

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---------------|------|-------------|
|--------------------------|---------------|------|-------------|

|          |                                                   |            |         |
|----------|---------------------------------------------------|------------|---------|
| 001. fax | Wendy to Eric re: phone number (partial) (1 page) | 09/07/2000 | P6/b(6) |
|----------|---------------------------------------------------|------------|---------|

### COLLECTION:

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

### FOLDER TITLE:

VAWA [Violence Against Women Act] [Binder] [4]

2012-0254-S

rc676

### RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]  
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P3 Release would violate a Federal statute [(a)(3) of the PRA]  
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
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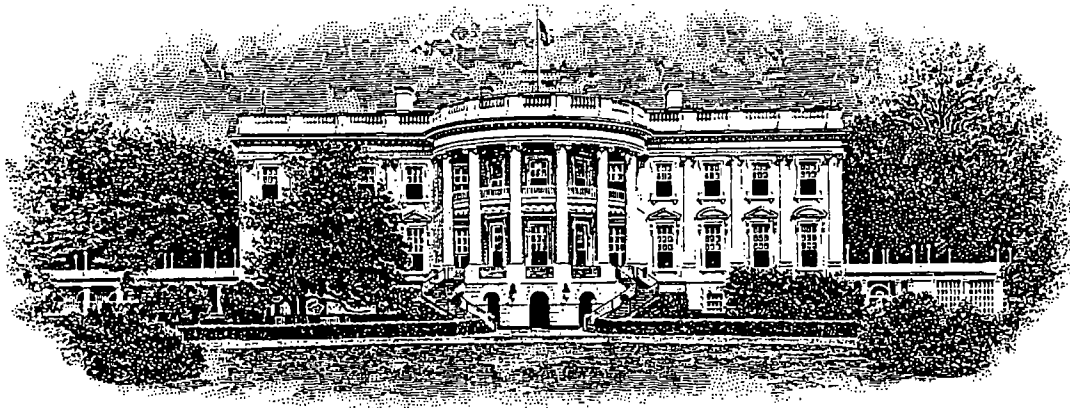
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.



# The White House



**PHOTOCOPY  
PRESERVATION**

9/6

## VAWA meetings w/ 9's groups

Beth - we are working hard for more money  
Lynn - imp to vulnerable populations - esp. Native America

Joel - meetings w/ leadership -  
Then Hatch + Biden  
need to go through Senate first

Hatch: There weren't Repub holds - they were  
"confers" that didn't happen

Dem chairman: there are R holds  
might be hard to get through U.C.

add to Trafficking - Biden + Hatch hope so

Patty - House is more of an uphill battle

Christy CAPTA (+shelter grants) up for reauth. next year  
conter want to want for it

Patty Rep- I will go to Goodling + write Hastert

Pat Russ - House better on \$, dating, tribal, etc.  
Senate better on immig. &

grassroots really like Goodling

USA Today  
Judy Mahler

Cesly Muff - Senate better on battered immigrant &  
restore protections  
now many ←? due to crime victim's amendment

they still want to pass House & Senate & go to conference

"all of VAWA" don't sell out immigrant &

expand immigrant provisions -- add other things

don't forget appropriations - want to increase funding for shelters

letter from unions

**PRESIDENT CLINTON:  
CHALLENGING CONGRESS TO ACT NOW ON AMERICA'S PRIORITIES**

September 5, 2000

*"We are committed to breaking the legislative logjam. But we have to move forward with fiscal responsibility, with responsible tax cuts, and with public investments that give all our people a chance and fuel our prosperity."*

President Bill Clinton  
September 5, 2000

Today, at the White House, President Clinton and Democratic leaders challenged Congress to put progress before partisanship and get back to work for the American people. The President called on Republican leaders to move forward on raising the minimum wage, an affordable prescription drug benefit for all Medicare beneficiaries, a meaningful Patients' Bill of Rights, and expanded health care coverage for low-income families. He highlighted the release of two new studies that demonstrate the effectiveness of the Administration's targeted approach to expanding health coverage. The President also urged Congress to pass a fiscally responsible budget that maintains America's prosperity by paying down the debt, provides targeted middle-class tax cuts, and makes key investments in improving education, protecting the environment, and fighting crime.

**Urging Congress to Maintain and Expand Economic Prosperity.** President Clinton called on Congress to take actions that will maintain and expand our prosperity for future generations, including:

- **Increasing the minimum wage** by \$1 to help more than 10 million American workers make ends meet;
- **Providing fiscally responsible, targeted tax cuts** including marriage penalty relief and tax credits that reward retirement savings, expand college opportunity, help families with the rising costs of long-term care and child care, and encourage charitable giving; and
- **Maintaining fiscal discipline**, which has turned \$290 billion in deficits into the largest surpluses in our history and has put us on track to pay off the entire national debt by at least 2012.

**Highlighting New Studies on Expanding Health Insurance.** The President has proposed a new state option to cover millions of uninsured Americans, including families in CHIP Family Care, workers in-between jobs, 55 to 65 year olds, young adults between 19 and 20, and legal immigrants. Two new studies were released today which support the President's approach:

- A report by the independent Center on Budget and Policy Priorities concludes that coverage expansions which include parents increase enrollment among unenrolled, eligible children by nearly 25 percent; and
- A study by the Council of Economic Advisors confirms that tax approaches such as those advocated by the Republican leadership are inefficient, expensive, and ineffective mechanisms to expand coverage, while policies such as the one proposed by the President would ensure coverage efficiently and effectively.

**Challenging Congress to Complete Work on America's Key Priorities.** The President called on Congress to move forward on key priorities, including:

- Providing an affordable, accessible prescription drug benefit option for all Medicare beneficiaries;
- Enacting a meaningful Patients' Bill of Rights;
- Providing affordable health insurance coverage for low-income families;
- Passing a fiscally responsible budget that invests in education and other key priorities;
- Approving common-sense gun safety legislation; and
- Passing legislation to prevent hate crimes and combat violence against women.

## **PRESIDENT CLINTON AND DEMOCRATIC LEADERS CHALLENGE CONGRESS TO ACT NOW ON AMERICA'S PRIORITIES**

*September 5, 2000*

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

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

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

productivity and investment. Republican tax cuts passed this year, combined with those they have proposed for next year, squander the entire projected surplus, leaving America permanently in debt and making it impossible to invest in priorities like improving education or adding a Medicare prescription drug benefit.

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

### **Provide an Affordable, Accessible Prescription Drug Benefit Option For All Medicare**

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

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

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

**Pass A Fiscally Responsible Budget That Invests In Education and Other Key Priorities:**

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

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

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

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- **Maintaining fiscal discipline**, which has turned \$290 billion in deficits into the largest surpluses in our history and has put us on track to pay off the entire national debt by at least 2012.

**HIGHLIGHTING NEW STUDIES ON EXPANDING HEALTH INSURANCE.** The President has proposed a new state option to cover millions of uninsured Americans, including families in CHIP Family Care, workers in-between jobs, 55 to 65 year olds, young adults between 19 and 20, and legal immigrants. Two new studies were released today which support the President's approach:

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- Passing legislation to prevent hate crimes and combat violence against women.

9/8 mtg of Leadership

VAWA

Senete: hotlining is Senete  
want know what Tuesday night

press conference went well

House: Hyde + McCollum - letter to Hastert

Ed + work force doesn't want to work

Repubs - want for shelter act a next year - CAPTA

Deas - don't want Rep to get credit

Camera - rape prevention + education  
only a small piece

VAWA piece of CAPTA:  
shelter program  
hotline  
rape prevention

FVPSA - Family Violence Prevention

Chisty - reauthorize for one year

go to Rules - bring up Senete bill of House as Sub

House - now

defining violence -- Hatch totally opposes  
new violence

but we can live w/ Senete - letter + 2 ways:  
- battered immigrant &  
- VCRTE

House R's oppose to VCRTF

may have to increase noise level

Wink. - end game

★ Count down to when VAWA expires - Sept 30  
have groups do a story a day - fax to everyone

get McCallum<sup>to</sup> approach Goodling + Bailey  
Reps &

It's cancer - 6 minutes

Hoped letter - Gephardt - Conyers - Dingell - Clay



**Congressman  
Rick  
Lazio**  
2nd District, New York

FOR IMMEDIATE RELEASE  
(202) 225-3335

Contact: Ted Lapkin  
Michelle Stevens

September 7, 2000

**Lazio Joins the Call for Reauthorization  
of the Violence Against Women Act**

WASHINGTON – Congressman Rick Lazio (R-NY) today called for the reauthorization of the Violence Against Women Act. Lazio voted in favor of this legislation when it first passed Congress in 1995. The Act funds a wide variety of programs designed to combat domestic violence, and must be reauthorized every 5 years. Without Congressional reauthorization, the funding stream for the programs supported by the Violence Against Women Act is scheduled to expire next month.

*"Whenever anyone is subjected to domestic violence, our whole society ultimately bears the cost," said Rep. Lazio. "Children who are reared in abusive households are far more likely to become involved in crime or drug abuse than children coming from non-abusive environments. Funding through the Violence Against Woman Act has become a key weapon in New York and throughout the country in our campaign to fight domestic violence," continued Lazio. "There should be no question at all about this issue. We must reauthorize the Violence Against Women Act."*

# Withdrawal/Redaction Marker

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rc676

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To: ERIC  
from Wendy

5pp

P6/(b)(6)

[001]

★ waiting UAWA is sent today -  
should go early next week  
will flesh out -- if it doesn't

Wingling  
Baldwin

Congress  
Asa Hitchman  
Shale J-L  
Sue Kelly

Key Kendall  
NML  
Murray  
Wachman  
Moore  
Lamb

Bide  
Hicks  
Lesky  
Hyde  
Willstone  
E. Mardige

RL had statement  
called for reports.  
error in past stat.

# Side by Side Analysis of the House and Senate VAWA Reauthorization Bills

8/10/00

The following chart is a brief overview of some of the differences between the House reauthorization bill (HR.1248) and the Senate reauthorization bill (S.2787) as they emerged from their respective Judiciary Committees at the end of June, 2000. This chart is not designed to be a full summary of the provisions contained in the two bills, but rather to highlight the areas where the two bills differ. We have other materials available that provide a more thorough summary of what each bill does. As negotiations on these two bills are ongoing, these details are in a state of flux. Please contact our Public Policy Office at 202-745-1211 for the latest information on details that interest you.

| PROVISIONS                                                       | HR.1248                                                                                                                                                                | S.2787                                                                                                                               |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Grand Total of Money Allocated                                   | <b>\$3,850,550,000</b><br><b>*note* this is \$603,850,000 more than the Senate bill</b>                                                                                | <b>\$3,246,700,000</b>                                                                                                               |
| Revised Definition of Domestic Violence                          | definition is clarified to make sure it covers cohabiting victims of domestic violence as well as non-adult victims of domestic violence                               | not in Senate bill                                                                                                                   |
| Dating Violence                                                  | creates new definition of dating violence                                                                                                                              | not in Senate bill                                                                                                                   |
| Underserved Populations                                          | both bills have definition but Senate bill is more expansive--it covers alienage status and religion whereas the House bill does not                                   | both bills have definition but Senate bill is more expansive--it covers alienage status and religion whereas the House bill does not |
| Domestic Violence Task Force                                     | <b>\$500,000 for 2001-2004 to develop, coordinate research agenda</b><br><b>no authorization for 2005</b>                                                              | not in Senate bill                                                                                                                   |
| Sexual Assault and Interpersonal Violence Demonstration Projects | allows existing funds to be used to train additional nurses and health care professionals to respond to sexual assault crisis situations and collect forensic evidence | not in Senate bill                                                                                                                   |

| PROVISIONS                                                        | HR.1248                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | S.2787                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Standards, Practice, and Training for Sexual Assault Examinations | \$200,000 allotted for 2001 for development and dissemination of national standards for training sexual assault forensic examiners                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | not in Senate bill                                                                                                                                                                                                                                                                            |
| Education and Training for Judges and Court Personnel             | <p>reauthorizes and expands to cover training on the issues raised by domestic violence, dating violence and sexual assault in determining custody and visitation</p> <p>allotment includes: <b>\$7.5 million for 2001-2005 for state judges (including tribes)</b> and</p> <p><b>\$200,000 for 2001-2004 federal judicial training</b> for newly appointed judges and dissemination of information on projects and models - no authorization for 2005</p> <p>the State Justice Institute may use up to 5% of the funds appropriated under this section for annually compiling and broadly disseminating information</p> | this program is not reauthorized in Senate bill                                                                                                                                                                                                                                               |
| Full Faith and Credit                                             | similar to the Senate bill except where stated                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>the person against whom the protection order has been filed shall not be notified without the victim's consent</p> <p>no prior registration or filing is required for enforcing of protection orders</p> <p>gives tribal courts <b>civil enforcement</b> jurisdiction over non-Indians</p> |

| PROVISIONS                                                             | HR.1248                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | S.2787                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| STOP Grants                                                            | <p><b>\$185 million for 2001-2003</b><br/> <b>\$195 million for 2004-2005</b></p> <p>50% to police, prosecutors, and state<br/> and local court systems<br/> 35% to victim services</p> <p>3 "new purposes" added to cover<br/> sexual assault response teams,<br/> training of sexual assault<br/> forensic/medical examiners and court<br/> programs</p> <hr/> <p>any funds unspent by the 9<sup>th</sup> month<br/> of any fiscal year shall be reallocated<br/> to the current fiscal year recipients in<br/> the victim services category</p> <p>coverage of for victims of dating<br/> violence</p> <p>better monitoring and compliance<br/> language</p> <p>includes domestic violence and<br/> sexual assault definitions</p> <p>victim services definition is better</p> <p>strengthens sexual assault exam<br/> reimbursement language</p> <p>Conyer's amendment allows for use<br/> of funds in reporting information to<br/> background check database</p> <p>grants made available to tribal<br/> coalitions</p> | <p><b>\$185 million for 2001-2005</b></p> <p>25% to police<br/> 25% to prosecutors<br/> 5% to courts<br/> 30% to victim services</p> <p>no "new purposes" covered, however<br/> does have new purpose for courts-but<br/> these are done differently</p> <hr/> <p>increases small state minimum to<br/> \$600,000 per year</p> <p>Senate bill does not provide funds to<br/> Indian tribal domestic violence and<br/> sexual assault coalitions</p> <p>definition of underserved populations<br/> includes alienage status and religion</p> |
| Grants to<br>Encourage Arrest<br>Policies                              | <p><b>\$63 million for 2001</b><br/> <b>\$67million for 2002</b><br/> <b>\$70 million for 2003-2005</b></p> <p>adds dating violence purposes and<br/> sets aside 5% for tribes</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p><b>\$65 million appropriated for each of<br/> fiscal years 2001-2005</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Rural Domestic<br>Violence and<br>Child Abuse<br>Enforcement<br>Grants | <p><b>\$35 million for 2001-2005</b></p> <p>includes coverage for dating<br/> relationships</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>\$40 million for 2001-2005</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

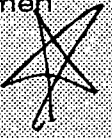
| <b>PROVISIONS</b>                                     | <b>HR.1248</b>            | <b>S.2787</b>                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Stalker and Domestic Violence Reduction      | \$3 million for 2001-2005 | \$3 million for 2001-2005<br><br>adds that it can be used for implementation of state databases                                                                                                                                                                                 |
| Amendments to Domestic Violence and Stalking Offenses | not in House bill         | technical amendments have been added that will increase the federal government's ability to prosecute interstate domestic violence, interstate stalking, and interstate violation of a protection order when crime occurs when traveling through interstate or foreign commerce |
| Crimes Against Women on College Campuses              | not in House bill         | \$10 million for 2001-2005<br><br>definition is amended to include dating relationships                                                                                                                                                                                         |

| PROVISIONS                                     | HR.1248                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | S.2787                                                                                                                                                                                                                                                                |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Civil Legal Assistance for Victims of Violence | <p> \$35,250,000 for 2001<br/> \$40 million for 2002<br/> \$45 million for 2003<br/> \$50 million for 2004<br/> \$55 million for 2005 </p> <p>includes coverage of dating violence</p> <p>type of cases in which assistance will be available is broader</p> <p>broader list of possible grantees include tribally recognized organizations and generalized legal service corps grantees and other voluntary legal service organizations</p> <p>in order to be eligible for the grant, applicant must certify that: (1) participants have training in domestic violence or sexual assault; (2) the program has been developed with input from and in collaboration with a State, local, or tribal domestic violence or sexual violence program; (3) the program will inform State, local, or tribal domestic violence or sexual assault programs of their work; and (4) the grantee's organizational policies do not require mediation or counseling involving offender and victims physically together, in cases where sexual assault, domestic violence, or child sexual abuse is an issue</p> <p>requires no less than 25% of funding go to sexual assault services</p> | <p>\$35 million for 2001-2005</p> <p>grants may be awarded to establish, operate and maintain a national computer database to be operated through the national domestic violence and sexual assault hotlines, however, no extra money has been allocated for this</p> |

| PROVISIONS                                                                                             | HR.1248                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | S.2787                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Shelter Services for Battered Women and Children / Family Violence Prevention and Services Act (FVPSA) | <p>\$120 million for 2001<br/>\$160 million for 2002<br/>\$200 million for 2003<br/>\$260 million for 2004<br/>\$260 million for 2005</p> <p>small state minimum allotment increased to \$500,000</p> <p>provides for redistribution if money to tribes is not used up----also provides for reallocation of SIRC and coalition money if not spent</p> <p>house bill adds focus on emerging issues as a purpose for use of funding</p> <p>covers dating violence</p> <p>caps money that can go to National Resource Center and Special Interest Resource Centers at the lesser of 5% or \$7.5 million; the remaining money will go to other initiatives</p> <p>caps coalition grants at 22 million and allows secretary to use excess funds to create new grant programs for training and technical assistance, model leadership, and direct emergency assistance fund as follows: (1) the Secretary will award model 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 coalitions to address domestic violence in underserved populations; (2) grants will be awarded to each State and tribal domestic violence coalition for administering an emergency assistance fund for victims of domestic violence; and (3) grants will be awarded to a State or tribal domestic violence coalition for providing regional training and technical assistance</p> <p>provides funding for tribal coalitions</p> | <p>\$175 million for 2001-2005</p> <p>small state minimum allotment increased to \$600,000</p> <p>not more than 1% to be used for evaluation, monitoring, and administrative costs</p> <p>expands definition of underserved population in FVPSA</p> <p>senate bill adds focus on underserved populations as a purpose for use of funding</p> <p>adds more personnel/administrators at HHS</p> <p>caps FVPSA evaluation, monitoring, and administrative costs at 1%</p> |

| PROVISIONS                                                                                    | HR.1248                                                                                                                                                                                                                | S.2787                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Transitional Housing                                                                          | <p>\$25 million for 2001-2003<br/>\$30 million for 2004-2005</p> <p>administered by DOJ</p> <p>covers "an individual or family..."</p>                                                                                 | <p>\$25 million for 2001-2003<br/>\$30 million for 2004-2005</p> <p>administered by HHS</p> <p>explicitly states that security deposits and relocation incidentals are covered</p> <p>covers "an individual or dependent...."</p> |
| National Domestic Violence Hotline                                                            | <p>\$1.6 million for 2001<br/>\$1.8 million for 2002<br/>\$2 million for 2003-2005</p>                                                                                                                                 | <p>\$2 million for 2001-2005<br/>has more specifics and more time for HHS report</p>                                                                                                                                              |
| Federal Victims' Counselors                                                                   | \$1 million for 2001-2005                                                                                                                                                                                              | \$1 million for 2001-2005                                                                                                                                                                                                         |
| Protections for Older Women                                                                   | <p>\$15 million for 2001-2005</p> <p>funds direct services through law school clinical programs and training programs for law enforcement to assist older women victimized by domestic violence and sexual assault</p> | <p>does not allocate new money</p> <p>allows existing money under STOP grants, Grants to Encourage Arrest, and FVPSA to be used to address violence against older women</p>                                                       |
| Safe Havens for Children Pilot Program (supervised visitation centers)                        | <p>\$15 million for 2001-2002</p> <p>(Identical provisions in both bills)</p>                                                                                                                                          | <p>\$15 million for 2001-2002</p> <p>(Identical provisions in both bills)</p>                                                                                                                                                     |
| Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth | <p>\$22 million for 2001-2005</p> <p>includes requirement of dissemination of information for evaluation</p>                                                                                                           | \$22 million for 2001-2005                                                                                                                                                                                                        |
| Victims of Child Abuse Programs:                                                              |                                                                                                                                                                                                                        |                                                                                                                                                                                                                                   |
| Court-Appointed Special Advocate Program                                                      | \$12 million for 2001-2005                                                                                                                                                                                             | \$12 million for 2001-2005                                                                                                                                                                                                        |
| Child Abuse Training Programs                                                                 | <p>\$2.3 million for 2001-2004<br/>no authorization for 2005</p> <p>\$1 million for 2001-2005</p>                                                                                                                      | <p>\$2.3 million for 2001-2005</p> <p>\$1 million for 2001-2005</p>                                                                                                                                                               |
| Televised Testimony                                                                           |                                                                                                                                                                                                                        |                                                                                                                                                                                                                                   |
| Study on Parental Kidnaping Laws                                                              | not in House bill                                                                                                                                                                                                      | \$200,000 appropriated for 2001 to conduct a study of Federal and State laws relating to child custody and submit a report to Congress describing the results of the study                                                        |

| PROVISIONS                                                           | HR.1248                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | S.2787                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Education and Training in Appropriate Responses to Domestic Violence | not in House bill                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | \$5 million for 2001-2003 is allocated for developing and disseminating model programs to provide education and training in appropriate and effective responses to victims of domestic violence and sexual assault                                                                                                             |
| Rape Prevention and Education                                        | <p>\$80 million for 2001<br/>\$105 million for 2002-2003<br/>\$155 million for 2004-2005</p> <p>grants shall be made to each state based on population and no State can use these funds for anything other than rape prevention and education programs</p> <p>any funds unobligated at the end of the fiscal year shall remain available for the next fiscal year</p> <p>at least 25% shall be devoted to education programs targeted for middle school, junior high, and high school aged students</p> <p>when appropriations reach at least \$80 million, 15% of the total amount appropriated will be allocated to State sexual assault coalitions and 5% will be allocated to tribal coalitions</p> <p>funds will be made available for research when appropriations reach \$80 million at which point States may not use more than 2% of funds for research</p> <p>at least \$1 million shall be granted to the National Resource Center with yearly increases of at least 10% of the prior year's allotment</p> <p>limits HHS to 5% for administrative costs</p> <p>defines relevant terms such as sexual assault program, rape crisis center, etc.</p> <p>creation of SANE-nurse demonstration projects</p> | <p>\$50 million for 2001-2005</p> <p>includes purposes for addressing sexual assault on campus and date rape drugs</p> <p>States may not use more than 2% of funds for research</p> <p>not more than the greater of \$1 million or 2% of total funds appropriated shall be made available for the National Resource Center</p> |

| PROVISIONS                                                                                                      | HR.1248                                                                                                                                                                                                                                                                                   | S.2787                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Violence Against and Abuse of Women with Disabilities                                                           | <p><b>\$10 million for 2001-2005</b></p> <p>adds addressing women with disabilities to purpose for which victim service STOP grants and judicial education funding can be used</p> <p>insures that information is distributed more broadly, including to sexual assault organizations</p> | <p><b>\$5 million for 2001-2005</b></p> <p>grants cover stalking of disabled women</p>                                                                                                                                                                                      |
| Community Initiatives                                                                                           | <p><b>\$8 million for 2001</b><br/> <b>\$9 million for 2002</b><br/> <b>\$10 million for 2003</b><br/> <b>\$11 million for 2004</b><br/> <b>\$12 million for 2005</b></p> <p>includes requirement that information be compiled and broadly disseminated for emulation by others</p>       | <p><b>\$5 million for 2001-2005</b></p> <p>adds that people who specialize in women with disabilities shall be involved in initiatives</p> <p>allows for efforts for increased awareness of programs in underserved communities and among individuals with disabilities</p> |
| Development of Research Agenda                                                                                  | not in House bill                                                                                                                                                                                                                                                                         | directs the Attorney General to develop a research agenda to prevent or reduce violence against women and such sums as necessary are authorized to carry out this section                                                                                                   |
| Battered Immigrant Women<br> | not in House bill                                                                                                                                                                                                                                                                         | provides numerous protections for battered immigrant women including allowing battered immigrants to file their own applications for immigration relief without the cooperation of their abusive spouse or parent (full summary of provisions available separately)         |
| Extension of Violent Crime Reduction Trust Fund                                                                 | not in house bill                                                                                                                                                                                                                                                                         | <b>\$6.025 billion for 2001; \$6.169 billion for 2002; \$6.316 billion for 2003; \$6.458 billion for 2004; \$6.616 billion for 2005</b>                                                                                                                                     |
| Study of State Laws Regarding Insurance Discrimination Against Victims of Violence Against Women                | not in House bill                                                                                                                                                                                                                                                                         | <p><b>no funds provided</b></p> <p>the Attorney General shall conduct a national study of State laws that address insurance discrimination against victims of domestic violence and sexual assault</p>                                                                      |

| PROVISIONS                                                               | HR.1248           | S.2787                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Study of Workplace Effects from Violence Against Women                   | not in House bill | <b>no funds provided</b><br>the Attorney General shall conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate workplace responses to victims of domestic violence, stalking, or sexual assault           |
| Study of Unemployment Compensation for Victims of Violence Against Women | not in House bill | <b>no funds provided</b><br>the Secretary of Labor shall conduct a study of state laws that address the separation from employment of an employee due to domestic violence and the circumstances governing receipt of unemployment compensation based on that separation |

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September 08, 2000, Friday, Final Edition

**SECTION:** PART A; NATION; Pg. A6

**LENGTH:** 1119 words

**HEADLINE:** House OKs more child support for families;  
Welfare move faces resistance in Senate

**BYLINE:** Cheryl Wetzstein; THE WASHINGTON TIMES

**BODY:**

The House of Representatives yesterday voted to give families who are leaving welfare more of the child-support money collected on their behalf.

The bill, which passed 405-18, is expected to face an uphill battle in the Senate.

Meanwhile, members of both chambers yesterday gathered to call for the reauthorization of the **Violence Against Women Act (VAWA)**, which expires Oct. 1.

Passing this bill "is a must," said Sen. Spencer Abraham, Michigan Republican, echoing Republicans Sen. Orrin G. Hatch of Utah, Rep. Henry J. Hyde of Illinois and Rep. Constance A. Morella of Maryland, and Democratic Sens. Joseph R. Biden Jr. of Delaware and Patrick J. Leahy of Vermont.

The violence act has spent \$1.2 billion since 1994 on domestic violence shelters, rape crisis programs, training for prosecutors, legal services for victims and hot lines.

The renewed act also should include protections for people in abusive dating relationships, said Barbara Dehl of Nampa, Idaho, whose 17-year-old daughter died after the vehicle she was in went off a cliff. A former boyfriend has been charged with manslaughter.

Mrs. Morella said yesterday that the domestic violence bill has more than enough support to pass in both chambers, but leaders need to schedule a vote.

The Child Support Distribution Act of 2000, passed by the House yesterday, will ensure that welfare parents leaving the rolls will "get all the help they deserve," said Rep. Nancy L. Johnson, Connecticut Republican, who led the bill with Rep. Benjamin L. Cardin, Maryland Democrat.

The House bill changes child-support rules to allow families who leave welfare to get all of the child-support collected for them. Families who now leave welfare get half of any money collected for them and the state keeps half as a repayment for the welfare that the family obtained.

The House bill also toughens collection efforts, sets regular reviews of child-support orders and provides \$140 million over four years for programs that promote marriage and encourage fathers to care for their families, emotionally and financially.

The Senate does not seem eager to pass a similar bill, and some activists say privately that the issue is dead for this year.

However, Sen. Evan Bayh, Indiana Democrat, seized on yesterday's House vote to push a responsible-fatherhood bill he introduced last year with Senate Budget Committee Chairman Pete V. Domenici, New Mexico Republican.

"Our country is facing an epidemic of fatherlessness," Mr. Bayh said. To meet the challenge, "we have to make it a national priority."

In an aside, both the House child-support bill and VAWA have been criticized for being too gender-specific.

Before the House bill was passed, the National Organization for Women Legal Defense and Education Fund warned House members that funding for fathers was unconstitutional because tying federal benefits specifically to either men or women violates equal-protection guarantees.

The House bill was changed to say that "parents" are eligible for benefits and services, an aide said.

Fathers' rights groups said yesterday that the VAWA suffers from the same constitutional problems. They are urging Congress to ensure that the hundreds of thousands of men who suffer domestic violence also will be eligible for services funded under the measure.

**LANGUAGE:** ENGLISH

**LOAD-DATE:** September 8, 2000

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**Search: General News; Violence against Women**

To narrow this search, please enter a word or phrase:

*Example:* House of Representatives

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View Related Topics

September 8, 2000, Friday, Final Edition

**SECTION:** STYLE; Pg. C09; JUDY MANN

**LENGTH:** 981 words

**HEADLINE:** Battered Girlfriends Need Protection, Too

**BYLINE:** Judy Mann

**BODY:**

Barbara Dehl, a 44-year-old mother of four girls, lives a lot of her life in hindsight. Every day, she wonders why she didn't get "Cassie's Law" passed before her 17-year-old daughter, Cassandra, ended up dead--the victim, her mother has testified, of an abusive relationship with a boyfriend.

After Cassie's parents divorced and her mother moved near Boise, Idaho, Cassie chose to remain with her father, Curtis Dehl, in Soda Springs and finish school there. When she was 14, she met Justin Neuendorf, a former altar boy at her church, who was three years older than she was. For the next year, she went out with him off and on.

Her parents didn't realize that their daughter was undergoing verbal and mental abuse. In testimony before a state legislative committee, Barbara said she found out later, from Cassie, that Neuendorf would tell her such things as she wasn't pretty enough for anybody else to love. "Once a wedge had been inserted between Cassie and her family and friends, the physical abuse began," Barbara testified.

In the spring of 1998, Barbara testified, he choked Cassie hard enough to make her bleed from her nose and ears and ruin a white coat. Cassie had been staying with a girlfriend while her father was out of town. About six weeks after the incident, the girlfriend told Cassie's father about it, and he confronted his daughter. Cassie denied it. He intercepted a letter in which Neuendorf said he was "sorry for almost killing you" and explained that he had been on drugs. Curtis intercepted another letter in which the boyfriend mentioned slitting Cassie's throat.

"We gave these letters to the local police, the prosecutor, the probation officer and to his parents," Barbara says in an interview. "Nobody believed a teenage girl living in her parents' home could be abused by her boyfriend. They just said, 'Why doesn't she walk away?' Nobody believed abuse could happen to a young girl who wasn't married to the abuser. . . . He had her so manipulated that in her mind she thought she was in love with this guy, and she was as helpless to leave him as a victim of battered-wife syndrome.

"When she was 16, she said, 'If I was only better, he wouldn't have to hit me.' When I would confront her, she would tell me it was her fault."

It's a 350-mile trip, each way, between from Boise and Soda Springs, and Barbara says she drove it weekly, trying to get help for Cassie. "We put Cassie into domestic-abuse counseling twice, but they didn't have training in dealing with young girls and dating violence," Barbara says. "We never allowed him to see Cassie. He'd take her out of school, out of work, out of state.

"Idaho did not have a domestic-violence order to cover girls her age. I filed for one, anyway. We went before the judge, and he said we had all the evidence in the world, but there were no domestic-violence laws to protect Cassie."

On the night of Dec. 3, 1999, Neuendorf picked Cassie up from a girlfriend's house and did not allow her to get her coat, according to Barbara Dehl. It was below zero. "After midnight," Barbara says, "the truck crashed down an embankment. He was not in the truck. She was. We don't know how he got out. He was slightly injured, with a broken wrist.

"The accident was not reported for more than 15 hours," she says. "The fact that she was in the accident and left at the scene was not reported for 18 hours. When the sheriff's deputy arrived on the scene, she was dead and her body frozen solid. That's how they found my baby."

Neuendorf has been charged with vehicular manslaughter.

"Her sisters and father and I decided we had to make sure no parent ever had to walk in our shoes," Barbara says.

The Idaho legislature started in January. Barbara wrote what became known as "Cassie's Law," which allows judges to issue a domestic-violence protection order for people in an abusive dating relationship. It allows parents to secure this restraint even without a child's help. Barbara quit work, cashed in her retirement and used her savings to lobby the legislature. The bill passed, was signed into law by the governor on April 3 and went into effect July 1.

Barbara Dehl is now helping the National Task Force to End Sexual and Domestic **Violence Against Women** lobby for the reauthorization of the **Violence Against Women Act**. The act, passed in 1994, expires in October, and unless Congress reauthorizes it during what remains of this session, the agencies that help victims of domestic violence will be greatly weakened.

Over the past six years, \$ 1.6 billion has gone to states and communities to train law enforcement officials and counselors on how to deal with domestic violence. "A lot of it is going to police and prosecutors and shelters and community education," says Pat Reuss, chair of the coalition. "It's been a very good bill."

In 1993, women experienced an estimated 1.1 million violent offenses at the hands of an intimate partner, according to the Bureau of Justice Statistics. By 1998, the estimate had declined 21 percent, to 876,340 offenses, even though women have become more likely to report crimes of domestic violence. And the number of women killed by an intimate partner declined 23 percent between 1993 and 1997.

The **Violence Against Women Act** is every bit as important as some other political hot topics, such as prescription drug coverage and hate crimes. It is saving lives. The House version covers women in dating relationships; the Senate version does not.

What happened to Cassie Dehl should persuade the Senate to go along with the more inclusive House provisions. If anything, teenage girls are more susceptible to abusive relationships than mature women.

The bills have strong bipartisan support, and they should be passed promptly. They are too important to be caught up in the last-minute rush of election year politics.

**LANGUAGE:** ENGLISH

**LOAD-DATE:** September 08, 2000

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**Search: General News; Violence against Women**

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## The Associated Press State &amp; Local Wire

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**September 7, 2000, Thursday, BC cycle**

**SECTION:** State and Regional

**LENGTH:** 476 words

**HEADLINE:** Courtroom converted to focus on domestic violence

**BYLINE:** By HEIDI B. PERLMAN, Associated Press Writer

**DATELINE:** BOSTON

**BODY:**

Cases involving domestic violence will no longer be mixed in among traffic violations and drug charges also heard in Dorchester District Court.

Instead, beginning next week, all cases involving spousal abuse will be heard in the new Dorchester Domestic Violence Court, a courtroom within the existing facility.

U.S. Attorney General Janet Reno, in the state to tout federally supported programs, handed Judge Sydney Hanlon a ceremonial gavel Thursday to open the courtroom.

The first cases will be heard Monday.

This is the first time in the country that a courtroom has been set aside solely to hear cases involving domestic violence, authorities said.

The program was funded through an 18-month, \$1.9 million grant from the federal **Violence Against Women Act**.

"Boston has demonstrated what can be done when people are heard and listened to," Reno said. "This is not a partisan issue. It is an issue of common sense."

Funding for the **Violence Against Women Act** expires on Oct. 1 unless Congress votes to extend it. Reno said she is "very hopeful" lawmakers will see the need for the continuation of programs such as the Dorchester courthouse, and will vote to continue the funding.

"It is important that through it all we have one clear message - that domestic violence is unacceptable," she said. Offenders need to know that if convicted, they "will be held accountable for it," she said.

Dorchester District Court is the busiest court in the state, and more than 20 percent of the nearly 500 cases heard there each week involve domestic violence.

"By having a dedicated court we're saying to the community and to batterers that we take this seriously," said Jeffrey Karp, chief of the Suffolk County district attorney's domestic violence unit.

In the new court, an array of services will be available to victims, including advocates to help in finding a job, safety planning and referrals for family and individual counseling.

Additional prosecutors will be hired to allow victims to remain with one attorney throughout their time

in court, and a so-called "advocacy triage" person will help victims get started, and make it through the process.

