

Because the NCVS samples households, it does not capture the experiences of homeless individuals or those

Appendix table 1. Average annual number and percentage of series and nonseries violent victimizations, 1993-98

Type of crime	Number of victimizations			Percent of victimizations		
	Total	Nonseries	Series	Total	Nonseries	Series
Violent victimizations	10,098,820	9,493,160	605,770	100%	94%	6%
Rape/sexual assault	394,600	368,430	26,170	100	93	7
Robbery	1,142,380	1,111,500	30,880	100	97	3
Aggravated assault	2,167,920	2,063,920	104,000	100	95	5
Simple assault	6,394,030	5,949,310	444,721	100	93	7
Intimate partner violence						
Female victims	937,490	835,850	101,630	100%	89%	11%
Male victims	144,620	132,030	12,600	100	91	9

living in institutional settings such as homeless or battered persons' shelters. The experiences and estimates of intimate partner violence in this report reflect those of the individuals residing in households.

The exact impact of this sampling limitation is unknown. Several studies

estimate the impact that intimate partner violence has on homelessness or on residing in shelters for homeless or battered persons. One study suggested that 50% of homeless women and children became homeless after fleeing abuse (Zorza, 1991). A 1998 study conducted in 10 cities in the United States estimated that of 777 homeless parents (most of whom were mothers) 22% stated they left their previous home due to intimate partner violence (*Homes for the Homeless*, 1998). A survey by the U.S. Conference of Mayors suggested that 46% felt that intimate partner violence was a primary cause of homelessness (U.S. Conference of Mayors, 1998).

Standard error computations for NCVS estimates

Comparisons of percentages and rates in this report were tested to determine if differences were statistically significant. Differences described in the text as higher, lower, or different and changes over time characterized as having increased or decreased passed a hypothesis test at the .05 level of statistical significance (95% confidence level). That is, the tested difference in the estimates was greater than twice the standard error of that difference. For comparisons which were statistically significant at the .10 level of statistical significance (90% confidence level), the terms somewhat different, marginally different or slight difference is used to note the nature of the difference.

Caution is required when comparing estimates not explicitly discussed in the text. What may appear to be large

Definitions of Intimate partner

Intimate partner relationships involve current spouses, former spouses, current boy/girlfriends or former boy/girlfriends. Individuals involved in an intimate partner relationship may be of the same gender. The FBI does not report former boy/girlfriends in categories separate from current boy/girlfriends. Rather, they are included in the boy/girlfriend category during the data collection process.

The FBI, through the Supplementary Homicide Reports (SHR), and BJS, using the NCVS, gather information about the victim's and offender's relationship, using different relationship categories. In this report responses to the victim-offender question from both datasets are collapsed into four relationship groups: intimate, friend/acquaintance, other family, and stranger. These groups are created from the following original response categories:

	NCVS categories	SHR categories
Intimate	Spouse Ex-spouse Boyfriend/girlfriend/ Ex-girlfriend/ex-boyfriend	Husband/wife Common-law husband or wife Ex-husband/ex-wife Boyfriend/girlfriend Homosexual relationship
Friend/ acquaintance	Friend/ex-friend Roommate/boarder Schoolmate Neighbor Someone at work/customer Other non-relative	Acquaintance Friend Neighbor Employee Employer Other known
Other family	Parent or step parent Own child or stepchild Brother/sister Other relative	Mother/father Son/daughter Brother/sister In-law Stepfather/stepmother Stepson/stepdaughter Other family
Stranger	Stranger Known by sight only	Stranger

differences may not test as statistically significant at the 95% or the 90% confidence level. Significance testing calculations were conducted at the Bureau of Justice Statistics using statistical programs developed specifically for the NCVS by the U.S. Bureau of the Census. These programs take into consideration many aspects of the complex NCVS sample design when calculating generalized variance estimates.

FBI homicide data

Homicide data presented in this report are collected by the FBI, under the Supplementary Homicide Reports (SHR) of the Uniform Crime Reporting Program (UCR). The homicide data provide incident-level data on about 92% of the homicides in the United States, including the victim and offender relationship.

Definitions

An important consideration in generating intimate partner violence estimates using NCVS data is the treatment of series data. Series data are defined as six or more incidents similar in nature, for which the victim is unable to furnish details of each incident separately. Because no information for each incident is available, information on the most recent incident in the series is collected. Generally, series victimizations represent 6%-7% of all

violent victimizations recorded by the NCVS, though some variation exists among the types of crime and victim characteristics (appendix table 1).

Series crimes are problematic in estimation because how or whether these victimizations should be combined with the other crime incidents is unclear. BJS continues to study how these types of victimizations should be handled in our published estimates. Currently, series victimizations are excluded from the annual BJS estimates but included in Special Reports. In addition, series data are included for analyses where repeat victimization is an important aspect of the subject being analyzed. This report includes series victimizations in estimation of intimate partner violence, counting a series as one victimization.

Violent acts covered in this report include murder, rape, sexual assault, robbery, aggravated and simple assault. Definitions used in this report are as follows:

- Murder and non-negligent manslaughter is defined as the willful killing of one human being by another.
- Rape is the forced sexual intercourse including both psychological coercion and physical force. Forced sexual intercourse means vaginal, anal or oral penetration by the offender(s). This category includes incidents where the penetration is from a foreign object such as a bottle. Also included are attempted rapes, male and female victims, and heterosexual and homosexual rape.
- Sexual assault covers a wide range of victimizations, distinct from rape or attempted rape. These crimes include completed or attempted attacks generally involving unwanted sexual contact between the victim and offender. Sexual assaults may or may not involve force and include such things as grabbing or fondling. Sexual assault also includes verbal threats.

- Robbery is a completed or attempted theft directly from a person, of property or cash by force or threat of force, with or without a weapons, and with or without an injury.

- Aggravated assault is defined as a completed or attempted attack with a weapon, regardless of whether or not an injury occurred, and an attack without a weapon in which the victim is seriously injured.

- Simple assault is an attack without a weapon resulting either in no injury, minor injury (such as bruises, black eyes, cuts, scratches or swelling) or an undetermined injury requiring less than 2 days of hospitalization. Simple assaults also include attempted assaults without a weapon.

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Appendix table 2. Victim-offender relationship, by gender, 1993-98

Gender of victim and offender relationship	Rate of violent victimization						1998	1993-98
	1993	1994	1995	1996	1997			
Female victim								
Intimate partners	9.8	9.1	8.6	7.8	7.5		7.7*	8.4
Other relatives	3.3	2.9	2.2	3.0	2.4		2.7	2.8
Friends/acquaintances	17.1	16.7	15.2	14.5	14.1		12.5*	15.0
Stranger	15.4	16.8	13.2	11.8	10.7		9.5*	12.9
Male victim								
Intimate partners	1.6	1.7	1.1	1.4	1.0		1.5	1.4
Other relatives	1.6	2.2	2.0	1.3	1.5		2.0	1.8
Friends/acquaintances	23.0	21.5	19.3	19.1	18.9		17.2*	19.7
Stranger	36.8	38.2	33.8	29.2	26.6		24.9*	31.8

*The difference between 1993 and 1998 violent victimization rates is significant at the 95%-confidence level.

Source: BJS, National Crime Victimization Survey (NCVS), and FBI, Supplementary Homicide Reports (SHR), 1993-98.

Appendix table 4. Intimate partner violence, by age, 1993-98

Age of victim	Rate of nonlethal intimate partner violence (per 1,000 males and females)	
	Female	Male
12-15	2.5	0.6
16-19	17.4	1.7
20-24	21.3	2.4
25-34	15.5	2.6
35-49	8.1	1.5
50-64	1.5	0.4
65 or older	0.2	-

The difference between male and female intimate partner violence rates is significant at the 95%-confidence level for every age group except 65 or older. No difference between intimate partner violence rates of men and women emerged for this older group.

--Based on 10 or fewer sample cases.

Appendix table 5. Intimate partner violence, by household income, 1993-98

Household income of victim	Rate of nonlethal intimate partner violence (per 1,000 males and females)	
	Female	Male
Less than \$7,500	20.3	2.6
\$7,500 to \$14,999	12.3	1.3
\$15,000 to \$24,999	10.1	2.0
\$25,000 to \$34,999	7.8	1.7
\$35,000 to \$49,999	6.3	1.0
\$50,000 to \$74,999	4.5	1.2
\$75,000 or more	3.3	0.9

Note: The difference between male and female intimate partner violence rates is significant at the 95%-confidence level for every income category shown.

Appendix table 3. Intimate partner violence, by race and ethnicity, 1993-98

Victims	Rate of nonlethal intimate partner violence (per 1,000 males and females)	
	Female victims	Male victims
Race		
White	8.2	1.3
Black	11.1	2.1
Other race*	4.1	-
Ethnicity		
Hispanic*	7.7	1.3
Non-Hispanic	8.4	1.4

Note: The difference between male and female intimate partner violence rates is significant at the 95%-confidence level for each race and ethnicity shown. Female intimate partner violence rates among races differ at the 95% level. No difference between Hispanic and non-Hispanic rates emerged. Male intimate partner violence rates differed at the 95%-confidence level between whites and blacks and between blacks and persons of other races. No difference in the rates for white males and other race males emerged.

--Based on 10 or fewer sample cases.

*Denotes Asians, Native Hawaiians, other Pacific Islanders, Alaska Natives, and American Indians.

*Hispanic or Latino persons could be of any race.

Appendix table 6. Reporting intimate partner violence, by marital status, 1993-98

Victim's marital status	Rate of nonlethal intimate violence (per 1,000 persons)	
	Female	Male
Divorced/separated	31.9	6.2*
Never married	11.3	1.6*
Married	2.6	0.5*
Widowed	0.6	-

--Based on 10 or fewer sample cases.

*The difference between male and female rates of intimate partner violence is significant at the 95%-confidence level.

Appendix table 7. Intimate partner violence, by urbanization and housing, 1993-98

Area in which victim lives	Rate of nonlethal intimate partner violence (per 1,000 males and females)	
	Female	Male
Home owned	4.8	1
Home rented	16.2	2.2
Urban	9.5	1.6
Suburban	7.8	1.4
Rural	8.1	1.1

Note: The difference in male and female intimate partner violence victimization rates for each housing category is significant at the 95% confidence level. Among females, intimate partner violence rates differ at the 95% confidence level between urban and suburban areas and at the 90% confidence level between urban and rural areas. Among males, rural rates differed significantly from urban rates.

Appendix table 8. Reporting intimate partner violence to police, by race and ethnicity, 1993-98

Victim	Female			Male		
	Number reported	Number of victims	Percent	Number reported	Number of victims	Percent
Total	498,210	937,490	53%	67,110	144,620	46%
White	384,030	763,100	50%	53,080	116,830	45%
Black	105,720	157,480	67*	11,910	24,780	48
Other	8,470	16,800	50	—	—	—
Hispanic	50,650	78,390	65%*	6,010	12,470	48%
Non-Hispanic	447,470	847,210	52	58,710	129,060	45

—Based on 10 or fewer sample cases.

*The difference in male and female percentages is significant at the 95% confidence level.

Appendix table 9. Resident population of the United States age 12 or older, by gender, 1993-98

	Populations used to calculate victimization rates					
	1993	1994	1995	1996	1997	1998
Total	211,524,770	213,747,270	215,709,450	217,967,370	220,493,520	221,880,960
Female	109,176,670	110,378,010	111,440,640	112,490,440	113,540,360	114,285,430
Male	102,348,090	103,369,260	104,268,820	105,476,930	106,893,170	107,595,530

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Special Reports address a specific topic in depth from one or more datasets that cover many topics.

Callie Marie Rennison, Ph.D., and Sarah Welchans wrote this report. Cathy Maston provided statistical review. Tina Dorsey produced and edited the report under the supervision of Tom Hester. Jayne Robinson prepared the report for final publication.

May 2000, NCJ 178247

The primary source of data for tables presented in this report is the National Crime Victimization Survey (NCVS). Data for lethal violence or homicide were collected by the FBI, under the Supplementary Homicide Reports (SHR) of the Uniform Crime Reporting Program (UCR).

The archive may also be accessed through the BJS website, where the report, data, and supporting documentation are available:
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May 17, 2000

Domestic Violence on Decline

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Filed at 9:00 a.m. EDT**By The Associated Press**

WASHINGTON (AP) -- The rate at which women were attacked or threatened with violence by husbands and boyfriends declined 21 percent during the mid-1990s, and the number of men murdered by wives or girlfriends plunged 60 percent from 1976 through 1998, the Justice Department reported today.

In a report on "Intimate Partner Violence," the department's Bureau of Justice Statistics described a widespread decline, with a few exceptions, in both lethal and nonlethal violence among husbands and wives, boyfriends and girlfriends that mirrors the general decline in serious crimes nationwide since 1992.

For murder by spouses, the decline began even earlier -- in the 1970s.

"We have made significant increases in providing shelters, hot lines and restraining orders to protect battered spouses and mandatory arrest for domestic violence incidents," said Professor James Alan Fox of Northeastern University in Boston. "And the largest beneficiaries have been men. The biggest drop is in women killing husbands.

"We've given wives alternatives to feeling like they have to pick up a loaded gun to kill their loaded husbands," Fox said. "Divorce is easier."

The number of intimate partner homicides has declined substantially since 1976 for every race and gender group except white women, the bureau said, citing FBI data on homicides. Intimate partners

committed fewer murders each year during 1996, 1997 and 1998 than in any other year since 1976.

In 1998, 1,320 women were murdered by intimates, but only 510 men. In 1976, women had accounted for just over half of the 3,000 men and women killed by intimates.

For black men, intimate murders declined by 74 percent from 1976 through 1998. For black women, the number of murders was down 45 percent. For white men, it declined 44 percent.

“White females represent the only category of victims for whom intimate partner homicide has not decreased substantially since 1976,” the bureau said. Between 1976 and 1993, the number of white women killed by intimate partners was fairly stable, usually rising slightly, but such murders declined by 23 percent between 1993 and 1997. Then in 1998, they shot up 8 percent, leaving the total 3 percent above the 1976 figure.

But, citing interviews with crime victims, the bureau said black women were far more likely to report such violence to police than white women -- 67 percent of the time for black women, compared with 50 percent for white women.

Overall, the percentage of women who reported intimate violence to police rose from 48 percent in 1993 to 59 percent in 1998. Among men, 46 percent reported intimate violence to the police, with next-to-no difference between races.

Counting both deadly and lesser violence and threats of violence, attacks on women by intimate partners fell from 1.1 million in 1993 to 876,340 in 1998. This decline sent the rate of violent victimization for women by partners down from 9.8 attacks per 1,000 women per year to 7.7 attacks.

The rate at which men were attacked by wives or girlfriends remained stable during this period, but at the much lower level of 1.5 attacks per 1,000 men in 1998. That translated to 160,000 attacks on men in both 1993 and 1998.

Even with the decline in such attacks on women, they remained five times more likely than men to be attacked by intimate partners.

Two-thirds of all intimate attacks were simple assaults, the least serious form of violence studied.

Between 1993 and 1998, the highest rate of intimate victimization was among women aged 16 to 24 -- 19.6 attacks per 1,000 women per year. The peak rate for men was three per 1,000 men aged 25 to 34.

Two-thirds of the victims of both sexes were actually attacked; the remainder were victims of threats of violence or attempted violence.

Fifty percent of the female victims were injured, compared with 32 percent of the men. About 40 percent of the injured victims of both sexes sought medical treatment.

The report defined intimates as current or former spouses, boyfriends or girlfriends, including incidents where both victim and attacker were of the same sex.

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May 18, 2000

Study Shows a Racial Divide in Domestic Violence Cases

By FOX BUTTERFIELD

Confirming a longstanding trend in crime and society, a new Justice Department study released yesterday shows a sharp drop in domestic murders, particularly the killings of black men by their black women partners, which fell 74 percent over the last two decades.

But the report also underscored how the face of domestic violence in America has changed.

Even as the number of black victims has fallen, the number of white women killed by their husbands and boyfriends in fact rose slightly, to 876 in 1998 from 849 in 1976.

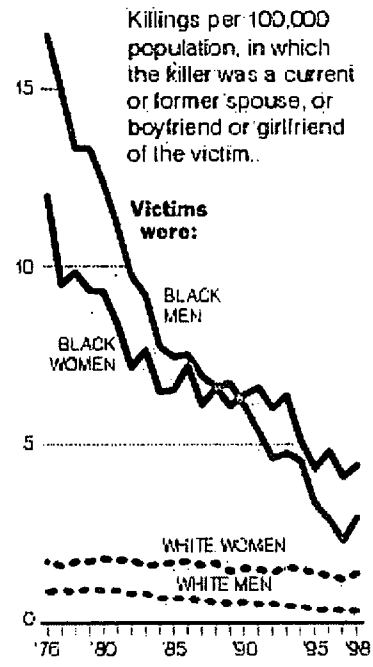
The report itself did not address the reasons for this discrepancy and many experts expressed puzzlement over it.

But some criminologists and women's advocates said the explanation may be that black women traditionally were much more likely to be victims of domestic homicide than white women, so that the legal, social and economic changes of recent years have helped black women more than white women.

Paradoxically, white women pushed most visibly for tougher laws against domestic violence and for shelters for abused women.

BY THE NUMBERS

A Sharp Fall in Rate of Some Domestic Killings



Source: James Alan Fox, Northeastern University

The New York Times

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Despite the decline, black women in 1998 were still victims of domestic killings at a rate of 4.5 per 100,000, compared with 1.75 per 100,000 for white women, said James Alan Fox, the Lipman professor of criminal justice at Northeastern University.

In addition, said Elizabeth M. Schneider, a professor at Brooklyn Law School, because men often tend to kill their partners when their wife or girlfriend is leaving the relationship, "to the degree that white women have more acts of separation or independence, this may trigger more partner violence among white men."

But Professor Schneider said, "I am still surprised that the decrease in black women as victims of partner homicides is so big," since black women have been more reluctant than their white counterparts to use the new laws against domestic violence and have their partners arrested. Professor Schneider wrote a book on the subject, "Battered Women and Feminist Lawmaking," to be published this fall by Yale University Press.

Another factor, several criminologists said, is that black men have been disproportionately jailed and imprisoned, taking them out of their homes, therefore making it less likely that they will either kill their partners or be killed in domestic quarrels.

Over all, the new report found, the number of people killed by their intimate partners declined to 1,830 in 1998 from about 3,000 in 1976.

The biggest beneficiary of the decrease was black men, with the number of black men killed by intimate partners falling 74 percent in the last two decades. The number of black women killed by their partners dropped 45 percent in the same period and the number of white men killed by their partners declined 44 percent. The number of white women killed by their partners rose 3 percent.

The number of white women killed by their partners actually declined from 1993 to 1997, but rose again in 1998 to help account for the long term 3 percent increase, said Professor Fox. Whether the 1998 figure was an anomaly or the start of an upward trend is unclear, he said. The increase in white women killed by their partners was largely among women living with boyfriends rather than husbands, Professor Fox said. Because more couples are living together rather than getting married, he said, this increase could continue.

Beyond killings, the report found, the number of women who were victims of nonlethal domestic violence dropped by 21 percent from 1993 to 1998, to 876,340 women victims from 1.1 million.

The report was published by the Bureau of Justice Statistics, the

statistical branch of the Justice Department.

Richard Rosenfeld, a professor of criminology at the University of Missouri at St. Louis, said there were several factors behind the decline in domestic homicide. One is changes in living arrangements, with fewer people getting and staying married, or even living together for long periods of time, which means less opportunity for killing.

A second factor, Professor Rosenfeld said, is the panoply of changes to help battered women, including new restraining laws, quicker arrests of batterers, shelters and support groups. Laura Dugan, an assistant professor of criminal justice at Georgia State University, said she had found in a large-scale study that as cities created more legal advocacy services against domestic violence, fewer men were being killed by their wives, though the same did not hold true for women.

"Basically, we think that legal advocacy gives women access to the criminal justice system, so women in abusive relationships have an out, and can get protection and don't need to kill to get out of a relationship," Professor Dugan said. But men, she said, tend to kill in a fit of rage or jealousy, so the new legal services for women are not as successful in preventing men from killing their partners.

Alfred Blumstein, a professor of criminology at Carnegie Mellon University, put it another way: "When men kill their partners, it is probably an unintended escalation of a quarrel. But when a woman kills her partner, it is more likely she sees it as a last resort to an unacceptable situation."

A third factor widely cited by experts has been the improved economic status of women, especially black women, who have more college education than black men and can find better jobs now, so they can be more independent and get out of dangerous relationships.

Still another factor, Professor Rosenfeld said, is the enormous incarceration rate of black men -- four times higher than it was in 1976.

