

JOSEPH R. BIDEN, JR.
DELAWARE

Domestic Violence

United States Senate

WASHINGTON, DC 20510-0802

VIOLENCE AGAINST WOMEN ACT II

TITLE I - Strengthening Law Enforcement to Reduce Violence Against Women

Sec. 101. Improve Full Faith and Credit Enforcement of Protection Orders

Help states to improve interstate enforcement of protection orders as required by VAWA by directing technical assistance and funding to police and courts, including for computerized communications systems.

Amends and renames Pro-Arrest Grants to make full faith and credit enforcement of protection orders a funding priority, authorizing technical assistance, computer and other equipment; instructs DOJ to develop and disseminate promising practices; identify development of data bases as a priority for funds.

Sec. 102. Enhance the Role of Courts in Combating Violence Against Women

Engage state courts in fighting violence against women by targeting funds to be used by the courts for the training and education of court personnel, technical assistance, and technological improvements.

Amends STOP and Pro-Arrest grants to make state and local courts expressly eligible for funding; dedicates 10% of states STOP grants for courts; reauthorizes the State Justice Institute grant (\$600,000 annually for FYs 2000 through 2002) for development, testing and dissemination of model court training programs for state courts.

Sec. 103. Extend STOP Grants

Reauthorize through 2002 this vital state grant program that has succeeded in bringing police and prosecutors into the fight to end violence against women.

Preserves 25%/25% allocations to police/prosecutors, but increases grants to victim services to 30%, and adds state and local courts as eligible recipients for 10% (reducing the state's discretionary portion to 10%); 2% for state domestic violence and sexual assault coalitions; allows states to reallocate funds not spent after two years. (FY'98 funding at \$172 million; proposed \$555 million over 3 years -- \$185, \$186, and \$187 million respectively for FYs 2000 through 2002.)

Sec. 104. Strengthen Federal Controls on "Date-Rape" Drugs

Place Rohypnol, the date-rape drug, in Federal Schedule I, the strictest level of federal drug penalties and control.

Sec. 105. Extend Pro-Arrest Grants

Extend expired DOJ direct grant program through 2002, strengthening support for pro-arrest policies and enforcement of protection orders, while enhancing the role of courts.

(FY'98 fully funded at \$59 million and FY'99 funded at \$34 million; proposed: \$195 million over 3 years -- \$ 64, \$65, and \$66 million respectively for FYs 2000 through 2002.)

Sec. 106. Strengthen Responses to Violence Against Women in the Military

Provide federal court jurisdiction over domestic violence and sexual assault offenses committed by non-military persons employed by or accompanying the armed forces outside of the United States who otherwise would escape legal reprisal. At time of dismissal, require the transmission to the FBI of records of any penal action taken against a member of the armed forces. Clarify discretion of the Secretary of Defense to resume transitional compensation in extraordinary cases.

Sec. 107. Hate Crimes Prevention

Amends federal hate crimes law to permit federal prosecution for crimes based on gender, sexual orientation, and disability.

Sec. 108. Expand Rural Domestic Violence and Child Abuse Enforcement Grants

Extend these expired DOJ direct grant programs that help states and local governments focus on problems particular to rural areas.

(FYs '98 and '99 funded at \$25 million; proposed \$105 million over 3 years -- \$34, \$35, and \$36 million respectively for FYs 2000 through 2002.)

Sec. 109. Extend National Stalker and Domestic Violence Reduction Grant

Reauthorize this expired VAWA DOJ grant program to assist states and local governments in improving databases for stalking and domestic violence.

(FY'98 fully funded at \$2.75 million but FY'99 not funded; proposed \$9 million over 3 years -- \$2, \$3, and \$4 million respectively for FYs 2000 through 2002.)

Sec. 110. Clarify Enforcement to End Interstate Battery/Stalking

Clarify federal jurisdiction to ensure reach to persons crossing state lines from another country as well as another state and to battery of a victim before travel to facilitate interstate movement of victims. Makes nature of "harm" uniform for domestic violence, stalking, and interstate travel offenses; and violations in protection order section consistent.

TITLE II - Strengthening Services to Victims of Violence

Sec. 201. Civil Legal Assistance to Victims of Domestic Violence and Sexual Assault

Help victims of domestic violence access appropriate legal help by expanding and enhancing access to trained and available attorneys and lay advocacy services, particularly pro bono legal services, including training, technical assistance, data collection, and support for cooperative efforts between victim advocacy groups and civil legal assistance providers.

Authorizes separate new grant program building upon the FY'98 appropriations which added \$12 million to STOP grants expressly for provision of direct legal assistance to victims of domestic violence; authorizes DOJ grants to wide range of grantees for developing coordinated efforts and to develop a database of programs providing legal assistance to victims. (\$105 million proposed over 3 years -- \$34, \$35, and \$36 million respectively for FYs 2000 through 2002.)

Sec. 202. Expand Shelters for Battered Women and Their Children

Extend and expand current program to help communities provide shelter to battered women and their children who are now being turned away.

Extends authorization past 2000 through 2002; requires nationwide needs assessment. Provides for model leadership grants for domestic violence intervention in underserved communities. (FY'98 funded at \$76.8 million and FY'99 funded at \$88.8 million; proposed \$500 million over 3 years -- \$150, \$175 and \$175 million respectively for FYs 2000 through 2002.)

Sec. 203. Protect Victims of Abuse from Insurance Discrimination

Prohibit discrimination against victims of domestic violence in the issuance and administration of health, disability, property and life insurance policies.

Sec. 204. Extend National Domestic Violence Hotline

Increase and extend authorization to meet the growing demands on the National Domestic Violence Hotline established by VAWA.

Extends authorization past 2000 through 2002; increases funding to reflect operating costs; requires annual reports. (FY'98 and FY'99 each funded at \$1.2 million; \$10 million proposed over 3 years -- \$3, \$3, and \$4 million for FYs 2000 through 2002.)

Sec. 205. Extend Federal Victims' Counselors

Reauthorize this expired VAWA program for appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes.

(\$1 million appropriated in FYs '96 and '97 and \$850,000 in FY '98 but not funded in FY '99; proposed: \$1 million annually for FYs 2000 through 2002.)

Sec. 206. Protect Battered Women's Employment

Allow leave time guaranteed under the Family and Medical Leave Act to be used by victims of domestic violence for services related to that violence, including for court appearances, meeting with attorneys, and seeking other remedies and assistance.

Sec. 207. Ensure Unemployment Compensation

Ensure that victims of domestic violence are eligible for unemployment compensation when separation is a direct result of the domestic violence; provide training of personnel involved in assessing unemployment claims based on domestic violence.

Sec. 208. Restore Protections for Battered Immigrant Women

Reinstate authority for immigrant victims of family violence with approved VAWA petitions for residency (self-petitions filed by battered spouses and children of U.S. citizens and legal permanent residents) to remain in the United States while awaiting permanent resident status; eliminate "Catch 22" policies that impede VAWA relief.

Sec. 209. Protect Older Women from Abuse and Neglect

Amend the Older Americans Act (and other Acts) to strengthen programs to protect older Americans from abuse, neglect, and exploitation; create a new program in the Department of Justice to train law enforcement personnel and prosecutors regarding elder abuse and neglect.

(Authorizations are "such sums as may be necessary" and are "without fiscal year limitation.")

TITLE III - Limiting the Effects of Violence on Children**Sec. 301. Provide Safe Havens for Children**

Establish new DOJ grants to states to reduce the opportunity for domestic violence occurring during the transfer of children for visitation purposes by expanding the availability of safe, supervised visitation centers for the children of victims of domestic violence.

(Proposed \$80 million over 3 years -- \$20, \$30, \$30 million for FYs 2000 through 2002.)

Sec. 302. Review Child Custody and Parental Kidnapping Laws

Require the Attorney General to study and submit recommendations on appropriate modifications with respect to child custody laws and the Parental Kidnapping Act where domestic violence is a factor; clarify emergency jurisdiction.

(Proposed: \$200,000 annually for FYs 2000 and 2001.)

Sec. 303. Extend Grants to Reduce Sexual Abuse of Runaway, Homeless & Street Youth

Continue this expired HHS-administered grant program to agencies serving homeless youth who have been or are at risk of abuse.

(FY'98 and FY'99 funded at \$15 million; proposed: \$66 million over 3 years -- \$21, \$22, and \$23 million respectively for FYs 2000 through 2002.)

Sec. 304. Extend Victims of Child Abuse Act Grants

Extend past 2000 through 2002 the three grant programs reauthorized in VAWA: Court-appointed special advocate program; child abuse training program for judicial personnel and practitioners; televised testimony of children.

(FY'98 fully funded at \$7 million, \$2 million, \$1 million respectively and FY'99 funded at \$9, \$2 and \$1 million respectively; proposed maintain current authorization for FY 2000 at \$10, \$2.3, and \$1 million and reauthorize for FYs 2001 and 2002 at \$12, \$2.3, and \$1 million, respectively.)

TITLE IV - Strengthening Education & Training To Combat Violence Against Women**Sec. 401. Promote Education & Training of Health Professionals**

Amend the Public Health Services Act to give funding priority to medical schools and training programs requiring training in the identification, treatment and referral of victims of domestic violence and sexual assault.

Sec. 402. Provide Education & Training In Appropriate Responses to Violence Against Women

New DOJ direct grant program for the development, testing, and dissemination of model programs to provide education and training to individuals (other than police and prosecutors) who are likely to come in contact with victims of domestic violence in the course of their employment, such as welfare caseworkers, child protection workers, health care professionals, campus security and residence assistants, attorneys, clergy, and court personnel.

(Proposed: \$5 million annually for FYs 2000 through 2002.)

Sec. 403. Extend Rape Prevention and Education Program

Extend through 2002 and clarify VAWA CDC-administered Sexual Assault Education and Prevention Grant program; include education for college students; establish a National Resource Center on Sexual Assault; provide direct funding for state sexual assault coalitions.

(FYs'98 and '99 fully funded at \$45 million; proposed \$175 million over 3 years -- \$55, \$60 and \$60 million respectively for FYs 2000 through 2002.)

Sec. 404. Violence Against Women Prevention Education Among Youth

Building upon the model domestic violence K-12 education programs required to be identified by the Secretary of HHS in VAWA, promote dissemination, evaluation and implementation of models throughout schools; develop models for colleges.

(Proposed: \$2.7 million for FYs 2000 and 2001.)

Sec. 405. Education and Training to End Violence Against and Abuse of Women with Disabilities

Establish a new DOJ grant program to educate and provide technical assistance to providers on effective ways to meet the needs of disabled women who are victims of violence, abuse and sexual assault.

(Proposed \$15 million over 3 years -- \$4, \$5, and \$6 million respectively for FYs 2000 through 2002.)

Sec. 406. Renew Community Initiatives

Reauthorize expired VAWA CDC-grant program funding community demonstration projects for the intervention and prevention of domestic violence.

(FYs'98 and '99 funded at \$6 million, although no authorization; proposed: \$18 million over 3 years -- \$5, \$6 and \$7 million respectively for FYs 2000 through 2002.)

Sec. 407. Establish National Commission on Standards of Practice and Training for Sexual Assault Examinations

Direct the Attorney General to evaluate and recommend standards of training, practice and payment of forensic examinations following sexual assaults.

(Proposed: one year authorization of \$200,000.)

Sec. 408. Establish National Workplace Clearinghouse on Violence Against Women

Provide new DOJ grant for a private, non-profit entity to establish a national clearinghouse and resource center to assist employers and labor organizations to develop and implement appropriate workplace policies and strategies to assist employees who are victims of domestic violence or sexual assault; require 10% non-Federal match.

(Proposed: \$1 million annually for FYs 2000 through 2002.)

Sec. 409. Strengthen Prevention and Intervention Research to Combat Violence Against Women

HHS and the Attorney General to coordinate grants to research violent behavior against women, gaps in knowledge of violence against women in underserved communities, sentencing involving domestic violence and sexual assault offenses, and status of laws regarding sexual assault offenses.

(Proposed \$6 million for FY 2000; \$5.1 million for FY 2001.)

TITLE V - Extending the Violent Crime Reduction Trust Fund**Sec. 501. Extend Violent Crime Reduction Trust Fund**

Preserve this dedicated source of revenue to fight violence against women through 2002.

(FY'98 appropriations for VAWA from the Trust Fund totaled \$415.6 million; transfers to the Trust Fund are presently scheduled to end in FY 2000.)

January 19, 1999

Jan Coleman

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Lester ~~Kay~~ Kay x
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Reg. Form 301827 1X27

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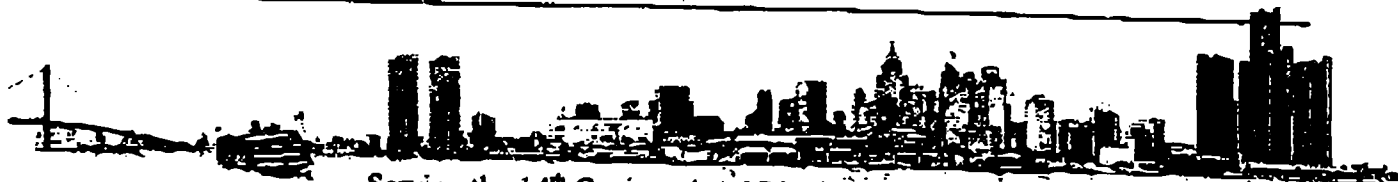
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Conyers Amendment to H.R. 3494

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

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

- The Attorney General may make grants to assist States, Indian tribal governments, and local governments in developing and strengthening law enforcement and prosecution strategies to combat violent crimes against women.
- Money may be used for personnel, training, technical assistance, data collection, and equipment for more widespread apprehension, prosecution, and adjudication of those who commit crimes against women.
- \$555,000,000 authorized over 3 years, beginning in 2001.

Subtitle B - Grants to Encourage Arrest Policies

- The Attorney General may make grants to States, Indian tribal governments and local governments to improve domestic violence detection, prosecution and adjudication through implementing mandatory or pro-arrest policies, developing policies and training materials, improving tracking, centralizing and coordinating law enforcement and prosecution efforts and by educating judges.
- \$340,000,000 authorized over 5 years, beginning in 1999.

Title VI - Limiting the Effects of Violence on Children

- Provides fleeing from domestic violence or the sexual assault of a child as a defense to the charge of kidnapping or child abduction for those who have custody or visitation rights to the child as long as those charges had been previously related to law enforcement authorities.
- Allows states not to give full faith and credit to the custody orders of other states if the first state failed to consider domestic violence or sexual assault of the child in making the initial custody determination.

Title VII - Sexual Assault Prevention

Subtitle A - Standards, Practice, and Training for Sexual Assault Examinations

- The Attorney General shall evaluate existing standards of training and practice for health care professionals who perform sexual assault forensic examinations and

develop a national recommended standard for training as well as a national protocol.

- \$200,000 authorized for fiscal year 1999.

Subtitle B -- Prevention of Custodial Sexual Assault by Correctional Staff

- The Attorney General shall establish guidelines for States and disseminate information regarding the prevention of custodial sexual misconduct by correctional staff. These guidelines will prohibit State departments of corrections from hiring correctional staff who have been found guilty on criminal charges or found civilly liable for sexual misconduct. The guidelines will also require States to maintain databases relating to correctional staff found guilty or liable for sexual misconduct.

Title VIII -- Full Faith and Credit for Protective Orders

- Allows the Attorney General to reduce a State's Byrne grant funding by 10% if she finds that a State has failed to enforce the protective orders issued by other states.
- The Attorney General may provide grants to States, Indian tribal governments and local governments to assist them in developing and strengthening recordkeeping of protective orders.
- \$25,000,000 authorized over 5 years, beginning in 1999.

Title IX -- Federal Witness Protection Program for Victims of Domestic Violence

- Allows victims of federal domestic violence to be eligible for the federal witness protection program and requires the Attorney General to establish guidelines for eligibility.

Title X -- Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence

- Makes it a federal crime for anyone serving with, employed by or accompanying the Armed Forces outside of the United States to commit domestic violence or sexual assault offenses if those acts would be subject to federal prosecution if they occurred within federal jurisdiction.

Title XI -- Preventing Violence Against Women in Traditionally Underserved Communities

- Authorizes the Attorney General to develop curricula and provide training programs to assist law enforcement and prosecution in recognizing, investigating and prosecuting the abuse, neglect, exploitation, domestic violence and sexual assault of older individuals.

Title XII - Violence Against Women Training for Health Professionals

- Authorizes the Attorney General to award grants and contracts to health care providers to assist them in identifying victims of domestic violence and sexual assault and maintaining complete medical records regarding the victims' injuries.

Title XIII - Violence Against Women Intervention, Prevention and Education Research

- Requires the Attorney General to establish a task force to coordinate research on violence against women. The task force shall develop a coordinated strategy for such research, track and report all federal expenditures on such research and identify gaps and develop criteria for research.
- \$1,500,000 authorized over 3 years, beginning in 1999.
- Department of Justice shall make grants to entities to support research to further the understanding of the causes of violent behavior against women and to evaluate prevention, detection and education programs.
- \$18,000,000 authorized over 3 years, beginning in 1999.
- Department of Justice shall make grants to domestic violence and sexual assault organizations to expand knowledge regarding violence against women with an emphasis on underserved communities.
- \$13,500,000 authorized over 3 years, beginning in 1999.
- Sentencing Commission shall study the sentences given to domestic violence and sexual assault offenders and make recommendations regarding sentencing.
- \$200,000 authorized.
- The Attorney General shall conduct a national study and report to Congress on the status of domestic violence and sexual assault laws, considering the effectiveness and implementation of those laws as well as how those laws protect victims.
- \$9,000,000 authorized over 3 years, beginning in 1999.

Total Authorizations: \$ 962,400,000

Total Pages: 20

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

Saturday, July 18, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference

OMB CONTACT: Ronald E. Jones

PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: HHS Testimony on Implementation of the Violence Against Women Act

DEADLINE: 5:00 PM Monday, July 20, 1998

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

COMMENTS: NOTE: ~~THE~~ ^{JUSTICE} TESTIMONY IS ALSO BEING CIRCULATED.

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TESTIMONY OF OLIVIA A. GOLDEN
ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES
ADMINISTRATION FOR CHILDREN AND FAMILIES

BEFORE THE

SENATE JUDICIARY COMMITTEE

JULY 22, 1998

Mr. Chairman and Members of the Committee, thank you for providing me with the opportunity to appear before you on the Violence Against Women Act (VAWA). Several key components of VAWA are administered by the Administration for Children and Families (ACF) and as Assistant Secretary of ACF I am especially pleased to speak to you today. I would also like to share with you some of the important work of the Centers for Disease Control and Prevention (CDC) in administering other key components of VAWA. Joining me is Dr. Mark Rosenberg, Director of CDC's National Center for Injury Prevention and Control.