"This system will make it easier for victims to come forward," Boston Police Sgt. Det. Margot Hill said. "When victims know there is a court session that only hears domestic violence concerns, it will take some of the fear away."

Developers are hopeful the new court system will not only help victims, but through social services and counseling programs, will also prevent children from growing up to become batterers themselves, said Suffolk County District Attorney Ralph Martin.

"This marks a new day for how we treat domestic violence," he said. "This will help us to make sure we hold offenders accountable and prevent the further victimization of children."

**GRAPHIC:** AP Photos

**LANGUAGE:** ENGLISH

**LOAD-DATE:** September 8, 2000

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**FOCUS™**

**Search: General News; Violence against Women**

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*Example:* House of Representatives

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The White House Bulletin

September 7, 2000

**LENGTH:** 483 words

**HEADLINE:** Reno Touts COPS Program, **Violence Against Women Act.**

**BODY:**

Attorney General Janet Reno said today, "Today, I'm headed to Massachusetts to highlight three key crime reduction strategies, strategies that are helping to end the culture of violence and strategies that deserve our continued support. I will visit Lowell to announce a special new grant program administered by the COPS office. A program called Police as Problem-Solvers and Peacemakers is another example of the remarkable work the COPS office has done over the last six years." Reno added, "As you know, COPS has helped to put more police on the streets. According to our June count, more than 68,000 police already have been hired or redeployed. But COPS is doing more. It is also advancing the cause of community policing, building trust and confidence between law enforcement and the communities they serve. That's what the Urban Institute's independent report on the COPS program says, and that's what Police as Problem-Solvers and Peacemakers is all about." Reno continued, "Secondly, I will visit Dorchester. There we will announce the opening of a new domestic violence court supported by a grant under the **Violence Against Women Act**. Domestic violence crimes continue to plague our communities and pose a threat to the lives of both men and women. But the **Violence Against Women Act** is helping us to fight back, and Dorchester is a great example. The new domestic violence court will ensure that batterers are held accountable for their crimes and that victims need no longer endure abuse." Reno added, "Finally, I will address the critical issue of prisoner re-entry in a meeting with the mayor, the US attorney and the police commissioner. With nearly 600,000 offenders being released across the country this year, we must do a better job of managing their reintegration into the community. We must couple systems of strict accountability with support systems. If we prevent returning offenders from committing new crimes, we have much to gain. If we fail, we see the cycle of violence repeat itself." Reno concluded, "These strategies work. That's why Congress should reauthorize the COPS program and fully fund our fiscal year 2001 budget request. That's why Congress should reauthorize and approve the **Violence Against Women Act** so that all victims of domestic violence are protected, including Native American women, battered immigrant women and women in dating relationships. And that's why Congress should fully fund our fiscal year 2001 re-entry into the community, including funds for the Department of Justice to support state and local re-entry partnerships and re-entry courts. If each community in America focuses on what it can do to further reduce violence, if we analyze where we're at and what the problems are in each particular community, if we do this in a bipartisan, thoughtful way, we can make a lasting difference against violence in this country."

**LANGUAGE:** ENGLISH

**LOAD-DATE:** September 7, 2000

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**FOCUS™**

**Search:** General News; Violence against Women

To narrow this search, please enter a word or phrase:

Example: House of Representatives

# **The National Task Force to End Sexual and Domestic Violence Against Women**

Congressional Press Briefing  
"Reauthorize The Violence Against Women Act (VAWA) --  
Count down to September 15, 2000"

on  
Thursday, September 7, 2000  
Senate Hart Office Building, Room 708  
12:00 – 1:00pm

## **AGENDA**

**Pat Reuss**, Vice-President Government Relations, NOW Legal Defense and Education Fund, and Chair, National Taskforce to End Sexual and Domestic Violence, *kicking off the event*

**Co-host Senator Joseph Biden (D-DE)**

**Co-host Senator Orrin Hatch (R-UT)**

**Co-host Representative Connie Morella (R-MD)**

**Senator Barbara Boxer (D-CA)** *introducing* Reverend Linda Mitchell, a Sexual Assault Survivor

**Representative Sue Kelly (R-NY)** *introducing* Barbara Dehl, Idaho Mother of a Slain Domestic Violence Victim

**Paul Wellstone (D-MN) & Sheila Wellstone** *introducing* Director Scott Sterling who will show a short clip from The Quiet Storm, a new film about domestic violence, and distribute copies to VAWA co-sponsors

**Co-host John Conyers (D-MI)** *concluding remarks and closing the event*

*In addition, the following members will attend and speak briefly throughout the course of the hour:*

**Representatives:** Tammy Baldwin (D-WT), Richard Gephardt (D-MO)\*, Asa Hutchinson (R-AR), Sheila Jackson Lee (D-TX), Steve Kuykendall (R-CA)\*, Zoe Lofgren (D-CA)\*, Nita Lowey (D-NY), Carolyn Maloney (D-NY), Bill McCollum (R-FL)\*, Marty Meehan (D-MA), Dennis Moore (D-KS)\*, Jan Schakowsky (D-IL), Anthony Weiner (D-NY)\*

*and*

**Senators:** Edward Kennedy (D-MA), Patrick Leahy (D-VT), Chuck Schumer (D-NY), Arlen Specter (R-PA)\*

The National Task Force to End Sexual and Domestic Violence Against Women, Congressional co-sponsors of the Violence Against Women Act (VAWA), advocates, and survivors of domestic violence and sexual assault are collectively calling for the reauthorization of VAWA by September 15, 2000. Funding provided under VAWA '94 has increased prosecution of violence against women and children, expanded services for victims, added resources for law enforcement, and created the National Domestic Violence Hotline. As the October 1<sup>st</sup> expiration date for VAWA approaches, coupled with the increasing fervor of this fall's campaign season, Congressional action to reauthorize VAWA is crucial. Reauthorization of VAWA is essential to ensuring the physical safety and well being of women, children, and families.

*For additional information, please contact, Bulbul Gupta, NOW Legal Defense at (202) 326-0040*

\* Not yet confirmed

# National Task Force To End Sexual and Domestic VIOLENCE AGAINST WOMEN

*NOW Legal Defense & Education Fund* 1522 K Street NW, Ste. 550, WDC 20005 (202) 326-0040 fx: 589-0511 e-mail: [preuss@nowldef.org](mailto:preuss@nowldef.org)

## Campaign 2000: Legislative and Media Action Packet



### Packet Includes:

- Sample Press Materials for September “National Media Day”
- Talking Points on VAWA Reauthorization
- Summaries and Sponsor lists of Violence Against Women Act Reauthorization and Battered Immigrant Women Bill
- Fact Sheets on Domestic Violence and Sexual Assault
- Tips for Planning a Town Hall Meeting or Ask the Candidate Forum
- Sample Op-Ed on VAWA Reauthorization

For further information, please contact Pat Reuss at the NOW Legal Defense and Education Fund, (202) 326-0040

# National Task Force To End Sexual and Domestic VIOLENCE AGAINST WOMEN

NOW Legal Defense & Education Fund 1522 K Street NW, Suite 550, WDC 20005 ph: (202) 326-0040 fx: (202) 589-0511 [preuss@nowldef.org](mailto:preuss@nowldef.org)

August, 2000

Dear Advocates,

As the frenzy of this fall's campaign season increases, there are key issues on the minds of both the voters and the politicians. Among these are health, education and crime and safety. Violence is threaded throughout these themes and Task Force members should use every opportunity to ask their local, state and national candidates about their views, positions and pledges regarding family violence, violence against women, violence in the schools and workplace, and violence as one of our major health issues. Although everyone is AGAINST VIOLENCE, it is our job to find out just what our policy makers and challengers plan to do about it. Are they willing to spend time, energy and money in a leadership role helping us eradicate child and adult sexual assault, rape, domestic battery, and family violence? What programs will they promote and put in place; what laws will they promote and pass; are they willing to make specific promises; and what level of personal attention will they give in carrying out these promises?

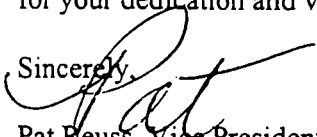
Members of the Task Force have created this Campaign 2000 Action Packet. Information included in this kit is designed to help Task Force members and coalition partners: organize or participate in district events such as Town Hall meetings and candidate forums with local, statewide, congressional and presidential candidates; educate candidates, the local media, and voters about violence against women issues; and provide non-partisan information to voters and candidates about VAWA legislation currently under consideration by Congress.

We are featuring national legislation because that is the focus of the Task Force. The reauthorization of VAWA '94 is relevant because every state and many communities get millions of dollars from this landmark Act. Partisan politics and Congressional ineptitude have kept VAWA from being reauthorized earlier this year so that the programs and services fighting this deadly epidemic could have continued smoothly without fear of reductions or demise. Although the House and Senate bills were both reported out of their respective Judiciary Committees, Congress went home for a 5-week August break without bringing the bills to the floor for a vote. Although we hope to have votes on both H.R. 1248 and S. 2787\* in September, there is a grave possibility that Congress may adjourn in early October without sending an agreed-upon bill to the President to sign. That is why every candidate, from local to national, must be made aware of these bills and asked to support them with all of their power and influence. While the Task Force is non-partisan and does not endorse political candidates, we recognize that campaign seasons are a prime time to generate awareness and discourse by candidates and voters on ending violence against women. From our advocacy efforts on behalf of the Violence Against Women Act here in Washington, D.C., we know that this issue crosses party lines and we recognize the importance of electing public officials from all political parties who care about ending violence in this country.

Send your candidates clippings of news articles about violence and use every opportunity you can to promote the reauthorization and highlight the programs in your area that have made a difference thanks to the Violence Against Women Act. If your congressional candidates are incumbents, write, call, fax, and e-mail them to ask that they co-sponsor and vote in favor of H.R. 1248 or S. 2787. If your candidate needs further information about these bills, s/he should contact Kate Dickens in Rep. Connie Morella's (R-MD) office at (202) 225-5341 or Sharon Prost in Sen. Orrin Hatch's (R-UT) office at (202) 224-5251. Current co-sponsor lists for the House and Senate bills are in this packet.

To keep updated on the latest congressional actions on VAWA Reauthorization, the Task Force maintains a national e-mail alert system. If you have not already joined, please sign up by sending me all of your information with a "sign me up for the VAWA e-mail alert list" message to [preuss@nowldef.org](mailto:preuss@nowldef.org) or fax back the enclosed sign-up form. Thanks again for your dedication and vigilance.

Sincerely,



Pat Reuss, Vice President, Government Relations for NOW Legal Defense and Education Fund  
Chair, National Task Force to End Sexual and Domestic Violence Against Women

\*\*For copies of the VAWA bills, go to <http://thomas.loc.gov>. Enter "HR 1248" or "S. 2787" where it says "Search CURRENT CONGRESS for Text of Bills By Bill Number." You can then view the bill summary, sponsors or click on "full display" to see the bill in its entirety.\*\*

# Planning A News Conference On The Violence Against Women Act

Your news conference can create public pressure that will convince your Representative and Senators to support reauthorization of the Violence Against Women Act (VAWA). The following are tips for planning a successful news conference.

- ◆ **Pick a site.** News conferences should be held in places that are readily accessible to the media. It's always helpful if the press conference location offers a "visual" for television cameras that emphasizes your message. If you have a shelter or program with a published address, you may want to hold it there. If not, perhaps you can hold it near a hospital, courtroom, or at another site that conveys the devastating consequences of domestic violence and sexual assault. Other good alternatives are local press clubs or downtown hotels.
- ◆ **Choose a time for the news conference that will generate the most media coverage.** Morning news conferences tend to be most successful, so consider a start time of 10 or 11 AM.
- ◆ **Develop a media list.** Gather names of television, radio and newspaper reporters who cover the issue (i.e. women's issues, crime, social issues, family, etc). Be sure to include wire service reporters, and online reporters in your media market.
- ◆ **Choose speakers for the event.** At the news conference, one or more spokespeople (no more than four) should read prepared statements and answer reporters' questions. Consider including a survivor, program director, and others with a stake in the reauthorization of the Violence Against Women Act. Presentations should last no more than 15 to 20 minutes total.
- ◆ **Write a media advisory to alert journalists to your news conference.** Attached is a sample media advisory for you to adapt. Mail or fax the advisory to local media a few days before the event – ideally, reporters will receive it on September 5.
- ◆ **Follow-up with phone calls to urge journalists to attend.** This kind of pitch call is the key to a successful news conference.
- ◆ **Prepare your speakers to answer questions about VAWA, domestic violence, and sexual assault.** Sample message points are included in this packet. Think about how to make them even more relevant to your community. Keep in mind that some reporters will know little about the issue, while others may consider themselves experts. Be sure to prepare your speakers to answer questions that are likely to come up – in particular, you can expect questions about what VAWA means to your community and about the record of your Representative and Senators on domestic violence and sexual assault.

- ◆ **Write a news release to be distributed at the news conference, and mailed/faxed to local media on the day of the event.** Attached is a sample news release for you to adapt.
- ◆ **Develop a press kit to hand out at the news conference.** Include your news release, a fact sheet on domestic violence and sexual assault, statements from your speakers, a backgrounder, and other information that may be useful to reporters covering the event. Be sure the materials include contact information for someone at your program who will be available to field follow-up phone calls from the media.
- ◆ **Follow up after the event with reporters who were unable to attend.** Be sure they have the news release as well as the fact sheet, backgrounder and statements.

*If you have questions about planning your news conference,  
or would like a media list for your market,  
feel free to call Ridgely Benjamin with the Family Violence Prevention Fund at 202/371-1999.*

## **[SAMPLE PRESS RELEASE]**

For Immediate Release  
September 7, 2000

Contact: **[your name]**  
**[your phone number]**

### **WOMEN CALL ON [Fill in name of Senator or Representative] TO REAUTHORIZE THE VIOLENCE AGAINST WOMEN ACT BY SEPTEMBER 15**

**[YOUR CITY]** --- Advocates and victims of **[domestic violence]** **[sexual assault]** today called on U.S. Representative **[fill in name]** and Senator **[fill in name]** to vote to reauthorize the Violence Against Women Act (VAWA) by September 15 to ensure that it is enacted before Congress adjourns in October. Today's event is one of more than **[get number from NNEDV]** events being held across the nation and in Washington, D.C., to call on legislators to pass this crucial bill before it expires on October 1.

**[Name of your executive director/public affairs person]**, **[Title]** of **[Name of state coalition/shelter]** told the audience of the impact VAWA has had on her ability to provide services to **[battered women and their children]** **[rape survivors]**.

"The Violence Against Women Act has saved women's lives," **[your spokesperson's last name]** said. "It has provided **[\$[fill in amount]]** to **[list your state]** and has allowed **[name of shelter/service provider]** to provide shelter to more than **[fill in your numbers]** women and their children. Without VAWA we would not have the funds to keep this shelter operating. These women would have no other place to go, and many would be forced to stay in abusive homes jeopardizing their lives and their children's lives."

**[name of victim/client]**, a former resident of **[name of your organization]** described how **[name of your organization]** helped her escape her abusive home and turn her life around.

**"[Quote from victim/survivor describing importance of VAWA to her]**, she said. "I call on Rep. **[fill in name]** and Senator **[fill in name]** to vote to reauthorize the Violence Against Women Act and help women who may have no place else to turn."

The Violence Against Women Act was passed in 1994 and signed into law by President Clinton on September 13 of that year. In the last six years, it has provided more than \$1 billion to: bolster prosecution of child abuse, sexual assault, and domestic violence cases; increase funding for battered women's shelters and sexual assault crises centers; provide resources and training to police and prosecutors; and create the National Domestic Violence Hotline.

## **SAMPLE PRESS ADVISORY**

For Immediate Release  
September 5, 2000

Contact: [your name],  
[your phone number]

### **WOMEN CALL ON REP./SENATOR [fill in name of your representative/senator] TO REAUTHORIZE THE VIOLENCE AGAINST WOMEN ACT BY SEPTEMBER 15**

[YOUR CITY] --- Advocates and victims of [domestic violence] [sexual assault] will hold a press conference Thursday, September 7 at [fill in time] to call on their members of Congress [fill in specific name of Member of Senator] to vote to reauthorize the Violence Against Women Act (VAWA) by September 15. The event is one of more than [fill in number] events being held on this day across the nation and in Washington, D.C., to call on legislators to pass this crucial bill before they adjourn for the year. Target adjournment is October 6, however leading advocates believe that it must pass both Houses of Congress by September 15 if it is to be signed into law this year.

[Name of executive director/spokesperson], [title] of [name of state coalition/shelter] will discuss how VAWA has helped the women and families in [name of shelter/state]. She will be joined by [name of victim/client], a woman who has benefitted directly from the VAWA.

Details are as follows:

WHO: [name of executive director], [title]  
[name of victim/advocate], [title, e.g. client ]

WHAT: Press conference to call on [name of representative] and [name of Senator] to Reauthorize the Violence Against Women Act

WHERE: [Location]  
[Address]

WHEN: Thursday, September 7  
[time]

CONTACT: [Name of spokesperson, phone number]



## **KEY TALKING POINTS ON THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

*Thank you for your willingness to visit your Member of Congress to express your support for the reauthorization of VAWA. Your Representative and/or Senator will only be in your district/state until Labor Day. It is important that you reach out to his or her office as soon as possible, even as early as today, as their schedules can fill up very fast. Here are some thoughts on your message to your Member of Congress.*

- ✓ **Request that your Member of Congress sign on as a co-sponsor of the VAWA Reauthorization bill.** (*VAWA Reauthorization is bill number H.R. 1248 in the House, and bill number S. 2787 in the Senate*)
- ✓ **Co-sponsorship, however, is not enough. Ask your Senator or Representative to use his or her influence to encourage the leadership of both chambers to move VAWA Reauthorization to the floor for a vote immediately after Congress returns from recess in September.**
- ✓ **Tell your story. Explain how VAWA funds have helped your program and your community. Let your Representative and Senator know how VAWA benefits domestic violence and sexual assault survivors in his or her district and how the district will be affected if VAWA funding is lost.**
- ✓ *Once your member signs on as a sponsor, offer to help with any press events they plan on this issue.*

### **Background on VAWA**

- ✓ **VAWA '94 has created programs that have impacted the lives of millions of women. These programs have bolstered the prosecution of child abuse, sexual assault and domestic violence cases, increased services for victims by funding shelters and sexual assault crisis centers, increased resources for law enforcement and prosecutors, and created a National Domestic Violence Hotline.**
- ✓ **Funding for VAWA '94 programs has either expired or is set to expire on October 1 of this year. Without this crucial funding, many programs serving battered women and their children will cease to exist.**
- ✓ **It is necessary to reauthorize all programs from the original Violence Against Women Act of 1994, including STOP Grants, Battered Women's Shelters, Rape Prevention and Education Grants, Grants to Encourage Arrest Policies, for a full five years and at funding levels deemed necessary by service providers across the country.**

*Currently VAWA Reauthorization remains stuck in committee in both the House and the Senate. However, in both houses, we are close to having enough cosponsors to pass the reauthorization bill once it reaches the floor for a vote. Your outreach to your Member of Congress is crucial in increasing the number of co-sponsors for VAWA reauthorization.*

For more information on where your Representative or Senator stands on H.R. 1248, please contact NCADV.



August, 2000

## SAMPLE LETTER

In support of  
The Violence Against Women Act  
Reauthorization Bill (H.R. 1248)

Dear Representative:

The National Coalition Against Domestic Violence is a national network of over 2,000 domestic violence shelters, programs and individual members throughout the country. *(Replace previous sentence with information on your organization.)* On behalf of our members, we applaud the Congressional commitment to addressing the serious national problem of domestic violence. Through the Violence Against Women Act of 1994 (VAWA), millions of dollars have gone out to the communities in your district and state to address this epidemic. We are contacting you because we are confident in your commitment to continue VAWA's life-saving initiatives. **We thank you for your present sponsorship of H.R. 357, the Violence Against Women Act of 1999, and ask that you also consider sponsoring the VAWA Reauthorization Bill -- H.R.1248.**

The bi-partisan Violence Against Women Act Reauthorization Bill was introduced by Representatives Constance Morella and Nancy Johnson and was successfully passed out of full Judiciary Committee this spring. It is designed to reauthorize and enhance the programs initiated by the Violence Against Women Act of 1994. With the original VAWA set to expire on October 1, 2000, we ask that you lend your name and support to H.R. 1248. Presently, with 216 co-sponsors, we are nearing the 218 mark that would give us the majority needed to pass this important piece of legislation on the House floor. To become a sponsor and help us reach 218 supporters, please call Kate Dickens in Rep. Morella's office at 225-5341.

The programs created under the Violence Against Women Act of 1994 have already made a difference in thousands of women's lives. Such programs have bolstered prosecution of child abuse, sexual assault and domestic violence, increased victim services, increased resources for law enforcement, and created a National Domestic Violence Hotline. New programs also authorized by H.R. 1248 include initiatives to limit the impact of violence on children and young women, transitional housing programs for battered women, and assistance with battered women's civil legal needs.

In the city of *(name of your city or district)*, we have utilized VAWA money in a variety of ways over the past five years. For example...*(Continue with information here on your local program and how it has used VAWA money and how it will be impacted if VAWA is allowed to expire.)*

With less than 22 legislative days left in 2000, **we ask that you sponsor the VAWA Reauthorization Bill (H.R. 1248) and urge your Congressional colleagues to make the passage of VAWA a priority by moving it to the House floor for a vote immediately upon Congress' return from recess in September.** Thank you for your support on this issue. Please do not hesitate to call if you have any further questions.

Sincerely,

# National Task Force To End Sexual and Domestic VIOLENCE AGAINST WOMEN

NOW Legal Defense & Education Fund 1522 K Street NW, Suite 550, WDC 20005 ph: (202) 326-0040 fx: (202) 589-0511 preuss@nowldef.org

## **KEY TALKING POINTS** **ON VAWA REAUTHORIZATION**

- ✓ VAWA '94 has created programs that have impacted the lives of millions of women. These programs have bolstered the prosecution of child abuse, sexual assault and domestic violence cases, increased services for victims by funding shelters and sexual assault crisis centers, increased resources for law enforcement, and created a National Domestic Violence Hotline.
- ✓ Funding for VAWA '94 programs has either expired or is set to expire on October 1 of this year. Without this crucial funding, many programs serving domestic violence and sexual assault survivors will cease to exist.
- ✓ It is necessary to reauthorize all programs from the original Violence Against Women Act of 1994, including STOP Grants, Battered Women's Shelters, Rape Prevention and Education Grants, and Grants to Encourage Arrest Policies, for a full five years and at funding levels deemed necessary by service providers across the country.
- ✓ Domestic violence does not only impact the lives of men and women, it also impacts the lives of the children who are witnesses to the violence in their homes and/ or experiencing violence in their own dating relationships.
- ✓ Due to their lack of resources, many victims of domestic violence and sexual assault have difficulty obtaining safe housing and adequate legal assistance. It is therefore necessary to develop innovative transitional housing programs and increase access to appropriate legal assistance services so that women can more safely leave violent relationships.
- ✓ The federal government must address the needs of all victims of domestic violence and sexual assault, including immigrant women, older women, women with disabilities and women of color.
- ✓ The full faith and credit provisions for protection orders must be properly implemented in order to ensure the safety of women in all states and on all tribal lands.
- ✓ It is necessary to increase our nation's attention to the needs of victims of domestic violence and sexual assault on tribal lands.

*\*\*Adapted from Talking Points developed by NCADV for their Annual Lobby Day Event.*

# National Task Force To End Sexual and Domestic VIOLENCE AGAINST WOMEN

NOW Legal Defense & Education Fund 1522 K Street NW, Ste. 550, WDC 20005 (202) 326-0040 fx: 589-0511 e-mail: [preuss@nowldef.org](mailto:preuss@nowldef.org)

## VAWA REAUTHORIZATION BILL (H.R. 1248) BILL SUMMARY

**Subtitle A. Law Enforcement and Prosecution Grants to Combat Violence Against Women** - reauthorizes and amends STOP grants to increase funds and to ensure that domestic violence and sexual assault advocates are involved in planning and implementation of programs; proposes a new formula – 5% to state coalitions, 5% to Indian tribal governments, and of the remaining funds - 35% to victim services; 50% to prosecution, law enforcement, and state/local courts; and 15% discretionary with language to ensure that there will be no harm to existing programs.

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

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

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

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

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

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

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

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

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

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

**Subtitle L. Rape Prevention Education** - establishes a National Resource Center on Sexual Assault; increases funds for

rape prevention and education; helps states provide technical assistance, information dissemination, and educational programs; allots money for the creation of tribal sexual assault coalitions.

**\*AMENDMENTS TO H.R. 1248 (as approved by the House Judiciary Committee on June 27, 2000)**

**State Coalitions** – technical fix that affirms that state domestic violence and sexual assault coalitions will each receive 2.5% of STOP grant funding. Definition of state coalition changed to: *"...a statewide nonprofit, nongovernmental membership organization of a majority of domestic violence/sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority that among other activities provides training and technical assistance to domestic violence/sexual assault programs within the State, commonwealth, territory, or lands under military, Federal or tribal authority."*

**Dating Violence** – new definition created; definition found in STOP grants language and referenced as well in Grants to Encourage Arrests, Rural grants, Civil Legal Assistance, and Judicial grants to allow these programs to address dating violence. Defined as *"... violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship."*

**Underserved Populations** – H.R. 1248 initially proposed adding age, disability, sexual orientation, alienage and religion to current categories under the federal definition of underserved populations; subsequent amendment removes latter three categories, but does not preclude the states from including these categories in their program definitions.

**Full Faith and Credit** - provides technical assistance and computer and other equipment to police departments, prosecutors, courts and tribal jurisdiction to facilitate enforcement of protective orders; authorizes funding from Grants to Encourage Arrests to facilitate this effort; does not include criminal jurisdictions desired by Native American community.

**Filing Fees and Other Costs** - Grants to Encourage Arrest and STOP grant recipients must certify that their laws, policies and practices do not require that the victim bear costs associated with criminal or civil orders.

**Transitional Housing** – creates grant program under DOJ for housing assistance and supportive services (\$25 million for 2001-2003, \$30 million for 2004-2005.)

**Safe Havens for Children** – provides \$15 million to pilot programs for supervised visitation and exchange.

**Elder Abuse** – establishes grants for training programs and curriculum development on elder abuse for law enforcement and prosecutors at an authorization of \$15 million per year.

**Civil Legal Assistance (CLA)** – authorizes funding of \$225 million over five years to support CLA programs; allows CLA funds to be used for any administrative, civil, judicial, family, or immigration proceeding, with 25% of funds going towards sexual assault programs; requires training for legal service providers to be developed with input from state, local, or tribal domestic violence or sexual assault program or coalitions; ensures that providers do not require mediation; requires that grantees notify domestic violence programs and coalitions of about their programs.

**Sexual Assault Nurse Examinations** – evaluates existing standards of training for sexual assault forensic examiners and develops national recommended standards for training and protocol for examinations; amends Centers for Disease Control's Family and Intimate Violence Prevention Program to permit funds under this program to go towards projects utilizing sexual assault nurse examiners.

**National Instant Criminal Background Check System** – allows STOP grant funds to be used for enhancing reporting of information to the National Instant Criminal Background Check System.

**Women with Disabilities** - creates training and technical assistance programs addressing domestic violence and the needs of women with disabilities, including grants of \$10 million per year to provide training on the requirements of shelters and victim services organizations under the ADA and other federal laws.

**Research on Violence Against Women** - establishes national task force to coordinate research and to identify gaps and duplication of research efforts.

# 247 CO-SPONSORS OF VAWA REAUTHORIZATION

## VAWA REAUTHORIZATION (H.R. 1248) 217 CO-SPONSORS TITLE I OF VAWA (H.R. 357) 30 CO-SPONSORS

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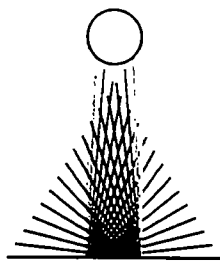
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## **NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE AGAINST WOMEN**

### **BIDEN-HATCH VIOLENCE AGAINST WOMEN ACT OF 2000 S. 2787 BILL SUMMARY**

#### **TITLE I - Strengthening Law Enforcement to Reduce Violence Against Women**

**Sec. 101. Improving Full Faith and Credit Enforcement of Protection Orders** – Renames pro-arrest grants to expressly include enforcement of protection orders, and is designed to help state and tribal courts improve interstate enforcement of protection orders. This section also prioritizes the development and enhancement of data collection and sharing systems, and instructs the Department of Justice to identify and make available information on protection order enforcement practices.

In addition, it amends the full faith and credit provision in the original Act to prohibit registration as a prerequisite to enforcement of out-of-state orders, and to prohibit notification of a batterer without the victim's consent when an out-of-state order is registered in a new jurisdiction. As a condition of funding, recipients of STOP and Pro-Arrest grants must ensure filing and service of protection orders at no cost to the victim.

**Sec. 102. Enhancing the Role of Courts in Combating Violence Against Women** – This section funds the training and education of court personnel, technical assistance, and technological improvements. It also amends STOP and Pro-Arrest grants to make state and local courts expressly eligible for funding and dedicates five percent of states' STOP grants to courts.

**Sec. 103. STOP (Services and Training for Officers and Prosecutors) Grants Reauthorization** – Authorized at \$185 million/year through 2005 (fiscal year 2000 appropriation was \$206.75 million, including \$28 million earmarked for civil legal assistance). This section reauthorizes grants to bring police and prosecutors in close collaboration with victim services providers. It preserves VAWA's original allocations of states' STOP grants (25

percent to police and 25 percent to prosecutors), but increases grants to victim services to 30 percent (from 25 percent), and allocates 5 percent allocated to state courts. Five percent of total funds available are set-aside for State domestic violence and sexual assault coalitions, and the allocation for Indian tribes is increased to 5 percent (up from 4 percent in the original Act).

**Sec. 104. Pro-Arrest Grants Reauthorization** – Authorized at \$65 million/year through 2005 (fiscal year 2000 appropriation was \$34 million). This section extends grants to develop and strengthen programs and policies that mandate and encourage police officers to arrest abusers who commit acts of violence or violate protection orders.

**Sec. 105. Rural Domestic Violence and Child Abuse Enforcement Grants Reauthorization** – Authorized at \$40 million/year through 2005 (fiscal year 2000 appropriation was \$25 million). This section extends direct grants to state and local governments for services in rural areas.

**Sec. 106. National Stalker and Domestic Violence Reduction Grants Reauthorization** – Authorized at \$3 million/year through 2005 (fiscal year 1998 appropriation was \$2.75 million). This section extends grant programs that help state and local governments improve databases dealing with stalking and domestic violence.

**Sec. 107. Clarify Enforcement to End Interstate Battery/Stalking** – This section clarifies federal jurisdiction to reach persons crossing state lines (including foreign travel), and expands federal jurisdiction to include battery used to facilitate the interstate movement of victims. This section also makes the nature of harm uniform for domestic violence, stalking, and interstate travel offenses, and clarifies the "Interstate Violation of Protection Order" section.

**Sec. 108. Grants to Reduce Violent Crimes Against Women on Campus** – Authorized at \$10 million/year through 2005 (fiscal year 2000 STOP grant appropriation included a \$10 million earmarked for this use). This section reauthorizes grants for on-campus security, education, training, and victim services to combat violence against women on college campuses. It also amends the definition of “domestic violence” to include dating relationships for the purpose of this program *only*. [Note: dating relationships are not covered under the remainder of this bill].

## **TITLE II - STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE**

**Sec. 201. Legal Assistance to Victims of Domestic Violence and Sexual Assault** – Authorized at \$35 million/year through 2005 (fiscal year 2000 STOP grant appropriation included \$28 million earmarked for this use). Building on funds set-aside under past STOP grants, this section authorizes a separate grant program for civil legal services for protection orders and family, criminal, immigration, administrative, and housing matters. This section allows victims of domestic violence, stalking, and sexual assault to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services, when they require legal assistance as a consequence of violence. These grants support training, technical assistance, data collection, and support for cooperative efforts between victim advocacy groups and legal assistance providers, and establish a database of legal assistance providers to be maintained and utilized by the National Domestic Violence Hotline (see Sec. 204, below) or any comparable sexual assault hotline.

**Sec. 202. Expanded Shelter for Battered Women and Their Children** – Authorized at \$175 million/year through 2005 (fiscal year 2000 appropriation was \$101.5 million). This section reauthorizes Department of Health and Human Services programs that help communities provide shelter to battered individuals and their children.

**Sec. 203. Transitional Housing Assistance for Victims of Domestic Violence** – Authorized at \$25 million/year for 2001, 2002, and 2003, and \$30 million/year for 2004 and 2005. This section allows the Department of Health and Human Services to make grants providing short-term housing assistance and support services to individuals and their dependents who are homeless, in need of transitional housing, or other housing assistance as a result of domestic violence. These services are authorized when emergency shelter services are unavailable or insufficient.

**Sec. 204. National Domestic Violence Hotline** – Authorized at \$2 million/year through 2005 (fiscal year 2000 appropriation was \$2 million). This section reauthorizes the National Domestic Violence Hotline established under the original Violence Against Women Act and makes it a source of civil legal assistance information. This section also requires annual reports on the Hotline’s operation.

**Sec. 205. Federal Victims Counselors Grants Reauthorization** – Authorized at \$1 million/year through 2005 (fiscal year 1998 appropriation was \$1 million). This section extends programs supporting U.S. Attorney offices to hire counselors to assist victims and witnesses in prosecution of domestic violence and sexual assault cases.

**Sec. 206. Study of State Laws Regarding Insurance Discrimination Against Victims of Violence Against Women** – This section requires the Attorney General to conduct a national study identifying state laws that address insurance discrimination against victims of domestic violence, and submit recommendations to Congress based on the findings.

**Sec. 207. Study of Workplace Effects from Violence Against Women** – This section requires the Attorney General to conduct a national survey of programs demonstrating appropriate workplace responses to victims of domestic violence or sexual assault, and submit recommendations to Congress.

**Sec. 208. Study of Unemployment Compensation For Victims of Violence Against Women** – This section requires the Attorney General to conduct a national study to identify the impact of state unemployment compensation laws on victims of domestic violence who are separated from their employment as a direct result of violence, and submit recommendations to Congress.

**Sec. 209. Enhancing Protections for Older Women from Domestic Violence and Sexual Assault** – This section allows STOP grants, Pro-Arrest grants, and shelter programs to be used to develop policies and initiatives that address the needs of older individuals who are victims of domestic violence or sexual assault.

## **TITLE III - LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN**

**Sec. 301. Safe Havens for Children Pilot Program** – Authorized at \$15 million/year through 2002. This section establishes a pilot Justice Department grant program aimed at reducing domestic violence during the transfer of children for visitation, by expanding the availability of

supervised visitation and safe visitation exchange for the children of victims of domestic violence, child abuse, or sexual assault.

**Sec. 302. Reauthorization of Grants to Reduce Sexual Abuse of Runaway, Homeless & Street Youth** – Authorized at \$22 million/year through 2005 (fiscal year 2000 appropriation was \$15 million). This section extends the Department of Health and Human Services programs that provide assistance to runaways and homeless youth who are at risk or victims of abuse.

**Sec. 303. Reauthorization of Victims of Child Abuse Act Grants** – Authorized at \$12 million/year for the special advocate program, \$2.3 million/year for the judicial personnel training program, and \$1 million/year for televised testimony through 2005 (fiscal year 2000 appropriations were \$10 million, \$2.3 million, and \$1 million respectively). This section extends grant programs geared towards assisting children who are victims of abuse, such as the court-appointed special advocate program, child abuse training for judicial personnel and practitioners, and grants for the televised testimony of children.

**Sec. 304. Report on Parental Kidnapping Laws** – Authorized at \$200,000 for fiscal year 2001. This section requires the Attorney General to study the Parental Kidnapping Act and custody provisions in protection orders where domestic violence is a factor, in order to submit recommendations for the modification of child custody laws. This section also clarifies when emergency jurisdiction may be granted.

