

N O W Legal Defense and Education Fund

"Defining and Defending Women's Rights for 28 Years"

119 Constitution Ave, NE Washington, D.C. 20002 (202) 544-4470 fax: (202) 546-8605 e-mail nowldefdc@aol.com

F A X

Date: 3-12 Fax#: 456 7311
To: Robin + Audrey
From: fat # of pages, incl. cover: 9
Comments:

[Handwritten signature/initials inside a circle, with an arrow pointing to the right]

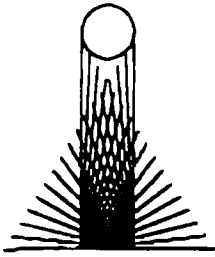
March is Women's History Month

Celebrate the *"performing for more than
applause sisters,"* from Toni Asante
Lightfoot's *"For the Sisters Who Got Us Here"*

Please note that we have a new mailing address, but are still in our same office. Thanks

"Thank you for supporting our work through your generous year-end donation"

1914 on CFC/United Way



*****DRAFT SUMMARY*****
of the proposed House Bill

March 11, 1998

NOW LEGAL DEFENSE

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

THE VIOLENCE AGAINST WOMEN ACT OF 1998

*****Please Note: The press conference to announce the official introduction of VAWA II will be on March 19, 1998. The entire text of the bill is posted on the NOW LDEF website (<http://www.nowldef.org>). The Senate counterpart hopes to be ready on March 19 as well and while there may be some differences, we expect it to be very compatible with the House version.**

TITLE I - Continuing the Commitment of the Violence Against Women Act
(Reauthorization & improvements)

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; 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, Sponsors: _____ **Contact: Donna Edwards, NNEDV, 347-9520.**

Subtitle B. National Domestic Violence Hotline - reauthorizes funding for the National Domestic Violence Hotline; includes additional oversight and review prior to reauthorization, Sponsors: _____ **Contact: Donna Edwards, NNEDV, 347-9520.**

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 and for state coalitions with remainder going to domestic violence programs; adds new proposals for training or technical assistance, **Based on Bill Sponsored by: Rep. Lowey (D-NY) Contact: Susannah Baruch, Lowey, 225-6506.**

Subtitle D. Grants for Community Initiatives - reauthorizes and increases funding for grants for community initiatives; includes additional oversight, Sponsors: Rep. Furse (D-OR) **Contact: Marie Reitmann, Furse, 225-0855.**

Subtitle E. Education and Training for Judges and Court Personnel - reauthorizes funding for federal and state judicial training on violence against women; adds training on domestic violence and child abuse in custody determinations, Sponsors: Rep. Morella (R-MD), Rep. Schumer (D-NY) **Contact: Pam Coukos, NCADV, 544-7358.**

Subtitle F. Grants to Encourage Arrest Policies - reauthorizes funding for implementation of proarrest policies in domestic violence cases; coordination and computer tracking of cases to ensure communication among police, prosecution and courts; and strengthening legal advocacy programs for victims; adds set-aside for tribes, Sponsors: _____ **Contact: Andrea Williams, NOWLDEF, (212) 925-6635.**

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, **Sponsors:** _____
Contact: Andrea Williams, NOWLDEF, (212) 925-6635.

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, **Sponsors:** _____ **Contact:** Andrea Williams, NOWLDEF, (212) 925-6635.

Subtitle I. Federal Victims' Counselors - reauthorizes funding for Victim/Witness Counselors in the prosecution of sex crimes and domestic violence under federal law, **Sponsors:** _____
Contact: Andrea Williams, NOWLDEF, (212) 925-6635.

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 referral of runaway, homeless, and street youth who have been abused or are at risk of abuse; includes additional oversight mechanisms, **Sponsors:** _____ **Contact:** Andrea Williams, NOWLDEF, (212) 925-6635.

Subtitle K. Victims of Child Abuse Programs - reauthorizes funding for Court-Appointed Special Advocates for victims of child abuse; training programs on child abuse for judicial personnel and attorneys; 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, **Sponsors:** _____ **Contact:** Andrea Williams, NOWLDEF, (212) 925-6635.

TITLE II. Limiting the Effects of Violence on Children

> Brand new section

Subtitle A. Safe Havens for Children - grants to establish and operate supervised visitation centers to facilitate child visitation and visitation exchange, **Based on Bill Sponsored by:** Rep. Morella (R-MD), Rep. Schumer (D-NY), Sen. Durbin (D-IL), Sen. Wellstone (D-MN) (formerly entitled "Creation of Supervised Child Visitation Centers") **Contact:** Pam Coukos, NCADV, 544-7358.

Subtitle B. Violence Against Women Prevention Among Youth in Schools - grants for education programs and teacher training in primary schools, middle schools, and secondary schools about domestic violence and sexual assault, **Sponsors:** Wellstone (D-MN) **Contact:** Charlotte Oldham-Moore, 224-5641.

Subtitle C. Family Safety - amends the criminal component of the Parental Kidnapping Prevention Act 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 and child sexual assault as factors in determining what state has jurisdiction of a custody case, **Based on Bill Sponsored by:** Rep. Morella (R-MD), Rep. Schumer (D-NY) **Contact:** Pam Coukos, NCADV, 544-7358.

Subtitle D. Domestic Violence and Children - Sense of Congress calling for reforms of state laws on domestic violence and child custody, **Based on Resolution Sponsored by:** Rep. Morella (R-MD), Rep. Schumer (D-NY) **Contact:** Pam Coukos, NCADV, 544-7358.

Subtitle E. Child Welfare Worker Training on Domestic Violence and Sexual Assault - provides demonstration grants to child welfare agencies to collaborate with community-based domestic violence and sexual assault programs in improving policies and procedures and providing training on domestic violence and sexual assault, **Based on Bill Sponsored by:** Rep. Morella (R-MD), Rep. Schumer (D-NY) **Contact:** Pam Coukos, NCADV, 544-7358.

*Most controversial
Section
Fathers
rights
groups
against*

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, **H.R. 1142**, **Sponsors:** Reps. Maloney (D-NY), Ramstad (R-MN), Smith (R-NJ) & Del. Norton (D-DC) **Contact:** Gail Ravnitzky, Maloney, 225-7944.

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 and helps states provide technical assistance, information dissemination and educational programs, **Sponsors:** _____ **Contact:** Ellin Nolan, NASAC, 289-3900.

Subtitle B. Standards of Practice and Training for Sexual Assault Examinations - directs Attorney General to evaluate existing standards of training, practice and payment of forensic examinations and to recommend national protocol, **Sponsors:** Rep. Schumer (D-NY) **Contact:** Kate Scheeler, Schumer, 225-6616.

Subtitle C. Prevention of Custodial Sexual Assault by Correctional Staff - directs AG 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, **Adapted from H.R. _____**, **Sponsors:** Rep. Conyers (D-MI) (formerly entitled "Prevention of Sexual Misconduct in Prisons") **Contact:** Melanie Sloane, Conyers, 225-6906.

Subtitle D. 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, **S. 1529, H.R. 3081**, **Sponsors:** Sen. Kennedy (D-MA), Sen. Specter (R-PA), Sen. Wyden (D-OR), Rep. Schumer (D-NY), Rep. McCollum (R-FL) **Contact:** Julie Goldscheid, NOW LDEF, (212) 925-6635.

TITLE IV. - Domestic Violence

Subtitle A. Domestic Violence Victims' Housing - makes available Section 8 housing certificates for victims of domestic violence, **Adapted from H.R. 871, S. 1128**, **Sponsors:** Rep. Frank (D-MA), Sen. Wellstone (D-MN) **Contact:** Marcia Kuntz, Frank, 225-5931, Charlotte Oldham-Moore, Wellstone, 224-5641.

Subtitle B. Full Faith and Credit for Protection Orders - reduces Byrne grants to law enforcement by 10% for failing to comply with the 1994 VAWA's full faith and credit provisions; Attorney General to provide grants to law enforcement in order to improve enforcement and record keeping; amends full faith and credit statute to address registration and notification issues as well as clarify coverage of custody provisions in protection orders, **Adapted from H.R. 935, S. 666**, **Sponsors:** Rep. Conyers (D-MI), Sen. Lautenberg (D-NJ) **Contact:** Melanie Sloan, 225-6906.

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, **H.R. 1117, S. 467**, **Sponsors:** Reps. Sanders (I-VT), Schumer (D-NY) & Morella (R-MD), Senator Wellstone (D-MI) **Contact:** Terry Fromson, Women's Law Project, (215) 928-9801.

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, **H. Con. Res. 29, Sponsors:** Reps. Sanders (I-VT) & Morella (R-MD) **Contact:** Bill Gould, Sanders, 225-4115, Cindy Hall, Morella, 225-5341.

Subtitle E. Keeping Firearms from Intoxicated Persons - adds Intoxication to the list of grounds for prohibiting sale of firearms, **H.R. _____, Sponsors:** Rep. Conyers (D-MI) (entitled "Prohibition on Transfer of Firearms to Intoxicated Individuals") **Contact:** Melanie Sloan, 225-6906.

Subtitle F. Access to Safety and Advocacy - 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, **Sponsors:** _____ **Contact:** Rob Valente, ABA Task Force on DV, 662-1737.

Subtitle G. Witness Protection for Victims of Domestic Violence - amends Federal Witness Protection statute to permit coverage of domestic violence victims, **Sponsors:** _____ **Contact:** Pam Coukos, NCADV, 544-7358.

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, **Sponsors:** _____ **Contact:** Donna Edwards, NNEDV, 347-9520.

Subtitle B. Transitional Compensation Amendments - provides medical, mental health and dental care for dependents of former members of the uniformed forces during a transitional compensation period, **Sponsors:** _____ **Contact:** Donna Edwards, NNEDV, 347-9520.

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; training programs for law enforcement offices, social service and health providers on domestic violence against older women; community initiatives to combat domestic violence against older women; outreach programs targeted to older women who are victims of domestic violence; adds domestic violence service programs for older women to the Family Violence Prevention and Services Act, **Based on Bill Sponsored by:** Rep. Maloney (D-NY) **Contact:** Gail Ravnitzky, Maloney, 225-7944.

Subtitle B. Protection for Violence Against Disabled Women - ensures inclusion of women with disabilities in existing programs; provides for judicial training on issues of violence against women with disabilities; authorizes training program for social service and health care providers, research and technical assistance to service providers, **Sponsors:** _____ **Contact:** Curt Decker, NAPAS, 408-9514.

Subtitle C. Battered Immigrant Women - prevents changes in abuser's status from undermining victim's petitions; allows battered immigrants with approved self-petitions to safely obtain their lawful permanent resident status in the US; restores VAWA cancellation for otherwise qualified VAWA applicants who receive charging documents; offers derivative beneficiary status to children whose parents file VAWA suspension/cancellation applications; grants access to cancellation of removal for battered immigrant women whose spouses were bigamists, or whose citizen or lawful permanent resident fiancée brought them to the US on fiancée visas but refused to marry them within 90 days;

extends LSC exception to include use of private funding to represent any immigrant victim of domestic violence and authorized LSC funded programs to use Federal dollars to represent battered immigrants eligible for VAWA; grants access to VAWA for abused wives of military personnel; training for military officers, immigration judges, immigration officers and justice system personnel on domestic violence and the remedies available to battered immigrant women; extends access to elder immigrants abused by their adult son or daughter and to nonimmigrant visa holders; removes the requirement to prove extreme hardship for self-petitioners; eliminates the requirement that battered immigrants who entered the country after April 1, 1997 show that there was a substantial connection between their entry into the US and their abuse; waives the bar to a finding of "good moral character" in the case of an alien who qualifies for VAWA relief, but who has also committed a crime under duress from the batterer or committed an act of domestic violence in self-defense, **Sponsors:** _____ **Contact:** Leslye Orloff, AYUDA, 387-0434.

Subtitle D. Conforming Amendments to the Violence Against Women Act - amends the definitions of underserved populations 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, **Sponsors:** _____ **Contact:** Pam Coukos, NCADV, 544-7358.

TITLE VII. 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 employers and labor organizations in their efforts to develop and implement responses to assist victims of domestic violence and sexual assault, **Adapted from Bill Sponsored by: Sen. Biden (D-DE)** **Contact:** Jane Woodfin, Biden, 224-5042.

Subtitle B. Victims' Employment Rights - prohibits employers from taking adverse job actions against an employee because they are the victim of violent crime; **Sponsor:** _____ **Contact:** Julie Goldscheid, NOW LDEF, (212) 925-6635.

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, Sponsors:** Rep. Lowey (D-NY) **Contact:** Suzannah Baruch, 225-6506.

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 to provide leave to employees 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 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, **H.R. 851, S.367, Sponsors:** Rep. Roybal-Allard (D-CA), Sen. Wellstone (D-MN). **Contact:** Charlotte Oldham-Moore, Wellstone, 224-5641/Ellen Riddleberger, Roybal-Allard, 225-1766.

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, and caseworkers, supervisors, administrators and administrative law judges involved in federal and state benefits programs, **Based on Bill Sponsored by: Sen. Biden (D-DE)** **Contact:** Jane Woodfin, 224-5042.

Subtitle F. Workers' Compensation - Sense of Congress that provides worker's compensation benefits should be provided to women that 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, **Sponsors:** _____ **Contact:** Julie Goldscheid, NOW LDEF, (212) 925-6635.

TITLE VIII. Educational Institutions and Violence Against Women

Subtitle A. Grants to Reduce Violent Crimes Against Women on Campus - authorizes collaborative grants for campus administrators, student organizations and victim services to improve their response to violence against women on campus and coordination with local criminal justice authorities; authorizes a study of campus procedures in case of report of a sexual assault, **Based on Bill Sponsored by:** Rep. Schumer (D-NY) (formerly "Law Enforcement and Campus Grants to Reduce Violent Crimes Against Women on Campus") **Contact:** Sarita Gupta, USSA, 347-8772.

Subtitle B. Student Safety - expands the category of people required to report crimes; requires statistics to be submitted to the Department of Education; requires dissemination of monthly reports listing non-identifying information on reported campus crimes, **Adapted from H.R. 715, Sponsors:** Rep. Schumer (D-NY) **Contact:** Kate Scheeler, Schumer, 225-6616.

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 victims of domestic violence or sexual assault, **Adapted from S. 101, H.R. 884, Sponsors:** Sens. Boxer (D-CA) & Wyden (D-OR) and Rep. Morella (R-MD) **Contact:** Kate O'Malley, Boxer, 224-3553, Lindsay Rosenberg, Wyden, 224-5244 or Cindy Hall, Morella, 225-5341.

Subtitle D. Campus Hate Crimes Right to Know. Expands the federal reporting requirements of colleges and universities to cover all incidents of hate crimes, **S. 1493, Sponsor:** Sen. Torricelli (D-NJ) **Contact:** Stacy Rampy, 224-3224.

TITLE IX. Research on Violence Against Women

Directs the Attorney General and HHS to establish a multi-agency task force to coordinate research on violence against women; grants to support research on causes of violence against women and effectiveness of education, prevention and intervention programs; grants to address gaps in research on violence against women, particularly divorce and child custody cases where domestic violence is a factor and violence against women in underserved populations; mandates a study and report by the U.S. Sentencing Commission on sentences given in crimes of domestic violence; grants to conduct research on the experiences of women and girls in the healthcare, judicial and social services systems who become pregnant as a result of sexual assault; authorizes study and report on the uniformity of laws among states and their effectiveness in prosecuting rape and sexual assault offenses (this section **Sponsored by:** Rep. Schumer (D-NY) **Contact:** Andrea Williams, NOWLDEF, (212) 925-6635); directs HHS and DOJ to establish 3 research centers to develop and coordinate research on violence against women, **Sponsors:** _____ **Contact:** Donna Edwards, NNEDV, 202-347-9520.

For more information about the new Violence Against Women Act, contact Andrea Williams in the NY NOW LDEF office at (212) 925-6635. or Pat Reuss, Julev Fulcher or Jennifer Corrigan in the Washington, D.C. office at (202) 544-4470. Compiled by Julev Fulcher and Jennifer Corrigan.