The sum of these legal, social and economic changes have been so powerful that they have reversed the pre-1976 pattern in which black women actually killed their male partners more often than black men killed their wives or girlfriends, Professor Dugan said.

But Sue Osthoff, the director of the National Clearinghouse for the Defense of Battered Women in Philadelphia, said she was concerned that the very progress society has made in giving women more resources to leave bad relationships "may have inadvertently put

women at greater risk." This might explain why the rate of white women being killed by their partners has not dropped, she suggested.

"People don't understand what battering is really about," Ms. Osthoff said. "It is about controlling somebody.

So when a woman leaves, that is a threat to the man, and some men say, 'If I can't have her, nobody will.' That makes leaving the most dangerous time."

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Provision	Administration Bill	Conyers - H.R. 357	Biden - S. 51	Hatch - S. 245
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Expanded Definition of DV		yes	yes		
STOP Grants	yes; reauth for 5 years (S3001)(188.75, such sums)	yes -- reauth for 5 years	yes - reauth only for 3 years (184, 185, 186M)	yes -reauth only for 3 years	
Role of the Courts: courts as eligible STOP Grantees	yes (S3002)		yes (S102)		
National Domestic Violence Hotline	yes --reauth for 5 years	yes -reauth for 5 years	yes -reauth only for 3 years	yes -reauth only for 3 years	
Battered Women's Shelters	yes-reuth for 5	yes -reauth for 5 years	yes-reauth only for 3 years	yes-reauth only for 3 years	
Grants for Community Initiatives	yes --reauth for 5 years	yes -reauth for 5 years	yes -reauth only for 3 years	yes -reauth only for 3 years	
Education & Training for Judges	yes --reauth for 5 years (S3002)	yes	yes -reauth only for 3 years		
Grants to Encourage Arrests	yes (S3003); reauth for 5 years (34M, such sums)	yes	yes -reauth only for 3 years(64, 65, 66M)	yes - reauth only for 3 years	
Rural DV & Child Abuse	yes (S3004); reauth for 5 years (25M, such sums)	yes	yes (S108) -reauth only for 3 years (34, 35, 36M)	yes -reauth only for 3 years	

DRAFT 4-20-99

Provision	Administration Bill	Conyers - H.R. 357	Biden - S. 51	Hatch - S. 245
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National Stalker & DV Reduction		yes	yes -reauth only for 3 years	yes -reauth only for 3 years	
Federal Victims' Counselors		yes	yes -reauth only for 3 years	yes -reauth only for 3 years	
Runaway & Homeless Youth		yes	yes -reauth only for 3 years	yes- reauth only for 3 years	
Victims of Child Abuse Programs		yes	yes -reauth only for 3 years	yes -reauth only for 3 years	
Safe Havens for Children		yes	yes -reauth only for 3 years		
Date Rape Drug Rescheduling		yes	yes -more limited version		
should try to add: Access to Safety and Advocacy for Victims of Sexual Assault (Legal services): makes grants available to enhance safety and justice for victims of sexual violence through access to the justice system and improved legal advocacy and representation (Title III, Subtitle G)		yes (similar to Civil Legal Assistance Grant in Admin bill & Biden bill)	yes-same as Admin bill) S201		

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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001. note	re: VAWA meeting (3 pages)	05/23	P5
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COLLECTION:

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

FOLDER TITLE:

VAWA [Violence Against Women Act] [Binder] [2]

2012-0254-S

rc686

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]

FDCH TRANSCRIPTS
Federal Agency
May 17, 2000

Attorney General Janet Reno Holds News Conference with Senator
Biden on The Violence against Women Act
LIST OF SPEAKERS

BIDEN:

We're all pleased to be here today because we have some good news to announce. And in a moment I'm going to ask the attorney general to give you that news.

One of the things that is clear is that the collective efforts of the House and Senate, over the last several years, in passage of the Violence Against Women Act has had a very positive impact on the lives of women in this country, and it has had an impact on bringing violence against women down, violence perpetrated by those who are -- what most people refer to as significant others -- former boyfriends, boyfriends, husbands, former husbands, et cetera, and it's good news.

But as you'll hear from the statistics, there is also a lot more to be done. And we have a secondary purpose in being here and that is to push for the reauthorization of not only the Violence Against Women Act, but the so-called Violence Against Women II Act. We have strengthened the Violence Against Women Act based on the knowledge we've had of its functioning for the last five years in several significant ways.

One, we provide for civil legal assistance grants that would create a grant program to help victims of domestic violence and stalking and sexual assault, who need legal assistance in the courts. Secondly, we provide, in this improved Violence Against Women Act, improvements in what they call -- we call the full faith and credit enforcement of protection orders. That's an order that a man is given to stay away from the woman he has abused or has been harassing. And we strengthened the ability of the courts to hold men accountable who violate those orders.

We also provide for -- we found that although we provided for shelter for tens of thousands of women in the last five years, emergency shelter, that there's need for help in transition to housing. So that they're only able to stay in the shelters, which are now some beautiful and safe and accommodating their children as well as the women who is fleeing the abusive circumstance, but now we've realized that we should do more and provide for assistance in getting apartments, assistance in getting better living conditions in housing once they transition from the shelter.

And we also provide in this legislation -- the new legislation, a safe haven for children which is one of the

reasons why women continue to place themselves at risk because they find themselves in an environment where they either don't have the financial wherewithal or the physical wherewithal to leave and adequately take care of their children.

But there's much more that can be said about that. The bottom line is this: What we did in the Violence Against Women Act worked. It must be continued, and it must be strengthened.

Now, I'd like to give you the attorney general of the United States, who will give you more detail on the statistics that demonstrate the progress we have made.

General?

RENO:

Thank you, Senator Biden. Senator Schumer, Representatives Conyers, Morella and Baldwin, thank you for your leadership in combating violence against women. I'd also like to thank Bonnie Campbell (ph) for the important work she has done as the director of the Violence Against Women Office.

We're here today to express our support for legislation that will re-authorize the Violence Against Women Act and make improvements to the statute that Senator Biden has described. In 1994, Congress sent a very 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 the act.

This morning, the Bureau of 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 percent from 1993 to 1998. However, the study tells us that violence still devastates too many lives, too many women, families, children.

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

We must continue our efforts by police, by prosecutors, by physicians, by judges, by advocates, by community leaders. And here in Washington, 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 still victims of domestic violence, sexual assault or 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 the community-based efforts that have

been so instrumental in turning the tide; that strengthens federal criminal enforcement, and protects all victims, including battered immigrant women, Native American women, and those in dating relationships.

RENO:

Now, as you know, on Monday, the Supreme Court, in the United States versus Morrison, invalidated one aspect of the act: the federal civil suit remedy for victims of gender motivated violence. I'm deeply disappointed by the court's ruling, but that decision does not affect the other important aspects of the Violence Against Women Act, including our responsibility to implement the criminal provisions of the act. Nor does it affect Congress' authority to reauthorize and improve VAWA.

I urge Congress to take prompt action to get this act passed, to end violence against women, and more importantly, as I have said on a number of occasions, unless we end violence in the home, unless we end violence that destroys families, we will never end it on the streets and in the schools of our communities.

We have a chance, with crime down eight years in a row, with this record in terms of violence against women, to turn this nation around. And for once and for all to end the culture of violence. But it is going to require renewed determination, the renewal of this act, and all of us working together across the country to make this difference. I think we can.

BIDEN:

What I'd like to do is -- and this is a dangerous thing for a senator to do, and that is allocate who speaks and not next. So, I'm not going to pretend to do that. I am going to recognize the first person and let who ever is up here recognize the next person. So, I don't have the responsibility.

But let me -- and let me say, I'm going to introduce next, a former House member, not just because he's in the Senate now, but because when I wrote this legislation, eight years ago, the fellow who -- actually, now it's 13 years ago -- the fellow who carried it is the principal sponsor on the Senate side, when Barbara Boxer got elected -- she was the original sponsor of it on the House side -- was Chuck Schumer.

And I expect Chuck and Chuck expects me to make sure that we get this second Violence Against Women Act passed in the Senate side. And then, I suggest we probably would go to the chairman of the -- hopefully, the next chairman of the Judiciary Committee, John Conyers. And then, hear from the rest of the House members as well.

But Chuck, do you want to say anything?

SCHUMER:

Thank you. Thank you, Joe, and I want to thank you for your leadership and the attorney general for her great leadership and all of my colleagues as we've worked together on this.

You know, we're here today because we have new crime statistics that show that domestic violence has declined, but that among young women, domestic violence continues to rise and menace society, and that's a terribly disturbing trend.

We're not just here to complain about it. We're also here to make a push to quickly pass VAWA II so we can continue to build on the progress we have made thus far to reduce domestic violence.

As recently as 1994, domestic violence against women was treated as second-class crime, if it was treated as a crime at all. It was hidden behind closed doors. It was swept under the rug. Women would arrive at police stations, bloodied, black and blue, and the police officer, not through any malice, but because the issue had not been given any teeth or any prominence, would say, Go home, this is a domestic matter, work this out with your husband, with your family.

Well, all that changed, frankly, due to the persistence of one man, Joe Biden. And we passed the Violence Against Women Act and the crime bill. Joe stood firm. It was a revolutionary bill at the time. And many in Congress -- you may remember those of us who were there, John and Nita and everybody, argued that it was unnecessary.

SCHUMER:

They said violence in the home was over-blown. But in conference, Joe Biden in the House -- Joe Biden, and in the House, Pat Schroeder, in particular, who's not here anymore -- she's a New Yorker, I'm proud to say -- refused to back down and VAWA made it into the final bill over strenuous objections.

It did many important things, VAWA did. I, every week, meet somebody who knows of a shelter that's been built due to VAWA, or police education and law enforcement education that's occurred that has made their lives better. This is a quiet act that's done so much good, and over there in the Supreme Court they can try to overturn it bit by bit. Fortunately, the part that they knocked out this time isn't essential to all of VAWA. We worry about the precedent, but we will be back and back and back again.

I just want to mention one little provision in the bill that I think shows you the need for the bill. It was the hotline. We put in an 800 number -- I remember discussing this with Joe -- that battered women could call to get confidential advice, and, if need be, a referral to the closest shelter or the name of a lawyer who specializes in domestic violence cases. We didn't even have that much money to advertise the phone number.

And so we thought that the hotline would receive maybe 100 calls a week at most. It had an immediate impact. So far, half a million women have called this hotline. It receives not a 100 calls a week but 250 calls a day from women, many in urgent and desperate need of help. And now, nobody says violence in the home is over-blown.

Today's numbers show we've made progress. Domestic violence, though, is still an epidemic that plagues America. And for those who still face terror in their own homes, VAWA gives women a place to turn, a number to call, a shelter to find sanctuary, a justice system more attuned to the crime of domestic violence.

I'm proud to join Senator Biden, Attorney General Reno, Ranking Member, soon to be Chairman, we hope, Conyers and all of my colleagues who have done such a great job on this issue. We're going to keep fighting till VAWA II passes.

CONYERS:

Thank you very much. Thank you very much, Chuck and Joe.

CONYERS:

The attorney general, I think, deserves a lot of credit, along with all of my colleagues, that are here, because we're not letting the success that we enjoyed in this matter stop.

You know, last month in Detroit, I had a town hall meeting on violence against women and children, and I had no idea how this network has grown to include prosecutors, judges, police, service delivers, people that ran shelters, the hotline people were all there, including the people who were the victims. And it was an inspiring three-hour town hall meeting in which we really agreed that we have to continue the funding for violence against women, which runs out in October, and that we have to begin to reap the experience that we know that we can even do better.

There's a couple of statistics that I need to share with you: one, that there is an incredibly higher rate of violence that is being suffered by women of color, namely 35 percent more.

And that, two, the violence that is the highest in age category is between 16 and 24. And that's why leaving out -- explicitly leaving out, in the House version that's going to the full committee, the references to dating and related activity is a serious, serious omission. We want to keep the bill strong; we don't want to start weakening it ahead of time.

And also, we need to make sure that we have the support for those programs across the state that give full faith and credit to out-of-state decrees. There are some states that have a practice of requiring that it be registered in the court before the case is brought, which of course tips off the batterer. We want to have a full faith and credit provision in Violence Against Women that makes it clear that we will not give any

advance signals to anybody.

Let's try to keep this bipartisan. We're hoping that our Republican colleagues will follow Connie Morella and others in making sure that this is a real success story in the criminal justice system.

We've done well. We celebrate the 21 percent reduction. But we know that there are more things that we need to do.

CONYERS:

Thank you very much.

I mentioned Connie Morella, so that's the proof.

MORELLA:

Thank you, I appreciate that.

Actually, I'm delighted to be here with our attorney general and our two august senators and John Conyers, the ranking member, my colleagues: Lowey, Weiner, Baldwin, our woman who is always there for us in terms of domestic violence issues, and all of you here.

For many American women, being -- more dangerous than being out in the dark street alone at night, is being home alone. Home alone with a partner, an intimate partner, spouse, a significant other. And we all know the statistics. We all know that, in 1994, when we passed that Violence Against Women Act and we had strong support, bipartisan support, and over on the Senate, helping Senator Biden was Senator Hatch. I remember he came over and spoke to the Republican conference at the time about the need for this bill. It has worked.

As has been mentioned, we now have about 13,000 calls a month for the hotline, which is 139 languages, around the clock, and toll free. And we have other hotlines throughout the nation that are connected to it, too. We've had judicial training. We've had some health parts of it, safety, education, certainly shelters, where we've had more shelters for animals than we've had for battered women and their children. It has made a difference.

This is the time now for the reauthorization. We had a hearing on the Subcommittee of Judiciary, and it did pass the first round. It will go to the full committee and then to the floor, and then to the Senate where there may be a couple of points that have been mentioned that will be added.

I am pleased to see that the statistics that are being released today by the Department of Justice, the statistical analysis says that the intimate partner attacks have been reduced by 21 percent over that five year period. I think that is encouraging. And 22 percent of the attacks have been by intimate partners. So, it shows that domestic violence is still there.

Also, as has been mentioned, the prevalence of young women from 16 to 24 that have been victims of domestic violence is something we need to look at.

I hope that we will present some strategies at some point to be able to include, as was in the bill that I introduced, 1248 -- to include the dating partners as part of that definition.

And again, as I say, I hope that we're going to move even beyond this with the Violence Against Women Act II, but right now, first things first. It works, it needs to be reauthorized. We can't let funding run out. We need to increase the amount of funding. And I think together we can make a difference.

So, I'm pleased to be here. And I don't know who the next in line would be -- whether we do it in terms of the time they come or seniority.

I think I should let John decide.

CONYERS:

OK, I'm happy to present...

MORELLA:

Since I'm the one who makes it bipartisan.

(LAUGHTER)

CONYERS:

I'm happy to present a distinguished member of our committee, from the Judiciary, who is in her first term, has done a wonderful job. She works on the subcommittee, from Wisconsin.

Please.

BALDWIN:

Thank you, Mr. Conyers.

I'm Tammy Baldwin, I come from the state of Wisconsin, and I am delighted to have an opportunity to work on both the reauthorization of the Violence Against Women Act, as well as the longer effort to expand the protections for women across the United States.

I'm also a veteran of public service, having started out in county politics and then state-level politics. And I remember the days in the early '80s, the mid-'80s, the late '80s when domestic abuse shelters and agencies and sexual assault service agencies were holding bake sales and potluck fund-raisers to do the vitally important work that they do.

BALDWIN:

And I am so delighted that this Congress, in 1994, had the vision to do something that sent -- has had very far-reaching consequences. The Bureau of Justice Statistics report that was released today contains some of that encouraging news, that overall violence against women has declined in the recent years.

I credit VAWA for that, and the local and state groups across this country that have supported programs over the last six years.

But we also can't ignore the ominous news that came out of that Bureau of Justice Statistics report. Of particular concern, as you've heard, is that women between the ages of 16 and 24 experience the highest rates of violence committed by intimate partners.

As someone who represents a highly populated university community, 40,000 students at my largest university, all between these ages, we recognized how important this is.

Youthful bullies, many of whom experience domestic violence as children in their own homes, are growing up to batter their girlfriends and going on to beat their wives. We must reauthorize VAWA this year, and it must include provisions to combat dating violence. It would be unconscionable to turn our backs on young women in need by only allowing VAWA programs to assist live-in or married partners. We have the best chance to stop the cycle of violence if we help women before they live with their abuser and if we help men before violence is ingrained into their behavior.

We can end the cycle of domestic violence that plagues America, and we must make real efforts to combat sexual assault. Reauthorizing a strong version of VAWA, that includes all aspects of domestic violence and sexual assault, is our best hope to do so.

And I would now like to turn it back to the chairman -- or the future chairman, Mr. Conyers.

(CROSSTALK)

CONYERS:

All right, Nita Lowey.

LOWEY:

Thank you, Mr. Future Chairman.

I am honored and privileged to be here with our great attorney general, Janet Reno; with Senator Schumer, Senator Biden, who've been such leaders on this issue; my colleagues.

And I remember, Connie, the battles we had when Connie and I

were the bipartisan head of the congressional caucus on women's issues. I remember walking into the Committee on Labor, Health, Human Services, Education, and I looked at that budget. And we thought we were getting \$60 million for those programs, for battered shelters, and I saw \$1 million in the budget. And I remember saying to the then chairman, Oh, that's interesting. We're going to fund the hotline, which was the only thing that was funded, and then when the women would call, we'd say, Sorry, there's no room at the shelters. There's no room for any help, but you've gotten the hotline. Well, it didn't work.

And the caucus went to work and in a bipartisan way, we got money there, and we got money in Commerce, Justice, State for these programs. And frankly, Connie, I think the next year they didn't even challenge us, because they knew there was strong support on both sides of the aisle and strong support in the Senate and the House for the dollars.

And we understand and the women who are out there understand that there's so much more work to do.

I also remember in the '70s, when I was working at the state level, and we were doing hearings around the state on these issues. And I remember so clearly, a woman coming before our committee, telling a story about how the police came to her house and she was clearly abused, with a black eye and bruised all over, and they kind of looked at the husband and looked at her, and said, What's the matter? You're not making dinner for your spouse?

It -- the ignorance was clear. And we know this may have been the exception, but the education programs that are in place now do make a difference. And I think law enforcement does understand what domestic violence is all about.

LOWEY:

And that probably is one of our greatest strengths and one of our greatest successes is the education that has been done by the Department of Justice and other institutions and other non-for-profit groups that are really helping.

I also remember very well my trips to the hospitals. When you look at the emergency room, the majority of the women that were being treated there were victims of domestic violence. It is real.

I also can recall at the beginning, our meetings with business groups who've become our partners who have funded programs to assist women, who are there to make sure women have escorts.

And I also remember visits to many battered women shelters. And I kept saying to myself, Why are the women there? We have to do better at locking these guys up and making clear that they are the perpetrators and the women shouldn't have to leave the home.

So, let us just say this: that we all understand the seriousness of gender-based violence, but especially given the shame and sounds of many victims, there is so much more we have to do.

And I look forward to working with my colleagues, working with our outstanding chairs and members of the committee and all the committees that are involved to continue our fight this year, for the reauthorization, the appropriations process, to make sure that we are continuing to educate, continuing to fund battered women shelters, continuing to realize how very serious and pervasive this problem is.

And I want to thank you again, for your leadership, Senator.

CONYERS:

Thank you.

Anthony Weiner, New York.

WEINER:

Thank you.

I'm Anthony Weiner, W-E-I-N-E-R, and I just want to join in thanking my colleagues for their leadership.

You know, this is often characterized as a bill that is helpful to victims, and it is.

There was a time in New York City that it was easier to find a shelter for battered animals than it was to find one for battered women.

But this is also an issue that is pro-law enforcement. One of things that the funding for the Violence Against Women Act went to fund is sensitivity training and evidence collection training for police officers, for judges, for prosecutors, that has led to an increase in the number of successful prosecutions that we've had in New York City.

We've also seen an amendment that I offered to this year's bill, which would allow the funding to be used for sexual abuse nurse examiners in hospital emergency rooms, so evidence collection is done more carefully, so women are made to be at ease, they aren't put through the normal triage in an emergency room.

This is an opportunity for us to take a bill that is an unqualified success and extend it for a greater period of time.

There are many issues that, on Capitol Hill, emerge as partisan issues. I would hope that caring for women who are victims of domestic violence, especially in the construct of a

bill that has been so overwhelmingly successful, that this year we can push through some of that smoke and see the light to get this bill reauthorized.

And I want to thank the sponsors of the bill, and particularly Congresswoman Morella, who has been such a leader in her party on this issue -- on this effort.

Thank you.