#### **TITLE IV - Strengthening Education & Training To Combat Violence Against Women**

**Sec. 401. Provide Education & Training In Appropriate Responses to Violence Against Women** – Authorized at \$5 million/year through 2003. This section authorizes the Department of Health and Human Services, in consultation with the Justice Department, to make grants for the development, testing, and dissemination of model programs to educate and train individuals (other than police and prosecutors) who are likely to come in contact with victims of domestic violence and sexual assault in the course of their employment (e.g. welfare caseworkers, child protection workers, health care professionals, attorneys, court personnel, etc.).

**Sec. 402. Rape Prevention and Education Program Reauthorization** – Authorized at \$50 million/year through 2005 (fiscal year 2000 appropriation was \$45 million).

This section reauthorizes the Sexual Assault Education and Prevention Grant program, which includes education for college students and funding to continue the National Resource Center on Sexual Assault at the Centers for Disease Control and Prevention.

**Sec. 403. Education and Training to End Violence Against and Abuse of Women with Disabilities** – Authorized at \$5 million/year through 2005. This section establishes a new Justice Department program to educate and provide technical assistance to service providers in order to better meet the needs of disabled individuals who are victims of domestic violence, sexual assault, and stalking.

**Sec. 404. Reauthorization of Community Initiatives to Prevent Domestic Violence** – Authorized at \$5 million/year through 2005 (fiscal year 2000 appropriation was \$6 million). This section reauthorizes grants for collaborative community projects targeted towards intervention and the prevention of domestic violence.

**Sec. 405. Development of Research Agenda Identified under the Violence Against Women Act** - Authorized at such amounts necessary to carry out this section. This section requires the Attorney General, in cooperation with other organizations, to implement a research agenda based on the recommendations in the National Academy of Sciences report, "Understanding Violence Against Women."

**TITLE V - BATTERED IMMIGRANT WOMEN** – This section strengthens and refines the protections for battered immigrant women in the original Violence Against Women Act, by eliminating a number of "catch-22" policies and unintended consequences of subsequent changes in immigration law. For a comprehensive analysis of this section, contact NOW LDEF's Immigrant Women Program at (202) 326-0040.

#### **TITLE VI - EXTENDING THE VIOLENT CRIME REDUCTION TRUST FUND**

**Sec. 601. Extension of Violent Crime Reduction Trust Fund** – This section preserves this source of revenue to fight violence against women through 2005.

*Current as of July 6, 2000. For more information please contact NOW LDEF's policy attorney, Jackie Payne at (202) 326-0040 or [jpayne@nowldef.org](mailto:jpayne@nowldef.org).*

**VIOLENCE AGAINST WOMEN ACT OF 2000**  
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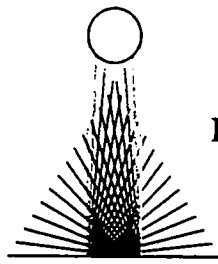
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## BATTERED IMMIGRANT WOMEN PROTECTION ACT OF 1999 H.R. 3083

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

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

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

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

- **Waivers for VAWA Eligible Applicants:** This section grants the Attorney General the discretion to waive certain bars to immigration relief and grounds of deportation for qualified VAWA applicants. Circumstances for the waiver include women who: acted in a criminal manner in self-defense; were convicted of violating a protection order issued to protect themselves which should not have legally been enforced against them; acted out of fear or under the duress of their abuser. This section also exempts battered immigrants from certain other immigration violations that would bar them from VAWA immigration relief. This section removes barriers to VAWA relief which were newly imposed by post-VAWA immigration bills.
- **Physical Presence Waiver:** A VAWA applicant must be continuously present in the US in order to obtain VAWA status in proceedings. An abuser who wishes to undermine the victim's cooperation with authorities in his criminal prosecution for domestic violence need only remove the victim from the U.S. for a certain period of time to render her ineligible for VAWA immigration relief in proceedings. This section allows the Attorney General to waive certain breaks in continuous presence for humanitarian purposes when the applicant has been a victim of domestic violence.
- **Improved Access to VAWA:** This section removes the U.S. residency requirement, granting access to VAWA protection to abused wives and children of U.S. military, U.S. government workers and other U.S. citizens and lawful permanent residents residing abroad. This section also deletes the extreme hardship requirement, which impedes access to VAWA for many unrepresented victims. It allows children, who are included in their mother's VAWA petition when they are under twenty-one, to receive their green cards, along with their mother, after turning twenty-one. It also allows VAWA applicants under twenty-one years old to include any children they may have in their self-petition or cancellation application. VAWA self-petitioning would also be available to victims who file within two years after divorce from their abuser, death or loss of legal immigration status of their abusive spouse or parent. This section also expands access to VAWA self-petitioning to certain other needy immigrants battered by family members.
- **Improved Access to VAWA Status in Immigration Proceedings (Cancellation of Removal):** This section expands access to VAWA status in immigration proceedings to: victims of elder abuse, spouses married to bigamists, abused sons and daughters over 21 years old, and abused spouses and children living abroad who are married to or are the children of citizens or resident abusers. This legislation allows child abuse victims filing as minors, sons or daughters to include any children they may have in their VAWA cancellation cases. It also provides battered immigrants with the option of including children in their VAWA cancellation application.
- **Good Moral Character:** This section creates a discretionary waiver for good moral character determinations for VAWA self-petitioners, VAWA cancellation, and VAWA suspension of deportation cases. Waivers are permitted when there is a connection between the abuse and the commission of, arrest for, conviction of, or plea to a crime.
- **Battered Immigrant Women's Economic Security Act:** Battered immigrants who leave their abusers often sever ties with their prime source of economic support. Congress offered battered immigrants with pending or approved cases before INS access to immigration relief, work permits, and some public benefits. This section addresses gaps, errors and oversights in current legislation that impede battered immigrant women's ability to flee violent relationships and survive economically. This section ensures that battered immigrants with pending immigration applications are able to access

public benefits, Food Stamps, SSI, and housing.

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

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

# BATTERED IMMIGRANT WOMEN PROTECTION ACT (H.R. 3083) 107 CO-SPONSORS

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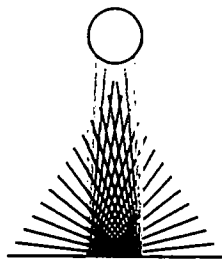
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As of August, 2000



# Violence Against Women Act of 1994 Reauthorization Needs

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

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

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

## **National Domestic Violence Hotline**

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

## **Battered Women's Shelters and Services**

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

## **Victims of Child Abuse Programs**

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

## **Rape Prevention Education**

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

## **Youth Education and Domestic Violence**

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

## **Violence Against Women Intervention, Prevention, and Education**

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

## **Safety for Women in Public Transit and Public Parks**

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

## **Law Enforcement and Prosecution Grants to Combat Violence Against Women**

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

### **☛ Programs already overdue for reauthorization!**

#### **☛ Grants for Community Initiatives**

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

#### **☛ Education and Training for Judges and Court Personnel**

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

#### **☛ Grants to Encourage Arrest Policies**

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

#### **☛ Rural Domestic Violence and Child Abuse Enforcement**

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

#### **☛ National Stalker and Domestic Violence Reduction**

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

#### **☛ Federal Victims' Counselors**

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

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

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

***For more information about the reauthorization proposals of the Violence Against Women Act of 1999, contact Pat Reuss in the Washington, DC NOW LDEF office at (202) 326-0040 or Juley Fulcher in the NCADV office at (202) 745-1211.***

**TOTAL FUNDS FROM VAWA AND FVPSA\* AWARDED TO EACH STATE  
FROM FISCAL YEAR 1995-1999**

Numbers obtained from the National Resource Center on Domestic Violence  
Please call 1-800-537-2238 for more information.

| <b><u>State</u></b> | <b><u>Total Funds Awarded (approximately)</u></b> |
|---------------------|---------------------------------------------------|
| Alabama             | \$13,393,084                                      |
| Alaska              | \$7,611,981                                       |
| Arizona             | \$7,136,606                                       |
| Arkansas            | \$9,556,875                                       |
| California          | \$92,637,716                                      |
| Colorado            | \$14,845,324                                      |
| Connecticut         | \$11,382,220                                      |
| Delaware            | \$5,642,777                                       |
| Florida             | \$38,977,797                                      |
| Georgia             | \$20,087,761                                      |
| Hawaii              | \$6,188,771                                       |
| Idaho               | \$7,479,034                                       |
| Illinois            | \$32,756,255                                      |
| Indiana             | \$16,710,607                                      |
| Iowa                | \$9,732,685                                       |
| Kansas              | \$9,380,197                                       |
| Kentucky            | \$12,502,461                                      |
| Louisiana           | \$14,594,913                                      |
| Maine               | \$6,488,488                                       |
| Maryland            | \$17,312,784                                      |
| Massachusetts       | \$19,820,218                                      |
| Michigan            | \$28,874,044                                      |
| Minnesota           | \$14,161,863                                      |
| Mississippi         | \$10,085,169                                      |
| Missouri            | \$16,376,166                                      |
| Montana             | \$7,557,545                                       |
| Nebraska            | \$7,408,478                                       |
| Nevada              | \$9,632,490                                       |
| New Hampshire       | \$8,005,057                                       |
| New Jersey          | \$21,932,912                                      |
| New Mexico          | \$9,932,052                                       |
| New York            | \$53,916,386                                      |
| North Carolina      | \$20,532,708                                      |
| North Dakota        | \$6,504,967                                       |
| Ohio                | \$30,670,452                                      |
| Oklahoma            | \$12,463,432                                      |
| Oregon              | \$13,091,797                                      |
| Pennsylvania        | \$55,463,866                                      |
| Puerto Rico         | \$10,786,498                                      |
| Rhode Island        | \$8,542,773                                       |

|                  |              |
|------------------|--------------|
| South Carolina   | \$11,922,866 |
| South Dakota     | \$8,383,879  |
| Tennessee        | \$17,685,500 |
| Texas            | \$50,960,810 |
| Utah             | \$7,932,131  |
| Vermont          | \$8,499,443  |
| Virgin Islands   | \$3,109,104  |
| Virginia         | \$19,655,034 |
| Washington       | \$20,245,369 |
| Washington, D.C. | \$5,165,364  |
| West Virginia    | \$7,787,651  |
| Wisconsin        | \$17,360,116 |
| Wyoming          | \$4,614,382  |

\*FVPSA: Family Violence Prevention and Safety Act

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Please use this example of a successful letter-to-the-Editor as you craft your own media strategy.

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Letter to the Editor: VAWA, August 6th, 2000, Wichita Eagle  
by Liz Hicks, President Wichita N.O.W.

Dear Editor,

Since 1994 the Violence Against Women Act (VAWA) has been funding local services through grants to the states. It is unique in concentrating on domestic violence, sexual assault and stalking. Kansas receives \$1.5 million in grants funneled through our Attorney General's office.

The services funded include specialized training for hospital personnel and law enforcement officers in cases of sexual assault. Reported sexual assaults have almost doubled in the last decade. Additional funds go for court advocates who assist victims throughout the entire legal process.

In 1999 the Kansas Bureau of Investigation (KBI) distributed training kits and taught law enforcement personnel (including some in the Sedgwick County Sheriff's office and at Wichita State University) to combat stalking.

Following domestic violence, funds are used at a crisis center to provide a case manager. That person guides the victim through immediate needs, as well as planning and following up on getting the woman (and her children) back into an independent life.

One center locally handled 566 shelter and outreach clients last year.

These valuable services will be cut back if Congress does not soon authorize the funding for the VAWA in this budget. In other states, program grants have already expired because Congress did not vote for the funding before the July recess. Contact Rep. Todd Tiahrt, Sen. Sam Brownback and Sen. Pat Roberts to vote for ongoing funding to this vital process.

Liz Hicks, President

Wichita Chapter of National Organization for Women



## Intimate Partner Violence: A Special Report from the Bureau of Justice Statistics (May 2000)

*According to a study released this May by the Bureau of Justice Statistics, about 1 million violent crimes were committed against persons by their intimate partner in 1998 (intimate partner is defined as a current or former spouse, boyfriend, or girlfriend). Of these 1 million incidents, about 85% were crimes committed against women. The rate of intimate partner violence, however, is down, with women experiencing intimate partner violence at lower rates in 1998 than they did in 1993. The murder rate of intimate partners is also down, with 1,830 murders attributed to intimate partners in 1998 compared to 3,000 murders in 1976. These statistics are proof of the critical difference that the Violence Against Women Act of 1994 has made on the lives of millions of women. It is crucial that VAWA, which expires on October 1, 2000, be reauthorized now so that its programs can continue to save lives and bring us closer to a violence free world. The VAWA reauthorization legislation, presently before Congress, would continue the Congressional commitment to making our streets, schools, workplaces and homes safe for all women and children.*

### **Why VAWA Reauthorization is needed:**

- ☐ About 85% of victimizations by intimate partners in 1998 were against women.
- ☐ In 1998, nearly 3 out of 4 victims of intimate partner homicide were women.
- ☐ The number of women murdered by an intimate partner increased 8% between 1997 and 1998.
- ☐ Intimate partner violence made up 22% of violent crimes against women between 1993 and 1998.
- ☐ In 1998, intimate partner homicide accounted for about 11% of all murders nationwide.
- ☐ In 1998 intimate partner homicide comprised about 33% of the murders of women and about 4% of the murders of men.
- ☐ The number of men murdered by an intimate partner fell 60% from 1976 to 1998.
- ☐ Of the 1,830 persons murdered by intimates in 1998, 72% or 1,320 were women.
- ☐ Fear of reprisal by the perpetrator was cited by 19% of females as the reason they did not report their victimization to the police.
- ☐ White females represent the only category of victims for whom intimate partner homicide has not decreased substantially since 1976. Between 1997 and 1998 the number of white females killed by an intimate partner increased 15%.
- ☐ Black females experienced intimate partner violence at a rate 35% higher than that of white females, and about 2 ½ times the rate of women of other races.

- ☐ Between 1993 and 1998 women ages 16 to 24 experienced the highest per capita rates of intimate violence.
- ☐ Between 1993 and 1998 children under the age of 12 resided in 43% of the households where intimate partner violence occurred.

**How VAWA has made a difference:**

- ☐ From 1993 to 1997, the rate of intimate partner violence fell from 9.8 to 7.5 per 1,000 women.
- ☐ Intimate partners committed fewer murders in each of the 3 years 1996, 1997, and 1998 than in any other year since 1976.
- ☐ 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 partner, down from 1.1 million in 1993, a decrease of 21%.
- ☐ 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%).
- ☐ Overall, the number of women killed by an intimate partner was stable between 1976 and 1993 and then declined 23% between 1993 and 1997.

*For more information, contact Juley Fulcher, Marlo Cohen or Maribel Ramos at (202) 745-1211.*

*June 13, 2000*

References

All statistics can be found in: Bureau of Justice Statistic: Special Report "Intimate Partner Violence" by Callie Marie Rennison, Ph.D. and Sarah Welchans (BJS Statisticians), May 2000.

To receive a copy of the report call the Bureau of Justice Statistics at (202) 307-0765 or visit their website at [www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)



# FACTS ABOUT DOMESTIC VIOLENCE

- Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.<sup>1</sup>

- According to a study conducted by the National Institute of Justice and the Centers of Disease Control and Prevention, approximately 4.8 million intimate partner rapes and physical assaults are perpetrated against U.S. women annually. Women who were physically assaulted by an intimate partner averaged 6.9 physical assaults by the same partner.<sup>2</sup>
- Majority of the victims who did not report their victimization to the police thought the police would not or could not do anything on their behalf.<sup>3</sup>
- Women are at an increased risk of harm after separation from an abusive partner. Separated women are 3 times more likely than divorced women and 25 times more likely than married women to be victims of violence at the hands of an intimate partner.<sup>4</sup>
- According to estimates from the National Institute of Justice, 503,485 women are stalked by an intimate partner annually in the United States.<sup>5</sup>
- According to National Crime Victimization Survey data from the Department of Justice (a conservative estimate) between 1992 and 1996, women and girls over 12 experienced, on average, 960,000 incidents of assault, rape and murder at the hands of a current or former spouse or intimate partner annually. During the same period, the same surveys found that men were victims of about 150,000 violent crimes by current or former spouse or intimate partner.<sup>6</sup> Other surveys have found a much higher rate of domestic violence against women.<sup>7</sup>
- Of the estimated more than 1,000,000 persons age 65 and over who are victims of abuse each year, at least two-thirds are women. In almost 9 out of 10 incidents of domestic elder abuse and neglect the perpetrator is a family member and adult children of the victims are the largest category of perpetrators and spouses are the second largest category of perpetrators.<sup>8</sup>
- A study conducted by the National Institute of Justice found that 41.5 percent of the women who were physically assaulted by an intimate partner were injured during their most recent assault.<sup>9</sup>
- In 1996, 65% of all intimate partner homicides involved guns.<sup>10</sup> Family and intimate assaults involving guns are 12 times more likely to result in death than other family and intimate partner assaults.<sup>11</sup>
- In 1994, approximately 37% of women seeking injury-related treatment in hospital emergency rooms were there because of injuries inflicted by a current or former spouse or intimate partner.<sup>12</sup>
- A recent survey found that over 50% of abused women lost at least three days of work monthly due to abuse<sup>13</sup> and surveys show at least 60% of abused women report being late for work due to abuse.<sup>14</sup> Sixty percent of battered women surveyed in one study had been reprimanded because of work problems associated with abuse, and 70% reported difficulty in performing their job because of abuse.<sup>15</sup>
- To prevent their immigrant wives from reporting domestic violence, men may threaten to take her children away from the United States, fail to file papers to legalize her immigration status, or threaten to report her to INS to get her deported.<sup>16</sup>
- Children who witness domestic violence are at a high risk of anxiety and depression, and exhibit more aggressive,

antisocial, inhibited and fearful behaviors.<sup>17</sup>

- Domestic violence is strongly correlated with child abuse. Studies have found that between 50% and 70% of men who abuse their female partners also abuse their children.<sup>18</sup>
- Of all homeless women and children, 50% are fleeing domestic violence.<sup>19</sup>

## ENDNOTES

1. American Psychological Association, *Violence and the Family Report of the American Psychological Association Presidential Task Force on Violence and the Family* 10 (1996).
2. Patricia Tjaden and Nancy Thoennes, National Institute of Justice and the Centers of Disease Control and Prevention, *Extent, Nature, and Consequences of Intimate Partner Violence* (2000).
4. Patricia Tjaden and Nancy Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence* (2000).
5. Ronet Bachman and Linda Salzman, Bureau of Justice Statistics, *Violence Against Women: Estimates From the Redesigned Survey* 1 (1995).
6. Patricia Tjaden and Nancy Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence* (2000).
7. Lawrence A. Greenfeld, et al, *Violence By Intimates: Analysis of Data on Crimes By Current or Former Spouses, Boyfriends and Girlfriends* 3 (Bureau of Justice Statistics, 1998).
8. For example, the 1985 National Family Violence Survey found incidence rates much higher than the NCVS. Nancy A. Crowell and Nancy Burgess, eds., *Understanding Violence Against Women* 32-33 (1996).
9. 1998 National Elder Abuse Incidence Study.
10. Patricia Tjaden and Nancy Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence* (2000).
11. *Violence by Intimates, supra* at v.
12. Linda E. Saltzman, et al, "Weapon Involvement and Injury Outcome in Family and Intimate Assaults," 267 *Journal of the American Medical Ass'n* 3043 (1992).
13. Michael Rand, *Violence-Related Injuries Treated in Hospital Emergency Room Departments* 5 (Bureau of Justice Statistics, 1997).
14. Connie Stanley, *Domestic Violence: An Occupational Impact Study* 17 (Tulsa, Oklahoma, July 27, 1992); Louise Laurence & Roberta Spalter-Roth, *Measuring the Costs of Domestic Violence Against Women and the Cost Effectiveness of Interventions* 25 (IWPR, Victims' Services & the Domestic Violence Training Project, May 1996).
15. Melanie Shepard & Ellen Pence, *The Effect of Battering on the Employment Status of Women*, 3 *Affilia* 55, 58 (1988); see also Laurence & Spalter-Roth at 25.
16. Stanley at 17.
17. Leti Volpp, Family Violence Prevention Fund, *Working With Battered Immigrant Women: A Handbook to Make Services Accessible* (1995).
18. Einat Peled, Peter G. Jaffe and Jeffrey L. Edelson, *Ending the Cycle of Violence: Community Responses to Battered Women* 4-5 (1995); Mary Kenning, Antia Merchant and Alan Thompkins, "Research on the Effects of Witnessing Parental Battering: Clinical and Legal Policy Responses" 238-39, in *Woman Battering: Policy Responses* 237 (Michael Steinmen, ed., 1991).
19. See, e.g., Lee H. Bowker, Michelle Arbitell & Richard McFerron, "On the Relationship Between Wife Beating and Child Abuse," in Kersti Yllo & Michele Bograd, eds., *Feminist Perspectives on Wife Abuse* 158, 162 (1988); M.A. Strauss and R.J. Gelles, *Physical Violence in American Families* (1990).
20. The Women and Housing Task Force, *Unlocking the Door III: A Call to Action. Battered Women*, September 1996 (citing Schneider, Elizabeth, *Legal Reform Efforts for Battered Women: Past, Present and Future* (prepared for the Ford Foundation, July 1990)).

*For more information, contact the National Coalition Against Domestic Violence at (202) 745-1211.  
July 31, 2000*

# **Domestic Violence Affects Children**

**As many as 10 million children are exposed to domestic violence each year.<sup>1</sup> The impact that violence has on their young lives is devastating and has long-term physical, psychological, and social effects.**

## **Physical Effects**

- In some cases, batterers intentionally injure their children in an effort to intimidate or control their partners. Children can also become injured during attacks on their mother.<sup>2</sup>
- Children in households with domestic violence are at higher risk for sexual abuse.<sup>3</sup>
- In homes where domestic violence occurs, children are physically abused and neglected at a rate 15 times higher than the national average.<sup>4</sup>
- Parental separation and divorce do not necessarily solve these problems; fathers who physically or sexually abuse their children prior to separation continued to do so in post-separation visits.<sup>5</sup>

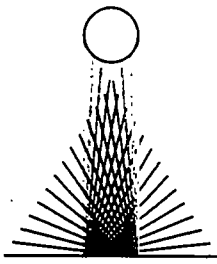
## **Psychological Effects**

- Children exposed to violence frequently suffer behavioral problems such as depression, phobias, insomnia, low self-esteem, and depression.<sup>6</sup>
- A child's exposure to chronic or extreme domestic violence may result in symptoms of post-traumatic stress disorder, including emotional numbing, avoidance of any reminders of the violent event, or obsessive and repeated focus on the event.<sup>7</sup>
- Infants and toddlers who witness violence in their homes show excessive irritability, immature behavior, sleep disturbances, emotional distress, fears of being alone, and regression in language and toilet training.<sup>8</sup>
- The relationship with the abusive parent is often a source of pain, resentment, disappointment, confusion, and ambivalence to the child.<sup>9</sup>
- Battered parents may become preoccupied with the violence and their family's safety. This may make them less emotionally available to their child, which can influence a child's psychological adjustment. Ensuring the family's safety and treating the effects of violence on the mother can ameliorate this situation.<sup>10</sup>

## **Social Effects**

- Children exposed to domestic violence demonstrate poor academic performance and problem-solving skills.
- Children who have been abused and neglected are more likely to perform poorly in school, to commit crimes, and to experience emotional problems, sexual problems, and alcohol/substance abuse.<sup>11</sup>
- Domestic violence is a leading factor in impoverishing women and children and keeping them poor.
- Between 20% and 30% of all families receiving cash assistance through welfare programs are experiencing domestic violence.<sup>12</sup>
- Between half to two-thirds of the women on welfare have suffered violence or abuse at some time in their lives.<sup>13</sup>
- Over 50% of homeless women and children cite domestic violence as the reason they are homeless.<sup>14</sup>
- Children raised in poverty are more likely to suffer from poor health, developmental delays, emotional and behavioral problems, limited educational attainment, and teen pregnancy.<sup>15</sup>

Please contact NOW Legal Defense and Education Fund at (202) 326-0040 for full citations.



## INTIMATE PARTNER VIOLENCE AND SAME-SEX RELATIONSHIPS

### **NOW LEGAL DEFENSE**

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

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**Intimate partner violence is a significant problem within same-sex relationships.**

- Domestic violence is not just a heterosexual phenomenon. While more research needs to be done on same-sex intimate partner violence, current studies indicate that same-sex couples are also vulnerable to partner abuse.<sup>1</sup>
- It is estimated that violence is as prevalent in same-sex relationships as it is in heterosexual relationships.<sup>2</sup>
- Same-sex domestic violence, like heterosexual domestic violence, is about power and control and creates an on-going pattern where the victim fears for her safety. Homophobia in our society protects the same-sex abuser from negative consequences by refusing to challenge the behavior, denying its existence, or incorrectly assuming it must be mutual.
- Underreporting of intimate partner violence may be even more pronounced in the lesbian, gay, bisexual and transgendered ("LGBT") community. In addition to the challenges commonly associated with reporting intimate partner violence—LGBT domestic violence survivors may fear homophobia and heterosexism from family and friends, as well as by the police and judicial system.

**Despite the problem, there is little in the way of services.**

- Traditional support and services for victims of violence, such as the police, courts, battered women's shelters, medical professionals, religious institutions, and family members may be unavailable to those in same-sex relationships because of ignorance and homophobia.
- As of 1998, a domestic violence victim in a same-sex relationship could get a civil restraining order against a batterer in 39 states and the District of Columbia. In 7 states, civil domestic violence restraining/protective orders (obtained in civil or family court) were available for victims in opposite-sex couples, but not for victims of same-sex abuse (Arizona, Delaware, Louisiana, Montana, New York, South Carolina, and Virginia). In some of those states, however, a protective order might be available in criminal court. In 3 states, Florida, Maryland, and Mississippi, the law was unclear as to whether victims of same-sex domestic violence could get civil restraining/protective orders.<sup>3</sup>
- Members of the LGB community may be reluctant to recognize the existence of domestic violence and may minimize its effect in order to shield themselves from further persecution.
- Even when communities and programs are able to respond to same-sex intimate partner violence, it is usually on a very limited scale. Although VAWA money has been set aside to fund programs for designated "underserved populations," Congress refuses to include the LGB community within that definition. Thus, there is a lack of funding for comprehensive programs for LGB survivors.

**Tell Congress to provide assistance to ALL survivors of intimate partner violence.**

- Ask your Senator or Representative to be mindful to the needs of LGB individuals when establishing and funding programs for victims of violence. Specifically ask Congress to include victims of same-sex domestic violence within the definition of underserved populations, in order to ensure that vital services are provided.

Please contact NOW Legal Defense and Education Fund at (202) 326-0040 for full citations.

# Pennsylvania Coalition Against Rape

125 North Enola Drive Enola, PA 17025

(717) 728-9740

(800) 692-7445

[stop@pcar.org](mailto:stop@pcar.org)

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## Sexual Violence

### Understanding the Issue

Sexual violence is any unwanted sexual contact. Most sexual violence is perpetrated by someone the victim knows. It may be a friend, classmate, co-worker, date, neighbor, or relative.

The person who forces the unwanted sexual contact usually has physical, emotional, occupational, relational, and/or moral power over the victim. Force can be actual physical aggression, threats of force, emotional coercion, or psychological blackmailing.

A lack of clear communication or failure to understand difference in gender communication styles can also lead to sexual violence. This is more likely to occur in dating situations.

### Facts

- Rape is the most rapidly growing crime in America ("AMA's Guidelines on Sexual Assault," 1995).
- Results of the National Women's survey estimate that 12,100,000 American women had been raped ("Rape in America: A Report to the Nation").
- During their lifetimes, 17.6% of American women and 3.0% of American men suffer completed or attempted rapes ("Research in Brief," 1998).
- Twenty-two percent of surveyed American women reported that during their lifetime they had been "forced to do something sexual" ("Research in Brief," 1998).
- The National Institute of Justice, Centers for Disease Control and Prevention estimates that 302,091—or 0.3% of—adult American women and 92,748—or 0.1% of—adult American men experience a completed or attempted rape(s) each year. Because some persons suffer multiple rapes, it is estimated that 876,100 rapes of adult American women and 111,300 rapes of adult American men occur each year ("Research in Brief," 1998).
- In 1990 an adult American woman was raped every 1.3 minutes ("Rape in America: a Report to the Nation," 1992).
- In the United States someone is sexually assaulted every 45 seconds ("AMA Reports 'Silent Violence Epidemic' of Sexual Assault Throughout the U.S.," 1996).
- Of adult American women who are raped, 31.5% are physically injured, but only 35.6% of those who are injured receive medical care ("Research in Brief," 1998).

- In the United States rapes cause approximately 32,000 pregnancies every year ("Rape-related Pregnancy," 1996).
- Almost 60.0% of rapes occur while the victim is at home or at the home of a friend, relative, or neighbor ("Sex Offenders: An Analysis of Data on Rape and Sexual Assault," 1997).
- Only one in five rapes is committed by a stranger (National Crime Victimization Survey, 1996).
- Only 26.0% of rapes and attempted rapes are reported to police departments (National Crime Victimization Survey).
- Of rapes reported to police, only 30.0% of offenders are arrested ("Workplace Violence, 1992-96," 1997).
- Of the countries that publish statistics on rape, the United States has the highest rate of rape—four time more than Germany, 13 times more than England, and 20 times more than Japan ("Rape in America: A Report to the Nation," 1992).
- Of female, American rape-victims, 54.0% experience their first rape before the age of 18 ("Research in Brief," 1998).
- In a 1998 study of high school students, over half of all males and 42.0% of all females believed that sometimes it is "acceptable for a male to hold a female down and physically force her to engage in intercourse" (Warshaw, 1998).

## Resources

American Medical Association, "AMA's Guidelines on Sexual Assault," 1995.

American Medical Association, "AMA Reports 'Silent Violent Epidemic' of Sexual Assault Throughout the U.S.," 1996.

Bureau of Justice Statistic, U.S. Department of Justice, "National Crime Victimization Survey," 1996.

Greenfield, "Sex Offenders: An Analysis of Data of Rape and Sexual Assault," 1997.

Holems et al., "Rape-related Pregnancy," *American Journal of Obstetrics and Gynecology*, 1996.

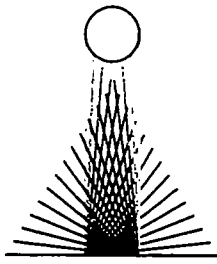
National Criminal Victimization Survey, "Workplace Violence, 1992-96," 1997.

The National Institute of Justice, Centers for Disease Control and Prevention, "Research in Brief," 1998.

The National Women's Survey, "Rape in America: A Report to the Nation," 1992.

Warshaw, 1998.

*For more information, please contact the Pennsylvania Coalition Against Rape, 125 North Enola Drive, Enola, PA 17025, (717) 728-9740, (800) 692-7445, stop@pcar.org, www.pcar.org.*



## NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE AGAINST WOMEN

**NOW LEGAL DEFENSE  
AND EDUCATION FUND**

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

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### How To Plan a Local Town Meeting to Support VAWA Reauthorization

*Thank you for your interest in helping the National Task Force to End Sexual and Domestic Violence Against Women get the word out about the VAWA Reauthorization Bills (H.R. 1248 and S. 2787.) This informational guide offers some tips on how to plan a local public education event around VAWA. Nothing is better than a good ol' fashioned town meeting to get the community talking about the importance of addressing violence against women and its impact upon all of us.*

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#### Planning Your Town Meeting

##### **1. Form an organizing committee.**

Identify individuals and organizations in your area that may be interested in planning a town meeting.

Consider a cross-section of participants, such as women's groups, civic groups, government officials, local law enforcement, youth groups, disability groups, senior citizen groups, health care professionals, religious and educational leaders, local campus leaders, immigrant rights advocates, domestic violence and sexual assault advocates, gay and lesbian groups, union and labor organizers, and interested citizens. All can offer unique input and lend strong support to the event.

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

##### **2. Choose the focus.**

Decide how big you want your event to be. Do you just want a literature table and a mini-postcard campaign at a local fair? Or do you want a more

formal meeting in a municipal building or local school auditorium?

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

##### **3. Identify your target audience.**

Determine your target audience and the number of people you think may attend. Gather any contact information that will help you reach your target audience. If you would like to make contact with

potential participants through the organizations that participate in the National Task Force to End Sexual and Domestic Violence Against women, please contact the Washington, DC office of NOW LDEF at (202) 326-0040.

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

### **3. Planning and Scheduling.**

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

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

Invite your Senators/Congressperson(s)/ Candidates to participate. At present, the Senate VAWA bill has 61 co-sponsors and VAWA Reauthorization and VAWA '99 in the House have 241 sponsors. If your Representative and/or Senators are sponsors of this bill, they would likely welcome an opportunity to talk to the community about why this bill is important. If they have not yet signed on, it is an opportunity for the community to solicit their support. Do not limit yourself to the above invitees. Your state governor, town mayor, or other elected officials may also want to get involved. Remember, this is a great forum for them as well. In addition, they may be able to help you access resources, including a large venue and advertising for free or at a low cost.

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

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

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

Have a resource/literature table where you can provide information about the bill and where local groups can provide information about their services and events.

### **4. Publicize the event.**

Submit releases to newspapers, TV, and radio stations. Produce flyers, posters, and other types of announcements. Submit editorials and articles to local newspapers.

### **5. Make acknowledgement arrangements.**

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

### **6. Follow-up.**

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

Good Luck!!!

For more information, please contact NOW LDEF at (202) 326-0040.

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

July 2000

## Reauthorizing VAWA '94

### With New Transitional Housing for Survivors of Domestic Violence



Congress must reauthorize VAWA during 2000 in order to continue funding for shelters, services and other vital programs. This provides a unique opportunity to incorporate into reauthorization transitional housing assistance housing beyond emergency shelters. Safe housing is vital to survivors and their families struggling, both economically and socially, to get on their feet and put their lives back together.

5.4 million very low-income persons in need of housing assistance are not served, including many domestic violence survivors and their families. For example, at least 9% of persons served by HUD's homeless programs are fleeing domestic violence and in 1999, almost 2/3 of HUD homeless programs identified domestic violence survivors as a population they served.

The pending VAWA reauthorization bills, **H.R. 1248** and **S. 2787**, include a modest transitional housing provision that can begin to address the short-term housing needs of some survivors:

- ◆ **\$25 million in FY 2001 through FY2003** for transitional housing under a program administered by the Office of Family Violence Prevention and Services (42 U.S.C. 10401, et seq.); the authorization level increases to \$30 million for FY2004 and FY2005;
- ◆ Grants to support programs which provide **transitional or other housing assistance to those homeless or fleeing domestic violence and for whom emergency shelter services are unavailable or insufficient**;
- ◆ **Up to 12 months of assistance** for survivors, **including rent utilities, security deposits and certain relocation costs**. Grants could also cover **support services** including transportation, job training referrals, child care, counseling and other services related to identifying and acquiring transitional housing;
- ◆ **Annual reports** by grantees to the Secretary of HHS of the number of persons assisted and the types of housing assistance and support services provided, including *the number of persons eligible to receive assistance who could not find housing*.

For more information, contact Nancy Bernstine, McAuley Institute, 301-588-8110 or [nbernstine@mcauley.org](mailto:nbernstine@mcauley.org).