The Violence Against Women Act of 1998

House: Sponsors and Potential Sponsors

CHIEF SPONSORS:

Conyers (MI)
Schumer (NY)
Morella (MD)

ORIGINAL CO-SPONSORS:

Boucher (VA)
Brown, G (CA)
DeGette (CO)
Delahunt (D-MA)
Faleomavaega (AS)
Filner (CA)
Foley (FL)
Frost (TX)
Furse (OR)
Gejdenson (CT)
Hilliard (AL)
Norton (DC)
Jackson-Lee (TX)
Kennelly (CT)
Kleczka (WI)
Leach (IA)
Lowey (NY)
McDermott (WA)
Manton (NY)
Markey (MA)
Pelosi (CA)
Roybal-Allard (CA)
Sanders (VT)
Sawyer (OH)
Scott (VA)
Torres (CA)
Underwood (GU)
Vento (MN)
Waxman (CA)
Wexler (FL)

TARGETS:

Abercrombie (RI)
Ackerman (NY)
Allen (ME)
Andrews, R (NJ)
Baldacci (ME)
Barcia (MI)

Barrett (WI)
Becerra (CA)
Bentsen (TX)
Berry (AR)
Bilirakis (FL)
Bishop (GA)
Bliley (VA)
Bonior (MI)
Borski (PA)
Bilbray (CA)
Blagojevich (IL)
Blumenauer (OR)
Boswell (IA)
Boyd (FL)
Brown, C (FL)
Cardin (MD)
Carsin (IN)
Castle (DE)
Christian-Green (VT)
Clay (MO)
Clayton (NC)
Clement (TN)
Costello (IL)
Coyne (PA)
Cramer (AL)
Cummings (MD)
Danner (MO)
Davis, D. (IL)
Davis, J. (FL)
Davis, T. (VA)
DeFazio (OR)
Dalahunt (MA)
DeLauro (CT)
Deutsch (FL)
Dicks (WA)
Dixon (CA)
Doggett (TX)
Dooley (CA)
Doyle (PA)
Engel (NY)
Eshoo (CA)
Etheridge (NC)
Evans (IL)
Fattah (PA)
Fawell (IL)
Fazio (CA)
Ford, (TN)

Frank (MA)
Gilchrest (MD)
Gillmor (OH)
Gilman (NY)
Gingrich (GA)
Goode (VA)
Goss (FL)
Green (TX)
Gutierrez (IL)
Hall (OH)
Hamilton (IN)
Harman (CA)
Hastings (FL)
Hinchey (NY)
Hinojosa (TX)
Holden (PA)
Hooley (OR)
Hoyer (MD)
Hyde (IL)
Jackson (IL)
Jackson Lee (TX)
Jefferson (LA)
John (WI)
Johnson, EB (TX)
Johnson, N (CT)
Kaptur (OH)
Kennedy, J. (MA)
Kennedy, P. (RI)
Kildee (MI)
Kilpatrick (MI)
Kind (D-WI)
Klink (PA)
Klug (WI)
Kucinich (OH)
LaFalce (NY)
Lampson (TX)
Lantos (CA)
Levin (MI)
Lewis (GA)
Lipinski (IL)
Lofgren (CA)
Luther (MN)
McCarthy, C (NY)
McCarthy, K (MO)
McGovern (D-MA)
McHale (PA)
McHugh (NY)
McInnis (CO)

McIntyre (NC)
McKinney (GA)
Maloney (NY)
Maloney, J. (CT)
Martinez (CA)
Mascara (PA)
Matsui (CA)
Meehan (MA)
Meek (FL)
Menendez (NJ)
Miller (CA)
Millender-McDonald (CA)
Minge (MN)
Mink (HI)
Moakley (MA)
Mollohan (WV)
Moran (VA)
Myrick (NC)
Nadler (NY)
Neal (MA)
Oberstar (MN)
Olver (MA)
Owens (NY)
Pallone (NJ)
Pastor (AZ)
Pascrell (NJ)
Payne (NJ)
C. Peterson (MN)
Pomeroy (ND)
Porter (IL)
Poshard (IL)
Pryce (OH)
Quinn (NY)
Rahall (WV)
Ramstad (MN)
Rangel (NY)
Reyes (TX)
Rivers (MI)
Rodriguez (TX)
Romero-Barcelo (PR)
Rothman (NJ)
Roukema (NJ)
Kush (IL)
Sabo (MN)
Sanchez (CA)
Sandlin (TX)

Schiff (NM)
Serrano (NY)
Shays (CT)
Sherman (CA)
Smith, A. (WA)
Smith, L. (TX)
Slaughter (NY)
Snyder (AR)
Stabenow (MI)
Stark (CA)
Stokes (OH)
Strickland (OH)
Stupak (MI)
Tauscher (CA)
Thurman (FL)
Tierney (MA)
Towns (NY)
Traficant (OH)
Turner (TX)
Upton (MI)
Velazquez (NY)
Visclosky (IN)
Walsh (NY)
Waters (CA)
Weldon (PA)
Weygand (RI)
Wise (WV)
Woolsey (CA)
Wynn (MD)
Yates (IL)

Republicans underlined

NOW LDEF

The above list includes all sponsors of the original VAWA as well as progressive members elected since '94.

March 10, 1998

The Violence Against Women Act of 1998

Senate: Sponsors and Potential Sponsors

PROBABLE CHIEF SPONSORS:

Biden (DE)
Boxer (CA)
Durbin (IL)
Kennedy (MA)
Lautenberg (NJ)
Wellstone (MN)

PROBABLE ORIGINAL CO- SPONSORS:

Dodd (CT)
Landrieu (LA)
Leahy (VT)
Specter (PA)
Torricelli (NJ)
Wyden (OR)

VAWA I SPONSORS:

Akaka (HI)
Hutchison (TX)
Baucus (MT)
Bingaman (NM)
Breaux (LA)
Bryan (NV)
Bumpers (AR)
Burns (MT)
Campbell (CO)
Chafee (RI)
Conrad (ND)
D'Amato (NY)
Daschle (SD)

Dorgan (ND)
Feinstein (CA)
Ford (KY)
Glenn (OH)
Gorton (WA)
Graham (FL)
Harkin (IA)
Hatch (UT)
Hollings (SC)
Inouye (HI)
Jeffords (VT)
Johnson (SD)
Kerrey (NE)
Kerry (MA)
Kohl (WI)
Levin (MI)
Lieberman (CT)
Mikulski (MD)
Moseley-Braun (IL)
Moynihan (NY)
Murkowski (AK)
Murray (WA)
Reed (RI)
Reid (NV)
Robb (VA)
Rockefeller (WV)
Sarbanes (MD)
Shelby (AL)
Snowe (ME)
Warner (VA)

*The above list includes all
sponsors of VAWA I in
either the Senate or the
House.*

ADDITIONAL CONTACTS:

Bennett (UT)
Bond (MO)
Cleland (GA)
Collins (ME)
DeWine (OH)
Domenici (NM)
Feingold (WI)
Frist (TN)
Grams (MN)
Grassley (IA)
Gregg (NH)
Kyl (AZ)
Mack (FL)
McCain (AZ)
Santorum (PA)
Smith (OR)
Stevens (AK)
Thompson (TN)

Republicans underlined

3/9/98

MEMORANDUM

TO: BRUCE REED, ELENA KAGAN
FROM: TOM FREEDMAN, MARY L. SMITH
RE: VIOLENCE AGAINST WOMEN IDEAS
DATE: JANUARY 22, 1997

LEGISLATION

- Rep. Conyers has an omnibus bill on violence against women initiatives. This bill is currently in flux, and it is not moving. There is some movement in the Senate on trying to introduce a smaller bill. Senator Biden is taking the lead on this, with support from Senators Leahy, Boxer, and Murray. Because there is really not a tight bill out there currently, we should probably wait to endorse any particular piece of legislation.

OTHER VIOLENCE AGAINST WOMEN INITIATIVES

- **Administration support for reauthorization of VAWA.** One step the Administration could take is to support reauthorization of the original VAWA legislation. The original Violence Against Women Act was passed in 1994, and expires in 2000. Administration support for reauthorization would send a strong message, and could be a significant step in this area. The Violence Against Women Office strongly supports this option.
- **National Association of Attorneys General Summit on Domestic Violence on March 25-26.** The Administration could participate in this summit with the President issuing a proclamation that emphasizes a comprehensive community approach to dealing with domestic violence that emphasizes both prosecution and prevention. This dual approach parallels the approach in the Violence Against Women Act.
- **Report on the gun seizures under the original VAWA legislation.**
- **Encourage states to adopt a uniform standard for child custody in domestic violence cases.**

MEMORANDUM

TO: TOM FREEDMAN, MARY L. SMITH
FROM: DREW HANSEN
RE: VIOLENCE AGAINST WOMEN ACT II
DATE: AUGUST 20, 1997

These are brief summaries of the bills included in the proposed VAWA II packet.

I. Sexual Assault

Preventing Sexual Misconduct in Prisons (Conyers)

- Prohibits State Departments of Corrections from hiring persons guilty of custodial sexual misconduct; requires the creation and maintenance of databases to make sure that this does not happen.
- Requires criminal penalties for custodial sexual misconduct.
- Enforcement for the above provided by reduction of '94 crime law funds by 10%.
- Creates a National Sexual Contact Hotline (800 #) for prisons.

Protection from Sexual Predators (Slaughter)

- Mandates life imprisonment for interstate sexual crimes for persons convicted of a previous state or federal sex crime, and ensures that such life imprisonment sentences are without the possibility of parole.
- Commissions a NIJ study of persistent sexual predators.

Accuracy of Campus Crime Reporting (Duncan)

Makes it easier for university officials to submit sexual incident (not only arrest) statistics and makes such information public. Noncompliance leads to reduction in federal funding.

Law Enforcement and Campus Grants to Reduce Violent Crimes Against Women on Campus

Grants to help campus administration and law enforcement officials to develop strategies to combat violence against women (such as increasing campus security and developing and enhancing victim services). Grants are \$500,000 per state and encourage cooperation with other

federal agencies.

National Commission on Standards of Practice and Training for Sexual Assault Examination Act

Creates a national commission to evaluate standards and create new standards for sexual assault forensic examinations.

Rape Prevention Education Amendments

Gives grants of \$45-50 million to rape crisis centers and nonprofit/non-governmental state sexual assault coalitions to develop educational seminars, hotlines, professional training, information, and public education activities regarding rape. 25% of such grants must go to middle schools, junior highs, and high schools. (This follows the provision in the '94 crime bill that 15% of certain funds must go to rape prevention activities).

Mandatory Notification of Options for College and University Students

Requires university officials who receive reports of sexual assault to notify the victim of the following options and to make the policy widely known:

- To contact the local police instead of or in addition to campus police.
- To contact a local rape crisis center instead of or in addition to university services.
- To contact a national sexual assault hotline.

II. Domestic Violence

Full Faith and Credit of Protection Orders and Grant Program (Conyers)

- Reduces funds allocated under the 1968 crime bill to states that do not give full faith/credit to protection orders.
- Provides \$1 million per year for three years for grants to provide technical assistance to states in recognizing protection orders.

Prohibition on Transfer of Firearms to Intoxicated Individuals (Conyers)

Prohibits the transfer of firearms to intoxicated individuals.

Domestic Violence Identification and Referral Act of 1997 (Boxer/Morella)

Establishes preferred grant treatment for persons who have training in identifying, treating, and referring domestic violence victims.

Domestic Violence Victims Housing Act (Frank) *

Expands Section 8 housing assistance by \$50 million for people who have left or are leaving a residence as a result of domestic violence.

Domestic Violence Legal Services Eligibility Act (Pelosi)

Mandates that the LSC prescribe an "income rule" for determining if a client who is a victim of domestic violence is eligible for assistance (i.e. only the income of the client will be the consideration).

Domestic Violence Insurance Protection Act (Sanders)

Prohibits providers of health insurance, workers' compensation, auto medical insurance from using the fact that someone was a victim of domestic violence as a grounds for denying coverage, restricting coverage, refusing to renew coverage, increasing premiums, terminating coverage that was in a partner's name after divorce or separation or after the partner terminates the policy. Enforced by FTC oversight and/or by private action against the insurer.

National Summit on Sports and Violence (H.Con.Res. Sanders)

Should convene a national summit among persons related to sports (teams, media, community leaders, etc.) to develop a multifaceted action plan to deter acts of violence, especially domestic violence and sexual assault.

Community Initiatives Act (Eurse)

Reauthorization of \$12 million in grants through 2002 for community initiatives regarding domestic violence.

Battered Women's Shelter Act (Lowey)

Grants for battered women's shelters, starting from \$50 million for FY '96 and increasing to \$260 million for FY 2002.

III. Limiting the Effects of Violence on Children

Family Safety Act of 1997 (Morella)

- Provides protection for children in cases of so-called parental kidnaping and potential return of children to abusive parents. Aims to set up protection standards for interstate relocation when parents dispute custody. Makes it an affirmative defense to a charge of parental kidnaping that the defendant acted within visitation rights, was fleeing a domestic violence situation, and could not return the child because of circumstances beyond the defendant's control.

- Funds a study of divorce and child custody cases in which domestic violence is a factor.
- Provides grants to states to enable them to enter into agreements to establish supervised visitation centers.

Concurrent Resolution Regarding Domestic Violence and Children (Morella)

Resolution that:

- It is not in the best interest of children to not have a presumption with prime custodial parent, to force parents to share custody in a domestic violence situation, to punish abused parents who protect themselves, to presume that allegations of domestic violence in custody and divorce proceedings are false, and to make 'friendly parent' provisions a factor when abuse is involved.
- Child abuse/child sexual abuse cases should be fully investigated regardless of when they are raised or whether the child has recanted the allegation.
- States should be far more protective of victims of domestic/family violence in custody and visitation determinations and not order inappropriate mediation, counseling, etc.

Creation of Supervised Child Visitation Centers (Morella)

Provides grants to states to establish supervised visitation centers. Grants are \$75 million in FY 1998 and rise to \$95 million by FY 2000.

Domestic Violence, Child Custody, and Child Protection Act (Morella)

- Requires states to provide training in domestic violence, sexual assault, and child abuse to staff responsible for investigation of reports of abuse and neglect to receive a grant under the Child Abuse Prevention and Treatment Act.
- Makes domestic violence a major consideration in foster care placement decisions.
- Requires states to provide training in domestic violence, sexual assault, and child abuse for anyone appointed to represent a child during judicial proceedings where abuse is an issue.
- Requires states to train judges and court personnel in the ways that domestic violence affects custody decisions, including the debunking of "parental alienation syndrome."
- Makes protection of children from potential abuse an affirmative defense to kidnapping or custodial interference charges.

ERISA Child Abuse Accountability Act (Maloney)

Permits the creation or assignment of rights to employee pension benefits if necessary to satisfy a judgment against a plan participant or beneficiary for physically, sexually, or emotionally abusing a child.

Rape and Child Custody

Protects rape victims from child custody disputes brought by the rapist: prohibits states from compelling victims of rape that resulted in birth of a child to comply with any order of parental/visitation rights, allows victims to seek redress in federal court.

IV. Domestic Violence in the Military

Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence (DeWine)

Provides for civilian law enforcement proceedings against armed forces personnel who commit crimes of sexual assault and domestic violence.

Commission on Military Justice and Fairness Act (Maloney)

Establishes a Commission on Military Justice and Fairness to investigate certain aspects of the military justice system, including investigation of reports of sexual misconduct, sexual harassment, and unlawful gender discrimination.

Technical Amendments

Inserts new provisions regarding domestic violence into military justice regulations and provides for compensation with medical and dental care for victims who were dependents of armed forces members.

V. Crime Victims Assistance Act (Leahy)

A series of protections for victims of crime.

- Right to be notified of detention hearing and right to be heard on the issue of detention.
- Enhanced right to order of restitution.
- Right to be notified of escape or release from prison.
- Right to be notified of plea agreement and to be heard on merits of the plea agreement.
- Rights of notification and allocution at a probation revocation hearing.

- Enhanced right to be present at trial.
- Compliance assured by Attorney General review and by pilot programs to establish ombudsman programs for crime victims.
- Increased victim-assistance personnel, increased training for criminal justice officials to respond to the needs of victims.
- Other amendments to Victims of Crime Act of 1994.

VI. Protections for Women at High Risk

Older Women's Protection from Violence Act (Maloney)

- Creates long-term care ombudsman program and law school clinical programs on elder abuse.
- Creates training programs for law enforcement offices and social and health providers regarding elder abuse.
- Provides for grants to fund community initiatives, outreach programs, and other services to combat domestic violence against older women.

Protections Against Disabled Women



Requires U.S. Attorney General to establish a disabled women's project within the office of Violence Against Women.



Requires recipients of federal crime victim funds to comply with ADA. Programs should hire qualified disabled women to serve victims of crime.



Requires DOJ to establish data collection services regarding disabled women and domestic violence.

- Requires AG to request studies on disabled women and domestic violence designed and conducted by disabled women who are qualified researchers.
- Requires AG to establish the authority to receive and perform criminal background checks on persons applying to be personal assistants.
- Funds a project in which disabled women develop training on sexual assault.
- Requires AG to fund a national education campaign by and for disabled women.
- These strategies should be implemented by a.) set-asides of a percentage of VAWA

funds, and 2.) prioritization of grant applications that include plans to meet the needs of women with disabilities.

Protections for Battered Immigrant Women

An array of protections for battered immigrant women.

- The AG may cancel removal of an alien if removal would cause extreme hardship to the alien's parent.
- Provides other anti-removal protections for immigrants.
- Allows the AG to waive the "good moral character" requirement for stopping deportation proceedings in cases of certain crimes committed under the influence of domestic violence.
- Makes it easier for abused spouses to stay in the country when their abuser is deported because of abuse.
- Adds protections for victims of domestic violence who are married to bigamists who are U.S. citizens and for victims of domestic violence who are in the United States because of derivative visas (i.e. visas depending on someone in the United States).
- Improves protections for non-citizen spouses of U.S. military personnel.
- Improves protections for elder abuse victims who are immigrants.
- Removes barriers to gaining lawful permanent resident status for immigrant VAWA applicants (including the barrier on drug use if such drug use was resorted to as a result of domestic violence).
- Improves access to VAWA suspension of deportation/cancellation of removal and suggests additional provisions for children.
- Makes it easier for battered immigrant women to receive work authorization.
- Preserves battered women's ability to naturalize.
- Gives access to files which are ordinarily protected by the Privacy Act so that battered women immigrant can make a case for relief.
- Expands access to Legal Services, SSI, and Food Stamps for battered immigrant women.
- Provides for training for relevant personnel.

VII. Workplace Safety

National Workplace Clearinghouse Domestic and Sexual Violence Grant

Authorizes the AG to make a grant to establish a national clearinghouse on domestic and sexual violence in the workplace.

Crime Victims' Employment Non-Discrimination Act

Prohibits employers from taking or threatening adverse job action against an employee who has been a victim of crime based on that employee's status, experience, or condition as a victim of crime.