On behalf of the Department, I would like to thank Chairman Hatch, Senator Leahy, Senator Biden and the Committee for your foresight and bi-partisan leadership in enacting the Violence Against Women Act. I would also like to recognize the survivors. The system of services and efforts to address violence against women was developed and led by courageous women, many of whom are survivors of domestic violence and sexual assault.

VAWA recognized that the serious national threats of domestic violence and sexual assault require a heightened and comprehensive federal response. The law acknowledged that violence against women is not only a criminal justice problem requiring new law enforcement tools, but also a human services and health issue requiring additional support for social and health services, education and prevention.

According to the 1996 National Crime Victimization Survey (NCVS), more than 960,000

incidents of violence against a current or former spouse, boyfriend, or girlfriend occur each year, and about 85 percent of the victims are women. Further, other surveys conducted in the past decade show a great need. As we come to understand the many dimensions of domestic violence and sexual assault more fully, it is increasingly evident that the scope of this problem is alarming and the consequences often dire.

Before the 1994 legislation, violence against women was still largely perceived as a private matter and federal policy and support were limited. VAWA provided a powerful step to tackle violence against women. As a result, more women and children are served by shelters and are receiving other services. Shelters have been created in communities where before VAWA there were none, and the services provided in communities across the U.S. are more comprehensive than what existed before passage of VAWA. VAWA also stimulated important connections between people and services and linkages between services.

The Department of Health and Human Services has taken important steps to address family violence and sexual assault. Teaming up with our partners, including at the Federal level especially, the Department of Justice, and building on VAWA's foundation we are working to create a seamless system that will prevent domestic violence, stop its perpetrators, help victims get out of abusive situations and keep all families and children from falling through the cracks. My testimony today will focus on the HHS-targeted provisions of VAWA, what we have accomplished and what we have learned, and the systemic approach we are seeking with our partners to address this national problem.

VAWA Components Administered by HHS and Their Accomplishments

The Department of Health and Human Services administers 6 components of VAWA. I would like to summarize each of these efforts and their accomplishments and then turn to where we are today and the challenges faced ahead.

ACE Programs

1. FVPSA/Battered Women's Shelters

The 1984 Family Violence Prevention and Services Act (FVPSA), provides grants to States and Indian Tribes to support programs and projects that prevent incidents of family violence and provide immediate shelter and related assistance for victims of family violence and their dependents. Under the statute, 70 percent of these funds must be used to provide immediate shelter and related assistance and the remaining funds can be used to establish new shelters in underserved areas; expand counseling; self-help, and substance abuse referral services; implement demonstration programs, and provide training for staff and volunteers.

VAWA significantly strengthened the FVPSA programs in a variety of ways. First, with almost a 3-fold increase in funds for these programs (\$32.6 million in FY 1995 to \$86.8 Million in FY 1998), VAWA significantly enhanced every State's services and community support for domestic

violence victims.

As a result, now FVPSA provides support for approximately 2,000 shelters, safe homes and domestic violence service programs. Nevertheless, this federal funding represents only a fraction of the costs of shelters and services, with additional support provided by State government and private entities, including volunteers and philanthropic organizations.

VAWA recognized that particular communities face specific and unique barriers and therefore permits States to use funds to address the needs of underserved populations including, populations underserved because of ethnic, racial, cultural, or language diversity or geographic isolation. Out of this grew several new and exciting efforts to address domestic violence in specific underserved populations, including: establishment of the National Institute on Domestic Violence in the African American Community, The Sacred Circle to provide specific leadership to Indian Tribes and Tribal Organizations, the National Symposium on La Violencia Domestica, the Women of Color Network and preparation for the establishment of a forum/institute on Domestic Violence in the Asian American Community.

VAWA also strengthened state domestic violence coalitions which receive 10 percent of these funds to further the purposes of domestic violence intervention and prevention. The State domestic violence coalitions are comprised of leaders in the field who provide their vision, leadership and expertise to the development of state networks to address domestic violence. These coalitions help pioneer new partnerships between local service providers, the private sector

and State and Federal government.

State domestic violence coalitions play a vital role in training State and local professionals and organizations that deal with and serve victims of abuse; providing assistance in prevention activities including public awareness campaigns; developing resource contacts and assisting members of the domestic violence service community to identify resources; aiding in referrals for victims and their dependents in need of services; and assisting in service coordination with other services sectors such as justice, law enforcement, health and employment services.

VAWA also made possible expansion of the Domestic Violence Resource Center Network (DVRN) to include the addition of a fourth special issue resource center for Indian Tribes and tribal Organizations (The Sacred Circle). The Resource Center Network which provides critical expertise and leadership for the domestic violence field now includes the: National Resource Center on Domestic Violence; The Battered Women's Justice Project; Resource Center on Child Protection and Custody; Health Resource Center on Domestic Violence; and the Sacred Circle.

Together, this network strengthens existing support systems serving battered women, their children and other victims of domestic violence. Each of these resource centers creates partnerships with community based domestic violence programs, state coalitions, Federal, State and local public agencies and others involved in assisting victims of domestic violence.

II. National Domestic Violence Hotline

ACF also administers the VAWA-established National Domestic Violence Hotline. The Hotline is a 24-hour, 7 day-a-week, toll-free telephone hotline that provides information and assistance, including crisis assistance and local shelter referral, to victims of domestic violence, their families and the public in an effort to build healthy, safe and supportive communities and tribes.

Mr. Chairman, the Committee was especially forward-thinking in establishing the National Domestic Violence Hotline (Hotline). I want to especially acknowledge Senator Kennedy for his leadership in this effort. Since its inception in February 1996, the hotline has received over 200,000 calls. The Hotline is operated by the Texas Council Against Family Violence and provides services in English and Spanish, and through the AT&T Language Line provides interpreter services in other languages on an as needed basis.

To give you a snapshot of the calls: between January and March of this year, the Hotline received just over 24,000 calls. Of these, 46 percent were from victims of domestic violence and sexual assault, 16 percent were from a family or friend of a victim, 12 percent were from advocates and the general public, and three percent were from batterers.

Public and private support has been instrumental in enabling the public to be aware of the resources available through the Hotline. The telephone number of the Hotline is 1-800-799-SAFE and 1-800-787-3224(TTY). CDC and ACF are working jointly to evaluate the Hotline's success to date.

III. Education and Prevention Grants to Reduce Sexual Abuse of Runaway and Homeless Youth

(Street Outreach)

The third ACF component of VAWA is the Street Outreach program. Under the larger Runaway and Homeless Youth Act, Street Outreach provides grants for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless and street youth who have already been subjected to or are at risk of sexual abuse.

Local grantees are providing a range of services directly or through collaboration with other agencies, specifically those working to protect and treat young people. Services include: education and outreach, emergency shelters, survival aid, treatment and counseling, crisis intervention and follow-up support.

At the National level, in October 1996, we convened the Forum on Preventing the Sexual Abuse or Exploitation of Street Youth, bringing together staff of several Street Outreach Program grantee agencies and representatives of their partner sexual abuse prevention/treatment agencies. More recently, in January of this year, we held a National Street Outreach Conference with the National Network for Youth. The conference examined ways to solicit input from youth, ways to recruit, support, and retain staff and a discussion of methods for conducting informal and formal evaluations of local programs.

IV. Youth Education Program

The fourth component under ACF's jurisdiction is the Youth Domestic Violence Education Program project. The purpose of this project is to select and evaluate model programs designed to educate young people about domestic violence and violence among partners. A final report on the model programs is expected to be released in the Fall.

CDC Programs

I. Rape Prevention and Education Grants to Reduce Sexual Assaults Against Women

Two additional provisions in VAWA are administered by the CDC. The first of these, Rape Prevention and Education Grants to Reduce Sexual Assaults Against Women, authorized appropriations for CDC to supplement Preventive Health and Health Services Block Grant funds for rape prevention and education programs to address sexual assault issues.

The program has enabled States, territories and two Indian tribes to establish education and prevention initiatives to reduce sexual assaults against women. The rape prevention and education grant funds, which supplement the Preventive Health and Health Services Block Grant, are allocated to all State and territorial and some tribal health departments for rape prevention and education programs conducted by rape crisis centers or similar entities.

CDC is working with State health departments and state sexual assault coalitions on a variety of

sexual assault prevention projects. With the funding increase from VAWA which began in Fiscal Year 1996, CDC staff is developing guidelines and other materials for the sexual violence field. These activities include: (1) the development of proposed definitions of rape and sexual assault; (2) assisting States in the collection of data relevant to rape and sexual assault; (3) identifying evaluation studies on prevention and intervention programs for rape and sexual assault; (4) identifying recommended school curricula that address sexual violence; and (5) identifying public awareness campaigns that address sexual violence.

VAWA's sexual assault programs are having an impact. The Coalition of Advocates for Utah Survivors Empowerment (CAUSE) oversees all sexual assault programs in the State. Prior to the increases provided by VAWA, there were only 4 rape crisis centers in Utah. A combination of funds from the increases provided through VAWA and other sources has supported an additional 6 rape crisis centers. With the increased funds, the CAUSE has hired staff who are trainers to be placed in these centers. The trainers work with survivors and use their expertise to develop rape prevention and education curricula and to form multi disciplinary teams. In addition, the CAUSE has established a statewide rape and sexual assault crisis information line that is in service 24 hours a day, seven days a week. These activities have made a remarkable difference in access to assistance.

CDC plans to award a cooperative agreement for a National Sexual Violence Resource Center in the early Fall, which will (1) strengthen the existing support system serving sexual assault survivors; (2) provide leadership in the prevention of sexual violence; (3) provide

comprehensive information and resources, policy analysis and development; (4) provide technical assistance and professional consultation to sexual assault programs, national, State and local organizations, community volunteers, and the media designed to enhance community response to and prevention of sexual violence; (5) compile, synthesize, and distribute research and evaluation findings, including those funded by Federal, State, and local agencies, foundations, sexual assault practitioners, professional associations, and universities; and (6) publish and disseminate information on demonstration projects, prevention and intervention techniques.

II. Community Programs on Domestic Violence

The second program administered by the CDC is the Community Program on Domestic Violence. The Community Programs provision of VAWA authorized appropriations for projects in local communities that involve health care providers, the education community, the religious community, the justice system, domestic violence program advocates, human service entities, and business and civic leaders. Together they develop a coordinated community plan for intervention in and prevention of domestic violence.

Under the Community Coordinated Response Program, CDC began providing funds in FY 1996 to: coordinate prevention and intervention strategies in the area of intimate partner violence; develop an integrated community plan of action to prevent intimate partner violence; and implement and evaluate multifaceted approaches to the prevention of intimate partner violence.

Prevention strategies include development of coordinated community task forces, expansion of community education and outreach, and programs that will more effectively reach racial, cultural, and ethnic minorities. Currently, CDC is funding 16 coordinated community response programs to prevent intimate partner violence.

Research

VAWA also provided funds to the Department to conduct research, a very important tool in trying to understand violence against women. To date, the Department is in the process of conducting several studies. CDC is conducting a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and to recommend health care strategies for reducing the incidence and cost of such injuries.

In addition, the Department is jointly funding VAWA research with the DOJ. Especially noteworthy are several activities of the National Research Council/Institute of Medicine. The first was mandated by Congress in VAWA and resulted in "Understanding Violence Against Women," which presents a research agenda on intimate partner violence and sexual assault. A subsequent important report, issued this Spring by NRC/IOM, is "Violence in Families: Assessing Prevention and Treatment Programs" which lays out what is known about the effectiveness of family violence interventions and makes recommendations for future action.

Finally, ACF and DOJ completed a Congressionally mandated report on the Battered Women's

Syndrome and are in the final stages of a study requested by Congress on the costs of domestic violence. The report is expected to be released this Fall.

Looking Toward the Future

VAWA activities provide women, families and communities needed support in addressing violence and are also serving to increase our understanding of domestic violence and sexual violence. Women and children who experience physical, emotional and sexual violence need a wide range of support and protection which are determined by their particular circumstances.

As a result, for example, domestic violence service providers are involved in a wide range of activities. Providing shelter support is a central service, but one of many services provided. Victims and their children need jobs, health and mental health care, substance abuse treatment, child care, child support, housing, legal assistance, etc. Consequently, domestic violence service providers take on more and more responsibilities, e.g., working with hospitals, health plans and other health care delivery systems, with child protection agencies, Temporary Assistance for Needy Families (TANF) agencies and with child support enforcement agencies.

In ACF, we are piloting linkages with other services systems, including 26 projects connecting child welfare/child protection and domestic violence service providers and projects to link domestic violence service providers with child support and TANF agencies to strengthen their ability to achieve self-sufficiency and safety for victims of family violence.

ACF is also supporting the National Council of Juvenile and Family Court Judges efforts to develop guidelines for courts, domestic violence service providers and child welfare workers to improve intervention in domestic violence and sexual assault cases in which children are present.

In addition, we have learned that the health care system is a critical arena for potential response and prevention because many victims may never call the police, they may never go to a shelter or call a rape crisis center, but eventually they will go to the doctor for a routine check up.

The workplace is another critical arena for providing information, sources of help and support for employees who are victims of violence or at risk of victimization.

However, our current knowledge base about violence against women needs strengthening. We need to learn more about the causes and consequences of violence against women. Through data collection and monitoring activities, CDC is trying to learn how often physical and sexual violence against women occurs, who faces the greatest risk, and whether the problem is improving or worsening over time at national or local levels.

In coordination with the DOJ, we are hosting a major invitational conference this Fall on violence against women data issues, to plan for improved estimates of incidence, prevalence, risk factors and consequences of violence against women.

However, we also know a seamless system of services, support and protection cannot focus on the victim alone but needs to focus on children and men as well. Children are involved in a high

proportion of sexual and domestic violence cases. We need to learn more about how they are involved and what help is appropriate and how to provide it, how to prevent them from becoming victims of violence and reduce their heightened risk of becoming batterers or sex offenders themselves when they grow up.

We need to do a better job of working with men. For batterers or sexual offenders, there should be more responsive courts, effective batterers or sex offender intervention programs, safe visitation arrangements, to name a few. But there is also a need to reach a much broader spectrum of men with what it takes to be responsible husbands, fathers and friends.

In addition to these insights and efforts, VAWA has spurred the Department to generate new ways to expand work with the stakeholders and partners in addressing violence against women, both throughout the nation and within our own Department. However, the tragedy of domestic violence is still pervasive and the consequences too profound for us to rest on these accomplishments alone. Secretary Shalala has been clear that we must build on them. We must improve the ways we as a society prevent violence and assist battered women and their children in moving from violence to safety.

To this end, the Secretary established a Violence Against Women Steering Committee that meets bimonthly and represents all parts of the Department and Department of Justice (DOJ) to coordinate implementation. The Committee developed a Departmental agenda for action on violence against women that was submitted to the President last October in commemoration of Domestic Violence Awareness Month. Under the agenda, we are focusing on five key areas:

strengthening the health care system's ability to screen, treat and prevent violence against women; increasing the ability of battered women to obtain and retain employment and access to child support; encouraging greater linkages between child welfare, domestic violence and criminal justice fields to better protect both children and parents in homes where violence occurs; enhancing community prevention and response systems, and increasing the knowledge base through data collection and research.

Reaching beyond the Department, a distinguished Advisory Council on Violence Against Women, co-chaired by Secretary Shalala and Attorney General Reno has been launched. This panel is comprised of key leaders across the country in the business, sports, media, entertainment, religious, labor, law, and medical fields in addition to leaders representing domestic violence and sexual assault field and survivors. The panel has undertaken several important projects including developing and disseminating a Community Checklist brochure, hosting a breakfast with religious leaders and convening a summit of nursing organizations.

Finally, we know a key element of every successful prevention program is communication. The Department supports activities to increase societal recognition that family and intimate violence and sexual violence is unacceptable and that all individuals can take steps to prevent it. CDC has funded an electronic network (VAWnet) to enhance the ability of state domestic violence and sexual violence coalitions and allied organizations to design and support effective local, state, and national intervention and prevention initiatives through the development, pilot testing, and implementation of a national electronic network focusing on violence against women. And, in addition to many local public awareness campaigns, ACF is supporting the development of a

major national media campaign with the Family Violence Prevention Fund.

Conclusion

VAWA was and is a major step in addressing violence against women and has provided a strong platform for new directions.

However, our greatest challenge ahead lies in continuing efforts to create a seamless system for addressing violence against women and will require:

- o Strengthening the ability of service providers to provide a range of services to victims and their families who need them. As more sectors of our society -- employers, health care providers, substance abuse treatment programs, for example, recognize and identify victims of abuse, the greater need there is for expertise and services to help victims and their families achieve safety, stability and wellbeing;
- o Enhancing the ability of domestic and sexual violence service providers and other systems of response, care and prevention to work together (health care delivery, employment, workplaces, child support, child care, child welfare, substance abuse treatment, mental health as well as the justice system);
- o Making health care settings and the workplace key arenas for information, identification, response and prevention;

- o Focusing more on high risk underserved groups, in addition to communities of color, immigrants and refugees, also children in violent households, adolescents (16-24 year olds), individuals with disabilities, and men.

And, finally, we must develop bold new prevention strategies for children and adults to change social norms so violence against women is no longer acceptable.

I hope I have provided a good picture of this Department's commitment to addressing the issue of violence against women by fully implementing the tools provided by the Congress in VAWA.

We are making real progress but we have alot work ahead of us. I look forward to working with the Committee in addressing the challenges that lie ahead. I would be happy to answer any questions you may have.