## Recommendations - McAuley Institute

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1. **Congress should go beyond current legislation under consideration.** Various bills are being discussed that would provide up to \$75 million to help meet survivors' housing needs. One option calls for the development or rehab of housing units that would be provided in combination with supportive services by nonprofit groups. Such provisions are contained in bills introduced by Rep. John Conyers, Jr., (D-MI), Rep. Jan Schakowsky (D-IL), and Senators Paul Wellstone (D-MN) and Patty Murray (D-WA).
2. **Congress must increase funding for domestic violence shelters.** This would help satisfy the emergency housing needs of battered women and their children through the U.S. Department of Housing and Urban Development (HUD's) Supportive Housing Program (Continuum of Care Program).
3. **Law enforcement and service providers should focus on the needs of battered women.** Both protective and supportive services are needed so that battered women can remain safe without having to give up their housing.
4. **Public and private housing policies should not penalize domestic violence victims.** When a battered woman obtains orders to force her abuser to vacate the premises, she is often in danger of being evicted because her name is on the lease with the batterer's and she cannot pay the full amount of rent. In such a scenario, landlords should allow the woman to terminate her lease, if she so desires, and release her from further liability, thereby avoiding an eviction and poor references to subsequent landlords.
5. **All expiring Section 8 contracts should be renewed.** Congress and the Administration should ensure that all the expiring Section 8 contracts are renewed or replaced. Section 8 helps battered women to obtain permanent housing that meets their security, childcare, and affordability needs.
6. **Income support and holistic service programs should be stimulated.** Federal, State, and Local governments and their private sector partners should implement holistic policies that simultaneously address income support, affordable low-income housing, mental counseling, day care, basic living skills training, and help women develop a positive rental and credit history.
7. **The Community Development Block Grant (CDBG) program should be utilized for development of affordable housing.** Federal policymakers should encourage the development and rehabilitation of affordable housing through current programs such as CDBG. Every year, affordable housing is lost to decay, abandonment, and demolition. The resulting lack of affordable housing is cited by women as a reason for returning to their violent partners.
8. **Housing subsidy programs should be flexible.** HUD, HHS, and states should encourage flexibility in housing subsidy regulations and Temporary Assistance to Needy Families programs to allow single parent families to share rent and household expenses without penalty for overcrowding.
9. **Studies are needed on the long-term impact of abuse on women.** The federal government, as well as the private sector, should fund studies on the long-term impact of abuse on women's economic as well as emotional well-being.



## **RELIGIOUS ACTION CENTER OF REFORM JUDAISM**

*The Religious Action Center pursues social justice and religious liberty by mobilizing the American Jewish community and serving as its advocate in the nation's capital*

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**2027 Massachusetts Ave., NW  
Washington, DC 20036  
Phone (202) 387- 2800  
Fax (202) 667- 9070**

### **How to be a Chai-Powered Lobbyist: 18 Helpful Tips**

- 1) Choose two or three issues (no more than four!) to discuss at the lobby visit. You will want to leave time for discussion after you present your views.
- 2) Know your Representative's view on the issue before going in to the meeting. For example, do not ask a member of Congress to support a piece of legislation that he introduced.
- 3) Arrive on time; a few minutes early is even better.
- 4) Be polite; even if the person you talk to is rude.
- 5) Introduce your delegation quickly, but politely, including where you are from (city and congregation). For example:  
Hello, my name is \_\_\_\_\_ and I'm from Temple \_\_\_\_\_ in \_\_\_\_\_. (then introduce the other people you are with). Thank you very much for taking the time to meet with us here today. We are in Washington with nearly 500 other leaders of the Reform Jewish Movement to participate in the Consultation on Conscience, a policy conference sponsored by the Religious Action Center, the legislative office of the Union of American Hebrew Congregations. We would like to discuss three different issues with you today. They are \_\_\_\_\_.
- 6) Speaking to a legislative aide is as important as speaking to the Representative. Don't be disappointed if you do not get to speak to the Representative. The aide will let him know your opinions and may very well be better informed about the specific issues you wish to discuss. The legislative aides are the ears of the Representatives; treat them with the respect you would your elected official.

- 7) Be as specific as possible, both as to what you want and as to why you want it. Phrase your statements in terms of specific requests for actions. (For example: "I urge the Representative to support the Patients' Bill of Rights (H.R.358)" (not, "I think health care is important.")
- 8) Get specific answers whenever possible -- will the Representative support the bill or bills? Does the Representative have any particular issues with the bill as it now stands? etc. Note: Representatives will not always want to be specific; you may need to ask your questions in several different ways.
- 9) If your Representative agrees with you, it still makes sense to briefly discuss the issue. Let her know why the issue is important to you and thank her for her support.
- 10) Do not be hesitant to assert your view even if it contradicts the Representative's. But always avoid adversarial rhetorical tactics.
- 11) Be personal -- give your reasons for your position, not just reasons someone told you. If you have personal experience with the matter discussed (for example, there are guns in your schools, a toxic waste site near your neighborhood) make sure that comes across.
- 12) Be passionate -- let the person know you really care about the issue.
- 13) Be concise.
- 14) Be prepared -- know who is speaking next; have at least one person writing down possible follow-up questions; have your position as a group clearly defined; and know the substance of the issue.
- 15) Whenever possible list allies who support your position.
- 16) Anticipate questions and have answers thought through, whenever possible. A good way to do this is to "role-play" in pairs.
- 17) Don't hesitate to acknowledge when you do not know the answer to a question. Tell the person you are meeting with that you will get back to him later. If you would like him to send you more information about the Representative's viewpoint, leave a business card.
- 18) Thank the Representative for meeting with you, and follow up the meeting with a thank you note.

# National Task Force To End Sexual and Domestic VIOLENCE AGAINST WOMEN

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NOW Legal Defense & Education Fund 1522 K Street NW, Suite 550, WDC 20005 ph: (202) 326-0040 fx: (202) 589-0511 preuss@nowldef.org

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Below is a sample Op-Ed drafted by the National Organization for Women and the National Council of Jewish Women. Please feel free to adapt it for any media outreach work that you may wish to do in your communities. For an excellent guide on how to locate media contacts in your area, go to [www.stopfamilyviolence.org](http://www.stopfamilyviolence.org).

## SAMPLE VAWA REAUTHORIZATION OP-ED

*A man entered my apartment. He sexually assaulted me while my two-year-old daughter slept nearby me. I didn't fight or scream because I feared for my baby's life. Even though I worked diligently with police and the prosecutor, the case was dismissed for lack of evidence, because I was not beaten and had no visible wounds or marks. My word was not enough.*

--New York

What happened to this woman could happen to any woman. Every day, women are beaten, raped, or assaulted regardless of their social class, racial background, ethnicity or age. It happens in big and small cities, suburbs and rural towns. This type of violence does not merely affect women; it permeates the lives of their children, husbands, brothers, sisters, mothers, fathers, friends, clients, employees, and co-workers. The Violence Against Women Act (VAWA), passed in 1994, is one of the few federal laws that has addressed such violence with any effectiveness. VAWA funds victim services such as shelters, counseling and hotlines (*or insert programs in your area funded by VAWA*), helps states to arrest and prosecute assailants, and promotes anti-violence education. However, unless Congress votes this fall to continue VAWA for eight more years VAWA, federal aid for these programs will be reduced and could well cease, thus eliminating many of the programs and services in all fifty states.

Violence against women is pervasive in our society. A study recently conducted by Brown University revealed that two of every five women will experience some type of sexual violence in their lifetimes. According to the FBI's most recent National Crime Bureau Report, every three minutes five adult women are forcibly raped; every 16 seconds a woman is battered. The Bureau of Justice Statistics reported in May of this year that three-quarters of victims murdered by their intimate partners were women. Before passage of VAWA in 1994, a national survey by the Family Violence Prevention Fund found that in 1992, the US had three times as many animal shelters as it had shelters for battered women. (*Insert statistics for your area here.*)

Currently, states still have too few tools to help provide justice to victims. According to the Department of Justice, reports of sexual abuse and domestic violence result in fewer arrests and in fewer convictions than is true for other felonies, even though the misreporting rate for sexual abuse and domestic violence is no higher than those for murder, armed robbery or arson. Typically, even when assailants are convicted, the punishment is equivalent to a slap on the wrist. A report by the majority staff of the Senate Judiciary Committee in 1993 found that only one percent of convicted rapists are sentenced to more than one year in prison. Almost one-quarter are not sentenced to prison at all, but are instead released on probation. These statistics underscore the need for VAWA to be reauthorized so that increased funding can be allocated to states in order to provide the full panoply of justice for victims of domestic violence.

Funding for VAWA programs, including the shelters, counseling, arrest and prosecution assistance, and education, will expire on October 1, 2000. VAWA reauthorization still faces approval by the full House and the Senate before it reaches the President's desk. There is talk that some in Congress are hoping to save the issue for the November elections by not voting on reauthorization until October – after VAWA's funding has already expired. Such a strategy would amount to telling the nation that their plans for re-election are more important than women's safety. The American people must tell Congress that they will not choose representatives who put politics above women's lives.

# National Task Force To End Sexual and Domestic VIOLENCE AGAINST WOMEN

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**SIGN UP TO BE AN ADVOCATE FOR THE NEXT  
MILLENNIUM!!**

**ADD YOUR NAME TO THE E-MAIL ALERT LIST  
hosted by the National Task Force to end VIOLENCE AGAINST WOMEN**

**Add me to the e-mail list so that I can get updates, alerts and announcements about  
national legislation and activities regarding domestic and sexual violence!**

Contact Person (s): \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail (s): \_\_\_\_\_

**Return this form to NOW LDEF at the above address, or fax (202) 589-0511, or  
send an e-mail with the above information to Pat Reuss, [preuss@nowldef.org](mailto:preuss@nowldef.org).  
E-mails go out several times a month!**

## **WHAT IS THE NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE AGAINST WOMEN?**

The National Task Force to End Violence Against Women is a coalition of over 2,000 organizations, service providers, state and local officials and individuals who are involved in the effort to stop the epidemic of domestic and sexual violence. Members are involved in committees that work on employment, housing, legal services, legislative advocacy, federal funding for anti-violence programs, insurance discrimination, violence and child care, and sexual assault to name a few. The Task Force determines its legislative and action strategies through its Washington, DC-based lobby corps and special events sub-committees and maintains mail, fax and e-mail lists.

# Violence Against Women

Tuesday , August 22, 2000 ; A18

Edward E. Bartlett's Aug. 17 letter fed the drive to undercut reauthorization of the Violence Against Women Act.

No credible study shows that women initiate domestic violence as often as men. "Intimate partner violence should be considered first and foremost a crime against women, and prevention strategies should reflect this fact," according to a 2000 study by the National Institute of Justice and the Centers for Disease Control.

A May report by the Bureau of Justice Statistics said that women have made up two-thirds of all victims murdered by an intimate in the past 10 years.

The Violence Against Women Act, which funds violence prevention and training of police and supports shelters for victims of violence, will expire Oct. 1. People who support these much-needed programs should urge Congress to reauthorize this law.

GEOFF BOEHM

Staff Attorney

Legal Defense and Education Fund

National Organization for Women

New York

An Aug. 17 letter claimed that women are as violent as men and that women perpetrate 43.4 percent of all spousal murders, according to FBI statistics. Neither claim is true. When the FBI reports the number of men murdered as a result of family violence, it includes men killed by another male relative.

Attempts by members of fathers' rights groups to focus attention on female violence for political reasons do a disservice to society--and to men.

SYRUS DEVERS

Sacramento

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## Women Who Abuse Men

Thursday, August 17, 2000; Page A28

**Every credible study on domestic violence has shown that women initiate domestic violence as often as men. This has been shown by Martin Fiebert, a psychologist at California State University, who has compiled more than 100 articles on partner assault.**

And we're not talking about just throwing a frying pan. One study published in the American Journal of Public Health in 1989 found that according to FBI statistics, wives had been the perpetrators of 43.4 percent of all spousal murders.

Unfortunately, Lauren Taylor chooses to ignore this ["Walking Out on Spousal Abuse," Style Plus, July 24]. All of her examples portray women as the victims of domestic violence. Her one-sided article is a slap in the face to every male reader of The Post.

EDWARD E. BARTLETT

Rockville

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Can't We Have Gender-Blind Protection?

Saturday, August 26, 2000; Page A16

Two Aug. 22 letters pointed out that domestic violence is most often perpetrated by men, and therefore the Violence Against Women Act is justified. Violence, although more often perpetrated by men, is nevertheless often perpetrated by women too.

Even if only one man were subject to "reverse" violence, he would merit protection. The existence of a Violence Against Women Act, as opposed to a gender-blind domestic violence act, makes it convenient for law enforcement to presume that a man in any given case is guilty.

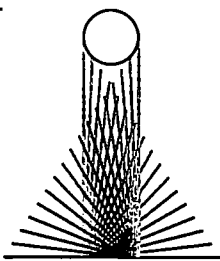
Other objections to the act are constitutional: the obvious affront to equal protection posed by all group-based "hate crime" legislation and the recent decision of the Supreme Court that violence against women does not affect interstate commerce and therefore should be regulated by the states, not the federal government.

No one is against protecting women. But the sexes should be on an equal footing based on their acts--not their gender.

JAMES PROCTOR

Bethesda

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## **THE VAWA REAUTHORIZATION BILL DOES NOT VIOLATE THE CONSTITUTION'S EQUAL PROTECTION CLAUSE**

Congress enacted the Violence Against Women Act of 1994 (VAWA) as a federal response to the epidemic of violence against women. Unless it is reauthorized, the programs funded by this groundbreaking legislation will expire on October 1<sup>st</sup> of this year. VAWA bolstered the prosecution of sexual assault and domestic violence cases, improved access to victim services, increased resources for law enforcement, and created a National Domestic Violence Hotline. If VAWA is not reauthorized, many of these programs may be forced to shut their doors. VAWA reauthorization enjoys bipartisan support from the House and Senate, and strong endorsements from state attorneys general, law enforcement officials, and victim advocates across the nation.

Opponents of VAWA have been disseminating incorrect and misleading information about domestic violence in an effort to derail this important legislation. Claiming that men experience domestic violence at rates equal to, if not higher than, women, these opponents allege that VAWA violates the Constitution's Equal Protection Clause because VAWA serves only female, not male, victims of domestic violence. This position is wrong on both fronts.

Women are overwhelmingly the victims of domestic violence and sexual assault. Accordingly, most VAWA funding is targeted to serve women. However, male victims of domestic violence are receiving services through programs funded by VAWA and other sources.

### **WOMEN URGENTLY NEED DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES**

**Women are the overwhelming majority of domestic violence and sexual assault victims.**

- ◆ In 1998, women were 85% of the victims of intimate partner violence (876,340 of 1,033,670).<sup>1</sup>
- ◆ Women are 7.5 times more likely to be the victims of sexual assaults and rapes than men.<sup>2</sup>
- ◆ During their lifetime, women are nearly 8 times more likely to be stalked by an intimate partner.<sup>3</sup>
- ◆ In August 2000, the U.S. Department of Justice, Bureau of Justice Statistics, found: between 1993 and 1999, "[e]very demographic group considered -- gender, race, Hispanic origin, and household income -- except one, females, experienced significantly decreasing rates of violent victimization."<sup>4</sup>
- ◆ Based on a nationwide study, a 2000 research report by the National Institute of Justice and the Centers for Disease Control and Prevention concludes:  
*"[I]ntimate partner violence should be considered first and foremost a crime against women, and prevention strategies should reflect this fact."<sup>5</sup>*

**Female victims of sexual assault and domestic violence are more likely to be seriously or fatally injured than male victims.**

- ◆ Women are 2 to 3 times more likely than men to report that a partner or spouse pushed, grabbed, or shoved them, and women are 7 to 14 times more likely to report that a partner or spouse beat them, choked or tried to drown them, threatened them with a gun, or actually used a gun on them.<sup>6</sup>
- ◆ Over the past 10 years, women have made up two-thirds of all victims murdered by an intimate (14,054 of 20,742).<sup>7</sup>
- ◆ Over 80% of all sexual assault-murder victims are women.<sup>8</sup>

**Female victims of domestic violence face particular obstacles to leaving an abusive situation.**

- ◆ Female victims of domestic violence may face an increased risk of severe injury when they attempt to leave violent relationships.<sup>9</sup>
- ◆ Women are often trapped in abusive relationships by social and economic obstacles, such as lack of social support, economic dependence on the batterer, and primary caretaking responsibility for young children.<sup>10</sup>

**Female victims of sexual assault and domestic violence face discrimination.**

- ◆ As Congress recognized when it enacted VAWA, state law enforcement systems still persist in treating crimes committed against women less seriously than comparable crimes affecting men.<sup>11</sup>
- ◆ Deep-rooted discriminatory attitudes concerning women's credibility and historical acceptance of sexual violence against women prevent women from obtaining meaningful redress.<sup>12</sup> The criminal justice system has historically trivialized these crimes, viewing them "as a 'family' problem, as a 'private' matter, [or] as sexual 'miscommunication.'"<sup>13</sup>

## **THE VAWA REAUTHORIZATION BILL IS CONSTITUTIONAL**

**VAWA's funding provisions do not discriminate against men.**

- ◆ VAWA-funded programs should and do provide appropriate services to male victims of domestic violence and sexual assault.
- ◆ Most VAWA-funded programs appropriately target women because women are the vast majority of victims of domestic violence and sexual assault, are more likely to sustain serious injury as the result of this violence, face significant barriers when attempting to leave violent relationships, and face discrimination from state judicial systems when they seek redress.

**Targeting VAWA programs at women does not violate the Equal Protection Clause of the Constitution.**

- ◆ To withstand constitutional attack, gender-based laws must be substantially related to an important government interest or, in other words, they must have an "exceedingly persuasive justification."<sup>14</sup>
- ◆ VAWA doesn't exclude men. In enacting VAWA, Congress responded to historical and enduring discrimination against women victims of domestic violence and sexual assault. The Supreme Court has repeatedly held that compensating for past societal discrimination is an "exceedingly persuasive justification."<sup>15</sup>
- ◆ Most gender-based classifications that the Supreme Court has struck down involved archaic stereotyping about the role of women.<sup>16</sup> In contrast, VAWA is intended to combat, not reinforce, traditional stereotypes of women.<sup>17</sup>

**The Supreme Court's recent decision in *United States v. Morrison*, does not affect the constitutionality of the VAWA Reauthorization Bill.**

- ♦ The Court in *United States v. Morrison* struck one provision of VAWA – the Civil Rights Remedy – as an unconstitutional exercise of Congress' power under the Commerce Clause and Section 5 of the Fourteenth Amendment.<sup>18</sup>
- ♦ The Court's decision in *Morrison* does not address, nor does it affect, the constitutionality of the funding provisions that are due for reauthorization. These funding provisions are clearly within Congress' power under the Spending Clause.<sup>19</sup>

Immediate reauthorization of the Violence Against Women Act is crucial. Our leaders must deliver a message to our citizens – that Congress cares about the safety of American women. A vote for reauthorization is a vote for a woman's basic right to live without the fear of violence.

August 2000

\*\*\*Notes\*\*\*

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<sup>1</sup> See Callie Marie Rennison & Sarah Welchans, BUREAU OF JUST. STAT., U.S. DEP'T OF JUST., *Intimate Partner Violence* 1-2 (2000). Another study found that 25% of women (24,972,856) compared with 8% of men (7,048,848) were raped and/or physically assaulted in their lifetime by a current or former spouse, cohabitating partner, or date. See Patricia Tjaden & Nancy Thoennes, NAT'L INST. OF JUST. & CTRS. FOR DISEASE CONTROL AND PREVENTION, *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey 2* (1998).

<sup>2</sup> See Callie Marie Rennison, BUREAU OF JUST. STAT., U.S. DEP'T OF JUST., *Criminal Victimization 1999: Changes 1998-99 with Trends 1993-99* (2000); see also Diane Craven, BUREAU OF JUST. STAT., U.S. DEP'T OF JUST., *Sex Differences in Violent Victimization*, 1994 at 2 (1997) (finding women are 13 times more likely to be the victims of sexual assaults and rapes than men, based on 1994 victimization rates).

<sup>3</sup> See Patricia Tjaden & Nancy Thoennes, NAT'L INST. OF JUST. & CTRS. FOR DISEASE CONTROL AND PREVENTION, *Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey 9* (2000).

<sup>4</sup> Rennison (2000), *supra* note 2, at 12-13.

<sup>5</sup> *Id.* at 55.

<sup>6</sup> See Tjaden & Thoennes (1998), *supra* note 1, at 7.

<sup>7</sup> See Rennison & Welchans, *supra* note 1, at 10 (according to the numbers in Appendix, Table 2 for 1989 to 1998).

<sup>8</sup> See BUREAU OF JUST. STAT., U.S. DEP'T OF JUST., *Sex Offenses and Offenders: An Analysis of Rape and Sexual Assault* 29 (1997).

<sup>9</sup> See, e.g., Martha R. Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 MICH. L. REV. *passim* (1991) (citing studies indicating that some women face an increased risk of serious injury or death when they attempt to leave violent relationships). *Cf.* Craven, *supra* note 2, at 4 (finding that women separated from their spouses had violent victimization rates 1.5 times that of never-married women, nearly 2 times that of divorced women, and over 6 times the rate of married women).

<sup>10</sup> See Rennison & Welchans, *supra* note 1, at 4 (finding that poor women are more likely to be victims of intimate violence than women of higher income but finding no relationship between household income and intimate partner violence against males); Joseph Dalaker, U.S. CENSUS BUREAU, *Poverty in the United States: 1998* at Table 2 (1999) (women are more likely than men to be impoverished); Andrea J. Sedlak & Diana D. Broadhurst, U.S. DEP'T OF HEALTH AND HUM. SERVICES, *Executive Summary of the Third National Incidence Study of Child Abuse and Neglect* 13 (1996) (women tend to be the primary caretaker of children); Jody Raphael & Richard M. Tolman, TAYLOR INST. & UNIV. OF MICH., *Trapped by Poverty, Trapped by Abuse: New Evidence Documenting the Relationship Between Domestic Violence and Welfare* *passim* (1997); Catherine T. Kenney & Karen R. Brown, NOW LEGAL DEFENSE AND EDUC. FUND, *Report from the Front Lines: The Impact of Violence on Poor Women* *passim* (1996).

<sup>11</sup> See, e.g., S. REP. NO. 103-138, at 49, n.52-53 (1993) (citing studies of state gender-bias task forces); S. REP. NO. 102-197, at 46-47 (1991) (citing studies of state gender-bias task forces). For a summary of the evidence presented before Congress demonstrating pervasive discrimination against women victims of crime, see *Ericson v. Syracuse Univ.*, 45 F. Supp. 2d 344, 345-46 (S.D.N.Y. 1999) (recounting reports of gender-bias task forces); Brief of Petitioner Christy Brzonkala at 13-17, 42-

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45, *United States v. Morrison*, 120 S. Ct. 1740 (2000) (No. 99-5, 99-29); Brief of Senator Joseph R. Biden, Jr. as *Amicus Curiae* in Support of Petitioners at 20-28, *Morrison*, (No. 99-5, 99-29).

<sup>12</sup> See, e.g., *Violence Against Women: Victims of the System: Hearing on S.15 Before the Senate Comm. on the Judiciary*, 102d Cong. 135-136 (1991) (testimony of Gill Freeman, Chair, Florida Supreme Court Gender Bias Study Implementation Committee) (citing examples of state court judges' gender bias, including judge's comment to convicted rapist that he should learn to "take the women out to dinner first, like the rest of us"); S. REP. NO. 103-138 at 42 (1993) (reviewing state gender bias task force reports and finding statistical disparities in prosecution and conviction rates for violent crimes against women); *id.* at 41 (citing Washington, D.C. study finding that, in 85% of family violence cases where woman was found bleeding, police failed to arrest her attacker); *id.* at 45-46 (noting the "pervasive suspicion of rape victims' credibility").

<sup>13</sup> See Brief of Senator Biden as *Amicus*, *supra* note 11 at 21 (quoting S. REP. NO. 102-197 at 37 (1991)).

<sup>14</sup> See, e.g., *United States v. Virginia*, 518 U.S. 515, 532-33 (1996) (hereinafter *VMI*); *J.E.B. v. Alabama*, 511 U.S. 127, 136 (1994); *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 724 (1982); *Craig v. Boren*, 429 U.S. 190, 197 (1976).

<sup>15</sup> See *Califano v. Webster*, 430 U.S. 313, 320 (1977) (upholding Social Security provision allowing women to exclude three more years of lower earning years than men because it "was deliberately enacted to compensate for particular economic disabilities suffered by women" in the workplace); see also *VMI*, 518 U.S. at 533 ("Sex classifications may be used to compensate women for particular economic disabilities [they have] suffered, to promot[e] equal employment opportunity, [and] to advance full development of the talent and capacities of our Nation's people.") (citations and quotations omitted); *Hogan*, 458 U.S. at 728 ("In limited circumstances, a gender-based classification favoring one sex can be justified if it intentionally and directly assists members of the sex that is disproportionately burdened") (citing *Schlesinger v. Ballard*, 419 U.S. 498 (1975)).

<sup>16</sup> See, e.g., *Hogan*, 458 U.S. 718, 729 (1982) (excluding men from nursing school violates equal protection because it "tends to perpetuate the stereotyped view of nursing as an exclusively woman's job"); *Webster*, 430 U.S. at 320 (upholding gender-based law because "the legislative history is clear that the differing treatment of men and women...was not 'the accidental byproduct of a traditional way of thinking about females' but rather was deliberately enacted to compensate for particular economic disabilities suffered by women.") (quoting *Califano v. Goldfarb*, 420 U.S. 199, 233 (1977)) (Stevens, J., concurring in judgment); *Frontiero v. Richardson*, 411 U.S. 677, 681 (1973) (striking down gender-based law because it was based on the traditional stereotype that the husband is "generally the 'breadwinner' in the family—and the wife typically the 'dependent' partner").

<sup>17</sup> See *supra* notes 11-13.

<sup>18</sup> 120 S. Ct. 1740, 1748-59 (2000).

<sup>19</sup> U.S. CONST. art. I, §8. See *South Dakota v. Dole*, 483 U.S. 203 (1987).



## **VAWA Grants Should be Targeted to Combat Violent Crimes Against Women**

### **Dynamics of Gender-Based Violence**

Although anyone can be a victim of domestic violence, extensive research demonstrates that women are the overwhelming victims of domestic violence. Estimates of women abused by their partners each year range from 876,000 to 1.5 million.<sup>1</sup> Women also suffer more severe injury from domestic violence, being 7 to 14 times more likely to report that a partner or spouse beat them, choked or tried to drown them, threatened them with a gun, or used a gun on them.<sup>2</sup> Recent statistics highlighting the extent of violence against women show that:

- In 1998, women experienced an estimated 876,340 violent offenses from intimate partners, while men experienced only about 160,000 offenses from intimate partners.<sup>3</sup>
- Women are five to eight times more likely than men to be victimized by an intimate partner.<sup>4</sup>
- Since 1976, women have made up two-thirds of all murder victims by an intimate.<sup>5</sup>

In recent years some groups have suggested that men and women are at equal risk of being a victim of domestic violence. This misconception is based on and perpetuated by research that has focused on counting actual blows in violent incidents as opposed to examining the context of such incidents.<sup>6</sup> When researchers investigate these relationships they discover that men and women use violence for different reasons. The reality is that many women must resort to violence to defend themselves against the aggression of their male partners, while men generally use violence in order to control their female partners.<sup>7</sup>

The research cited by groups looking at male victimization is generally based on the flawed Conflict Tactics Scale (CTS) and the more recent CTS2. This technique surveys and collects information from

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<sup>1</sup> Callie Marie Rennison & Sarah Welchans, *Intimate Partner Violence*, Bureau of Justice Statistics, at 1 (2000); Patricia Tjaden & Nancy Thoennes, *Prevalence, Incidence, and Consequences of Violence Against Women*, National Institute of Justice and Centers for Disease Control and Prevention, at 7 (1998).

<sup>2</sup> Tjaden & Thoennes, at 7.

<sup>3</sup> Rennison & Welchans, at 1.

<sup>4</sup> U.S. Department of Justice, *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends* (1998).

<sup>5</sup> Bureau of Justice Statistics, *Violence by Intimates*, at 6 (1998).

<sup>6</sup> Walter DeKeseredy & Martin Schwartz, *Measuring the Extent of Woman Abuse in Intimate Heterosexual Relationships: A Critique of the Conflict Tactics Scales*, VAWnet, at 3-4 (1998).

<sup>7</sup> *Id.* at 2-3.

both women and men about the tactics used in violent incidents.<sup>8</sup> Research techniques such as the CTS are significantly flawed, however, because they use a focused, singular approach that often does not uncover the complete picture of violence, and results in misleading statistics about the incidence and frequency of abuse of women as compared to men.<sup>9</sup> In fact, the complex dynamics of violent domestic relationships require researchers to cast a wide net and use multiple approaches to accurately assess the prevalence and frequency of violence against women.<sup>10</sup>

Federal research in this field consistently confirms that women are more often victims of partner violence than men. According to a November 1998 report by the National Institute of Justice (NIJ) and the Centers for Disease Control and Prevention (CDC) which discusses findings from the National Violence Against Women Survey (NVAWS), women experience significantly more partner violence than men.

- Twenty-five percent of the women surveyed, as compared to 8% of the men, stated that they had been raped and/or physically assaulted by a partner or date during their lifetime.<sup>11</sup>

Data from the National Crime Victimization Survey (NCVS) has also consistently shown that women are more often the victims of intimate partner violence.<sup>12</sup> The NVAWS findings<sup>13</sup> thus support the NCVS data and demonstrate that:

- Women are primarily physically or sexually assaulted by men.
- Most violence perpetrated against adults is perpetrated by men.
- Women are much more likely to sustain injuries as a result of intimate partner violence.
- Of the surveyed women who were raped and/or physically assaulted since the age of 18, 76% were the victims of an intimate partner. This same statistic for men is only 17.9%.

The NIJ/CDC report concludes:

**"Intimate partner violence should be considered first and foremost a crime against women."**<sup>14</sup>

## **Legislative History**

In 1994, Congress took a courageous and significant step forward in the fight against domestic violence in the United States by enacting the Violence Against Women Act (VAWA). Recognizing that domestic violence is a national crisis that shatters the lives of millions of women in this country, irreparably destroys family relationships, and tears at the fabric of society, Congress passed this

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<sup>8</sup> *Id.* at 1-2.

<sup>9</sup> *Id.* at 2-3, 4.

<sup>10</sup> *Id.* at 4, 5.

<sup>11</sup> Tjaden & Thoennes, at 6.

<sup>12</sup> *Id.* at 7.

<sup>13</sup> The findings referenced here can be located in the Tjaden & Thoennes report on pages 8-9.

<sup>14</sup> Tjaden & Thoennes, at 12.

comprehensive legislation seeking to remedy the criminal justice system's grossly inadequate response to the problem of violence against women.

In the six years since VAWA was enacted, states and localities have engaged in numerous collaborative programs and initiatives with the goal of preventing violence against women and protecting victims of violence. The S.T.O.P. (S.T.O.P. stands for Services, Training, Officers, and Prosecutors) grants provision of VAWA in particular provides for grants to states, tribal governments, and localities to:

- establish and enhance victim services programs,
- develop more effective policies and services to prevent violent crime against women,
- train law enforcement officials,
- establish and expand law enforcement and prosecution personnel specifically targeting violent crimes against women, and
- develop and apply advanced technology to improve communications and data collection systems to identify and track arrests, protection orders, prosecutions, and convictions for violent crimes against women.

The goal of the S.T.O.P. grants program is to create an environment of collaboration in which victim services organizations and advocates, law enforcement officials, and prosecutors can work together to combat violent crimes against women and protect victims of violence. While S.T.O.P. grants programs should be targeted for women, individual men who are victimized should receive appropriate services as well.

### **VAWA Grants Should be Targeted to Combat Violent Crimes Against Women**

These startling statistics clearly demonstrate that women have historically been and continue to be the predominant victims of domestic violence and sexual assault. Based on this pattern and history of victimization, VAWA grants should be targeted to combat violent crimes against women.

- The Congressional intent underlying VAWA supports this need, and the overwhelming evidence of violence against women justifies targeting funds in this manner.
- The VAWA grant provisions serve the goal of reducing and preventing the violence perpetrated against women.
- These programs and initiatives help women who are victims of violence gain access to the resources necessary to enable them to move forward with their lives.
- These funds also provide law enforcement officials and prosecutors with critical tools to arrest and prosecute perpetrators of violence against women.

## New Study on Intimate Partner Violence Released by U.S. Department of Justice July 2000

In July 2000, the U.S. Department of Justice released a research report entitled "Extent, Nature, and Consequences of Intimate Partner Violence," cosponsored by the National Institute of Justice and the Center for Disease Prevention and Control. The study presents findings based upon a survey conducted from November 1995 to May 1996 of 8,000 men and 8,000 women about their experiences as victims of various forms of intimate partner violence. It compares intimate partner victimization rates among women and men, specific racial groups, Hispanics and non-Hispanics, and same-sex and opposite-sex co-habitants. The study also examines risk factors associated with intimate partner violence, the rate of injury among rape and physical assault victims, injured victims' use of medical services, and victims' involvement with the justice system. The survey found that women continue to be at the greatest risk for intimate partner violence. The following is a summary of key findings of the study:

- ◆ 24.8 percent of surveyed women and 7.6 percent of surveyed men said they were raped and/or physically assaulted by a current or former spouse, cohabiting partner, or date at some time in their lifetime;
- ◆ 7.7 percent of surveyed women and 0.3 percent of surveyed men reported being raped by a current or former intimate partner at some point in their lives;
- ◆ Among women who were victimized multiple times by the same partner, 62.6 percent of the rape victims and 69.5 percent of the assault victims said their victimization lasted a year or more;
- ◆ 51.2 percent of women raped by an intimate and 65.5 of women physically assaulted by an intimate said they were victimized multiple times by the same partner;
- ◆ Almost 5 percent of U.S. women are stalked at some time in their life, and approximately 500,000 women are stalked annually. This includes stalking by all types of perpetrators, not just intimates;
- ◆ The average frequency and the average duration of physical assaults perpetrated against women by intimates are significantly higher than the average frequency/duration of physical assaults perpetrated against men by intimates;
- ◆ Women physically assaulted by an intimate were more than twice as likely as their male counterparts to be injured during their most recent victimization;
- ◆ Women were two to three times more likely than men to have an intimate partner throw something that could hurt them or push, grab, or shove them;
- ◆ Women were 7 to 14 times more likely to respond that an intimate partner beat them up, choked them, tried to drown them, or threatened them with a gun or knife.
- ◆ Data on African-American, Asian/Pacific Islander, American Indian/Alaska Native and mixed race respondents were combined, and nonwhite women and men reported more intimate partner violence than their white counterparts: 28.6 percent of non-white women and 10 percent of non-white men compared to 24.8 percent of white women and 7.5 percent of white men, experienced violence at the hands of an intimate partner at some point in their lives;
- ◆ Hispanic women were significantly more likely than non-Hispanic women to indicate that they were raped by a current or former intimate partner at some time in their lives;
- ◆ 37.5 percent of American Indians/Alaska Native women experienced intimate partner violence in their lifetime - the highest percentage of any racial group;

- ◆ Among women, 39.2 percent of same-sex co-habitants and 21.7 percent of opposite-sex co-habitants responded that they had been raped, physically assaulted, and/or stalked by a marital/cohabiting partner at some time in their lives. Among men, the comparable figures are 23.1 percent in same-sex relationships and 7.4 percent in opposite sex relationships;
- ◆ A comparison of intimate partner victimization rates among same-sex and opposite-sex co-habitants by perpetrator gender produced interesting findings: 30.4 percent of opposite-sex cohabiting women reported being victimized by their male partner, compared to 11.4 percent of women who reported victimization by a female co-habiting partner;
- ◆ Same-sex cohabiting men were nearly twice as likely to report being victimized by their male partner than were opposite-sex cohabiting men to report being victimized by a female partner;
- ◆ When asked why they chose not to report their victimization to the police, nearly all of the physical assault victims said they did not think the police could do anything about their victimization, and 61.5 percent of the women and 45 percent of the men said the police would not have believed them;
- ◆ 7.5 percent of the women who were raped by an intimate, 7.3 percent of women who were physically assaulted by an intimate, and 14.6 percent of the women who were stalked by an intimate said their attacker was criminally prosecuted;
- ◆ Women and men visited the hospital emergency room 557,929 times for injuries sustained during rapes and physical assaults perpetrated by intimate partners in the year preceding the survey. Of these visits, 87 percent (486,151) were female victims.