Battered Women's Employment Protection Act (Wellstone/Roybal-Allard)

Extends the Family and Medical leave Act to allow leave to address domestic violence and its effects.

Workplace Violence Prevention Tax Credit Act (Lowey)

Provides a credit for employers for certain costs incurred to combat violence against women (i.e. costs of implementing workplace safety programs such as hiring new security personnel to address violent crimes against women, establishment of leave policies, etc.)

Education and Training Grants to Promote Responses to Violence Against Women (Biden)

Creates education and training grants to promote appropriate responses to violence against women.

Sense of Congress Regarding Workers' Compensation

Defines the sense of Congress regarding state workers' compensation laws as assuming that such laws should provide benefits to women who are victims of workplace violence and should permit the employee to pursue an action at law against the employer.

Employer Liability for Gender Related Violence (Maloney)

Creates employer liability for negligent conduct that results in an individual committing a gender-motivated crime of violence against another individual on premises controlled by the employer.

MEMORANDUM

TO: TOM FREEDMAN, MARY L. SMITH
FROM: DREW HANSEN
RE: VIOLENCE AGAINST WOMEN ACT II
DATE: AUGUST 20, 1997

hw
VAWA

These are brief summaries of the bills included in the proposed VAWA II packet.

I. Sexual Assault

Preventing Sexual Misconduct in Prisons (Conyers)

- Prohibits State Departments of Corrections from hiring persons guilty of custodial sexual misconduct; requires the creation and maintenance of databases to make sure that this does not happen.
- Requires criminal penalties for custodial sexual misconduct.
- Enforcement for the above provided by reduction of '94 crime law funds by 10%.
- Creates a National Sexual Contact Hotline (800 #) for prisons.

Protection from Sexual Predators (Slaughter)

- Mandates life imprisonment for interstate sexual crimes for persons convicted of a previous state or federal sex crime, and ensures that such life imprisonment sentences are without the possibility of parole.
- Commissions a NIJ study of persistent sexual predators.

~~Accuracy of Campus Crime Reporting (Duncan)~~

Makes it easier for university officials to submit sexual incident (not only arrest) statistics and makes such information public. Noncompliance leads to reduction in federal funding.

~~Law Enforcement and Campus Grants to Reduce Violent Crimes Against Women on Campus~~

Grants to help campus administration and law enforcement officials to develop strategies to combat violence against women (such as increasing campus security and developing and enhancing victim services). Grants are \$500,000 per state and encourage cooperation with other

federal agencies.

National Commission on Standards of Practice and Training for Sexual Assault Examination Act

Creates a national commission to evaluate standards and create new standards for sexual assault forensic examinations.

Rape Prevention Education Amendments

Gives grants of \$45-50 million to rape crisis centers and nonprofit/non-governmental state sexual assault coalitions to develop educational seminars, hotlines, professional training, information, and public education activities regarding rape. 25% of such grants must go to middle schools, junior highs, and high schools. (This follows the provision in the '94 crime bill that 15% of certain funds must go to rape prevention activities).

Mandatory Notification of Options for College and University Students

Requires university officials who receive reports of sexual assault to notify the victim of the following options and to make the policy widely known:

- To contact the local police instead of or in addition to campus police.
- To contact a local rape crisis center instead of or in addition to university services.
- To contact a national sexual assault hotline.

II. Domestic Violence

Full Faith and Credit of Protection Orders and Grant Program (Conyers)

- Reduces funds allocated under the 1968 crime bill to states that do not give full faith/credit to protection orders.
- Provides \$1 million per year for three years for grants to provide technical assistance to states in recognizing protection orders.

Prohibition on Transfer of Firearms to Intoxicated Individuals (Conyers)

Prohibits the transfer of firearms to intoxicated individuals.

Domestic Violence Identification and Referral Act of 1994 (Boxer/Morella)

Establishes preferred grant treatment for persons who have training in identifying, treating, and referring domestic violence victims.

Domestic Violence Victims Housing Act (Frank) *

Expands Section 8 housing assistance by \$50 million for people who have left or are leaving a residence as a result of domestic violence.

Domestic Violence Legal Services Eligibility Act (Pelosi)

Mandates that the LSC prescribe an "income rule" for determining if a client who is a victim of domestic violence is eligible for assistance (i.e. only the income of the client will be the consideration).

Domestic Violence Insurance Protection Act (Sanders)

Prohibits providers of health insurance, workers' compensation, auto medical insurance from using the fact that someone was a victim of domestic violence as a grounds for denying coverage, restricting coverage, refusing to renew coverage, increasing premiums, terminating coverage that was in a partner's name after divorce or separation or after the partner terminates the policy. Enforced by FTC oversight and/or by private action against the insurer.

National Summit on Sports and Violence (H.Con.Res. Sanders)

Should convene a national summit among persons related to sports (teams, media, community leaders, etc.) to develop a multifaceted action plan to deter acts of violence, especially domestic violence and sexual assault.

Community Initiatives Act (Furse)

Reauthorization of \$12 million in grants through 2002 for community initiatives regarding domestic violence.

Battered Women's Shelter Act (Lowey)

Grants for battered women's shelters, starting from \$50 million for FY '96 and increasing to \$260 million for FY 2002.

III. Limiting the Effects of Violence on Children

Family Safety Act of 1997 (Morella)

- Provides protection for children in cases of so-called parental kidnapping and potential return of children to abusive parents. Aims to set up protection standards for interstate relocation when parents dispute custody. Makes it an affirmative defense to a charge of parental kidnapping that the defendant acted within visitation rights, was fleeing a domestic violence situation, and could not return the child because of circumstances beyond the defendant's control.

- Funds a study of divorce and child custody cases in which domestic violence is a factor.
- Provides grants to states to enable them to enter into agreements to establish supervised visitation centers.

Concurrent Resolution Regarding Domestic Violence and Children (Morella)

Resolution that:

- It is not in the best interest of children to not have a presumption with prime custodial parent, to force parents to share custody in a domestic violence situation, to punish abused parents who protect themselves, to presume that allegations of domestic violence in custody and divorce proceedings are false, and to make 'friendly parent' provisions a factor when abuse is involved.
- Child abuse/child sexual abuse cases should be fully investigated regardless of when they are raised or whether the child has recanted the allegation.
- States should be far more protective of victims of domestic/family violence in custody and visitation determinations and not order inappropriate mediation, counseling, etc.

Creation of Supervised Child Visitation Centers (Morella)

Provides grants to states to establish supervised visitation centers. Grants are \$75 million in FY 1998 and rise to \$95 million by FY 2000.

Domestic Violence, Child Custody, and Child Protection Act (Morella)

- Requires states to provide training in domestic violence, sexual assault, and child abuse to staff responsible for investigation of reports of abuse and neglect to receive a grant under the Child Abuse Prevention and Treatment Act.
- Makes domestic violence a major consideration in foster care placement decisions.
- Requires states to provide training in domestic violence, sexual assault, and child abuse for anyone appointed to represent a child during judicial proceedings where abuse is an issue.
- Requires states to train judges and court personnel in the ways that domestic violence affects custody decisions, including the debunking of "parental alienation syndrome."
- Makes protection of children from potential abuse an affirmative defense to kidnapping or custodial interference charges.

ERISA Child Abuse Accountability Act (Maloney)

Permits the creation or assignment of rights to employee pension benefits if necessary to satisfy a judgment against a plan participant or beneficiary for physically, sexually, or emotionally abusing a child.

Rape and Child Custody

Protects rape victims from child custody disputes brought by the rapist: prohibits states from compelling victims of rape that resulted in birth of a child to comply with any order of parental/visitation rights, allows victims to seek redress in federal court.

IV. Domestic Violence in the Military

Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence (DeWine)

Provides for civilian law enforcement proceedings against armed forces personnel who commit crimes of sexual assault and domestic violence.

Commission on Military Justice and Fairness Act (Maloney)

Establishes a Commission on Military Justice and Fairness to investigate certain aspects of the military justice system, including investigation of reports of sexual misconduct, sexual harassment, and unlawful gender discrimination.

Technical Amendments

Inserts new provisions regarding domestic violence into military justice regulations and provides for compensation with medical and dental care for victims who were dependents of armed forces members.

V. Crime Victims Assistance Act (Leahy)

A series of protections for victims of crime.

- Right to be notified of detention hearing and right to be heard on the issue of detention.
- Enhanced right to order of restitution.
- Right to be notified of escape or release from prison.
- Right to be notified of plea agreement and to be heard on merits of the plea agreement.
- Rights of notification and allocution at a probation revocation hearing.

- Enhanced right to be present at trial.
- Compliance assured by Attorney General review and by pilot programs to establish ombudsman programs for crime victims.
- Increased victim-assistance personnel, increased training for criminal justice officials to respond to the needs of victims.
- Other amendments to Victims of Crime Act of 1994.

VI. Protections for Women at High Risk

Older Women's Protection from Violence Act (Maloney)

- Creates long-term care ombudsman program and law school clinical programs on elder abuse.
- Creates training programs for law enforcement offices and social and health providers regarding elder abuse.
- Provides for grants to fund community initiatives, outreach programs, and other services to combat domestic violence against older women.

Protections Against Disabled Women



Requires U.S. Attorney General to establish a disabled women's project within the office of Violence Against Women.



Requires recipients of federal crime victim funds to comply with ADA. Programs should hire qualified disabled women to serve victims of crime.



Requires DOJ to establish data collection services regarding disabled women and domestic violence.

- Requires AG to request studies on disabled women and domestic violence designed and conducted by disabled women who are qualified researchers.
- Requires AG to establish the authority to receive and perform criminal background checks on persons applying to be personal assistants.
- Funds a project in which disabled women develop training on sexual assault.
- Requires AG to fund a national education campaign by and for disabled women.
- These strategies should be implemented by a.) set-asides of a percentage of VAWA

funds, and 2.) prioritization of grant applications that include plans to meet the needs of women with disabilities.

Protections for Battered Immigrant Women

An array of protections for battered immigrant women.

- The AG may cancel removal of an alien if removal would cause extreme hardship to the alien's parent.
- Provides other anti-removal protections for immigrants.
- Allows the AG to waive the "good moral character" requirement for stopping deportation proceedings in cases of certain crimes committed under the influence of domestic violence.
- Makes it easier for abused spouses to stay in the country when their abuser is deported because of abuse.
- Adds protections for victims of domestic violence who are married to bigamists who are U.S. citizens and for victims of domestic violence who are in the United States because of derivative visas (i.e. visas depending on someone in the United States).
- Improves protections for non-citizen spouses of U.S. military personnel.
- Improves protections for elder abuse victims who are immigrants.
- Removes barriers to gaining lawful permanent resident status for immigrant VAWA applicants (including the barrier on drug use if such drug use was resorted to as a result of domestic violence).
- Improves access to VAWA suspension of deportation/cancellation of removal and suggests additional provisions for children.
- Makes it easier for battered immigrant women to receive work authorization.
- Preserves battered women's ability to naturalize.
- Gives access to files which are ordinarily protected by the Privacy Act so that battered women immigrant can make a case for relief.
- Expands access to Legal Services, SSI, and Food Stamps for battered immigrant women.
- Provides for training for relevant personnel.

VII. Workplace Safety

National Workplace Clearinghouse Domestic and Sexual Violence Grant

Authorizes the AG to make a grant to establish a national clearinghouse on domestic and sexual violence in the workplace.

Crime Victims' Employment Non-Discrimination Act

Prohibits employers from taking or threatening adverse job action against an employee who has been a victim of crime based on that employee's status, experience, or condition as a victim of crime.

Battered Women's Employment Protection Act (Wellstone/Roybal-Allard)

Extends the Family and Medical leave Act to allow leave to address domestic violence and its effects.

Workplace Violence Prevention Tax Credit Act (Lowey)

Provides a credit for employers for certain costs incurred to combat violence against women (i.e. costs of implementing workplace safety programs such as hiring new security personnel to address violent crimes against women, establishment of leave policies, etc.)

Education and Training Grants to Promote Responses to Violence Against Women (Biden)

Creates education and training grants to promote appropriate responses to violence against women.

Sense of Congress Regarding Workers' Compensation

Defines the sense of Congress regarding state workers' compensation laws as assuming that such laws should provide benefits to women who are victims of workplace violence and should permit the employee to pursue an action at law against the employer.

Employer Liability for Gender Related Violence (Maloney)

Creates employer liability for negligent conduct that results in an individual committing a gender-motivated crime of violence against another individual on premises controlled by the employer.

*Violence
Against
Women
Act*

EW

MEMORANDUM

TO: TOM FREEDMAN, MARY L. SMITH

FROM: DREW HANSEN

RE: PROPOSED VAWA II -- DPC VERSION

DATE: AUGUST 21, 1997

Here are brief summaries of the bills enclosed in our version of the proposed VAWA II. Texts of the bills are attached:

I. Sexual Assault

Law Enforcement and Campus Grants to Reduce Violent Crimes Against Women on Campus

Grants to help campus administration and law enforcement officials to develop strategies to combat violence against women (such as increasing campus security and developing and enhancing victim services). Grants are \$500,000 per state and encourage cooperation with other federal agencies.

II. Domestic Violence

Full Faith and Credit of Protection Orders and Grant Program (Conyers)

- Reduces funds allocated under the 1968 crime bill to states that do not give full faith/credit to protection orders.
- Provides \$1 million per year for three years for grants to provide technical assistance to states in recognizing protection orders.

Domestic Violence Victims Housing Act (Frank)

Expands Section 8 housing assistance by \$50 million for people who have left or are leaving a residence as a result of domestic violence.

Domestic Violence Legal Services Eligibility Act (Pelosi)

Mandates that the LSC prescribe an "income rule" for determining if a client who is a victim of domestic violence is eligible for assistance (i.e. only the income of the client will be the consideration).

Domestic Violence Insurance Protection Act (Sanders)

Prohibits providers of health insurance, workers' compensation, auto medical insurance from using the fact that someone was a victim of domestic violence as a grounds for denying coverage, restricting coverage, refusing to renew coverage, increasing premiums, terminating coverage that was in a partner's name after divorce or separation or after the partner terminates the policy. Enforced by FTC oversight and/or by private action against the insurer.

Community Initiatives Act (Furse)

Reauthorization of \$12 million in grants through 2002 for community initiatives regarding domestic violence.

Battered Women's Shelter Act (Lowey)

Grants for battered women's shelters, starting from \$50 million for FY '96 and increasing to \$260 million for FY 2002.

III. Limiting the Effects of Violence on Children

Family Safety Act of 1997 (Morella)

- Provides protection for children in cases of so-called parental kidnapping and potential return of children to abusive parents. Aims to set up protection standards for interstate relocation when parents dispute custody. Makes it an affirmative defense to a charge of parental kidnapping that the defendant acted within visitation rights, was fleeing a domestic violence situation, and could not return the child because of circumstances beyond the defendant's control.
- Funds a study of divorce and child custody cases in which domestic violence is a factor.
- Provides grants to states to enable them to enter into agreements to establish supervised visitation centers.

Concurrent Resolution Regarding Domestic Violence and Children (Morella)

Resolution that:

- It is not in the best interest of children to not have a presumption with prime custodial parent, to force parents to share custody in a domestic violence situation, to punish abused parents who protect themselves, to presume that allegations of domestic violence in custody and divorce proceedings are false, and to make 'friendly parent' provisions a factor when abuse is involved.
- Child abuse/child sexual abuse cases should be fully investigated regardless of

when they are raised or whether the child has recanted the allegation.

- States should be far more protective of victims of domestic/family violence in custody and visitation determinations (i.e. not order inappropriate mediation, etc.).

Creation of Supervised Child Visitation Centers (Morella)

Provides grants to states to establish supervised visitation centers. Grants are \$75 million in FY 1998 and rise to \$95 million by FY 2000.

Domestic Violence, Child Custody, and Child Protection Act (Morella)

- Requires states to provide training in domestic violence, sexual assault, and child abuse to staff responsible for investigation of reports of abuse and neglect to receive a grant under the Child Abuse Prevention and Treatment Act.
- Makes domestic violence a major consideration in foster care placement decisions.
- Requires states to provide training in domestic violence, sexual assault, and child abuse for anyone appointed to represent a child during judicial proceedings where abuse is an issue.
- Requires states to train judges and court personnel in the ways that domestic violence affects custody decisions, including the debunking of "parental alienation syndrome."
- Makes protection of children from potential abuse an affirmative defense to kidnapping or custodial interference charges.

Rape and Child Custody

Protects rape victims from child custody disputes brought by the rapist: prohibits states from compelling victims of rape that resulted in birth of a child to comply with any order of parental/visitation rights, allows victims to seek redress in federal court.

VII. Workplace Safety

Crime Victims' Employment Non-Discrimination Act

Prohibits employers from taking or threatening adverse job action against an employee who has been a victim of crime based on that employee's status, experience, or condition as a victim of crime.

Battered Women's Employment Protection Act (Wellstone/Roybal-Allard)

Extends the Family and Medical leave Act to allow leave to address domestic violence and its effects.



Audrey T. Haynes
11/24/97 04:30:28 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Robin Leeds/WHO/EOP
Subject: VAWA 245i

As all of you probably are aware, the special provisions of VAWA for battered immigrant women have been undercut by recent legislation. A number of our congressional friends, especially those in the Congressional Women's Caucus, spoke of their concern about this during their one minute floor speeches prior to adjournment. The advocacy groups are getting geared-up and are wanting relief on this issue and would like for the White House, the groups and our congressional friends to have a united front in getting this "fixed" before Congress reconvenes. Bonnie Campbell and Janna Sidley have spoken with me about this but do not want to encourage the groups one way or the other until they know the White House plan. Additionally, Bonnie says the Justice Dept. is supportive of remedies on this issue. Please advise as to our plan.

