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HOUSE OF REPRESENTATIVES
REPT. 106–891
Part 1

VIOLENCE AGAINST WOMEN ACT OF 2000

JULY 20, 2000.—Ordered to be printed

Mr. HYDE, from the Committee on the Judiciary, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1248]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1248) preventing violence against women, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Violence Against Women Act of 2000".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

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

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

Sec. 101. Reauthorization.
Sec. 102. Technical amendments.
Sec. 103. State coalition grants.
Sec. 104. Full faith and credit enforcement of protection orders.
Sec. 105. Filing costs for criminal charges
Sec. 106. Elder abuse, neglect, and exploitation.

Subtitle B—National Domestic Violence Hotline

Sec. 111. Reauthorization.
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Subtitle C—Battered Women's Shelters and Services

Sec. 121. Short title.
Sec. 122. Authorization of appropriations for family violence prevention and services.
Sec. 123. FVPSA improvements.
Sec. 124. Transitional housing assistance for victims of domestic violence.

Subtitle D—Community Initiatives

Sec. 131. Grants for community initiatives.

Subtitle E—Education and Training for Judges and Court Personnel

Sec. 141. Reauthorization.

Subtitle F—Grants To Encourage Arrest Policies

Sec. 151. Reauthorization.
Sec. 152. Technical amendment.

Subtitle G—Rural Domestic Violence and Child Abuse Enforcement

Sec. 161. Reauthorization.
Sec. 162. Technical amendments.

Subtitle H—National Stalker and Domestic Violence Reduction

Sec. 171. Technical amendments.
Sec. 172. Reauthorization.

Subtitle I—Federal Victims' Counselors

Sec. 181. Reauthorization.

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

Sec. 191. Reauthorization.
Sec. 192. Dissemination of information.

Subtitle K—Victims of Child Abuse Programs

Sec. 193. Reauthorization of court-appointed special advocate program.
Sec. 194. Reauthorization of child abuse training programs for judicial personnel and practitioners.
Sec. 195. Reauthorization of grants for televised testimony.
Sec. 196. Dissemination of information.

TITLE II—SEXUAL ASSAULT PREVENTION

Sec. 201. Transfer of rape prevention and education program.
Sec. 202. Rape prevention education.
Sec. 203. Sexual assault and interpersonal violence; demonstration projects.

TITLE III—OTHER DOMESTIC VIOLENCE PROGRAMS

Subtitle A—Strengthening Services to Victims of Violence

Sec. 301. Civil legal assistance for victims.

Subtitle B—Limiting the Effects of Violence on Children

Sec. 305 . Safe havens for children pilot program.

Subtitle C—Protections Against Violence and Abuse for Women with Disabilities

Sec. 310. Findings.
Sec. 311. Omnibus Crime Control and Safe Streets Act of 1968.

Sec. 312. Violence Against Women Act.
Sec. 313. Grants for technical assistance.

Subtitle D—Standards, Practice, and Training for Sexual Assault Examinations

Sec. 315. Short title.
Sec. 316. Standards, practice, and training for sexual assault forensic examinations.

Subtitle E—Domestic Violence Task Force

Sec. 320. Domestic Violence Task Force.

SEC. 2. DEFINITIONS.

(a) DOMESTIC VIOLENCE.—

(1) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT.—Section 2003(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(1)) is amended to read as follows:

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

(2) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT.—Section 2105(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–4(1)) is amended to read as follows:

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

(b) INDIAN COUNTRY.—Section 2003(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(1)) is amended to read as follows:

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

(c) STALKING.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2) is amended by striking the period at the end of paragraph (8) and inserting a semicolon and by adding after paragraph (8) the following:

"(9) the term 'stalking' means engaging in conduct that is directed at an individual with the intent to injure and harass the individual and which places the individual in reasonable fear of the death of, or serious bodily injury to, that individual, a member of that individual's immediate family or that individual's intimate partner;"

(d) UNDERSERVED POPULATIONS.—Section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(7) is amended to read as follows:

"(7) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, or age), and any other population determined to be underserved by the State planning process in consultation with the Attorney General;".

(e) DOMESTIC VIOLENCE COALITION.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2), as amended by subsection (c), is amended by adding after paragraph (9) the following:

"(10) the term 'domestic violence coalition' means a statewide (except in the case of a coalition within lands under tribal authority) nonprofit, nongovernmental membership organization of a majority of domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority that among other activities provides training and technical assistance to domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority;".