## CONCLUSIONS:

- ◆ Intimate partner violence should be treated as a significant social problem;
- ◆ Intimate partner violence is perpetrated primarily by men, whether against male or female partners;
- ◆ Studies are needed to determine why different national surveys have produced such disparate findings with respect to women's and men's experiences with intimate partner violence;
- ◆ Racial minorities experience more intimate partner violence than whites;
- ◆ Studies are needed to determine why the prevalence of intimate partner violence varies significantly among women of different racial and ethnic backgrounds;
- ◆ America's medical community should receive comprehensive training about the medical needs of victims of intimate partner rape and physical assault;
- ◆ The U.S. justice system community should receive comprehensive training about the safety needs of victims of intimate partner violence.

To obtain a complete version of this study, access the NIJ website at <http://www.ojp.usdoj.gov/nij>.

*For more information please contact the Public Policy office of NCADV at the numbers listed below.  
August 24, 2000*

# FACTS ABOUT DOMESTIC VIOLENCE

- Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.<sup>1</sup>
- According to a study conducted by the National Institute of Justice and the Centers of Disease Control and Prevention, approximately 4.8 million intimate partner rapes and physical assaults are perpetrated against U.S. women annually. Women who were physically assaulted by an intimate partner averaged 6.9 physical assaults by the same partner.<sup>2</sup>
- Majority of the victims who did not report their victimization to the police thought the police would not or could not do anything on their behalf.<sup>3</sup>
- Women are at an increased risk of harm after separation from an abusive partner. Separated women are 3 times more likely than divorced women and 25 times more likely than married women to be victims of violence at the hands of an intimate partner.<sup>4</sup>
- According to estimates from the National Institute of Justice, 503,485 women are stalked by an intimate partner annually in the United States.<sup>5</sup>
- According to National Crime Victimization Survey data from the Department of Justice (a conservative estimate) between 1992 and 1996, women and girls over 12 experienced, on average, 960,000 incidents of assault, rape and murder at the hands of a current or former spouse or intimate partner annually. During the same period, the same surveys found that men were victims of about 150,000 violent crimes by current or former spouse or intimate partner.<sup>6</sup> Other surveys have found a much higher rate of domestic violence against women.<sup>7</sup>
- Of the estimated more than 1,000,000 persons age 65 and over who are victims of abuse each year, at least two-thirds are women. In almost 9 out of 10 incidents of domestic elder abuse and neglect the perpetrator is a family member and adult children of the victims are the largest category of perpetrators and spouses are the second largest category of perpetrators.<sup>8</sup>
- A study conducted by the National Institute of Justice found that 41.5 percent of the women who were physically assaulted by an intimate partner were injured during their most recent assault.<sup>9</sup>
- In 1996, 65% of all intimate partner homicides involved guns.<sup>10</sup> Family and intimate assaults involving guns are 12 times more likely to result in death than other family and intimate partner assaults.<sup>11</sup>
- In 1994, approximately 37% of women seeking injury-related treatment in hospital emergency rooms were there because of injuries inflicted by a current or former spouse or intimate partner.<sup>12</sup>
- A recent survey found that over 50% of abused women lost at least three days of work monthly due to abuse<sup>13</sup> and surveys show at least 60% of abused women report being late for work due to abuse.<sup>14</sup> Sixty percent of battered women surveyed in one study had been reprimanded because of work problems associated with abuse, and 70% reported difficulty in performing their job because of abuse.<sup>15</sup>
- To prevent their immigrant wives from reporting domestic violence, men may threaten to take her children away from the United States, fail to file papers to legalize her immigration status, or threaten to report her to INS to get her deported.<sup>16</sup>

- Children who witness domestic violence are at a high risk of anxiety and depression, and exhibit more aggressive, antisocial, inhibited and fearful behaviors.<sup>17</sup>
- Domestic violence is strongly correlated with child abuse. Studies have found that between 50% and 70% of men who abuse their female partners also abuse their children.<sup>18</sup>
- Of all homeless women and children, 50% are fleeing domestic violence.<sup>19</sup>

## ENDNOTES

1. American Psychological Association, *Violence and the Family Report of the American Psychological Association Presidential Task Force on Violence and the Family* 10 (1996).
2. Patricia Tjaden and Nancy Thoennes, National Institute of Justice and the Centers of Disease Control and Prevention, *Extent, Nature, and Consequences of Intimate Partner Violence* (2000).
4. Patricia Tjaden and Nancy Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence* (2000).
5. Ronet Bachman and Linda Saltzman, Bureau of Justice Statistics, *Violence Against Women: Estimates From the Redesigned Survey* 1 (1995).
6. Patricia Tjaden and Nancy Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence* (2000).
7. Lawrence A. Greenfeld, et al, *Violence By Intimates: Analysis of Data on Crimes By Current or Former Spouses, Boyfriends and Girlfriends* 3 (Bureau of Justice Statistics, 1998).
8. For example, the 1985 National Family Violence Survey found incidence rates much higher than the NCVS. Nancy A. Crowell and Nancy Burgess, eds., *Understanding Violence Against Women* 32-33 (1996).
9. 1998 National Elder Abuse Incidence Study.
10. Patricia Tjaden and Nancy Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence* (2000).
11. *Violence by Intimates, supra* at v.
12. Linda E. Saltzman, et al, "Weapon Involvement and Injury Outcome in Family and Intimate Assaults," 267 *Journal of the American Medical Ass'n* 3043 (1992).
13. Michael Rand, *Violence-Related Injuries Treated in Hospital Emergency Room Departments* 5 (Bureau of Justice Statistics, 1997).
14. Connie Stanley, *Domestic Violence: An Occupational Impact Study* 17 (Tulsa, Oklahoma, July 27, 1992); Louise Laurence & Roberta Spalter-Roth, *Measuring the Costs of Domestic Violence Against Women and the Cost Effectiveness of Interventions* 25 (IWPR, Victims' Services & the Domestic Violence Training Project, May 1996).
15. Melanie Shepard & Ellen Pence, *The Effect of Battering on the Employment Status of Women*, 3 *Affilia* 55, 58 (1988); see also Laurence & Spalter-Roth at 25.
16. Stanley at 17.
17. Leti Volpp, Family Violence Prevention Fund, *Working With Battered Immigrant Women: A Handbook to Make Services Accessible* (1995).
18. Einat Peled, Peter G. Jaffe and Jeffrey L. Edelson, *Ending the Cycle of Violence: Community Responses to Battered Women* 4-5 (1995); Mary Kenning, Antia Merchant and Alan Thompkins, "Research on the Effects of Witnessing Parental Battering: Clinical and Legal Policy Responses" 238-39, in *Woman Battering: Policy Responses* 237 (Michael Steinmen, ed., 1991).
19. See, e.g., Lee H. Bowker, Michelle Arbitell & Richard McFerron, "On the Relationship Between Wife Beating and Child Abuse,," in Kersti Yllo & Michele Bograd, eds., *Feminist Perspectives on Wife Abuse* 158, 162 (1988); M.A. Strauss and R.J. Gelles, *Physical Violence in American Families* (1990).
20. The Women and Housing Task Force, *Unlocking the Door III: A Call to Action, Battered Women*, September 1996 (citing Schneider, Elizabeth, *Legal Reform Efforts for Battered Women: Past, Present and Future* (prepared for the Ford Foundation, July 1990)).

*For more information, contact the National Coalition Against Domestic Violence at (202) 745-1211.  
July 31, 2000*

# The National Task Force to End Sexual and Domestic Violence Against Women

Invites you to a Congressional Press Briefing

## “Reauthorize The Violence Against Women Act (VAWA) -- Count down to September 15, 2000”

on

Thursday, September 7, 2000  
Senate Hart Office Building, Room 708  
12:00 – 1:00pm

### *Speakers include:*

Representatives Tammy Baldwin (D-WI), John Conyers (D-MI), Joann Emerson (R-MO)\*, Richard Gephardt (D-MO)\*, Asa Hutchinson (R-AR), Sheila Jackson Lee (D-TX), Sue Kelly (R-NY), Steve Kuykendall (R-CA)\*, Zoe Lofgren (D-CA)\*, Nita Lowey (D-NY), Carolyn Maloney (D-NY), Bill McCollum (R-FL)\*, Marty Meehan (D-MA), Dennis Moore (D-KS)\*, Connie Morella (R-MD), Jan Schakowsky (D-IL), Anthony Weiner (D-NY)\*

and

Senators Joseph Biden (D-DE), Barbara Boxer (D-CA), Orrin Hatch (R-UT)\*, Edward Kennedy (D-MA), Patrick Leahy (D-VT)\*, Chuck Schumer (D-NY), Arlen Specter (R-PA)\*, Paul Wellstone (D-MN),

### *As well as:*

Barbara Dehl, An Idaho Mother of a Slain Domestic Violence Victim,  
Reverend Linda Mitchell, A Sexual Assault Survivor

### *And premiering:*

The Quiet Storm, a new film about domestic violence. Sheila Wellstone will introduce Director/Producer Scott Sterling, who will show a short clip from this new film and distribute a video copy to each VAWA co-sponsor.

Please join the National Task Force to End Sexual and Domestic Violence Against Women, Congressional co-sponsors of the Violence Against Women Act (VAWA), advocates, and survivors of domestic violence and sexual assault, as we collectively call for the reauthorization of VAWA by September 15, 2000. Funding provided under VAWA '94 has increased prosecution of violence against women and children, expanded services for victims, added resources for law enforcement, and created the National Domestic Violence Hotline. As the October 1<sup>st</sup> expiration date for VAWA approaches, coupled with the increasing fervor of this fall's campaign season, Congressional action to reauthorize VAWA is crucial. Reauthorization of VAWA is essential to ensuring the physical safety and well being of women, children, and families.

*For additional information, please contact, Bulbul Gupta, NOW Legal Defense at (202) 326-0040*

\* Not yet confirmed

The National Task Force to End Sexual and Domestic Violence Against Women is a coalition of over 2,000 organizations, service providers, state and local officials, and individuals from across the nation who are involved in the effort to stop the epidemic of domestic and sexual violence. The Task Force concentrates on promoting federal policy reforms and legislative initiatives. For more information on the Task Force, please contact Pat Reuss, NOW Legal Defense at (202) 326-0040.

**Talking Points for Violence Against Women Meeting**  
**Roosevelt Room**  
**Wednesday, September 6, 2000**

- Thanks to all the women's groups for coming.
- We (the Administration – the President, the First Lady, and the Vice President) all wanted to have you all come in to discuss strategy for getting the Violence Against Women Act (VAWA) passed this year. We wanted to have a followup to the May meeting we had in the Roosevelt Room.
- We have had some progress since we last met in that VAWA legislation has passed out of both the House and Senate Judiciary Committees.
  - Unfortunately, despite a close call at the end of July when VAWA almost passed the Senate, VAWA still has not passed. We have only five or six weeks left and we wanted to meet with you all to discuss strategy.
- But before we do that I wanted to tell you a few things we are working on:
  - We included VAWA as one of the President's legislative priorities yesterday.
  - The Attorney General is officially announcing the opening of a Domestic Violence Court in Boston tomorrow, September 7.
  - We are setting up meetings with both House and Senate leadership to try to get this passed this year.
  - HHS is shopping an op-ed on VAWA reauthorization.
  - We are going to try to do a radio address on VAWA.
- We do want to hear what you all have to say but before that I wanted \_\_\_\_\_ from the VP's office to speak for a moment.
- Now, I would like to have \_\_\_\_\_ from Legislative Affairs give an update.
- Now, I would like to hear from all of you.

## BACKGROUND MEMORANDUM FOR MEETING WITH WOMEN'S GROUPS ON VAWA

DA: SEPTEMBER 6

### Purpose

To convey to women's groups that reauthorization of VAWA is a top Administration priority and to discuss legislative strategies.

### Attendees

Pat Reuss, NOW LDEF  
Jackie Payne, NOW LDEF  
Leslye Orloff, NOW LDEF - Immigrant Women Program  
Juley Fulcher, National Coalition Against Domestic Violence  
Kiersten Stewart, Family Violence Prevention Fund  
Lynn Rosenthal, National Network to End Domestic Violence  
Jody Rabhan, National Council of Jewish Women

### Agenda

Beth Nolan  
Representative of VP staff  
Representative of Legislative Affairs  
Open discussion of strategy

### Legislative status

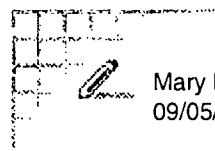
*Senate:* VAWA has passed out of the Judiciary Committee. Senators Biden and Hatch have a compromise that almost went to the floor under unanimous consent just before the Senate went out in July. Apparently, up to 4 Republicans may have a hold on it, however. Hatch staff claims to be working to clear the Republican holds and is optimistic.

*House:* VAWA has passed out of the Judiciary Committee, but unfortunately it has also been referred to the Commerce Committee and the Education and Workforce Committee because they have jurisdiction over the HHS programs. Those committees appear to have no plans to take action on VAWA.

*Prospects:* With time winding down, prospects in the House are not promising, since the two committees have not scheduled any action. The best case scenario, then, would be for VAWA to pass the Senate, and then go straight to the floor of the House. If the House passes the Senate-approved version, no conference would be necessary. The ideal situation, which is still in play, would be to add VAWA to any moving conference report in the Senate (such as Trafficking). This is attractive because, since a conference report cannot be amended, VAWA would be protected from weakening or controversial amendments. Under this scenario, the conference report would then go straight to the House floor for consideration, thereby avoiding the committee logjam.

Points we should make about what we are doing:

- 1) Included VAWA reauthorization among the priorities the President challenged Congress to act on
- 2) White House legislative is meeting with House and Senate leadership to convey that this is a top priority and to discuss strategy
- 3) Attorney General Reno is doing an event in Boston on Thursday. She will be kicking off a Domestic Violence Court that is funded in part by VAWA and will be calling for reauthorization.
- 4) HHS shopping an op-ed in response to the recent front page Washington Post article.
- 5) Possible radio address



Mary L. Smith  
09/05/2000 07:57:03 PM

Record Type: Record

To: Heather H. Howard/OPD/EOP@EOP, patricia.a.first@usdoj.gov @ inet, Joel K. Wiginton/WHO/EOP@EOP, Mark D. Magana/WHO/EOP@EOP

cc:  
Subject: House bill

----- Forwarded by Mary L. Smith/WHO/EOP on 09/05/2000 07:56 PM -----



Jackie Payne <JPayne@nowldef.org>  
09/05/2000 05:01:36 PM

Record Type: Record

To: Mary L. Smith/WHO/EOP  
cc: Pat Reuss <PREuss@nowldef.org>  
Subject: House bill

---

As you know, many of the pieces in the House Bill are better than those in the Senate version - nearly all allocate more money. But, we do want the Battered Immigrant Women Provision in the Senate, and there are some other pieces in the Senate that are good (like the full faith and credit). Attached is a list of things we would like to see adopted from the house bill if the Senate bill is used as the base bill. I have put some of the key points in italics. Do you have a copy of the CRC's side by side? Its quite useful.

We noticed that the President mentioned VAWA as one of the priorities for Congress. Thanks!  
I am also attaching a copy of the invitation for the September 7 Congressional Briefing - a substantial number of Representatives and Senators have confirmed!

Thanks,  
Jackie <<nyclnvoke.VAWA.Sept7.doc>> <<House portions-2.doc>>

\*\*\*\*\*

Jackie Payne  
Policy Attorney  
NOW Legal Defense and Education Fund  
1522 K Street, NW  
Washington, DC 20005

(202) 326-0044

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jpayne@nowldef.org

\*\*\*\*\*



- nyclnvoke.VAWA.Sept7.doc



- House portions-2.doc

Portions of the House Bill that we would want to see added to the Senate Version

1. Revised Definition of Domestic Violence (Section 2)  
*\*Amends definition of domestic violence by changing existing language from "felony and misdemeanor crimes of violence" to "acts or threats of violence, not including acts of self-defense"*  
*\*Strikes requirement that perpetrator must be an adult*  
*\*Adds language about cohabitating (not merely "cohabitating as a spouse")*
2. Dating Violence (Section 2, et al)  
*Includes definition of "dating violence" (who is or has been in a social relationship of a romantic or intimate nature with the victim ...)*
3. Domestic Violence Taskforce for coordinated research (Subtitle E, Section 320)  
[McCullom Amendment] 500,000 for each yr 2001-2004 = 2 million
4. Sexual Assault and Interpersonal Violence Demonstration Projects (Section 203)  
*\*Expands use of funds for demonstration projects to training for nurses and health care Professionals, and to collect forensic evidence.*
5. Standards, Practice, and Training for Sexual Assault Examinations (Subtitle D, Section 315, 316). *Authorizes 200,000 in 2001.*
6. Education and Training for Judges and Court Personnel (section 141)  
Reauthorizes and expands to cover custody and visitation training and dating violence;  
1,500,000 for FY 2001-2005 for a total of 7.5 million  
200,000 for FY 2001-2004 for federal judicial training - total of \$800,000.
7. STOP Grant allocations & authorization (Section 102)  
*\*HR 1248 allocates 50% to police, prosecutors and courts and 35% to victim services (the Senate currently has 50% to police and prosecutors, 5% to courts, and 30% to victim services)*  
*\*Authorizes \$185 million for 2001-2003 and \$195 for 2004-2005 (which is 20 million more than the senate bill)*  
*\*Has a clause that returns any unspent funds after 9 months to the current victim services recipients*  
*\*Allows for use of funds in reporting information to background check database*  
*\*Includes dating violence*  
*\*Adds 3 new sexual assault purpose sections*  
Sets aside 5% for tribes
8. Grants to encourage arrest (Section 151-152)  
Allocates 63 million for 2001; 67 million for 2002; 70 million for 2003-2005 (total of 15 million more than senate)  
Adds dating violence purposes  
[Tribal set aside in both bills]

9. Rural DV (Section 161-162)  
Dating violence  
[Tribal set aside in both bills; money better in senate]
10. Civil Legal Assistance for Victims of Violence (Section 301)  
\*Allocates 35.25 million for 2001; 40m for 2002; 45m for 2003; 50m for 2004; 55m for 2005 (For a total of 50.25 million more than in the senate)  
\*Broader list of types of assistance that can be offered, broader list of possible grantees (including tribally recognized organizations and voluntary legal service orgs); requires important Quality/safety precaution—grantees must certify that they have been trained, have the benefits of expertise, will notify others of their work and do not require counseling or mediation...  
\*Requires at least 25% will go to sexual assault  
\*Includes dating violence  
\*\*\*Want to remove senate part re: national computer database for referrals. Instead have programs do local referrals as in the House bill.
11. Shelter Services / FVPSA (Section 202)  
\*Allocates 120m for 2001, \$160m for 2002, \$2000m for 2003, \$260m for 2004, \$260m for 2005 (for a total of 125million more than the senate bill)  
\*Caps money that can go to NRC/SIRCS  
\*Covers dating violence  
\*Provides \$ for tribal coalitions  
[Minimum state allotment is better in senate - 600,000 rather than 500,000]
12. Rape Prevention and Education (Section 201)  
\*Allocates 80million for 2001, \$105million for 2002-2003, \$155 million for 2004-2005 (for a total of 350million more than the senate)  
\*Restriction on use - only for rape prevention and education programs  
\*Unobligated funds remain available for the next FY  
\*Set aside at least 25% to education programs (middle-high school)  
Limits HHS to 5% for administrative costs  
Defines relevant terms such as sexual assault programs, rape crisis center...
13. No cost for Rape Exams (Section 102)
14. Want to ensure the S.2787 includes Violence Against Women with Disabilities (OK)
15. *Want to ensure that dating violence and tribal set asides are included wherever appropriate*

I have highlighted the entire phrase where Biden indicated will make the change  
Highlighted \* = serious discussion/attempts to persuade

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View Related Topics

August 27, 2000, Sunday, Final Edition

**NAME:** JANICE LANCASTER

**SECTION:** A SECTION; Pg. A01

**LENGTH:** 5766 words

**HEADLINE:** Murder In the Making; Those who knew Janice Lancaster saw bits and pieces of a family tragedy. She saw more--and struggled to change it.

**BYLINE:** Donna St. George, Washington Post Staff Writer

**BODY:**

On a Wednesday afternoon, in a quiet moment between cases, Judge Gary Gasparovic sat at his well-polished desk and read through a court motion, dense legal words on crisp white paper.

In the small Southern Maryland city of La Plata, Gasparovic had been a judge for 11 years, a towering, bespectacled man with salt-and-pepper hair and a reputation for being tough. He had, in his time on the bench, overseen hundreds of sad and contentious cases of domestic turmoil. This one did not strike him as extraordinary.

A woman named Janice Lancaster said her husband had struck her and threatened to kill her. She had given the court a letter he left on her dresser: "Time is running short for me and you. . . . I'm ready to go any time to lay my body to rest and [I am] not going to be the only one."

The judge reached for his pen and signed an order authorizing the husband's arrest.

It was but one decision--made in less than five minutes--for a judge who, on any given day, might hear 30 or 40 cases. It was a fitting decision under the circumstances, but it was not enough.

A day passed, and the paperwork lay untended in the court clerk's office. The bench warrant for the arrest was never prepared. Then the courthouse closed for a long New Year's weekend.

By the time the courthouse reopened on Monday morning, it was too late.

When her case reached the judge last Dec. 29, Janice Lancaster had long been a prisoner of her fear. She had bought a gun and taken to sleeping in a toolshed beside the house she shared with her husband and two children. At 33, she had selected a dress for her funeral.

Her terror was not a secret.

In one turbulent year, she had let a remarkable number of people inside her personal crisis: police, counselors, judges, lawyers, friends, relatives and co-workers. But her story came out to them in small and fleeting pieces--one night's ordeal, one ominous letter, one violent admonishment.

Never seeing the entire picture, never understanding the full gravity of events, people made decisions or gave advice: the judge in his chambers, the friend who gave her haven in a spare bedroom, the police officer who walked down her driveway, the lawyer who took on her case for divorce.

Her problems appeared as a jumble of disturbing snapshots that gave too little sense of the growing threat.

On the clear, cool morning of Jan. 3, James Steven Lancaster Sr. strode purposefully past the Christmas decorations and into their four-room home. He confronted Janice with a shotgun in the kitchen. They struggled.

Their teenage daughter yelled that she was going to call 911.

"I love you," Janice Lancaster pleaded.

He choked her. Then he pulled the trigger.

Twenty-five years after **domestic violence** emerged from the shadows of public discussion as a visible and vexing American pathology, the bodies of women like Janice Lancaster still are scattered in graveyards across the nation.

It remains the prevailing reason women are murdered in the United States. While the homicide rate is down overall, government experts say that one-third to one-half of slain women are victims of an intimate partner, about the same as in 1976, when the first wave of shelters opened for battered wives and girlfriends.

The primary reason is this: An array of new laws and programs developed during the last two decades has yet to overcome two obstacles. Those who most need help often feel conflicted about asking--ashamed, torn and frightened. And the system intended to protect them remains fragmented and uneven--almost impossible to comprehend and negotiate without an aggressive lawyer or advocate, which many women still do not have.

Janice Lancaster's case offers startling proof of both.

At times she was set back by her own ambivalence. She wanted to believe in the man she fell in love with as a teenager. "Stevie" was a brawny, soft-spoken man with roots in the rugged waterman's life in Southern Maryland. He was the father of their children, a boy now 13 and a girl 17.

Also, at its best, the system may not have been enough to save Janice Lancaster. But that's hard to know--the system was not at its best.

She willed, quite vividly, to help herself, engaging the system on so many levels. She took her husband to counseling. When he refused to continue, she went by herself. In hard times, she moved into friends' houses. At several junctures, she called on police. In court, she agreed to testify. At wit's end, she hired a private divorce lawyer.

In desperation, she learned to fire a .38.

As the violence escalated, she resolved to end the relationship. But he vowed to kill her--if she left him, if she got a protective order, if he faced time in jail.

Yet, somehow, her death still was widely unforeseen. In the anguish of the aftermath, many who had glimpses of her struggle recalled what they had seen. Taken together, these moments show a woman who understood the danger but not how to survive it.

Much of the story already existed in her own words. She took notes. She kept a journal. She recorded her husband's comings and goings.

Janice Lancaster, it should be said, wanted someone to know what had happened.

Nov. 14, 1998: He started swinging at me. . . . My daughter hollered, "Leave my mother alone. I'm going to call the police." . . . He went for her. . . . I jumped on his back. . . . He pushed me. He rammed my head into a picture. The glass cut me in my head.

#### CLOSE FRIEND TRACY DAWSON

February 1999

Tracy Dawson found it hard to imagine Steve Lancaster had grown menacing. She had gone to La Plata High School with the Lancasters. They seemed lucky at love--together 17 years, two good children; good to each other, too. She remembered cookouts when Janice cuddled on his lap, like the teenage sweethearts they once were.

Steve Lancaster seemed good-natured, well-mannered, an involved father. Dawson used to call him "Mr. Mom." He took his children crabbing, to watch basketball, to the racetrack. Every year, the family vacationed at Kings Dominion--rides, hotel rooms, dinners out.

Then again, Dawson thought, who knew what went on behind closed doors? Janice said Steve had changed. She said he was having an affair with a teenage girl, a girl younger than the couple's daughter. Steve insisted the relationship was not sexual, though he was at the girl's home day after day, often until 2 or 3 a.m.

At one point, the friends tried to convince themselves that Steve Lancaster, 36, was having an early midlife crisis.

Dawson tried to be supportive when Janice lamented: "He's just not my Steve anymore." It was harder, however, when Janice asked her what to do. Dawson begged off. "I don't live in your shoes," Dawson said. "You know more about the way he is than I do."

But when Janice phoned in early February to say Steve had threatened her life in a letter, Dawson thought: This is serious. Keep the letter, she advised. And this time Dawson needed to do more than offer support.

"You've got to tell someone," she insisted.

Feb. 5, 1999: He said if I leave I won't ever live in another home. Because he would kill me and him.

#### JUDGE RICHARD ALAN COOPER

Feb. 9, 1999

Judge Cooper sat in his high-back chair, overlooking the narrow courtroom where he had presided for

three years. He was white-haired at 58, more stern in manner than in fact--the kind of judge, said one lawyer, "you would want as your grandfather."

Today, Cooper had a full load, and in addition to his scheduled cases was this one: 0402SP77, Janice Michelle Lancaster v. James Steven Lancaster. He did not know the couple, and he did not know it was Janice's first time in court, the beginning of what would become 11 months in the judicial system.

In Maryland, many domestic crises play out before a cast of judges. There is civil court, province of protection orders and divorce. There is criminal court, for assaults and other crimes.

Adding to the complexity, some cases end up in District Court and some go to Circuit Court. Each has its own files. Computer systems are not linked.

For Cooper, domestic turmoil was familiar territory. There were 262 **domestic violence** cases filed in Charles County District Court last year, in a state that recorded 17,489. Like many other women Cooper dealt with, the one before him wanted a protection order to forbid her husband to call or come near.

"Would you tell me what happened?" the judge asked.

Janice Lancaster began in a nervous rush of words: She was driving down the street when her husband sped up beside her and tried to cut her off. She managed to elude him for a time but finally made a panicked dash to the police station. He pursued her at top speed, stopping only when police officers surrounded him in the station parking lot.

"He left a note," she told Judge Cooper. "... I was scared that he would kill me because he had said he would do it if I leave him, and I left him."

"Are you and he living together at the present time?" the judge asked.

"We are, but I packed up and left Sunday."

"You want me to order him to leave the home?" he asked.

"Yes."

Cooper signed the papers. He did not ask to see the threatening note, the first public sign of what was on Steve Lancaster's mind.

Normally, more details would have emerged at a second hearing a week later. But Janice Lancaster, like nearly 50 percent of abused women in Maryland, changed her mind before the case returned to the courtroom.

"Are you ready to go forward on this case, ma'am?" a different judge asked when the day for the formal hearing came on Feb. 16. This time, her husband was in the courtroom.

"No, I would like to drop it," Janice Lancaster said.

"Can you tell me why you would like to do that?" the judge asked.

"We'd like to work out our differences," she said.

"And you do not feel you're in any danger?"

"No."

In her journal that day, Janice was more wary. Her husband, she said, had assured her "he wasn't trying to hurt me. He just wanted to talk. ... But I didn't trust him."

## TRACY DAWSON

Feb. 24, 1999

About the time she decided to give her husband another chance, Janice Lancaster went to Tracy Dawson to ask for help writing a will.

"Do you really think you need this?" Dawson asked her normally buoyant friend.

"The way he is," Janice replied, "I've got to be prepared."

Steve Lancaster had guns. He was a hunter--squirrels, rabbits, deer. Janice called the police the day of her first court appearance to ask that they take his guns away, but the officers got no answer when they came knocking at her home shortly afterward. So the guns remained.

And Steve Lancaster grew up under the influence of a violent father, a man who spent almost seven years in prison for assaulting his wife when Steve was 15 years old. After his release from prison, Steve's father shot a man near a tavern.

Now Janice worried that Steve might repeat his father's violence.

He really might try to kill her.

The detailed list of her belongings that Janice gave Dawson included family dishes, a crab cooker, a Dirt Devil upright, an armoire, a four-slice toaster, her class ring, her anniversary band, her 1990 Chevy Corsica, 24 folding chairs.

It was 79 lines long, three pages, her dearest possessions at 33 years old.

Janice mailed the will to her oldest brother, Joseph L. Tolson Jr., marked with the words "Open upon my death." He honored her wishes.

April 20, 1999: He paged me. I wouldn't answer him because I was mad. So when I came home from work that evening, he was pushing me and he choked me because I wouldn't answer when he paged.

## POLICE CALL

May 8, 1999

The emergency call came at 5:56 a.m. The voice on the cellular phone was breathless: "Hi, my name is Janice Lancaster and I live on Popes Creek Road and right now I'm in the woods. My husband . . . he beat me up. . . . Oh."

Her voice broke.

She was hiding in the thickets off the road where she lived. Her husband was driving the streets,

searching for her.

"Okay, where are you at right now?" the dispatcher asked.

"I'm in the woods, beside Popes Creek Road, right beside a blue house. . . . Please hurry up."

"Okay, Janice. What is your home address?"

"Popes Creek Road, it's 10320. . . . But he's driving in the road."

"Okay, what is he driving, do you know?"

"It's a 280Z, it's gray. . . . But I'm in the woods. Please hurry."

"Hold on the phone with me a second."

She pleaded: "Please come and get me."

At 6:06 a.m., she waved down Officer Keith Moody.

Police had gotten to Steve Lancaster at 6:04 a.m.

In Charles County, police handled 4,888 domestic service calls in 1999. In Maryland, family violence calls have been the primary reason people dial 911, state officials say--and when police show up, they generally know only what the radio dispatcher's computer can tell them.

Janice Lancaster told the officers she had been out in the shed, gathering her things to flee, when Steve Lancaster confronted her. They argued. He punched her in the head and face.

Janice had tried to run to her car to escape, she noted in her journal. But her husband reached under the hood to yank something and said, "You won't drive this." She ran to her daughter's car. He followed her. Frantic, she fled into the woods.

Janice's lip was swollen, slightly bloody. That was enough for the police. Her husband was arrested at 6:20 a.m. on a charge of second-degree assault.

NOTE PINNED ON A DRESS: When I die bury me in my long white dress. I want a pretty blue coffin. Please put socks on my feet because they are always cold. Put gloves on my hands too, white. I'm not a witch, I'm not a witch. I'm writing this because someone keeps saying they're going to kill me.

## CLOSE FRIEND KIM CLEMENTS

June 12, 1999

Janice was having a yard sale, and she asked Kim Clements to come help. Clements was there at 8 a.m., working beneath the tall oaks in Janice's front yard.

Later, in the lull of the warm June day, Janice led Clements and a few relatives into her 8-by-12 toolshed. A pressed white dress, with big white buttons, hung off to the side in a plastic dry-cleaning bag.

"When I die," Janice said, "I want to be buried in this."

Clements and the other women gasped.

"Oh, Janice, no," Clements said.

But Janice was adamant. "You have to listen to me. You've got to be my voice."

The women quieted.

"I have a note attached," Janice went on, pointing to a small white paper pinned to the dress. Janice read aloud the alarming words about how to dress her for her funeral.

It was almost impossible to absorb.

Kim Clements had long been worried about her friend. The two women had been close for seven years, both residents of a rural crossroads called Faulkner, friends of the same age with the same girlish humor.

On several occasions during the late winter and spring, Janice had shown up at Clements's house with her children to seek refuge from her husband. Clements invited them to stay as long as they wished. But Janice always went back.

Clements finally urged her friend to move out for good. "You move into a shelter, and what happens after that?" Janice had asked her. "You're homeless." The nearest shelter, almost 20 miles away, served primarily homeless women and children.

Janice said she wanted more for her children, not less. She was about to be promoted to assistant kitchen manager at a nearby Catholic retreat where she worked as a cook. She had lived in her rented house 15 years. For her children, it was home. It had a tin roof and an outhouse, but Janice made it sweet-looking, with her bright flower beds, her lace-trimmed curtains, her matching country furniture. There were patio tables in the yard, tucked at the edge of the woods.

Besides, Janice had argued to her friend, why should she be the one to move? The lease was in her name. She paid the rent. It was Steve who created the havoc. And how far could she ever get from him, anyhow--without large sums of money and given his connection to their children? It seemed that he always would know where she was.

Aug. 3, 1999: He told the kids that he was going to kill your mother stone dead. They told this on 8-3-99.

LAWYER HOWARD M. SCHEMLER

Aug. 6, 1999

Howard M. Schemler was not alarmed by Janice Lancaster's story. It was another tale of marital infidelity, and he was a lawyer who'd carved out a niche in divorce.

Schemler worked in a solo practice in Fort Washington, a beefy man with a bristly mustache and a blunt manner. He did not have a secretary. His office was a cluttered three-room suite with paint the color of weak lemonade, file drawers ajar, dogeared folders cascading across his desk.

Janice poured out the details of her husband's affair, and they agreed she would file for divorce on grounds of adultery.

Adultery provided grounds for a speedier divorce, without the one-year separation required in more routine cases. So did filing on grounds of **domestic violence**, but that option did not come up.

On Aug. 6, Schemler was ready to file the paperwork. He met with Janice at 10 a.m., and as far as he could tell, she wasn't fearful. In cases where he noted a potential for violence, Schemler could combine divorce filings with requests for protection orders.

Today was different.

Schemler walked into the red-brick courthouse in La Plata, unaware that court records in the very same building contained critical facts about his client: Her husband had beaten her and tried to run her off the road on occasions when she tried to leave him.

The lawyer did not know violence was an issue.

Aug. 19, 1999: I came home from work. He said I was going to sleep with him tonight. And make love. He don't care what the lawyer said. If not, he will kill both of us. Later he left.

OFFICER WILLIAM R. JACKSON JR.

Sept. 19, 1999

The emergency call came at 11:43 p.m. Officer William R. Jackson Jr. steered his marked police cruiser down darkened Popes Creek Road, a well-traveled rural thoroughfare that led toward two of the area's famed crab houses.

His sirens silent and flashers off, he slowed at a mailbox numbered 10320 and pulled onto a rutted dirt pathway, past two creaky barn stalls that looked abandoned. The house to his left was tiny, with a sloping foundation, a sagging porch, a nearby shed.

Jackson approached cautiously. Domestic calls, he knew, are hard to predict--charged and volatile and sometimes dangerous. He had been an officer for two years, and it was a rare night when he did not go out on one.

Now, pulling up, he saw Janice Lancaster: 5-foot-7, standing in the yard in a nightgown, alone and calm. She did not rush toward him. When Jackson approached, she answered each question. Quiet, he thought. Pleasant.