If there is no plan, could we have a discussion ! thanks.

Message Sent To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Maria Echaveste/WHO/EOP
Katharine Button/WHO/EOP
Janet Murguia/WHO/EOP
John L. Hilley/WHO/EOP
Susan M. Liss/OVP @ OVP
Thomas L. Freedman/OPD/EOP
Green
Roberta W. Greene/WHO/EOP
Mary L. Smith/OPD/EOP

MEMORANDUM

TO: TOM FREEDMAN, MARY L. SMITH
FROM: DREW HANSEN
RE: PROPOSED VAWA II -- DPC VERSION
DATE: AUGUST 21, 1997

Here are brief summaries of the bills enclosed in our version of the proposed VAWA II. Texts of the bills are attached:

I. Sexual Assault

Law Enforcement and Campus Grants to Reduce Violent Crimes Against Women on Campus

Grants to help campus administration and law enforcement officials to develop strategies to combat violence against women (such as increasing campus security and developing and enhancing victim services). Grants are \$500,000 per state and encourage cooperation with other federal agencies.

II. Domestic Violence

Full Faith and Credit of Protection Orders and Grant Program (Conyers)

- Reduces funds allocated under the 1968 crime bill to states that do not give full faith/credit to protection orders.
- Provides \$1 million per year for three years for grants to provide technical assistance to states in recognizing protection orders.

Domestic Violence Victims Housing Act (Frank)

Expands Section 8 housing assistance by \$50 million for people who have left or are leaving a residence as a result of domestic violence.

Domestic Violence Legal Services Eligibility Act (Pelosi)

Mandates that the LSC prescribe an "income rule" for determining if a client who is a victim of domestic violence is eligible for assistance (i.e. only the income of the client will be the consideration).

Domestic Violence Insurance Protection Act (Sanders)

Prohibits providers of health insurance, workers' compensation, auto medical insurance from using the fact that someone was a victim of domestic violence as a grounds for denying coverage, restricting coverage, refusing to renew coverage, increasing premiums, terminating coverage that was in a partner's name after divorce or separation or after the partner terminates the policy. Enforced by FTC oversight and/or by private action against the insurer.

Community Initiatives Act (Furse)

Reauthorization of \$12 million in grants through 2002 for community initiatives regarding domestic violence.

Battered Women's Shelter Act (Lowey)

Grants for battered women's shelters, starting from \$50 million for FY '96 and increasing to \$260 million for FY 2002.

III. Limiting the Effects of Violence on Children

Family Safety Act of 1997 (Morella)

- Provides protection for children in cases of so-called parental kidnapping and potential return of children to abusive parents. Aims to set up protection standards for interstate relocation when parents dispute custody. Makes it an affirmative defense to a charge of parental kidnapping that the defendant acted within visitation rights, was fleeing a domestic violence situation, and could not return the child because of circumstances beyond the defendant's control.
- Funds a study of divorce and child custody cases in which domestic violence is a factor.
- Provides grants to states to enable them to enter into agreements to establish supervised visitation centers.

Concurrent Resolution Regarding Domestic Violence and Children (Morella)

Resolution that:

- It is not in the best interest of children to not have a presumption with prime custodial parent, to force parents to share custody in a domestic violence situation, to punish abused parents who protect themselves, to presume that allegations of domestic violence in custody and divorce proceedings are false, and to make 'friendly parent' provisions a factor when abuse is involved.
- Child abuse/child sexual abuse cases should be fully investigated regardless of

when they are raised or whether the child has recanted the allegation.

- States should be far more protective of victims of domestic/family violence in custody and visitation determinations (i.e. not order inappropriate mediation, etc.).

Creation of Supervised Child Visitation Centers (Morella)

Provides grants to states to establish supervised visitation centers. Grants are \$75 million in FY 1998 and rise to \$95 million by FY 2000.

Domestic Violence, Child Custody, and Child Protection Act (Morella)

- Requires states to provide training in domestic violence, sexual assault, and child abuse to staff responsible for investigation of reports of abuse and neglect to receive a grant under the Child Abuse Prevention and Treatment Act.
- Makes domestic violence a major consideration in foster care placement decisions.
- Requires states to provide training in domestic violence, sexual assault, and child abuse for anyone appointed to represent a child during judicial proceedings where abuse is an issue.
- Requires states to train judges and court personnel in the ways that domestic violence affects custody decisions, including the debunking of "parental alienation syndrome."
- Makes protection of children from potential abuse an affirmative defense to kidnapping or custodial interference charges.

Rape and Child Custody

Protects rape victims from child custody disputes brought by the rapist: prohibits states from compelling victims of rape that resulted in birth of a child to comply with any order of parental/visitation rights, allows victims to seek redress in federal court.

VII. Workplace Safety

Crime Victims' Employment Non-Discrimination Act

Prohibits employers from taking or threatening adverse job action against an employee who has been a victim of crime based on that employee's status, experience, or condition as a victim of crime.

Battered Women's Employment Protection Act (Wellstone/Roybal-Allard)

Extends the Family and Medical leave Act to allow leave to address domestic violence and its effects.

Counterattack planned as germs spread in food

Americans get sick despite safest fare

By Lauran Neergaard
ASSOCIATED PRESS

AI

FOOD

From page A1

Alfalfa sprouts contaminated by E. coli. Hepatitis-tainted strawberries in school lunches. Children sick from unpasteurized apple juice, and 140 persons struck by bacteria-laden raw oysters.

The recall of 25 million pounds of hamburger is merely the latest scare about dangerous germs contaminating Americans' food. Keeping hamburger safe mostly takes common sense: Cook meat thoroughly. But consumer advocates say a larger threat may come from germs lurking in unexpected places, such as raspberries or fresh basil, that slip through the government's patchwork of safety rules.

"Almost monthly we are seeing new causes for concern based on food problems," said Caroline Smith DeWaal of the Center for Science in the Public Interest. "We don't have a government system to fix those problems."

But the government and food makers are preparing to fight back. The Food and Drug Administration is considering putting warning labels on unpasteurized apple juices and ciders, perhaps this week, after dozens of children were sickened by E. coli that got into one trendy brand. Pasteurization kills potentially deadly E. coli bacteria.

Scientists are investigating whether irradiating beef could kill

see FOOD, page A8

E. coli and other disease-causing microorganisms and whether irradiating fresh berries would kill cyclospora, a parasite that sickened about 1,400 Americans who ate Guatemalan raspberries this spring.

Manufacturers are beginning to advertise to consumers that they have adopted a safety program called HACCP — an ungainly acronym that means companies check for contamination repeatedly as ingredients move from harvest to grocery store.

"How many hurdles can we put in the way of bugs so we reduce the risk? We're not going to be able to go to zero," said Dane Bernard of the National Food Processors Association.

The latest scare comes after 16 Colorado residents were infected with E. coli linked to hamburgers processed by Hudson Foods Inc. The Agriculture Department says an outside slaughterhouse likely was the source, but Hudson recalled 25 million pounds of hamburger after investigators discovered the company used leftover raw meat from one day in the next day's production, potentially causing a chain of contamination.

Although the U.S. food supply is considered the world's safest, about 9,000 Americans die every year from food poisoning. A new Centers for Disease Control and Prevention study says 6 million to 80 million Americans are sickened each year; a good count isn't possible because many mild cases go unreported.

The easiest protection is good hygiene, said FDA food-safety chief Janice Oliver. She's amazed by people who say they had no idea fruits and vegetables should be washed before eating.

The new CDC study says the biggest food poisoner — a bug called campylobacterium that lurks in unpasteurized milk and raw poultry — particularly strikes young men with "poor food preparation skills." In other words, they don't wash their hands between putting raw poultry on the grill and setting the table.

*The biggest food
poisoner particularly
strikes young men
with "poor food
preparation skills."*

Then there are raw oysters, which every year sicken hundreds of Americans. Cooking oysters kills the bacteria, but aficionados say that just isn't the same. On Friday, the FDA warned that 140 persons in Canada, California and Washington had been sickened, and shipments of live oysters from northern Pacific waters were stopped.

But thorough cooking and cleaning only help so much. The Clinton administration has asked Congress for \$43 million to begin, in October, hiring more food inspectors and researching better poisoning prevention.

The best protection, the CDC's Dr. Mitchell Cohen says, is to rapidly identify an outbreak's cause and set up steps to keep that contamination from happening again. That happened in the Hudson recall, when Colorado — one of a handful of states capable of using DNA to "fingerprint" food poisonings — discovered 15 patients with the same E. coli strain. The bacteria matched those in a sample of Hudson beef from one patient's freezer.

Produce growers are searching for more hygienic ways to grow everything from lettuce to alfalfa sprouts, both of which have sickened Americans with E. coli. To prevent another outbreak, officials need to know if something as simple as using manure as fertilizer — common among organic growers — was to blame.

But some foods may simply be too hazardous to allow in this country, consumer advocate DeWaal says. She points to frozen strawberries that gave about 150 Michigan schoolchildren hepatitis A in the spring.

The Washington Times
TUESDAY, AUGUST 26, 1997

MEMORANDUM

TO: TOM FREEDMAN, MARY L. SMITH

FROM: DREW HANSEN

RE: PROPOSED VAWA II -- DPC VERSION

DATE: AUGUST 21, 1997

Here are brief summaries of the bills enclosed in our version of the proposed VAWA II. Texts of the bills are attached:

I. Sexual Assault

Law Enforcement and Campus Grants to Reduce Violent Crimes Against Women on Campus

Grants to help campus administration and law enforcement officials to develop strategies to combat violence against women (such as increasing campus security and developing and enhancing victim services). Grants are \$500,000 per state and encourage cooperation with other federal agencies.

II. Domestic Violence

Full Faith and Credit of Protection Orders and Grant Program (Conyers)

- Reduces funds allocated under the 1968 crime bill to states that do not give full faith/credit to protection orders.
- Provides \$1 million per year for three years for grants to provide technical assistance to states in recognizing protection orders.

Domestic Violence Victims Housing Act (Frank)

Expands Section 8 housing assistance by \$50 million for people who have left or are leaving a residence as a result of domestic violence.

Domestic Violence Legal Services Eligibility Act (Pelosi)

Mandates that the LSC prescribe an "income rule" for determining if a client who is a victim of domestic violence is eligible for assistance (i.e. only the income of the client will be the consideration).

Domestic Violence Insurance Protection Act (Sanders)

Prohibits providers of health insurance, workers' compensation, auto medical insurance from using the fact that someone was a victim of domestic violence as a grounds for denying coverage, restricting coverage, refusing to renew coverage, increasing premiums, terminating coverage that was in a partner's name after divorce or separation or after the partner terminates the policy. Enforced by FTC oversight and/or by private action against the insurer.

Community Initiatives Act (Furse)

Reauthorization of \$12 million in grants through 2002 for community initiatives regarding domestic violence.

Battered Women's Shelter Act (Lowey)

Grants for battered women's shelters, starting from \$50 million for FY '96 and increasing to \$260 million for FY 2002.

III. Limiting the Effects of Violence on Children

Family Safety Act of 1997 (Morella)

- Provides protection for children in cases of so-called parental kidnapping and potential return of children to abusive parents. Aims to set up protection standards for interstate relocation when parents dispute custody. Makes it an affirmative defense to a charge of parental kidnapping that the defendant acted within visitation rights, was fleeing a domestic violence situation, and could not return the child because of circumstances beyond the defendant's control.
- Funds a study of divorce and child custody cases in which domestic violence is a factor.
- Provides grants to states to enable them to enter into agreements to establish supervised visitation centers.

Concurrent Resolution Regarding Domestic Violence and Children (Morella)

Resolution that:

- It is not in the best interest of children to not have a presumption with prime custodial parent, to force parents to share custody in a domestic violence situation, to punish abused parents who protect themselves, to presume that allegations of domestic violence in custody and divorce proceedings are false, and to make 'friendly parent' provisions a factor when abuse is involved.
- Child abuse/child sexual abuse cases should be fully investigated regardless of

when they are raised or whether the child has recanted the allegation.

- States should be far more protective of victims of domestic/family violence in custody and visitation determinations (i.e. not order inappropriate mediation, etc.).

Creation of Supervised Child Visitation Centers (Morella)

Provides grants to states to establish supervised visitation centers. Grants are \$75 million in FY 1998 and rise to \$95 million by FY 2000.

Domestic Violence, Child Custody, and Child Protection Act (Morella)

- Requires states to provide training in domestic violence, sexual assault, and child abuse to staff responsible for investigation of reports of abuse and neglect to receive a grant under the Child Abuse Prevention and Treatment Act.
- Makes domestic violence a major consideration in foster care placement decisions.
- Requires states to provide training in domestic violence, sexual assault, and child abuse for anyone appointed to represent a child during judicial proceedings where abuse is an issue.
- Requires states to train judges and court personnel in the ways that domestic violence affects custody decisions, including the debunking of "parental alienation syndrome."
- Makes protection of children from potential abuse an affirmative defense to kidnapping or custodial interference charges.

Rape and Child Custody

Protects rape victims from child custody disputes brought by the rapist: prohibits states from compelling victims of rape that resulted in birth of a child to comply with any order of parental/visitation rights, allows victims to seek redress in federal court.

VII. Workplace Safety

Crime Victims' Employment Non-Discrimination Act

Prohibits employers from taking or threatening adverse job action against an employee who has been a victim of crime based on that employee's status, experience, or condition as a victim of crime.

Battered Women's Employment Protection Act (Wellstone/Roybal-Allard)

Extends the Family and Medical leave Act to allow leave to address domestic violence and its effects.

MEMORANDUM

TO: TOM FREEDMAN, MARY L. SMITH
FROM: DREW HANSEN
RE: PROPOSED VAWA II
DATE: AUGUST 21, 1997

Here are brief summaries of the bills enclosed in our version of the proposed VAWA II. Texts of the bills are attached:

I. Sexual Assault

Law Enforcement and Campus Grants to Reduce Violent Crimes Against Women on Campus

Grants to help campus administration and law enforcement officials to develop strategies to combat violence against women (such as increasing campus security and developing and enhancing victim services). Grants are \$500,000 per state and encourage cooperation with other federal agencies.

II. Domestic Violence

Full Faith and Credit of Protection Orders and Grant Program (Conyers)

- Reduces funds allocated under the 1968 crime bill to states that do not give full faith/credit to protection orders.
- Provides \$1 million per year for three years for grants to provide technical assistance to states in recognizing protection orders.

Domestic Violence Victims Housing Act (Frank)

Expands Section 8 housing assistance by \$50 million for people who have left or are leaving a residence as a result of domestic violence.

Domestic Violence Legal Services Eligibility Act (Pelosi)

Mandates that the LSC prescribe an "income rule" for determining if a client who is a victim of domestic violence is eligible for assistance (i.e. only the income of the client will be the consideration).

67401

****DRAFT****DRAFT ****DRAFT****DRAFT ****DRAFT****DRAFT****

*Violence
Against
Women
Act*

CHAPTER __ - LAW ENFORCEMENT AND CAMPUS GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS

SEC. _____. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUSES

(a) **IN GENERAL.** – Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 32101(a) is amended –

- (1) by redesignating part U as part V;
- (2) by redesignating section 2101 as section 2201; and
- (3) by inserting after part V the following new part:

PART U – GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUSES

SEC. 2101. PURPOSE OF THE PROGRAM AND GRANTS

(a) **GENERAL PROGRAM PURPOSE.** – The purpose of this part is to assist campus administrators and local law enforcement develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women on campuses, and to develop and strengthen victim services in cases involving violent crimes against women on campuses.

(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 on campuses, and specifically, for the purposes of –

- (1) training law enforcement officers and campus administrators to more effectively identify and respond to violent crimes against women on campus, including the crimes of sexual assault and domestic violence;
- (2) developing, training, or expanding units of law enforcement officers and campus administrators specifically targeting violent crimes against women on campus, including the crimes of sexual assault and domestic violence;
- (3) developing and implementing more effective police and campus security policies, protocols, orders and services specifically devoted to preventing, identifying and responding to violent crimes against women on campus, including the crimes of sexual assault and domestic violence;
- (4) developing, installing, or expanding data collection and communications systems, including computerized systems, linking

police and campus security for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women on campus, including the crimes of domestic violence and sexual assault;

(5) developing, enlarging, or strengthening victim services programs for local campuses, including sexual assault and domestic violence programs, developing or improving delivery of victim services on campuses, and increasing reporting and reducing attrition rates for cases involving violent crimes against women on campuses, including crimes of sexual assault and domestic violence; and

(6) developing, enlarging, or strengthening programs addressing stalking on campuses.

SEC. 2102. GRANTS

(a) **GENERAL GRANTS.** – The Department of Education may make grants for use by campus administrators, law enforcement, and nonprofit nongovernmental victim services programs for the purposes described in section 2101(b)

(b) **AMOUNTS.** – Of the amounts appropriated for the purposes of this part –

(1) \$500,000 should be available for grants to applicants in each state; and

(2) the remaining funds shall be available to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the number of enrolled students in the State bears to the number of enrolled students of all of the States that results from a distribution among the States on the basis of the number of enrolled students in each State in relation to the number of enrolled students in all States.