(f) SEXUAL ASSAULT COALITION.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2), as amended by subsection (e), is amended by adding after paragraph (10) the following:

"(11) the term 'sexual assault coalition' means a statewide (except in the case of a coalition within lands under tribal authority) nonprofit, nongovernmental membership organization of a majority of sexual assault programs with-

in the State, commonwealth, territory, or lands under military, Federal, or tribal authority that among other activities provides training and technical assistance to sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority; and".

(g) DATING VIOLENCE.—

(1) SECTION 2003.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2), as amended by subsection (f), is amended by adding after paragraph (11) the following:

"(12) The term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) the length of the relationship;

"(ii) the type of relationship; and

"(iii) the frequency of interaction between the persons involved in the relationship.".

(2) SECTION 2105.—Section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–4) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", and by adding after paragraph (2) the following:

"(3) the term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) the length of the relationship;

"(ii) the type of relationship; and

"(iii) the frequency of interaction between the persons involved in the relationship."

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

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

SEC. 101. REAUTHORIZATION.

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

(1) by striking "and" at the end of subparagraph (E);

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

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

"(G) $185,000,000 for fiscal year 2001;

"(H) $185,000,000 for fiscal year 2002;

"(I) $185,000,000 for fiscal year 2003;

"(J) $195,000,000 for fiscal year 2004; and

"(K) $195,000,000 for fiscal year 2005.".

SEC. 102. TECHNICAL AMENDMENTS.

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

"(3) at least 50 percent is allocated to grants for law enforcement, prosecution, and State and local court systems and at least 35 percent is allocated for victim services; and".

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

"(3) REALLOTMENT OF FUNDS.—

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

"(B) For the first 2 fiscal years following the date of the enactment of the Violence Against Women Act of 2000, the Attorney General may waive the qualification requirements of section 2002(c)(3), at the request of the State and with the support of law enforcement, prosecution, and victim services grantees currently funded under this section, if the reallocation of funds among law enforcement, prosecution, victim services, and State and local court systems mandated by this Act adversely impacts victims of sexual assault, domestic violence, and stalking, due to the reduction of funds to programs and services funded under this section in the prior fiscal year. Any waiver granted under this subparagraph shall not diminish the allocation of any State for victim services.".

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

(1) in paragraph (1), by striking "sexual assault and domestic violence" and inserting "sexual assault, domestic violence, and dating violence";

(2) in paragraph (5), by striking "sexual assault and domestic violence" and inserting "sexual assault, domestic violence, and dating violence"; and

(3) by striking "and" at the end of paragraph (6);

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

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

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

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

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

"(e) MONITORING AND COMPLIANCE.—The Attorney General shall deny applications—

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

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

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

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

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

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

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

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

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

(h) STATE AND LOCAL COURTS.—Section 2002(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(a)) is amended by inserting ", State and local courts" after "States" the second time it appears.

(i) INFORMATION REPORTING.—Section 2001(b)(4) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)(4)) is amended by adding before the semicolon the following: ", including the reporting of such information to the National Instant Criminal Background Check System".

SEC. 103. STATE COALITION GRANTS.

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

"(c) GRANTS.—

"(1) TO COALITIONS.—The Attorney General shall make grants to each of the State domestic violence and sexual assault coalitions in the State for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities. In no case will such awards preclude the State domestic violence and sexual assault coalitions from receiving grants under this part to fulfill the purposes described in subsections (a) and (b).

"(2) PERCENT ALLOCATIONS.—Domestic violence coalitions and sexual assault coalitions shall each receive not less than two and one-half percent of the funds appropriated for a fiscal year under section 1001(a)(18) for the purposes described in paragraph (1).

"(3) GEOGRAPHICAL ALLOTMENT.—

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

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

"(C) INDIANS.—1/54 of the amount appropriated shall be made available for development and operation of nonprofit nongovernmental tribal domestic violence and sexual assault coalitions in Indian country.

"(4) DISBURSEMENT OF GEOGRAPHICAL ALLOTMENTS.—50 percent of the 1/54 allotted to each State, the District of Columbia, Commonwealth of Puerto Rico, the combined United States Territories, and Indian country under paragraph (3) shall be made available to the domestic violence coalition as defined in section 2003(10) of this Act and 50 percent shall be made available to the sexual assault coalition as defined in section 2003(11) of this Act; and

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

"(6) APPLICATION.—In the application submitted by a coalition for the grant, the coalition provides assurances satisfactory to the Attorney General that the coalition—

"(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

"(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.".