As they talked, Jackson recalled that this was the same woman he had met in February, when her husband had tried to run her off the road. He remembered she had been worried that her husband had a gun in his car.

Now, Janice told the officer that she had been sleeping in the shed when Steve came home and grabbed her by the chest. She resisted. He dragged her across the yard, back into the house. They continued to argue. Her daughter called police.

Jackson asked if she had been hurt.

She showed him scratches on her neck and breast.

Then Steve Lancaster emerged from the house and told Jackson the same story. But he said he did not recall scratching his wife. Steve Lancaster was courteous, not the kind of mouthy, cursing offender he often confronted.

Steve Lancaster asked one question: "Who made the call?"

Jackson did not answer.

The arrest was an easy decision for Jackson: With a minor but discernible injury, this was second-degree assault. He led Steve Lancaster to his police car.

"Look, he might be out in a couple of hours," the police officer told Janice Lancaster before he left. "You might want to get a [protective order] or pack up and go someplace else."

"I don't want to leave my kids," she said.

#### DISTRICT COURT JUDGE RICHARD ALAN COOPER

Oct. 26, 1999

Judge Richard Alan Cooper was looking down from the bench at a man who--according to the paperwork before him--had punched his wife in the face and head one May evening. Today he was contrite and pleading guilty to second-degree assault.

Cooper did not remember the Lancasters from their protection order case nine months earlier. More significant, he did not know that Steve Lancaster had been arrested a second time for attacking his wife. He also did not know that Steve Lancaster had been ordered to stay away from Janice until that second case went to trial.

Nor did he know that Janice Lancaster had called police again Oct. 13, 1999--when no arrest was made. That night, she had pleaded to a dispatcher in a halting, fearful voice: "I need the police. . . . I think my husband's going to go get a gun. . . . Please hurry."

The prosecutor, Daniel Ginsburg, could not tell him. Ginsburg had not discerned the details, either.

Instead, Ginsburg told the judge: "This was a genuine incident of **domestic violence**, and too often victims aren't prepared to testify and she was prepared to do so today. She did sustain some injury. The state would recommend an active period of incarceration, perhaps weekends."

Then her husband's attorney, Frank Jenkins, made the other case.

"My client is 36 years of age. . . . He was having problems in his relationship; he simply overreacted. He realizes now that their marriage is in its final stages. He's very sorry, very embarrassed, about what has happened. It is out of character for him."

The judge inquired: "Mr. Lancaster, is there anything you want to say before I impose the sentence?"

"I'm sorry for what I've done," he said softly.

The judge asked about Lancaster's job on the water, and then went on: "You and your wife are no longer

together?"

"We've seen each other once in a while," Steve Lancaster said.

"You don't live together?" the judge asked.

"Right."

This was a lie. Steve Lancaster had been living with his wife, in spite of her attempts to force him to leave, in spite of still spending many hours at his girlfriend's home.

"Well, Mr. Lancaster," the judge said, "these **domestic violence** incidents are taken seriously. . . . You're looking at up to 10 years on this particular charge."

The judge inquired: "Are there any **domestic violence** orders in effect? Are there protective orders in effect? A divorce case has been filed?"

"Oh, I don't know," Steve Lancaster said.

The judge made his decision without knowing that the trouble was escalating because no one involved--not the prosecutor, not police, not Janice Lancaster's attorney--had assembled all the incidents into a report or a file or a courtroom argument.

By the judge's calculations, the case looked like this: The injury meant he would give jail time. But because the injury was minor and this was a first-time domestic offender, the sentence would be minimal.

Steve Lancaster got five days behind bars. Eighty-five days of jail time would be suspended, the judge said, and probation would last 18 months. The judge ordered Lancaster to have no "harassing contact" with his wife and said probation would be unsupervised.

This meant no one would keep tabs on Steve Lancaster.

From start to finish, the sentencing took seven minutes.

Janice Lancaster sat confused and alone in the back of the courtroom. Why hadn't anyone called on her to speak? Why had her husband been allowed to lie? Why would he still be entitled to live in their house?

## LETTER TO JANICE

Nov. 1, 1999

Steve Lancaster served three days in jail, getting out two days early for good behavior. A few days later, he left a letter on Janice's dresser. It asked whether Janice still wanted him in her life. Would she shun him after the divorce? And would she help get his assault case dropped?

He wrote: "I told you that I won't hit you know more. I can't touch you anymore because I got 18 months probation, that's that."

Then the tone shifted.

"Janice, I don't have anything left, so don't keep pushing me to the limit. . . . Be very careful with me.

I'm right on the edge. . . . I know what I got to do to settle all of this . . . one way only and you know what I'm talking about."

He warned: "I'm ready to go any time to lay my body to rest and [I am] not going to be the only one."

#### FIRST COUSIN MARGARET LANDRY

Nov. 27, 1999

Janice's family was throwing a big party: a baby shower for one relative and birthday celebration for another. They had rented a party hall in St. Mary's County. Janice was among the first to arrive.

Margaret Landry, who had lived in Texas for a few years, was excited to see her first cousin again. They had grown up together, with Landry living next door much of Janice's childhood, something of a big sister. Janice had family living nearby in Charles County, but she was reluctant to draw them deeply into her volatile marriage.

Today, however, she confided in Landry. Her cousin was shocked when they stepped away from the festivities and Janice revealed that she had almost been stopped from coming.

She said Steve had insisted that she stay home. She had refused. So he forced her pants off and dropped them into a puddle. To get away, she grabbed her pants and jumped into her car.

"Huh? He did that?" Landry asked, stunned.

"You all just don't know," Janice said. "That fool is getting crazy."

Landry was blunt.

"You need to get out of there," she said.

"I am, I am," Janice replied. "I'm getting a house. I just need to wait until I get divorced."

#### FERN BROWN

#### COURT COORDINATOR FOR DOMESTIC RELATIONS

Dec. 20, 1999

Fern Brown is a calm and soothing personality, a retired computer analyst who, at 59, now passed her days explaining the forbidding language of the law to women who needed to use it to protect themselves.

Most people came to her courthouse office without a lawyer or money to spend on one. Brown explained the first step: how to fill out the form asking a judge for a temporary order of protection.

Brown did not follow their cases through the system, but she did what she could. Sometimes that meant walking someone into the courtroom. Sometimes it meant listening to a story for an hour or calling on a counselor.

The woman before Brown on Dec. 20, 1999, was wearing a Santa Claus hat with the name "Janice" written in glitter on the trim. Fern Brown smiled. She had never met Janice Lancaster before but liked the woman in her office--bright dark eyes, a generous humor.

On this quiet afternoon, five days before Christmas, Janice mentioned that she had just come from the prosecutor's office. There they were working to get her husband arrested for violating the order to stay away from her before trial.

The order had been issued by a court commissioner at a bail hearing in the criminal case, and no one had told Janice it existed. She had found out today. Now, she decided, she would push for as much protection as possible and seek a civil protective order, too. A civil order was more potent because it had criminal penalties and violators could be arrested without a warrant.

Her breaking point had come the night before. Steve had struck and threatened her because she attended a religious retreat that weekend.

She seemed to realize that another court order now might incense him. And, in fact, experts have concluded that this time of separating is highly charged and dangerous, with many a violent reprisal.

Brown took Janice upstairs to see a judge for a protective order that would last until Dec. 28, 1999, when her husband would come to court for a hearing.

When they said goodbye, Brown noticed an edgy expression on the face beneath the Santa's cap. Fear, Brown thought to herself. It gave her pause, and yet she saw it often in the women she helped. Probably one of four said her life had been threatened.

Brown never knew what became of most of them.

#### CIRCUIT COURT JUDGE STEVEN G. CHAPPELLE

Dec. 28, 1999

The proceeding before Judge Steven G. Chappelle the next week looked straightforward. It was the request for a civil protection order. Often, these hearings are heated and hard to sort out. But this time, the lawyers came in having already agreed to terms.

With no disputes before him, Chappelle asked few questions. He did not have all the couple's court files. Sometimes he got them, sometimes not.

So the judge heard nothing about the threatening letter, the nights in the toolshed, the wish for a pretty blue coffin. The way he saw it, his role was to make sure both sides understood the agreement they had reached, then give it the court's blessing.

"The terms of this order will be that it will remain in effect until one year from today," the judge said. " . . . That until that period of time, Mr. Lancaster will not abuse or threaten to abuse Mrs. Lancaster. That he will not contact [her] in person, by phone, in writing."

The judge asked the lawyers to review the order with their clients before the court.

"Is it your agreement not to have any type of contact with your wife whatsoever?" Steve Lancaster's attorney asked him.

"Yes," he said.

"You will leave the house on Popes Creek Road?"

"Yes."

"And the agreement is effective until the end of the year 2000, correct?"

"Yes."

No one asked about guns--though the question is posed on the protective order--and no one mentioned the violence counseling Janice had requested for her husband a week earlier.

Her attorney, Howard Schemler, was on vacation. The lawyer who stepped in to help, as a favor to her employer, had met Janice for the first time only the day before the proceeding.

In this critical moment, no one put the pieces together. No one saw the larger picture.

Elsewhere in the same small courthouse lay Janice's motion for Steve's arrest. It had been waiting seven days for a response from the other side. No one had remembered to alert the court clerk that the motion had urgency.

The motion for his arrest showed that Steve had repeatedly violated the only condition of his most recent bail: to stay away from his wife.

It showed he had gone so far as to strike her and threaten her life in a handwritten letter, which was included for the court to see.

This meant he had violated not only his bail but also his probation.

## SUPERVISOR AND FRIEND FREDA WELLS

Jan. 1, 2000

Freda Wells felt Janice was in danger, but how much, she could not be sure. She was the manager in the kitchen of the Loyola Retreat House, a lush, rolling 240-acre preserve on the banks of the Potomac. The kitchen crew was like family, and after Janice's troubles became clear, Wells reminded her staff day after day: No one was to be left alone in the kitchen, and no one was to leave the wooded property without an escort.

It seemed one thing she could do to help.

Wells saw Steve Lancaster as "a walking time bomb." She had heard about his threats, his guns, his possessiveness, about nights when Janice fled him and he roused his children out of bed to help him find her.

She remembered the warm autumn day when Janice told her Steve had showed the children a loaded shotgun and said: "This is for your mother. If you're not careful, it could be for you, too."

Sometimes, Janice got frustrated. Her stays at friends' houses could not go on forever. She wanted Steve locked up. She told Freda's sister-in-law Mary Wells that after being arrested and quickly released, Steve Lancaster had told her: "See, I'm back. They didn't keep me."

About Christmastime, Janice felt a new sense of hope. She told Freda that Steve was about to be arrested. Anyway, he had been barred from their home by a judge.

"I'm finally going to get my life together," she said with enthusiasm. "I just want peace."

Now, on Jan. 1, Freda and Janice were at the home of Mary Wells. The three friends turned on "The Bodyguard." They had seen the movie before, a Whitney Houston blockbuster in which the star is saved from an obsessed man.

Janice wanted to see it again.

Then, during a lull in the action, Janice brought up a curious telephone call she had had that day from her estranged husband's sister. Janice had once been close to Joan V. Swann.

"No matter what happens, Janice, I'll always love you," Swann had blurted out.

"What is this?" Janice had demanded. "A warning?"

The sister-in-law had hung up quickly.

Now the words nagged at Janice.

Freda Wells was definite.

"She's trying to tell you something," Freda said.

On Jan. 2, Janice Lancaster and Freda Wells worked much of the day at the Loyola Retreat House, baking crab cakes for visitors from a Catholic college. Janice mentioned that it had been two weeks and Steve hadn't been arrested. "I wonder why it's taking so long," she said. She worked until 8 that night, then drove home to her tiny frame house, one-third of a mile away.

Janice passed the evening with her two children, joking with them, laughing, ironing her work uniforms and their school clothes. They all went to bed.

Before dawn, Steve Lancaster parked his Datsun at the home of his father, about a mile from his wife's house. Wearing dark clothes and a stocking cap, he set out on foot to see Janice, carrying a 12-gauge shotgun close against his side.

At 6:15 a.m., he barged in as his son was leaving to catch a school bus and his daughter was letting the dog out.

He sent his son to the bus stop.

He followed Janice, dressed in a white nightgown and blue slippers, into the bedroom.

They struggled, and they argued.

Steve Lancaster wrested away her .38 revolver.

His daughter threatened to dial 911.

"Go on and call them," he said.

With one blast of the shotgun at 6:30 a.m., Janice's life ended. She collapsed in the kitchen.

Steve Lancaster walked to the front porch, pressed the shotgun muzzle to his chest and fired a second fatal shot.

His son heard the shots as his school bus rumbled down the road. He looked out the window and said, "I think that came from my house."

### Helping the Survivors

The Lancasters' 13-year-old son and 17-year-old daughter are being cared for by their paternal grandmother, Mary Gloria Swann, in Charles County. A fund for their education has been established: The Janice Lancaster Memorial Fund, Care of Citibank, Farragut North Financial Center, 1000 Connecticut Ave. NW, Washington, D.C. 20036.

**LANGUAGE:** ENGLISH

**LOAD-DATE:** August 27, 2000

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### FOCUS<sup>TM</sup>

**Search:** General News;Domestic violence

To narrow this search, please enter a word or phrase:

*Example:* House of Representatives

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THE WHITE HOUSE  
WASHINGTON

# Violence Against Women Act Meeting

Wednesday, September 6, 2000  
4:00 pm – 5:00 pm  
Roosevelt Room

## Agenda

### Remarks

*Lauren Supina, Deputy Assistant to the President and Director of Office for  
Women's Initiatives and Outreach*

\*\*\*

*Beth Nolan, Counsel to the President*

\*\*\*

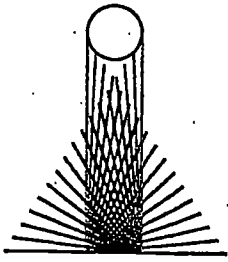
*Lynn Cutler, Deputy Assistant to the President and Senior Advisor to the  
Vice President and the Chief of Staff*

\*\*\*

*Joel Wiginton, Special Assistant to the President for Legislative Affairs*

\*\*\*

### Open Discussion



**NOW LEGAL DEFENSE**

**AND EDUCATION FUND**

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

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# **VAWA REAUTHORIZATION ACTION PACKET**

Please note that our contact information has changed to:

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

# National Task Force To End Sexual and Domestic VIOLENCE AGAINST WOMEN

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

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## Updated Legislative Priorities for VAWA Reauthorization - Spring 2000

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

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

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

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

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

# 220 CO-SPONSORS OF VAWA REAUTHORIZATION

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

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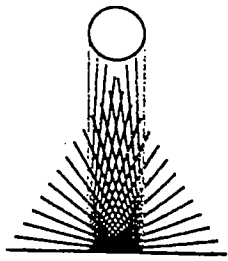
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Underwood (GU) ♣  
Vento (MN) ♣  
Visclosky (IN) ♣

### Republicans Underlined

♣ Sponsor of VAWA  
'99 (H.R. 357)

\*as of April 26, 2000



## **National Task Force to End Violence Against Women**

**NOW LEGAL DEFENSE**

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

Email: [preuss@nowldefdc.org](mailto:preuss@nowldefdc.org) / Website: [www.nowldef.org](http://www.nowldef.org)

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

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

##### **Subtitle A. Law Enforcement and Prosecution**

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

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

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

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

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

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

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

## **TITLE II. Limiting the Effects of Violence on Children**

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

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

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

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

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

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

## **TITLE III. Sexual Assault Prevention**

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

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

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

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

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

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

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

#### **TITLE IV. - Domestic Violence Prevention**

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

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

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

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

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

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

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

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

#### **TITLE V. Violence Against Women in the Military System**

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

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

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

## **TITLE VI. Preventing Violence Against Women in Underserved Communities**

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

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

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

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

## **TITLE VII. Violence Against Women and the Workplace**

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

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

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

### **Subtitle D. Battered Women's Employment**

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

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

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

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

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

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

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

*April 1999*

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

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### CHIEF SPONSORS:

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◆ Sponsor of VAWA  
 '98 (H.R. 3514)

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

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

\*as of April 25, 2000



## Continuing The Commitment of the Violence Against Women Act

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

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

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

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

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

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

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

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

# VAWA REAUTHORIZATION BILL (H.R. 1248)

## 172 CO-SPONSORS

### CHIEF SPONSORS:

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♠ Sponsor of VAWA '99 (H.R. 357)

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

\*as of April 26, 2000



# COMPARISON OF HOUSE & SENATE VERSIONS OF VAWA '99

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

☺ = Included

■ = Not included

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

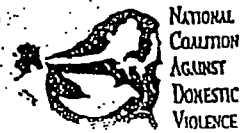
| Provision                              | H.R. 357<br>VAWA 99 | H.R.1248<br>Reauthorization Bill | S. 1069<br>BWESSA   | S. 51<br>(Biden/Specter)                            | S. 245<br>(Hatch)                |
|----------------------------------------|---------------------|----------------------------------|---------------------|--------------------------------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

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

June 1, 1999

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

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# VIOLENCE AGAINST WOMEN ACT II (S. 51)

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\*as of: October 19, 1999

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

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



## BATTERED WOMEN'S ECONOMIC SECURITY AND SAFETY ACT

### "BWESSA" — S. 1069

Summary — June 1, 1999

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

#### **TITLE I. - Domestic Violence Prevention**

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

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

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

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

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

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

#### **TITLE II. - Violence Against Women and the Workplace**

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

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

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

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

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

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

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

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

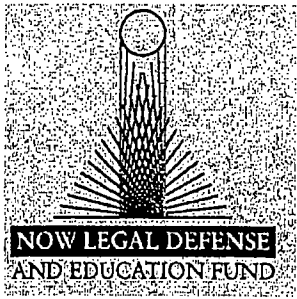
**Section 3003. Bonus to Encourage Women and Children's Well-Being** - amends the Social Security Act to provide bonuses to States that demonstrate high performance in operating their State welfare programs by providing recipients and low-income families with adequate access to affordable and quality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

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

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



119 Constitution Avenue NE Washington, DC 20002  
Phone 202-544-7358 ● Fax 202-544-7893 ● [ncadv2@sprynet.com](mailto:ncadv2@sprynet.com)



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

FACT SHEET

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

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

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

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

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

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

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

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

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

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

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## Republicans Underlined

● Sponsor of VAWA Restoration Act '98 (H.R. 4291)

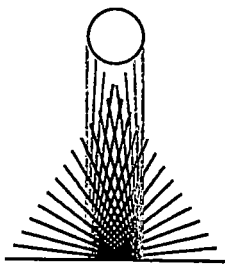
■ Voted in support of 245(i) legislation

★ Sponsor of VAWA '99 (H.R. 357)

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

☆ Sponsor of VAWA '94 (not full listing)

\*as of April 17, 2000 NOWLDEF



## **Violence Against Women Act of 1994 Reauthorization Needs**

**NOW LEGAL DEFENSE**

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

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

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

### **National Domestic Violence Hotline**

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

### **Battered Women's Shelters and Services**

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

### **Victims of Child Abuse Programs**

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

### **Rape Prevention Education**

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

### **Youth Education and Domestic Violence**

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

### **Violence Against Women Intervention, Prevention, and Education**

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

### **Safety for Women in Public Transit and Public Parks**

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

## **Law Enforcement and Prosecution Grants to Combat Violence Against Women**

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

### **☞ Programs already overdue for reauthorization!**

#### **☞ Grants for Community Initiatives**

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

#### **☞ Education and Training for Judges and Court Personnel**

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

#### **☞ Grants to Encourage Arrest Policies**

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

#### **☞ Rural Domestic Violence and Child Abuse Enforcement**

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

#### **☞ National Stalker and Domestic Violence Reduction**

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

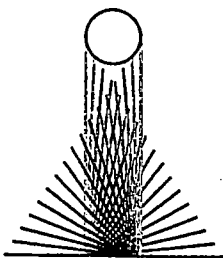
#### **☞ Federal Victims' Counselors**

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

#### **☞ Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth**

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

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



## National Task Force to End Violence Against Women

**NOW LEGAL DEFENSE  
AND EDUCATION FUND**

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

Email: [preuss@nowldefdc.org](mailto:preuss@nowldefdc.org) / Website: [www.nowldef.org](http://www.nowldef.org)

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

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

#### Planning Your Town Meeting

##### 1. Form an organizing committee.

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

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

##### 2. Choose the focus.

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

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

##### 3. Identify your target audience.

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

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

### 3. Planning and Scheduling

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

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

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

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

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

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

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

groups can provide information about their services and events.

### 4. Publicize the event.

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

### 5. Make acknowledgment arrangements.

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

### 6. Follow-up

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

Good Luck!!!

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

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

*April 1999*



## FACTS ABOUT DOMESTIC VIOLENCE

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

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

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

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

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

January 12, 1999

119 Constitution Ave. NE, Washington, DC 20002 • Phone 202-544-7358 • Fax 202-544-7893

## ENDNOTES

1. American Psychological Association, *Violence and the Family Report of the American Psychological Association Presidential Task Force on Violence and the Family* 10 (1996).
2. Ronet Bachman and Linda Saltzman, Bureau of Justice Statistics, *Violence Against Women: Estimates From the Redesigned Survey* 1 (1995).
3. Lawrence A. Greenfeld, et al, *Violence By Intimates: Analysis of Data on Crimes By Current or Former Spouses, Boyfriends and Girlfriends* 3 (Bureau of Justice Statistics, 1998).
4. For example, the 1985 National Family Violence Survey found incidence rates much higher than the NCVS. Nancy A. Crowell and Nancy Burgess, eds., *Understanding Violence Against Women* 32-33 (1996).
5. 1998 National Elder Abuse Incidence Study.
6. *Violence by Intimates*, supra at v.
7. Linda E. Saltzman, et al, "Weapon Involvement and Injury Outcome in Family and Intimate Assaults," 267 *Journal of the American Medical Ass'n* 3043 (1992).
8. Michael Rand, *Violence-Related Injuries Treated in Hospital Emergency Room Departments* 5 (Bureau of Justice Statistics, 1997).
9. Connie Stanley, *Domestic Violence: An Occupational Impact Study* 17 (Tulsa, Oklahoma, July 27, 1992); Louise Laurence & Roberta Spalter-Roth, *Measuring the Costs of Domestic Violence Against Women and the Cost Effectiveness of Interventions* 25 (IWPR, Victims' Services & the Domestic Violence Training Project, May 1996).
10. Melanie Shepard & Ellen Pence, *The Effect of Battering on the Employment Status of Women*, 3 *Affilia* 55, 58 (1988); see also Laurence & Spalter-Roth at 25.
11. Stanley at 17.
12. Leti Volpp, Family Violence Prevention Fund, *Working With Battered Immigrant Women: A Handbook to Make Services Accessible* (1995).
13. Einat Peled, Peter G. Jaffe and Jeffrey L. Edelson, *Ending the Cycle of Violence: Community Responses to Battered Women* 4-5 (1995); Mary Kenning, Antia Merchant and Alan Thompkins, "Research on the Effects of Witnessing Parental Battering: Clinical and Legal Policy Responses" 238-39, in *Woman Battering: Policy Responses* 237 (Michael Steinmen, ed., 1991).
14. See, e.g., Lee H. Bowker, Michelle Arbitell & Richard McFerron, "On the Relationship Between Wife Beating and Child Abuse," in Kersti Yllo & Michele Bograd, eds., *Feminist Perspectives on Wife Abuse* 158, 162 (1988); M.A. Strauss and R.J. Gelles, *Physical Violence in American Families* (1990).
15. The Women and Housing Task Force, *Unlocking the Door III: A Call to Action, Battered Women*, September 1996 (citing Schneider, Elizabeth, *Legal Reform Efforts for Battered Women: Past, Present and Future* (prepared for the Ford Foundation, July 1990)).



## LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

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

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

### THE PROBLEM

- Between 50 and 70% of men who abuse their female partners also abuse their children.<sup>1</sup>
- Children who witness violence are at a high risk of anxiety and depression, and exhibit more aggressive, antisocial, inhibited and fearful behaviors.<sup>2</sup>
- Children often fail to report child sexual abuse because of a fear of retaliation, or a belief that the abuse is their fault.<sup>3</sup>
- Separated women are three times more likely than divorced women and twenty-five times more likely than married women still living with their husbands to be victimized by a batterer.<sup>4</sup>
- According to one study, 5% of abusive fathers threaten during visitation to kill the mother, 34% threaten to kidnap their children, and 25% threaten to hurt their children.<sup>5</sup>
- The need for supervised visitation centers far exceeds the number of available programs, resulting in courts ordering unsupervised visitation and endangering parents and children.<sup>6</sup>
- New data just released by the Department of Justice finds that teenage girls (age 16-19) experience one of the highest rates of violence by an intimate partner when compared to other age groups.<sup>7</sup>
- Although adults may be more likely to warn girls about sexual danger posed by strangers, 96% of survivors under 12 years old, 85% of those 12 to 17 years old, and 67% of those 18 or older were raped by family members, friends, or acquaintances.<sup>8</sup>
- According to a 1996 report by the American Psychological Association (APA), custody and visitation disputes are more frequent when there is a history of domestic violence. Further, fathers who batter mothers are twice as likely to seek sole custody of their children<sup>9</sup> and they may misuse the legal system as a forum for continuing abuse through harassing and retaliatory legal actions.
- Despite the perception that mothers always win custody cases, studies show that fathers who contest custody win sole or joint custody in 40 to 70 percent of cases.<sup>10</sup>

### THE RESPONSE

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

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

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

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

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

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

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

January 12, 1999

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

## ENDNOTES

1. See, e.g., Lee H. Bowker, Michelle Arbitell & Richard McFerron, "On the Relationship Between Wife Beating and Child Abuse," in Kersti Ylllo & Michele Bograd, eds., *Feminist Perspectives on Wife Abuse* 158, 162 (1988); M.A. Strauss and R.J. Gelles, *Physical Violence in American Families* (1990).
2. Einat Peled, Peter G. Jaffe and Jeffrey L. Edelson, *Ending the Cycle of Violence: Community Responses to Battered Women* 4-5 (1995); Mary Kenning, Antia Merchant and Alan Thompkins, "Research on the Effects of Witnessing Parental Battering: Clinical and Legal Policy Responses" 238-39, in *Woman Battering: Policy Responses* 237 (Michael Steinmen, ed., 1991).
3. L. Berlinger and M.K. Barbieri, "The Testimony of the Child Victim of Sexual Assault," 40 *Journal of Social Issues* 125-137 (1984).
4. Ronet Bachman and Linda Salzman, *Violence Against Women: Estimates From the Redesigned Survey* 4 (Constructing U.S. DEPT OF JUSTICE, BUREAU OF JUSTICE STATISTICS (1995)).
5. Joan Zorza, *Protecting the Children in Custody Disputes When One Parent Abuses the Other*, 29 *CLEARINGHOUSE REV.* 1113, 119 (1996).
6. Robert B. Straus, "Supervised Visitation and Family Violence," 29 *Family Law Quar'tly* 229, 232-33 (1995).
7. Lawrence A. Greenfeld, et al, *Bureau of Justice Statistics Factbook: Violence By Intimates* 13 (March 1998).
8. U.S. Bureau of Justice Statistics, 1992.
9. Report of the American Psychological Association Presidential Task Force on Violence and the Family, *Violence and the Family* 40 (1996).
10. Ruth Abrams and John Greaney, Report of the Gender Bias Study of the Supreme Judicial Court [of Massachusetts], 62-63 (1989).



# VIOLENCE IN THE LIVES OF YOUNG WOMEN

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

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

*"I didn't want to tell anybody what happened to me, because I was too ashamed and embarrassed that I let it happen. I figured everybody would be like, 'we told you so,' because nobody liked my boyfriend. But I loved him, and I never expected him to hit me or force things during, like, sex. I don't say I was a victim, because I want to think on some level that he did love me." — Karan, age 18<sup>2</sup>*

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

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

## Consider the following facts:

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

- More than 50% of female victims of violence by an intimate partner live in households with children under the age of 12.<sup>14</sup>
- Girls who reported that they had been sexually or physically abused were more than twice as likely as non-abused girls to report smoking, drinking and using illegal drugs. In addition, 32 percent of girls who had been abused reported bingeing and purging.<sup>15</sup>

## The Response:

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

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

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

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

## ENDNOTES

1. Shen, 1993, as cited in Wolfe L.R. (1994). "Girl stabs boy at school": Girls and the cycle of violence. Women's Health Issues, 4(2), 109-116.
2. Phillips, L (1998). The Girls Report-What We Know and Need to Know About Growing Up Female, 48. Commissioned by the National Council for Research on Women.
3. Personal communication to the Center for Women Policy Studies, as cited in Wolfe, L.R. (1994). "Girl stabs boy at school": Girls and the cycle of violence. Women's Health Issues, 4(2) 109-116.
4. U.S. Department of Justice. (1994). *Crime Data Brief*, NCJ-147001, June 1994. Washington, DC: Bureau of Justice Statistics.
5. Phillips, L. (1993). "Using/Losing Her Voice: Consent, Coercion, and Sexual Silences." Paper presented at the Annual Ethnography and Education Conference. Philadelphia, Pennsylvania, March.
6. Tolman, D.L. and Higgins, T.E. (1996). "How Being a Good Girl Can Be Bad for Girls." In *Bad Girls/Good Girls: Women, Sex, and Power in the Nineties*, N.B. Maglin and D. Perry, eds. New Brunswick, NJ: Rutgers University Press.
7. Phillips, L.(1998) at 47.
8. U.S. Department of Justice. (1998). *Violence by Intimates*, NCJ-167237, March 1998. Washington, DC: Bureau of Justice Statistics.
9. Children Now/Kaiser Permanente poll, December 1995.
10. Wolfe, 1994, p. 111.
11. U.S. Department of Justice (1998) at v.
12. U.S. Department of Education, *Violence and Discipline Problems in U.S. Public Schools: 1996-1997*.
13. National Victim Center. (1992). *Rape in America: A Report to the Nation*. Arlington, VA/Charleston, SC: National Victim Center.
14. Bureau of Justice Statistics. (1997). *Sex Offenses and Offenders*. Washington, DC: U.S. Government Printing Office.
15. Commonwealth Fund. (1997). *The Commonwealth Fund Survey of the Health of Adolescent Girls*. Conducted by Louis Harris and Associates. New York: Commonwealth Fund.



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

### VIOLENCE AGAINST OLDER WOMEN

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

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

#### CONSIDER THE FOLLOWING FACTS:

- **More than two-thirds of all abusers/neglecters/exploiters of older women are family members** — adult children (36.7%), spouses (12.6%), other family (10.8%), grandchildren (7.7%), and siblings (2.7%).<sup>1</sup> A study on elder sexual abuse found that 78% of suspected offenders were family members, and of that number, 39% were the victims' adult sons and 29% were the victim's spouses.<sup>2</sup>
- **Reports of domestic abuse against the elderly rose from 117,000 in 1986<sup>3</sup> to 293,000 total reports in 1996.<sup>4</sup>** After taking the rates of reporting into account, the National Center for Elder Abuse extrapolates that there were 818,000 total elderly domestic abuse victims in 1994.<sup>5</sup> In 1995 and 1996, 66% and 67.3%, respectively, of the victims in reported elder abuse cases were women.<sup>6</sup>
- **Victim's services programs are not meeting the needs of older abused women.** Despite widespread elder abuse by family members, older women are not effectively utilizing traditional victim's services programs. A survey conducted under the auspices of the Wisconsin Bureau on Aging examined 52 domestic abuse

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

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

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

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

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

## ENDNOTES

1. Toshio Tataru, *Summaries of the Statistical Data on Elder Abuse for Domestic Settings for FY 95 and FY 96*, p. ix, National Center on Elder Abuse (NCEA), 1225 I St., NW, #725, Washington, DC 20005; (202) 898-2578, (Nov. 1997).
2. H. Ramsey-Klawnsnik. *Elder Sexual Abuse: Preliminary Findings*. 3(3) J. OF ELDER ABUSE AND NEGLECT (1991).
3. Toshio Tataru, *Elder Abuse in Domestic Settings: Series #2*, NCEA, Washington, DC (1996).
4. *Supra* note 1, at vii.
5. *Supra* note 3.
6. *Supra* note 1, at ix.
7. M. McKibben, *Domestic Abuse Program/Shelter Survey*, Wisconsin Department of Health and Social Services (1988).
8. L. Vinton, *Abused Older Women: Battered Women or Abused Elders*, 3(3) JOURNAL OF WOMEN AND AGING (1991).



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

# VIOLENCE AGAINST WOMEN WITH DISABILITIES

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

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

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

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

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

#### Endnotes

1. Nosek, Howland, Young, *Abuse of Women with Disabilities: Policy Implications*, (1996), the Center for Research on Women with Disabilities, Department of Physical Medicine and Rehabilitation, Baylor College of Medicine, Houston, TX.
2. Nosek, Margaret, Principal Investigator for *Findings on Abuse*, for the Center for Research on Women with Disabilities, Department of Physical Medicine and Rehabilitation, Baylor College of Medicine, Houston, TX.
3. Hard S., *Sexual Abuse of the Developmentally Disabled: A Case Study*, a paper presented at the National Conference of Executives of Associations for Retarded Citizens, Omaha, Nebraska, 1986.
4. *Abuse of Women with Disabilities: Policy Implications*, supra note 1.
5. *Abuse of women with Disabilities: Policy Implications*, supra note 1.
6. *Abuse of women with Disabilities: Policy Implications*, supra note 1.
7. Berkeley Planning Associates (1997). *Meeting the needs of women with disabilities: A Blueprint for Change*. Oakland, CA: Author.
8. Sobsey, D. (1994) *Violence and abuse in the Lives of People with Disabilities: The End of Silent Acceptance?* Baltimore, MD: Paul H. Brookes Publishing Co.



# The Access to Safety and Advocacy Act

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

## Title I Subtitle D of BWESSA (S. 1069)

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

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

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

### The Problem:

- Currently, the majority of domestic violence service providers nationwide report that victim demand for lay and legal advocates far exceed their availability.<sup>1</sup>
- A civil protection order can resolve a survivor's family-law problems swiftly (e.g., temporary custody, temporary child support, etc.), but it only provides temporary relief — many orders expire in 6-12 months. Because so few domestic violence victims are represented by counsel, only a small percentage understand the need to file for permanent relief early in the life of their civil protection order. In the District of Columbia, for example, approximately 65% of petitioners and 70% of respondents are unrepresented in civil protection order cases.<sup>2</sup>
- Fathers who batter the mother of their children are twice as likely as non-violent fathers to seek sole custody of their children.<sup>3</sup> And despite the perception that mothers always win custody cases, studies show that fathers who contest custody win sole or joint custody in 40-70 percent of cases.<sup>4</sup> It is not unusual for contested custody cases to cost over \$30,000<sup>5</sup>. In 1997, full time working women earned only 74.9% of median earnings for men.<sup>6</sup> Clearly, battered women are often severely disadvantaged in legal proceedings against the batterer.

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

## The Response:

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

### These grants will be available to promote:

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

March 2, 2000

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

## Endnotes

1. Epstein, Deborah, *Effective Intervention in Domestic Violence Cases: Rethinking the Roles of Prosecutors, Judges, and the Court System*, Yale Journal of Law and Feminism, Vol 11 No 1, (1999).
2. *Effective Intervention in Domestic Violence Cases: Rethinking the Roles of Prosecutors, Judges, and the Court System*, supra note 2.
3. American Psychological Association, *Report of the American Psychological Association Presidential Task Force on Violence and the Family* 40 (1996).
4. Ruth Abrams and John Greaney, Report of the Gender Bias Study of the Supreme Judicial Court [of Massachusetts], 62-63 (1989).
5. Joan Zorza, *How Battered Women Can Fight For Custody With Little Money* 7 (1997).
6. Bureau of Labor Statistics, U.S. Dep't of Labor, *Usual Weekly Earnings of Wage and Salary Workers: Third Quarter 1997* (Oct. 22, 1997).
7. Joan Zorza, *Protecting the Children in Custody Disputes When One Parent Abuses the Other*, 29 CLEARINGHOUSE REV. 1112, 119 (1996).
8. Buchanan, Bree, *Compounding the Harm: When Victims of Family Violence are Denied Equal Access to Justice* (2000), The Texas Council on Family Violence, Public Hearing on Civil Legal Services to the Poor.