(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 2101(b);

(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, 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: campus administrators, 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 under this part. In addition, each application should 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 campus administrators, 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 the grants funds;
 - (D) characteristics of the population being served, including number of students and type of campus
- (2) proof of compliance with the requirements for posting local law enforcement and victim services phone numbers on campuses and disclosure of legal options to victims provided in section ____; and
- (3) proof of collaboration with at least one grantee from each of the other two grantee categories.

(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 on the campuses to be served in relation to the availability of such programs on other such campuses;
 - (B) determine the amount of subgrants based on the number of students 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.

(f) FEDERAL SHARE. — The Federal share of a grant made under this subtitle may not exceed 75 percent of the total cost of the projects described in the application submitted.

SEC. 2103. 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 "law enforcement" means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

(3) 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 known or related by blood or marriage to the victim;

(4) the term "victim services" means a nonprofit, nongovernmental 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;

(5) the term "campus" means (1) any building or property owned or controlled by a student organization recognized by the

SEC. 2104. 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 campus, law enforcement and victim service 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-

(1) the number of grants and funds distributed under this part;

(2) a summary of the purposes for which these grants were provided and an evaluation of their progress;

(3) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, relationship to offender, geographic distribution, race, ethnicity, language, disability, and type of campus; 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.

National Baseline Study on University Campus Procedures in case of a Report of Sexual Assault.

(a) Study.—The Secretary of Education, in consultation with the Department of Education, shall provide for a national baseline study to examine College and University's procedures upon receiving the report of a sexual assault.

(b) Report.— The study required by subsection (a) should include the analysis of—

(1) the existence and publication of institution's and local authority's (state law) definition of sexual assault;

(2) the existence and publication of the institution's formal policy for campus sexual assaults;

(3) to whom reports are stated most often;

(a) how these "authorities" are trained to deal with the reports;

(b) the extent to which they are trained;

(4) the reporting options which are articulated to the victim or victims of the crime;

(a) on campus reporting and procedure options;

(b) off campus (state) reporting and procedure options;

(5) the resources available for victim's safety, support, medical health, and confidentiality;

(a) how well these resources are articulated both specifically to the victim of a sexual assault and generally to the campus at large;

(b) the security of these resources in terms of confidentiality and/or reputation.

(6) 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;

(7) policies and practices found successful in aiding the report and any ensuing prosecution of a campus sexual assault;

(8) the on campus procedures for prosecuting the perpetrator;

(a) the format for collecting evidence;

(b) the format of the prosecution itself;

(i) the faculty responsible for running the prosecution

(ii) the persons allowed to attend the prosecution

(9) types of punishment for offenders

(a) whether case directed outside to further punishment

(b) how individual institutions punish perpetrators

(c) Submission of Report.—The report required by subsection (b) shall be submitted to Congress no later than September 1, 1998

(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.—

105TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. CONYERS introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 18, United States Code, to impose a penalty
upon States that do not give full faith and credit to
the protective orders of other States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FULL FAITH AND CREDIT GIVEN TO PROTEC-**
4 **TIVE ORDERS.**

5 Section 2265 of title 18, United States Code, is
6 amended by adding at the end the following:

7 “(d) **FORMULA GRANT REDUCTION FOR NONCOMPLI-**
8 **ANCE.—**

1 “(1) REDUCTION.—The Attorney General shall
2 reduce by 10 percent (for redistribution to other
3 participating States that comply with subsections (a)
4 and (b)) the amount a State would receive under
5 subpart 1 of part E of title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968 if such State
7 fails to comply with the requirements of subsections
8 (a) and (b).

9 “(2) EFFECTIVE DATE.—The Attorney General
10 may begin to reduce funds described in paragraph
11 (1) on the first day of each fiscal year succeeding
12 the first fiscal year beginning after the date of the
13 enactment of this subsection.”.

14 **SEC. 2. GRANT PROGRAM.**

15 (a) IN GENERAL.—The Attorney General may pro-
16 vide grants to assist States, Indian tribal governments,
17 and units of local government to develop and strengthen
18 effective law enforcement and recordkeeping strategies to
19 assist States, Indian tribal governments, and units of local
20 government to enforce protective orders issued by other
21 States, Indian tribal governments, or units of local govern-
22 ment.

23 (b) USES OF FUNDS.—

1 (1) IN GENERAL.—Grants under this section
2 shall provide technical assistance, computer assist-
3 ance, and equipment to enforce protective orders.

4 (2) USES OF FUNDS.—Funds received under
5 this section may be used to develop, install, or ex-
6 pand data collection and communication systems, in-
7 cluding computerized systems, linking police, pros-
8 ecutors, and courts for the purpose of identifying
9 and tracking protective orders and violations of pro-
10 tective orders.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to carry out this section, \$1,000,000 for
13 each of fiscal years 1997, 1998, and 1999.

105TH CONGRESS
1ST SESSION

H. R. 871

To provide rental assistance under section 8 of the United States Housing Act of 1937 for victims of domestic violence to enable such victims to relocate.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1997

Mr. FRANK of Massachusetts (for himself, Mr. LIPINSKI, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Ms. NORTON, Mr. LaFALCE, Mr. OBERSTAR, Ms. BROWN of Florida, Mr. JEFFERSON, Mr. FROST, Ms. PELOSI, Mr. DEFazio, and Ms. SLAUGHTER) introduced the following bill; which was referred to the Committee on Banking and Financial Services

A BILL

To provide rental assistance under section 8 of the United States Housing Act of 1937 for victims of domestic violence to enable such victims to relocate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Domestic Violence Vic-
5 tims Housing Act".

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 The budget authority under section 5(c) of the
8 United States Housing Act of 1937 for assistance under

1 subsections (b) and (o) of section 8 of such Act is author-
2 ized to be increased by \$50,000,000 on or after October
3 1, 1997 and by such sums as may be necessary on or after
4 October 1, 1998.

5 **SEC. 3. USE OF AMOUNTS FOR HOUSING ASSISTANCE FOR**
6 **VICTIMS OF DOMESTIC VIOLENCE.**

7 (a) **IN GENERAL.**—Amounts available pursuant to
8 section 2 shall be made available by the Secretary of Hous-
9 ing and Urban Development only to public housing agen-
10 cies and qualified nonprofit organizations only for use for
11 providing tenant-based rental assistance on behalf of fami-
12 lies victimized by domestic violence (as such term is de-
13 fined in section 4 of this Act) who have left or are leaving
14 a residence as a result of the domestic violence.

15 (b) **DETERMINATION.**—For purposes of subsection
16 (a), a family victimized by domestic violence shall be con-
17 sidered to have left or to be leaving a residence as a result
18 of domestic violence if the public housing agency or quali-
19 fied nonprofit organization providing rental assistance
20 under this Act determines that the member of the family
21 who was subject to the domestic violence reasonably be-
22 lieves that relocation from such residence will assist in
23 avoiding future domestic violence against such member or
24 another member of the family.

1 (c) **ALLOCATION.**—Amounts made available pursuant
2 to section 2 shall be allocated by the Secretary on the basis
3 of a national competition to the public housing agencies
4 and qualified nonprofit organizations that submit applica-
5 tions to the Secretary that best demonstrate a need for
6 such assistance and the ability to undertake and carry out
7 a program under this Act, as the Secretary shall deter-
8 mine.

9 **SEC. 4. DEFINITIONS RELATING TO DOMESTIC VIOLENCE.**

10 For purposes of this Act, the following definitions
11 shall apply:

12 (1) **ABUSE.**—The term “abuse” includes any
13 act that constitutes or causes, any attempt to com-
14 mit, or any threat to commit—

15 (A) any bodily injury or physical illness,
16 including placing, by physical menace, another
17 in fear of imminent serious bodily injury;

18 (B) any rape, sexual assault, or involun-
19 tary sexual activity, or any sexual activity with
20 a dependent child;

21 (C) the infliction of false imprisonment or
22 other nonconsensual restraints on liberty of
23 movement;

24 (D) deprivation of medical care, housing,
25 food, or other necessities of life; or

1 (E) mental or psychological abuse, includ-
2 ing repeated or severe humiliation, intimidation,
3 criticism, acts designed to induce terror, or
4 verbal abuse.

5 (2) DOMESTIC VIOLENCE.—The term “domestic
6 violence” means abuse that is committed against an
7 individual by—

8 (A) a spouse or former spouse of the indi-
9 vidual;

10 (B) an individual who is the biological par-
11 ent or stepparent of a child of the individual
12 subject to the abuse, who adopted such child, or
13 who is a legal guardian to such a child;

14 (C) an individual with whom the individual
15 subject to the abuse is or was cohabiting;

16 (D) a current or former romantic, inti-
17 mate, or sexual partner of the individual; or

18 (E) an individual from whom the individ-
19 ual subject to the abuse would be eligible for
20 protection under the domestic violence, protec-
21 tion order, or family laws of the applicable ju-
22 risdiction.

23 (3) FAMILY VICTIMIZED BY DOMESTIC VIO-
24 LENCE.—

1 (A) IN GENERAL.—The term “family vic-
2 timized by domestic violence” means a family or
3 household that includes an individual who has
4 been determined under subparagraph (B) to
5 have been subject to domestic violence, but does
6 not include any individual described in para-
7 graph (3) who committed the domestic violence.
8 The term includes any such family or household
9 in which only a minor or minors are the individ-
10 ual or individuals who was or were subject to
11 domestic violence only if such family or house-
12 hold also includes a parent, stepparent, legal
13 guardian, or other responsible caretaker for the
14 child.

15 (B) DETERMINATION THAT FAMILY OR IN-
16 DIVIDUAL WAS SUBJECT TO DOMESTIC VIO-
17 LENCE.—For purposes of subparagraph (A), a
18 determination under this subparagraph is a de-
19 termination that domestic violence has been
20 committed, which is made by any agency or of-
21 ficial of a State or unit of general local govern-
22 ment (including a public housing agency) based
23 upon—

1 (i) information provided by any medi-
2 cal, legal, counseling, or other clinic, shel-
3 ter, or other program or entity licensed,
4 recognized, or authorized by the State or
5 unit of general local government to provide
6 services to victims of domestic violence;

7 (ii) information provided by any agen-
8 cy of the State or unit of general local gov-
9 ernment that provides or administrates the
10 provision of social, medical, legal, or health
11 services;

12 (iii) information provided by any cler-
13 gy;

14 (iv) information provided by any hos-
15 pital, clinic, medical facility, or doctor li-
16 censed or authorized by the State or unit
17 of general local government to provide
18 medical services;

19 (v) a petition or complaint filed in a
20 court or law or documents or records of ac-
21 tion of any court or law enforcement agen-
22 cy, including any record of any protection
23 order, injunction, or temporary or final
24 order issued by civil or criminal courts or
25 any police report; or

1 (vi) any other reliable evidence that
2 domestic violence has occurred.

3 **SEC. 5. OTHER DEFINITIONS.**

4 For purposes of this Act, the following definitions
5 shall apply:

6 (1) PUBLIC HOUSING AGENCY.—The term
7 “public housing agency” has the meaning given the
8 term in section 3(b) of the United States Housing
9 Act of 1937 (42 U.S.C. 1437a(b)).

10 (2) QUALIFIED NONPROFIT ORGANIZATION.—
11 The term “qualified nonprofit organization” means
12 a private organization that—

13 (A) is organized, or has as one of its pri-
14 mary purposes, to provide shelter or transi-
15 tional housing for victims of domestic violence;

16 (B) is organized under State or local laws;

17 (C) has no part of its net earnings inuring
18 to the benefit of any member, shareholder,
19 founder, contributor, or individual; and

20 (D) is approved by the Secretary as to fi-
21 nancial responsibility.

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of Housing and Urban Development.

1 (4) STATE.—The term “State” means the
2 States of the United States, the District of Colum-
3 bia, the Commonwealth of Puerto Rico, the Com-
4 monwealth of the Northern Mariana Islands, Guam,
5 the Virgin Islands, American Samoa, and any other
6 territory or possession of the United States.

7 (5) UNIT OF GENERAL LOCAL GOVERNMENT.—
8 The term “unit of general local government” has the
9 meaning given the term in section 102(a) of the
10 Housing and Community Development Act of 1974
11 (42 U.S.C. 5302(a)).

○

105TH CONGRESS
1ST SESSION

H. R. 1076

To amend the Legal Services Corporation Act to prescribe an income rule for determining if a client who is a victim of domestic violence is eligible for assistance.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 1997

Mr. PELOSI (for herself, Mr. BALDACCIO, Mr. BARRETT of Wisconsin, Mr. BE-REUTER, Mr. BOUCHER, Ms. BROWN of Florida, Mr. CONYERS, Mr. DEFazio, Ms. DEGETTE, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GREEN, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY of Connecticut, Mr. LAFALCE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. McDERMOTT, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mrs. MEEK of Florida, Ms. MOLINARI, Mrs. MORELLA, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. ROMERO-BARCELÓ, Mr. ROTHMAN, Mr. SABO, Mr. SANDERS, Ms. SLAUGHTER, Mr. STARK, Mr. TORRES, Ms. WATERS, Ms. WOOLSEY, Mr. YATES, Ms. ROYBAL-ALLARD, Mr. FALCONE, and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on Judiciary.

A BILL

To amend the Legal Services Corporation Act to prescribe an income rule for determining if a client who is a victim of domestic violence is eligible for assistance.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Domestic Violence
3 Legal Services Eligibility Act".

4 **SEC. 2. INCOME RULE FOR VICTIMS OF DOMESTIC VIO-**
5 **LENCE.**

6 Section 1007(a) of the Legal Services Corporation
7 Act (42 U.S.C. 2996f(a)) is amended by inserting after
8 and below paragraph (10) the following: "In establishing
9 income levels under paragraph (2)(A) to determine if a
10 client is eligible for assistance, the Corporation, in the case
11 of a client who is the victim of domestic violence, shall
12 prescribe that only the income of such a client will be con-
13 sidered in making such determination. For purposes of the
14 preceding sentence, the term 'domestic violence' has the
15 meaning given such term by section 2003(1) of the Omni-
16 bus Crime Control and Safe Streets Act of 1988 (42
17 U.S.C. 3796gg-2(1)).".

○

105TH CONGRESS
1ST SESSION

H. R. 1117

To prevent discrimination against victims of abuse in all lines of insurance.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1997

Mr. SANDERS (for himself, Mrs. MORELLA, Mr. DEFazio, Mr. SCHUMER, Mr. ACKERMAN, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BISHOP, Mr. BLUMENAUER, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELLUMS, Mr. EVANS, Mr. Faleomavaega, Mr. FILNER, Mr. FLAKE, Mr. GEJD-ENSON, Mr. GREEN, Mr. HINCHEY, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. LaFALCE, Ms. LOFGREN, Mr. MANTON, Mr. McDERMOTT, Mr. McHUGH, Mr. MEEHAN, Mrs. MINK of Hawaii, Mr. NADLER, Mr. OWENS, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mr. STARK, and Ms. WATERS) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent discrimination against victims of abuse in all
lines of insurance.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Victims of Abuse In-
5 surance Protection Act".

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act:

3 (1) The term "abuse" means the occurrence of
4 one or more of the following acts by a current or
5 former household or family member, intimate part-
6 ner, or caretaker:

7 (A) Attempting to cause or causing an-
8 other person bodily injury, physical harm, sub-
9 stantial emotional distress, psychological trau-
10 ma, rape, sexual assault, or involuntary sexual
11 intercourse.

12 (B) Engaging in a course of conduct or re-
13 peatedly committing acts toward another per-
14 son, including following the person without
15 proper authority and under circumstances that
16 place the person in reasonable fear of bodily in-
17 jury or physical harm.

18 (C) Subjecting another person to false im-
19 prisonment or kidnapping.

20 (D) Attempting to cause or causing dam-
21 age to property so as to intimidate or attempt
22 to control the behavior of another person.

23 (2) The term "abuse-related medical condition"
24 means a medical condition which arises in whole or
25 in part out of an action or pattern of abuse.

1 (3) The term "abuse status" means the fact or
2 perception that a person is, has been, or may be a
3 subject of abuse, irrespective of whether the person
4 has sustained abuse-related medical conditions or
5 has incurred abuse-related claims.

6 (4) The term "health benefit plan" means any
7 public or private entity or program that provides for
8 payments for health care, including—

9 (A) a group health plan (as defined in sec-
10 tion 607 of the Employee Retirement Income
11 Security Act of 1974) or a multiple employer
12 welfare arrangement (as defined in section
13 3(40) of such Act) that provides health bene-
14 fits;

15 (B) any other health insurance arrange-
16 ment, including any arrangement consisting of
17 a hospital or medical expense incurred policy or
18 certificate, hospital or medical service plan con-
19 tract, or health maintenance organization sub-
20 scriber contract;

21 (C) workers' compensation or similar in-
22 surance to the extent that it relates to workers'
23 compensation medical benefits (as defined by
24 the Federal Trade Commission); and

1 (D) automobile medical insurance to the
2 extent that it relates to medical benefits (as de-
3 fined by the Federal Trade Commission).

4 (5) The term "health carrier" means a person
5 that contracts or offers to contract on a risk-assum-
6 ing basis to provide, deliver, arrange for, pay for or
7 reimburse any of the cost of health care services, in-
8 cluding a sickness and accident insurance company,
9 a health maintenance organization, a nonprofit hos-
10 pital and health service corporation or any other en-
11 tity providing a plan of health insurance, health ben-
12 efits or health services.

13 (6) The term "insured" means a party named
14 on a policy, certificate, or health benefit plan, in-
15 cluding an individual, corporation, partnership, asso-
16 ciation, unincorporated organization or any similar
17 entity, as the person with legal rights to the benefits
18 provided by the policy, certificate, or health benefit
19 plan. For group insurance, such term includes a per-
20 son who is a beneficiary covered by a group policy,
21 certificate, or health benefit plan. For life insurance,
22 the term refers to the person whose life is covered
23 under an insurance policy.