Domestic Violence
Total Pages: **30**

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

Saturday, July 18, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukos (for) Assistant Director for Legislative Reference
OMB CONTACT: Ronald E. Jones
PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: JUSTICE Testimony on Implementation of the Violence Against Women Act

DEADLINE: 5:00 PM Monday, July 20, 1998

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

COMMENTS: **NOTE: HHS TESTIMONY IS ALSO BEING CIRCULATED.**
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**Testimony of Associate Attorney General Raymond Fisher
Senate Judiciary Committee
Violence Against Women Act Oversight Hearing**

I. Introduction

Four years ago, Congress passed and the President signed the Violence Against Women Act as part of the historic 1994 Crime Act. VAWA reflected a comprehensive understanding of the broad range of strategies needed to change this nation's response to violence against women. Its passage was a watershed event in the continuing struggle to end violence against women -- a struggle that was in large part taking place at the local level -- one woman, one town, one community, one State at a time. With VAWA, for the first time, Federal resources, Federal law enforcement, and Federal courts were sent -- together -- to take a place in the front lines of this struggle. For the first time, there was a mandate to Federal, State, Tribal, and local governments to collaborate -- to work together to figure out how to end the terrible scourge of domestic violence, rape, and stalking that was shattering the lives of so many of this nation's women, children, and families. For the first time, there was a mandate to law enforcement, prosecutors, judges, and women's advocates to work together -- to sit down around the same table, to share information and ideas, and to work hand in hand to keep women safe and hold offenders accountable.

There is no question that VAWA is making a difference. With funding from VAWA, communities are setting up the infrastructure that will help them respond to violence against women in ways that are effective, supportive, and fair:

- States and Tribes are changing their laws to make sure that violence against

women is treated as a crime. Twenty states and the District of Columbia, mandate arrest for most domestic violence offenses. Forty- five states now impose some kind of criminal penalty for violation of a protection order.

- States are changing the way their courts handle domestic violence cases, to make sure these cases are given the attention they need: Thirty- five states now have some type of special court jurisdiction, structure, or services to handle domestic violence cases.
- States are acting to relieve victims of some of the costs of victimization. All states have some provision for covering the cost of a forensic rape exam, and forty- six states and the District of Columbia, require that sex offenders be tested for HIV and offer counseling and referrals to the victim.
- States are increasingly recognizing that domestic violence hurts children too: 42 states now require courts to consider domestic violence as a factor in making custody decisions.
- U.S. Attorneys, at the Attorney General's request, have each appointed a special VAWA Point of Contact in their offices, to help coordinate prosecution of federal VAWA crimes in their districts. Over 90 indictments on such crimes have been brought.

This is terrific progress. And it is only a snapshot of the exciting work going on in local communities in your home states and at the federal level. But this is only part of a somewhat more sobering picture. Although violent crime has decreased nationwide it still devastates the lives of many women. Domestic violence alone -- violence by intimates -- still accounts for about 20% of all violent crimes against women. Over 1 million women are stalked each year, and a quarter million were sexually assaulted in 1996 alone. Thirty percent of all female homicide victims are killed by their intimate partner. Plainly, we have much more work to do.

The infrastructure we are building with VAWA is an important, indeed, a critical, beginning. But what happens to an individual woman who is battered depends so much on whether she knows of the services available to her; whether she has enough confidence in the criminal justice system to come forward; whether the police officer who responds does so with understanding, support, and information; whether the judge who hears her case understands the dynamics of domestic violence and the ways in which a judge can intervene to make a difference; whether her abuser is truly held accountable; and whether she gets the help she needs through the criminal and civil justice systems to stay safe and rid her life of the effects of violence. With continued training, we can and must build trust. With continued collaboration within communities we can build effective, responsive criminal and civil justice systems. We can reach more women and save more lives. But there is still a long road ahead of us. Let me tell you what steps we have taken, and what we see ahead as we work on achieving VAWA's goals.

II. Federal Funds Are Making a Difference

The Department of Justice has awarded over half a billion dollars through VAWA grant programs since 1994, directing critical resources to communities' efforts to respond to violence against women. These funds have reached across the nation -- from remote, rural communities, to large urban centers; from non-profit domestic violence shelters to State prosecutors' offices. They have made a difference in women's lives. And they have made a difference in how communities respond to violence against women -- by bringing together police, prosecutors, advocates, judges, and others to figure out the best way to meet their communities' most pressing needs.

With Federal assistance, states, tribes, and local communities are beginning to make headway. The progress is real. The more we learn, the more we need to learn. But in many ways, the gains are no more than a beachhead in the struggle to end violence against women. So, while I can take great pleasure in reporting the successes of the DOJ grant programs, do not think we are complacent. Much remains to be done to effect the fundamental changes in our country's response to violence against women that VAWA envisioned.

STOP Formula Grant Program:

DOJ's largest VAWA grant program is the S-T-O-P Violence Against Women Formula Grant Program. "S-T-O-P" stands for "Services•Training•Officers•Prosecutors" -- encapsulating the goals of this program. Since 1994, over \$411 million has been awarded to states through this program; over \$135 million in Fiscal Year 1998 alone. As required by VAWA, states have pulled together law enforcement representatives, prosecutors, and victim services providers to design a

statewide plan for the use of these funds. Through 1997, nearly 2,500 local projects received S•T•O•P funding. This number is outdated even as I speak, as States award funds to local projects on a rolling basis. Most of the projects provide at least some direct services to victims; roughly one quarter train law enforcement officers or prosecutors; and about 10% support specialized law enforcement or prosecution units, or develop policies and protocols for responding to violence against women. All are changing the way communities respond to domestic violence, rape, and stalking.

- In Cache County, Utah, S•T•O•P funds support a sexual assault prosecutor. In the 7 years before this prosecutor was hired, the County had not charged a single sexual assault case. In 1997 alone, the prosecutor's office handled more than 60 sexual assault cases.
- In California more than 6,000 law enforcement officers statewide have been trained on investigation of stalking cases.
- In Delaware, S•T•O•P funds have trained police officers on domestic violence and two counties are focusing on the often neglected elderly victims of domestic violence. As a result, a woman was able to become self-sufficient and end 40 years of violence at the hands of an abusive husband who did not let her talk to others, eat when she was hungry, or even take an aspirin for pain, without his permission.

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- Communities around the country are setting up cell phone programs that give women who are stalked the ability for immediate contact with police in an emergency.
- In Alabama, mobile units have been set up to travel to rural areas to provide on-site assistance to domestic violence victims.

We can build on these initial successes. States tell us that they see a real need to involve courts in all their efforts to end violence against women. The Department will support this, and will also continue to increase the emphasis on sexual assault and stalking programs.

S•T•O•P Violence Against Indian Women

VAWA set aside funds for Indian Country each year: a total of \$15.5 million has been awarded to tribes, including nearly \$5 million in Fiscal Year 1998. Tribes are using funds to develop and strengthen the response of tribal justice systems to violent crimes against women. An evaluation of the Tribal program, currently underway, indicates that VAWA grant funds have promoted various approaches to confronting domestic violence in native communities, and the simple fact of receiving S•T•O•P funding has raised awareness among tribal leaders and communities of domestic violence. Since the program began in Fiscal Year 1995, 112 tribes have received federal VAWA grants, serving 233 Native communities. This is having a measurable impact. For example:

- On the Pine Ridge Indian Reservation in South Dakota, law enforcement officers were making dual arrests in 10% of all domestic violence cases in 1996, which is a high percentage. After VAWA funds helped train officers on how to identify the primary aggressor, the dual arrest rate dropped to 2% in 1997. Women are no longer arrested for having defended themselves against abuse.

Grants to Encourage Arrest Policies

The Grants to Encourage Arrest Policies have reached communities across the country to assist in their efforts to use the power of the criminal justice system to keep victims safe and hold offenders accountable. Over \$100 million will have been awarded by the end of Fiscal Year 1998. Communities are required to document their collaboration to even qualify for a grant under this program -- the result has again been the growth of new partnerships and a deeper understanding of violence against women.

- Since the Salem, Massachusetts, Police Department first began receiving VAWA funds to improve outreach and training, the number of domestic violence calls to the police has more than doubled as a result of increased confidence in the justice system response, and police officers responding to these calls are spending nearly twice as long at the scene, resulting in improved investigations and prosecutions.
- In Chicago Heights, Illinois, funds were used to create a domestic violence unit in the police department, which has since initiated more than 600 domestic violence

cases. One woman, who learned of the special unit and its Spanish-speaking detectives, came forward and successfully ended a 35-year history of violent abuse by her husband.

- In Colorado Springs, Colorado, victim advocates and law enforcement officers from seven rural jurisdictions meet daily to assess and respond to all domestic violence cases. Together, this team has established a broad range of services and shelters for battered women to reach across these neighboring rural communities.

Looking to the future, we will fund projects that implement VAWA's full faith and credit directive, and that establish comprehensive, court-centered programs that recognize the critical role judges play in ending violence. Our goal is to continue to invest in communities to help develop the infrastructure needed to continue effective, responsive, and collaborative programs addressing violence against women.

Rural Domestic Violence and Child Abuse Enforcement Program

Over \$30 million has been awarded to rural states and jurisdictions to assist in strengthening the investigation, prosecution, and delivery of victim services to domestic violence and child abuse victims.

- In Bonner County, Idaho, a domestic violence prevention and education program funded by a Rural grant spurred a 25% increase in domestic violence calls to law enforcement and a 45% increase in domestic violence arrests.

- In rural communities in Massachusetts, rural health care providers are being trained to better understand domestic violence and child abuse, and are in turn working with local communities, including schools, to promote awareness of child abuse and domestic violence.

One victim advocate in rural Oregon described first hand the difference VAWA funds had made. With a Rural Grant, her community set up a domestic violence intervention team with police, sheriffs, prosecutors, and victim advocates that meets once a week to discuss cases. In a letter to the Violence Against Women Grants Office, she said:

"The flow of information is incredible. We have access to resources and information that we would not have had without this collaborative effort. . . Quite often we find ourselves looking at each other and saying, 'This is really working!'"

What better testament to the success of VAWA's design, and the impact of our grant programs ?

Rural communities are reaching farther to respond to domestic violence. Many seek to establish supervised visitation centers, where court-ordered visitation can occur without putting women or children at risk. Others are recognizing the needs of underserved communities and plan to develop bilingual police or advocacy units. And we are working with States to identify how technology can help address the geographic isolation that limits services.

Domestic Violence Victims' Civil Legal Assistance

With respect to our newest grant program, we are in the process of reviewing applications seeking to strengthen civil legal assistance for battered women. A total of \$12 million was

appropriated for this program. The volume of applications echos the tremendous need we have heard from domestic violence advocates in the field: 342 requests seek funding totaling more than \$80 million, even though individual requests were for relatively modest amounts of less than \$350,000. Applications are being reviewed by panels of experts, and we plan to make the awards by September. This program, too, has prompted innovative collaborations among victim advocates, legal services providers, the private bar, and law schools. Communities around the country tell us that the process they have gone through to discuss and plan for these grant applications has already changed how agencies and organizations work together, and has energized their efforts to respond to violence against women.

Training and Technical Assistance

The Department also works to build the capacity of national criminal justice and victim advocacy organizations to foster partnerships and to respond effectively to violence against women. Using funds drawn from each of the major grant programs, we will have awarded \$18 million through Fiscal Year 1998 for this purpose. Through this program, we can bring needed expertise to communities that are working, most for the first time, to develop a comprehensive response to violence against women. The Department sponsors mentoring efforts and peer-to-peer consultations, making it possible for people who want to establish effective programs in their community to visit and learn from expert professionals and successful programs in other communities. One administrator responsible for coordinating VAWA program in her state commented upon her return from a site consultation that it had completely changed her understanding of what it means to provide a coordinated community response to domestic

violence. Since then, innovative collaborative projects have proliferated in her state.

Other technical assistance efforts provide training, policy development, and information, including:

- Local workshops, sponsored jointly by the American Prosecutors Research Institute and the Battered Women's Justice Project, on effective prosecution of domestic violence, sexual assault, and stalking crimes.
- Development by the International Association of Chiefs of Police of a model policy and procedures for handling domestic violence and abuse cases where the batterer is a police officer.
- Development of a Promising Practices Manual by the Pennsylvania Coalition Against Domestic Violence, to be released this Fall, that will describe approaches developed and undertaken in local communities to address violence against women.

Research, Evaluation, and Outreach are Guiding Future Work

This nation should be proud of all we have accomplished in such a short time. We know that our work is far from done, however. Our understanding of what works - and what doesn't work - to address violence against women grows yearly. This understanding informs our future efforts.

We know more now than we did four years ago — or even two years ago, when the Attorney General spoke to you about the beginnings of our VAWA programs. Research funded through VAWA has contributed in great measure to this knowledge. The National Institute of Justice (NIJ) continues to play a central role in supporting research to understand the nature, scope, causes and consequences of violence against women. NIJ's work explores how to prevent violence against women and how to make sure that our responses to it are effective. NIJ funds family violence research directly; it jointly conducts research with the Centers for Disease Control; and it participates in the interagency consortium for research on violence against women and family violence.

- The first-ever national study of stalking, just released in April 1998, is one example of NIJ's work: jointly funded by NIJ and the Centers for Disease Control, this study found that over one million women are stalked each year; most are stalked by men and by someone they know. It is typical of those stalked by an intimate partner to be either beaten or raped in connection with the stalking.

Such studies help guide policies and programs. In addition, NIJ is requiring researchers to team up with victim advocacy partners at the outset of research projects, to make sure that the research will be useful to those on the front lines.

The Department's Bureau of Justice Statistics also enhances understanding of family violence. The recently-released report, *Violence by Intimates*, compiles a wealth of data that help us

understand this complex issue. The Department makes sure that this information gets out to the field, to the people who can use it in the work that they do. Some of this research includes:

- Women experience nearly a million violent victimizations each year at the hands of a current or former spouse or boyfriend
- About half of the women violently victimized by an intimate report a physical injury but only twenty percent of injured women seek professional medical assistance.
- More than half of incarcerated jail inmates and prisoners convicted of violence against an intimate said that they had been using drugs or alcohol at the time of the offense.
- While the number of intimate murders is on decline, the rate of decrease among male victims killed by an intimate is 5 times faster than the decrease for female victims of an intimate murder.

Outreach and Education

The Department has been a leader in bringing the issue of violence against women to the fore. In 1995 President Clinton appointed former Iowa Attorney General Bonnie Campbell to be the Department as the Director of the Violence Against Women Office. Since then, she has worked tirelessly to get the message out and to make certain that VAWA is working at the front lines, where women's safety is at risk. Director Campbell has traveled to many regions of the country and has delivered well over 200 speeches to prosecutors, law enforcement groups, judges, domestic violence advocacy groups and women's centers, colleges, universities, health

professionals, and many, many others. She represents the Department internationally, as the issue of violence against women takes on global importance. She has been a leader both in this country and internationally on the issue of trafficking in women, an emerging form of violence against women where women and girls taken from one country and forced to work in another in dehumanizing conditions, stripped of their rights, their safety, and their dignity. Director Campbell works within the Federal government, helping to bring focus within other agencies on issues of violence against women.

In addition to Director Campbell's work, the Department makes sure that everything we are learning about violence against women is passed on to advocates, prosecutors, judges, and others who need it most. Through newsletters, reports, and an actively maintained and ever expanding Internet website, we ensure that information about violence against women and about research and programs and creative approaches to intervention, is readily available.

III. Criminal Prosecutions under VAWA

Vigorous prosecution of federal domestic violence offenses remains a Department of Justice priority. This prosecution effort, which has resulted in a record numbers of indictments, succeeds and will continue to succeed because of the efforts of United States Attorneys' Offices to prosecute federal cases aggressively and to forge prosecution partnerships with their state, local and tribal counterparts in the nationwide fight against domestic violence.

The Violence Against Women Act ("VAWA") and the Gun Control Act ("GCA") now authorize

prosecution for five federal domestic violence offenses: (1) Interstate Domestic Violence, 18 U.S.C. §2261; (2) Interstate Violation of a Protection Order, 18 U.S.C. §2262; (3) Interstate Stalking, 18 U.S.C. §2261A; (4) Prohibition against Possession of a Firearm while Subject to a Protection Order, 18 U.S.C. §922(g)(8); and (5) Prohibition against Possession of a Firearm after Conviction of a Domestic Violence Misdemeanor, 18 U.S.C. §922(g)(9). While the vast majority of domestic violence cases will continue to be prosecuted on the state, local and tribal level, these statutory tools enable federal law enforcement to prosecute aggressively and to obtain severe penalties in appropriate cases in cooperation with the local authorities.

The Prosecutions

During Attorney General Reno's testimony before you in 1996, she reported Federal indictments in approximately 12 VAWA cases. I am pleased to report an increased number of 98 indictments brought under VAWA and the GCA. The attached charts highlight the growing numbers of prosecutions. Federal prosecutions greatly increased in 1997, along with the Department's concerted efforts to encourage VAWA and GCA implementation. Considering the narrow reach of these statutes the number of indictments is significant.

Generally, the VAWA and GCA cases involve (1) extreme domestic violence, interstate travel and/or terror where prosecution in the state system would have been difficult; or (2) domestic violence involving travel to and from Indian Country; or (3) federal prosecution to ensure pre-trial detention of the defendant where there is an imminent threat to the victim and offer the possibility of restitution for the victim's losses; or (4) federal prosecution to surmount

inadequate state, local or tribal remedies. These cases demonstrate successful collaboration between Federal and state prosecutors. Such collaboration is necessary for ensuring victim safety, as well as for holding the offenders accountable.

For example:

- In United States v. Christopher Bailey, Southern District of West Virginia, the United States prosecuted Chris Bailey, who severely beat his wife, placed her inside the trunk of his car and drove between West Virginia and Kentucky over the next five days before he brought his wife to an emergency room in Kentucky. Mrs. Bailey remains severely brain damaged as a result of her injuries. State prosecution of this case in either Kentucky or West Virginia was going to result in the eventual release of the defendant. Moreover, prosecution in West Virginia would have been delayed pending certain forensic tests. Instead, the case was referred to the FBI and Bailey was detained on federal charges. Bailey was prosecuted for kidnaping and interstate domestic violence. He was convicted and received a sentence of life imprisonment without parole.
- In United States v. Robert Frank Stewart, Sr., Western District of Texas, the United States prosecuted a defendant who traveled from Alabama, where he was released from federal custody for interstate threatening phone calls to one ex-wife, to Texas, where he terrorized another ex-wife and his three grown sons. Stewart was convicted of interstate stalking. At sentencing, the Court considered the

defendant's lengthy history of domestic abuse of the four stalking victims, a history that included beatings, torture, abandonment, threats to kill, stabbing and burning, and departed upward from the sentencing guidelines to impose a maximum sentence of twenty (20) years.