SEC. 104. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

(a) IN GENERAL.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in the heading, by adding "**AND ENFORCEMENT OF PROTECTION ORDERS**" at the end;

(2) in section 2101(b)—

(A) in paragraph (6), by inserting "(including juvenile courts)" after "courts"; and

(B) by adding at the end the following:

"(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions."; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking "and" at the end;

(ii) in paragraph (2), by striking the period at the end and inserting ", including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);"; and

(iii) by adding at the end the following:

"(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

"(4) will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective."; and

(B) by adding at the end the following:

"(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government."

(b) ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.—

(1) IN GENERAL.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

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

(B) by adding at the end the following:

"(d) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.".

(2) APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(a)(1)(B)) is amended by striking "2 years of the date of enactment of this part" and inserting "the expiration of the 1-year period beginning on the date of enactment of the Violence Against Women Act of 2000".

SEC. 105. FILING COSTS FOR CRIMINAL CHARGES

Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5) is amended—

(A) in the heading, by striking "filing" and inserting "and protection orders" after "charges";

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

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

(ii) in paragraph (2)(B), by striking "2 years" and inserting "1 year after the date of enactment of the Violence Against Women Act of 2000"; and

(C) by adding at the end the following:

"(c) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.".

SEC. 106. ELDER ABUSE, NEGLECT, AND EXPLOITATION.

The Violence Against Women Act of 1994 (108 Stat. 1902) is amended by adding at the end the following:

"Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older or Disabled Individuals

"SEC. 40801. DEFINITIONS.

"In this subtitle:

"(1) IN GENERAL.—The terms 'elder abuse, neglect, and exploitation', and 'older individual' have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

"(2) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given such term by section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–4).

"(3) SEXUAL ASSAULT.—The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

"SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

"The Attorney General shall make grants to law school clinical programs for the purposes of funding the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence and sexual assault, against older or disabled individuals.

"SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.

"The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence and sexual assault, against older or disabled individuals.

"SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $15,000,000 for each of the fiscal years 2001 through 2005 to carry out this subtitle."

Subtitle B—National Domestic Violence Hotline

SEC. 111. REAUTHORIZATION.

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

"(1) IN GENERAL.—There are authorized to be appropriated to carry out the purposes of this section—

"(A) $1,600,000 for fiscal year 2001;

"(B) $1,800,000 for fiscal year 2002;

"(C) $2,000,000 for fiscal year 2003; and

"(D) $2,000,000 for fiscal year 2004.".

SEC. 112. TECHNICAL AMENDMENTS.

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

"(f) REPORTS.—Within 90 days after the date of the enactment of the Violence Against Women Act of 2000, all entities receiving funds pursuant to activities under subsection (a) shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants."

Subtitle C—Battered Women's Shelters and Services

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Battered Women's Shelters and Services Act".

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

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

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title (other than section 316)—

"(1) $120,000,000 for fiscal year 2001;

"(2) $160,000,000 for fiscal year 2002;

"(3) $200,000,000 for fiscal year 2003; and

"(4) $260,000,000 for fiscal year 2004.".

SEC. 123. FVPSA IMPROVEMENTS.

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

(1) by inserting after "grant authorized under section 303(a)" the following: "$500,000, with the remaining funds to be allotted to each State in";

(2) by striking paragraph (1), by striking the dash preceding paragraph (1), by striking "(2)", and by running in the text of paragraph (2) after "except that"; and

(3) by striking the last sentence.

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

(1) by inserting after "to such State in grants under section 303(a)" the following: "or Indian tribe or tribal organization under section 303(b)";

(2) by inserting after "failure of such State" the following: "or Indian tribe or tribal organization, or other entity";

(3) by inserting after "such amount to States" the following: "and Indian tribes and tribal organizations";

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

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

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

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

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

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

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

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

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

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

(f) SECTION 308 GRANTS.—Section 310(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(c)) is amended by adding after "for each fiscal year," the following: "the lesser of $7,500,000 or".

(g) COALITION GRANTS.—

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

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

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

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

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

"(B) ELIGIBILITY FOR CONTINUED FUNDING.—To be eligible for continued funding of up to 2 additional years of a 1-year model leadership grant, an applicant shall provide—

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

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

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

"(2) DIRECT EMERGENCY ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE.—

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

"(B) APPLICATION.—Prior to receipt of emergency assistance grants under this paragraph, the State or tribal domestic violence coalition shall provide to the Secretary—

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

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

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

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

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

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

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

"(3) TECHNICAL ASSISTANCE AND TRAINING FOR STATE, LOCAL, AND TRIBAL DOMESTIC VIOLENCE PROGRAMS.—

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

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

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

(2) TECHNICAL AMENDMENT.—The subsection heading for subsection (d) is amended by inserting "AND TRIBAL" after "STATE".