24 (7) The term "insurer" means any person, re-
25 ciprocal exchange, interinsurer, Lloyds insurer, fra-

1 ternal benefit society, or other legal entity engaged
2 in the business of insurance, including agents, bro-
3 kers, adjusters, and third party administrators. The
4 term also includes health carriers, health benefit
5 plans, and life, disability, and property and casualty
6 insurers.

7 (8) The term "policy" means a contract of in-
8 surance, certificate, indemnity, suretyship, or annu-
9 ity issued, proposed for issuance or intended for is-
10 suance by an insurer, including endorsements or rid-
11 ers to an insurance policy or contract.

12 (9) The term "subject of abuse" means a per-
13 son against whom an act of abuse has been directed,
14 a person who has prior or current injuries, illnesses,
15 or disorders that resulted from abuse, or a person
16 who seeks, may have sought, or had reason to seek
17 medical or psychological treatment for abuse, protec-
18 tion, court-ordered protection, or shelter from abuse.

19 **SEC. 3. DISCRIMINATORY ACTS PROHIBITED.**

20 (a) IN GENERAL.—No insurer or health carrier may,
21 directly or indirectly, engage in any of the following acts
22 or practices on the basis that the applicant or insured,
23 or any person employed by the applicant or insured or
24 with whom the applicant or insured is known to have a

1 relationship or association, is, has been, or may be the
2 subject of abuse:

3 (1) Denying, refusing to issue, renew or reissue,
4 or canceling or otherwise terminating an insurance
5 policy or health benefit plan.

6 (2) Restricting, excluding, or limiting insurance
7 or health benefit plan coverage for losses incurred as
8 a result of abuse or denying a claim incurred by an
9 insured as a result of abuse, except as otherwise per-
10 mitted or required by State laws relating to life in-
11 surance beneficiaries.

12 (3) Adding a premium differential to any insur-
13 ance policy or health benefit plan.

14 (4) Terminating health coverage for a subject
15 of abuse because coverage was originally issued in
16 the name of the abuser and the abuser has divorced,
17 separated from, or lost custody of the subject of
18 abuse or the abuser's coverage has terminated volun-
19 tarily or involuntarily and the subject of abuse does
20 not qualify for extension of coverage under part 6 of
21 subtitle B of title I or the Employee Retirement In-
22 come Security Act of 1974 (29 U.S.C. 1161 et seq.)
23 or 4980B of the Internal Revenue Code of 1986.
24 Nothing in this paragraph prohibits the insurer from
25 requiring the subject of abuse to pay the full pre-

1 mium for the subject's coverage under the health
2 plan if the requirements are applied to all insureds
3 of the health carrier. The insurer may terminate
4 group coverage after the continuation coverage re-
5 quired by this paragraph has been in force for 18
6 months if it offers conversion to an equivalent indi-
7 vidual plan. The continuation of health coverage re-
8 quired by this paragraph shall be satisfied by any
9 extension of coverage under part 6 of subtitle B of
10 title I or the Employee Retirement Income Security
11 Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of
12 the Internal Revenue Code of 1986 provided to a
13 subject of abuse and is not intended to be in addi-
14 tion to any extension of coverage provided under
15 part 6 of subtitle B of title I or the Employee Re-
16 tirement Income Security Act of 1974 (29 U.S.C.
17 1161 et seq.) or 4980B of the Internal Revenue
18 Code of 1986.

19 (b) USE OF INFORMATION.—

20 (1) IN GENERAL.—No person employed by or
21 contracting with an insurer or health benefit plan
22 may use, disclose, or transfer information relating to
23 an applicant's or insured's abuse status or abuse-re-
24 lated medical condition or the applicant's or
25 insured's status as a family member, employer, or

1 associate, person in a relationship with a subject of
2 abuse for any purpose unrelated to the direct provi-
3 sion of health care services unless such use, disclo-
4 sure, or transfer is required by an order of an entity
5 with authority to regulate insurance or an order of
6 a court of competent jurisdiction. In addition, such
7 a person may not disclose or transfer information re-
8 lating to an applicant's or insured's location or tele-
9 phone number. Nothing in this paragraph shall be
10 construed as limiting or precluding a subject of
11 abuse from obtaining the subject's own insurance
12 records from an insurer.

13 (2) AUTHORITY OF SUBJECT OF ABUSE.—A
14 subject of abuse, at the absolute discretion of the
15 subject of abuse, may provide evidence of abuse to
16 an insurer for the limited purpose of facilitating
17 treatment of an abuse-related condition or dem-
18 onstrating that a condition is abuse-related. Nothing
19 in this paragraph shall be construed as authorizing
20 an insurer or health carrier to disregard such pro-
21 vided evidence.

22 **SEC. 4. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.**

23 Insurers shall develop and adhere to written policies
24 specifying procedures to be followed by employees, con-
25 tractors, producers, agents and brokers for the purpose

1 of protecting the safety and privacy of a subject of abuse
2 and otherwise implementing the provisions of this Act
3 when taking an application, investigating a claim, or tak-
4 ing any other action relating to a policy or claim involving
5 a subject of abuse.

6 **SEC. 5. REASONS FOR ADVERSE ACTIONS.**

7 An insurer that takes an action that adversely affects
8 a subject of abuse, shall advise the subject of abuse appli-
9 cant or insured of the specific reasons for the action in
10 writing. Reference to general underwriting practices or
11 guidelines does not constitute a specific reason.

12 **SEC. 6. LIFE INSURANCE.**

13 Nothing in this Act shall be construed to prohibit a
14 life insurer from declining to issue a life insurance policy
15 if the applicant or prospective owner of the policy is or
16 would be designated as a beneficiary of the policy, and
17 if—

18 (1) the applicant or prospective owner of the
19 policy lacks an insurable interest in the insured; or

20 (2) the applicant or prospective owner of the
21 policy is known, on the basis of police or court
22 records, to have committed an act of abuse against
23 the proposed insured.

1 **SEC. 7. SUBROGATION WITHOUT CONSENT PROHIBITED.**

2 Subrogation of claims resulting from abuse is prohib-
3 ited without the informed consent of the subject of abuse.

4 **SEC. 8. ENFORCEMENT.**

5 (a) **FEDERAL TRADE COMMISSION.**—The Federal
6 Trade Commission shall have the power to examine and
7 investigate any insurer to determine whether such insurer
8 has been or is engaged in any act or practice prohibited
9 by this Act. If the Federal Trade Commission determines
10 an insurer has been or is engaged in any act or practice
11 prohibited by this Act, the Commission may take action
12 against such insurer by the issuance of a cease and desist
13 order as if the insurer was in violation of section 5 of the
14 Federal Trade Commission Act. Such cease and desist
15 order may include any individual relief warranted under
16 the circumstances, including temporary, preliminary, and
17 permanent injunctive and compensatory relief.

18 (b) **PRIVATE CAUSE OF ACTION.**—An applicant or in-
19 sured who believes that the applicant or insured has been
20 adversely affected by an act or practice of an insurer in
21 violation of this Act may maintain an action against the
22 insurer in a Federal or State court of original jurisdiction.
23 Upon proof of such conduct by a preponderance of the
24 evidence, the court may award appropriate relief, includ-
25 ing temporary, preliminary, and permanent injunctive re-
26 lief and compensatory and punitive damages, as well as

1 the costs of suit and reasonable fees for the aggrieved indi-
2 vidual's attorneys and expert witnesses. With respect to
3 compensatory damages, the aggrieved individual may
4 elect, at any time prior to the rendering of final judgment,
5 to recover in lieu of actual damages, an award of statutory
6 damages in the amount of \$5,000 for each violation.

7 **SEC. 9. EFFECTIVE DATE.**

8 This Act shall apply with respect to any action taken
9 on or after the date of the enactment of this Act, except
10 that section 4 shall only apply to actions taken after the
11 expiration of 60 days after such date.

○

105TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Ms. FURSE introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Family Violence Prevention and Services Act
to reauthorize grants for community initiatives.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEMONSTRATION GRANTS FOR COMMUNITY**
4 **INITIATIVES.**

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

8 “(h) **AUTHORIZATION OF APPROPRIATIONS.**—There
9 are authorized to be appropriated to carry out this section

1 \$12,000,000 for each of the fiscal years 1998, 1999, 2000,
2 2001, and 2002.”.

105TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mrs. LOWEY introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Family Violence Prevention and Services Act
to increase the authorization of appropriations for fiscal
years 1998 through 2000 and to authorize appropriations
for fiscal years 2001 and 2002.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Battered Women's
5 Shelters Act".

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FAMILY**
2 **VIOLENCE PREVENTION AND SERVICES.**

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

6 “(a) IN GENERAL.—There are authorized to be ap-
7 propriated to carry out this title—

8 “(1) \$50,000,000 for fiscal year 1996;

9 “(2) \$60,000,000 for fiscal year 1997;

10 “(3) \$120,000,000 for fiscal year 1998;

11 “(4) \$160,000,000 for fiscal year 1999;

12 “(5) \$200,000,000 for fiscal year 2000;

13 “(6) \$260,000,000 for fiscal year 2001; and

14 “(7) \$260,000,000 for fiscal year 2002.”.

[DISCUSSION DRAFT]

JULY 14, 1997

105TH CONGRESS
1ST SESSION**H. R. _____**

IN THE HOUSE OF REPRESENTATIVES

Mrs. MORELLA (for herself and Mr. SCHUMER) introduced the following bill;
which was referred to the Committee on _____

A BILL**To [TO BE SUPPLIED].**

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Family Safety Act of
5 1997".

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Section 7(a) of the Parental Kidnap-
8 ing Prevention Act of 1980 (94 Stat. 3568; 42 U.S.C.
9 1305 note) is amended—

1 (1) in paragraph (1), by inserting "or Tribes,
2 where not inconsistent with the Indian Child Welfare
3 Act" after "different States";

4 (2) in paragraph (2), by striking "and conflict-
5 ing" and inserting ", conflicting, and inadequate to
6 protect parents or children from domestic or family
7 violence or parental abduction nor punish them when
8 they seek to protect themselves";

9 (3) in paragraph (3)—

10 (A) by inserting "perpetration of domestic
11 and family violence, and the threat to kidnap a
12 child," after "resort to the"; and

13 (B) by inserting before the semicolon the
14 following: "and results in inadequate protection
15 and further endangerment of victims of domes-
16 tic and family violence"; and

17 (4) in paragraph (4), by inserting after "due
18 process of law," the following: "the inappropriate
19 placement of children in the custody of abusive par-
20 ents or punishment of nonabusing parents who at-
21 tempt to protect themselves or their children,".

22 (b) CONCLUSION.—Section 7(b) of such Act is
23 amended by inserting after "it is necessary" the following:
24 "to establish a national system for recording all custody
25 and family or domestic violence orders of protection, to

1 establish defenses of any civil or criminal parental custo-
2 dial interference or abduction charge or claim, to establish
3 standards to prevent children from being returned to abu-
4 sive parents in cases of parental abduction.”.

5 (c) PURPOSES.—Section 7(c) of such Act is amend-
6 ed—

7 (1) redesignating paragraphs (3) through (6) as
8 paragraphs (5) through (8), respectively;

9 (2) by inserting after paragraph (2) the follow-
10 ing:

11 “(3) promote cooperation between State and
12 tribal courts to protect parents and children from an
13 incidence or pattern of domestic or family violence;

14 “(4) promote realistic and protection standards
15 for interstate relocation when parents dispute cus-
16 tody, particularly in cases where there is domestic or
17 family violence;”;

18 (3) in paragraph (7) (as so redesignated), by
19 inserting before the semicolon at the end the follow-
20 ing: “, consistent with not endangering or inappro-
21 priately punishing children or parents who are vic-
22 tims of domestic or family violence”; and

23 (4) in paragraph (8) (as so redesignated), by
24 inserting before the period at the end the following:
25 “or to abuse the child or exert coercive control over

1 the other parent, except when the abduction or
2 wrongful removal is done in an attempt to protect
3 the parent or any child in the parent's care".

4 SEC. 3. DEFENSE TO CIVIL OR CRIMINAL CUSTODIAL IN-
5 TERFERENCE OR PARENTAL ABDUCTION
6 CHARGE OR CLAIM.

7 Section 1073 of title 18, United States Code, is
8 amended by striking "Whoever moves" and inserting "(a)
9 Whoever moves" and by adding at the end the following
10 new subsection:

11 "(b) It shall be an affirmative defense to a civil or
12 criminal custodial interference or parental abduction
13 charge or claim, including any civil or criminal contempt
14 of court, that—

15 "(1) the defendant acted within the provisions
16 of a valid court order granting the defendant legal
17 custody or visitation rights and that such order was
18 obtained pursuant to section 1738A of title 28, and
19 where not inconsistent with such section, with the
20 Uniform Child Custody Jurisdiction Act and was in
21 effect at the time of the offense;

22 "(2) the defendant was fleeing an incidence or
23 pattern of domestic or family violence; or

24 "(3) the defendant had physical custody of the
25 child pursuant to a court order granting legal cus-

10 (a) SECTION INTENT.—Section 1738A(a) of title 28,
11 United States Code, is amended by adding at the end the
12 following: “This section is intended to preempt any incon-
13 sistent State law and to apply to every proceeding in the
14 United States or its territories that is not governed by
15 inconsistent aspects of any treaty to which the United
16 States Government is a signatory or has ratified that in-
17 volves custody and visitation concerning a minor child.
18 Any protection order, whether consensual or not, issued
19 consistent with section 2265 of title 18 shall be res judi-
20 cata and be given full faith and credit.”.

23 (1) by redesignating paragraphs (1) through
24 (3) as paragraphs (2) through (4), respectively; by
25 redesignating paragraphs (4) through (6) as para-

1 graphs (7) through (9), respectively; and by redesignating paragraphs (7) and (8) as paragraphs (11) and (12), respectively;

2 (2) by inserting before paragraph (2) (as so redesignated) the following:

3 “(1) ‘abuse’ includes any act not done accidentally or in an attempt to protect oneself or another, that is more probable than not to realistically constitute, cause, attempt, or threaten—

4 “(A) any bodily or serious physical illness, including placing, by physical menace, another in fear of imminent serious bodily injury;

5 “(B) any rape, sexual assault, or involuntary deviate sexual intercourse, or any sexual activity with a dependent child;

6 “(C) the infliction of false imprisonment or other nonconsensual restraints on liberty of movement;

7 “(D) deprivation of medical care, housing, food, or other necessities of life; or

8 “(E) mental or psychological abuse, including stalking, repeated or severe humiliation, intimidation, coercive control, isolation, criticism, acts designed to induce terror, or verbal abuse;”;

1 (3) by inserting after paragraph (4) (as so re-
2 designated) the following:

3 “(5) ‘domestic or family violence’ means abuse
4 that is committed directly or indirectly against an
5 individual by—

6 “(A) a spouse or former spouse of the indi-
7 vidual;

8 “(B) an individual who is the biological
9 parent or stepparent of a child of the individual
10 subject to the abuse, who adopted such child, or
11 who is a legal guardian to such child;

12 “(C) an individual with whom the individ-
13 ual subject to the abuse is or was cohabiting;

14 “(D) a current or former romantic, inti-
15 mate, or sexual partner of the individual; or

16 “(E) an individual from whom the individ-
17 ual subject to the abuse would be eligible for
18 protection under the domestic violence, protec-
19 tion order or family laws of the applicable juris-
20 diction;

21 “(6) ‘family victimized by domestic or family vi-
22 olence’ means a family or household that includes
23 one or more individuals subject to domestic or family
24 violence, but does not include any individual who
25 committed the domestic violence;”; and

1 (3) by inserting after paragraph (9) (as so re-
2 designated) the following:

3 “(10) ‘primary aggressor’ means, in cases
4 where there are or have been mutual allegations of
5 abuse, the person who—

6 “(A) has more power within the relation-
7 ship;

8 “(B) has acted with more deliberate intent
9 to control, isolate, intimidate, emotionally de-
10 mean, or physically cause severe pain or injury;

11 “(C) is in less danger of being injured if
12 the parties are kept apart;

13 “(D) is less afraid of the other person; or

14 “(E) acted in an attempt to protect him-
15 self or herself or another, to flee, or to avert an
16 event worse confrontation;”.

17 (c) CONDITION FOR CUSTODY DETERMINATION.—
18 Section 1738A(c)(2)C) of such title is amended by insert-
19 ing after “abandoned,” the following: “or because the par-
20 ent, the child, or another child in the parent’s care or cus-
21 tody is the victim of domestic violence by the other par-
22 ent,”.

23 (d) JURISDICTION.—Section 1738A(d) of such title
24 is amended by inserting before the period at the end the
25 following: “, except that after 2 years have passed while

1 a child is legally living in another State, the court of the
2 original State shall decline jurisdiction”.

3 (e) CHILD CUSTODY DETERMINATIONS.—Section
4 1738A of such title is amended—

5 (1) by redesignating subsection (g) as sub-
6 section (h) and by inserting after subsection (f) the
7 following:

8 “(g) A court should decline to exercise jurisdiction
9 on behalf of the parent who has engaged in domestic or
10 family violence, has wrongfully taken the child from an-
11 other State without justification, or engaged in similar
12 reprehensible conduct.”; and

13 (2) by adding at the end the following:

14 “(i) A court should decline to exercise jurisdiction on
15 behalf of a parent who has engaged in domestic or family
16 violence, has wrongfully taken the child from another
17 State without justification, or engaged in similar repreh-
18 sible conduct.