- In United States v. Mitchell Dean Cree, District of North Dakota, the United States prosecuted Cree who assaulted his wife, a Native American, on Indian Country, forcibly drove her off Indian Country, raped her, and then returned her to Indian Country. He was convicted at trial of kidnaping, assault resulting in serious bodily injury and interstate (predicated on the travel in and out of Indian Country) domestic violence. He was sentenced to 262 months' imprisonment.
- In United States v. Rita Gluzman, Southern District of New York, the United States prosecuted Gluzman for the murder of her estranged husband. Gluzman, along with her cousin, traveled from New Jersey to New York, lay in wait in her husband's apartment armed with axes, and murdered him when he returned home. The victim was then dismembered. The crime was uncovered by an astute local police officer who discovered Gluzman's cousin disposing of the body parts into a local river.

The main witness against Gluzman was the accomplice cousin. Under New York law, a conviction can not rest upon uncorroborated

accomplice testimony. To avoid this potential evidentiary obstacle, the District Attorney's Office referred the case to the United States Attorney's Office and an Assistant District Attorney was cross-designated as a Special Assistant United States Attorney for the trial of the case. The defendant was convicted of interstate domestic violence and sentenced to life imprisonment. The maximum penalty in New York was twenty-five years to life with parole eligibility after twenty-five years.

- In United States v. Eric LaBohne, Eastern District of Pennsylvania, the United States prosecuted LaBohne for shooting at his estranged wife while she was working in a pre-school playground. At the time of the shooting, LaBohne was subject to a qualifying protection order.

The case was initially presented to the District Attorney's Office. State prosecution of attempted murder would have required proof of the defendant's intent at the time of the shooting. Federal prosecution instead required only possession of the firearm while subject to a qualifying protection order and had no specific intent requirement. The District Attorney's office referred the case for prosecution and the defendant pled guilty to the federal charge.

At sentencing, the Court granted the Government's request for an upward departure, based upon the danger presented to the young children in the

playground, and sentenced the defendant to a sixty-six (66) month term of imprisonment.

- In United States v. George Popson, Western District of New York, the United States prosecuted Popson, a former Border Patrol agent, for physically confronting his ex-wife after imposition of a protection order preventing any such contact. Investigation revealed that the defendant had traveled from Texas to New York and brought with him a loaded semiautomatic pistol.

The case was originally presented to the District Attorney's Office, who referred the case to the United States Attorneys Office after concern arose that the defendant would be released on bail. The defendant was detained on the federal charges and pled guilty to interstate travel to violate a protection order. The Court sentenced Popson to thirty (30) months' imprisonment and imposed a \$20,000 restitution award to compensate the victim for lost wages, past and future counseling costs and other expenses.

The Department's Implementation Efforts

After passage of the VAWA, the GCA and the 1996 amendments to both of these Acts, the Department asked each USAO to designate a Point of Contact ("POC") for the prosecution of Federal domestic violence laws. The Department then sponsored a conference for the newly designated POCs in Washington D.C. in January 1997, entitled: "Violence Against Women Act Points of Contact Conference." Attorney General Reno, Bonnie Campbell, Director of the

VAWA Office and Donna Bucella, Director of EOUSA welcomed the participants and affirmed the Department's commitment to prosecution of federal domestic violence cases. This conference educated the POCs on the statutory elements of the new offenses, provided case examples of successful prosecutions, discussed application of the sentencing guidelines to these cases, and introduced the POCs to the dynamics of domestic violence. The POCs were also trained on the importance of victim safety and the role played by orders of protection in providing victim safety. Importantly, the conference emphasized the need for building relationships with state, local and tribal counterparts for the referral and cooperative prosecution of appropriate cases.

To encourage this partnership, to reaffirm the Department's commitment to VAWA prosecution and to discuss developing issues, the Department sponsored follow-up VAWA regional teleconferences in June 1998. These teleconferences took advantage of the recently installed technology in each USAO that allowed for multiple site teleconferencing. The United States Attorneys Offices were divided into six regions for six separate teleconferences. Gathered at each USAO during the teleconferences were the designated federal "team" members - the POC, the Victim-Witness Coordinator, the Law Enforcement Coordinating Committee ("LECC") Coordinator, and a representative of the Bureau of Alcohol Tobacco Firearms and Federal Bureau of Investigation. The teleconference agenda included a challenging speech from Bonnie Campbell on the importance of VAWA implementation and the protection of domestic violence victims, showcases of successful prosecution efforts and community outreach, discussions of particular tribal issues presented by VAWA implementation and discussions of emerging and

recurring legislative, evidentiary, legal and victim related issues. This format not only allowed for the involvement of the entire federal team but also afforded a less expensive, less time-consuming alternative to a traditional conference. Critical to any implementation effort is the involvement of the FBI and the ATF, the two federal law enforcement agencies responsible for the investigation and prosecution of these cases. This teleconference format allowed for their involvement and participation. The teleconferences were a resounding success.

The Office for Victims of Crime ("OVC") has also assisted in the Department's implementation efforts. OVC funded a position of VAWA Specialist assigned to Executive Office of United States Attorneys to focus exclusively on training and technical assistance to the POCs, Victim-Witness Coordinators and LECC Coordinators on VAWA, the GCA and victim issues arising from the prosecution of federal domestic violence cases. The position, originally funded for one year, has been extended for a second year. The VAWA Specialist plays a vital role as a conduit and coordinator of information and between prosecutors and policy makers. She facilitated the POC Conference, assisted in the presentation of the regional teleconferences and continues to update United States Attorneys Offices on new developments.

Efforts by United States Attorneys' Offices to build partnerships with state, local and tribal counterparts also continue. These efforts include sponsorship of and participation in local and regional conferences addressing domestic violence prosecution, protection of domestic violence victims, discussion of the dynamics of domestic violence and basic training on the federal domestic violence laws. The audiences for these training conferences and workshops

have included state, local and tribal law enforcement, prosecutors and judges, victim advocates, and federal law enforcement.

Appellate Decisions.

As with any new statutory scheme, VAWA and GCA implementation have prompted challenges to the constitutionality of the federal domestic violence laws. The circuit courts have uniformly upheld the constitutionality of the federal domestic violence statutes. Key appellate decisions to date include:

- United States v. Bailey, 112 F.3d 758 (4th Cir. 1997). The Fourth Circuit upheld the constitutionality of Section 2261 as a legitimate exercise of Congress's commerce clause authority.
- United States v. Romines, 1998 WL 110152 (4th Cir. Mar. 13, 1998). The Fourth Circuit affirmed a conviction under Section 2262 for interstate violation of a protection order in a case where the defendant harmed his wife in Tennessee, forced her to travel to Virginia and was caught in Virginia. The Court did not require evidence that violence occurred in Virginia or that the defendant intended to cause harm in Virginia.
- United States v. Page, 136 F.3d 481 (6th Cir. 1998). The Sixth Circuit upheld the constitutionality of Section 2261 but held that the evidence introduced at trial was

insufficient to satisfy the statute. Specifically, the proof at trial established that Page brutally beat his live-in girlfriend in his apartment in Columbus, Ohio, and then drove her to Washington, Pennsylvania, where he abandoned her at a local hospital. The evidence also showed that the victim's injuries worsened during the trip to Pennsylvania.

The Court concluded that Section 2261(a)(2) "does not criminalize domestic violence that occurs prior to interstate travel." It interpreted Section 2261(a)(2) narrowly and limited the statute's scope to cover only intentional violent conduct occurring during and after interstate travel. The Court rejected the Government's argument that Section 2261(a)(2) prohibits the entire course of violent acts that caused both the victim's injuries and her forced interstate travel.

The United States Attorney's Office for the Southern District of Ohio petitioned for Rehearing En Banc. This petition was granted by the Sixth Circuit and the case is scheduled for argument on September 23, 1998.

- United States v. Hayes, 135 F.3d 133 (2nd Cir. 1998). The Second Circuit affirmed the defendant's conviction under Section 2262 and also affirmed a restitution award of \$76,768. The Court held that Section 2264 of VAWA mandates imposition of a restitution award for "the full amount of the victim's losses as determined by the Court...." This award is not limited to losses

stemming from the offense of conviction but also covers medical expenses, housing, lost income and expenses for secure schooling even when those losses were incurred prior to the criminal violation.

The Department's Future Implementation Efforts

Increased VAWA implementation requires the sustained commitment of the Department to support aggressive prosecution of the appropriate cases that fall within the statutes and to support the community outreach necessary to draw referral of these cases. While recognizing that outreach extends beyond the traditional role of United States Attorneys Offices, we encourage these efforts to ensure a federal presence in the domestic violence community.

Referrals of federal cases have come from police officers, district attorneys, shelter workers, victim advocates and others that come into contact with domestic violence victims. Continued training and outreach to this audience will enhance our implementation efforts. This outreach will continue to include representatives of FBI and ATF. The readiness of federal law enforcement to respond to case referrals and to demonstrate their commitment to investigating and prosecuting domestic violence cases is critical to any implementation effort.

The Violence Against Women Office, The Executive Office for United States Attorneys Offices, the VAWA Specialist and the rest of the Department will continue to address VAWA issues raised on a daily basis and encourage United States Attorneys Offices to continue their education and training efforts in their jurisdiction. Periodic updates will continue to be sent to

United States Attorneys' Offices on new developments.

Prosecutorial efforts have revealed statutory barriers to prosecution. These concerns are addressed, in part, in the technical amendments proposed in the Senate VAWA II Bill. Passage of these amendments will facilitate our continued prosecutions.

III. Civil Rights Remedy

The civil rights remedy gives a person the right to be free from gender motivated violence, providing a cause of action against the person who deprived her of that right. In order to establish a claim under this section, the plaintiff must show that she was a victim of a crime of violence and that the crime was motivated by the victim's gender. Under the law, "motivated by gender" means that the act of violence was committed because of gender or on the basis of gender and due, at least in part, to an animus based on the victim's gender." 42 U.S.C. Sec. 13981(d)(1). The statutory provision is limited to acts that can be demonstrated, by a preponderance of the evidence to be motivated by gender. To prevail on a claim, the plaintiff need not prove the underlying criminal act.

Unlike other civil rights statutes, the federal government is not given prosecutorial powers to bring a cause of action on behalf of someone injured by a gender-motivated crime of violence. Thus, the Department of Justice has intervened in cases brought by private plaintiffs to support efforts to make the civil rights remedy an effective tool to combat gender-based violence.

The Department of Justice has intervened in ten cases to support the constitutionality of the civil rights provision. We have received favorable decisions in six cases. Four additional cases have not yet resulted in a decision. We defended the VAWA in two other cases in which the parties reached settlement before any decision on the constitutionality of the statute was issued.

The most notable case to date is Brzonkala v. Virginia Polytechnic, 132 F. 3d 949 (4th Cir.1997), rev'g 935 F. Supp. 779 (W.D.Va.1996), reh'g en banc granted (4th Cir.Feb 5, 1998). The Fourth Circuit ruled in favor of the plaintiff, but the decision was reheard en banc on March 2, 1998. It was the first case brought under the VAWA civil rights provision. The plaintiff, Christy Brzonkala, brought the action against Virginia Polytechnic as a result of being gang-raped by two football players within minutes of meeting them. Both the panel and the district court judge concluded that the gang rape was gender-motivated. There was evidence of gender-based animus in derogatory statements made by the defendant about both women in general and to the plaintiff directly.

In Brzonkala, as in the other cases, defendants challenged the constitutionality of the provision under both the Commerce Clause and Section 5 of the Fourteenth Amendment. Defendants typically claim that the Supreme Court's decision in U.S. v Lopez, 514 U.S. 549 (1995) prevents Congress from exercising jurisdiction over such civil rights violations because of an insufficient nexus to interstate commerce. However, as was pointed out in the Brzonkala decision, the civil rights remedy was based upon extensive legislative hearings and a record that

spanned four years. Congress found specifically that violence against women has a *substantial effect* on interstate commerce. It used that language before the Lopez case was decided, further augmenting the significance of the finding.

The other constitutional challenge is based on Congress' Section 5 powers to address the denial of equal protection. Congress concluded on the basis of extensive evidence that the criminal justice system often deprives victims of gender-motivated violence of equal protection of the laws, and that it thus was authorized under both the Commerce Clause and Section 5 of the Fourteenth Amendment to pass this law. We have argued that pursuant to the positive grant of authority, Congress may enact legislation to secure the equal protection of civil rights even where the practices about which Congress is concerned do not themselves violate the Fourteenth Amendment's Equal Protection Clause. Rather, the VAWA civil rights provision should be upheld under Section 5 as long as it is 'plainly adapted to the end of enforcing the Equal Protection Clause.'

The Department is pursuing authority to prosecute gender-based crimes of violence. Legislation currently pending in Congress would add gender as a protected category under Title 18 Section 245, the federal hate crimes provision. This would enable the Department of Justice to address the bias element present in many violent crimes against women, further augmenting our role in eradicating bias-motivated crimes from our society.

IV. Conclusion

In closing, VAWA has been a tremendous success. Because of VAWA communities are now working together to end violence against women. In these last four years, we have spread the word that violence against women is unacceptable in our society. We have built the infrastructure to change this nation's response to domestic violence. There is much more to do, however. Without a reauthorization of the VAWA grant programs, which are set to expire in FY 2000, this infrastructure will crumble. I look forward to working with this Committee to ensure that does not happen, and to build on the great progress we have made since the enactment of VAWA.

This concludes my testimony. I would be happy to answer any questions by members of the Committee.

LRM ID: REJ427

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

Wednesday, April 1, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference

OMB CONTACT: Ronald E. Jones

PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: JUSTICE Draft Amendments to the Violence Against Women Act

DEADLINE: 3:00 PM Monday, April 6, 1998

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

COMMENTS: These amendments were not prepared for formal transmittal. DOJ will use them in discussions with Committee staff.

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MARY SMITH

SUBJECT: JUSTICE Draft Amendments to the Violence Against Women

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

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Department of Justice Proposed
Modifications to the Violence Against Women Act (VAWA)
Draft Discussion Paper

Introduction

In 1994, as part of the Violent Crime Control and Law Enforcement Act, Congress passed the Violence Against Women Act (VAWA), introduced by Senator Joseph Biden with strong bipartisan support. This landmark legislation, signed into law by President Clinton, recognized for the first time that domestic violence was a national problem, and that the federal government, working in partnership with state, local, and tribal governments, could play a major role in the fight to eliminate domestic violence.

Since its passage, the VAWA has promoted a fundamental change in our criminal justice system's response to crimes of domestic violence and sexual assault. For the first time, the federal government adopted a comprehensive approach for fighting violence against women, combining tough new penalties with programs to prosecute offenders and help women who are victims of violence. The Violence Against Women Office (VAWO), created within the Department of Justice in 1995, has helped to raise public awareness of the VAWA and the tools it provides to fight domestic violence. Under the leadership of the VAWO and the Violence Against Women Grants Office (VAWGO), the Department of Justice has provided a substantial commitment of resources -- more than \$1.6 billion over six years -- to train police, hire and train prosecutors, provide victim services, ensure victim safety, and hold offenders accountable. In every area of the country, programs and activities are underway that were not in place four years ago, including specialized police units, expanded services for previously underserved women, and a 24-hour national hotline -- 1-800-799-SAFE. Working in partnership, federal, state, local, and tribal law enforcement agencies have taken critical steps to break the cycle of domestic violence and sexual assault.

The struggle against domestic violence is far from over, however, and much work remains to be done. Based on our experience in implementing the VAWA, the Department has identified a number of changes, outlined below, which we believe will enhance the ability of federal, state and local governments to combat domestic violence. We look forward to working with Congress to ensure that these and other changes are included in legislation designed to continue the federal government's commitment to the fight against domestic violence.

Recommendations

1. REAUTHORIZATION OF THE VAWA

Under current law, the VAWA grant programs will expire in FY 2000. Given the work that remains to be done in combating violence against women, it is critical that these programs be reauthorized. Reauthorization is particularly important for state, local, and tribal governments, which look to the continuity of the VAWA as evidence of the federal government's commitment to the fight against domestic violence. Accordingly, we recommend that the VAWA be reauthorized through FY 2006.

2. EXPAND STATE, LOCAL, AND TRIBAL RESPONSES TO DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The following recommendations for changes to the VAWA state and local assistance and the VAWA grant programs are designed to ensure that federal funds provided to state and local governments and victims service providers for the fight against domestic violence are put to their most effective use.

Courts and Judges - Judges play a crucial role in ensuring safety for domestic violence victims and in managing offender behavior and accountability. Too often, however, courts are unable to access funds for preventing domestic violence. For example, under the VAWA, courts are not among the criminal justice components eligible to receive STOP ("Services, Training, Officers, and Prosecutors") formula grants. In order to ensure that funds are available to educate and train judges and court administrators, the Department recommends that, wherever the statute enumerates criminal justice component elements, courts and judges be included along with police, prosecutors, and non-profit, non-governmental victim service providers. [See VAWA: Sec. 2001 (b); Sec. 2002 (c) (3) and (d); Sec. 2003; and Sec. 40295 (a).]

In particular, Section 2002(c)(3), governing the distribution of STOP formula grants, should be amended to read: "At least 25 percent of the amount granted shall be allocated, without duplication, to each of the following three areas: prosecution, law enforcement and victim services; and of the remaining funds, at least 15 percent of the amount granted shall be allocated to the courts."

Enforcement of Protection Orders - Section 2265 of the VAWA requires that every state and tribe give full faith and

credit to protection orders issued by other states. Enforcement of this provision depends in part on police officers and judges in one jurisdiction knowing that a valid protective order was issued in another jurisdiction. In order to assist in this information exchange, the Department recommends providing funds to ensure coordination and cooperation among the states and tribes, and the development of communications systems and other technology that promotes the enforcement of protection orders not only within jurisdictions, but across state lines and tribal boundaries.

Training and Technical Assistance/Evaluation and Research -
Technical assistance and training play a critical role in ensuring that federal funds are spent in a way that will have the greatest possible impact on communities, particularly those communities that want to respond aggressively to violent crimes against women, but are unfamiliar with how to develop and implement programs that promote victim safety and offender accountability. Training and technical assistance can be delivered to communities in a variety of ways, including conferences, workshops, site visits, mentoring, and peer-to-peer counseling. Through these programs, communities learn from experts -- and from each other -- how best to develop and implement local programs that incorporate promising practices in the fight against domestic violence.

Evaluation and research is also critical to determining what programs work best in combating violence against women, and to understanding the impact of various programs on both domestic violence victims and the justice system.