(h) REPORTS.—Section 308(e) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(e)) is amended by adding at the end the following: "Within 90 days after the date of the enactment of the Violence Against Women Act of 2000, all entities receiving funds pursuant to activities under this section shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.".

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

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

(j) TRIBAL DOMESTIC VIOLENCE COALITIONS.—Section 303(b) of the Family Violence Prevention Services Act (42 U.S.C. 10402(b)) is amended by adding at the end the following:

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

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

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

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

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

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

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

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

SEC. 124. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

"SEC. 2007. TRANSITIONAL HOUSING ASSISTANCE.

"(a) IN GENERAL.—The Attorney General shall award grants to States, units of local government, and Indian tribes under this section to carry out programs to provide assistance to individuals and their dependents—

"(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing domestic violence; and

"(2) for whom emergency shelter services are unavailable or insufficient.

"(b) ASSISTANCE DESCRIBED.—Assistance provided under this section may include—

"(1) short-term housing assistance, including rental or utilities payments assistance, where such assistance is necessary to prevent homelessness due to fleeing domestic violence; and

"(2) short-term support services, including expenses and costs associated with transportation and job training referrals, child care, counseling, transitional housing identification and placement, and related expenses such as utility or security deposits and other costs incidental to relocation to transitional housing.

"(c) TERM OF ASSISTANCE.—An individual or family assisted under this section may not receive transitional housing assistance for a total of more than 12 months.

"(d) REPORTS.—

"(1) REPORT TO ATTORNEY GENERAL.—

"(A) IN GENERAL.—An entity that receives a grant under this section shall annually prepare and submit to the Attorney General a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

"(B) CONTENTS.—Each report shall include information on—

"(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

"(ii) the number of months each individual or dependent received the assistance;

"(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

"(iv) the type of support services provided to each individual or dependent assisted under this section.

"(2) REPORT TO CONGRESS.—The Attorney General shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

"(1) $25,000,000 for each of fiscal years 2001 through 2003; and

"(2) $30,000,000 for each of fiscal years 2004 and 2005.".

Subtitle D—Community Initiatives

SEC. 131. GRANTS FOR COMMUNITY INITIATIVES.

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

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $8,000,000 for fiscal year 2001;

"(2) $9,000,000 for fiscal year 2002;

"(3) $10,000,000 for fiscal year 2003; and

"(4) $11,000,000 for fiscal year 2004."

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

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

Subtitle E—Education and Training for Judges and Court Personnel

SEC. 141. REAUTHORIZATION.

(a) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS.—

(1) SECTION 40412.—Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended—

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

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

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

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

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

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

(2) SECTION 40414.—Section 40414(a) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amended by inserting "and $1,500,000 for each of the fiscal years 2001 through 2005" after "1996".

(b) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS.—

(1) SECTION 40421.—Section 40421(d) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14001(d)) is amended to read as follows:

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

(2) SECTION 40422.—Section 40422(2) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amended by inserting "and $500,000 for each of the fiscal years 2001 through 2005" after "1996".

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

(1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS.—Section 40413 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13993) is amended by adding ", including national, State, tribal, and local domestic violence and sexual assault programs and coalitions" after "victim advocates"

(2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS.—Section 40411 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13991) is amended by adding at the end the following: "Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States."

(3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS.—Section 40414 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994) is amended by adding at the end the following:

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

(d) DATING VIOLENCE.—

(1) SECTION 40411.—Section 40411 of the Equal Justice for Women in Courts Act of 1994 (42 U.S.C 13991) is amended by inserting "dating violence," after "domestic violence,"

(2) SECTION 40412.—Section 40412 of such Act (42 U.S.C 13992) is amended—

(A) in paragraph (10), by inserting "and dating violence" before the semicolon;

(B) in paragraph (11), by inserting "and dating" after "domestic";

(C) in paragraph (13), by inserting "and dating" after "domestic" in both places that it appears;

(D) in paragraph (17) by inserting "or dating" after "domestic" in both places that it appears; and

(E) in paragraph (18), by inserting "and dating" after "domestic"

Subtitle F—Grants To Encourage Arrest Policies

SEC. 151. REAUTHORIZATION.