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

### IMPLEMENTATION OF FULL FAITH AND CREDIT Title IV, Subtitle B

#### Background:

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

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

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

#### The Problem:

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

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

- Judges have refused to enforce the orders of other states, claiming that the order of protection must be registered in the new jurisdiction in order for it to be enforceable in that jurisdiction.
- Some courts have required that a new protective order be issued on the protecting state's form, and that the new order be served on the batterer before it is enforceable in that state.
- Protection orders issued by tribal courts have been virtually ignored by state jurisdictions and, more significantly, tribal courts are not legally recognized to have enforcement jurisdiction over offenders who are non-tribal members, even for crimes that they commit on the reservation.

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

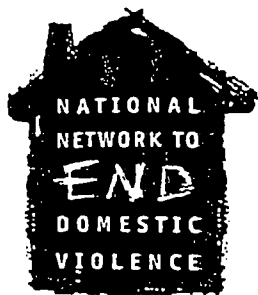
### **What VAWA '99 Does:**

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

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

*February 29, 2000*

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



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## FACT SHEET - Domestic Violence and the Military

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

### Q Is domestic violence really a problem in the military?

A. Yes. There are over 800,000 married couples in the armed services. Although, "the majority of military families cope reasonably well and are satisfied with military life, a substantial percentage are at risk for partner violence."<sup>2</sup> The DoD has documented an increase in the rate of "substantiated abuse" from 14.5 per 1,000 spouses in Fy 1990 to 22.0 per 1,000 spouses in fiscal year (Fy) 1997.<sup>3</sup>

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

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

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

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

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

#### **Q. What is the DoD Family Advocacy Program?**

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

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

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

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

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

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

- "organization and management of the FAP;
- family support [prevention] services; [and]
- investigation, assessment of the complaint; and disposition of F.A.P cases."<sup>12</sup>

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

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

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

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

A. The most commonly cited recommendations include:

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

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

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

<sup>2</sup> Id.

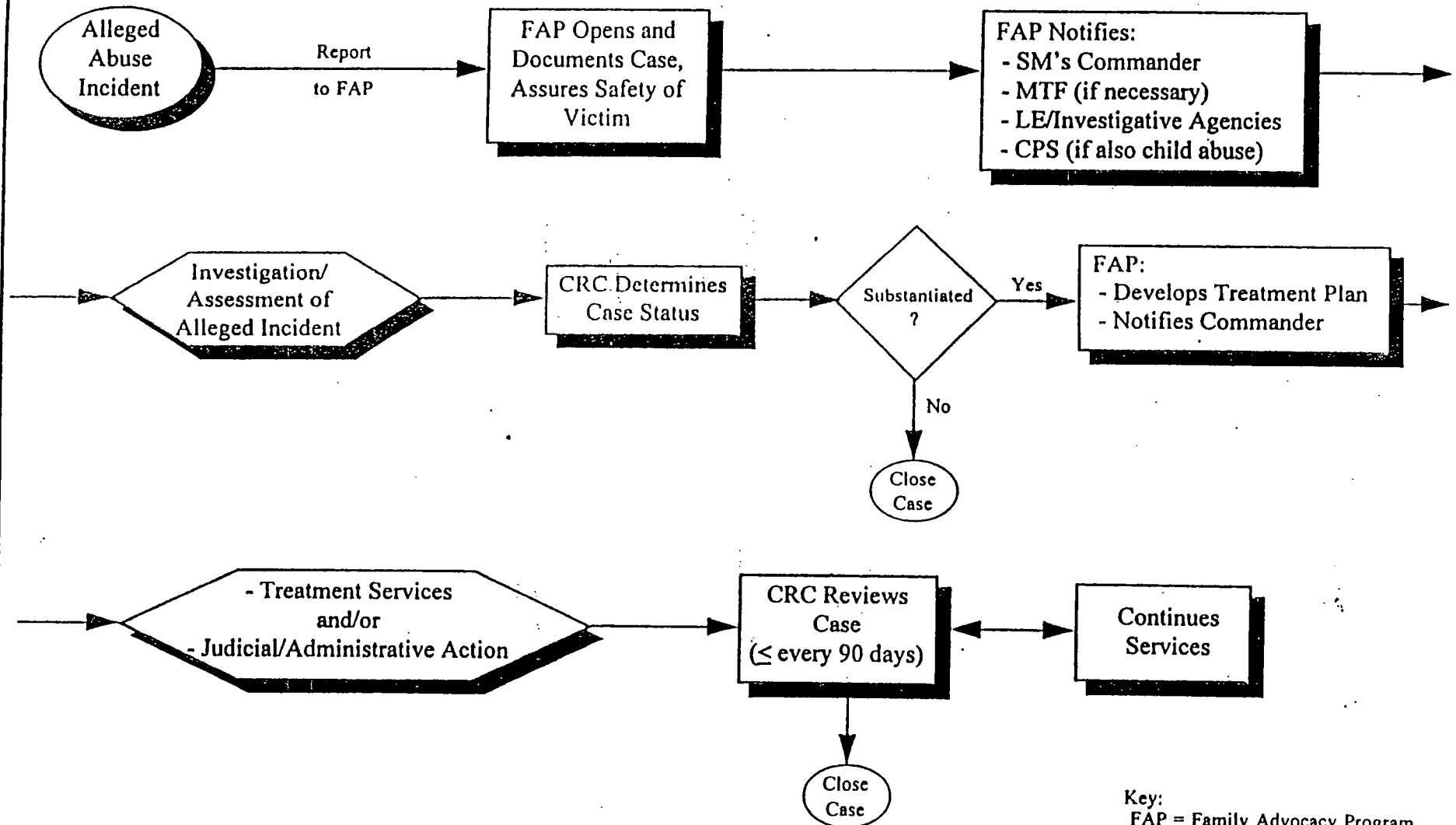
<sup>3</sup> Department of Defense, *Spouse Abuse in Military Families*, (Sept. 1998).

<sup>4</sup> Id.

<sup>5</sup> Id.

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

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



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

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

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

<sup>9</sup> Id.

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

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

<sup>12</sup> Id.

<sup>13</sup> Id., See also Exhibit 1

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

<sup>14</sup> Id.

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

<sup>16</sup> Id..

<sup>17</sup> Id.

<sup>18</sup> Id.

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



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## **Violence Against Women Act 1999**

### **Domestic Violence Training Grants for CPS Workers**

#### **Title II, Subtitle E**

#### **Background**

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

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

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

**What VAWA does:**

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

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

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

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

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

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

### HOUSING FOR VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT

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

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

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

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

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

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

### **Resources**

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

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

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



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

### Rape, Sexual Assault and the Use of Date Rape Drugs

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

#### What is the Problem?

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

- The National Drug Intelligence Center reports that 57,000 tablets of Rohypnol were seized in a raid in 1995.
- The DEA attributes 32 deaths and 3,500 incidents, including overdoses to GHB since 1992.
- The DEA, in an article dated February 4, 1997, states that ketamine abuse is increasing. In an article in the “Forensic Drug Abuse Advisor” ketamine is cited as the “hot new drug of abuse.”

#### What are Rohypnol, GHB and Ketamine?

##### Rohypnol is...

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

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

##### GHB is...

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

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

## *Ketamine is...*

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

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

## What is the Solution?

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

## What can you do?

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

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

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

March 9, 1999

## Resources

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

Ketamine: The Hot New Drug of Abuse, The Forensic Drug Abuse Advisor, Vol. 9, Issue 6, June/July 1997.

Ketamine Abuse Increasing, U.S. Department of Justice, Drug Enforcement Administration, February 4, 1997.

FDA Re-Issues Warning on GHB, FDA Talk Paper, February 18, 1997.

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

Abuse of Rohypnol and Other Benzodiazepines, A Fact Sheet for School Nurses and Counselors, Haight Ashbury Free Clinics, Inc.

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

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

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

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Pennsylvania Coalition Against Rape

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

### TITLE IV: DOMESTIC VIOLENCE PREVENTION

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

#### THE PROBLEM

- Women who do leave their abusers lack emergency shelter options. The overall number of emergency shelter beds for homeless people is estimated to have decreased by an average of 3% in 1997 while requests for shelter have increased on the average by 3%. Emergency shelters struggle to meet the increased need for services with about 32% of the requests for shelter by homeless families going unmet due to inadequate resources for services.<sup>1</sup>
- In 1994, an informal survey by the staff of the Subcommittee on Crime and Criminal Justice of the U.S. House Judiciary Committee revealed that eight of the 16 largest insurers in the country used domestic violence as a factor in deciding whether to issue insurance and in determining premiums.
- In 1996, 65% of all intimate partner homicides involved guns.<sup>2</sup> Family and intimate assaults involving guns are 12 times more likely to result in death than other family and intimate partner assaults.<sup>3</sup>
- Fathers who batter the mother are twice as likely to seek sole custody of their children than are nonviolent fathers.<sup>4</sup> It is not unusual for contested custody cases to cost over \$30,000.<sup>5</sup> In 1997, full time working women earned only 74.9% of median earnings for men.<sup>6</sup>
- Eighty percent of women who are stalked by former husbands are physically assaulted by that partner and 30 percent are sexually assaulted by that partner.<sup>7</sup>

#### THE RESPONSE

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

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

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

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

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

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

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

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

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

January 12, 1999

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

## ENDNOTES

1. The United States Conference of Mayors, A Status Report on Hunger and Homelessness in America's Cities, December 1997, Appendix: "Hunger and Homelessness in America's Cities. A Thirteen Year Comparison of Data."
2. Lawrence A. Greenfeld, et al, *Violence By Intimates: Analysis of Data on Crimes By Current or Former Spouses, Boyfriends and Girlfriends* 3 (Bureau of Justice Statistics 1998).
3. Linda E. Saltzman, et al., "Weapon Involvement and Injury Outcome in Family and Intimate Assaults," 267 *Journal of the American Medical Ass'n* 3043 (1992).
4. American Psychological Association, *Report of the American Psychological Association Presidential Task Force on Violence and the Family* 40 (1996).
5. Joan Zorza, *How Battered Women Can Fight For Custody With Little Money* 7 (1997).
6. Bureau of Labor Statistics, U.S. Dep't of Labor, *Usual Weekly Earnings of Wage and Salary Workers: Third Quarter 1997* (Oct. 22, 1997).
7. Center for Policy Research, *Stalking in America*, July 1997.



## NATIONAL DOMESTIC VIOLENCE HOTLINE

1-800-799-SAFE (7233)

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

### Summary Information

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

### Who is calling the Hotline?

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

### Services available

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

### Who is Supporting the National Domestic Violence Hotline?

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

*Jane Doe Inc.*

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

### **Title III – Sexual Assault Prevention and Education**

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

#### **THE PROBLEM**

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

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

## THE RESPONSE

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

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

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

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

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

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

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

March 8, 1999

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

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## ENDNOTES

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

<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*

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

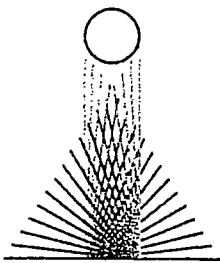
<sup>5</sup> U.S. Department of Justice Statistics, Bureau of Justice Statistics National Crime Victimization Survey Special Report. *Violence Against Women: Estimates from the Redesigned Survey*. (August 1995).

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

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

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

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



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

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

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

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

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

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

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

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

### **Legislative and Policy Initiatives to Help Battered Women at Work**

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

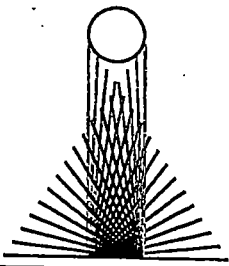
**State and Local Initiatives:** Some state and local governments have passed laws in three key employment areas: Anti-Discrimination, Employment Leave, and Unemployment Compensation:

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

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

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

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



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

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

### **WOMEN ARE TARGETS OF GENDER BIAS CRIMES:**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **NOT EVERY ACT OF VIOLENCE AGAINST WOMEN WOULD BE PROSECUTED .**

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

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

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

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

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

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

## **WOMEN LACK FEDERAL PROTECTION AGAINST BIAS CRIMES.**

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

*VAWA Provides No Criminal Remedy.* The VAWA 94's Civil Rights Remedy<sup>15</sup> permits a woman to bring a civil lawsuit for a gender-based bias crime. VAWA's felony provisions only cover interstate domestic violence and interstate violation of a protective order. Women surviving all other forms of gender bias crimes have no federal criminal recourse, even if their state law enforcement system has not prosecuted the crime.

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

## **INCLUDING GENDER IN THE HCPA ENJOYS WIDE SUPPORT**

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

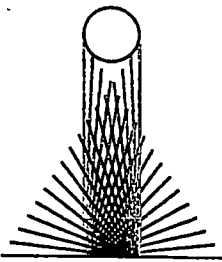
*The Department of Justice believes gender based bias crimes should be treated like all other bias crimes and supports amending 18 U.S.C. § 245. In 1998 the DOJ testified before both the House and Senate Judiciary Committees supporting the enactment of the HCPA because it would significantly increase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

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

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

Apr. 1999

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



**NOW LEGAL DEFENSE**

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### **Real-Life Gender Bias Crimes**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) DEFINITIONS.—In this section—

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

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

## Subtitle X—Gang Resistance Education and Training

42 USC 13921.

### SEC. 32401. GANG RESISTANCE EDUCATION AND TRAINING PROJECTS.

(a) ESTABLISHMENT OF PROJECTS.—

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

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

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

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

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

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

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

Violence Against  
Women Act  
of 1994.

42 USC 13701  
note.

## TITLE IV—VIOLENCE AGAINST WOMEN

### SEC. 40001. SHORT TITLE.

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

## Subtitle A—Safe Streets for Women

### SEC. 40101. SHORT TITLE.

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

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

### CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES

#### SEC. 40111. REPEAT OFFENDERS.

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

##### "§ 2247. Repeat offenders

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

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

28 USC 994 note.

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

"2247. Repeat offenders."

#### SEC. 40112. FEDERAL PENALTIES.

28 USC 994 note.

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

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

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

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

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

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

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

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

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

SEC. 40113. MANDATORY RESTITUTION FOR SEX CRIMES.

(a) SEXUAL ABUSE.—

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

“§ 2248. Mandatory restitution

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

“(b) SCOPE AND NATURE OF ORDER.—

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

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

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

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

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

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

“(B) physical and occupational therapy or rehabilitation;

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

“(D) lost income;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(6) MORE THAN 1 VICTIM.—When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) PAYMENT SCHEDULE.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(9) EFFECT ON OTHER SOURCES OF COMPENSATION.—The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) CONDITION OF PROBATION OR SUPERVISED RELEASE.—Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release,

modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

“(c) PROOF OF CLAIM.—

“(1) AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

“(2) OBJECTION.—If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

“(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

“(4) FINAL DETERMINATION OF LOSSES.—If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

“(d) MODIFICATION OF ORDER.—A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

“(e) REFERENCE TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed

findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

"(f) DEFINITION.—For purposes of this section, the term 'victim' means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian."

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

"2248. Mandatory restitution."

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following new section:

**"§ 2259. Mandatory restitution**

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

"(b) SCOPE AND NATURE OF ORDER.—

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

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

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

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

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

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

"(B) physical and occupational therapy or rehabilitation;

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

"(D) lost income;

"(E) attorneys' fees, as well as other costs incurred; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(6) MORE THAN 1 VICTIM.—When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) PAYMENT SCHEDULE.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(9) EFFECT ON OTHER SOURCES OF COMPENSATION.—The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) CONDITION OF PROBATION OR SUPERVISED RELEASE.—Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions

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ant in contempt pursuant to section 3583(e). In determining  
whether to revoke probation or a term of supervised release,  
modify the terms or conditions of probation or supervised  
release or hold a defendant serving a term of supervised release  
in contempt, the court shall consider the defendant's employ-  
ment status, earning ability and financial resources, the willful-  
ness of the defendant's failure to comply, and any other cir-  
cumstances that may have a bearing on the defendant's ability  
to comply.

"(c) PROOF OF CLAIM.—

"(1) AFFIDAVIT.—Within 60 days after conviction and, in  
any event, not later than 10 days prior to sentencing, the  
United States Attorney (or the United States Attorney's  
delegee), after consulting with the victim, shall prepare and  
file an affidavit with the court listing the amounts subject  
to restitution under this section. The affidavit shall be signed  
by the United States Attorney (or the United States Attorney's  
delegee) and the victim. Should the victim object to any of  
the information included in the affidavit, the United States  
Attorney (or the United States Attorney's delegee) shall advise  
the victim that the victim may file a separate affidavit and  
shall provide the victim with an affidavit form which may  
be used to do so.

"(2) OBJECTION.—If, after the defendant has been notified  
of the affidavit, no objection is raised by the defendant, the  
amounts attested to in the affidavit filed pursuant to paragraph  
(1) shall be entered in the court's restitution order. If objection  
is raised, the court may require the victim or the United States  
Attorney (or the United States Attorney's delegee) to submit  
further affidavits or other supporting documents, demonstrating  
the victim's losses.

"(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the  
court concludes, after reviewing the supporting documentation  
and considering the defendant's objections, that there is a  
substantial reason for doubting the authenticity or veracity  
of the records submitted, the court may require additional  
documentation or hear testimony on those questions. The pri-  
vacy of any records filed, or testimony heard, pursuant to  
this section shall be maintained to the greatest extent possible,  
and such records may be filed or testimony heard in camera.

"(4) FINAL DETERMINATION OF LOSSES.—If the victim's  
losses are not ascertainable by the date that is 10 days prior  
to sentencing as provided in paragraph (1), the United States  
Attorney (or the United States Attorney's delegee) shall so  
inform the court, and the court shall set a date for the final  
determination of the victim's losses, not to exceed 90 days  
after sentencing. If the victim subsequently discovers further  
losses, the victim shall have 60 days after discovery of those  
losses in which to petition the court for an amended restitution  
order. Such order may be granted only upon a showing of  
good cause for the failure to include such losses in the initial  
claim for restitutionary relief.

"(d) MODIFICATION OF ORDER.—A victim or the offender may  
petition the court at any time to modify a restitution order as  
appropriate in view of a change in the economic circumstances  
of the offender.

"(e) REFERENCE TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

"(f) DEFINITION.—For purposes of this section, the term 'victim' means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian."

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

"2259. Mandatory restitution."

**SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.**

There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia)—

- (1) \$500,000 for fiscal year 1996;
- (2) \$500,000 for fiscal year 1997; and
- (3) \$500,000 for fiscal year 1998.

**CHAPTER 2—LAW ENFORCEMENT AND PROSECUTION  
GRANTS TO REDUCE VIOLENT CRIMES AGAINST  
WOMEN**

**SEC. 40121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 32101(a), is amended—

42 USC 3797.

- (1) by redesignating part T as part U;
- (2) by redesignating section 2001 as section 2101; and
- (3) by inserting after part S the following new part:

**"PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN**

42 USC 3796gg.

**"SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.**

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of—

- "(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against

**SPECIAL MASTER.**—The section with a proposed special master for proposed to disposition, subject to court action, the term 'victim' of a commission of a case of a victim who is incapacitated, or deceased, representative of the victim's nearest person appointed as shall the defendant be

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**VICTIM'S COUNSELORS.**

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**CRIMES AGAINST WOMEN.**

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**CRIMES AGAINST WOMEN**

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**MAY BE USED.**—Grants ining, technical assist- or the more widespread of persons committing ally, for the purposes

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to women, including the crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

"(6) developing, enlarging, or strengthening programs addressing stalking; and

"(7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

**SEC. 2002. STATE GRANTS.**

"(a) **GENERAL GRANTS.**—The Attorney General may make grants to States, for use by States, units of local government, nonprofit nongovernmental victim services programs, and Indian tribal governments for the purposes described in section 2001(b).

"(b) **AMOUNTS.**—Of the amounts appropriated for the purposes of this part—

"(1) 4 percent shall be available for grants to Indian tribal governments;

"(2) \$500,000 shall be available for grants to applicants in each State; and

"(3) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States (not including populations of Indian tribes).

"(c) **QUALIFICATION.**—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used for any of the purposes described in section 2001(b);

42 USC  
3796gg-1.

"(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with non-profit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following 3 areas: prosecution, law enforcement, and victim services; and

"(4) any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle.

"(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 shall apply to grants made under this part. In addition, each application shall include the certifications of qualification required by subsection (c), including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2). An application shall include—

"(1) documentation from the prosecution, law enforcement, and victim services programs to be assisted, demonstrating—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background;

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 2005; and

"(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 2006.

"(e) DISBURSEMENT.—

"(1) IN GENERAL.—Not later than 60 days after the receipt of an application under this part, the Attorney General shall—

"(A) disburse the appropriate sums provided for under this part; or

"(B) inform the applicant why the application does not conform to the terms of section 513 or to the requirements of this section.

"(2) REGULATIONS.—In disbursing monies under this part, the Attorney General shall issue regulations to ensure that States will—

"(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

"(B) determine the amount of subgrants based on the population and geographic area to be served;

"(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

"(D) recognize and address the needs of underserved populations.

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"(f) FEDERAL SHARE.—The Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted.

"(g) INDIAN TRIBES.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

"(h) GRANTEE REPORTING.—

"(1) IN GENERAL.—Upon completion of the grant period under this part, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this part.

"(2) CERTIFICATION BY GRANTEE AND SUBGRANTEES.—A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

"(3) SUSPENSION OF FUNDING.—The Attorney General shall suspend funding for an approved application if—

"(A) an applicant fails to submit an annual performance report;

"(B) funds are expended for purposes other than those described in this part; or

"(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

**SEC. 2003. DEFINITIONS.**

"In this part—

"(1) the term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

"(2) the term 'Indian country' has the meaning stated in section 1151 of title 18, United States Code;

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

"(4) the term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

"(5) the term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders,

42 USC  
3796gg-2.

including such agency's component bureaus (such as governmental victim services programs);

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

"(7) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities; and

"(8) the term 'victim services' means a nonprofit, non-governmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs; including nonprofit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process.

42 USC  
3796gg-3.

**"SEC. 2004. GENERAL TERMS AND CONDITIONS.**

"(a) **NONMONETARY ASSISTANCE.**—In addition to the assistance provided under this part, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

"(b) **REPORTING.**—Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

"(1) the number of grants made and funds distributed under this part;

"(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

"(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

"(4) an evaluation of the effectiveness of programs funded under this part.

"(c) **REGULATIONS OR GUIDELINES.**—Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment, the Attorney General shall publish final regulations or guidelines implementing this part.

42 USC  
3796gg-4.

**"SEC. 2005. RAPE EXAM PAYMENTS.**

"(a) **RESTRICTION OF FUNDS.**—

"(1) **IN GENERAL.**—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the

full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

"(2) REDISTRIBUTION.—Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

"(b) MEDICAL COSTS.—A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

"(1) provides such exams to victims free of charge to the victim;

"(2) arranges for victims to obtain such exams free of charge to the victims; or

"(3) reimburses victims for the cost of such exams if—

"(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

"(B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

"(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

"(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

#### SEC. 2006. FILING COSTS FOR CRIMINAL CHARGES.

"(a) IN GENERAL.—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government—

"(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or

"(2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of—

"(A) the period ending on the date on which the next session of the State legislature ends; or

"(B) 2 years.

"(b) REDISTRIBUTION.—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata."

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42

42 USC  
3796gg-5.

U.S.C. 3711 et seq.), as amended by section 32101(b), is amended by striking the matter relating to part T and inserting the following:

**"PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN**

- "Sec. 2001. Purpose of the program and grants.
- "Sec. 2002. State grants.
- "Sec. 2003. General definitions.
- "Sec. 2004. General terms and conditions.
- "Sec. 2005. Rape exam payments.
- "Sec. 2006. Filing costs for criminal charges.

**"PART U—TRANSITION—EFFECTIVE DATE—REPEALER**

- "Sec. 2101. Continuation of rules, authorities, and proceedings."

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 32101(d), is amended—

(1) in paragraph (3) by striking "and S" and inserting "S, and T"; and

(2) by adding at the end the following new paragraph:

"(18) There are authorized to be appropriated to carry out part T—

- "(A) \$26,000,000 for fiscal year 1995;
- "(B) \$130,000,000 for fiscal year 1996;
- "(C) \$145,000,000 for fiscal year 1997;
- "(D) \$160,000,000 for fiscal year 1998;
- "(E) \$165,000,000 for fiscal year 1999; and
- "(F) \$174,000,000 for fiscal year 2000."

**CHAPTER 3—SAFETY FOR WOMEN IN PUBLIC TRANSIT AND PUBLIC PARKS**

42 USC 13931.

Appropriation  
authorization.

**SEC. 40131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION.**

(a) **GENERAL PURPOSE.**—There is authorized to be appropriated not to exceed \$10,000,000, for the Secretary of Transportation (referred to in this section as the "Secretary") to make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

(b) **GRANTS FOR LIGHTING, CAMERA SURVEILLANCE, AND SECURITY PHONES.**—

(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

Sept. 13

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# VIOLENT CRIME CONTROL ACT

P.L. 103-322

Sec. 40132

amended  
following:

(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

(c) REPORTING.—All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be compiled on the basis of the type of crime, sex, race, ethnicity, language, and relationship of victim to the offender.

(d) INCREASED FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share under this section for each capital improvement project that enhances the safety and security of public transportation systems and that is not required by law (including any other provision of this Act) shall be 90 percent of the net project cost of the project.

(e) SPECIAL GRANTS FOR PROJECTS TO STUDY INCREASING SECURITY FOR WOMEN.—From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

(f) GENERAL REQUIREMENTS.—All grants or loans provided under this section shall be subject to the same terms, conditions, requirements, and provisions applicable to grants and loans as specified in section 5321 of title 49, United States Code.

## SEC. 40132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.

Public Law 91-383 (16 U.S.C. 1a-1 et seq.) is amended by adding at the end the following new section:

### "SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.

"(a) AVAILABILITY OF FUNDS.—There are authorized to be appropriated out of the Violent Crime Reduction Trust Fund, not to exceed \$10,000,000, for the Secretary of the Interior to take all necessary actions to seek to reduce the incidence of violent crime in the National Park System.

"(b) RECOMMENDATIONS FOR IMPROVEMENT.—The Secretary shall direct the chief official responsible for law enforcement within the National Park Service to—

"(1) compile a list of areas within the National Park System with the highest rates of violent crime;

"(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and

"(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

"(c) DISTRIBUTION OF FUNDS.—Based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute the funds authorized by subsection (a) throughout the National Park System. Priority shall be given to those areas with the highest rates of sexual assault.

"(d) USE OF FUNDS.—Funds provided under this section may be used—

16 USC 1a-7a.

Appropriation authorization.

"(1) to increase lighting within or adjacent to National Park System units;

"(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to National Park System units;

"(3) to increase security or law enforcement personnel within or adjacent to National Park System units; or

"(4) for any other project intended to increase the security and safety of National Park System units."

**SEC. 40133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC PARKS.**

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8) is amended by adding at the end the following new subsection:

**"(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—**

**"(1) AVAILABILITY OF FUNDS.—**In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed \$15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

**"(A) increase lighting within or adjacent to public parks and recreation areas;**

**"(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;**

**"(C) increase security personnel within or adjacent to public parks and recreation areas; and**

**"(D) fund any other project intended to increase the security and safety of public parks and recreation areas."**

**"(2) ELIGIBILITY.—**In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall be dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

**"(3) FEDERAL SHARE.—**Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes described in this subsection, and the remaining share of the cost shall be borne by the State."

Urban areas.

28 USC 2074  
note.  
Effective date.

**CHAPTER 4—NEW EVIDENTIARY RULES**

**SEC. 40141. SEXUAL HISTORY IN CRIMINAL AND CIVIL CASES.**

**(a) MODIFICATION OF PROPOSED AMENDMENT.—**The proposed amendments to the Federal Rules of Evidence that are embraced by an order entered by the Supreme Court of the United States on April 29, 1994, shall take effect on December 1, 1994, as otherwise provided by law, but with the amendment made by subsection (b).

(b) RULE.—Rule 412 of the Federal Rules of Evidence is amended to read as follows:

**"Rule 412. Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition**

"(a) EVIDENCE GENERALLY INADMISSIBLE.—The following evidence is not admissible in any civil or criminal proceeding involving alleged sexual misconduct except as provided in subdivisions (b) and (c):

"(1) Evidence offered to prove that any alleged victim engaged in other sexual behavior.

"(2) Evidence offered to prove any alleged victim's sexual predisposition.

"(b) EXCEPTIONS.—

"(1) In a criminal case, the following evidence is admissible, if otherwise admissible under these rules:

"(A) evidence of specific instances of sexual behavior by the alleged victim offered to prove that a person other than the accused was the source of semen, injury or other physical evidence;

"(B) evidence of specific instances of sexual behavior by the alleged victim with respect to the person accused of the sexual misconduct offered by the accused to prove consent or by the prosecution; and

"(C) evidence the exclusion of which would violate the constitutional rights of the defendant.

"(2) In a civil case, evidence offered to prove the sexual behavior or sexual predisposition of any alleged victim is admissible if it is otherwise admissible under these rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. Evidence of an alleged victim's reputation is admissible only if it has been placed in controversy by the alleged victim.

"(c) PROCEDURE TO DETERMINE ADMISSIBILITY.—

"(1) A party intending to offer evidence under subdivision (b) must—

"(A) file a written motion at least 14 days before trial specifically describing the evidence and stating the purpose for which it is offered unless the court, for good cause requires a different time for filing or permits filing during trial; and

"(B) serve the motion on all parties and notify the alleged victim or, when appropriate, the alleged victim's guardian or representative.

"(2) Before admitting evidence under this rule the court must conduct a hearing in camera and afford the victim and parties a right to attend and be heard. The motion, related papers, and the record of the hearing must be sealed and remain under seal unless the court orders otherwise."

"(c) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence is amended by amending the item relating to rule 412 to read as follows:

**"412. Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition:**

"(a) Evidence generally inadmissible.

"(b) Exceptions.

"(c) Procedure to determine admissibility."

CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL  
ASSAULT

SEC. 40151. EDUCATION AND PREVENTION GRANTS TO REDUCE SEX-  
UAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Human Services Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new section:

42 USC 300w-10. "SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDU-  
CATION.

"(a) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities for—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational materials; and

"(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved racial, ethnic, and language minority communities.

"(b) TARGETING OF EDUCATION PROGRAMS.—States providing grant monies must ensure that at least 25 percent of the monies are devoted to education programs targeted for middle school, junior high school, and high school students.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) \$35,000,000 for fiscal year 1996;

"(2) \$35,000,000 for fiscal year 1997;

"(3) \$45,000,000 for fiscal year 1998;

"(4) \$45,000,000 for fiscal year 1999; and

"(5) \$45,000,000 for fiscal year 2000.

"(d) LIMITATION.—Funds authorized under this section may only be used for providing rape prevention and education programs.

"(e) DEFINITION.—For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(f) TERMS.—The Secretary shall make allotments to each State on the basis of the population of the State, and subject to the conditions provided in this section and sections 1904 through 1909.

42 USC 13941.

SEC. 40152. TRAINING PROGRAMS.

(a) IN GENERAL.—The Attorney General, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of—

(1) case management;

(2) supervision; and

(3) relapse prevention.

(b) TRAINING PROGRAMS.—The Attorney General shall ensure, to the extent practicable, that training programs developed under

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Sec. 40153

subsection (a) are available in geographically diverse locations throughout the country.

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

- (1) \$1,000,000 for fiscal year 1996; and
- (2) \$1,000,000 for fiscal year 1997.

## SEC. 40153. CONFIDENTIALITY OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT OR DOMESTIC VIOLENCE VICTIMS AND THEIR COUNSELORS.

42 USC 13942.

(a) STUDY AND DEVELOPMENT OF MODEL LEGISLATION.—The Attorney General shall—

(1) study and evaluate the manner in which the States have taken measures to protect the confidentiality of communications between sexual assault or domestic violence victims and their therapists or trained counselors;

(2) develop model legislation that will provide the maximum protection possible for the confidentiality of such communications, within any applicable constitutional limits, taking into account the following factors:

(A) the danger that counseling programs for victims of sexual assault and domestic violence will be unable to achieve their goal of helping victims recover from the trauma associated with these crimes if there is no assurance that the records of the counseling sessions will be kept confidential;

(B) consideration of the appropriateness of an absolute privilege for communications between victims of sexual assault or domestic violence and their therapists or trained counselors, in light of the likelihood that such an absolute privilege will provide the maximum guarantee of confidentiality but also in light of the possibility that such an absolute privilege may be held to violate the rights of criminal defendants under the Federal or State constitutions by denying them the opportunity to obtain exculpatory evidence and present it at trial; and

(C) consideration of what limitations on the disclosure of confidential communications between victims of these crimes and their counselors, short of an absolute privilege, are most likely to ensure that the counseling programs will not be undermined, and specifically whether no such disclosure should be allowed unless, at a minimum, there has been a particularized showing by a criminal defendant of a compelling need for records of such communications, and adequate procedural safeguards are in place to prevent unnecessary or damaging disclosures; and

(3) prepare and disseminate to State authorities the findings made and model legislation developed as a result of the study and evaluation.

(b) REPORT AND RECOMMENDATIONS.—Not later than the date that is 1 year after the date of enactment of this Act, the Attorney General shall report to the Congress—

(1) the findings of the study and the model legislation required by this section; and

(2) recommendations based on the findings on the need for and appropriateness of further action by the Federal Government.

Reports.

(c) REVIEW OF FEDERAL EVIDENTIARY RULES.—The Judicial Conference of the United States shall evaluate and report to Congress its views on whether the Federal Rules of Evidence should be amended, and if so, how they should be amended, to guarantee that the confidentiality of communications between sexual assault victims and their therapists or trained counselors will be adequately protected in Federal court proceedings.

42 USC 13943.

**SEC. 40154. INFORMATION PROGRAMS.**

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18, United States Code, or for the commission of a similar offense, including halfway houses and psychiatric institutions.

42 USC 5712d.

**SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.**

Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended—

- (1) by redesignating sections 316 and 317 as sections 317 and 318, respectively; and
- (2) by inserting after section 315 the following new section:

**"GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION**

**"SEC. 316. (a) IN GENERAL.**—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

**"(b) PRIORITY.**—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to runaway, homeless, and street youth.

**"(c) AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

**"(1)** \$7,000,000 for fiscal year 1996;

**"(2)** \$8,000,000 for fiscal year 1997; and

**"(3)** \$15,000,000 for fiscal year 1998.

**"(d) DEFINITIONS.**—For the purposes of this section—

**"(1)** the term 'street-based outreach and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

**"(2)** the term 'street youth' means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse."

**SEC. 40156. VICTIMS OF CHILD ABUSE PROGRAMS.**

**(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.**—

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GRAM.—

(1) REAUTHORIZATION.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—  
"(1) \$6,000,000 for fiscal year 1996;  
"(2) \$6,000,000 for fiscal year 1997;  
"(3) \$7,000,000 for fiscal year 1998;  
"(4) \$9,000,000 for fiscal year 1999; and  
"(5) \$10,000,000 for fiscal year 2000."

(2) TECHNICAL AMENDMENT.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking "this chapter" and inserting "this subtitle".

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—

(1) REAUTHORIZATION.—Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—  
"(1) \$750,000 for fiscal year 1996;  
"(2) \$1,000,000 for fiscal year 1997;  
"(3) \$2,000,000 for fiscal year 1998;  
"(4) \$2,000,000 for fiscal year 1999; and  
"(5) \$2,300,000 for fiscal year 2000."