As with other Crime Act programs, and with the Administration's current proposal on youth violence, the Department recommends that VAWA grant programs include a statutory set-aside for training and technical assistance for law enforcement officers, prosecutors, victim advocates, the judiciary, and other criminal justice system personnel. In addition, a similar set-aside should be provided for evaluation and research. [As an example, see Section 2806 of H.R. 810, the Youth Violence bill, which provides that "Two percent of all funds appropriated for this part shall be set aside for use by the Director of the Office of Juvenile Crime Control and Prevention for training and technical assistance consistent with this part." Similarly, Sec. 2807 of that bill creates a ten percent set-aside for research, statistics, and evaluations.]

Civil Legal Assistance - Victims of domestic violence often must navigate not only the complexities of the criminal justice system, but also the civil justice system. When victims seek to obtain civil protection orders or obtain custody of their children they often have no legal representation simply because they cannot afford an attorney. In order to address this problem, the Department recommends that the Civil Legal Assistance Program, created as part of the FY98 Appropriations Act, be authorized as part of the VAWA statute, separate from STOP program funding. An independent authorization of this program will ensure continued support for civil legal assistance for victims of domestic violence, particularly where victim safety, custody and visitation, and relocation issues are involved.

Allocation of STOP Formula Grant Funds - Under current law, the percentage allocation of STOP formula funds attach to those funds indefinitely. In some cases, however, there may not be sufficient interest or need, or there may be a lack of quality applications, for the full 25 percent of the prosecution or law enforcement percentages. Meanwhile, in many jurisdictions, demand from victim service providers cannot be met.

The Department recommends that if, after two years, states have not received an adequate number of fundable proposals from law enforcement and prosecution agencies to meet their respective percentage requirements under STOP, the states should be allowed to award those funds for other VAWA statutory purposes as they see fit. [Amend Sec. 2002(c) (2), adding (E).]

Public Awareness and Education - Public education and awareness are essential to changing the culture of tolerance of violence against women. Accordingly, the Department recommends that jurisdictions be given the authority under STOP and the Grants to Encourage Arrest and Rural Programs to support public education campaigns that raise awareness about domestic violence and sexual assault, with the condition that support for such efforts should in no way detract from direct services to victims. [For STOP -- amend Sec. 2001(b), adding a new purpose area (8); for Arrest Programs -- Sec. 2101(b), adding a new purpose area (7).]

Rural Program The VAWA currently provides funds, in Section 40295(b), to address the unique challenges presented by domestic violence in rural states. Some states with

large rural populations, including Kentucky and West Virginia, are not categorized as rural states because, although they have large rural populations, they also have large population centers that disqualify them under the current definition. To address this problem, the Department recommends that the Rural Program be amended to strike the current definition of rural state [based on 42 U.S.C. 3796bb(B)], and insert a new definition that comports more closely with the demographics of 1997. The Department will be happy to work with Congress to develop a definition that will ensure VAWA funds can be used to combat domestic violence in rural jurisdictions throughout the nation.

Direct Funding to Public and Private Agencies - Currently, under the Grants to Encourage Arrest Policies Program, OJP may only make awards to states, Indian tribal governments, and local units of government. In the future, the Department recommends that OJP have the authority to make grant awards directly to law enforcement agencies, prosecutors' offices, the courts, probation and parole agencies, and non-profit, non-governmental victim service agencies. Similarly, under the Rural Program, public and private entities may apply directly to OJP only if they are within a designated rural state. In the future, the Department recommends that OJP have the authority to make grant awards to public and private entities in rural jurisdictions located in non-rural states as well. [Arrest Program -- amend Sec. 2101(b); Rural -- amend Sec. 40295(a).]

In addition, under the STOP program, states should be given explicit authority to make awards from their law enforcement and prosecution funding allocations to not-for-profit agencies that would provide training or other services resulting in a direct benefit to law enforcement or prosecutors. (Should Congress follow our recommendation, discussed under "Courts and Judges" above, to specifically allocate a percentage of STOP formula grants to the courts, we recommend that those funds also be made available to non-for-profit agencies where doing so would similarly provide a direct benefit to the courts.) [Amend Sec. 2002(c)(3).]

3. RESTORE PROTECTION TO BATTERED IMMIGRANT WOMEN AND CHILDREN UNDER VAWA

The Department recommends that Congress amend Sections 245(a) and (c) of the Immigration and Nationality Act (INA) to restore an important provision of VAWA that allows battered

immigrant women with approved VAWA petitions to remain in the United States while processing their applications for permanent residency.

Recent amendments to the INA effectively have eliminated the crucial relief that VAWA afforded to immigrant victims of domestic violence. Prior to VAWA's enactment, many battered immigrant women and children remained trapped in violent homes. Because the immigration laws give a U.S. citizen or resident spouse control over his spouse's immigration status, batterers could refuse to file immigration petitions for their victims and threaten them with deportation if they left their abusive spouse, reported the abuse, or cooperated with prosecutors. VAWA remedied the problem by enabling the battered spouses and children of U.S. citizens and legal permanent residents to file their own petitions for residency.

Because of the recent expiration of INA section 245(I), immigrant victims of family violence with approved VAWA petitions can no longer remain in the United States lawfully while awaiting permanent resident status -- a wait that is currently over four years. Legislation therefore is necessary to prevent abused spouses and children of citizens and permanent residents from having to choose between continued abuse and deportation.

4. CLARIFYING THE VAWA'S CRIMINAL PROVISIONS

The Department recommends that Congress adopt a limited number of modifications to the federal criminal provisions of the VAWA. These modifications would clarify ambiguous language, including promoting consistency in the definitional language throughout the statute, and remove unnecessary or unintended obstacles to bringing prosecutions under the VAWA's criminal provisions. Draft language and an explanatory statement are attached.

Conclusion

The Department believes these recommendations will greatly enhance the ability of federal, state and local governments to combat domestic violence. We look forward to working with Congress to consider other changes these and other changes to the VAWA.

SEC. . AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES

(a) Section 2261(a) of title 18, United States Code, is amended to read as follows:

"(a) Offenses. --

"(1) Travel or conduct of offender. -- A person who travels in interstate or foreign commerce or to or from Indian country with the intent to injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

"(2) Causing travel of victim. -- A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to or from Indian country by force, coercion, duress, or fraud, and who, in the course of or as a result of such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b)."

(b) Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Interstate stalking

"Whoever --

(1) with the intent to injure, harass, or intimidate another person, engages in the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family (as defined in section 115); or

(2) with the intent to injure, harass, or intimidate another person, travels in interstate or foreign commerce or to or from Indian country, and in the course of or as a result of such travel engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family (as defined in section 115),

shall be punished as provided in section 2261."

(c) Section 2262(a) of title 18, United States Code, is amended to read as follows:

"(a) Offenses. --

"(1) Travel or conduct of offender. -- A person who travels in interstate or foreign commerce or to or from Indian country

- 2 -

with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

"(2) Causing travel of victim. -- A person who causes another person to travel in interstate or foreign commerce or to or from Indian country by force, coercion, duress, or fraud, and in the course of or as a result of such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).".

(d) Section 2266 of title 18, United States Code, is amended

--

(1) by amending subparagraph (A) in the fourth paragraph to read as follows:

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, a person who cohabits or has cohabited with the abuser, and a person who has or has had a substantial dating relationship with the abuser; and";

(2) by inserting after the fourth paragraph the following:

"'substantial dating relationship' includes any amorous, romantic, or sexual relationship which is substantial considering the length and nature of the relationship and the frequency of the interaction between the parties.";

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

"'serious bodily injury' has the meaning stated in section 2119(2).", and

(4) by amending the final paragraph to read as follows:

"'travel in interstate or foreign commerce' does not include travel from one State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.".

Explanation

This section amends provisions in chapter 110A of the criminal code, relating to domestic violence, stalking, and violations of protection orders. Most of the amendments resolve inconsistencies in the scope and definition of the offenses in chapter 110A. The section also includes amendments which clarify language in these provisions or correct certain gaps in coverage.

The principal changes are as follows:

Clarification of bases of federal jurisdiction. The revised formulation harmonizes the language of the chapter 110A offenses and the usual jurisdictional language for offenses involving interstate or international movement of the offender or victim. Most offenses of this type refer to movement of persons "in interstate or foreign commerce," *see, e.g.*, 18 U.S.C. 1952, 1958, 2421-23, but the chapter 110A offenses currently refer to cases in which a person moves across "a State line." This language in the chapter 110A offenses was intended to have the same scope as the usual "interstate or foreign commerce" language, since a person who enters or leaves the United States necessarily crosses a state line at the point of departure or entry on the international border. As a matter of policy, federal prosecution should be possible for (e.g.) a person who travels from Mexico or Canada into the United States to murder a spouse or intimate partner, where federal prosecution is possible when such a crime is committed following travel from one state to another.

Nevertheless, the difference of language has enabled defendants to argue that cases involving international travel -- as opposed to interstate travel within the United States -- are not covered. The proposed revision of the jurisdictional language will foreclose arguments of this type, and ensure that the intent of the current provisions to cover international as well as interstate travel will be consistently realized in practice.

The amendments also clarify that the jurisdictional scope of the offenses involving travel of the victim -- 18 U.S.C. 2261(a)(2) and 2262(a)(2) -- includes cases in which the offender engages in violent conduct or a protection order violation as part of pre-travel conduct which facilitates the interstate movement of the victim. This includes the common type of case in which the offender batters the victim into submission or unconsciousness and then embarks on an interstate trip with her in order to reduce the likelihood of apprehension and local prosecution. Creating the possibility of federal prosecution in such cases was a critical objective underlying the enactment of the existing offenses. To that end, the current offense language proscribes causing interstate travel of the victim by force, coercion, duress, or fraud, and engaging in a crime of violence

or a protection order violation in the course of "that conduct."

Nevertheless, defendants have argued that there is no liability if a violent assault on the victim was part of pre-travel conduct which enabled the defendant to cause the victim to travel interstate, as opposed to taking place during the subsequent travel. In United States v. Page, 1998 WL 54382 (6th Cir. 1998), a divided panel of the Sixth Circuit Court of Appeals adopted this erroneously restrictive interpretation of the current language of 18 U.S.C. 2261(a)(2), and reversed a conviction on the basis of this misinterpretation. The proposed revised language for 18 U.S.C. 2261(a)(2) and 2262(a)(2) forecloses such misunderstandings by covering explicitly cases in which the offender causes the victim to travel in interstate or foreign commerce, and commits or attempts to commit a crime of violence or violates a protection order in the course of "such conduct or travel." This makes it clear that the offenses reach pre-travel acts which are part of the conduct by which the offender causes the victim to travel interstate, as well as acts occurring during the travel itself.

Consistency concerning harm to victim. The offenses in chapter 110A are inconsistent concerning the requirement of harm to the victim. The domestic violence offenses in § 2261(a) require "bodily injury" to the victim. The stalking offense in § 2261A, and the protection order offense in § 2262(a)(1) involving interstate travel of the offender, do not require injury to the victim. However, the protection order offense in § 2262(a)(2) involving coerced or induced interstate travel of the victim requires an act that "injures" the victim.

There is no apparent reason for these inconsistencies. Moreover, the requirement of actual physical harm to the victim under some of the offenses in the chapter results in anomalous gaps in their coverage. For example, if a domestic abuser hunted down his former wife who had fled to another state and shot her, the domestic violence offense under § 2261(a)(1) would apply. However, if he shot at her and missed, there would be no liability under that provision, because his criminal conduct did not cause "bodily injury." Likewise, if an abuser violated a protection order by luring the victim across a state line to a place where he had planted a bomb, but the bomb failed to explode, there would be no possibility of liability under § 2262(a)(2) because the offender's conduct did not "injure" the victim.

The amendments in this section resolve these problems by consistently following the approach of the current provisions which do not require physical injury to the victim. As revised, the offenses continue to require the commission of serious wrongful conduct which provides an appropriate basis for criminal liability -- under § 2261, the commission or attempted commission

of a crime of violence; under § 2261A, placing the victim in reasonable fear of death or serious bodily injury to the victim or an immediate family member; and under § 2262, conduct that violates a protection order.

Consistency in the protection order section. There are several inconsistencies between the protection order offense under § 2262(a)(1), involving interstate travel of the offender, and the protection order offense under § 2262(a)(2), involving interstate travel of the victim. These include: (1) The § 2262(a)(2) offense requires an act that injures the victim; the § 2262(a)(1) offense does not. (2) The § 2262(a)(2) offense can only be committed against a spouse or intimate partner; the § 2262(a)(1) offense is not so restricted. (3) The § 2262(a)(1) offense requires violation of "the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury"; there is nothing comparable in the § 2262(a)(2) offense.

There are also differences between the language of the protection order offense in § 2262(a)(1), which refers to violating the portion of a protection order involving protection against threats, harassment, or injury, and the definition of "protection order" in § 2266, which refers to orders issued for the purpose of preventing violence, threats, harassment, contact or communication, or physical proximity. The scope of the offense was meant to be coextensive with the definition, since provisions in a protection order that prohibit contact, communication, or physical proximity are a critical part of the protection it provides against threats, harassment, and injury. Nevertheless, the difference in language leaves room for defendants to argue that they cannot be held liable on the basis of violations of "stay away" provisions in an order.

There is no reason why the protection order offenses should be defined so differently, depending on whether it is the offender or the victim who travels interstate, or why the language defining the scope of the offense should differ from the language defining "protection order." The amendments in this section resolve these discrepancies and problems by consistently defining the § 2262 offenses to encompass violations of the portion of a protection order that prohibits or provides protection against violence, threats, contact, communication, or physical proximity, where the elements supporting federal jurisdiction are satisfied.

Definition of serious injury. The term "serious bodily injury" occurs in three places in chapter 110A: as part of penalty provisions in §§ 2261(b)(3) and 2262(b)(3), and as part of the definition of the stalking offense in § 2261A. Section 2261A specifies that "serious bodily injury" in that section has the meaning provided in 18 U.S.C. 1365(g)(3). The occurrences of

the same term in the penalty provisions do not provide or cross-reference any definition.

A uniform definition of "serious bodily injury" is desirable in chapter 110A for reasons of consistency and clarity. The amendments in this section provide such a definition by adding a paragraph to the general definitional provision for the chapter, § 2266, which specifies that "serious bodily injury" has the meaning stated in 18 U.S.C. 2119(2). The definition of "serious bodily injury" in § 2119(2) is more adequate than the § 1365(g)(3) definition of "serious bodily injury" which is currently cross-referenced in the stalking offense, because the § 2119(2) definition explicitly encompasses serious sexual assaults.

Definition of spouse or intimate partner. The current definition of "spouse or intimate partner" in § 2266 is unduly narrow in some respects. Subparagraph (A) in the paragraph in § 2266 which defines that term covers present and former spouses, and a person having a child in common with an abuser. The subparagraph also attempts to extend the definition to cohabitation relationships -- in which a substantial proportion of domestic violence offenses occur -- but then apparently negates the extension by providing that such relationships qualify only if a person has cohabited with the abuser "as a spouse." Even if this limitation were removed, the definition would be unduly narrow, because it would not allow the § 2261 offense to be used (for example) in a case in which a man travels interstate to kill his mistress who is not his spouse and with whom he does not regularly live. The effect of the restrictions in the current definition is to produce a narrower scope of protection than that provided by state domestic violence laws, which typically encompass persons living in the same household, and also often protect persons in other dating or sexual relationships with an abuser.

The amendments in this section establish a more adequate scope of liability under the domestic violence offense by: (1) removing the "as a spouse" proviso in the part of the definition of "spouse or intimate partner" relating to cohabitators, and (2) extending the definition to encompass persons in substantial dating relationships.

U.S. Department of Justice
Office of Legislative Affairs



VIA WA

Office of the Assistant Attorney General

Washington, D.C. 20530

FAX COVER SHEET

DATE: 4-22-98

TO:

Mary Smith

PHONE NO.

FAX NO.

456 7431

FROM:

PAM SMITH

PHONE NO.

FAX NO.

514-2078

514-9149

NO. OF PAGES: _____ (EXCLUDING COVER)

COMMENTS:

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Ken: In response to your inquiry, here's the rundown on the Biden mtg: Harri Kramer, Diane Rosenfeld and I met w/Jane Woodfin (LD), Chris Putala (Senator's Jud. Comm. crime guru) and Matthew Baumgart (personal staff, does children's issues). We essentially went down our list of recommendations, and here are their reactions/requests for further info:

1. Reauth: They think 6 year reauthorization is a non-starter; they are thinking more in terms of reauth through 2002, and would prefer Admin not be out there advocating for more. I told them we had sd 6 yrs b/c original was 6 yrs, but if they think 2002 is all they can do, we have no objections. (They also wanted to know if we have any insight about whether OMB will sppt funding trust fund in future years -- I have no idea, but if others do, would be helpful to them).
2. Courts eligibility for grants: They agree its a good idea, but aren't sure our allocations are the right way to go -- they talked about possibly 10% for courts (as opposed to our 15%), or 35% for courts and prosecutors. Bottom line is it appears there will be some money for courts, which is our ultimate goal. They asked what we thought of House bill, which in addition to funding courts would dedicate 5% of STOP funds to advisory groups -- they oppose this, (though might be willing to add language requiring state and locals to consult with groups) and could use our help in opposing. NOTE: THIS WAS A CONSISTENT THEME ON ITEMS THAT BIDEN AND DOJ HAVE CONCERNS ABOUT -- I.E. FULL FAITH AND CREDIT, PKPA, ETC -- THAT IT WOULD BE HELPFUL IF THEY WEREN'T THE ONLY ONES EXPRESSING CONCERNS, AND IN PARTICULAR WOULD BE HELPFUL IF DOJ WEIGHED IN. WE NEED TO DISCUSS HOW WE DEAL WITH THAT MESSAGE.
3. They are hearing from victims groups that victims are underfunded in the discretionary grants area -- their sense is this isn't the case, and victims have access to lots of other pots of money (eg VOCA) -- they've asked OJP to see if there's any way to document whether or not victims are underfunded in this area -- HJK to follow up.
4. Full Faith and Credit -- they're right where we are; give states assistance, don't dock Byrne funds. Again, they encourage us to take this position publicly. Also, I mentioned to Harri and Diane that we should be thinking of compiling a document to show progress states are making in this area, to combat the "states aren't doing anything" argument (which was a theme in Tuesday's WH mtg w/Melanie and the groups)
5. Training/Tech Assistance -- They'd like documentation of how we've spent the funds in this area to date, HJK to follow up. Also flagged that who sits on any research boards could become an focus of controversy.
6. Civil Legal Assistance -- They'd like statutory language, based on how we have administered the current program (application kits just went out) -- we committed to provide.
7. Our proposal on Unused STOP funds -- again, they would like documentation of a need in this area -- HJK has anecdotal evidence, will check on what we can get by way of justification.
8. NEW Issue they raised -- whether all the programs could have a specific set-aside for tribes, that

could be redistributed to state and locals if not enough tribes apply -- HJK agreed to get info on how much money tribes get, whether there are unmet needs there, what the best way to approach this is, etc.