BIDEN:

Thank you.

Let me -- we'll open to questions, but I want you to keep your eye on the ball here. Nobody, nobody in the United States Senate today will stand up on the floor and say they're against this bill. I challenge anyone in the United States Senate to say on the floor they're against this bill, but many still are against this bill. So keep your eye on the ball.

You know, that old joke they told about Willie Sutton, they said, Why'd you rob banks? He said, Because that's where the money is.

Keep your eye on the ball: money.

The so-called -- the trust fund which I set up when this was put together, this bill, a trust fund that says, that people who formerly work for the federal government who we didn't rehire, their pay check goes into a trust fund.

The reason why all this got funded, is not because of the prowess of me or anyone standing back here as appropriators, they can't get it done, I can't get it done. Is because there's a pot of money there that can't be spent for anything else, other than the crime bill.

And my friends who are telling me, they're for this legislation, I'm not talking about my colleagues behind me, thus far are refusing to reauthorize the trust fund. So keep you eye on the ball.

Anybody tells you they are for this legislation -- not that I should tell a reporter their job -- but ask them next, Will you support reauthorization of the trust fund? If they tell you no, then you know they are not for this legislation.

BIDEN:

It is hollow without the money.

And the second point that I want to make clear, that we may have unintentionally mislead you, violence against young women is up, but we do not -- we need special attention brought to that, but the operative feature in the implementation of the law is the

nature of the crime, not the age of the victim.

So if you are 18 years old and you are battered or beaten, you are subject to and have an opportunity to all the benefits that flow from this legislation; if you are 40, 60 or 12. But focusing on the need to focus on date rape and its associated violence is important, it's very important.

But, again, keep your eye on the ball, follow the money. If they do not give us the money it is a hollow, hollow promise. That's why it's worked.

Now, we'll be happy to answer any questions.

QUESTION:

Senator, what's the actual linkage between provisions in the bill and the decrease in the kinds of crimes that you talked about? Couldn't it just be the economy is working so well that there's less pressure in...

BIDEN:

I'll have the attorney general join me, but let me give you my view and my understanding, and the person who probably knows more about it than any of us is this woman here who has headed up the office.

I want you to focus on two things. The reason why crime is down is we had a little provision in the law that I got, quite frankly, from a county in the state of Washington nine years ago, and that is arrest on information.

The story that Nita told you about the woman being battered and the cop saying, "Why didn't you make dinner?" -- whoever told that story, now, in order to get any money for more policemen in their jurisdiction under the crime bill, they have to arrest on information. And that is, if it's obvious that you have been beaten and the man is in the proximity of that beaten woman, you must arrest.

For example, if you and I got in a fight right now, these cops wouldn't walk up and ask you, Do you want to press charges? They'd arrest us both. Yet, 10 years ago, if I turned around or a man turned around and smacked a woman on the corner over here and a cop saw, he'd walk up and say, Do you want to press charges? I'm 6'1", 182 pounds, and she looks at me and looks at the cop and goes, I don't know, I may -- I may want to think about that.

So arrest on information, more men are arrested, number one.

Number two, women are willing to come forward now, because in my state and many other states there's someone sitting in that emergency room, there is a public advocate sitting there, and there's doctors who have been trained.

My hospitals, I got them to take the money and train every single doctor in the emergency room what to look for. And what happens is, in my state and many others, the woman walks in and says, No, I ran into a doorjamb, that's all it was. And you have somebody walk up and say, No, Jane, you didn't run into a doorjamb and we can help you. I don't want to do anything. Here's an officer, I'm going to call right now:

Officer John Smith, a specific officer, not generically, specific officer, special unit, John Smith comes. And the John Smith says, We'll get Attorney General Shmedlap and a specific person in the DA's office, the attorney general's office, who will immediately go to court and get a stay-away order for you. We will put you in a car with a cop and take you to your home and protect you and get -- that's why it's down. That's why it's down. Men don't have as many places to hide and women have other options. That's why it's down.

This is a thousand little pieces that make the difference. As these women can tell you better than I can, when a woman walks into a family court or a court to have a charge, say, I want to have so-and- so arrested for beating me, what used to happen is you'd have an intake officer say, What, he did what to you? Huh? Tell me, speak up, lady, speak up. In my state we require every single person to go through training, and if anybody does that in my stake they get their rear ends fired.

We also trained our attorneys general -- in our state we don't have DAs, attorneys general -- that when you're questioning a person in court and you have the woman on the stand, interpose yourself between that woman and the defendant so the defendant can't glare at her.

BIDEN:

It used to be, as these women can tell you, you'd go into court and you're waiting for your day in court. And you're sitting there outside the courtroom and the guy's sitting right across from you. And he's not even looking at you, but he's looking at your sister and he's looking at your mother and he's communicating, You testify and I will have you.

Little tiny things. This is not rocket science. This is not rocket science.

So the reason crime's down is our states have done the little tiny things beyond the big things. And if they don't authorize it -- this takes money, this takes money -- and if they don't give us the money, it's a hollow promise.

MORELLA (?):

I just wanted to add and give you a specific instance. I am so proud of the office that's been set up by our Queens district attorney, Dick Brown. And you visit that unit that has been funded by these programs from the Department of Justice, and you

see the support network that he has put in place; there's a play area for the children, the women can come in, they're getting the counseling, they're getting the legal support, and there isn't really enough money for that. We have to do more.

I invite anyone to come to Queens County, see a really wonderful situation where the women can feel comfortable coming -- because you are absolutely right -- and they're getting the guidance, the support and the DAs are prosecuting and that's why it is down and I thank you again.

BIDEN:

For you guys who wonder about this step -- for you guys who wonder about this, you say, Why didn't the women report it? I want to remind you, I wasn't a bad athlete. I can handle myself. How many of you, though, when you were in grade school and high school knew when the bully had you down on the ground, your old man or your mother said, All you've got to do is hit him right square in the nose. He'll back off. How many of you did it? How many of you did it? And if you didn't do it, why didn't you do it? Because it'd really make him mad. You'd really make him mad.

It is beyond me why men can't figure this out; the reason women don't pursue without significant assistance and a safety net behind them is the same reason all you guys who are listening to me didn't nail the bully square in the nose. That's why. That's why this matters. It matters. Support. To know they're not going to be left alone to face the bully.

Any more questions?

QUESTION:

Yes. Ms. Reno, do you think -- we'd like to know what you think the important provisions of the bill are and also if I could follow up with just what your reaction was to the (OFF-MIKE)?

RENO:

This bill has so many pieces to it in terms of, interrupting the cycle of violence by getting the person out of the home, of providing shelter to the victim and to her children, that interrupts and calms the situation, that lets the person know who's responsible for it, that he's going to be held accountable.

Before this bill, it was very difficult for a prosecutor's office to put together a good unit with people trained in domestic violence or for police departments to do the same. We have seen not only that happen but we have seen prosecutors and others work together to develop one-stop shopping centers, if you will, so that a person is not sent first to one place for a protective order, then to another place to file charges and then to another place for counseling. In many instances, with monies from the act, we have been able to see centers established that make such a significant difference.

I first got involved in prosecuting domestic violence cases in 1978. The difference between now and then is the difference between night and day and it has been very gratifying.

With respect to the indictments in Birmingham, I talked to the U.S. attorney today. It has been a collaborative effort. State and federal officials have been involved. It reflects a tragic situation of the civil rights era and we want to work together to see that justice is done.

QUESTION:

Ms. Reno, with the Supreme Court decision this week, do you think that the criminal measures in (OFF-MIKE)

RENO:

No, I don't think so. I think there is a clear distinction because it relates -- I think the act clearly distinguishes it and I think we can have confidence that we will have the remedy available.

QUESTION:

Attorney General, in 1997 you said that new information had led you to reopen the Alabama case.

QUESTION:

Did that new information lead to the indictment (OFF- MIKE) today?

RENO:

I can't comment on it. It's better that it be commented on in Birmingham.

QUESTION:

Senator, is there any recourse on -- that you have for the provision of VAWA that was struck down?

BIDEN:

Yes, two new justices. And you think I'm being facetious, I'm not.

I'm not one of those who thinks that the United States Congress should react by trying to overrule a constitutional ruling or strip courts of jurisdiction. I don't think that's a good idea. But I do, and I respectfully suggest that much is at stake in this next election. It's a five-to-four decision. And not only was VAWA's provision relating for a civil rights cause of action struck down, but a whole lot more is in jeopardy. This is an imperial court that's made a judgment that it would

substitute its wisdom on matters that have historically been -- the last 60 years, been left to the United States Congress.

And so, I don't know of any way in which we could legislatively "fix," quote, a constitutional judgment made by the United States Supreme Court. Nor, in my view, should we attempt to do that.

But I -- two people I'd like to see nominated for the court right here. I mean, I'm being a bit facetious, but seriously they're going to be -- the next president is going to name one to three new justices. And much, much, more is at stake than merely whether or not there is a judgment about the ability to sue, in federal court, your attacker under a civil rights cause of action.

And it's not just me. Ask any constitutional scholar. They will tell you that what is happening now is much more reminiscent of the jurisprudence of the 1920s than the 21st century.

QUESTION:

Is there any way to fix the language so that it would pass muster and it would give...

BIDEN:

Not that I'm aware of. I've spent a lot of time. As a matter of fact, there is nothing I've spent more time on, in my entire career, than this issue. And I cannot think of anything that would lead us to arrive -- lead the court, in the five-to-four decision, to arrive at a different decision on whether or not there is a federal cause of action for domestic -- for violence.

The bottom line is they said, "Hey, look, in order for there to be a significant impact on commerce" -- that's the standard they used to use, is Well, is the commerce clause applicable? They said, "It has to be an economic activity that has a significant impact upon the economy of the nation, not a non-economic activity." I'd recommend Justice Souter and Justice Breyer's dissent, which I think accurately portrays how fundamental the dilemma is in the split in the court.

Thank you all very much.

The FDCH Transcript Service May 17, 2000

List of Speakers

JANET RENO, U.S. ATTORNEY GENERAL

U.S. SENATOR JOE BIDEN (D-CT)

U.S. SENATOR CHARLES SCHUMER (D-NY)

U.S. REPRESENTATIVE JOHN CONYERS (D-MI)

U.S. REPRESENTATIVE CONSTANCE A. MORELLA (R-MD)

U.S. REPRESENTATIVE TAMMY BALDWIN (D-WI)

[Image] [Back to the top](#)

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Morella

Mark-up

dropped sexual orientation

dropping dating relationship

[gender risk is 18-25]

from same sex

dating but
not living together

Rachel
Little

Bill Summary & Status for the 106th Congress

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H.R.1248

Sponsor: Rep Morella, Constance A. (introduced 3/24/1999)

Latest Major Action: 5/11/2000 House committee/subcommittee actions

Title: To prevent violence against women.

SUMMARY AS OF:

3/24/1999--Introduced.

TABLE OF CONTENTS:

Title I: Continuing the Commitment of the Violence Against

Women Act

Subtitle A: Law Enforcement and Prosecution Grants to

Combat Violence Against Women

Subtitle B: National Domestic Violence Hotline

Subtitle C: Battered Women's Shelters and Services

Subtitle D: Community Initiatives

Subtitle E: Education and Training for Judges and Court

Personnel

Subtitle F: Grants to Encourage Arrest Policies

Subtitle G: Rural Domestic Violence and Child Abuse

Enforcement

Subtitle H. National Stalker and Domestic Violence

Reduction

Subtitle I: Federal Victims' Counselors

Subtitle J: Education and Prevention Grants to Reduce

Sexual Abuse of Runaway, Homeless, and Street Youth

Subtitle K: Victims of Child Abuse Programs

Morella

Summary &
bill text

Title II: Sexual Assault Prevention

Violence Against Women Act of 1999 - Title I: Continuing the Commitment of the Violence Against Women Act - Subtitle A: Law Enforcement and Prosecution Grants to Combat Violence Against Women - Amends the Omnibus Crime Control and Safe Streets Act of 1968 (the Act) to authorize appropriations for grants to combat violent crimes against women.

(Sec. 102) Revises grant allocation guidelines governing prosecution grants, victims' services and State court systems,.

Expands grant purposes to include training that addresses sexual assault, domestic violence, and stalking for State, local, and tribal judicial personnel, as well as training of sexual assault forensic nurse examiners, and supporting the development of sexual assault response teams.

Directs the Attorney General to deny State grant applications that fail to provide documentation of collaborative efforts with other agencies or organizations.

Redefines "victims' services" to include advocacy and assistance for victims seeking legal, social, and health care services.

Includes as a prerequisite for Federal reimbursement of forensic medical exams of victims of sexual assault that the participating governmental entity notify all victims that such reimbursement is neither contingent upon the victim's report to law enforcement officials, nor upon the victim's cooperation in the prosecution of the assault.

(Sec. 103) Directs the Attorney General to make grants to State domestic violence and sexual assault coalitions for purposes of coordinating with: (1) victim services activities; and (2) Federal, State, and local entities engaged in violence-against-women activities.

Subtitle B: National Domestic Violence Hotline - Amends the Family Violence Prevention and Services Act (FVPSA) to authorize increased appropriations for the national domestic violence hotline grant. Requires grantees to submit a grant evaluation report to the Secretary of Health and Human Services (the HHS Secretary) for publication and public comment as a prerequisite to a grant award or renewal.

Subtitle C: Battered Women's Shelters and Services - Battered Women's Shelters and Services Act - Amends the FVPSA to authorize appropriations for State grants. Modifies guidelines governing: (1) allotment of appropriations; (2) grants for information and technical assistance centers; and (3) authorization of appropriations.

(Sec. 123) Instructs the HHS Secretary to award grants for: (1) State domestic violence coalitions and local domestic violence programs providing shelter or related assistance, in order to develop model strategies to address domestic violence in underserved populations; (2) each State domestic violence coalition for an emergency assistance fund for domestic violence victims; (3) technical assistance and training for State and local domestic violence programs; and (4) private, nonprofit, tribal domestic violence coalitions with representatives from a majority of the programs for victims of domestic violence operating within Indian reservations, and programs whose primary focus is the populations of such Indian country.

Subtitle D: Community Initiatives - Authorizes appropriations for demonstration grants for community initiatives.

Subtitle E: Education and Training for Judges and Court Personnel - Amends the Equal Justice for Women in the Courts Act of 1994 to permit training grants for judges and court personnel to include: (1) child custody, visitation, and safety issues raised by domestic violence and child sexual assault; and (2) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice.

Authorizes appropriations.

Subtitle F: Grants to Encourage Arrest Policies - Amends the Act to reauthorize appropriations to implement the functions of the Bureau of Justice Statistics.

(Sec. 153) Mandates that at least five percent of appropriated funds be used for grants to Indian tribal governments to treat domestic violence as a serious violation of criminal law.

Subtitle G: Rural Domestic Violence and Child Abuse Enforcement - Amends the Safe Homes for Women Act of 1994 to authorize appropriations for rural domestic violence and child abuse enforcement. Mandates that five percent of such funds be used for grants to Indian tribal governments.

Subtitle H: National Stalker and Domestic Violence Reduction - Amends the Safe Homes for Women Act of 1994 to authorize appropriations for grants to enter stalking and domestic violence data into crime information databases.

Subtitle I: Federal Victims' Counselors - Amends the Safe Streets for Women Act of 1994 to authorize appropriations for the United States Attorneys to appoint Victim-Witness counselors for the prosecution of domestic violence and sexual assault crimes.

Subtitle J: Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth - Amends the Runaway and Homeless Youth Act to authorize appropriations for street-based outreach and education to prevent sexual abuse and exploitation.

Subtitle K: Victims of Child Abuse Programs - Amends the Victims of Child Abuse Act of 1990 to authorize appropriations for: (1) the court-appointed special advocate program; and (2) child abuse training programs for judicial personnel and practitioners.

(Sec. 195) Amends the Act to authorize appropriations for grants for closed-circuit televising of testimony of child abuse victims.

Title II: Sexual Assault Prevention - Amends the Public Health Service Act to require the use of certain State funds exclusively for rape prevention and education programs conducted by rape crisis centers and private nonprofit nongovernmental State and tribal sexual assault coalitions for specified programs.

(Sec. 201) Instructs the HHS Secretary to establish a National Resource Center on Sexual Assault when appropriations reach a specified minimum level. Mandates that State grantors ensure that at least 25 percent of the funds are devoted to educational programs targeted for middle school, junior high, and high school aged students. Authorizes appropriations.

HR 1248 IH

106th CONGRESS

1st Session

H. R. 1248

To prevent violence against women.

IN THE HOUSE OF REPRESENTATIVES

March 24, 1999

Mrs. MORELLA (for herself, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mrs. MALONEY of New York, Ms. CARSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHOWS, Mrs. MYRICK, Mr. SHAYS, Mrs. WILSON, Ms. MCKINNEY, Mr. MATSUI, Mr. MCNULTY, Mr. ETHERIDGE, Ms. BERKLEY, Ms. LOFGREN, Mrs. JONES of Ohio, Mr. BOUCHER, Mrs. BIGGERT, Ms. DEGETTE, Mr. INSLEE, Ms. DANNER, Mr. LEACH, Mr. RANGEL, Mrs. CUBIN, Mrs. FOWLER, Mr. GILMAN, Ms. NORTON, Mr. LANTOS, Mr. WAXMAN, and Ms. GRANGER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent violence against women.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE- This Act may be cited as the ‘Violence Against Women Act of 1999’.

(b) TABLE OF CONTENTS- The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I--CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

Subtitle A--Law Enforcement and Prosecution Grants To Combat Violence Against Women

Sec. 101. Reauthorization.

Sec. 102. Technical amendments.

Sec. 103. State coalition grants.

Subtitle B--National Domestic Violence Hotline

Sec. 111. Reauthorization.

Sec. 112. Technical amendments.

Subtitle C--Battered Women's Shelters and Services

Sec. 121. Short title.

Sec. 122. Authorization of appropriations for family violence prevention and services.

Sec. 123. FVPSA improvements.

Subtitle D--Community Initiatives

Sec. 131. Grants for community initiatives.

Subtitle E--Education and Training for Judges and Court Personnel

Sec. 141. Reauthorization.

Subtitle F--Grants To Encourage Arrest Policies

Sec. 151. Definitions.

Sec. 152. Reauthorization.

Sec. 153. Technical amendment.

Subtitle G--Rural Domestic Violence and Child Abuse Enforcement

Sec. 161. Reauthorization.

Sec. 162. Technical amendments.

Subtitle H--National Stalker and Domestic Violence Reduction

Sec. 171. Technical amendments.

Sec. 172. Reauthorization.

Subtitle I--Federal Victims' Counselors

Sec. 181. Reauthorization.

Subtitle J--Education and Prevention Grants To Reduce Sexual Abuse of Runaway, Homeless, and Street Youth

Sec. 191. Reauthorization.

Sec. 192. Dissemination of information.

Subtitle K--Victims of Child Abuse Programs

Sec. 193. Reauthorization of court-appointed special advocate program.

Sec. 194. Reauthorization of child abuse training programs for judicial personnel and practitioners.

Sec. 195. Reauthorization of grants for televised testimony.

Sec. 196. Dissemination of information.

TITLE II--SEXUAL ASSAULT PREVENTION

Sec. 201. Transfer of rape prevention and education program.

Sec. 202. Rape prevention education.

SEC. 2. DEFINITIONS.

(a) IN GENERAL- For purposes of this Act--

(1) DOMESTIC VIOLENCE- The term 'domestic violence' includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(2) INDIAN COUNTRY- The term 'Indian country' has the same meaning as is given such term by section 1151 of title 18, United States Code.

(3) SEXUAL ASSAULT- The term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

(4) STALKING- The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear death, sexual assault, or bodily injury to such person or a member of such person's immediate family, when the person engaging in such conduct has knowledge or should have knowledge that the specific person will be placed in reasonable fear of death, sexual assault, or bodily injury to such person or a member of such person's immediate family and when the conduct induces fear in the specific person of death, sexual assault, or bodily injury to such person or a member of such person's immediate family.

(b) UNDERSERVED POPULATIONS- Section 2003(7) of the Omnibus Crime Control and Law Enforcement Act of 1968 (42 U.S.C. 3796gg-2(7)) is amended to read as follows:

'(7) the term 'underserved populations' includes populations underserved because of race, ethnicity, age, disability, sexual orientation, religion, alienage status, geographic location (including rural isolation), language barriers, and any other populations determined to be underserved by the State planning process; and'.

TITLE I--CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

Subtitle A--Law Enforcement and Prosecution Grants To Combat Violence Against Women

SEC. 101. REAUTHORIZATION.

Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended--

- (1) by striking 'and' at the end of subparagraph (E);
- (2) by striking the period at the end of subparagraph (F) and inserting '; and'; and
- (3) by inserting after subparagraph (F) the following:
 - '(G) \$185,000,000 for fiscal year 2001;
 - '(H) \$185,000,000 for fiscal year 2002;
 - '(I) \$185,000,000 for fiscal year 2003; and
 - '(J) \$195,000,000 for fiscal year 2004.'

SEC. 102. TECHNICAL AMENDMENTS.

(a) Section 2002(c)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(c)(3)) is amended to read as follows:

'(3) up to 20 percent to be allocated to law enforcement, up to 20 percent to prosecution grants, at least 35 percent to victims' services, and at least 10 percent to State court systems; and'.

(b) Section 2002(e) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(e)) is amended by adding at the end the following new paragraph:

‘(3) REALLOTMENT OF FUNDS-

‘(A) If, at the end of the 9th month of any fiscal year for which funds are appropriated under section 1001(a)(18), the amounts made available are unspent or unobligated, such unspent or unobligated funds shall be reallocated to the current fiscal year recipients in the victim services area pursuant to section 2002(c)(3)) proportionate to their original allotment for the current fiscal year.

‘(B) For the first 2 fiscal years following the date of the enactment of the Violence Against Women Act of 1999, the Attorney General may waive the qualification requirements of section 2002(c), at the request of the State and with the support of law enforcement, prosecution, and victims’ services grantees currently funded under this section, if the reallocation of funds among law enforcement, prosecution, victims’ services and State court systems mandated by this Act adversely impacts victims of sexual assault, domestic violence, and stalking, due to the reduction of funds to programs and services funded under this section in the prior fiscal year.’.

(c) Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended--

(1) by striking ‘and’ at the end of paragraph (6); and

(2) by redesignating paragraph (7) as paragraph (10) and by inserting after paragraph (6) the following new paragraphs:

‘(7) developing, enlarging, or strengthening State court programs, including training for State, local, and tribal judges and court personnel, addressing violent crimes against women, including sexual assault, domestic violence, and stalking;

‘(8) training of sexual assault forensic nurse examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault; and

‘(9) supporting the development of sexual assault response teams to strengthen the investigation of sexual assaults and coordinate services for victims of sexual assault.’.

(d) Section 2002 of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively, and by inserting after subsection (d) the following:

‘(e) MONITORING AND COMPLIANCE- The Attorney General shall deny applications--

‘(1) that do not meet the requirements set forth in subsections (c) and (d); and

‘(2) for failure to provide documentation, including memoranda of understanding, contract, or other document of any collaborative efforts with other agencies or organizations.’.

(e) Section 2003(8) of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(8)) is amended by striking 'assisting domestic violence or sexual assault victims through the legal process' and inserting 'providing advocacy and assistance for victims seeking legal, social, and health care services', and inserting before the period the following: ', except that such term shall not include programs or activities that are targeted primarily for offenders'.

(f) Section 2002(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(b)(1)) is amended by striking '4 percent' and inserting '5 percent'.

(g) Section 2005(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4(b)(3)) is amended--

(1) by striking 'and' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting '; and'; and

(3) by inserting after subparagraph (D) the following:

'(E) the reimbursement is not contingent upon the victim's report of the sexual assault to law enforcement or upon the victim's cooperation in the prosecution of the sexual assault.'

(h) Section 2006(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-5(a)(1)) is amended by inserting 'civil or criminal' before 'protection order'.

SEC. 103. STATE COALITION GRANTS.

Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by inserting after subsection (b) the following new subsection:

'(c)(1) PURPOSE- The Attorney General shall make grants to each of the State domestic violence and sexual assault coalitions in the State for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities. In no case will such awards preclude the State domestic violence and sexual assault coalitions from receiving grants under this part T to fulfill the purposes described in subsections (a) and (b).

'(2) GRANTS TO COALITIONS- Five percent of the funds appropriated for a fiscal year under section 1001(a)(18) shall be made available for grants to domestic violence and sexual assault coalitions for the purposes described in paragraph (1).

'(3) GEOGRAPHICAL ALLOTMENT-

'(A) AMOUNT- The domestic violence and sexual assault coalition in each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined United States Territories shall each receive an amount equal to 1/54 of the amount made available under paragraph (2). The combined United States Territories shall not receive less than 1.5 percent of the funds made available under paragraph (2) for each fiscal year and the tribal domestic violence and sexual assault coalitions shall not receive less than 1.5 percent of the funds made available under paragraph (2) for each fiscal year.

‘(B) DEFINITION- For the purposes of this section, the term ‘combined United States Territories’ means Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

‘(C) INDIANS- 1/54 of the amount appropriated shall be made available for development and operation of nonprofit nongovernmental tribal domestic violence and sexual assault coalitions in Indian country. The term ‘Indian country’ has the same meaning as is given such term by section 1151 of title 18, United States Code.

‘(4) DISBURSEMENT OF GEOGRAPHICAL ALLOTMENTS- Fifty percent of the 1/54 allotted to each State, the District of Columbia, Commonwealth of Puerto Rico, the combined United States Territories, and Indian country under paragraph (3) shall be made available to the domestic violence coalition as defined in the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.) and fifty percent shall be made available to the sexual assault coalition as defined under the Public Health Service Act; and

‘(5) COMPONENT ELIGIBILITY- In the case of combined domestic violence and sexual assault coalitions, each component shall be deemed eligible for the awards for sexual assault and domestic violence activities, respectively.’.

Subtitle B--National Domestic Violence Hotline

SEC. 111. REAUTHORIZATION.

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

‘(1) IN GENERAL- There are authorized to be appropriated to carry out the purposes of this section--

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

‘(B) \$1,800,000 for fiscal year 2001;

‘(C) \$2,000,000 for fiscal year 2002;

‘(D) \$2,000,000 for fiscal year 2003; and

‘(E) \$2,000,000 for fiscal year 2004.’.

SEC. 112. TECHNICAL AMENDMENTS.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

‘(f) Within 90 days after the date of the enactment of the Violence Against Women Act of 1999, all entities receiving funds pursuant to activities under subsection (a) shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary

shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.’.

Subtitle C--Battered Women’s Shelters and Services

SEC. 121. SHORT TITLE.

This subtitle may be cited as the ‘Battered Women’s Shelters and Services Act’.

SEC. 122. AUTHORIZATION OF APPROPRIATIONS FOR FAMILY VIOLENCE PREVENTION AND SERVICES.

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

‘(a) IN GENERAL- There are authorized to be appropriated to carry out this title--

- ‘(1) \$120,000,000 for fiscal year 2000;
- ‘(2) \$160,000,000 for fiscal year 2001;
- ‘(3) \$200,000,000 for fiscal year 2002;
- ‘(4) \$260,000,000 for fiscal year 2003; and
- ‘(5) \$260,000,000 for fiscal year 2004.’.

SEC. 123. FVPSA IMPROVEMENTS.

(a) Section 304(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(a)) is amended--

- (1) by inserting after ‘grant authorized under section 303(a)’ the following: ‘\$500,000, with the remaining funds to be allotted to each State in’;
- (2) by striking paragraph (1), by striking the dash preceding paragraph (1), by striking ‘(2)’, and by running in the text of paragraph (2) after ‘except that’;
- (3) by striking the last sentence.

(b) Section 304(d) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(d)) is amended--

- (1) by inserting after ‘to such State in grants under section 303(a)’ the following: ‘or Indian tribe or tribal organization under section 303(b)’;
- (2) by inserting after ‘failure of such State’ the following: ‘or Indian tribe or tribal organization, or other entity’;
- (3) by inserting after ‘such amount to States’ the following: ‘and Indian tribes and tribal

organizations’;

(4) by inserting after ‘which meet such requirements’ the following: ‘proportionate to the original allocation made under subsection (a) or (b) of section 303, respectively’; and

(5) by redesignating paragraph (2) as paragraph (3) and adding after paragraph (1) the following:

‘(2) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 310, the amount allotted to an entity has not been made available to such entity in grants under sections 308 and 311 because of the failure of such entity to meet the requirements for a grant or because the limitation on expenditure has been reached, then the Secretary shall reallocate such amount to States and Indian tribes and tribal organizations that meet such requirements proportionate to the original allocation under subsection (a) or (b) of section 303, respectively.’

(c) Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by adding ‘on providing training and technical assistance’ after ‘focusing’, and by adding at the end the following: ‘The Secretary may award grants to nonprofit, nongovernmental organizations for technical assistance and training initiatives on the subjects identified in subsection (c) if such initiatives do not duplicate the work of the entities funded under subsection (c) and the total amounts awarded for such initiatives do not exceed \$500,000.’

(d) Section 308(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(c)) is amended by adding ‘on emerging issues in domestic violence service, prevention, or law and’ after ‘service providers, and’, by striking ‘domestic violence service, prevention, or law’ after ‘following areas’, and by adding after paragraph (7) the following:

‘(8) Providing technical assistance and training to local domestic violence programs that provide shelter or related assistance.

‘(9) Improving access to services, information, and training within Indian tribes and tribal organizations.

‘(10) Responding to emerging issues in the field of domestic violence that the Secretary may identify in consultation with advocates representing local programs providing shelter or related assistance, State domestic violence coalitions, and national domestic violence organizations.

‘(11) Nothing in this section shall prohibit the Secretary from making multiple grants to any nonprofit, nongovernmental entity to fulfill the purposes of this section.’

(e) Section 309(1)(B) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(1)(B)) is amended by inserting ‘, with whom such person is or has been in a continuing social relationship of a romantic or intimate nature,’ before ‘or with whom’.

(f) Section 309 of such Act (42 U.S.C. 10408) is amended by adding at the end the following:

‘(7) The term ‘Indian country’ has the same meaning as is given such term by section 1151 of title 18, United States Code.’

(g) Section 310(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(c)) is amended by adding after 'for each fiscal year,' the following: 'the lesser of \$7,500,000 or'.

(h) Section 310(d) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(d)) is amended by striking 'not less than' and inserting 'the lesser of \$22,000,000 or' and by adding at the end the following: 'At such time as the appropriation under this subsection exceeds \$11,000,000, the Secretary shall designate that of the amounts appropriated under this subsection up to 20 percent of such funds shall be made available in the amounts necessary to State domestic violence coalitions for the specific purpose of providing technical assistance and training and direct assistance in the following areas or other priorities that may be determined by the Secretary in consultation with State domestic violence coalitions and programs that provide shelter or related assistance:

'(1) MODEL LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION IN UNDERSERVED COMMUNITIES- The Secretary shall award grants of up to 3 years to not more than 10 State and tribal domestic violence coalitions and not more than 10 local domestic violence programs providing shelter or related assistance to develop model strategies to address domestic violence in underserved populations as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7)). Such grants shall be made to assess the needs of underserved populations in the State or Indian country; build collaborative relationships with community-based organizations serving underserved populations; and develop and implement model community intervention strategies to decrease the incidence of domestic violence in underserved populations.

'(A) ELIGIBILITY- To be eligible for a 1-year model leadership grant under this paragraph, an applicant shall demonstrate--

'(i) a plan for assessing the needs of underserved populations and identifying a specific population for development of an intervention strategy in the year of the grant; and

'(ii) inclusion of representatives from community-based organizations in underserved communities in planning, designing, and disseminating the needs assessment instruments.

'(B) ELIGIBILITY FOR CONTINUED FUNDING- To be eligible for continued funding of up to 2 additional years, an applicant shall provide--

'(i) a plan for implementing the model strategies which includes collaborative partnerships with community-based organizations within the underserved populations identified; and

'(ii) a plan for disseminating the model strategy throughout the State or Indian country, or to other States during year 3 of the grant.

'(C) PRIORITY FOR COLLABORATIVE FUNDING- In awarding grants under this section, the Secretary shall give preference to State and tribal domestic violence coalitions and local domestic violence shelters and programs that submit applications in collaboration with community-based organizations serving underserved populations. A grant may not be made under this subsection in an amount less than \$100,000 for each fiscal year.

‘(2) DIRECT EMERGENCY ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE-

‘(A) IN GENERAL- The Secretary shall award grants to each State and tribal domestic violence coalition for the purpose of administering an emergency assistance fund for victims of domestic violence. Funds received under this paragraph may be used only to provide emergency assistance directly to victims of domestic violence who are in the process of fleeing an abusive situation. Emergency assistance shall include transportation, housing, and other expenses associated with relocation. Funds shall be requested by domestic violence shelters and programs on behalf of victims.

‘(B) APPLICATION- Prior to receipt of emergency assistance funds under this paragraph, the State or tribal domestic violence coalition shall provide to the Secretary--

‘(i) a detailed description of the process for receiving and reviewing applications for emergency assistance;

‘(ii) a detailed description of the process for notifying domestic violence shelters and programs about the availability of emergency assistance funds;

‘(iii) an application form that includes the type of assistance requested, a statement of need for the funds, a statement about the impact of the funds on the victim’s ability to escape domestic violence,

and other such information that would be helpful in disbursing emergency assistance funds;

‘(iv) the process used to make payments to recipients; and

‘(v) a statement of procedures used to protect the confidentiality of recipients.

‘(C) REPORTING- The State or tribal domestic violence coalition shall file an annual report to the Secretary describing the distribution of funds to victims of domestic violence by type and amount of assistance provided. For reasons of safety and confidentiality, such report shall not contain individually identifying information.

‘(3) TECHNICAL ASSISTANCE AND TRAINING FOR STATE, LOCAL, AND TRIBAL DOMESTIC VIOLENCE PROGRAMS-

‘(A) IN GENERAL- The Secretary shall award grants to a State or tribal domestic violence coalition or coalitions for the purpose of providing training and technical assistance for State and tribal domestic violence coalitions and other nonprofit, nongovernmental State, local, and tribal domestic violence programs. Funds received under this section shall be used to conduct regional training and technical assistance initiatives to be developed and implemented by a nonprofit, nongovernmental State or tribal domestic violence coalition or coalitions within each of the regions administered by the Department of Health and Human Services. Funds shall be used to prioritize, plan, and implement solutions to regional problems experienced by domestic violence coalitions and programs providing shelter or related assistance within the region.

‘(B) ELIGIBILITY- To be eligible for funding under this paragraph the grantee shall

have the support of the majority of State and tribal domestic violence coalitions within the region and shall have its principal place of operation within the region. Nothing in this section shall prohibit domestic violence programs within Indian tribes from receiving technical assistance and training under this grant program. Grantees shall be encouraged to work in collaboration with domestic violence advocates and organizations outside of the region and with the national resource center and special issue resource centers established in this Act to provide expertise in delivering training and technical assistance within the region.

‘(C) REPORTING- The grantee State or tribal domestic violence coalition or coalitions shall file an annual report to the Secretary describing the recipients and the type of technical assistance and training received.’.

(i) Section 308(e) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(e)) is amended by adding at the end the following: ‘Within 90 days after the date of the enactment of the Violence Against Women Act of 1999, all entities receiving funds pursuant to activities under this section shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.’.

(j) Section 307(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

‘(3) The Secretary shall deny any application that fails to provide documentation, including memoranda of understanding, of the specific involvement of the State or tribal domestic violence coalition and other knowledgeable individuals and interested organizations, in the development of the State or tribe’s application.’.

(k) Section 303(b) of the Family Violence Prevention Services Act (42 U.S.C. 10402(b)) is amended by adding at the end the following:

‘(4) From the amounts made available under paragraph (1), there shall be awarded by the Secretary not less than 5 percent of such amounts for the funding of tribal domestic violence coalitions. To be eligible for a grant under this paragraph, an entity shall be a private nonprofit coalition whose membership includes representatives from a majority of the programs for victims of domestic violence operating within the boundaries of an Indian reservation and programs whose primary purpose is serving the populations of such Indian country and whose board membership is representative of such programs. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities including--

‘(A) training and technical assistance for local Indian domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence in Indian country;

‘(B) planning and conducting needs assessments and planning for comprehensive services in Indian country;

‘(C) serving as an information clearinghouse and resource center for the Indian reservation represented by the coalition receiving these funds;

‘(D) collaborating with Indian, State, and Federal governmental systems which affect battered women in Indian country, including judicial and law enforcement and child protective services agencies, to encourage appropriate responses to domestic violence cases;

‘(E) conducting public education and outreach activities addressing domestic violence in Indian country;

‘(F) collaborating with State domestic violence coalitions in the areas described above; and

‘(G) participating in planning and monitoring of the distribution of grants and grant funds to the Indian reservation and tribal organizations under paragraph (1).’

Subtitle D--Community Initiatives

SEC. 131. GRANTS FOR COMMUNITY INITIATIVES.

(a) Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

‘(h) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section--

‘(1) \$8,000,000 for fiscal year 2000;

‘(2) \$9,000,000 for fiscal year 2001;

‘(3) \$10,000,000 for fiscal year 2002;

‘(4) \$11,000,000 for fiscal year 2003; and

‘(5) \$12,000,000 for fiscal year 2004.’.

(b) Subsection (i) of section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended by inserting the text of the subsection as a cut-in paragraph (1) with the heading ‘IN GENERAL- ’ and by adding at the end the following:

‘(2) INFORMATION- The Secretary shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target other community-based programs, including domestic violence and sexual assault programs.’.

Subtitle E--Education and Training for Judges and Court Personnel

SEC. 141. REAUTHORIZATION.

(a) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS- (1) Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended--

(A) by striking 'and' at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19); and

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

'(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways domestic violence may relate to an abuser's desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

'(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault; and

'(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice.'

(2) Section 40414(a) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amended by inserting 'and \$1,500,000 for each of the fiscal years 2000 through 2004' after '1996'.

(b) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS- (1) Section 40421(d) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14001(d)) is amended to read as follows:

'(d) MODEL PROGRAMS- The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.'

(2) Section 40422(2) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amended by inserting 'and \$500,000 for each of the fiscal years 2000 through 2004' after '1996'.

(c) TECHNICAL AMENDMENTS TO THE EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1994-

(1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS- Section 40413 of the Equal Justice for Women in the Courts Act (42 U.S.C. 13993) is amended by adding 'including national, State, tribal, and local domestic violence and sexual assault programs and coalitions,' after 'victim advocates'.

(2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS- Section 40411 of the Equal Justice for Women in the Courts Act (42 U.S.C. 13991) is amended by adding at the end the following: 'Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to

train judges and court personnel on the laws of the States.'

(3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS- Section 40414 of the Equal Justice for Women in the Courts Act (42 U.S.C. 13994) is amended by adding at the end the following:

'(c) The State Justice Institute may use up to 5 percent of the funds appropriated under this section for annually compiling and broadly disseminating (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable the replication and adoption of the projects.'

Subtitle F--Grants To Encourage Arrest Policies

SEC. 151. DEFINITIONS.

Section 2105(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-4(1)) is amended to read as follows:

'(1) the term 'domestic violence' includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.'

SEC. 152. REAUTHORIZATION.

Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended--

- (1) by striking 'and' at the end of subparagraph (B);
- (2) by striking the period at the end of subparagraph (C) and inserting a semicolon; and
- (3) by inserting after subparagraph (C) the following:
 - '(D) \$63,000,000 for fiscal year 2000;
 - '(E) \$67,000,000 for fiscal year 2001;
 - '(F) \$70,000,000 for fiscal year 2002;
 - '(G) \$70,000,000 for fiscal year 2003; and

‘(H) \$70,000,000 for fiscal year 2004.’.

SEC. 153. TECHNICAL AMENDMENT.

Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by adding at the end the following:

‘(d) DISBURSEMENT- At least 5 percent of the funds appropriated under this section shall be used for grants to Indian tribal governments.’.

Subtitle G--Rural Domestic Violence and Child Abuse Enforcement

SEC. 161. REAUTHORIZATION.

Section 40295(c)(1) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(c)(1)) is amended--

- (1) by striking ‘and’ at the end of subparagraph (B);
- (2) by striking the period at the end of subparagraph (C) and inserting ‘; and’; and
- (3) by inserting after subparagraph (C) the following:

‘(D) \$35,000,000 for each of the fiscal years 2000, 2001, 2002, 2003, and 2004.’.

SEC. 162. TECHNICAL AMENDMENTS.

Section 40295(c) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(c)) is amended by adding at the end the following:

‘(3) DISBURSEMENT- At least 5 percent of the funds appropriated under paragraph (1) shall be used for grants to Indian tribal governments.’.

Subtitle H--National Stalker and Domestic Violence Reduction

SEC. 171. TECHNICAL AMENDMENTS.

Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031(a)) is amended by inserting ‘and implement’ after ‘improve’.