(2) TECHNICAL AMENDMENT.—Section 221(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13021(b)) is amended by striking "this chapter" and inserting "this subtitle".

(c) GRANTS FOR TELEVISED TESTIMONY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by amending section 1001(a)(7) (42 U.S.C. 3793(a)(7)) to read as follows:

"(7) There are authorized to be appropriated to carry out part N—

"(A) \$250,000 for fiscal year 1996;  
"(B) \$1,000,000 for fiscal year 1997;  
"(C) \$1,000,000 for fiscal year 1998;  
"(D) \$1,000,000 for fiscal year 1999; and  
"(E) \$1,000,000 for fiscal year 2000."

(2) in section 1402 (42 U.S.C. 3796aa-1) by striking "to States, for the use of States and units of local government in the States";

(3) in section 1403 (42 U.S.C. 3796aa-2)—

(A) by inserting "or unit of local government" after "of a State";

(B) by inserting "and" after paragraph (1);

(C) in paragraph (2) by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (3) and (4);

(4) in section 1404 (42 U.S.C. 3796aa-3)—

(A) in subsection (a)—

(i) by striking "The Bureau" and all that follows through "determining that" and inserting "An applicant is eligible to receive a grant under this part if—";

(ii) in paragraph (1) by striking "there is in effect in such State" and inserting "the applicant certifies

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and the Director determines that there is in effect in the State";

(iii) in paragraph (2) by striking "such State law shall meet" and inserting "the applicant certifies and the Director determines that State law meets";

(iv) by inserting "and" after subparagraph (E);

(v) in paragraph (3)—

(I) by inserting "the Director determines that" before "the application"; and

(II) by striking "; and" and inserting a period;

(vi) by striking paragraph (4);

(vii) by striking "Each application" and inserting the following:

"(b) Each application"; and

(viii) by striking "the Bureau" each place it appears and inserting "the Director"; and

(B) by redesignating subsection (b) as subsection (c) and by striking "The Bureau" and inserting "The Director";

(5) by striking section 1405 (42 U.S.C. 3796aa-4);

(6) in section 1406 (42 U.S.C. 3796aa-5)—

(A) in subsection (a)—

(i) by striking "State which" and inserting "State or unit of local government that";

(ii) by striking "title" and inserting "part"; and

(iii) in paragraph (1) by striking "State"; and

(B) in subsection (b)(1) by striking "such State" and inserting "the State and units of local government in the State";

(7) in section 1407 (42 U.S.C. 3796aa-6)—

(A) in subsection (c)—

(i) by striking "Each State" and all that follows through "effective audit" and inserting "Grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) shall keep such records as the Director may require by rule to facilitate such an audit."; and

(ii) in paragraph (2) by striking "States which receive grants, and of units of local government which receive any part of a grant made under this part" and inserting "grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds)"; and

(B) by adding at the end the following new subsection:

"(d) UTILIZATION OF PRIVATE SECTOR.—Nothing in this part shall prohibit the utilization of any grant funds to contract with a private organization to provide equipment or training for the televising of testimony as contemplated by the application submitted by an applicant.";

(8) by striking section 1408 (42 U.S.C. 3796aa-7); and

(9) in the table of contents—

(A) in the item relating to section 1405 by striking "Allocation and distribution of funds under formula grants" and inserting "(Repealed)"; and

(B) in the item relating to section 1408 by striking "State office" and inserting "(Repealed)".

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Safe Homes for  
Women Act of  
1994.

42 USC 13701  
note.

### Subtitle B—Safe Homes for Women

#### SEC. 40201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act of 1994".

#### CHAPTER 1—NATIONAL DOMESTIC VIOLENCE HOTLINE

#### SEC. 40211. GRANT FOR A NATIONAL DOMESTIC VIOLENCE HOTLINE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

#### "SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

"(a) IN GENERAL.—The Secretary may award a grant to a private, nonprofit entity to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

"(b) DURATION.—A grant under this section may extend over a period of not more than 5 years.

"(c) ANNUAL APPROVAL.—The provision of payments under a grant under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

"(d) ACTIVITIES.—Funds received by an entity under this section shall be used to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, a private, nonprofit entity shall—

"(1) contract with a carrier for the use of a toll-free telephone line;

"(2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

"(3) assemble and maintain a current database of information relating to services for victims of domestic violence to which callers may be referred throughout the United States, including information on the availability of shelters that serve battered women; and

"(4) publicize the hotline to potential users throughout the United States.

"(e) APPLICATION.—A grant may not be made under this section unless an application for such grant has been approved by the Secretary. To be approved by the Secretary under this subsection an application shall—

"(1) contain such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register;

"(2) include a complete description of the applicant's plans for the operation of a national domestic violence hotline, including descriptions of—

"(A) the training program for hotline personnel;

"(B) the hiring criteria for hotline personnel;

"(C) the methods for the creation, maintenance and updating of a resource database;

Federal  
Register,  
publication.

"(D) a plan for publicizing the availability of the hotline;

"(E) a plan for providing service to non-English speaking callers, including hotline personnel who speak Spanish; and

"(F) a plan for facilitating access to the hotline by persons with hearing impairments;

"(3) demonstrate that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including a demonstration of support from advocacy groups, such as domestic violence State coalitions or recognized national domestic violence groups;

"(4) demonstrates that the applicant has a commitment to diversity, and to the provision of services to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities; and

"(5) contain such other information as the Secretary may require.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) \$1,000,000 for fiscal year 1995;

"(B) \$400,000 for fiscal year 1996;

"(C) \$400,000 for fiscal year 1997;

"(D) \$400,000 for fiscal year 1998;

"(E) \$400,000 for fiscal year 1999; and

"(F) \$400,000 for fiscal year 2000.

"(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until expended."

## CHAPTER 2—INTERSTATE ENFORCEMENT

### SEC. 40221. INTERSTATE ENFORCEMENT.

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

#### "CHAPTER 110A—DOMESTIC VIOLENCE

"Sec. 2261. Interstate domestic violence.

"Sec. 2262. Interstate violation of protection order.

"Sec. 2263. Pretrial release of defendant.

"Sec. 2264. Restitution.

"Sec. 2265. Full faith and credit given to protection orders.

"Sec. 2266. Definitions.

#### "§ 2261. Interstate domestic violence

"(a) OFFENSES.—

"(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country with the intent to injure, harass, or intimidate that person's spouse or intimate partner, and who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b).

"(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion,

duress, or fraud and, in the course or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person's spouse or intimate partner, shall be punished as provided in subsection (b).

"(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned—

"(1) for life or any term of years, if death of the offender's spouse or intimate partner results;

"(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;

"(3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case, or both fined and imprisoned.

**§ 2262. Interstate violation of protection order**

"(a) OFFENSES.—

"(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

"(A)(i) violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued; or

"(ii) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the order was issued; and

"(B) subsequently engages in such conduct, shall be punished as provided in subsection (b).

"(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, intentionally commits an act that injures the person's spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (b).

"(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned—

"(1) for life or any term of years, if death of the offender's spouse or intimate partner results;

"(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;

"(3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed

in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case, or both fined and imprisoned.

**"§ 2263. Pretrial release of defendant**

"In any proceeding pursuant to section 3142 for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

**"§ 2264. Restitution**

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

"(b) SCOPE AND NATURE OF ORDER.—

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

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

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

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

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

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

"(B) physical and occupational therapy or rehabilitation;

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

"(D) lost income;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) MORE THAN 1 VICTIM.—When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

(7) PAYMENT SCHEDULE.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

(8) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

(A) any Federal civil proceeding; and

(B) any State civil proceeding, to the extent provided by the law of the State.

(9) EFFECT ON OTHER SOURCES OF COMPENSATION.—The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

(10) CONDITION OF PROBATION OR SUPERVISED RELEASE.—Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release, modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willful-

ness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

"(c) AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days before sentencing, the United States Attorney (or such Attorney's delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of the affidavit.

"(d) OBJECTION.—If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (a) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(e) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

"(f) FINAL DETERMINATION OF LOSSES.—If the victim's losses are not ascertainable 10 days before sentencing as provided in subsection (c), the United States Attorney (or the United States Attorney's delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 90 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(g) RESTITUTION IN ADDITION TO PUNISHMENT.—An award of restitution to the victim of an offense under this chapter is not a substitute for imposition of punishment under this chapter.

**"§ 2265. Full faith and credit given to protection orders**

"(a) FULL FAITH AND CREDIT.—Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

"(b) PROTECTION ORDER.—A protection order issued by a State or tribal court is consistent with this subsection if—

"(1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and

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"(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) CROSS OR COUNTER PETITION.—A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

## § 2266. Definitions

"In this chapter—

"'bodily injury' means any act, except one done in self-defense, that results in physical injury or sexual abuse.

"'Indian country' has the meaning stated in section 1151.

"'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

"'spouse or intimate partner' includes—

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

"(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides.

"'State' includes a State of the United States; the District of Columbia; a commonwealth, territory, or possession of the United States.

"'travel across State lines' does not include travel across State lines by an individual who is a member of an Indian tribe when such individual remains at all times in the territory of the Indian tribe of which the individual is a member."

"(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

"110A. Domestic violence ..... 2261."

### CHAPTER 3—ARREST POLICIES IN DOMESTIC VIOLENCE CASES

#### SEC. 40231. ENCOURAGING ARREST POLICIES.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40121(a), is amended—

42 USC 3797.

- (1) by redesignating part U as part V;
- (2) by redesignating section 2101 as section 2201; and
- (3) by inserting after part T the following new part:

### “PART U—GRANTS TO ENCOURAGE ARREST POLICIES

42 USC 3796hh.

#### “SEC. 2101. GRANTS.

“(a) PURPOSE.—The purpose of this part is to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law.

“(b) GRANT AUTHORITY.—The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

“(1) To implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations.

“(2) To develop policies and training in police departments to improve tracking of cases involving domestic violence.

“(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

“(4) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

“(5) To strengthen legal advocacy service programs for victims of domestic violence.

“(6) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

“(c) ELIGIBILITY.—Eligible grantees are States, Indian tribal governments, or units of local government that—

“(1) certify that their laws or official policies—

“(A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

“(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

“(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

“(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and

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"(4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

#### SEC. 2102. APPLICATIONS.

(a) APPLICATION.—An eligible grantee shall submit an application to the Attorney General that—

"(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 2101(c) are met or will be met within the later of—

"(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

"(B) 2 years of the date of enactment of this part;

"(2) describes plans to further the purposes stated in section 2101(a);

"(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

(b) PRIORITY.—In awarding grants under this part, the Attorney General shall give priority to applicants that—

"(1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; and

"(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

#### SEC. 2103. REPORTS.

"Each grantee receiving funds under this part shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Attorney General may prescribe.

#### SEC. 2104. REGULATIONS OR GUIDELINES.

Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment of this part, the Attorney General shall publish final regulations or guidelines implementing this part.

#### SEC. 2105. DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant

42 USC  
3796hh-1.

42 USC  
3796hh-2.

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42 USC  
3796hh-3.

42 USC  
3796hh-4.

monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the eligible State, Indian tribal government, or unit of local government that receives a grant under this part; and

"(2) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding."

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40121(b), is amended by striking the matter relating to part U and inserting the following:

"PART U—GRANTS TO ENCOURAGE ARREST POLICIES

- "Sec. 2101. Grants.
- "Sec. 2102. Applications.
- "Sec. 2103. Reports.
- "Sec. 2104. Regulations or guidelines.
- "Sec. 2105. Definitions.

"PART V—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 2201. Continuation of rules, authorities, and proceedings."

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 40121(c), is amended—

(1) in paragraph (3) by striking "and T" and inserting "T, and U"; and

(2) by adding at the end the following new paragraph:  
"(19) There are authorized to be appropriated to carry out part U—

"(A) \$28,000,000 for fiscal year 1996;

"(B) \$33,000,000 for fiscal year 1997; and

"(C) \$59,000,000 for fiscal year 1998.

(d) ADMINISTRATIVE PROVISIONS.—

(1) REGULATIONS.—Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782(b)) is amended by striking "and O" and inserting "O, and U".

(2) DENIAL OF APPLICATION.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783 (b)) is amended in the first sentence by striking "or O" and inserting "O, or U".

CHAPTER 4—SHELTER GRANTS

SEC. 40241. GRANTS FOR BATTERED WOMEN'S SHELTERS.

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

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

"(1) \$50,000,000 for fiscal year 1996;

"(2) \$60,000,000 for fiscal year 1997;

"(3) \$70,000,000 for fiscal year 1998;

"(4) \$72,500,000 for fiscal year 1999; and

"(5) \$72,500,000 for fiscal year 2000."

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authorization.

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### CHAPTER 5—YOUTH EDUCATION

#### SEC. 40251. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 40211, is amended by adding at the end the following new section:

#### "SEC. 317. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

42 USC 10417.

"(a) GENERAL PURPOSE.—For purposes of this section, the Secretary may, in consultation with the Secretary of Education, select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

"(b) NATURE OF PROGRAM.—The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in consultation with educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers.

"(c) REVIEW AND DISSEMINATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$400,000 for fiscal year 1996."

### CHAPTER 6—COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

#### SEC. 40261. ESTABLISHMENT OF COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 40251, is amended by adding at the end the following new section:

#### "SEC. 318. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

42 USC 10418.

"(a) IN GENERAL.—The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity—

"(1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention and prevention of domestic violence; and

"(2) shall include representatives of pertinent sectors of the local community, which may include—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

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publication.

"(F) human service entities such as State child services divisions;

"(G) business and civic leaders; and

"(H) other pertinent sectors.

"(c) APPLICATIONS.—An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for, developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Secretary may require.

"(d) TERM.—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(e) CONDITIONS ON PAYMENT.—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Secretary; and

"(2) availability of appropriations.

"(f) GEOGRAPHICAL DISPERSION.—The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"(g) USE OF GRANT MONIES.—

"(1) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(2) REQUIREMENTS.—In establishing and operating a project, a nonprofit private organization shall—

"(A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

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"(B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) \$4,000,000 for fiscal year 1996; and

"(2) \$6,000,000 for fiscal year 1997.

"(i) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after the date of enactment, the Secretary shall publish final regulations implementing this section."

Publication.

### CHAPTER 7—FAMILY VIOLENCE PREVENTION AND SERVICES ACT AMENDMENTS

#### SEC. 40271. GRANTEE REPORTING.

(a) SUBMISSION OF APPLICATION.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" after "such State".

(b) APPROVAL OF APPLICATION.—Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following new paragraph:

"(4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds."

#### SEC. 40272. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 309(5)(B) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(5)(B)) is amended by inserting "or other supportive services" before "by peers individually or in groups."

(b) SPECIAL ISSUE RESOURCE CENTERS.—

(1) GRANTS.—Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by striking "six" and inserting "seven".

(2) FUNCTIONS.—Section 308(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(c)) is amended—

(A) by striking the period at the end of paragraph (6) and inserting “, including the issuance and enforcement of protection orders.”; and

(B) by adding at the end the following new paragraph:  
“(7) Providing technical assistance and training to State domestic violence coalitions.”.

(c) STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5);

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph:

“(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

“(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

“(B) planning and conducting State needs assessments and planning for comprehensive services;

“(C) serving as an information clearinghouse and resource center for the State; and

“(D) collaborating with other governmental systems which affect battered women;”;

(3) in paragraph (2)(K), as redesignated by paragraph (1), by striking “and court officials and other professionals” and inserting “, judges, court officers and other criminal justice professionals,”;

(4) in paragraph (3), as redesignated by paragraph (1),

(A) by inserting “, criminal court judges,” after “family law judges,” each place it appears;

(B) in subparagraph (F), by inserting “custody” after “temporary”; and

(C) in subparagraph (H), by striking “supervised visitations that do not endanger victims and their children,” and inserting “supervised visitations or denial of visitation to protect against danger to victims or their children”; and

(5) in paragraph (4), as redesignated by paragraph (1), by inserting “, including information aimed at underserved racial, ethnic or language-minority populations” before the semicolon.

## CHAPTER 8—CONFIDENTIALITY FOR ABUSED PERSONS

42 USC 13951.  
Postal Service.

### SEC. 40281. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

(a) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses.

(b) REQUIREMENTS.—The regulations under subsection (a) shall require—

(1) in the case of an individual, the presentation to an appropriate postal official of a valid, outstanding protection order; and

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(2) in the case of a domestic violence shelter, the presentation to an appropriate postal authority of proof from a State domestic violence coalition that meets the requirements of section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410)) verifying that the organization is a domestic violence shelter.

(c) DISCLOSURE FOR CERTAIN PURPOSES.—The regulations under subsection (a) shall not prohibit the disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes.

(d) EXISTING COMPILATIONS.—Compilations of addresses existing at the time at which order is presented to an appropriate postal official shall be excluded from the scope of the regulations under subsection (a).

### CHAPTER 9—DATA AND RESEARCH

#### SEC. 40291. RESEARCH AGENDA.

42 USC 13961.

(a) REQUEST FOR CONTRACT.—The Attorney General shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice, and direct services to victims and experts on domestic violence in diverse, ethnic, social, and language minority communities and the social sciences. In setting the agenda, the Academy shall focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations.

(b) DECLINATION OF REQUEST.—If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Attorney General shall carry out subsection (a) through the nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

#### SEC. 40292. STATE DATABASES.

42 USC 13962.

Reports.

(a) IN GENERAL.—The Attorney General shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of sexual and domestic violence offenses within a State.

(b) CONSULTATION.—In conducting its study, the Attorney General shall consult persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services

to victims of domestic violence. The final report shall set forth the views of the persons consulted on the recommendations.

(c) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committees on the Judiciary of the Senate and the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$200,000 for fiscal year 1996.

42 USC 13963.

**SEC. 40293. NUMBER AND COST OF INJURIES.**

(a) STUDY.—The Secretary of Health and Human Services, acting through the Centers for Disease Control Injury Control Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—\$100,000 for fiscal year 1996.

**CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT**

42 USC 13971.

**SEC. 40295. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.**

(a) GRANTS.—The Attorney General may make grants to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) DEFINITIONS.—In this section—

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

“rural State” has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) \$7,000,000 for fiscal year 1996;

(B) \$8,000,000 for fiscal year 1997; and

(C) \$15,000,000 for fiscal year 1998.

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(2) **ADDITIONAL FUNDING.**—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

### Subtitle C—Civil Rights for Women

#### SEC. 40301. SHORT TITLE.

This subtitle may be cited as the "Civil Rights Remedies for Gender-Motivated Violence Act".

#### SEC. 40302. CIVIL RIGHTS.

(a) **PURPOSE.**—Pursuant to the affirmative power of Congress to enact this subtitle under section 5 of the Fourteenth Amendment to the Constitution, as well as under section 8 of Article I of the Constitution, it is the purpose of this subtitle to protect the civil rights of victims of gender motivated violence and to promote public safety, health, and activities affecting interstate commerce by establishing a Federal civil rights cause of action for victims of crimes of violence motivated by gender.

(b) **RIGHT TO BE FREE FROM CRIMES OF VIOLENCE.**—All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d)).

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

(d) **DEFINITIONS.**—For purposes of this section—

(1) the term "crime of violence motivated by gender" means a crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim's gender; and

(2) the term "crime of violence" means—

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

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

(e) **LIMITATION AND PROCEDURES.**—

(1) **LIMITATION.**—Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be dem-

Civil Rights  
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42 USC 13701  
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42 USC 13981.

onstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d)).

(2) **NO PRIOR CRIMINAL ACTION.**—Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

(3) **CONCURRENT JURISDICTION.**—The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this subtitle.

(4) **SUPPLEMENTAL JURISDICTION.**—Neither section 1367 of title 28, United States Code, nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

(5) **LIMITATION ON REMOVAL.**—Section 1445 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(d) A civil action in any State court arising under section 40302 of the Violence Against Women Act of 1994 may not be removed to any district court of the United States.”.

**SEC. 40303. ATTORNEY'S FEES.**

Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended in the last sentence—

(1) by striking “or” after “Public Law 92-318,”; and

(2) by inserting “, or section 40302 of the Violence Against Women Act of 1994,” after “1964”.

**SEC. 40304. SENSE OF THE SENATE CONCERNING PROTECTION OF THE PRIVACY OF RAPE VICTIMS.**

It is the sense of the Senate that news media, law enforcement officers, and other persons should exercise restraint and respect a rape victim's privacy by not disclosing the victim's identity to the general public or facilitating such disclosure without the consent of the victim.

Equal Justice  
for Women in  
the Courts Act  
of 1994.

**Subtitle D—Equal Justice for Women in  
the Courts Act**

42 USC 13701  
note.

**SEC. 40401. SHORT TITLE.**

This subtitle may be cited as the “Equal Justice for Women in the Courts Act of 1994”.

**CHAPTER 1—EDUCATION AND TRAINING FOR JUDGES  
AND COURT PERSONNEL IN STATE COURTS**

42 USC 13991.

**SEC. 40411. GRANTS AUTHORIZED.**

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States (as defined in section 202 of the State Justice Institute Act of 1984 (42 U.S.C. 10701)) in training judges and court personnel in the laws of the States and by Indian tribes in training tribal judges and court personnel in the laws

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## VIOLENT CRIME CONTROL ACT

of the tribes on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

### SEC. 40412. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

- (1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;
- (2) the underreporting of rape, sexual assault, and child sexual abuse;
- (3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;
- (4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;
- (5) the historical evolution of laws and attitudes on rape and sexual assault;
- (6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;
- (7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;
- (8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;
- (9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;
- (10) the nature and incidence of domestic violence;
- (11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;
- (12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;
- (13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;
- (14) historical evolution of laws and attitudes on domestic violence;
- (15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;
- (16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;
- (17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court

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42 USC 13992.

personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases; and

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims.

42 USC 13993.

**SEC. 40413. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.**

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

42 USC 13994.

**SEC. 40414. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this chapter \$600,000 for fiscal year 1996.

(b) **MODEL PROGRAMS.**—Of amounts appropriated under this section, the State Justice Institute shall expend not less than 40 percent on model programs regarding domestic violence and not less than 40 percent on model programs regarding rape and sexual assault.

**CHAPTER 2—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS**

42 USC 14001.

**SEC. 40421. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.**

(a) **STUDIES.**—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits and to implement recommended reforms.

(b) **MATTERS FOR EXAMINATION.**—The studies under subsection (a) may include an examination of the effects of gender on—

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of violent crimes in judicial proceedings;

(5) sentencing;

(6) sentencing alternatives and the nature of supervision of probation and parole;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters;

(11) the admissibility of the victim's past sexual history in civil and criminal cases; and

(12) the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts.

(c) CLEARINGHOUSE.—The Administrative Office of the United States Courts shall act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide the Administrative Office of the Courts of the United States with their reports and related material.

(d) MODEL PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, may—

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

#### SEC. 40422. AUTHORIZATION OF APPROPRIATIONS.

42 USC 14002.

There are authorized to be appropriated—

(1) to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services to carry out section 40421(a) \$500,000 for fiscal year 1996;

(2) to the Federal Judicial Center to carry out section 40421(d) \$100,000 for fiscal year 1996; and

(3) to the Administrative Office of the United States Courts to carry out section 40421(c) \$100,000 for fiscal year 1996.

### Subtitle E—Violence Against Women Act Improvements

#### SEC. 40501. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.

Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(3) by adding after subparagraph (B) the following new subparagraph:

“(C) any felony under chapter 109A or chapter 110.”.

#### SEC. 40502. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.

Section 2245(2) of title 18, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking “; and” at the end of subparagraph (C) and inserting “; or”; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;"

42 USC 14011.

**SEC. 40503. PAYMENT OF COST OF TESTING FOR SEXUALLY TRANSMITTED DISEASES.**

(a) **FOR VICTIMS IN SEX OFFENSE CASES.**—Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault. A victim may waive anonymity and confidentiality of any tests paid for under this section."

(b) **LIMITED TESTING OF DEFENDANTS.**—

(1) **COURT ORDER.**—The victim of an offense of the type referred to in subsection (a) may obtain an order in the district court of the United States for the district in which charges are brought against the defendant charged with the offense, after notice to the defendant and an opportunity to be heard, requiring that the defendant be tested for the presence of the etiologic agent for acquired immune deficiency syndrome, and that the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

(2) **SHOWING REQUIRED.**—To obtain an order under paragraph (1), the victim must demonstrate that—

(A) the defendant has been charged with the offense in a State or Federal court, and if the defendant has been arrested without a warrant, a probable cause determination has been made;

(B) the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and

(C) the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease Control, of the etiologic agent for acquired immune deficiency syndrome to the victim.

(3) **FOLLOW-UP TESTING.**—The court may order follow-up tests and counseling under paragraph (b)(1) if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

(4) **TERMINATION OF TESTING REQUIREMENTS.**—An order for follow-up testing under paragraph (3) shall be terminated if the person obtains an acquittal on, or dismissal of, all charges of the type referred to in subsection (a).

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(5) CONFIDENTIALITY OF TEST.—The results of any test ordered under this subsection shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results only to any medical professional, counselor, family member or sexual partner(s) the victim may have had since the attack. Any such individual to whom the test results are disclosed by the victim shall maintain the confidentiality of such information.

(6) DISCLOSURE OF TEST RESULTS.—The court shall issue an order to prohibit the disclosure by the victim of the results of any test performed under this subsection to anyone other than those mentioned in paragraph (5). The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

(7) CONTEMPT FOR DISCLOSURE.—Any person who discloses the results of a test in violation of this subsection may be held in contempt of court.

(c) PENALTIES FOR INTENTIONAL TRANSMISSION OF HIV.—Not later than 6 months after the date of enactment of this Act, the United States Sentencing Commission shall conduct a study and prepare and submit to the committees on the Judiciary of the Senate and the House of Representatives a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

Reports.

## SEC. 40504. EXTENSION AND STRENGTHENING OF RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (2) by inserting "including an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim";

(2) by striking "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

## SEC. 40505. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.

Section 3663 of title 18, United States Code, is amended by adding at the end the following new subsection:

(1) A Federal agency shall immediately suspend all Federal benefits provided by the agency to the defendant, and shall terminate the defendant's eligibility for Federal benefits administered by that agency, upon receipt of a certified copy of a written judicial finding that the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section.

(2) Any written finding of delinquency described in paragraph (1) shall be made by a court, after a hearing, upon motion of

the victim named in the order to receive the restitution or upon motion of the United States.

"(3) A defendant found to be delinquent may subsequently seek a written finding from the court that the defendant has rectified the delinquency or that the defendant has made and will make good faith efforts to rectify the delinquency. The defendant's eligibility for Federal benefits shall be reinstated upon receipt by the agency of a certified copy of such a finding.

"(4) In this subsection, 'Federal benefit' means a grant, contract, loan, professional license, or commercial license provided by an agency of the United States."

42 USC 14012.

**SEC. 40506. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.**

(a) **STUDY.**—The Attorney General, in consultation with the Secretary of Education, shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) **REPORT.**—Based on the study required by subsection (a) and data collected under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of non-campus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

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(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits and civil liability;

(6) in conjunction with the report produced by the Department of Education in coordination with institutions of education under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, an assessment of the policies and practices of educational institutions that are of greatest effectiveness in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Congress no later than September 1, 1996.

(d) DEFINITION.—For purposes of this section, "campus sexual assaults" includes sexual assaults occurring at institutions of post-secondary education and sexual assaults committed against or by students or employees of such institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the study required by this section—\$200,000 for fiscal year 1996.

### SEC. 40507. REPORT ON BATTERED WOMEN'S SYNDROME.

42 USC 14013.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the House Committee on Energy and Commerce, the Senate Committee on Labor and Human Resources, and the Committees on the Judiciary of the Senate and the House of Representatives a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been considered in criminal trials.

(b) COMPONENTS.—The report under subsection (a) shall include—

- (1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;
- (2) a compilation of State, tribal, and Federal court cases in which evidence of battered women's syndrome was offered in criminal trials; and

(3) an assessment by State, tribal, and Federal judges, prosecutors, and defense attorneys of the effects that evidence of battered women's syndrome may have in criminal trials.

42 USC 14014.

**SEC. 40508. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.**

(a) **REPORT.**—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) **USE OF COMPONENTS.**—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

42 USC 14015.

**SEC. 40509. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.**

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

**Subtitle F—National Stalker and Domestic Violence Reduction**

Records.

**SEC. 40601. AUTHORIZING ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.**

(a) **ACCESS AND ENTRY.**—Section 534 of title 28, United States Code, is amended by adding at the end the following:

“(e)(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

“(2) Federal and State criminal justice agencies authorized to enter information into criminal information databases may include—

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"(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

"(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

"(3) As used in this subsection—

"(A) the term 'national crime information databases' means the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

"(B) the term 'protection order' includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection."

(b) RULEMAKING.—The Attorney General may make rules to carry out the subsection added to section 534 of title 28, United States Code, by subsection (a), after consultation with the officials charged with managing the National Crime Information Center and the Criminal Justice Information Services Advisory Policy Board.

SEC. 40602. GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General is authorized to provide grants to States and units of local government to improve processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or unit of local government shall certify that it has or intends to establish a program that enters into the National Crime Information Center records of—

(1) warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence;

(2) arrests or convictions of persons violating protection or domestic violence; and

(3) protection orders for the protection of persons from stalking or domestic violence.

SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

- (1) \$1,500,000 for fiscal year 1996;
- (2) \$1,750,000 for fiscal year 1997; and
- (3) \$2,750,000 for fiscal year 1998.

SEC. 40604. APPLICATION REQUIREMENTS.

An application for a grant under this subtitle shall be submitted in such form and manner, and contain such information, as the Attorney General may prescribe. In addition, applications shall include documentation showing—

28 USC 534 note.

42 USC 14031 note.

42 USC 14032.

42 USC 14033.

- (1) the need for grant funds and that State or local funding, as the case may be, does not already cover these operations;
- (2) intended use of the grant funds, including a plan of action to increase record input; and
- (3) an estimate of expected results from the use of the grant funds.

42 USC 14034.

**SEC. 40605. DISBURSEMENT.**

Not later than 90 days after the receipt of an application under this subtitle, the Attorney General shall either provide grant funds or shall inform the applicant why grant funds are not being provided.

42 USC 14035.

**SEC. 40606. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATIONS.**

The Attorney General may provide technical assistance and training in furtherance of the purposes of this subtitle, and may provide for the evaluation of programs that receive funds under this subtitle, in addition to any evaluation requirements that the Attorney General may prescribe for grantees. The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, or through contracts or other arrangements with other entities.

42 USC 14036.

**SEC. 40607. TRAINING PROGRAMS FOR JUDGES.**

The State Justice Institute, after consultation with nationally recognized nonprofit organizations with expertise in stalking and domestic violence cases, shall conduct training programs for State (as defined in section 202 of the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701)) and Indian tribal judges to ensure that a judge issuing an order in a stalking or domestic violence case has all available criminal history and other information, whether from State or Federal sources.

42 USC 14037.

**SEC. 40608. RECOMMENDATIONS ON INTRASTATE COMMUNICATION.**

The State Justice Institute, after consultation with nationally recognized nonprofit associations with expertise in data sharing among criminal justice agencies and familiarity with the issues raised in stalking and domestic violence cases, shall recommend proposals regarding how State courts may increase intrastate communication between civil and criminal courts.

42 USC 14038.

**SEC. 40609. INCLUSION IN NATIONAL INCIDENT-BASED REPORTING SYSTEM.**

Not later than 2 years after the date of enactment of this Act, the Attorney General, in accordance with the States, shall compile data regarding domestic violence and intimidation (including stalking) as part of the National Incident-Based Reporting System (NIBRS).

42 USC 14039.

**SEC. 40610. REPORT TO CONGRESS.**

The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of State antistalking efforts and legislation.

42 USC 14040.

**SEC. 40611. DEFINITIONS.**

As used in this subtitle—

or local funding, these operations, including a plan of the use of the

of an application whether provide grant funds are not being

ND EVALUATIONS. al assistance and subtitle, and may receive funds under agreements that the technical assist- this section may through contracts

n with nationally e in stalking and rograms for State stitute Authoriza tribal judges to king or domestic ad other informa

COMMUNICATION n with nationally in data sharing with the issues shall recommend rease intrastate

SED REPORTING nactment of this he States, shall midation (includ Based Reporting

gress an annual nactment of this dence of stalking iveness of State

(1) the term "national crime information databases" refers to the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and  
(2) the term "protection order" includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

**Subtitle G—Protections for Battered Immigrant Women and Children**

**SEC. 40701. ALIEN PETITIONING RIGHTS FOR IMMEDIATE RELATIVE OR SECOND PREFERENCE STATUS.**

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

- (1) in subparagraph (A)—
  - (A) by inserting "(i)" after "(A)",
  - (B) by redesignating the second sentence as clause (ii), and
  - (C) by adding at the end the following new clauses:

(iii) An alien who is the spouse of a citizen of the United States, who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the alien's spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien if such a child has not been classified under clause (iv)) under such section if the alien demonstrates to the Attorney General that—

(I) the alien is residing in the United States; the marriage between the alien and the spouse was entered into in good faith by the alien; and during the marriage the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's spouse; and

(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien or a child of the alien.

(iv) An alien who is the child of a citizen of the United States, who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien under such section if the alien demonstrates to the Attorney General that—

(I) the alien is residing in the United States and during the period of residence with the citizen parent the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien.";

(2) in subparagraph (B)—

(A) by inserting "(i)" after "(B)"; and

(B) by adding at the end the following new clauses:

"(ii) An alien who is the spouse of an alien lawfully admitted for permanent residence, who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's legal permanent resident spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien if such a child has not been classified under clause (iii)) under such section if the alien demonstrates to the Attorney General that the conditions described in subclauses (I) and (II) of subparagraph (A)(iii) are met with respect to the alien.

"(iii) An alien who is the child of an alien lawfully admitted for permanent residence, who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States and during the period of residence with the permanent resident parent the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien.";

(3) by adding at the end the following new subparagraph: "(H) In acting on petitions filed under clause (iii) or (iv) of subparagraph (A) or clause (ii) or (iii) of subparagraph (B), the Attorney General shall consider any credible evidence relevant to the petition. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General."

(b) CONFORMING AMENDMENTS.—(1) Section 204(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(2)) is amended—

(A) in subparagraph (A) by striking "filed by an alien who," and inserting "for the classification of the spouse of an alien if the alien,"; and

(B) in subparagraph (B) by striking "by an alien whose prior marriage" and inserting "for the classification of the spouse of an alien if the prior marriage of the alien".

(2) Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "204(a)(1)(A)" and inserting "204(a)(1)(A)(ii)".

(c) SURVIVAL RIGHTS TO PETITION.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(h) The legal termination of a marriage may not be the sole basis for revocation under section 205 of a petition filed under subsection (a)(1)(A)(iii) or a petition filed under subsection (a)(1)(B)(ii) pursuant to conditions described in subsection (a)(1)(A)(iii)(I)."

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## VIOLENT CRIME CONTROL ACT

P.L. 103-322  
Sec. 50001

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect January 1, 1995.

8 USC 1151 note.

### SEC. 40702. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIVER APPLICATIONS.

(a) **IN GENERAL.**—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by inserting after the second sentence the following: "In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to applications made before, on, or after such date.

8 USC 1186a  
note.

### SEC. 40703. SUSPENSION OF DEPORTATION.

(a) **BATTERED SPOUSE OR CHILD.**—Section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)) is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by inserting after paragraph (2) the following:

"(3) is deportable under any law of the United States except section 241(a)(1)(G) and the provisions specified in paragraph (2); has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child of a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such a citizen or permanent resident parent); and proves that during an all of such time in the United States the alien was and is such a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in extreme hardship to the alien or the alien's parent or child."

(b) **CONSIDERATION OF EVIDENCE.**—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

(g) In acting on applications under subsection (a)(3), the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.

## TITLE V—DRUG COURTS

### SEC. 50001. DRUG COURTS

(a) **IN GENERAL.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

42 USC 3797.