9. Public Education: Original VAWA required Dept. of Education to undertake efforts -- I agreed to check on status of those. They worried this might b/c source of controversy. Thought might be possible to just specify this would be an eligible use for STOP (and not pro-arrest) -- we indicated that would be fine.

10. Rural definition -- they have no problem doing this if we can come up w/a definition that doesn't end up make 48 out of the 50 states eligible -- HJK committed to attempting to draft a definition.

11. We didn't get into too much detail about our proposed changes to the criminal law or immigration issues generally. They'd like to have a separate mtg. and I committed that when Wendy returns from Rome, she and I can talk to Karen Robb and Gina Verdugo (on immigration) and set that mtg up. Re: our proposal to cover "substantial dating relationships" -- they understand what we are trying to get at, and don't disagree, but would like to know how we would propose to define. I explained that a number of states had been moving to cover dating relationships, so they'd like to see that info, which I believe Wendy has. They also wanted to figure out what deals were cut in order to get the VAWA passed (in other words, do our proposed changes alter compromises agreed to in 1994-- Karen, Chris wondered if we could get Demetra to look at these -- does that sound ok to you?)

12. They have pretty fundamental concerns about our direct funding proposal, and think we can use our technical training money (if we get it) to do what this is intended to do. I think we'll lose this, which doesn't seem to be that critical.

13. They also wanted to flag three issues we should be thinking about that may arise as this bill moves forward -- a) Should there be a death penalty added to the VAWA; b) Should we require mandatory HIV testing (Bernie Delia has history on this -- we should consult with him) and; c) What would we think of efforts to expand eligible grantees to include religious organizations.

14. They want to know our views on the House VAWA II bill. At this point, they have no intention of doing any of the violence and children provisions from the House bill, which they expect will be very controversial, nor do they intend, as I said, to dock states on FFC. They like the House proposals to expand the Family and Medical Leave Act to cover domestic violence, but think the proposals to create a cause of action against employers for failure to protect from domestic violence in the workplace are a tad extreme.

They hope to introduce soon, and would like our input ASAP. I think we should reconvene when HJK has some more info and when Wendy returns -- perhaps late Monday?

LRM ID: REJ507

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

Thursday, June 18, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference

OMB CONTACT: Ronald E. Jones

SUBJECT: PHONE: (202)395-3386 FAX: (202)395-3109
DEFENSE Report on HR3514 Violence Against Women Act of 1998

DEADLINE: Thursday, June 25, 1998

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

COMMENTS: This letter comments on Title V of the bill, " Violence Against Women in the Military System". A copy of Title V is attached.

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

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FROM: _____ (Date)
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☐ Concur
☐ No Objection
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☐ See proposed edits on pages _____
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☐ FAX RETURN of _____ pages, attached to this response sheet

The Honorable Floyd D. Spence
Chairman, Committee on National Security
U.S. House of Representatives
Washington, DC 20515-6035

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Defense on H.R. 3514, 105th Congress, a bill "To prevent violence to women, and for other purposes." Title V of H.R. 3514 contains provisions addressing violence against women in the military system. Specifically, H.R. 3514 would expand U.S. jurisdiction for crimes of domestic violence overseas, require submission of DNA and criminal offense records of convicted military offenders to the Federal Bureau of Investigation (FBI), broaden eligibility for transitional compensation for certain victims of violence, and authorize transitional compensation recipients to receive military health care.

The Department of Defense is committed to reducing violence in military communities and fully supports congressional efforts to curb violence against women. The Military Services have established comprehensive programs to promote the prevention of and effective response to domestic violence. While the Department of Defense supports the general purposes and goals of H.R. 3514, several provisions could present significant problems for the military and changes are needed to enhance the effectiveness of other provisions. The enclosed response addresses the Department's views on this legislation in greater detail.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

Enclosure—See below:

Department of Defense Comments on H.R. 3514

A Bill To Prevent Violence to Women, and for Other Purposes

- (1) Extension of United States Jurisdiction to Civilian Accompanying Members of the Armed Forces Overseas (Chapter 212)

~~H.R. 3514~~
Chapter 212 of ~~H.R. 3514~~ would narrow a jurisdictional "gap" in existing United States criminal law by expanding United States jurisdiction over persons formerly serving with, or presently employed by or accompanying, the Armed Forces overseas but only as to domestic violence and sexual assault offenses. DoD supports legislative efforts to close this overseas jurisdictional gap. A more

Sec. 501

comprehensive and effective approach to this problem, however, would require modifications to the legislation to include DoD contract personnel, family members of contract personnel and DoD civilian employees abroad and coverage for all major criminal offenses committed by these persons abroad.

Last year, in response to section 1151, National Defense Authorization Act for Fiscal Year 1996, Public Law 104-106, 110 Stat. 186 (1996), DoD forwarded to the Congress a report of the Overseas Jurisdiction Advisory Committee [Overseas Advisory Committee] which addressed the feasibility of establishing criminal jurisdiction over civilians accompanying the Armed Forces outside the United States. This report concluded that the inability of the United States to hold its citizens criminally accountable for offenses committed overseas has undermined deterrence and resulted in injustice. While civilians may be subject to the criminal jurisdiction of the host country, often the host country is not interested in prosecuting these offenses. As a result, civilians committing serious offenses overseas often face no more than the minor administrative sanctions available to overseas commanders.

To address this problem, the Overseas Advisory Committee recommended extending jurisdiction of Federal (Article 111) courts to try such offenses committed by persons accompanying the armed forces overseas. The Committee proposed to accomplish this by making punishable offenses committed by civilians accompanying the armed forces overseas if the act would be an offense punishable by imprisonment for more than one year if it had been committed within the special maritime and territorial jurisdiction of the United States (18 U.S.C. section 7). The Overseas Advisory Committee recommended extending this jurisdiction to DoD civilian employees and DoD contractors and their family members who accompany them overseas.

Chapter 212 of H.R. 3514 differs from the Overseas Advisory Committee's proposal, however, in that it limits jurisdiction to only those cases involving conduct that would constitute a misdemeanor or felony domestic violence or sexual assault offense if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States. While this is a positive step forward, other equally serious and potentially more significant offenses, such as stalking, kidnapping, and murder, should be included. Jurisdiction over all felony-level offenses is necessary to prevent injustice in individual cases, to preclude danger to public safety, and to maintain United States foreign policy and national security interests.

Section 3264(3) should also be modified to extend United States jurisdiction over persons residing with civilian employees and contract employees overseas. Differing jurisdictional coverage over the variety of U.S. citizens residing with our forces overseas could lead to unfair, disparate, and inexplicable treatment of offenders in cases involving co-actors, co-conspirators, principals, aiders and abettors.

DoD also notes several technical problems in Section 212 of H.R. 3514. Section 212 is ambiguous as to what Federal offenses constitute "domestic violence" and sexual assault offenses. Each of these groups of offenses should be defined by specific reference to the title 18 United States Code offenses contemplated. Section 3261(a) of proposed chapter 212 and Section 3261(d)(2) use the term "jurisdiction of origin" and require that the offense be "subject to prosecution in the Federal District Court of the jurisdiction of origin." "Jurisdiction of origin" is not, however, defined in the legislation and could have many meanings. Simply referencing special maritime and territorial jurisdiction of the United States, as specified in section 7 of title 18, United States Code, should be sufficient if the Federal venue statute (section 3238 of title 18, United States Code) is referenced in the legislation.

Section 3261(d)(2) provides that a person arrested under the section "shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States." The section does not indicate what should be done when there is no civilian law enforcement authority in the host country. The section should be modified to authorize the military authorities to arrest and detain offenders falling within this section and to release persons arrested in a host country to civilian law enforcement authorities in the United States when such authorities are not present in the host country.

Proposed section 3261 does not specifically address obligations that the United States may have regarding crimes committed by United States personnel in host countries. It is recommended that statutory language be added to clarify that the exercise of United States jurisdiction in these cases shall be consistent with international law and with United States obligations under applicable treaties and agreements.

Section 3264(b) regarding the clerical amendment to the table of chapters at the beginning of part 11 of title 18 is incomplete after the word "following." For consistency, the entry thereafter should read "212 Domestic Violence and Sexual Assault Offenses Committed Outside the United States ... 3261"

(2) Transmission of Records of "Penal Actions" to the Federal Bureau of Investigation (Section 502(a))

Section 502(a) of H.R. 3514 would amend chapter 59 of title 10, United States Code to require the Secretaries of the Military Departments to transmit to the Federal Bureau of Investigation (FBI) a copy of records of any penal action under the Uniform Code of Military Justice (UCMJ) upon discharge or release of a member from active duty. This legislation would mandate duplicate reporting by the DoD components and would impose a significant burden on the Military Services and the FBI.

The DoD components have implemented policies and procedures under

28 CFR 20 to report military offender criminal history data to the Criminal Justice Information Services (CJIS) Division of the FBI. DoD policy, under Appendix 3 of title 5 United States Code, and DoD Directive 5106, requires the DoD criminal investigative and police organizations to submit to the FBI, offender criminal history data for members of the armed forces investigated for any one of 60 specified offenses, including all violent sex offenses, all assaults, and all crimes classified as felonies in the civilian sector. DoD law enforcement activities submit offender information and data, including offender fingerprints, upon apprehension and update the information upon the final disposition of the offense by judicial proceedings or non-judicial proceedings under the UCMJ. The FBI includes this criminal history data in the National Crime Information Center (NCIC) criminal history databases. These records are retrievable by law enforcement organizations from around the world.

DoD has been submitting criminal history data to the FBI pursuant to these procedures since 1988. DoD has recently initiated changes to existing policies and procedures to further expand the situations in which criminal history data will be submitted to the FBI and to enhance compliance with the procedures by the DoD law enforcement organizations.

H.R. 3514 would mandate a separate reporting requirement for many of the criminal cases already being reported to the FBI. Requiring submission of separate criminal records covering many of the same offenders would create confusion and burden military law enforcement organizations.

H.R. 3514 would go further than current DoD policy by requiring submission of records of "penal actions." Penal actions are not defined in H.R. 3514 and could include minor disciplinary actions for minor offenses. Most minor offenses in the military are disposed of through nonjudicial proceedings under Article 15 of the UCMJ. In Fiscal Year 1995, the DoD completed 72,156 actions of nonjudicial punishment. Most of these concerned minor criminal offenses and military offenses, such as disobedience of orders, disrespect to superior officers, fraternization, and dereliction of duty. The new reporting procedure contemplated under this proposed Bill would impose a significant burden on military law enforcement agencies. Moreover, it is not clear from the legislation what the FBI will be required to do with this information.

(3) Submission of DNA Samples of convicted sex offenders to the Federal Bureau of Investigation (Section 502(b))

Section 502(b) would require the Military Departments to submit DNA specimens to the FBI of any member of the armed forces convicted by court-martial of an "offense of a sexual nature." These specimens would be included in the Combined DNA Identification System (CODIS).

The Attorney General will soon report to Congress, pursuant to Section 121(a) of the Public Law 105-119, 111 Stat. 2468 (1997), on a plan to collect DNA samples from Federal offenders following a

conviction of criminal offenses against minors or sexually violent offenses. Based on discussions with FBI representatives, DoD expects that the Attorney General's plan will include recommended legislation containing provisions for obtaining DNA samples from convicted military offenders. The FBI's proposed legislation would require the submission of DNA samples from military offenders convicted of a wide range of serious offenses to be included in the national CODIS database. DoD recommends that Congress consider the Attorney General's comprehensive report on this issue prior to enacting legislation in this area.

DoD notes that, as currently drafted, Section 502(b) presents several problems. First, it is unclear from this provision which agency is responsible for analyzing the DNA sample. Since these procedures could entail significant expenditure of funds and additional resources, the legislation should clarify which agency should conduct the DNA analysis. DoD notes that there are no provisions in H.R. 3514, or in any other pending or enacted legislation appropriating funds, for DoD to conduct the DNA analysis in these cases.

The phrase "offense of a sexual nature" used in Section 502(b) is not defined elsewhere in the legislation. Many types of sexual conduct, including consensual sexual relationships, can be prosecuted as criminal offenses in the military. This phrase leaves the covered offenses subject to interpretation could inappropriately require submission of DNA samples in cases such as sexual harassment criminal offenses, sex offenses based on improper differences in rank (fraternization), and consensual adultery and sodomy cases.

On the other hand, section 502(b) would not require DNA submissions for a large number of serious offenses that do not constitute "offenses of a sexual nature." H.R. 3514 should be modified to require submission of DNA samples in cases involving convictions of felony crimes of violence and crimes against minor children. This change is necessary to ensure coverage for military cases is similar to the provisions in the majority of State laws.

Finally, DoD notes that the provisions of section 502(b) are not cross-referenced to, nor contained within the DNA Identification Act of 1994. Thus, the access, disclosure, and penalty provisions of that Act may not be applicable to this new section.

(4) Modifications to the Transitional Compensation Program (Section 511)

Subtitle B of H.R. 3514 would add section 511, amending section 1059 of title 10, United States Code, to broaden the eligibility for transitional compensation in cases when dependent-abuse is an underlying or partial factor. DoD supports this modification to existing law. The legislation could be improved by specifically requiring that the records of the administrative discharge proceedings document that abuse was at least a partial cause for the member's separation or, in the case of discharge as a result of court-martial,

that at least one specification resulting in a finding of guilty included an allegation of domestic abuse. This change is needed to limit a potential flood of applications relying on extraneous, independent evidence and to provide potential applicants clear notice of the standards for eligibility. DoD does not support the proposed change to 1059(g) which would allow resumption of payment after a spouse/former spouse returns to living with the abuser and then leaves again. This provision would be administratively difficult to administer and counter to the central intent of the transitional compensation program to afford abused dependents with financial security to help rebuild their lives.

H.R. 3514 also would amend section 1076(e) of title 10 to require the Secretaries to furnish abused dependents' medical and dental care, including mental health services, in military health care facilities, during the period that the abused dependent receives transitional compensation. DoD supports this change because it is consistent with the goals of the transitional compensation program.

**1 TITLE V—VIOLENCE AGAINST
2 WOMEN IN THE MILITARY
3 SYSTEM**

**4 Subtitle A—Civilian Jurisdiction
5 for Crimes of Sexual Assault
6 and Domestic Violence**

**7 SEC. 501. CRIMINAL OFFENSES COMMITTED OUTSIDE THE
8 UNITED STATES BY PERSONS ACCOMPANY-
9 ING THE ARMED FORCES.**

10 (a) IN GENERAL.—Title 18, United States Code, is
**11 amended by inserting after chapter 211 the following new
12 chapter:**

**13 "CHAPTER 212—DOMESTIC VIOLENCE AND
14 SEXUAL ASSAULT OFFENSES COMMIT-
15 TED OUTSIDE THE UNITED STATES**

"Sec.

**"3261. Domestic violence and sexual assault offenses committed by persons for-
merly serving with, or presently employed by or accompanying,
the Armed Forces outside the United States.**

"3262. Delivery to authorities of foreign countries.

"3263. Regulations.

"3264. Definitions for chapter.

**16 "§ 3261. Domestic violence and sexual assault of-
17 fenses committed by persons formerly
18 serving with, or presently employed by or
19 accompanying, the Armed Forces outside
20 the United States**

21 "(a) IN GENERAL.—Whoever, while serving with, em-
22 ployed by, or accompanying the Armed Forces outside of

1 the United States, engages in conduct that would con-
2 stitute a misdemeanor or felony domestic violence or sex-
3 ual assault offense, if the conduct had been engaged in
4 within the special maritime and territorial jurisdiction of
5 the United States, shall be subject to prosecution in the
6 Federal District Court of the jurisdiction of origin.

7 “(b) CONCURRENT JURISDICTION.—Nothing con-
8 tained in this chapter deprives courts-martial, military
9 commissions, provost courts, or other military tribunals of
10 concurrent jurisdiction with respect to offenders or of-
11 fenses that by statute or by the law of war may be tried
12 by courts-martial, military commissions, provost courts, or
13 other military tribunals.

14 “(c) ACTION BY FOREIGN GOVERNMENT.—No pros-
15 ecution may be commenced under this section if a foreign
16 government, in accordance with jurisdiction recognized by
17 the United States, has prosecuted or is prosecuting such
18 person for the conduct constituting such offense, except
19 upon the approval of the Attorney General of the United
20 States or the Deputy Attorney General of the United
21 States (or a person acting in either such capacity), which
22 function of approval shall not be delegated.

23 “(d) ARRESTS.—

24 “(1) LAW ENFORCEMENT PERSONNEL.—The
25 Secretary of Defense may designate and authorize

any person serving in a law enforcement position in the Department of Defense to arrest outside of the United States any person described in subsection (a) if there is probable cause to believe that such person engaged in conduct which constitutes a criminal offense under subsection (a).

"(2) RELEASE TO CIVILIAN LAW ENFORCEMENT.—A person arrested under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in the Federal district court of the named jurisdiction of origin of the person arrested in relation to conduct referred to in such paragraph unless—

"(A) such person is delivered to authorities of a foreign country under section 3262; or

"(B) such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

§ 3262. Delivery to authorities of foreign countries

"(a) IN GENERAL.—Any person designated and authorized under section 3261(d) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which the person is alleged to have engaged in conduct described in subsection (a) if—

1 “(1) the appropriate authorities of that country
2 request the delivery of the person to such country
3 for trial for such conduct as an offense under the
4 laws of that country; and

5 “(2) the delivery of such person to that country
6 is authorized by a treaty or other international
7 agreement to which the United States is a party.

8 “(b) DETERMINATION BY THE SECRETARY.—The
9 Secretary of Defense shall determine which officials of a
10 foreign country constitute appropriate authorities for pur-
11 poses of this section.

12 **“§ 3263. Regulations**

13 “The Secretary of Defense shall issue regulations
14 governing the apprehension, detention, and removal of
15 persons under this chapter. Such regulations shall be uni-
16 form throughout the Department of Defense.