SEC. 172. REAUTHORIZATION.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended--

- (1) by striking ‘and’ at the end of paragraph (2);
- (2) by striking the period at the end of paragraph (3) and inserting ‘; and’; and
- (3) by inserting after paragraph (3) the following:

‘(4) \$3,000,000 for each of the fiscal years 2000, 2001, 2002, 2003, and 2004.’.

Subtitle I--Federal Victims' Counselors

SEC. 181. REAUTHORIZATION.

The text of section 40114 of the Safe Streets for Women Act of 1994 is amended to read as follows:
‘There

are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of domestic violence and sexual assault crimes where applicable (such as the District of Columbia) \$1,000,000 for each of the fiscal years 2000, 2001, 2002, 2003, and 2004.’.

Subtitle J--Education and Prevention Grants To Reduce Sexual Abuse of Runaway, Homeless, and Street Youth

SEC. 191. REAUTHORIZATION.

Section 316(c) of the Runaway and Homeless Youth Act (42 U.S.C. 5712d(c)) is amended--

- (1) by striking ‘and’ at the end of paragraph (2);
- (2) by striking the period at the end of paragraph (3) and inserting a semicolon; and
- (3) by inserting after paragraph (3) the following:

‘(4) \$22,000,000 for each of the fiscal years 2000, 2001, 2002, 2003, and 2004.’.

SEC. 192. DISSEMINATION OF INFORMATION.

Section 316 of part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

‘(d) The Secretary shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about the projects funded under this subtitle, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target community-based programs, including domestic violence and sexual assault programs.’.

Subtitle K--Victims of Child Abuse Programs

SEC. 193. REAUTHORIZATION OF COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended--

- (1) by striking ‘and’ at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by inserting after paragraph (5) the following:

‘(6) \$12,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.’

SEC. 194. REAUTHORIZATION OF CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.

Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended--

(1) by striking ‘and’ at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by inserting after paragraph (5) the following:

‘(6) \$2,300,000 for each of the fiscal years 2001, 2002, 2003, and 2004.’.

SEC. 195. REAUTHORIZATION OF GRANTS FOR TELEVISED TESTIMONY.

Section 1001(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)) is amended--

(1) by striking ‘and’ at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(3) by inserting after subparagraph (E) the following:

‘(F) \$1,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.’.

SEC. 196. DISSEMINATION OF INFORMATION.

Section 40156 of the Violence Against Women Act of 1994 is amended by inserting at the end the following:

‘(d) The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target community-based programs, including domestic violence and sexual assault programs.’.

TITLE II--SEXUAL ASSAULT PREVENTION

SEC. 201. TRANSFER OF RAPE PREVENTION AND EDUCATION PROGRAM.

Part J of title III of the Public Health Service Act is amended by inserting after section 393A the following new section:

‘SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

‘(a) GRANTS-

‘(1) **PERMITTED USE-** Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part shall be used for rape prevention and education programs conducted by rape crisis centers and private nonprofit nongovernmental State and tribal sexual assault coalitions for--

‘(A) educational seminars;

‘(B) the operation of hotlines;

‘(C) training programs for professionals;

‘(D) the preparation of informational material; and

‘(E) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities (as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7))).

‘(2) TERMS-

‘(A) **POPULATIONS-** The Secretary shall make grants under subsection (a) to each State on the basis of the population of the State.

‘(B) **RAPE PREVENTION AND EDUCATION PROGRAMS-** No State may use funds made available by reason of paragraph (1) in any fiscal year for administration of any prevention program other than the rape prevention and education program for which grants are made under paragraph (1).

‘(C) **AVAILABILITY-** Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

‘(D) **ADMINISTRATIVE AND TECHNICAL ASSISTANCE-** The Secretary shall use not more than 5 percent of the funds available under paragraph (1) for the purposes of administrative and technical assistance.

‘(E) **TARGETING OF EDUCATION PROGRAMS-** States receiving grant moneys under paragraph (1) shall ensure that at least 25 percent of the moneys are devoted to educational programs targeted for middle school, junior high, and high school aged students. The programs targeted under this subsection shall be conducted by rape crisis centers and State and tribal sexual assault coalitions.

‘(b) NATIONAL RESOURCE CENTER-

‘(1) **ESTABLISHMENT-** At such time as appropriations under subsection (c) reach at least \$80,000,000, the Secretary of Health and Human Services shall, through the National Center

for Injury Prevention and Control at the Centers for Disease Control and Prevention, establish a National Resource Center on Sexual Assault to provide resource information, policy, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to State and tribal sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault. The Resource Center shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

‘(2) ELIGIBLE ORGANIZATIONS- The Secretary shall award a grant under paragraph (1) to a private nonprofit organization which can--

‘(A) demonstrate that it has recognized expertise in the area of sexual assault, a record of high-quality services to victims of sexual assault, including a demonstration of support from advocacy groups, such as State and tribal sexual assault coalitions or recognized national sexual assault groups; and

‘(B) demonstrate a commitment to diversity and to the provision of services to underserved populations as defined in section 2003(7) of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796gg-2(7)).

‘(c) AUTHORIZATION OF APPROPRIATIONS-

‘(1) IN GENERAL- There are authorized to be appropriated to carry out this section--

‘(A) \$80,000,000 for fiscal year 2000;

‘(B) \$105,000,000 for fiscal year 2001;

‘(C) \$105,000,000 for fiscal year 2002;

‘(D) \$155,000,000 for fiscal year 2003; and

‘(E) \$155,000,000 for fiscal year 2004.

Funds authorized to be appropriated under this section are appropriated from the Violent Crime Reduction Fund pursuant to section 31001(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(c)) and paragraph (16) under the definition of ‘prevention program’ in section 31001(d) of such Act (42 U.S.C. 14214(d)).

‘(2) SEXUAL ASSAULT COALITIONS- At such time as appropriations under subsection (c) reach at least \$80,000,000, the Secretary shall designate 15 percent of the total amount appropriated to be used for making grants to nonprofit, nongovernmental State sexual assault coalitions to address public health issues associated with sexual assault through training, resource development, or similar research.

‘(3) INDIAN COUNTRY- At such time as the appropriations under subsection (c) reach at least \$80,000,000, there shall be awarded by the Secretary not less than 5 percent of such amounts for the funding of tribal sexual assault coalitions. To be eligible for a grant under this paragraph, an entity shall be a private nonprofit coalition whose membership includes

representatives from a majority of the programs for adult and child victims of sexual assault operating within the boundaries of such Indian country and programs whose primary purpose is serving the population of an Indian reservation, and whose board membership is representative of such programs. Such coalitions shall further the purposes of sexual assault intervention and prevention through activities including--

‘(A) training and technical assistance for local Indian sexual assault programs and providers of direct services to encourage appropriate responses to sexual assault in Indian country;

‘(B) planning and conducting needs assessments and planning for comprehensive services in Indian country;

‘(C) serving as an information clearinghouse and resource center for any Indian reservation represented by the coalition receiving these funds;

‘(D) collaborating with Indian, State, and Federal systems which affect adult and child victims of sexual assault in Indian country, including judicial, law enforcement, and child protective services agencies, to encourage appropriate responses to sexual assault cases;

‘(E) conducting public education and outreach activities addressing sexual assault in Indian country;

‘(F) collaborating with sexual assault coalitions in the areas described above; and

‘(G) participating in planning and monitoring of the distribution of grants and grant funds to Indian reservation and tribal organizations under this section.

‘(4) SUBSECTION (b) ALLOTMENT- Of the amount appropriated for any fiscal year under this section, at least \$1,000,000 shall be made available for grants under subsection (b), with yearly increases of at least 10 percent of the prior year’s allotment.

‘(d) LIMITATIONS-

‘(1) A State may use funds under subsection (a) only so as to supplement and, to the extent practicable, increase the level of funds that would be available from non-Federal sources for the activities described in subsection (a), and in no case may such funds be used to supplant funds from other sources.

‘(2) A State may not use more than 2 percent of the funds received in each fiscal year under this section for surveillance studies or prevalence studies and funds for such studies shall be available only at such time as appropriations under subsection (c) reach at least \$80,000,000.

‘(3) A State may not use more than 5 percent of funds received in each fiscal year under subsection (a) for administrative expenses.

‘(e) DEFINITIONS-

‘(1) RAPE PREVENTION AND EDUCATION- For purposes of this section, the term ‘rape

prevention and education' includes education and prevention efforts directed at sexual offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

'(2) SEXUAL ASSAULT- The term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

'(3) RAPE CRISIS CENTER- The term 'rape crisis center' means a private, nonprofit, nongovernmental organization that is organized, or has as one of its primary purposes, to provide services for victims of sexual assault and has a record of commitment and demonstrated experience in providing services to victims of sexual assault.

'(4) SEXUAL ASSAULT PROGRAM- The term 'sexual assault program' means a private, nonprofit, nongovernmental organization that is organized, or has as one of its primary purposes, to provide services for victims of sexual assault and has a record of commitment and demonstrated experience in providing services to victims of sexual assault.

'(5) STATE COALITION OF SEXUAL ASSAULT PROGRAMS- The term 'State coalition of sexual assault programs' means a statewide nonprofit, nongovernmental membership organization of a majority of sexual assault programs within the State that, among other activities, provides training and technical assistance to sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority.'

SEC. 202. RAPE PREVENTION EDUCATION.

(a) REPEAL- Section 1910A of the Public Health and Human Services Act (42 U.S.C. 300w-10) is repealed.

(b) EFFECTIVE DATE- The repeal made by subsection (a) of this section shall take effect the day after the date of enactment of this Act.

END

Conyers

Bill Summary & Status for the 106th Congress

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H.R.357

Sponsor: [Rep Conyers, John, Jr.](#) (introduced 1/19/1999)

Latest Major Action: 2/25/1999 Referred to House subcommittee

Title: To prevent violence against women, and for other purposes.



SUMMARY AS OF:

1/19/1999--Introduced.

Violence Against Women Act of 1999- **Title I: Continuing the Commitment of the Violence Against Women Act - Subtitle A: Law Enforcement and Prosecution Grants to Combat Violence Against Women** - Amends the Omnibus Crime Control and Safe Streets Act of 1968 (the Act) to authorize appropriations for grants to combat violent crimes against women.

(Sec. 102) Revises grant allocation guidelines governing prosecution grants, victims' services and State court systems.

Expands grant purposes to include training that addresses sexual assault, domestic violence, and stalking for State, local, and tribal judicial personnel, as well as training of sexual assault forensic nurse examiners, and supporting the development of sexual assault response teams.

Directs the Attorney General to deny State grant applications that fail to provide documentation of collaborative efforts with other agencies or organizations.

Redefines "victims' services" to include advocacy and assistance for victims seeking legal, social, and health care services.

Includes as a prerequisite for Federal reimbursement of forensic medical exams of victims of sexual assault that the participating governmental entity notify all victims that such reimbursement is neither contingent upon the victim's report to law enforcement officials nor upon the victim's cooperation in the prosecution of the assault.

(Sec. 103) Directs the Attorney General to make grants to State domestic violence and sexual assault coalitions for purposes of coordinating with: (1) victim services activities; and (2) Federal, State, and local entities engaged in violence-against-women activities.

Subtitle B: National Domestic Violence Hotline - Amends the Family Violence Prevention and Services Act (FVPSA) to authorize increased appropriations for the national domestic violence hotline grant. Requires grantees to submit a grant evaluation report to the Secretary of Health and Human Services (the HHS Secretary) for publication and public comment as a prerequisite to a grant award or renewal.

Subtitle C: Battered Women's Shelters and Services - Battered Women's Shelters and Services Act - Amends the FVPSA to authorize appropriations for State grants. Modifies guidelines governing: (1) allotment of appropriations; (2) grants for information and technical assistance centers; and (3) authorization of appropriations.

(Sec. 123) Instructs the HHS Secretary to award grants for: (1) State domestic violence coalitions and local domestic violence programs providing shelter or related assistance, in order to develop model strategies to address domestic violence in underserved populations; (2) each State domestic violence coalition for an emergency assistance fund for domestic violence victims; (3) technical assistance and training for State and local domestic violence programs; and (4) private, nonprofit, tribal domestic violence coalitions with representatives from a majority of the programs for victims of domestic violence operating within Indian reservations, and programs whose primary focus is the populations of such Indian country.

Subtitle D: Community Initiatives - Authorizes appropriations for demonstration grants for community initiatives.

Subtitle E: Education and Training for Judges and Court Personnel - Amends the Equal Justice for Women in the Courts Act of 1994 to permit training grants for judges and court personnel to include: (1) child custody, visitation, and safety issues raised by domestic violence and child sexual assault; and (2) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice.

Authorizes appropriations.

Subtitle F: Grants to Encourage Arrest Policies - Amends the Act to reauthorize appropriations to implement the functions of the Bureau of Justice Statistics.

(Sec. 153) Mandates that at least five percent of appropriated funds be used for grants to Indian tribal governments to treat domestic violence as a serious violation of criminal law.

Subtitle G: Rural Domestic Violence and Child Abuse Enforcement - Amends the Safe Homes for Women Act of 1994 to authorize appropriations for rural domestic violence and child abuse enforcement. Mandates that five percent of such funds be used for grants to Indian tribal governments.

Subtitle H: National Stalker and Domestic Violence Reduction - Amends the Safe Homes for Women Act of 1994 to authorize appropriations for grants to enter stalking and domestic violence data into crime information databases.

Subtitle I: Federal Victims' Counselors - Amends the Safe Streets for Women Act of 1994 to authorize appropriations for the United States Attorneys to appoint Victim-Witness counselors for the prosecution of domestic violence and sexual assault crimes.

Subtitle J: Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth - Amends the Runaway and Homeless Youth Act to authorize appropriations for street-based outreach and education to prevent sexual abuse and exploitation.

Subtitle K: Victims of Child Abuse Programs - Amends the Victims of Child Abuse Act of 1990 to authorize appropriations for: (1) the court-appointed special advocate program; and (2) child abuse training programs for judicial personnel and practitioners.

(Sec. 195) Amends the Act to authorize appropriations for grants for closed-circuit televising of testimony of child abuse victims.

Title II: Limiting the Effects of Violence on Children - Subtitle A: Safe Havens for Children - Authorizes the Attorney General to award grants to public or private nonprofit nongovernmental entities to

establish and operate supervised visitation centers. Authorizes appropriations.

Subtitle B: Violence Against Women Prevention in Schools - Authorizes appropriations for the Secretary of Education to provide grants to State, local, or tribal school systems to implement programs for elementary, middle, and secondary schools which address domestic violence, assault and stalking.

Subtitle C: Family Safety - Family Safety Act - Amends the Parental Kidnaping Prevention Act of 1980 to include among its purposes: (1) the promotion of cooperation between State and tribal courts to protect parents and children from domestic violence or sexual assault; (2) the promotion of realistic and protective standards for interstate relocation when parents dispute custody; (3) the avoidance of jurisdictional conflicts between State courts in matters of child custody and visitation consistent with not endangering or inappropriately punishing parents who are victims of domestic violence, or children who are victims of sexual assault.

(Sec. 233) Amends the Federal criminal code (the code) to provide as a defense to prosecution of either a criminal custodial interference or parental abduction charge, or criminal contempt of court relating to an underlying child custody or visitation determination, that the defendant was fleeing an incident or pattern of domestic violence or sexual assault of the child, or would otherwise have a defense under the Parental Kidnaping Prevention Act. Directs the Attorney General to issue guidelines to assist U.S. Attorneys and the Federal Bureau of Investigation to determine whether to initiate or terminate an action due to the potential availability of such defense.

(Sec. 234) Amends the Federal judicial code to: (1) provide that no State shall be required to enforce any order obtained in a proceeding which would violate the constitution of the enforcing State if the proceeding were conducted in the enforcing State; and (2) declare that the intent of full faith and credit doctrine in child custody determinations is to preempt inconsistent State law. Declares that a protection order regarding custody and visitation of a minor child that is consistent with this Act shall be given full faith and credit by the courts of any State where the party who sought the order seeks enforcement.

Modifies State court jurisdiction guidelines governing: (1) relocation of the child due to domestic violence or sexual assault; and (2) court authority to decline to exercise jurisdiction on behalf of parents engaged in specified conduct.

Subtitle D: Domestic Violence and Children - Expresses the sense of the Congress that for purposes of determining child custody: (1) it is in the best interest of children to have a presumption that their main physical residence should be with their primary caretaker parent unless such parent is unfit; (2) child abuse and sexual abuse allegations shall be fully investigated regardless of when raised, or whether the child has withdrawn the allegation; (3) States shall not order specified measures if they may endanger either parent or child; and (4) States shall provide training to all relevant professionals on how domestic violence and sexual assault affects determinations of custody, child support, and visitation.

Subtitle E: Child Welfare Worker Training on Domestic Violence and Sexual Assault - Directs the Attorney General to make grants in consultation with the HHS Secretary to enable child welfare service agencies to train their staffs and modify their policies, procedures, programs, and practices in order to make them consistent with specified principles and goals. Sets forth grantee eligibility criteria. Authorizes appropriations.

Subtitle F: Child Abuse Accountability - Child Abuse Accountability Act - Amends the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1986 to permit the assignment or alienation of any pension benefit payable to a participant pursuant to a qualified child abuse

order. Exempts qualified child abuse orders from preemption by ERISA.

Title III: Sexual Assault Prevention - Subtitle A: Rape Prevention Education - Amends the Public Health Service Act to require the use of certain State funds exclusively for rape prevention and education programs conducted by rape crisis centers and private nonprofit nongovernmental State and tribal sexual assault coalitions for specified programs.

Instructs the HHS Secretary to establish a National Resource Center on Sexual Assault when appropriations reach a specified minimum level. Mandates that State grantors ensure that at least 25 percent of the funds are devoted to educational programs targeted for middle school, junior high, and high school aged students. Authorizes appropriations.

Subtitle B: Standards, Practice, and Training for Sexual Assault Examinations - Standards, Practice, and Training for Sexual Assault Forensic Examinations Act - Directs the Attorney General, in conjunction with the HHS Secretary, to: (1) evaluate standards of training and practice for licensed health care professionals performing sexual assault forensic examinations, and develop a national recommended training standard; (2) recommend sexual assault examination training for health care students to improve recognition of injuries suggestive of rape and sexual assault; and (3) establish a mechanism for nationwide dissemination of a national protocol on sexual assault for forensic examinations. Authorizes appropriations.

Subtitle C: Violence Against Women Training for Health Professions - Violence Against Women Training for Health Professions Act - Amends the Public Health Service Act to direct the HHS Secretary, when making health care grants for rural areas, to give preference to a health professions entity that requires, as a condition of receiving a degree or certificate, each student to have had significant training in identification, examination, treatment, and referral of victims of domestic violence and sexual assault.

Subtitle: D: Prevention of Custodial Sexual Assault by Correctional Staff - Prevention of Custodial Sexual Assault by Correctional Staff Act - Directs the Attorney General to establish and disseminate to the States certain guidelines regarding the prevention of custodial sexual misconduct by correctional staff. Requires withholding of specified correctional facilities funds from any State that fails to implement: (1) such guidelines; or (2) criminal penalties explicitly prohibiting custodial sexual misconduct by correctional staff against prisoners.

(Sec. 345) Directs the Attorney General to create a national, confidential, toll-free telephone hotline to collect data, and to provide information and assistance to prisoners who have experienced custodial sexual misconduct by corrections staff. Authorizes appropriations.

Subtitle E: Hate Crimes Prevention - Hate Crimes Prevention Act of 1999 - Amends the code to establish criminal penalties for willfully causing bodily injury because of a person's race, color, religion, or national origin.

(Sec. 355) Directs the United States Sentencing Commission to study the issue of adult recruitment of juveniles to commit hate crimes, and, where appropriate, to amend Federal sentencing guidelines to provide sentencing enhancements for adult defendants who do such recruiting.

(Sec. 356) Directs the Administrator of the Department of Justice Office of Juvenile Justice and Delinquency Prevention to make grants to State and local programs to combat hate crimes committed by juveniles.

(Sec. 357) Authorizes appropriations for the Department of the Treasury and the Department of Justice (including the Community Relations Service), to increase the number of personnel to prevent and respond to such hate crimes.

Subtitle F: Rescheduling and Classification of Date-Rape Drugs - Directs the Attorney General to: (1) transfer flunitrazepam from schedule IV to schedule I; and (2) add ketamine hydrochloride to schedule III and, by order, add Gamma Hydroxy Butyric Acid to schedule I.

Subtitle G: Access to Safety and Advocacy for Victims of Sexual Assault- Authorizes the Attorney General to make grants to designated grantees and services to improve legal assistance to victims of sexual violence through access to the justice system, legal advocacy, and representation. Authorizes appropriations.