19 “(j) It shall be an affirmative defense to a civil or
20 criminal custodial interference or parental abduction
21 charge or claim, including any civil or criminal contempt
22 of court, that—

23 “(1) the defendant acted within the provisions
24 of a valid court order granting the defendant legal
25 custody or visitation rights and that such order was

1 obtained pursuant to this section and is not incon-
2 sistent with the Uniform Child Custody Jurisdiction
3 Act and was in effect at the time of the offense;

4 “(2) the defendant was fleeing an incident or
5 pattern of domestic violence; or

6 “(3) the defendant had physical custody of the
7 child pursuant to a court order granting legal cus-
8 tody or visitation rights and failed to return the
9 child as a result of circumstances beyond the defend-
10 ant’s control, and the defendant notified or made
11 reasonable attempts to notify the other parent or
12 lawful custodian of the child of such circumstances
13 within 24 hours after the visitation period had ex-
14 pired and returned the child as soon as possible.

15 “(k) No custodial parent may be prevented from per-
16 manently removing a minor child from the State except
17 upon opposition from the child’s other parent upon a
18 showing that it is not in the child’s best interest, taking
19 into account the effect of restricting the travel on the cus-
20 todial parent and after considering alternate visitation ar-
21 rangements, and where the noncustodial parent—

22 “(1) has been visiting regularly, except for cir-
23 cumstances beyond his or her control;

24 “(2) has not exacerbated the custodial parent’s
25 financial difficulties, including as a result of not

1 making child support or spousal payments, unless
2 such noncustodial parent is unable to pay through
3 circumstances beyond such parent's control;

4 "(3) has not perpetrated domestic or family vio-
5 lence as a primary aggressor; and

6 "(4) has not removed or failed to return, or
7 threatened to remove or not return, the child from
8 the jurisdiction without justification.

9 "(l) Absent a finding that the nonviolent parent is
10 unfit or unavailable, there shall be a presumption that sole
11 or shared physical or legal custody shall not be transferred
12 over the objection of the nonviolent parent to any parent
13 who has perpetrated domestic or family violence against
14 the other parent or another adult. In cases where both
15 parents have been found by a preponderance of the evi-
16 dence to have perpetrated domestic or family violence
17 against the other parent or an adult, the court shall make
18 findings as to which parent was the primary aggressor,
19 and if only one parent acted as the primary aggressor,
20 only that parent shall be treated as the perpetrator of do-
21 mestic or family violence under this section.

22 "(m) Every party shall have an ongoing duty to dis-
23 close at the time of their first appearance or their filing
24 a first pleading in any case, whichever is first, and during
25 the pendency of any proceeding any information that they

1 may have regarding any other domestic violence or custody
2 case involving themselves, the other parties or involving
3 any child whose custody is at issue. Any party who is a
4 victim of domestic violence or has in the party's care or
5 custody a child who has reason to fear disclosure of the
6 child's whereabouts and has removed themselves to a con-
7 fidential address, shall be exempt from disclosing such ad-
8 dress, school, or workplace, including such telephone num-
9 bers and any other identifying information that might
10 compromise such person's safety, except disclosing ex
11 parte, in camera, the name of any State where the child
12 lived within the 6 months prior to the filing of the pending
13 custody action. Courts shall permit such parties to use
14 post office addresses, addresses of attorneys, or other
15 court authorized procedure so that this confidential infor-
16 mation will not be disclosed. Intentional disclosure of such
17 information shall be a crime punishable by a fine under
18 title 18 and imposition of such penalty shall not preclude
19 other foreseeable remedies, including restitution. Neg-
20 ligent disclosure of such information shall be punishable
21 by a fine under title 18."

22 **SEC. 5. STUDY OF DIVORCE AND CHILD CUSTODY CASES IN**
23 **WHICH DOMESTIC VIOLENCE IS A FACTOR.**

24 (a) **STUDY.**—The Attorney General, in consultation
25 with the State Justice Institute, shall conduct a nation-

1 wide study of divorce and child custody cases in which do-
2 mestic violence is a factor, to determine the following:

3 (1) The effect of mediation on the level of do-
4 mestic abuse in the relationship.

5 (2) In States that require mediation of divorce
6 cases, a comparison of the outcome (distribution of
7 property and assets, child custody orders, and child
8 support awards) of cases involving domestic violence
9 to those in which domestic violence is not an issue.

10 (3) The effect of joint custody on the level of
11 abuse of both the battered adult and the children,
12 including the likelihood of abuse during visitation ex-
13 changes.

14 (4) In States that have joint custody presump-
15 tions, a comparison of the outcome (child custody
16 and child support awards) of cases involving domes-
17 tic violence to those in which domestic violence is not
18 an issue.

19 (5) In States that consider domestic violence as
20 a factor in making custody determinations, a com-
21 parison of the outcome (child custody and child sup-
22 port awards) of cases involving domestic violence to
23 those in which domestic violence is not an issue.

24 (6) A comparison of the outcome (distribution
25 of property and assets, child custody orders, and

1 child support awards) of cases involving domestic vi-
2 olence in States that require consideration of domes-
3 tic violence as a factor in such decisions to States
4 that do not require consideration of domestic vio-
5 lence.

6 (7) In States where Child Protective Services
7 has a policy to screen and identify for domestic vio-
8 lence the outcomes of cases involving domestic vio-
9 lence, including when children are removed and
10 placed in foster care or when neglect charges are
11 brought, under what circumstances the agency may
12 seek termination of parental rights.

13 (b) REPORT.—Based on the study under subsection
14 (a), the Attorney General shall issue a report to each State
15 attorney general's office and to the Chief Justice of each
16 State, detailing the findings and recommendations under
17 the study regarding the appropriate use of mediation and
18 joint custody presumptions and consideration of domestic
19 violence as a factor in divorce and child custody cases in-
20 volving domestic violence.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out the study
23 required by this section \$500,000.

1 SEC. 6. SUPERVISED VISITATION.

2 (a) GRANTS TO STATES TO PROVIDE FOR SUPER-
3 VISED VISITATION CENTERS.—The Secretary of Health
4 and Human Services (hereafter in this section referred to
5 as the “Secretary”) is authorized to award grants to
6 States to enable States to enter into contracts and cooper-
7 ative agreements with public or private nonprofit entities
8 to assist such entities in establishing and operating super-
9 vised visitation centers for the purposes of facilitating su-
10 pervised visitation and visitation exchange.

11 (b) CONSIDERATIONS.—In awarding such grants,
12 contracts, and cooperative agreements under paragraph
13 (1), the Secretary shall take into account—

14 (1) the number of families to be served by the
15 proposed visitation center to be established under
16 the grant, contract, or agreement;

17 (2) the extent to which supervised visitation
18 centers serve underserved populations; and

19 (3) the extent to which the applicant dem-
20 onstrates cooperation and collaboration with advo-
21 cates in the local community served, including the
22 State domestic violence coalition, State sexual as-
23 sault coalition, local shelters, and programs for do-
24 mestic violence and sexual assault victims.

25 (c) USE OF FUNDS.—

1 (1) IN GENERAL.—Amounts provided under a
2 grant, contract, or cooperative agreement awarded
3 under this subsection shall be used to establish su-
4 pervised visitation centers and for the purposes de-
5 scribed in subsection (a). In using such amounts,
6 grantees shall target the economically disadvantaged
7 and those individuals who could not otherwise afford
8 such visitation services. Other individuals shall be
9 permitted to use the services provided by the center
10 on a sliding fee basis.

11 (2) REGULATIONS AND APPLICANT REQUIRE-
12 MENTS.—The Secretary shall award grants, con-
13 tracts, and cooperative agreements under this sec-
14 tion in accordance with such regulations as the Sec-
15 retary may promulgate. The applicant shall—

16 (A) demonstrate recognized expertise in
17 the area of family violence and a record of high
18 quality service to victims of domestic violence
19 and sexual assault;

20 (B) be an entity located in the State or lo-
21 cality where State law requires the court to con-
22 sider evidence of domestic violence, whether or
23 not there is a conviction of any offense of do-
24 mestic violence or child abuse or the existence

1 of an order of protection against domestic vio-
2 lence, in making a custody decision; and

3 (C) demonstrate collaboration with and
4 support of the State domestic violence coalition,
5 sexual assault coalition, and local domestic vio-
6 lence and sexual assault shelter or program in
7 the locality in which the supervised visitation
8 center will be operated.

9 (d) REPORTING.—Not later than 60 days after the
10 end of each fiscal year, the Secretary shall report to Con-
11 gress information concerning—

12 (1) the number of persons served and the num-
13 ber of persons turned away from services categorized
14 by State and type of presenting problem that
15 underlies the need for supervised visitation or visita-
16 tion exchange (e.g. domestic violence, child abuse,
17 sexual assault, emotional assault, emotional or other
18 physical abuse, or a combination of factors);

19 (2) supervised visitation or visitation exchange
20 ordered by custody determination under a separation
21 or divorce decree or protection order, through child
22 protection services, or social services;

23 (3) other appropriate information designated in
24 regulations promulgated by the Secretary; and

1 (4) safety and security problems occurring dur-
2 ing the reporting period.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—For the purpose of awarding
5 grants, contracts, and cooperative agreements under
6 this section, there are authorized to be appropriated
7 \$75,000,000 for fiscal year 1998, \$85,000,000 for
8 fiscal year 1999, and \$95,000,000 for fiscal year
9 2000.

10 (2) DISTRIBUTION.—Of the amounts appro-
11 priated under subparagraph (A) for each fiscal year,
12 not less than 90 percent shall be used to award
13 grants, contracts, or cooperative agreements.

14 (3) DISBURSEMENT.—Amounts appropriated
15 under this section shall be disbursed as categorical
16 grants through the 10 regional offices of the Depart-
17 ment of Health and Human Services.

[DISCUSSION DRAFT]

JULY 14, 1997

105TH CONGRESS
1ST SESSION**H. CON. RES. _____**

IN THE HOUSE OF REPRESENTATIVES*(for herself + Mr. Schumer)*

Mrs. MORELLA submitted the following concurrent resolution; which was referred to the Committee on _____

CONCURRENT RESOLUTION

Expressing the sense of Congress with respect to child custody, child abuse, and victims of domestic and family violence.

Whereas spousal violence has serious detrimental effects on children, even when they do not directly witness such violence;

Whereas courts still hold women to higher standards of conduct than they do men;

Whereas gender bias still exists within the courts, particularly those making and affecting child custody determinations;

Whereas gender bias has long existed and still exists within the mental health system;

Whereas, as a result of this gender bias, many myths are that women make false allegations of domestic violence or child abuse, and most particularly of child sexual abuse, during divorce and custody proceedings;

Whereas false accusations by women are in fact rare, occurring no more often than do other false reports of crimes, such as bank robbery;

Whereas the myth that women make false accusations is so widely believed that many child protective service agents have policies of not bothering to investigate such allegations when made during the pendency of divorce or custody proceedings or only superficially investigate such allegations;

Whereas there are many myths that fathers are discriminated against in custody proceedings, even though fathers fighting for custody actually win sole custody or joint custody in 70 percent of these disputes;

Whereas the American Psychological Association's Presidential Task Force on violence and the Family has found that—

(1) many therapists lack training to identify or assess family violence;

(2) fathers who abuse their children's mothers are more likely to dispute custody and visitation than are fathers who are not violent;

(3) those who batter their partners deny, lie about, or minimize their abusiveness and manipulate the courts and even their therapists, often by making false accusations that their victim is abusing them or the children;

(4) mutual violence between spouses is rare;

(5) witnessing one parent abuse the other is a form of psychological maltreatment of the child;

(6) children often become the secondary victims of batterers;

(7) physical separation often increases a man's need to control his partner and his children;

(9) mediation is generally inappropriate when there is domestic or family violence and may increase the violence;

(10) couples counseling is controversial in families where there is domestic or family violence because it may increase the violence;

(11) joint legal or physical custody arrangements forced on one or both parents are often detrimental to the well-being of the child and lead to worse outcomes for the child than when only one parent remains present and active in the child's life;

(12) women seldom make false reports of child abuse or battering;

(13) child sexual abuse allegations do not increase during divorce, but occur in only two to three percent of divorce cases and less than 10 percent of contested custody cases, and that child sexual abuse allegations are confirmed as often in custody cases as at other times when objective investigations are performed;

(14) it is common for children to recant child sexual abuse allegations, but that this does not mean that their earlier report was false;

(15) there is no data to support the phenomenon of parent alienation syndrome, although courts and custody evaluators frequently use the term to discount the children's fear in hostile and psychologically abusive situations;

(16) psychological evaluators not trained in domestic violence ignore or minimize the violence and give inappro-

priate pathological labels to women's responses to chronic victimization, including "parental alienation" to blame mothers for their children's reasonable fear or anger toward their violent fathers;

(17) because of the intergenerational cycle of abuse, a child is often at risk of abuse from grandparents who have raised an abusive child;

(18) removing children from their homes is not always safe or helpful as children in foster homes are at high risk for abuse by other adults or other children in foster care; and

(19) children who have a strong relationship with their mothers are most able to heal from abuse;

Whereas many courts and professionals use the baseless parental alienation syndrome to force mothers into joint or shared parenting arrangements or to give custody to fathers, especially when mothers try to protect themselves or their children from men who abuse them or their children;

Whereas parental alienation syndrome thinking has largely influenced legislation and judicial preference for "friendly parent" provisions, which favor giving custody to the parent who better fosters a good relationship between the child and the other parent;

Whereas almost every custody evaluator or judge recognizes how important it is for a child to have its comfort object particularly in times of stress, but often fails to recognize the importance for the child of maintaining its living arrangement with the child's fit prime custodial parent;

Whereas Congress never intended that the Parental Kidnapping Prevention Act be used—

(1) to encourage forcing shared parenting arrangements when it is not in the child's best interest;

(2) to prohibit an abused or protective parent from protecting themselves or their child;

(3) as a tool to punish a child for the parent's behavior by removing physical custody from a fit abused or protective parent; or

(4) as a tool to punish abused or protective parents who act to protect themselves or their children;

Whereas when there is domestic or family violence or major discord between the parents, shared parenting arrangements, couples counseling, or mediation arrangements only exacerbate the difficulties of the children and give the abusive parent more tools with which to victimize the other members of the family;

Whereas children who grow up not seeing abusive parents clearly held accountable for their abuse are reinforced in believing that domestic and family violence are socially acceptable and effective means of behavior; and

Whereas every State has legislation or judicial decisions that base its custody determinations on what is in the best interests of the child, but that only West Virginia recognizes the importance of the child maintaining its primary residence with a fit custodial parent: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) for purposes of determining child custody, it
4 is not in the best interest of children to—

5 (A) not have a presumption that children
6 should have their main physical residence with

1 their prime custodial parent unless that parent
2 is unfit;

3 (B) force parents to share custody over the
4 objection of one or both parents or when there
5 is a history of domestic or family violence;

6 (C) punish abused or protective parents
7 who protect themselves or their children;

8 (D) presume that allegations of domestic
9 and family violence are likely to be made falsely
10 or for tactical advantage during custody and di-
11 vorce proceedings; and

12 (E) make "friendly parent" provisions a
13 factor when there is abuse by one parent
14 against the other or a child;

15 (2) child abuse and child sexual abuse allega-
16 tions should be fully and impartially investigated re-
17 gardless of when they are raised or whether the child
18 has recanted the allegation; and

19 (3) States should be far more protective of vic-
20 tims of domestic and family violence in custody and
21 visitation determinations and not order inappropri-
22 ate mediation, couples counseling, shared custody,
23 mutual orders of protection, unsupervised visitation,
24 or other measures than endanger true victims of do-
25 mestic and family violence.

[DISCUSSION DRAFT]

JULY 14, 1997

105TH CONGRESS
1ST SESSION**H. R. _____**

IN THE HOUSE OF REPRESENTATIVES*(for herself + Mr. Schumer)*Mrs. MORELLA introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide grants to establish and operate supervised visitation centers for the purposes of facilitating supervised visitation of children and visitation exchange

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSES.**

4 (a) **FINDINGS.**—Congress finds the following:

5 (1) Family violence does not necessarily cease
6 when family victims are legally separated by divorce
7 or otherwise not sharing a household.

1 (2) During separation and divorce, family vio-
2 lence often escalates, and child custody and visita-
3 tion become the new forum for the continuation of
4 abuse.

5 (3) Current child custody and visitation laws
6 are based on incorrect assumptions that divorcing or
7 separating parents share equal positions of power
8 and control. These assumptions are particularly
9 faulty when there is a history of domestic violence.
10 The abused spouse or intimate partners divorcing
11 and separating under such circumstances may con-
12 tinue to experience violence which is exacerbated by
13 and often escalates during child visitation and/or vis-
14 itation exchanges.

15 (4) Some perpetrators of violence use the chil-
16 dren as pawns to control the abused party and to
17 commit more violence during separation and/or di-
18 vorce.

19 (5) Approximately 90 percent of children in
20 homes in which their mothers are abused witness the
21 abuse.

22 (6) Women and children are at an elevated risk
23 of violence during the process of separation and/or
24 divorce.

1 (7) 50 to 70 percent of men who abuse their
2 spouses or partners also abuse their children.

3 (8) Up to 75 percent of all domestic assaults
4 reported to law enforcement agencies were inflicted
5 after separation of the couple.