17 **“§ 3264. Definitions for chapter**

18 “As used in this chapter—

19 “(1) the term ‘Armed Forces’ has the same
20 meaning as in section 101(a)(4) of title 10;

21 “(2) a person is ‘employed by the Armed
22 Forces outside of the United States’ if the person—

23 “(A) is employed as a civilian employee of
24 the Department of Defense, as a Department of

Defense contractor, or as an employee of a Department of Defense contractor;

"(B) is present or residing outside of the United States in connection with such employment; and

"(C) is not a national of the host nation; and

"(3) a person is 'accompanying the Armed Forces outside of the United States' if the person—

"(A) is a dependent of a member of the armed forces;

"(B) is a dependent of a civilian employee of the Department of Defense;

"(C) is residing with the member or civilian employee outside of the United States; and

"(D) is not a national of the host nation."

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

"212. Domestic Violence and Sexual Assault Offenses Committed Outside the United States 3261".

SEC. 502. RECORDS OF MILITARY JUSTICE ACTIONS.

(a) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

1 "§ 1178. Military justice information and DNA speci-
2 mens: transmission to Director of Federal
3 Bureau of Investigation upon member's
4 separation

5 "(a) RECORDS OF MILITARY JUSTICE ACTIONS.—
6 Whenever a member of the armed forces is discharged
7 from a period of service in the armed forces or is released
8 from a period of active duty, the Secretary of the military
9 department concerned shall transmit to the Director of the
10 Federal Bureau of Investigation a copy of records of any
11 penal action taken against the member during that period
12 under chapter 47 of this title (the Uniform Code of Mili-
13 tary Justice).

14 "(b) DNA SPECIMENS OF PERSONS CONVICTED OF
15 SEXUAL OFFENSES.—(1) Any member of the armed
16 forces who is convicted by a court-martial of an offense
17 of a sexual nature shall, before being separated from the
18 member's armed force, provide to the Secretary of the
19 military department concerned a sample of blood, saliva,
20 or other specimen collected from that member necessary
21 to conduct DNA analysis consistent with established pro-
22 cedures for DNA testing by the Director of the Federal
23 Bureau of Investigation.

24 "(2) The Secretary concerned shall transmit each
25 sample provided under paragraph (1) in a timely manner
26 to the Director of the Federal Bureau of Investigation.

1 inclusion in the Combined DNA Identification System
2 (CODIS) of the Federal Bureau of Investigation.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

“1178. Military justice information and DNA specimens: transmission to Director of Federal Bureau of Investigation upon member’s separation.”.

6 **Subtitle B—Transitional Com-**
7 **pensation and Health Care for**
8 **Abused Dependents of Members**
9 **of the Armed Forces**

10 **SEC. 511. TRANSITIONAL COMPENSATION.**

11 Section 1059 of title 10, United States Code, is
12 amended—

13 (1) in subsection (e)(1)(A), by inserting “that
14 includes dependent-abuse as an underlying or prin-
15 cipal factor” after “for a dependent-abuse offense”;

16 (2) in subsection (e)(1)(B), by inserting “un-
17 derlying, partial, or principal” before “basis”; and

18 (3) in subsection (g)(2), by striking “the Sec-
19 retary may not resume such payments” and insert-
20 ing “the Secretary may resume such payments if the
21 Secretary determines that there was ongoing abuse.
22 Any such determination as to such a resumption of
23 payments shall be reviewed by the Secretary on a
24 case-by-case basis.”.

1 **SEC. 512. HEALTH BENEFITS.**

2 Paragraph (1) of section 1076(e) of title 10, United
3 States Code, is amended to read as follows:

4 “(1) The administering Secretary shall furnish
5 an abused dependent of a former member of a uni-
6 formed service described in paragraph (4), during
7 that period that the abused dependent is in receipt
8 of transitional compensation under section 1059 of
9 this title, with medical and dental care, including
10 mental health services, in facilities of the uniformed
11 services in accordance with the same eligibility and
12 benefits as were applicable for that abused depend-
13 ent during the period of active service of the former
14 member.”.

15 **TITLE VI—PREVENTING VIO-**
16 **LENCE AGAINST WOMEN IN**
17 **TRADITIONALLY UNDER-**
18 **SERVED COMMUNITIES**

19 **Subtitle A—Older Women’s**
20 **Protection From Violence**

21 **SEC. 601. SHORT TITLE; TABLE OF CONTENTS.**

22 (a) **SHORT TITLE.**—This Act may be cited as the
23 “Older Women’s Protection From Violence Act”.

24 (b) **TABLE OF CONTENTS.**—The table of contents for
25 this Act is as follows:

Sec. 601. Short title; table of contents.

MEMORANDUM

TO: BRUCE REED, ELENA KAGAN
FROM: TOM FREEDMAN, MARY L. SMITH
RE: VIOLENCE AGAINST WOMEN ACT
DATE: JUNE 23, 1998

Summary:

The House has passed a fairly comprehensive Violence Against Women bill, and Senator Biden has introduced a more modest version in the Senate. Section-by-section analyses of both are attached.

Status in Senate:

- Senator Biden introduced S. 2110 entitled the Violence Against Women Act II. A section-by section analysis is attached.
- DOJ says that there will be a hearing on violence against women on July 21. DOJ expects to send Associate Attorney General Ray Fischer.
- DOJ is not finished with their analysis of the Biden bill, but expects that it will have problems with a couple areas, including the provision that gives full faith and credit to protective orders in other states and the provision that creates a parallel legal services network for victims of domestic violence.
- DOJ suspects that shortly after the hearing on July 21, Biden will try to attach the violence against women bill as an amendment to another bill.

Status in the House:

- On July 11, the House unanimously approved a Conyers amendment to the Child Protection and Sexual Predator Punishment Act of 1998 (H.R. 3494) which provides nearly \$1 billion in funding aimed at combating violence against women. The federal grants would provide research for prevention, detection and investigation of violence against women and money to bolster law enforcement and prosecution strategies aimed at these crimes. The amendment incorporates roughly one-fourth of the Violence Against Women Act of 1998, which was previously introduced by Rep. Conyers.

United States Senate

WASHINGTON, DC 20510-0802

S. 2110 VIOLENCE AGAINST WOMEN ACT II

TITLE I - Strengthening Law Enforcement to Reduce Violence Against Women

Sec. 101. Improve Full Faith and Credit Enforcement of Protection Orders

Help states to improve interstate enforcement of protection orders as required by VAWA by directing technical assistance and funding to police and courts, including for computerized communications systems. Amends and renames the Pro-Arrest grants program to make full faith and credit enforcement of protection orders a funding priority, encouraging interstate cooperative agreements and development of data bases.

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Engage state courts in fighting violence against women by targeting funds to be used by the courts for the training and education of court personnel, technical assistance, and technological improvements. Amends STOP and Pro-Arrest grants to make state and local courts expressly eligible for funding; dedicating 10% of states' STOP grants for courts; reauthorizes the State Justice Institute grant for development, testing and dissemination of model court training programs for state courts, and requires the Federal Judicial Center to include the effects of domestic violence within its training programs.

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Reauthorize through 2002 this vital state grant program that has succeeded in bringing police and prosecutors into the fight to end violence against women. Preserves the 25%/25% allocations to police/prosecutors, but increases grants to victim services to 30%, and adds state and local courts as eligible recipients for 10%; authorizes 2% for state domestic violence and sexual assault coalitions; allows states to reallocate funds not spent after two years. (FY'98 funding is \$172 million (\$12 million over the authorization with the extra earmarked for direct legal services); proposed: \$185 million annually.)

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Provide federal court jurisdiction over domestic violence and sexual assault offenses committed by non-military persons employed by or accompanying the armed forces outside of the United States who otherwise would escape legal reprisal. At time of dismissal, require the transmission to the FBI of records of any penal action taken against a member of the armed forces. Clarify the discretion of the Secretary of Defense to resume transitional compensation in extraordinary cases.

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Extend the existing authorization past 2000 through 2002 and expand the current program to help communities provide shelter to battered women and their children who are now being turned away. (FY'98 is funded at \$76.8 million, \$6.8 million over authorization; proposed: \$120, \$150, \$175 and \$175 million for FYs '99 through 2002.)

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Establish new DOJ grants to states to reduce the opportunity for domestic violence occurring during the transfer of children for visitation purposes by expanding the availability of safe, supervised visitation centers for the children of victims of domestic violence. (Proposed: \$20, \$20, \$30, \$30 million for FYs '99 through 2002.)

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Require the Attorney General to study and submit recommendations on appropriate modifications with respect to child custody laws and the Parental Kidnaping Act where domestic violence is a factor; clarify emergency jurisdiction. (Proposed: \$200,000 annually for FYs '99 and 2000.)

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Amend the Public Health Services Act to give funding priority to medical schools and training programs requiring training in the identification, treatment and referral of victims of domestic violence and sexual assault.

Sec. 402. Provide Education & Training In Appropriate Responses to Violence Against Women

New DOJ direct grant program for the development, testing, and dissemination of model programs to provide education and training to individuals (other than police and prosecutors) who are likely to come in contact with victims of domestic violence in the course of their employment, such as welfare caseworkers, child protection workers, health care professionals, campus security and residence assistants, attorneys, clergy, and court personnel. (Proposed: \$5 million annually.)

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Extend through 2002 and clarify VAWA CDC-administered Sexual Assault Education and Prevention Grant program; include education for college students; establish a National Resource Center on Sexual Assault; provide funding for state sexual assault coalitions. (FY'98 is fully funded at \$45 million; proposed: increase funding to \$55 million for FYs '99 and 2000, \$60 million for FYs '01 and '02.)

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Establish a new DOJ grant program to educate and provide technical assistance to providers of victim services on effective ways to meet the needs of disabled women who are victims of violence, abuse and sexual assault. (Proposed: \$5 million annually.)

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Reauthorize expired VAWA CDC-grant program funding community demonstration projects for the intervention and prevention of domestic violence. (FY'98 is funded at \$6 million, although authorization had expired; proposed: \$6 million annually.)

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Direct the Attorney General to evaluate and recommend standards of training, practice and payment of forensic examinations following sexual assaults. (Proposed: one year authorization of \$200,000.)

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Provide new DOJ grant for a private, non-profit entity to establish a national clearinghouse and resource center to assist employers and labor organizations to develop and implement appropriate workplace policies and strategies to assist employees who are victims of domestic violence or sexual assault. (Proposed: \$1 million annually.)

Sec. 409. Strengthen Prevention and Intervention Research to Combat Violence Against Women

Require HHS and the Attorney General to coordinate grants to research violent behavior against women, gaps in knowledge of violence against women in underserved communities, sentencing involving domestic violence and sexual assault offenses, and status of laws regarding sexual assault offenses. (Proposed: \$6 million annually for FYs '99 through 2001.)

TITLE V - Extending the Violent Crime Reduction Trust Fund

Sec. 501. Extend Violent Crime Reduction Trust Fund

Preserve this dedicated source of revenue to fight violence against women through 2002. (FY'98 appropriations for VAWA from the Trust Fund totaled \$415.6 million; transfers to the Trust Fund are presently scheduled to end in FY 2000.)

Conyers Amendment to H.R. 3494

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

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

- The Attorney General may make grants to assist States, Indian tribal governments, and local governments in developing and strengthening law enforcement and prosecution strategies to combat violent crimes against women.
- Money may be used for personnel, training, technical assistance, data collection, and equipment for more widespread apprehension, prosecution, and adjudication of those who commit crimes against women.
- \$555,000,000 authorized over 3 years, beginning in 2001.

Subtitle B - Grants to Encourage Arrest Policies

- The Attorney General may make grants to States, Indian tribal governments and local governments to improve domestic violence detection, prosecution and adjudication through implementing mandatory or pro-arrest policies, developing policies and training materials, improving tracking, centralizing and coordinating law enforcement and prosecution efforts and by educating judges.
- \$340,000,000 authorized over 5 years, beginning in 1999.

Title VI - Limiting the Effects of Violence on Children

- Provides fleeing from domestic violence or the sexual assault of a child as a defense to the charge of kidnapping or child abduction for those who have custody or visitation rights to the child as long as those charges had been previously related to law enforcement authorities.
- Allows states not to give full faith and credit to the custody orders of other states if the first state failed to consider domestic violence or sexual assault of the child in making the initial custody determination.

Title VII - Sexual Assault Prevention

Subtitle A - Standards, Practice, and Training for Sexual Assault Examinations

- The Attorney General shall evaluate existing standards of training and practice for health care professionals who perform sexual assault forensic examinations and

develop a national recommended standard for training as well as a national protocol.

- \$200,000 authorized for fiscal year 1999.

Subtitle B -- Prevention of Custodial Sexual Assault by Correctional Staff

- The Attorney General shall establish guidelines for States and disseminate information regarding the prevention of custodial sexual misconduct by correctional staff. These guidelines will prohibit State departments of corrections from hiring correctional staff who have been found guilty on criminal charges or found civilly liable for sexual misconduct. The guidelines will also require States to maintain databases relating to correctional staff found guilty or liable for sexual misconduct.

Title VIII -- Full Faith and Credit for Protective Orders

- Allows the Attorney General to reduce a State's Byrne grant funding by 10% if she finds that a State has failed to enforce the protective orders issued by other states.
- The Attorney General may provide grants to States, Indian tribal governments and local governments to assist them in developing and strengthening recordkeeping of protective orders.
- \$25,000,000 authorized over 5 years, beginning in 1999.

Title IX -- Federal Witness Protection Program for Victims of Domestic Violence

- Allows victims of federal domestic violence to be eligible for the federal witness protection program and requires the Attorney General to establish guidelines for eligibility.

Title X -- Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence

- Makes it a federal crime for anyone serving with, employed by or accompanying the Armed Forces outside of the United States to commit domestic violence or sexual assault offenses if those acts would be subject to federal prosecution if they occurred within federal jurisdiction.

Title XI -- Preventing Violence Against Women in Traditionally Underserved Communities

- Authorizes the Attorney General to develop curricula and provide training programs to assist law enforcement and prosecution in recognizing, investigating and prosecuting the abuse, neglect, exploitation, domestic violence and sexual assault of older individuals.

Title XII - Violence Against Women Training for Health Professionals

- Authorizes the Attorney General to award grants and contracts to health care providers to assist them in identifying victims of domestic violence and sexual assault and maintaining complete medical records regarding the victims' injuries.

Title XIII - Violence Against Women Intervention, Prevention and Education Research

- Requires the Attorney General to establish a task force to coordinate research on violence against women. The task force shall develop a coordinated strategy for such research, track and report all federal expenditures on such research and identify gaps and develop criteria for research.
- \$1,500,000 authorized over 3 years, beginning in 1999.
- Department of Justice shall make grants to entities to support research to further the understanding of the causes of violent behavior against women and to evaluate prevention, detection and education programs.
- \$18,000,000 authorized over 3 years, beginning in 1999.
- Department of Justice shall make grants to domestic violence and sexual assault organizations to expand knowledge regarding violence against women with an emphasis on underserved communities.
- \$13,500,000 authorized over 3 years, beginning in 1999.
- Sentencing Commission shall study the sentences given to domestic violence and sexual assault offenders and make recommendations regarding sentencing.
- \$200,000 authorized.
- The Attorney General shall conduct a national study and report to Congress on the status of domestic violence and sexual assault laws, considering the effectiveness and implementation of those laws as well as how those laws protect victims.
- \$9,000,000 authorized over 3 years, beginning in 1999.

Total Authorizations: \$ 962,400,000

United States Senate

WASHINGTON, DC 20510-0802

**S. 2110
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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: 5/19/98 Fax#: 456 7311

To: Robin Leeds

From: Alexia Smokler # of pages, incl. cover: 8

Comments: I spoke with Kelly Smith and she asked me to fax you this side-by-side comparison of the House + Senate versions of VAWA II. This is a working draft.

THIS is a working draft.
Please VAWA

Sponsor, endorse and promote the
Violence Against Women Act of 1998!
(VAWA II - H.R. 3514)

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

-Subtitle (House Version)	Description (House Version)	Notes on Senate Version	Senate \
Title I Subtitle A Law Enforcement & 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 16% discretionary with language to ensure that there will be no harm to existing programs. Sponsors: _____ Contact: Donna Edwards, NNEDV, 347-9520.	Formula is changed to 25% each law enforcement and prosecution, 30% victims' services. Grants to state coalitions are set at 2% of total and allocated by population formula. Funding same.	✓
Title I 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.		☺
Title I 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, 225-6508.	lower funding amounts - \$100 million in 1999 up to \$175 million in 2002. Includes needs assessment. No caps, no changes in resource center section of FVPSA, state coalition grants limited to ones on underserved populations (does not include regional training or emergency assistance).	✓
Title I 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 Ralimann, Furse, 225-0633.	Lower funding - \$6 million/yr.	✓
Title I 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.	funds state courts at a lower level (\$500,000 per year). Does not include federal courts - verbal commitment to include them later, includes adding DV/custody topics.	✓
Title I Subtitle F Grants to Encourage Arrest Policies	reauthorizes funding for implementation of pro-arrest 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) 925-6835.	Includes training and technical assistance related to full faith and credit as a use of the funds, makes it a priority. (See below at VI.B for more). Adds courts, probation and parole to pro-arrest grants. Lower funding - \$66 million/yr.	✓
Title I 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) 925-6835.		☺
Title I 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) 925-6835.		☺

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 ✓ - Similar version in Senate H bills
 ✓ - Active versions in Senate Hc bills

- ✗ - Version found only in House bill or Senate bill
 ? - Not if there differences or the nature of those differences

Title I. 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) 925-8835.		☺
Title I. 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) 925-8835.	lower funding - \$22 million/yr.	☺
Title I. 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) 925-8835.		☺
Title II. Limiting the Effects of Violence on Children (findings)		no findings in Senate version	X
Title II. Subtitle A Safe Havens for Children	grants to provide increased access to supervised visitation centers, 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, 844-7358.	lower funding amounts - \$10 million in 1999 up to \$30 million in 2002, grants go directly to states	✓
Title II. 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: _____ Contact: Donna Edwards, NNEDV, 347-9520.	program is similar - needs further review for substantive comparison; lower funding \$3.1 million annually	✓?
Title II. 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 child 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, 844-7358.	includes study of PKPA and modification to emergency jurisdiction to conform PKPA to UCCJEA.	✓
Title II. 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, 844-7358.	not included	X
Title II. Subtitle E 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, 225-7844.	not included	X

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Title II. 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: Ellen Nolan, NASAC, 289-3300.	lower funding amounts - \$55 million in 1999 to \$60 million in 2002	✓
Title II. 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: _____. Contact: Andrea Williams, NOW LDEF, (212) 925-6635.		☺
Title II. 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 Sloan, Conyers, 225-6906.	not included	X
Title III. 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. 1829, 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.	agreement to include unless Kennedy and Specter agree strategic to leave out	?
Title IV. 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 Kurtz, Frank, 225-6931, Charlotte Oldham-Moore, Wellstone, 224-5641.	not included - verbal commitment to work on alternative version down the road	X
Title IV. 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. 905, S. 666. Sponsors: Rep. Conyers (D-MI), Sen. Lautenberg (D-NJ). Contact: Melanie Sloan, 225-6906.	No "stick" for noncompliance. added to pro-arrest grants (see above under I.F). Amendments regarding registration, notification, and clarifying coverage of custody provisions included.	✓
Title IV. 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. 657. Sponsors: Reps. Sanders (I-VT), Schumer (D-NY) & Morella (R-MD). Senator Wellstone (D-MI). Contact: Terry Fromson, Women's Law Project, (215) 625-8801.	Enforcement mechanism changed so that FTC gets enforcement authority only if states fail to enforce; rest needs further review to adequately compare	?✓
Title IV. 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.	not included	X
Title IV. 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.	not included	X

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P04

Title IV. 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.	current draft contains a very similar version to what is in the House bill with an additional section on pro bono networks, but it may be replaced by an authorization for the existing DOJ program. Funding amounts are \$25 million per year (\$5 million for networks)	?
Title IV. Subtitle G Witness Protection for Victims of Domestic Violence	amends Federal Witness Protection status to permit coverage of domestic violence victims, Sponsors: _____ Contact: Pam Coukos, NCADV, 644-7358.	not included	X
Title V. Subtitle A Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence	makes an employee 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, 347-8520.	limits provision to those employed currently by DOD; military must waive jurisdiction first	?✓
Title V. 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, 347-8520.	includes but limits circumstances where compensation is available	✓
Title VI. Subtitle A Older Women's Protection From Violence	authorizes law school clinical programs on domestic violence against older women; training programs for law enforcement officers, 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, 228-7944.		☺
Title VI. Subtitle B Protection for Violence Against Disabled Women	ensure inclusion of women with disabilities in existing programs; provides for judicial training on issues of violence against women with disabilities; authorizes training program, research and technical assistance, Sponsors: _____ Contact: Curt Decker, NAPAS, 408-8514.	Nothing currently included; may incorporate disability in expansion of definition of underserved population (see below).	X?