Title IV: Domestic Violence Prevention - Subtitle A: Domestic Violence and Sexual Assault Victims' Housing - Domestic Violence and Sexual Assault Victims Housing Act - Authorizes increased appropriations under the Stewart B. McKinney Homeless Assistance Act exclusively for qualified, nonprofit, nongovernmental organizations, and solely to provide supportive housing and tenant-based rental and financial assistance for persons leaving a residence due to victimization by domestic violence, stalking, or adult or child sexual assault.

Subtitle B: Full Faith and Credit for Protection Orders - Amends the code to: (1) grant a tribal court civil and criminal jurisdiction over any person who violates a protection order within its jurisdiction, subject to Federal habeas corpus review, and after tribal court remedies are exhausted; and (2) require the Attorney General to reduce the amount of certain grants to any State that fails to comply with Federal full faith and credit requirements for protection orders.

(Sec. 412) Authorizes the Attorney General to provide grants to assist governmental entities to develop and strengthen law enforcement and recordkeeping strategies to enforce protective orders issued by other governmental entities. Authorizes appropriations.

Subtitle C: Victims of Abuse Insurance Protection - Victims of Abuse Insurance Protection Act - Prohibits an insurer from denying or restricting insurance coverage on the basis that the applicant or insured (or any employee or associated person) is, has been, or may be the subject of abuse or has incurred or may incur abuse-related claims. Confers enforcement jurisdiction upon the Federal Trade Commission. Authorizes a private cause of action by an applicant or insured adversely affected by a violation of this Act.

Subtitle D: National Summit on Sports and Violence - Expresses the sense of the Congress that: (1) a national summit should be promptly convened to develop a multifaceted action plan to deter acts of violence, especially domestic violence and sexual assault; (2) the members of such summit should include sports, community, political, and media leaders, as well as Members of Congress and other governmental and community leaders with relevant expertise; and (3) summit members should assume leadership roles deterring acts of domestic violence and sexual assault.

Subtitle E: Keeping Firearms from Intoxicated Persons - Amends the code to declare unlawful the transfer of a firearm or ammunition to any person reasonably believed to be intoxicated.

Subtitle F: Access to Safety and Advocacy - Access to Safety and Advocacy Act - Authorizes the Attorney General to make grants to designated grantees and services to improve legal assistance to victims of domestic violence through access to the justice system, legal advocacy, and representation. Authorizes appropriations.

Subtitle G: Strengthening Enforcement to Reduce Violence Against Women - Amends the code to revise guidelines governing persons who travel in interstate and foreign commerce and engage in domestic violence and stalking, or who violate protection orders.

Subtitle H: Disclosure Protections - Amends the Social Security Act , Title IV part D, to modify disclosure protections in connection with the Federal Parent Locator Service and State plan requirements for child and spousal support.

Title V: Violence Against Women in the Military System - Subtitle A: Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence - Amends the code to declare that domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying the armed forces outside of the United States shall be subject to prosecution in the Federal District Court of the jurisdiction of origin of the person arrested. Provides for concurrent jurisdiction with other military tribunals and foreign governments.

(Sec. 502) Amends Federal law governing separation from the armed forces to mandate that: (1) a copy of records of any penal action taken against the departing member of the armed forces be transmitted to the Director of the Federal Bureau of Investigation (FBI); and (2) any member convicted by court-martial of an offense of a sexual nature provide whatever specimen is necessary to conduct DNA analysis for inclusion in the Combined DNA Identification System of the FBI.

Subtitle B: Transitional Compensation for Abused Dependents of Members of the Armed Forces - Revises Federal guidelines governing transitional compensation for abused dependents of former members of the armed forces.

Subtitle C: Confidentiality of Records - Prescribes guidelines under which the Secretary of Defense is directed to: (1) study procedures of military departments for protecting the confidentiality of communications between military dependents involved in sexual or intrafamily abuse and the professionals from whom they seek services in connection with the effects of such abuse; and (2) issue regulations to provide the maximum protections for the confidentiality of such communications; and (3) report to the Congress on results of such study and implementation of the regulations.

Title VI: Preventing Violence Against Women in Traditionally Underserved Communities - Subtitle A: Older Women's Protection From Violence - Older Women's Protection From Violence Act of 1999 - **Chapter 1: Violence Against Women Act of 1994** - Amends the Violence Against Women Act of 1994 to direct the Attorney General to: (1) make grants to law school clinical programs to fund the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault against older individuals; and (2) develop curricula and provide for training programs in those issues for law enforcement officers and prosecutors (including tribal authorities). Authorizes appropriations.

Chapter 2: Family Violence Prevention and Services Act - Amends the Family Violence Prevention and Services Act to require federally-funded State domestic violence coalitions to include programs and providers of direct services targeted to older individuals.

606) Authorizes entities eligible for a community initiatives demonstration grant to include representatives of adult protective services entities.

Chapter 3: Older Americans Act of 1965 - Amends the Older Americans Act of 1965 to direct the

Assistant Secretary of Health and Human Services for Aging to consider the importance of research about the sexual assault of older women when establishing research priorities for grants or contracts for research and demonstration projects on elder abuse.

(Sec. 609) Authorizes appropriations without fiscal year limitation for grants to implement a State long-term care ombudsman program.

(Sec. 610) Directs such Assistant Secretary to update and improve curricula and implement continuing education training programs to improve the ability of designated health care and social services providers to recognize and address instances of elder abuse, including domestic violence and sexual assault.

(Sec. 611) Directs the Assistant Secretary, when making grants and contracts, to give special consideration to projects designed to: (1) expand access to domestic violence shelters and programs for older individuals and encourage the use of certain facilities as emergency short-term shelters; and (2) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and programs.

(Sec. 612) Authorizes appropriations for the ombudsman and the elder abuse prevention program.

(Sec. 613) Directs the Assistant HHS Secretary to make grants to: (1) nonprofit private or tribal organizations to support projects in local communities to coordinate activities for intervention in and prevention of elder abuse, including domestic violence and sexual assault; and (2) develop outreach programs for assisting elder abuse victims, including some for assisting individuals in certain senior housing facilities. Authorizes appropriations.

Chapter 4: Public Health Service Act - Elder Abuse Identification and Referral Act of 1999 - Amends the Health Service Act to instruct the HHS Secretary, when awarding grants or contracts, to give preferences to health professions schools or programs that condition the awarding of their degrees or certificates upon significant student training in specified areas of elder abuse identification and treatment.

(Sec. 616) Amends the Public Health Service Act to authorize: (1) area health education centers to include training in domestic violence, sexual assault, and elder abuse screening and referral protocols; and (2) Federal grants to geriatric education centers for training and retraining of faculty to provide instruction regarding elder abuse situations.

Subtitle B: Protections Against Violence and Abuse for Women with Disabilities - Protections Against Violence and Abuse for Women with Disabilities Act - Makes the protection of women with disabilities eligible for grants and research under the following Acts: (1) the Omnibus Crime Control and Safe Streets Act of 1968; (2) Family Violence Prevention and Services Act; (3) Safe Homes for Women Act of 1994; and (4) Equal Justice for Women in the Courts Act of 1994.

(Sec. 625) Authorizes the HHS Secretary to: (1) develop curricula and implement training programs to improve the ability of social service and health providers to recognize and address domestic violence directed against women with disabilities; and (2) make grants and enter into contracts for such training programs for health professionals. Authorizes appropriations.

(Sec. 627) Directs the HHS Secretary to consider the importance of research about the sexual assault of, and violence against, women with disabilities in establishing certain research priorities.

(Sec. 628) Directs the Attorney General to establish a grants program for States, nongovernmental private

entities, and tribal organizations to provide education and technical assistance for information dissemination on abuse and violence against women with disabilities. Authorizes appropriations.

Subtitle C: Battered Immigrant Women -

VAWA Restoration Act - Amends the Immigration and Nationality Act to modify procedures and provide special rules for battered spouses and children with respect to: (1) adjustment of status; (2) removal and deportation; (3) implementation of immigration provisions in the Violence Against Women Act (VAWA); (4) waivers and exceptions to inadmissibility for otherwise qualified battered immigrants; (5) calculation of physical presence in VAWA cancellation of removal proceedings and suspension of deportation proceedings; (6) VAWA immigration protections; (7) VAWA cancellation of removal and adjustment of status for certain nonpermanent residents; and (8) good moral character determinations for self-petitioning immediate relatives.

(Sec. 638) Prescribes guidelines for: (1) discretionary first time offender waivers for aliens making child support payments; (2) misrepresentation waivers for battered spouses of United States citizens and lawful permanent residents; (3) waiver of deportability; (4) inapplicability of public charge determinations for designated aliens; and (5) access to naturalization for divorced victims of abuse. Authorizes the Attorney General to grant certain battered applicants documentation signifying authorization of employment during the pendency of certain application procedures..

Amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to redefine "qualified alien" to include certain battered aliens for purposes of welfare and public benefits eligibility.

Amends the Housing and Community Development Act of 1980 to declare restrictions on the use of assisted housing inapplicable to certain battered aliens.

(Sec. 639) Amends the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1998 to provide that requirements and restrictions placed upon Legal Services Corporation funding shall not be construed to prohibit a recipient from providing related legal assistance to certain aliens who have been battered or subjected to extreme cruelty.

(Sec. 640) Amends the Act to require each branch of the U.S. military to train its supervisory military officers in domestic violence dynamics in military families, and the protections available for battered immigrant women and children.

Expands the purposes of training grants to combat violent crimes against women to include: (1) training immigration and asylum officers and judges; and (2) training justice system personnel on the judicial ramifications of the Violence Against Women Act, and the potential immigration consequences for perpetrators of domestic violence.

Amends the Immigration and Nationality Act to express the intent of the Congress that statutory constraints upon the powers of immigration personnel not be construed as discouraging crime and domestic violence victims from reporting crimes to the police, from cooperating in criminal prosecutions, or from obtaining the legal relief needed for protection from ongoing violence.

Subtitle D: Conforming Amendments to the Violence Against Women Act - Amends the Act to make technical and conforming amendments to law enforcement and prosecution grants.

Title VII: Violence Against Women and the Workplace - Subtitle A: National Clearinghouse on

Domestic Violence and Sexual Assault and the Workplace Grant - Authorizes the Attorney General to award a grant to a private non-profit entity, including a tribal organization, to provide for establishment of a national clearinghouse and resource center to disseminate information and assistance to employers and labor organizations responding to victims of domestic violence and sexual assault. Authorizes appropriations.

Subtitle B: Victims' Employment Rights - Victim s' Employment Rights Act - Prohibits an employer from taking any discriminatory employment action towards an individual for reasons pertaining to sexual or domestic violence, or stalking.. Prohibits any adverse job action for an employee's participation in related judicial proceedings requiring absence from work. Prescribes enforcement guidelines, including civil action by an affected employee for actual and treble punitive damages.

(Sec. 726) Sets forth defenses to such an action, including extraordinary threats to workplace safety, and undue hardship.

Subtitle C: Workplace Violence Against Women Prevention Tax Credit - Workplace Violence Against Women Prevention Tax Credit Act - Amends the Internal Revenue Code to allow an employer a workplace safety program tax credit for 40 percent of the costs of implementing workplace safety and education programs to combat violence against women.

Subtitle D: Battered Women's Employment Protection - Battered Women's Employment Protection Act - Amends the Internal Revenue Code to provide for unemployment compensation for separation from employment as a direct result of an employee's experience of domestic violence.

(Sec. 743) Amends the Social Security Act to provide for the training of claims reviewers and hearing personnel in the nature and dynamics of domestic violence, and in methods of ascertaining and keeping confidential information about domestic violence experiences so that employment separations stemming from such violence are identified and adjudicated while full confidentiality is provided for the employee's claim and submitted evidence.

(Sec. 744) Amends the Family and Medical Leave Act of 1993 to establish an entitlement for leave resulting from certain domestic violence situations for both Federal and non-Federal employees. Prescribes confidentiality guidelines for an employee's situation of domestic violence. Requires that employees, under State law, be permitted to use existing leave for domestic violence situations. Empowers the Secretary of Labor to enforce the entitlement for leave due to an employee's domestic violence situation.

Subtitle E: Education and Training Grants to Promote Responses to Violence Against Women - Authorizes the Attorney General to award grants to public and private nonprofit, nongovernmental organizations for the education and training of individuals who, as a result of their employment responsibilities, are likely to come into contact with victims of domestic violence or sexual assault. Authorizes appropriations.

Subtitle F: Workers' Compensation - Expresses the sense of the Congress that State workers' compensation laws should: (1) provide benefits to eligible female victims of workplace violence, including full compensation for physical and nonphysical injuries; and (2) permit the employee to pursue an action at law (other than statutory workers' compensation benefits) against an employer's role in the act of workplace violence.

Title VIII: - Violence Against Women Intervention, Prevention, and Education Research - Amends the Violence Against Women Act of 1994 to direct the HHS Secretary and the Attorney General to

establish a multi-agency task force coordinating research on violence against women. Authorizes appropriations.

(Sec. 901) Directs the Department of Health and Human Services to make grants to entities to: (1) support research to further the understanding of the causes of violent behavior against women; and (2) evaluate education, prevention, and intervention programs. Authorizes appropriations.

Directs the Departments of Health and Human Services and of Justice to make grants to domestic violence and sexual assault organizations, research organizations and academic institutions to expand knowledge about violence against women, with a particular emphasis on exploring such issues as they affect underserved communities. Authorizes appropriations.

Directs the United States Sentencing Commission to study and report to the Congress on specified aspects of domestic violence.

Directs the Secretary to award grants to designated entities to gather data on the experiences of women and girls who become pregnant as a result of sexual assault within State and tribal health care, judicial, and social services systems. Authorizes appropriations.

Instructs the Attorney General to conduct a national study and report to the Congress on the status, implementation and efficacy of Federal, State, and tribal laws regarding rape and sexual assault offenses and their effectiveness in addressing those crimes and protecting the victims. Authorizes appropriations.

Directs the Secretary and the Attorney General to establish three research centers to: (1) support the development of research and training programs that focus on violence against women; (2) provide collaboration mechanisms between researchers and practitioners; and (3) provide technical assistance for integrating research into the provision of services. Authorizes appropriations.

BIDEN

Bill Summary & Status for the 106th Congress

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S.51
Sponsor: [Sen Biden, Joseph R., Jr.](#) (introduced 1/19/1999)
Latest Major Action: 1/19/1999 Referred to Senate committee
Title: A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

SUMMARY AS OF:
1/19/1999--Introduced.



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- Title I: Strengthening Law Enforcement to Reduce Violence
Against Women
- Title II: Strengthening Services to Victims of Violence
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- Title IV : Strengthening Education and Training to Combat
Violence Against Women
- Title V: Extension of Violent Crime Reduction Trust Fund

Violence Against Women Act II - **Title I: Strengthening Law Enforcement to Reduce Violence Against Women** - Amends the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to eligible States, Indian tribal governments, or local governmental units to provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread, including interstate, enforcement of protection orders. Instructs the Attorney General to give priority to grant applicants that: (1) have established cooperative agreements with neighboring jurisdictions to facilitate the enforcement of protection orders from other jurisdictions; and (2) will give priority to using the grant to develop and install data collection and communication systems linking police, prosecutors, courts, and tribal jurisdictions in order to identify and track protection orders and violations of such orders.

Directs the Attorney General to compile and disseminate information about successful data collection and communication systems.

Amends Federal criminal code provisions governing full faith and credit given to protection orders to provide that: (1) a State or Indian tribe shall not notify the party against whom a protection order has been made that the protection order has been registered or filed in the State or tribal jurisdiction unless

requested to do so by the party protected under that order; and (2) nothing in this title may be construed to require prior filing or registration of such orders in the enforcing State as a prerequisite to enforcement by such State. Directs that a protection order that is otherwise consistent with this title shall be accorded full faith and credit and enforced notwithstanding the failure to provide notice to the party against whom the order is made of its registration or filing in the enforcing State or Indian tribe.

(Sec. 102) Amends such Act to designate State, local, and Indian tribal courts as eligible grantees in the program to combat violent crimes against women. Revises allocation percentages for police and prosecutors, victim services, and State and local courts (not less than 25 percent, 30 percent, and ten percent, respectively).

Amends the Equal Justice for Women in the Courts Act to expand training that may be provided under domestic violence training grants to include training with respect to issues concerning individuals with disabilities. Authorizes appropriations from the Violent Crime Reduction Trust Fund through FY 2002.

Includes State, local, and tribal courts among the grantees eligible for Federal grants to encourage arrest policies. Earmarks a minimum of five percent of the total amount available for grants each fiscal year for grants to Indian tribal governments.

(Sec. 103) Reauthorizes appropriations through FY 2002 for grants to combat violent crimes against women. Directs the Attorney General to make grants to State domestic violence and sexual assault coalitions for coordinating State victim services activities and for coordinating with Federal, State, and local entities engaged in violence against women activities.

(Sec. 104) Instructs the Attorney General to transfer flunitrazepam (the "date-rape" drug) from schedule IV of the Controlled Substances Act to schedule I (the strictest level of Federal drug penalty and control).

(Sec. 105) Reauthorizes appropriations through FY 2002 for grants to encourage arrest policies.

(Sec. 106) Amends the Federal criminal code to provide that any person who, while employed by or accompanying the armed forces outside of the United States, engages in conduct that would constitute a domestic violence or sexual assault offense if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be subject to prosecution in a U.S. district court. Sets forth provisions regarding concurrent jurisdiction and priority of exercise of jurisdiction. Authorizes the Secretary of Defense to designate and authorize any individual serving in a law enforcement position in the Department of Defense to arrest such a person outside of the United States if there is probable cause to believe that such person committed such an offense. Provides for the release of such arrested persons to civilian law enforcement authorities in specified circumstances.

Provides for delivery of such persons to the appropriate authorities of a foreign country if: (1) delivery is requested for trial for such conduct as an offense under the laws of that country; and (2) delivery is authorized by a treaty or other international agreement to which the United States is a party.

Requires the Secretary of the military department concerned to transmit to the Director of the Federal Bureau of Investigation a copy of records of any penal actions taken, including certain nonjudicial punishments imposed, against a member of the armed forces who is discharged, dismissed, or released from active duty.

(Sec. 107) Prohibits and sets penalties for willfully causing bodily injury to any person or attempting, through the use of fire, a firearm, or an explosive device, to cause bodily injury to any person, whether or

not acting under color of law, because of: (1) the actual or perceived race, color, religion, or national origin of any person; or (2) the actual or perceived religion, gender, sexual orientation, or disability of any person if, in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce, or the offense is in or affects such commerce. Authorizes appropriations to the Departments of the Treasury and of Justice through FY 2002 to increase the number of personnel to prevent and respond to such alleged violations.

Directs the United States Sentencing Commission to study and, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements for adult defendants who recruit juveniles to assist in the commission of hate crimes.

Directs the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to make grants to State and local programs designed to combat hate crimes committed by juveniles. Authorizes appropriations.

(Sec. 108) Amends the Violence Against Women Act of 1994 to reauthorize through FY 2002: (1) rural domestic violence and child abuse enforcement grants (and allots not less than five percent of the total made available for each fiscal year for grants to Indian tribal governments); and (2) national stalker and domestic violence reduction grants.

(Sec. 110) Modifies Federal criminal code provisions regarding interstate domestic violence, interstate stalking, and interstate violation of a protective order to cover situations where persons travel in interstate or foreign commerce or to or from Indian country. Deems a tribal court, for purposes of full faith and credit provisions, to have jurisdiction over any activity occurring in Indian country.

Title II: Strengthening Services to Victims of Violence - Authorizes the Attorney General to make grants to private and nonprofit entities, publicly funded organizations not acting in a governmental capacity, and Indian tribal governments and affiliated organizations, to: (1) implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim advocacy organizations and civil legal assistance providers to strengthen a broad range of civil legal assistance for victims of domestic violence, stalking, and sexual assault; (2) implement, expand, and establish efforts and projects to strengthen a broad range of civil legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and (3) provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer civil legal assistance to victims of domestic violence, stalking, and sexual assault.

Authorizes the Attorney General to: (1) make a grant to establish, operate, and maintain a national computer database of programs that provide civil legal assistance to victims of domestic violence, stalking, and sexual assault; and (2) evaluate the grants funded under this title through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault and on evaluation research. Authorizes appropriations from the Violent Crime Reduction Trust Fund to carry out this title through FY 2002, with at least five percent of available amounts in each fiscal year used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(Sec. 202) Amends the Family Violence Prevention and Services Act with respect to State demonstration grants for programs and projects to prevent family violence and provide immediate shelter and related assistance to victims. Requires grant applicants to provide documentation, including memoranda of

understanding, of the specific involvement of the State domestic violence coalition and other knowledgeable individuals and interested organizations, in the development of the application.