6 (9) In one study of spousal homicide, over half
7 of the male defendants were separated from their
8 victims.

9 (10) 73 percent of battered women seeking
10 emergency medical services do so after separation.

11 (b) PURPOSES.—The purposes of section 2 are—

12 (1) to protect children from the trauma of wit-
13 nessing or experiencing violence, sexual abuse, ne-
14 glect, abduction, rape, or death during parent and
15 child visitation and/or visitation exchanges;

16 (2) to protect victims of domestic violence from
17 experiencing further violence during child visitation
18 and/or visitation exchanges; and

19 (3) to provide an ongoing safe haven for par-
20 ents and children during visitation or visitation ex-
21 changes.

22 **SEC. 2. GRANTS TO STATES TO PROVIDE FOR SUPERVISED**
23 **VISITATION CENTERS.**

24 (a) GRANTS TO STATES.—The Secretary of Health
25 and Human Services (hereafter in this section referred to

1 as the "Secretary") is authorized to award grants to
2 States to enable States to enter into contracts and cooper-
3 ative agreements with public or private nonprofit entities
4 to assist such entities in establishing and operating super-
5 vised visitation centers for the purposes of facilitating su-
6 pervised visitation and visitation exchange.

7 (b) CONSIDERATIONS.—In awarding such grants,
8 contracts, and cooperative agreements under paragraph
9 (1), the Secretary shall take into account—

10 (1) the number of families to be served by the
11 proposed visitation center to be established under
12 the grant, contract, or agreement;

13 (2) the extent to which supervised visitation
14 centers serve underserved populations; and

15 (3) the extent to which the applicant dem-
16 onstrates cooperation and collaboration with advo-
17 cates in the local community served, including the
18 State domestic violence coalition, State sexual as-
19 sault coalition, local shelters, and programs for do-
20 mestic violence and sexual assault victims.

21 (c) USE OF FUNDS.—

22 (1) IN GENERAL.—Amounts provided under a
23 grant, contract, or cooperative agreement awarded
24 under this subsection shall be used to establish su-
25 pervised visitation centers and for the purposes de-

1 scribed in subsection (a). In using such amounts,
2 grantees shall target the economically disadvantaged
3 and those individuals who could not otherwise afford
4 such visitation services. Other individuals shall be
5 permitted to use the services provided by the center
6 on a sliding fee basis.

7 (2) REGULATIONS AND APPLICANT REQUIRE-
8 MENTS.—The Secretary shall award grants, con-
9 tracts, and cooperative agreements under this sec-
10 tion in accordance with such regulations as the Sec-
11 retary may promulgate. The applicant shall—

12 (A) demonstrate recognized expertise in
13 the area of family violence and a record of high
14 quality service to victims of domestic violence
15 and sexual assault;

16 (B) be an entity located in the State or lo-
17 cality where State law requires the court to con-
18 sider evidence of domestic violence, whether or
19 not there is a conviction of any offense of do-
20 mestic violence or child abuse or the existence
21 of an order of protection against domestic vio-
22 lence, in making a custody decision; and

23 (C) demonstrate collaboration with and
24 support of the State domestic violence coalition,
25 sexual assault coalition, and local domestic vio-

1 lence and sexual assault shelter or program in
2 the locality in which the supervised visitation
3 center will be operated.

4 (d) REPORTING.—Not later than 60 days after the
5 end of each fiscal year, the Secretary shall report to Con-
6 gress information concerning—

7 (1) the number of persons served and the num-
8 ber of persons turned away from services categorized
9 by State and type of presenting problem that
10 underlies the need for supervised visitation or visita-
11 tion exchange (e.g. domestic violence, child abuse,
12 sexual assault, emotional assault, emotional or other
13 physical abuse, or a combination of factors);

14 (2) supervised visitation or visitation exchange
15 ordered by custody determination under a separation
16 or divorce decree or protection order, through child
17 protection services, or social services;

18 (3) other appropriate information designated in
19 regulations promulgated by the Secretary; and

20 (4) safety and security problems occurring dur-
21 ing the reporting period.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—For the purpose of awarding
24 grants, contracts, and cooperative agreements under
25 this section, there are authorized to be appropriated

1 \$75,000,000 for fiscal year 1998, \$85,000,000 for
2 fiscal year 1999, and \$95,000,000 for fiscal year
3 2000.

4 (2) DISTRIBUTION.—Of the amounts appro-
5 priated under subparagraph (A) for each fiscal year,
6 not less than 90 percent shall be used to award
7 grants, contracts, or cooperative agreements.

8 (3) DISBURSEMENT.—Amounts appropriated
9 under this section shall be disbursed as categorical
10 grants through the 10 regional offices of the Depart-
11 ment of Health and Human Services.

[DISCUSSION DRAFT]

105TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mrs. MORELLA introduced the following bill; which was referred to the
Committee on _____

A BILL

To address domestic violence and child custody and child
protection interventions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Domestic Violence,
5 Child Custody, and Child Protection Act of 1997".

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) In passing the Violence Against Women Act
2 of 1994, the Congress correctly identified domestic
3 violence, sexual assault, and child abuse as pressing
4 national problems.

5 (2) Witnessing domestic violence has a dev-
6 astating impact on children, placing them at a high
7 risk for anxiety, depression, substance abuse, and
8 suicide.

9 (3) Domestic violence is strongly correlated
10 with child abuse. Studies have found that between
11 50 and and 70 percent of men who abuse their fe-
12 male partners also abuse their children. A 1997
13 study documented that in 30 to 40 percent of cases
14 of child abuse and child fatalities, the child's mother
15 was also being abused. One study reported that girls
16 in violent homes are at a higher risk for sexual
17 abuse than girls in nonviolent homes.

18 (4) Discovery that domestic violence in their
19 home is affecting their children, or that a batterer
20 is also physically or sexually abusing a child, is fre-
21 quently a motivation for a protective parent to seek
22 divorce or custody of their children.

23 (5) Domestic violence often escalates during
24 marital separation and divorce, and abuse of a

1 batterer's children also escalates when their mother
2 is no longer available.

3 (6) According to the American Psychological
4 Association, individuals who batter their partner are
5 twice as likely to seek sole custody of their children
6 than nonviolent individuals, and they may misuse
7 the legal system as a forum for continuing abuse
8 through harassing and retaliatory legal actions. Cus-
9 tody and visitation disputes are more frequent when
10 there is a history of domestic violence.

11 (7) Batterers often take advantage of court-or-
12 dered visitation to threaten or harm their partner.

13 (8) A batterer's threats to take custody of chil-
14 dren are a reason adult victims of abuse frequently
15 cite for staying in abusive relationships. More than
16 50 percent of abductions result from domestic vio-
17 lence.

18 (9) Although courts should diligently protect
19 the interests of both parents in frequent and con-
20 tinuing contact with their children, in the case where
21 one parent has committed domestic violence or child
22 abuse, protection of the other parent and the chil-
23 dren is a vital consideration that should take prece-
24 dence.

1 (10) To respond to the problems of domestic vi-
2 olence in determining child custody, in 1990 the
3 Congress passed a concurrent resolution expressing
4 the sense of the Congress that there should be a pre-
5 sumption against granting custody to an abusive
6 spouse.

7 (11) Approximately 40 States require persons
8 making child custody and visitation determinations
9 to consider domestic violence when evaluating the
10 best interests of the child, and the model code devel-
11 oped by the National Council of Juvenile and Family
12 Court Judges recommends a rebuttable presumption
13 against giving custody to an abusive parent.

14 (12) Despite this trend in law against granting
15 custody to abusive parents, parents across the coun-
16 try have reported losing custody to abusive parents,
17 despite evidence of domestice violence against the
18 protective parent or sexual or physical abuse of the
19 child.

20 (13) According to the American Judges Foun-
21 dation, batterers are able to convince authorities
22 that the victim is unfit or undeserving of custody in
23 approximately 70 percent of contested cases and, ac-
24 cording to one study, in cases where abuse is re-
25 ported, the batterer is more likely to win custody

1 from a non-abusive parent than in cases where no
2 abuse is reported.

3 (14) Although the documented rate of any child
4 abuse allegations in custody cases is approximately
5 2 percent, and the rate of false accusations is the
6 same in the presence or absence of custody litigation,
7 there is a widespread myth that parents frequently
8 make up allegations of domestic violence or
9 child abuse to gain an advantage in custody or divorce
10 proceedings.

11 (15) In some jurisdictions, in direct violation of
12 Federal statutory mandates to investigate all allegations
13 of child abuse, child welfare officials have an
14 unwritten, illegal policy of refusing to investigate
15 charges of child abuse if there is a pending custody
16 or divorce action.

17 (16) Child welfare officials too often wrongly
18 charge protective parents who report domestic violence
19 or child abuse with failure to protect, with neglect,
20 or with criminal violations for false reporting,
21 resulting in the wrongful removal of the child from
22 the home, a temporary or permanent loss of custody,
23 visitation, or even termination of parental rights.

24 (17) Parents who report domestic violence or
25 child abuse may face unjust retaliation in the State

1 justice systems, including loss of custody, visitation,
2 termination of parental rights and, in some cases,
3 incarceration.

4 (18) Many of these cases feature the use of
5 spurious psychological "psyndromes", such as paren-
6 tal alienation syndrome, which has no scientific sup-
7 port according to the American Psychological Asso-
8 ciation, or malicious mother syndrome, which simi-
9 larly lacks well-documented supporting data in peer-
10 reviewed literature, to shift blame away from the
11 abusive parent and to punish the parent reporting
12 the abuse. These so-called syndromes are overwhelm-
13 ingly used against women seeking custody.

14 (19) Many of these cases include egregious
15 abuses of due process of State judicial officers,
16 guardians ad litem, and child welfare officials, such
17 as extensive ex parte communications with counsel
18 for the abusive parent, refusing to permit the protec-
19 tive parent to present evidence of domestic violence
20 or child abuse even when State law requires it to be
21 considered, or changing custody or visitation rights
22 without proper notice and opportunity to be heard.

23 (20) Too often guardians ad litem and custody
24 evaluators lack basic knowledge about the dynamics
25 and indicia of domestic violence and child abuse,

1 leading to erroneous decisions about what is in the
2 best interests of the child.

3 (21) Although the Federal courts do not handle
4 divorce or custody cases, the failure of the State jus-
5 tice systems to properly address domestic violence
6 and child abuse in custody, visitation, and termi-
7 nation of parental rights proceedings, where fun-
8 damental rights of parents to the care of their chil-
9 dren are at stake, in view of documented instances
10 of due process violations, may in some circumstances
11 invoke the civil rights jurisdiction of the Federal
12 courts.

13 **SEC. 3. DOMESTIC VIOLENCE TRAINING AND STANDARDS**
14 **FOR CHILD PROTECTIVE WORKERS.**

15 (a) **AMENDMENTS TO CAPTA FOR DOMESTIC VIO-**
16 **LENCE TRAINING.**—Section 106(b) of the Child Abuse
17 Prevention and Treatment Act (42 U.S.C. 5106a(b)) is
18 amended—

19 (1) by redesignating paragraph (4) as para-
20 graph (5); and

21 (2) by inserting after paragraph (3) the follow-
22 ing:

23 “(4) **DOMESTIC VIOLENCE TRAINING.**—To be
24 eligible to receive a grant under this section, a State
25 shall provide training in domestic violence, sexual as-

1 sault, and child abuse to all staff responsible for the
2 screening, intake, assessment, investigation, and re-
3 view of [reports of abuse and neglect] through the
4 development and implementation of training pro-
5 grams in cooperation and collaboration with advo-
6 cates in the [local community served,] [Note that
7 the grant money goes to the State to assist in im-
8 proving the "child protective services system of the
9 State"] including State domestic violence and sexual
10 assault coalitions, and local shelters, programs, and
11 crisis centers that serve domestic violence, sexual as-
12 sault, and child abuse victims."

13 (b) STANDARDS FOR EVALUATING FOSTER CARE
14 PLACEMENT WHERE A PARENT HAS COMMITTED DO-
15 MESTIC VIOLENCE.—

16 (1) IN GENERAL.—Section 475(5) of the Social
17 Security Act (42 U.S.C. 675(5)) is amended—

18 (A) by striking "and" at the end of sub-
19 paragraph (C);

20 (B) by striking the period at the end of
21 subparagraph (D) and inserting "; and"; and

22 (C) by adding at the end the following:

23 "(E)(i) in any case in which any individual
24 residing in the home of the child has committed
25 domestic violence, any review or determination

1 of the child's status (including any evaluation of
2 the child's health and safety or a determination
3 of reasonable efforts) shall give strong consider-
4 ation to keeping the child in the care of a non-
5 abusive parent, or returning the child to the
6 care of a nonabusive parent, and if, as a result
7 of such a review or evaluation, it is determined
8 that assistance (including assistance in enforc-
9 ing any court orders or otherwise assisting in
10 removing the abusive individual from the
11 home), support services, or referrals to domestic
12 violence programs are needed to accomplish
13 that goal, the State shall provide such assist-
14 ance, services or referrals;

15 "(ii) in any case in which an individual
16 who has abused the child is a victim of domestic
17 violence, the State shall consider whether pro-
18 viding assistance to the individual to address
19 domestic violence can prevent further abuse of
20 the child; and

21 "(iii) in any case in which there are allega-
22 tions of domestic violence by both parents of
23 the child, the State shall take into consideration
24 which parent is the primary aggressor."

1 (2) DOMESTIC VIOLENCE DEFINED.—Section
2 475 of such Act (42 U.S.C. 675(5)) is amended by
3 adding at the end the following:

4 “(7) The term ‘domestic violence’ means a sex-
5 ual or physical assault or a threat of death or seri-
6 ous bodily injury against the child, a parent of the
7 child, or another individual as covered by the domes-
8 tic violence laws of the State.”.

9 (c) AMENDMENTS TO THE SOCIAL SECURITY ACT
10 FOR DOMESTIC VIOLENCE TRAINING.—

11 (1) Section 474(a)(3) of the Social Security Act
12 (42 U.S.C. 674(a)(3)) is amended by inserting “, in-
13 cluding domestic violence training” after “training”
14 the 1st place such term appears in each of subpara-
15 graphs (A) and (B).

16 (2) Section 475 of such Act (42 U.S.C. 675) is
17 further amended by adding at the end the following:

18 “(8) The term ‘domestic violence training’
19 means training and educational programs on domes-
20 tic violence, sexual assault, and child abuse, which
21 programs are developed and implemented in coopera-
22 tion and collaboration with advocates in the local
23 community served by such programs (including the
24 State domestic violence and sexual assault coalitions,
25 and local shelters, programs, and crisis centers that

1 serve victims of domestic violence, sexual assault, or
2 child abuse).”.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—[TO BE
4 SUPPLIED]

5 **SEC. 4. DOMESTIC VIOLENCE TRAINING AND STANDARDS**
6 **FOR GUARDIANS AD LITEM.**

7 (a) TRAINING REQUIREMENTS AND STANDARDS FOR
8 GUARDIANS AD LITEM.—Section 106(b) of the Child
9 Abuse Prevention and Treatment Act (42 U.S.C.
10 5106a(b)), as amended by section 3, is further amended—

11 (1) by redesignating paragraph (5) as para-
12 graph (6); and

13 (2) by inserting after paragraph (4) the follow-
14 ing:

15 “(5) GUARDIAN AD LITEM DOMESTIC VIOLENCE
16 TRAINING.—To be eligible to receive a grant under
17 this section, a State—

18 “(A) shall provide training in domestic vio-
19 lence, sexual assault, and child abuse for any
20 individual appointed to represent a child during
21 judicial proceedings where allegations of abuse
22 or neglect are raised through the development
23 and implementation of training programs in co-
24 operation and collaboration with advocates in
25 the [local community served,] [Note that the

1 grant money goes to the State to assist in im-
2 proving the "child protective services system of
3 the State"] including State domestic violence
4 and sexual assault coalitions, and local shelters,
5 programs, and crisis centers that serve domestic
6 violence, sexual assault, and child abuse victims;
7 and

8 "(B) shall establish mandatory guide-
9 lines—

10 "(i) to ensure that any individual ap-
11 pointed to represent a child during a judi-
12 cial proceeding where allegations of abuse
13 or neglect are raised—

14 "(I) must consider how abuse
15 and domestic violence impact the best
16 interest of the child; and

17 "(II) cannot represent the inter-
18 ests of or be retained or compensated
19 by another party accused of abuse;
20 and

21 "(ii) to place a priority on protecting
22 the safety of the child or any other family
23 member at risk of domestic violence or
24 child abuse."

1 (b) AUTHORIZATION OF APPROPRIATIONS.—[TO BE
2 SUPPLIED]

3 SEC. 5. EDUCATION AND TRAINING FOR JUDGES AND
4 COURT PERSONNEL.

5 (a) STATE COURTS.—Section 40412 of the Violent
6 Crime Control and Law Enforcement act of 1994 is
7 amended—

8 (1) in paragraph 18, by striking “and” after
9 the semicolon;

10 (2) in paragraph (19), by striking the period
11 and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(20) the issues raised by domestic violence and
14 child abuse in the determination of custody and visi-
15 tation, including the legitimate reasons parents may
16 report domestic violence and child abuse, the ways
17 domestic violence may relate to an abuser’s desire to
18 seek custody, the importance of relying on sound,
19 well-documented psychological evidence and well-
20 qualified experts in custody and visitation deter-
21 minations if abuse allegations are raised, the indicia,
22 dynamics and treatment of child sexual abuse, and
23 the current scientifically accepted and peer-reviewed
24 research on domestic violence and child abuse.”.