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D05

Title V. Subtitle C Battered Immigrant Women	removes the requirement to prove extreme hardship for self-petitioners and cancellation of removal; 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; prevents changes in an abuser's status from undermining victim's petitions; 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 U.S. and their abuser; grants access to cancellation of removal for battered immigrant women whose spouses were bigamists, or whose citizen or lawful permanent resident fiancés 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 authorizes LSC funded programs to use Federal dollars to represent battered immigrants eligible for VAWA; training for military officers, immigration judges, immigration officers and justice system personnel on domestic violence and the remedies available to battered immigrant women; extends VAWA access to non-immigrant visa holders and elder immigrants abused by their adult son or daughter; offers derivative beneficiary status to children whose parents file VAWA suspension/cancellation applications. Sponsors: _____ Contact: Leelys Orloff, AYUDA, 387-0434.	We don't know what this will look like -- verbal commitment to include most important provisions.	?
Title VI. 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, 544-7356.	may be included	?
Title VII. 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 response to assist victims of domestic violence and sexual assault. Adapted from Bill Sponsored by: Sen. Biden (D-DE) Contact: Jane Woodfin, Biden, 224-5042.	Included w/ twice as much funding	✓
Title VII. Subtitle B Victims' Employment Rights (VERA)	prohibits employers from taking adverse job actions against an employee because they are, or are perceived to be the victim of violent crime; Sponsor: _____ Contact: Julie Goldscheld, NOW LDEF, (212) 925-6635.	Not included	X
Title VII. 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, 225-6308.	Not included	X

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Title VII, 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, B. 367, Sponsors: Rep. Roybal-Allard (D-CA), Sen. Wellstone (D-MN). Contact: Charlotte Oldham-Moore, Wellstone, 224-5841 or Ellen Riddiaberger, Roybal-Allard, 225-1766.	Includes unemployment compensation provision; allows women to use FMLA and leave under federal policies but not any other existing leave; eliminating "experiencing domestic violence" from definition but verbal commitment to include if phrased differently	✓
Title VI, 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 Woodlin, Biden, 224-5042.	lower funding -- \$5 million/yr.	☺
Title VI, Subtitle F Worker's 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 Goldecheid, NOW LDEF, (212) 925-8838.	Not included	X
Title VII, 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 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.	Same as House version but administered by AQ instead of Department of Education; does not include study (which is in higher ed)	✓
Title VII, Subtitle B Student Safety	expands the category of people required to report crimes; requires statistics to be submitted to the Department of Education; opens limited, non-identifying information to the public. Adapted from H.R. 715, Sponsors: Rep. Schumer (D-NY) Contact: Kate Scheeler, Schumer, 225-8818.	Not included (in Higher Ed)	☺
Title VII, 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 B. 101, H.R. 884, Sponsors: Sens. Boxer (D-CA) & Wyden (D-OR) and Rep. Morella (R-MD) Contact: Kate O'Malley, Boxer, 224-3553, Lindsey Rosenberg, Wyden, 224-5244 or Cindy Hall, Morella, 225-5341.		☺

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Title VII. 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 Rempy, 224-3224.	Not included	X
Title X. 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 violence against women in underserved and divorce and child custody cases where domestic violence is a factor; 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) 928-8835); directs HHS and DOJ to establish 3 research centers to develop and coordinate research on violence against women, Sponsors: _____ Contact: Donna Edwards, NNEDV, 202-947-8520.	Does not include research centers, other small changes. Lower funding - \$6 million/yr.	✓
<u>MISCELLANEOUS</u>			
Date Rape Drug Rescheduling	Not in House version		X
Amendments to Interstate Stalking and DV	Not in House version	Adds coverage for foreign commerce, improves intent language on interstate travel, no coverage for travel across state lines that happens entirely within bounds of Indian reservation.	X
Reauthorize Crime Bill Trust Fund	Not in House version		X

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D08

United States Senate

WASHINGTON, DC 20510-0802

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United States Senate

WASHINGTON, DC 20510-0802

VIOLENCE AGAINST WOMEN ACT II

TITLE I - Strengthening Law Enforcement to Reduce Violence Against Women

Sec. 101. Improve Full Faith and Credit Enforcement of Protection Orders

Help states to improve interstate enforcement of protection orders as required by VAWA by directing technical assistance and funding to police and courts, including for computerized communications systems.

Amends and renames Pro-Arrest Grants to make full faith and credit enforcement of protection orders a funding priority, authorizing technical assistance, computer and other equipment; instructs DOJ to develop and disseminate promising practices; identify development of data bases as a priority for funds.

Sec. 102. Enhance the Role of Courts in Combating Violence Against Women

Engage state courts in fighting violence against women by targeting funds to be used by the courts for the training and education of court personnel, technical assistance, and technological improvements.

Amends STOP and Pro-Arrest grants to make state and local courts expressly eligible for funding; dedicates 10% of states STOP grants for courts; reauthorizes the State Justice Institute grant (\$600,000 annually for FYs 2000 through 2002) for development, testing and dissemination of model court training programs for state courts.

Sec. 103. Extend STOP Grants

Reauthorize through 2002 this vital state grant program that has succeeded in bringing police and prosecutors into the fight to end violence against women.

Preserves 25%/25% allocations to police/prosecutors, but increases grants to victim services to 30%, and adds state and local courts as eligible recipients for 10% (reducing the state's discretionary portion to 10%); 2% for state domestic violence and sexual assault coalitions; allows states to reallocate funds not spent after two years. (FY'98 funding at \$172 million; proposed \$555 million over 3 years -- \$185, \$186, and \$187 million respectively for FYs 2000 through 2002.)

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Sec. 104. Strengthen Federal Controls on "Date-Rape" Drugs

Place Rohypnol, the date-rape drug, in Federal Schedule I, the strictest level of federal drug penalties and control.

Sec. 105. Extend Pro-Arrest Grants

Extend expired DOJ direct grant program through 2002, strengthening support for pro-arrest policies and enforcement of protection orders, while enhancing the role of courts.

(FY'98 fully funded at \$59 million and FY'99 funded at \$34 million; proposed: \$195 million over 3 years -- \$ 64, \$65, and \$66 million respectively for FYs 2000 through 2002.)

Sec. 106. Strengthen Responses to Violence Against Women in the Military

Provide federal court jurisdiction over domestic violence and sexual assault offenses committed by non-military persons employed by or accompanying the armed forces outside of the United States who otherwise would escape legal reprisal. At time of dismissal, require the transmission to the FBI of records of any penal action taken against a member of the armed forces. Clarify discretion of the Secretary of Defense to resume transitional compensation in extraordinary cases.

Sec. 107. Hate Crimes Prevention

Amends federal hate crimes law to permit federal prosecution for crimes based on gender, sexual orientation, and disability.

Sec. 108. Expand Rural Domestic Violence and Child Abuse Enforcement Grants

Extend these expired DOJ direct grant programs that help states and local governments focus on problems particular to rural areas.

(FYs'98 and '99 funded at \$25 million; proposed \$105 million over 3 years -- \$34, \$35, and \$36 million respectively for FYs 2000 through 2002.)

Sec. 109. Extend National Stalker and Domestic Violence Reduction Grant

Reauthorize this expired VAWA DOJ grant program to assist states and local governments in improving databases for stalking and domestic violence.

(FY'98 fully funded at \$2.75 million but FY'99 not funded; proposed \$9 million over 3 years -- \$2, \$3, and \$4 million respectively for FYs 2000 through 2002.)

Sec. 110. Clarify Enforcement to End Interstate Battery/Stalking

Clarify federal jurisdiction to ensure reach to persons crossing state lines from another country as well as another state and to battery of a victim before travel to facilitate interstate movement of victims. Makes nature of "harm" uniform for domestic violence, stalking, and interstate travel offenses; and violations in protection order section consistent.

TITLE II - Strengthening Services to Victims of Violence

Sec. 201. Civil Legal Assistance to Victims of Domestic Violence and Sexual Assault

Help victims of domestic violence access appropriate legal help by expanding and enhancing access to trained and available attorneys and lay advocacy services, particularly pro bono legal services, including training, technical assistance, data collection, and support for cooperative efforts between victim advocacy groups and civil legal assistance providers.

Authorizes separate new grant program building upon the FY'98 appropriations which added \$12 million to STOP grants expressly for provision of direct legal assistance to victims of domestic violence; authorizes DOJ grants to wide range of grantees for developing coordinated efforts and to develop a database of programs providing legal assistance to victims. (\$105 million proposed over 3 years -- \$34, \$35, and \$36 million respectively for FYs 2000 through 2002.)

Sec. 202. Expand Shelters for Battered Women and Their Children

Extend and expand current program to help communities provide shelter to battered women and their children who are now being turned away.

Extends authorization past 2000 through 2002; requires nationwide needs assessment. Provides for model leadership grants for domestic violence intervention in underserved communities. (FY'98 funded at \$76.8 million and FY'99 funded at \$88.8 million; proposed \$500 million over 3 years -- \$150, \$175 and \$175 million respectively for FYs 2000 through 2002.)

Sec. 203. Protect Victims of Abuse from Insurance Discrimination

Prohibit discrimination against victims of domestic violence in the issuance and administration of health, disability, property and life insurance policies.

Sec. 204. Extend National Domestic Violence Hotline

Increase and extend authorization to meet the growing demands on the National Domestic Violence Hotline established by VAWA.

Extends authorization past 2000 through 2002; increases funding to reflect operating costs; requires annual reports. (FY'98 and FY'99 each funded at \$1.2 million; \$10 million proposed over 3 years -- \$3, \$3, and \$4 million for FYs 2000 through 2002.)

Sec. 205. Extend Federal Victims' Counselors

Reauthorize this expired VAWA program for appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes.

(\$1 million appropriated in FYs '96 and '97 and \$850,000 in FY '98 but not funded in FY '99; proposed: \$1 million annually for FYs 2000 through 2002.)

Sec. 206. Protect Battered Women's Employment

Allow leave time guaranteed under the Family and Medical Leave Act to be used by victims of domestic violence for services related to that violence, including for court appearances, meeting with attorneys, and seeking other remedies and assistance.

Sec. 207. Ensure Unemployment Compensation

Ensure that victims of domestic violence are eligible for unemployment compensation when separation is a direct result of the domestic violence; provide training of personnel involved in assessing unemployment claims based on domestic violence.

Sec. 208. Restore Protections for Battered Immigrant Women

Reinstate authority for immigrant victims of family violence with approved VAWA petitions for residency (self-petitions filed by battered spouses and children of U.S. citizens and legal permanent residents) to remain in the United States while awaiting permanent resident status; eliminate "Catch 22" policies that impede VAWA relief.

Sec. 209. Protect Older Women from Abuse and Neglect

Amend the Older Americans Act (and other Acts) to strengthen programs to protect older Americans from abuse, neglect, and exploitation; create a new program in the Department of Justice to train law enforcement personnel and prosecutors regarding elder abuse and neglect.

(Authorizations are "such sums as may be necessary" and are "without fiscal year limitation.")

TITLE III - Limiting the Effects of Violence on Children**Sec. 301. Provide Safe Havens for Children**

Establish new DOJ grants to states to reduce the opportunity for domestic violence occurring during the transfer of children for visitation purposes by expanding the availability of safe, supervised visitation centers for the children of victims of domestic violence.

(Proposed \$80 million over 3 years -- \$20, \$30, \$30 million for FYs 2000 through 2002.)

Sec. 302. Review Child Custody and Parental Kidnapping Laws

Require the Attorney General to study and submit recommendations on appropriate modifications with respect to child custody laws and the Parental Kidnapping Act where domestic violence is a factor; clarify emergency jurisdiction.

(Proposed: \$200,000 annually for FYs 2000 and 2001.)

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Sec. 303. Extend Grants to Reduce Sexual Abuse of Runaway, Homeless & Street Youth

Continue this expired HHS-administered grant program to agencies serving homeless youth who have been or are at risk of abuse.

(FY'98 and FY'99 funded at \$15 million; proposed: \$66 million over 3 years -- \$21, \$22, and \$23 million respectively for FYs 2000 through 2002.)

Sec. 304. Extend Victims of Child Abuse Act Grants

Extend past 2000 through 2002 the three grant programs reauthorized in VAWA: Court-appointed special advocate program; child abuse training program for judicial personnel and practitioners; televised testimony of children.

(FY'98 fully funded at \$7 million, \$2 million, \$1 million respectively and FY'99 funded at \$9, \$2 and \$1 million respectively; proposed maintain current authorization for FY 2000 at \$10, \$2.3, and \$1 million and reauthorize for FYs 2001 and 2002 at \$12, \$2.3, and \$1 million, respectively.)

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

Sec. 401. Promote Education & Training of Health Professionals

Amend the Public Health Services Act to give funding priority to medical schools and training programs requiring training in the identification, treatment and referral of victims of domestic violence and sexual assault.

Sec. 402. Provide Education & Training In Appropriate Responses to Violence Against Women

New DOJ direct grant program for the development, testing, and dissemination of model programs to provide education and training to individuals (other than police and prosecutors) who are likely to come in contact with victims of domestic violence in the course of their employment, such as welfare caseworkers, child protection workers, health care professionals, campus security and residence assistants, attorneys, clergy, and court personnel.

(Proposed: \$5 million annually for FYs 2000 through 2002.)

Sec. 403. Extend Rape Prevention and Education Program

Extend through 2002 and clarify VAWA CDC-administered Sexual Assault Education and Prevention Grant program; include education for college students; establish a National Resource Center on Sexual Assault; provide direct funding for state sexual assault coalitions.

(FYs '98 and '99 fully funded at \$45 million; proposed \$175 million over 3 years -- \$55, \$60 and \$60 million respectively for FYs 2000 through 2002.)

Sec. 404. Violence Against Women Prevention Education Among Youth

Building upon the model domestic violence K-12 education programs required to be identified by the Secretary of HHS in VAWA, promote dissemination, evaluation and implementation of models throughout schools; develop models for colleges.

(Proposed: \$2.7 million for FYs 2000 and 2001.)

Sec. 405. Education and Training to End Violence Against and Abuse of Women with Disabilities

Establish a new DOJ grant program to educate and provide technical assistance to providers on effective ways to meet the needs of disabled women who are victims of violence, abuse and sexual assault.

(Proposed \$15 million over 3 years -- \$4, \$5, and \$6 million respectively for FYs 2000 through 20002.)

Sec. 406. Renew Community Initiatives

Reauthorize expired VAWA CDC-grant program funding community demonstration projects for the intervention and prevention of domestic violence.

(FYs '98 and '99 funded at \$6 million, although no authorization; proposed: \$18 million over 3 years -- \$5, \$6 and \$7 million respectively for FYs 2000 through 2002.)

Sec. 407. Establish National Commission on Standards of Practice and Training for Sexual Assault Examinations

Direct the Attorney General to evaluate and recommend standards of training, practice and payment of forensic examinations following sexual assaults.

(Proposed: one year authorization of \$200,000.)

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Sec. 408. Establish National Workplace Clearinghouse on Violence Against Women

Provide new DOJ grant for a private, non-profit entity to establish a national clearinghouse and resource center to assist employers and labor organizations to develop and implement appropriate workplace policies and strategies to assist employees who are victims of domestic violence or sexual assault; require 10% non-Federal match.

(Proposed: \$1 million annually for FYs 2000 through 2002.)

Sec. 409. Strengthen Prevention and Intervention Research to Combat Violence Against Women

HHS and the Attorney General to coordinate grants to research violent behavior against women, gaps in knowledge of violence against women in underserved communities, sentencing involving domestic violence and sexual assault offenses, and status of laws regarding sexual assault offenses.

(Proposed \$6 million for FY 2000; \$5.1 million for FY 2001.)

TITLE V - Extending the Violent Crime Reduction Trust Fund

Sec. 501. Extend Violent Crime Reduction Trust Fund

Preserve this dedicated source of revenue to fight violence against women through 2002.

(FY'98 appropriations for VAWA from the Trust Fund totaled \$415.6 million; transfers to the Trust Fund are presently scheduled to end in FY 2000.)

January 19, 1999