Earmarks funds to provide emergency assistance directly to victims of family violence, or their dependents, who are in the process of fleeing an abusive situation.

Changes from a formula amount to \$500,000 the minimum allotment to each State for such grants.

Requires the Secretary of Health and Human Services to make grants to Indian tribes and organizations from any sums not distributed to them.

Authorizes the Secretary to award grants to private nonprofit organizations for information, training, and technical assistance initiatives in specified subject areas.

Authorizes appropriations under such Act through FY 2002.

Revises the formula for the allocation of appropriations for grants for State coalitions.

Directs the Secretary to conduct a nationwide needs assessment relating to family violence prevention and services programs.

Authorizes the Secretary to award grants to up to ten State domestic violence coalitions, and up to ten local entities that carry out domestic violence programs providing shelter or related assistance, to develop and implement model community intervention strategies to address family violence in underserved populations.

Prescribes formulae for the redistribution of funds available due to certain limitations.

(Sec. 203) Prohibits any insurer from, directly or indirectly, taking any adverse action against: (1) an innocent insured; or (2) an applicant or insured on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association is, has been, or may be the subject of abuse.

Defines an innocent insured as a subject of abuse insured under the same policy as the abuser, but who is not (in light of all the facts and circumstances) the cause of any claim incurred or that may incur.

Requires any insurer taking an adverse action against a known subject of abuse to advise the applicant or insured in writing of the specific reasons for the action.

Empowers the Federal Trade Commission (FTC) to enforce such prohibitions and policy. Provides for a private action against an insurer by an applicant or insured affected by a violation of this Act.

(Sec. 204) Amends the Family Violence Prevention and Services Act to extend through FY 2002 the authorization of appropriations for the national domestic violence hotline.

(Sec. 205) Amends the Violent Crime Control and Law Enforcement Act of 1994 to extend through FY 2002 and increase the authorization of appropriations for Federal victims' counselors.

(Sec. 206) Amends the Family and Medical Leave Act of 1993 to entitle employees to leave to: (1) address domestic violence and its effects; or (2) care for a child or parent of the employee who is addressing

domestic violence and its effects. Authorizes an employer to require an employee to provide documentation or other corroborating evidence.

Amends Federal civil service law to entitle Federal employees to take such leave, subject to the same requirements.

(Sec. 207) Amends the Internal Revenue Code to authorize unemployment compensation where an individual is separated from employment due to circumstances directly resulting from the individual's experience of domestic violence.

Amends the Social Security Act to require State laws to provide for methods of administration that will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of claims for unemployment compensation based on domestic violence, including methods of ascertaining and keeping information confidential.

(Sec. 208) Amends the Immigration and Nationality Act, the Omnibus Crime Control and Safe Streets Act of 1968, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 with respect to aliens who have been battered or subjected to extreme cruelty to provide for waiver of certain immigration requirements.

(Sec. 209) Amends the Violence Against Women Act of 1994 to add a new Subtitle H (Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older Individuals).

Directs the Attorney General to: (1) make grants to law school clinical programs for the purposes of funding the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals; and (2) develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers and prosecutors in recognizing, addressing, investigating, and prosecuting instances of such abuse, neglect, and exploitation. Authorizes appropriations.

Amends the Family Violence Prevention and Services Act and the Older Americans Act of 1965 with respect to programs addressing such issues, including related training for health professionals.

Amends the Older Americans Act of 1965 to authorize appropriations for programs and activities for the prevention of elder abuse, neglect, and exploitation.

Requires the Secretary to make grants to: (1) support projects in local communities to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals; and (2) develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation, including those in senior housing complexes and senior centers. Authorizes appropriations.

Amends the Public Health Service Act (as amended by the Health Professions Education Partnerships Act of 1998) to require the Secretary to give preference in the award of certain grants and contracts to any health professions educational entity that requires, as a condition of receiving a degree or certificate, that each student have had significant training in the identification and referral of victims of elder abuse and neglect.

Title III: Limiting the Effects of Violence on Children - Authorizes the Attorney General to make grants to States and Indian tribal governments to enable them to enter into contracts and cooperative

agreements to assist public or private nonprofit entities in establishing and operating supervised visitation centers for purposes of facilitating supervised visitation and visitation exchange of children by and between parents. Requires that priority be given to States that consider domestic violence in making a custody decision and require findings on the record.

(Sec. 302) Directs the Attorney General to study and report to Congress on Federal and State laws relating to child custody, including the Parental Kidnaping Prevention Act of 1980, and their effect on child custody cases in which domestic violence is a factor. Requires such study to examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from compliance with the full faith and credit (and judicial jurisdiction) requirements of that Act. Authorizes appropriations.

(Sec. 303) Amends the Runaway and Homeless Youth Act to authorize appropriations for grants through FY 2002.

Directs the Secretary to compile annually and disseminate, especially to community-based programs (including domestic violence and sexual assault programs), specified information about the use of amounts expended and the projects funded under such Act.

(Sec. 304) Amends the Victims of Child Abuse Act of 1990 to authorize appropriations through FY 2002 for: (1) the court-appointed special advocate program; (2) child abuse training programs for judicial personnel and practitioners; and (3) grants for televised testimony.

Directs the Attorney General to compile annually and disseminate, especially to community-based programs (including domestic violence and sexual assault programs), specified information about the use of amounts expended and the projects funded under such Act.

Title IV: Strengthening Education and Training to Combat Violence Against Women - Amends the Public Health Service Act to direct the Secretary of Health and Human Services, in awarding grants or contracts for health professions and nurse education, to give preference to a relevant health professions entity that requires, as a condition of receiving a degree or certificate, that a student has had significant training in the identification, examination, treatment, and referral of victims of domestic violence.

(Sec. 401) Defines relevant health professions entity as a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing, a program for the training of physician assistants, or a program for the training of allied health professionals.

(Sec. 402) Authorizes the Attorney General to make grants for the development and dissemination of model programs to provide education and training in appropriate and effective responses to victims of domestic violence and victims of sexual assault (including, as appropriate, the effects of domestic violence on children) to individuals (other than law enforcement officers and prosecutors) who are likely to come into contact with such victims during the course of their employment. Limits such grants to public and private nonprofit entities that have: (1) nationally recognized expertise in the areas of domestic violence and sexual assault; and (2) a record of commitment and quality responses to reduce domestic violence and sexual assault. Authorizes appropriations.

(Sec. 403) Requires States to use certain transferred funds for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for: (1) educational seminars; (2) hotlines; (3) training programs for professionals; (4) the preparation of informational material; (5) education and training programs for students and campus

personnel designed to reduce the incidence of sexual assault at colleges and universities; and (6) other efforts to increase awareness of, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities. Requires at least 25 percent of grant funds are used for educational programs targeted for middle school, junior high, and high school students.

Directs the Secretary, through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, to establish a National Resource Center on Sexual Assault (with a central resource library) to provide resource information, policy, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault.

Authorizes appropriations.

(Sec. 404) Directs the Secretary to provide grants to individuals or organizations to carry out educational programs for elementary schools, middle schools, secondary schools, or institutions of higher education with respect to information regarding, and prevention of, domestic violence and violence among intimate partners. Authorizes appropriations.

(Sec. 405) Directs the Attorney General to make grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on violence, abuse, and sexual assault against women who are individuals with disabilities. Authorizes appropriations for such grants through FY 2002.

(Sec. 406) Amends the Family Violence Prevention and Services Act to make grants to groups that provide services to or advocate on behalf of individuals with disabilities eligible for demonstration grants for community initiatives. Authorizes appropriations for such grants through FY 2002.

(Sec. 407) Directs the Attorney General to establish a multidisciplinary, multiagency national commission to: (1) evaluate standards of training and practice for licensed health care professionals performing sexual assault forensic examinations, and develop a national recommended training standard; (2) recommend minimum sexual assault forensic examination training for all health care students; (3) review national, State, and local protocols on sexual assault for forensic examinations, and develop a recommended national protocol and a mechanism for nationwide dissemination; and (4) study and evaluate State procedures for payment of forensic examinations for victims of sexual assault, and establish a recommended Federal protocol for such payment. Authorizes appropriations.

(Sec. 408) Authorizes the Attorney General to make a grant to a private, nonprofit entity meeting certain requirements to establish a national clearinghouse and resource center to provide information and assistance to employers and labor organizations on appropriate workplace responses to domestic violence and sexual assault. Authorizes appropriations.

(Sec. 409) Amends the Violence Against Women Act of 1994 to direct the Secretary to make grants to entities, including domestic violence and sexual assault organizations, research organizations, and academic institutions, to: (1) support specified research and evaluation of education, prevention, and intervention programs on violent behavior against women; and (2) address gaps in research and knowledge about violence against women, including violence against women in underserved communities.

Directs the U.S. Sentencing Commission to report to Congress on: (1) Federal and State sentences for homicides or assaults in which the victim was a spouse, former spouse, or intimate partner of the offender;

(2) the effect of illicit drugs and alcohol on domestic violence and the sentences imposed for offenses involving them in which domestic violence occurred; (3) the extent to which acts of domestic violence committed against the offender, including coercion, may have contributed to the commission of an offense; (4) an analysis delineated by race, gender, type of offense, and any other categories that would be useful for understanding the problem of domestic violence; and (5) recommendations with respect to all such offenses, including any basis for a downward adjustment in any applicable Federal sentencing guidelines determination.

Directs the Secretary to make grants to nonprofit entities, including sexual assault organizations, research organizations, and academic institutions, in order to gather qualitative and quantitative data on the experiences of minors and adults who become pregnant as a result of sexual assault within State health care, judicial, and social services systems.

Requires the Attorney General to study and report to Congress on the status of the law with respect to rape and sexual assault offenses and the effectiveness of the implementation of laws in addressing such crimes and protecting their victims.

Authorizes appropriations.

Title V: Extension of Violent Crime Reduction Trust Fund - Amends the Violent Crime Control and Law Enforcement Act of 1994 to authorize appropriations to the Violent Crime Reduction Trust Fund through FY 2002.

Reduces discretionary spending limits for FY 2001 and 2002 in the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings Act) by specified offsetting amounts.

HATCH

Bill Summary & Status for the 106th Congress

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S.245
Sponsor: [Sen Hatch, Orrin G.](#) (introduced 1/19/1999)
Latest Major Action: 1/19/1999 Referred to Senate committee
Title: A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

SUMMARY AS OF:
1/19/1999--Introduced.

TABLE OF CONTENTS:

Title I: Strengthening Law Enforcement to Reduce Violence
Against Women

Title II: Strengthening Services to Victims of Violence

Title III: Limiting the Effects of Violence on Children

Title IV: Strengthening Education and Training to Combat
Violence Against Women

Hatch

Violence Against Women Act of 1999 - **Title I: Strengthening Law Enforcement to Reduce Violence Against Women** - Amends the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to eligible States, Indian tribal governments, or local governmental units to provide technical assistance and computer and other equipment to police departments, prosecutors, and courts to facilitate the widespread, including interstate, enforcement of protection orders. Instructs the Attorney General to give priority to grant applicants that: (1) have established cooperative agreements with neighboring jurisdictions to facilitate the enforcement of protection orders from other jurisdictions; and (2) will use the grant to develop and install data collection and communication systems linking police, prosecutors, and courts in order to identify and track protection orders and violations of such orders.

Directs the Attorney General to compile and disseminate information about successful data collection and communication systems.

(Sec. 102) Reauthorizes appropriations through FY 2002 for grants to: (1) combat violent crimes against women; and (2) encourage arrest policies.

(Sec. 104) Authorizes the Attorney General to make grants to institutions of higher education for use by campus personnel and nonprofit victim services programs to assist campus administrators and campus security personnel to develop and strengthen: (1) effective security and investigation strategies to combat violent crimes against women on campuses, particularly sexual assault, stalking, and domestic violence; and (2) victim services in cases involving violent crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victims services agencies.

Sets forth provisions regarding application and certification requirements, disbursement of funds, and the Federal share. Authorizes appropriations through FY 2002.

(Sec. 105) Amends the Violence Against Women Act of 1994 to reauthorize through FY 2002: (1) rural domestic violence and child abuse enforcement grants (and allots not less than five percent of the total made available for each fiscal year for grants to Indian tribal governments); and (2) national stalker and domestic violence reduction grants.

(Sec. 107) Modifies Federal criminal code provisions regarding interstate domestic violence, interstate stalking, and interstate violation of a protective order to cover situations where persons travel in interstate or foreign commerce or to or from Indian country.

(Sec. 108) Directs the Secretary of Defense to: (1) conduct a review of the occurrence of domestic violence by members of the Armed Forces at military installations inside and outside the United States and the actions taken within the Department of Defense to prevent, control, and otherwise respond to such violence; and (2) report to Congress.

Title II: Strengthening Services to Victims of Violence - Amends the Family Violence Prevention and Services Act to reauthorize appropriations through FY 2002.

Directs the Secretary of Health and Human Services (the Secretary) to conduct a nationwide needs assessment relating to family violence prevention and services programs. Requires that, in awarding grants, the application indicate the number of persons served and develop a plan for evaluating need and utility of services.

(Sec. 202) Extends through FY 2002 the authorization of appropriations for the national domestic violence hotline.

(Sec. 208) Makes changes to the Immigration and Nationality Act, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, aimed at removing barriers to adjustment of status for victims of domestic violence, removing barriers to cancellation of removal and suspension of deportation for such victims, and eliminating time limitations on motions to reopen removal and deportation proceedings for such victims.

Title III: Limiting the Effects of Violence on Children - Reauthorizes appropriations through FY 2002 under: (1) the Runaway and Homeless Youth Act; and (2) the Victims of Child Abuse Act of 1990 for the court-appointed special advocate program and for child abuse training programs for judicial personnel and practitioners.

Directs the Secretary and the Attorney General, respectively, to compile annually and disseminate, especially to community-based programs (including domestic violence and sexual assault programs), specified information about the use of amounts expended and the projects funded under such Acts.

Title IV: Strengthening Education and Training to Combat Violence Against Women - Directs the Attorney General to make grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on violence, abuse, and sexual assault against women who are individuals with disabilities. Authorizes appropriations through FY 2002.

(Sec. 402) Amends the Family Violence Prevention and Services Act to make grants to groups that provide services to or advocate on behalf of individuals with disabilities eligible for demonstration grants for community initiatives. Authorizes appropriations for such grants through FY 2002.

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Opening Argument

Why You Can't Sue Your Rapist In Federal Court

By Stuart Taylor Jr., *National Journal*
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Monday, May 22, 2000

"The 1994 Violence Against Women Act provided (among other things) that victims of rape, domestic abuse, and other "crimes of violence motivated by gender" could file federal civil rights lawsuits against their alleged assailants. The measure was nothing if not popular. Championed by **President Clinton** and feminist groups, it sailed through the House and Senate.

"When you think about a rape in a college dormitory, do you think about interstatecommerce?"

But popularity is no guarantee of Supreme Court approval. In its most dramatic move since 1935 to rein in congressional power, the Court struck down this civil rights provision by a 5-4 vote on May 15, in *U.S. vs. Morrison*. In doing so, the Justices threw out a lawsuit by **Christy Brzonkala**, who claims that two Virginia Tech football

players raped her in their dorm room in 1994. She had sued them under VAWA after the university declined to discipline the men-who denied the rape charge, although one said he'd had consensual sex with Brzonkala-and a Virginia grand jury had declined to indict them.

The usual five conservative Justices ruled that Congress had unconstitutionally intruded into the traditional domain of the states. The usual four liberals dissented. The usual feminist groups (and a "deeply disappointed" President Clinton) decried the decision as a blow to raped and battered women; one prominent feminist called it sexist. The usual conservative groups applauded it as a great victory for the Constitution and states' rights. And the usual questions lingered: How will this affect real people? What's going on behind the headlines and the legalese? Are the Justices interpreting the Constitution, or just grinding political axes? What will they do next?

Some answers:

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· **It will affect only a tiny minority of victims.** The *New York Times* editorialized that the decision "left women more vulnerable to gender-motivated violence," but that's a stretch. Even sponsors of the VAWA have acknowledged that the civil rights provision was a largely symbolic gesture to show congressional concern about violence against women. Most men accused of such violence have little or no money with which to pay any damage awards. And men who are violent enough to risk both criminal prosecution and damage lawsuits at the state level-all 50 states offer victims both remedies-are unlikely to be deterred by the possibility of being sued in federal court too.

It may be true, as Congress found, that many state and local police, prosecutors, judges, and jurors still do not take women who complain of rape and domestic violence seriously enough. But if so, VAWA's federal damage-lawsuit remedy is pathetically inadequate.

· **Conservatism is not always sexism.** The Justices used "states' rights ... as a fig leaf for sexism," said radical feminist legal scholar **Catherine MacKinnon** in denouncing the *Morrison* decision. Said **Martha Davis** of the National Organization for Women Legal Defense and Education Fund, "We are extremely disappointed and concerned that the Court's continued march toward states' rights is cutting women out of the Constitution."

Rubbish. Justice **Sandra Day O'Connor**, an old-fashioned feminist, learned about sexism the old-fashioned way when law firms spurned her and her stellar Stanford Law School record because she was a woman. She has sided with feminists in virtually every big decision involving women's rights during her 19 years on the Court. But she has also been deeply committed to principles of federalism. So it was no great surprise that she provided the critical fifth vote in this case for striking down a law beloved by those modern feminists who see men oppressing women everywhere they look.

The Court was no more influenced by animus against women in *Morrison* than it was by sympathy for thugs in *U.S. vs. Lopez*, when the same 5-4 majority struck down a federal law making it a crime to have a gun in or near a school. The 1995 *Lopez* decision paved the way for *Morrison* by holding for the first time since 1935 that some activities are too local and remote from any economic transaction to be reached by Congress under the guise of regulating interstate commerce.

· **It's not really about states' rights.** Stressing that 36 states had urged the Court to uphold the statute, Justice **David H. Souter** wrote for the four dissenters that "it is ... not the least irony of these cases that the states will be forced to enjoy the new federalism whether they want it or not." A nice rhetorical point. But the real power struggle in this case was not between the states and Congress. It was between the Court and Congress. The dissenters would essentially abandon, as beyond the Court's institutional competence, any effort to enforce the Constitution's restrictions on what Congress can do in the name of regulating interstate commerce. Chief Justice **William H.**

Rehnquist held for the majority that the Justices themselves will (for now, at least) insist on having the last word.

The Framers confined Congress to certain enumerated powers, including the power to regulate interstate commerce, mainly to protect not states but individuals from a distant, overbearing national government. A corollary goal was to protect those accused of crimes from being pursued in both state and federal court systems. So when the Court ruled in *Morrison* that gender-motivated violence has too insubstantial and attenuated an effect on commerce to be regulable by Congress, the immediate result was to protect the two accused football players—who are presumed innocent until proven guilty—from being hauled at their accuser's option into either federal or state court or both. The Court also rejected an argument that the statute was a valid exercise of Congress's power to enforce the 14th Amendment.

So it's something of a misnomer to call this a "states' rights" case, as many journalists (including me) have slipped into doing. True, the same 5-4 majority has moved, in a related line of decisions since 1992, to protect the states from being required to enforce federal laws, or being sued for damages for violating such laws. But the VAWA provision that the Court struck down did not regulate states at all. And the same statute gave the states some \$1.5 billion for programs, such as rape crisis centers, to help women victimized by violence. No wonder most states like it.

· **The conservative majority was animated by a vital principle.** Critics see *Morrison* as the kind of "judicial activism" that conservatives love to deplore, but that's too simplistic. The Framers clearly did not intend to let Congress regulate everything. And if rape and domestic violence have a sufficient effect on interstate commerce to justify federal regulation, then so does all violent crime, and so do most other human activities. As Rehnquist pointed out, the Court has never gone so far as to uphold congressional efforts to penalize purely noneconomic intrastate activity in the guise of regulating interstate commerce. And the Court's efforts to draw a line in *Lopez* and in *Morrison* have hardly been radical. They neither overrule any prior decision nor pose a serious threat (unless radically extended in future decisions) to any major federal regulatory program.

Some thoughtful liberals recognize the force of such logic. "Try the common sense test," writes columnist **Wendy Kaminer** of *The American Prospect*. "When you think about a rape in a college dormitory, do you think about interstate commerce?" Adds Harvard Law professor **Laurence Tribe**: "I'm not confident of the right answer here, but I'm reasonably confident that, if the dissenters are right, then there are no judicially enforceable limits at all on the commerce power, [and] the basic compromise underlying the Constitution has come unglued."

· **It ain't over.** Souter stressed in his cogent dissent that it was "the Founders' considered judgment that politics, not judicial review, should mediate between the state and national interests as the strength and legislative jurisdiction of the National Government inevitably increased through the

Brzankala

invalidated only the civil remedy provision
(victims' ability to sue attackers)

-invalidated under Commerce Clause - Lopez

+ § 5 of 14th Amendment

only prohibits state action - 1880 ruling US case

expected growth of the national economy." He also predicted that *Morrison* -- the latest chapter in a two-century-old struggle over federal power--will not "prove to be enduring law." That echoes Rehnquist's prediction (made 15 years ago, in his dissent from a decision letting Congress set minimum wages for state workers) that his own broad view of state sovereignty will eventually "command the support of a majority of this Court."

Rehnquist's prediction came true, thanks largely to the 1988 election of **President Bush**, whose 1991 appointment of Justice **Clarence Thomas** gave the Chief Justice a fifth vote. Now another election is coming. And if **Al Gore** wins it, Souter may prove a prophet too.

Stuart Taylor Jr. is a senior writer for National Journal magazine, where "Opening Argument" appears.

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

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

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

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

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-authorization 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.

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Syllabus

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

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

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

SUPREME COURT OF THE UNITED STATES

UNITED STATES v. MORRISON et al.

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

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

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

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

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

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

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

169 F.3d 820, affirmed.

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

Notes

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

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

Syllabus	Opinion (Rehnquist)	Concurrence (Thomas)	Dissent (Souter)	Dissent (Breyer)
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Opinion of the Court

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

SUPREME COURT OF THE UNITED STATES

Nos. 99—5 and 99—29

UNITED STATES, PETITIONER

CHRISTY BRZONKALA, PETITIONER

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

[May 15, 2000]

Chief Justice Rehnquist delivered the opinion of the Court.

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

I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II

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

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

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

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

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

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

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

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

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

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

ion of entire areas of traditional state concern, areas

having nothing to do with the regulation of commercial activities, the boundaries between the spheres of federal and state authority would blur”), 580 (“[U]nlike the earlier cases to come before the Court here

~~neither the actors nor their conduct has a commercial character, and neither the purposes nor the design of the statute has an evident commercial nexus. The statute makes the simple possession of a gun within 1,000 feet of the grounds of the school a criminal offense. In a sense any conduct in this interdependent world of ours has an ultimate commercial origin or consequence, but we have not yet said the commerce power may reach so far~~ (citation omitted)).

Lopez’s re-

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

560.⁴

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

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

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

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

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

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

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

Like the Gun-Free School Zones Act at issue in *Lopez*, §13981 contains no jurisdictional element establishing that the federal cause of action is in pursuance of Congress’ power to regulate interstate commerce. Although *Lopez* makes clear that such a jurisdictional element would lend support to the argument that §13981 is sufficiently tied to interstate commerce, Congress elected to cast §13981’s remedy over a wider, and more purely intrastate, body of violent crime.⁵

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

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

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

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

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

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

We accordingly reject the argument that Congress may regulate noneconomic, violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce. The Constitution requires a distinction between what is truly national and what is truly local. *Lopez*, 514 U.S., at 568 (citing *Jones & Laughlin Steel*, 301 U.S., at 30). In recognizing this fact we preserve one of the few principles that has been consistent since the Clause was adopted. The regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the States. See, e.g., *Cohens v. Virginia*, 6 Wheat. 264, 426, 428 (1821) (Marshall, C. J.) (stating that Congress "has no general right to punish murder committed within any of the States," and that it is "clear ... that congress cannot punish felonies generally"). Indeed, we can think of no better example of the police power, which the Founders denied the National Government and reposed in the States, than the suppression of violent crime and vindication of its victims.⁸ See, e.g., *Lopez*, 514 U.S., at 566 ("The Constitution ... withhold[s] from Congress a plenary police power"); *id.*, at 584—585 (Thomas, J., concurring) ("[W]e always have rejected readings of the Commerce Clause and the scope of federal power that would permit Congress to exercise a police power"), 596—597, and n. 6 (noting that the first Congresses did not enact nationwide punishments for criminal conduct under the Commerce Clause).

III

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

But even if that distinction were valid, we do not believe it would save §13981's civil remedy. For the remedy is simply not "corrective in its character, adapted to counteract and redress the operation of such prohibited [s]tate laws or proceedings of [s]tate officers." *Civil Rights Cases*, 109 U.S., at 18. Or, as we have phrased it in more recent cases, prophylactic legislation under §5 must have a "congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end."

Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank, 527 U.S. 627, 639 (1999);

~~*Florida*, 521 U.S., at 526. Section 13981 is not aimed at proscribing discrimination by officials which the~~
 Fourteenth Amendment might not itself proscribe; it is directed not at any State or state actor, but at individuals who have committed criminal acts motivated by gender bias.

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

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

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

IV

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

Affirmed.

Notes

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

our constitutional system. As we have repeatedly noted, the Framers crafted the federal system of government so that the people's rights would be secured by the division of power. See, e.g., *Arizona v. Evans*, 514 U.S. 1, 30 (1995) (Ginsburg, J., dissenting); *Gregory v. Ashcroft*, 501 U.S. 452, 458—459 (1991) (cataloging the benefits of the federal design); *Atascadero State Hospital v. Scanlon*, 473 U.S. 234, 242 (1985) (“The ‘constitutionally mandated balance of power’ between the States and the Federal Government was adopted by the Framers to ensure the protection of ‘our fundamental liberties’ ”) (quoting *Garcia, supra*, at 572 (Powell, J., dissenting)). Departing from their parliamentary past, the Framers adopted a written Constitution that further divided authority at the federal level so that the Constitution's provisions would not be defined solely by the political branches nor the scope of legislative power limited only by public opinion and the legislature's self-restraint. See, e.g., *Marbury v. Madison*, 1 Cranch 137, 176 (1803) (Marshall, C. J.) (“The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution is written”). It is thus a “‘permanent and indispensable feature of our constitutional system’ ” that “‘the federal judiciary is supreme in the exposition of the law of the Constitution.’ ” *Miller v. Johnson*, 515 U.S. 900, 922—923 (1995) (quoting *Cooper v. Aaron*, 358 U.S. 1, 18 (1958)). No doubt the political branches have a role in interpreting and

applying the Constitution, but ever since *Marbury* this Court has remained the ultimate expositor of the constitutional text. As we emphasized in *United States v. Nixon*, 418 U.S. 683 (1974), “[I]n the performance of assigned constitutional duties each branch of the Government must initially interpret the Constitution, and the interpretation of its powers by any branch is due great respect from the others.” Many decisions of this Court, however, have unequivocally reaffirmed the holding of *Marbury* ... that “[i]t is emphatically the province and duty of the judicial department to say what the law is.” *Id.*, at 703 (citation omitted). Contrary to Justice Souter's suggestion, see *post*, at 19—21, and n. 14, *Gibbons* did not exempt the commerce power from this cardinal rule of constitutional law. His assertion that, from *Gibbons* on, public opinion has been the only restraint on the congressional exercise of the commerce power is true only insofar as it contends that political accountability is and has been the only limit on Congress' exercise of the commerce power *within that power's outer bounds*. As the language surrounding that relied upon by Justice Souter makes clear, *Gibbons* did not remove from this Court the authority to define that boundary. See *Gibbons, supra*, at 194—195 (“It is not intended to say that these words comprehend that commerce, which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or affect other States... . Comprehensive as the word ‘among’ is, it may very properly be restricted to that commerce which concerns more States than one. The phrase is not one which would probably have been selected to indicate the completely interior traffic of a State, because it is not an apt phrase for that purpose; and the enumeration of the particular classes of commerce to which the power was to be extended, would not have been made, had the intention been to extend the power to every description. The enumeration presupposes something not enumerated; and that something, if we regard the language or the subject of the sentence, must be the exclusively internal commerce of a State”).

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

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.



Anna Richter

05/15/2000 04:14:46 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP@EOP, Ann O'Leary/OPD/EOP@EOP, Heather H. Howard/OPD/EOP@EOP, Jennifer E. McGee/OMB/EOP@EOP

cc:

Subject: VAWA Statement -- BR changed historic to important.

**Statement on Brzonkala Case
May 15, 2000**

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.

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May 15, 2000

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THE WHITE HOUSE

Office of the Vice President

For Immediate Release
Wednesday, May 17, 2000

Contact:
(202) 456-7035

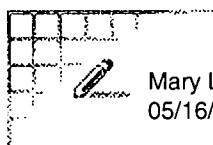
VICE PRESIDENT GORE CALLS ON CONGRESS TO REAUTHORIZE VIOLENCE
AGAINST WOMEN ACT

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, 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. *released today*

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 which we have made under VAWA are working. We would not interrupt a crime fighting program because the crime rates are down--so we should not stop protecting women against domestic violence because their statistics are down. This is the time to intensify our efforts, with the goal of eliminating violence in the home in any form.

As I travel the country talking to youth, the number one concern they express to me 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. This demonstrates that while the work of our administration has been key to reducing domestic violence--we must continue our vigilance. That is why I am pledging to work with Congress to reauthorize ~~the funding of this critically important VAWA legislation.~~ *reauthorized today*

reauthorized today
reauthorized VAWA legislation.



Mary L. Smith
05/16/2000 03:21:34 PM

Record Type: Record

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

cc:

Subject: 1st cut at POTUS statement on domestic violence

Please review this and send me any comments by 5pm today. Thanks, Mary

**STATEMENT BY THE PRESIDENT ON NEW DOMESTIC
VIOLENCE STATISTICS AND REAUTHORIZATION OF
THE VIOLENCE AGAINST WOMEN ACT
May 16, 2000**

Today the Department of Justice released new statistics that demonstrate that we are making progress in our efforts to combat domestic violence. These statistics, contained in the report Intimate Partner Violence, show that intimate partners – current or former spouses, boyfriends, or girlfriends – committed fewer murders in each of the three years 1996, 1997, and 1998 than in any other year since 1976. Even more significantly, the number of female victims of intimate violence declined from 1993 to 1998. In 1998, women experienced about 875,000 violent offenses at the hands of an intimate – down from 1.1 million in 1993.

These heartening statistics come on the heels of the Supreme Court's decision this week in United States v. Morrison. In that case, the Court struck down the civil remedy provision contained in the Violence Against Women Act (VAWA), which gave victims of gender-motivated violence the ability to sue their attackers for lost earnings, medical expenses, and other damages. While this decision does not invalidate the rest of VAWA, it is a setback for women who are the victims of gender-motivated attacks, and I have pledged to work to provide protections for these women.

While today's statistics provide welcome news that we have made strides to protect women who are victims of domestic violence and that efforts to prevent these crimes are working, we need to do more. Too many women still suffer at the hands of intimates. Today's report demonstrates that children and younger women suffer disproportionately. Between 1993 and 1998, women aged 16 to 24 experienced the highest per capita rates of intimate violence. Furthermore, about 40 percent of female victims of intimate partner violence live in households with children – 13 percent higher than the 27 percent of U.S. households with children generally. We must remain vigilant in protecting our Nation's most vulnerable populations.

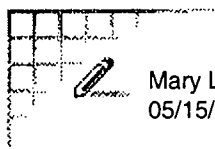
That is why Congress must act this year to reauthorize VAWA. In 1994, as part of comprehensive crime control legislation, I signed VAWA into law. This historic piece of federal

legislation contains a broad array of ground-breaking laws to combat violence against women. VAWA passed Congress with bipartisan support. My Administration has awarded over \$1.3 billion in VAWA grants since 1994. These grants have provided assistance to states, territories, and Indian tribes to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. These grants have also provided assistance to ____ numbers (**HHS or DOJ –can we get an estimate of the number of women affected**) of women by providing funding for domestic violence shelters and for services such as counseling and legal assistance.

Reauthorization of VAWA should not be a partisan issue. Domestic violence cuts across all ages, income levels, and education levels. We must work together to ensure that these programs and prevention strategies continue in this millennium. I have made the reauthorization and strengthening of VAWA a top legislative goal for this year. I call on Congress to take action to send me a bill that will keep women in this country safe from violence.

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Mary L. Smith
05/15/2000 11:23:01 AM

Record Type: Record

To: Heather H. Howard/OPD/EOP@EOP, Lisa M. Brown/OVP/EOP@EOP, William Marshall/WHO/EOP@EOP
cc:
Subject: VAWA Q&A to review ASAP

Please let me know ASAP whether you are fine with this. Thanks, Mary
VAWA Supreme Court Case Q&A
May 15, 2000

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

A: While the Administration has not had an opportunity to thoroughly review the decision, the Administration is very disappointed that the Supreme Court did not uphold the provision in the Violence Against Women Act (VAWA) that 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.

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May 15, 2000

Court Rejects Federal Rape Law

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Filed at 10:39 a.m. EDT

By The Associated Press

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

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

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

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

"Petitioner Brzonkala's complaint alleges that she was the victim of a brutal assault," Chief Justice William H. Rehnquist wrote for the court. "If the allegations here are true, no civilized system of justice could fail to provide her a remedy ... But under our federal system that remedy must be provided by the commonwealth of Virginia, and not by the United States."

The justices rejected arguments by her lawyer and the Clinton administration that the law was needed because states are not doing enough to protect rape victims, and because gender-based violence

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restricts women's choices in jobs and travel.

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

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

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

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

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

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

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

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

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

But the lawyer for the two athletes said that allowing Congress to enact such laws would relegate states to a trivial role in such matters.

Rehnquist wrote, "We accordingly reject the argument that Congress may regulate noneconomic, violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce. The Constitution requires a distinction between what is truly national and what is truly local."

The Violence Against Women Act also has criminal provisions, and those were not at issue in today's decision.

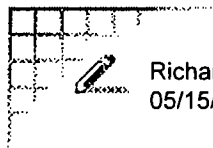
Brzonkala, who did not return to Virginia Tech after her freshman year, has spoken publicly about the case only rarely.

At a news conference in January before the justices heard arguments, she said, "Rape is like having your soul torn out. This violence happens to too many women, and we need laws on the books to fight it."

Thirty-six states supported Brzonkala and asked the court to uphold the provision. In February, Virginia Tech said it agreed to pay \$75,000 to Brzonkala to settle a separate lawsuit she filed against the university, which she said protected the two men because they were athletes.

The cases are U.S. vs. Morrison, 99-5, and Brzonkala vs. Morrison, 99-29.

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Richard L. Siewert
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by LAURIE ASSEO
Associated Press Writer

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News

Tuesday, May 30

Classmates saw gun three days earlier

By Michael Van Sickler, Palm Beach Post Staff Writer

Tuesday, May 30, 2000

LAKE WORTH -- Just three days before teacher Barry Grunow was shot dead in his Lake Worth Middle School classroom, the suspected 13-year-old shooter had shown off the pistol to a couple of schoolmates, police said Monday.

Nathaniel Brazill unveiled the .25-caliber semi-automatic handgun to two friends near his home on the 800 block of South H Street, police said. Instead of telling anyone of the foreboding show-and-tell, however, the two juveniles kept quiet.

With Brazill's secret intact, Grunow, a 35-year-old English teacher, husband and father of two children, never had a chance.

In the wake of his Friday slaying, Lake Worth police hustled over the holiday weekend to complete their criminal investigation so State Attorney Barry Krischer could begin trying the case before a grand jury by the end of this week. If Krischer gets what he wants from the grand jury, Brazill will be tried as an adult.

On Sunday, investigators removed Brazill's home computer, a Gateway, along with CD-ROM games that included action games popular with many teens, said police spokeswoman Lt. Raychel Houston.

Police Chief William Smith said the FBI would inspect the computer's files and hard drive for any clues to Brazill's behavior. He would not comment on what type of games or files were found.

Detectives also retrieved stacks of handwritten notes and military-themed web page printouts -- all with the consent of Brazill's mother, Smith said -- from the home of the promising honors student, hoping to find a motive for the shooting. The web page printouts reflected an affinity for weaponry and helicopters, Smith said, adding that Brazill wanted to pursue a law enforcement or military career.

Brazill's family would not comment, but released a statement:

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"To the family of the late Barry Grunow, this is to express our sincere condolences in the time of your bereavement. Our heartfelt sympathy goes out, especially to Mrs. Grunow and her children.

"We don't know, only what we have been told. But there is an almighty God who sits high and looks low. He knows all. He sees all and hears all. We are praying for you because in the midst of it all, God is in control.

"Sympathetically, the Brazill and Josey families."

Police also released reports that suggested Brazill had a turbulent home life. Brazill's mother, Polly Josey-Whitefield, was named in 17 incident reports during the last six years, with five of them detailing her complaints of domestic abuse. As Polly Josey, she was named in another eight incident reports from 1987 to 1992, but police said those records have been destroyed. Police reports do not indicate any charges or arrests.

- On April 4, 1995, Polly Whitefield said Wainford Whitefield, identified in the report as her husband, punched her in the mouth.
- On April 1, 1996, Polly Whitefield said Wainford Whitefield broke into her apartment after she changed the locks.
- On New Year's Eve 1997, a male caller told police: "Come over here -- you know where it's at."
- On Jan. 16, 1998, Whitefield told police that an ex-boyfriend was banging on her door and refusing to leave.
- On Aug. 8, 1999, police arrived to stop a shouting match between Whitefield and Marshall Powell, who was identified in the report as her boyfriend.
- On Jan. 2, Whitefield called police to break up an argument between her and Powell. Powell had been "hitting walls" during a "heated" argument, the report said. Powell was gone by the time police got there, but shortly after midnight, he returned and they oversaw him removing his belongings from Whitefield's home.

Wainford Whitefield was named in 16 incident reports from 1989 to 1996, mostly for traffic stops, but two for marijuana possessions. On Jan. 4, 1993, Polly Whitefield told police that Wainford Whitefield had punched her in the face.

The reports, however, don't say whether the teenage Brazill was present during any of the disturbances.

Officials with the federal Bureau of Alcohol, Tobacco, and Firearms are investigating who purchased the pistol from a Hypoluxo Road pawnshop and how it made its way to 75-year-old Elmore McCray, a Boynton Beach man whom Brazill called "Granny."

According to a neighbor, Nathaniel Brazill is the godson of McCray's daughter. Brazill spent time at the family's Boynton Beach home, and that's where police have said the youngster found the gun.

Police also released on Monday the 911 tape of Friday's shooting.

When secretary Freida Proctor called in the shooting, her voice crackled with the tension of not knowing where the killer lurked.

Proctor: He's been shot in the head.

Dispatcher: Is the person who shot him still there?

Proctor: (Asking others nearby) Is the person who shot him still here? We don't know. We do not know.

Investigators worked the Memorial Day Weekend in the unblinking eye of extensive national media attention. Houston said that she sent out news releases to 136 interested media organizations, about 100 more than the department has ever sent out for any one case. She usually sends out just seven or eight releases.

"I've never seen anything like this," Houston said.

Juggling the demands of everyone from Time, CNN, People, The New York Times and even a Japanese organization has proved taxing, Houston said. She said she has spent more time than she wanted in stomping out rumors: President Clinton, for instance, did NOT call Chief Smith to offer his help.

As the sun rose Monday morning, ABC's Good Morning America and CBS's The Early Morning Show had set up their cameras and lighting a few feet from the fence that is now adorned with poster board tributes to Grunow.

A CBS producer encouraged Eneyda Euceda as the 12-year-old Lake Worth Middle School seventh-grader waited to speak live to millions of TV viewers early Monday morning.

"You look beautiful," the producer told Eneyda, who smiled nervously as she played with the plug in her ear.

Five minutes later, Eneyda spoke to an unseen New York anchor about the terrifying moments that unfolded Friday after Grunow was killed.

Eneyda had been sitting in science class at 3:25 p.m. when she and everyone else in the classroom heard a loud bang. In a soft voice, Eneyda recounted following her teacher, John James, out into the hallway. There, she said, she found her friend, Nathaniel Brazill.

"He pointed the gun right at both of us," Eneyda said, folding her fingers together to mimic how Brazill had held the handgun. "He looked right at me. He was shaking he was so scared. I was thinking, 'Why him?' "

After she wrapped up her 45 seconds of air time, Eneyda gave herself mixed reviews.

"I was nervous," she said.

She let go a shy smile, and a sense of relief passed her face, as if she had unloaded a very large burden.

But she still has to go to bed at night.

"I have trouble sleeping," Eneyda said. "Every time I close my eyes, I see Mr. Grunow. He was my teacher."

michael_van_sickler@pbpost.com

Pat Russo

589-0511

pat

HH's program