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

(1) by striking "and" at the end of subparagraph (B);

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

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

"(D) $63,000,000 for fiscal year 2001;

"(E) $67,000,000 for fiscal year 2002;

"(F) $70,000,000 for fiscal year 2003;

"(G) $70,000,000 for fiscal year 2004; and

"(H) $70,000,000 for fiscal year 2005.".

SEC. 152. TECHNICAL AMENDMENT.

Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (b)(2), by inserting "and dating" after "domestic";

(2) in subsection (b)(5), by inserting "and dating" after "domestic"; and

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

"(e) DISBURSEMENT.—At least 5 percent of the funds appropriated under 1001(a)(19) shall be used for grants to Indian tribal governments.".

Subtitle G—Rural Domestic Violence and Child Abuse Enforcement

SEC. 161. REAUTHORIZATION.

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

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

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

"(D) $35,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.".

SEC. 162. TECHNICAL AMENDMENTS.

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

(1) in subsection (a)(1), by inserting "and dating" after "domestic";

(2) in subsection (a)(2), by inserting "and dating" after "domestic"; and

(3) in subsection (c), by adding at the end the following:.

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

Subtitle H—National Stalker and Domestic Violence Reduction

SEC. 171. TECHNICAL AMENDMENTS.

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

SEC. 172. REAUTHORIZATION.

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

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) $3,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005."

Subtitle I—Federal Victims' Counselors

SEC. 181. REAUTHORIZATION.

The text of section 40114 of the Safe Streets for Women Act of 1994 is amended to read as follows: "There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of domestic violence and sexual assault crimes where applicable (such as the District of Columbia) $1,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005."

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

SEC. 191. REAUTHORIZATION.

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

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) $22,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004."

SEC. 192. DISSEMINATION OF INFORMATION.

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

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

Subtitle K—Victims of Child Abuse Programs

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 195. REAUTHORIZATION OF GRANTS FOR TELEVISED TESTIMONY.

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

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

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

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

"(F) $1,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005."

SEC. 196. DISSEMINATION OF INFORMATION.

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

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

TITLE II—SEXUAL ASSAULT PREVENTION

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

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

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

"(a) GRANTS.—

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

"(A) educational seminars;

"(B) the operation of hotlines;

"(C) training programs for professionals;

"(D) the preparation of informational material; and

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

"(2) TERMS.—

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

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

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

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

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

"(b) NATIONAL RESOURCE CENTER.—

"(1) ESTABLISHMENT.—At such time as appropriations under subsection (c) reach at least $80,000,000, the Secretary of Health and Human Services shall, through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, establish a National Resource Center on Sexual Assault to provide resource information, policy, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to State and tribal sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault. The Resource Center shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

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

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

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

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $80,000,000 for fiscal year 2001;

"(B) $105,000,000 for fiscal year 2002;

"(C) $105,000,000 for fiscal year 2003;

"(D) $155,000,000 for fiscal year 2004; and

"(E) $155,000,000 for fiscal year 2005.

Funds authorized to be appropriated under this section are appropriated from the Violent Crime Reduction Fund pursuant to section 310001(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(c)) and paragraph (16) under the definition of prevention program in section 310004(d) of such Act (42 U.S.C. 14214(d)).

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

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

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

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

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

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

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

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

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

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

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

"(d) LIMITATIONS.—

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

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

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

"(e) DEFINITIONS.—

"(1) INDIAN COUNTRY.—The term 'Indian Country' has the same meaning as is given such term by section 1151 of title 18, United States Code.

"(2) RAPE PREVENTION AND EDUCATION.—For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at sexual offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

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

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

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

"(6) SEXUAL ASSAULT COALITION.—The term 'sexual assault coalition' means a coalition that coordinates State victim service activities, and collaborates and coordinates with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention.".

SEC. 202. RAPE PREVENTION EDUCATION.

(a) REPEAL.—The section added by section 40151 of the Violence Against Women Act of 1994 is repealed.

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

SEC. 203. SEXUAL ASSAULT AND INTERPERSONAL VIOLENCE; DEMONSTRATION PROJECTS.

(a) DEMONSTRATION PROJECTS.—Section 393 of the Public Health Service Act (42 U.S.C. 280b–1a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following subsection:

"(b)(1) With respect to all victims of sexual assault and interpersonal violence who present at hospital emergency rooms and other sites offering services to such victims, demonstration projects under subsection (a)(6) shall include projects in which, on a 24-hour basis, nurses and other health care professionals at such rooms and sites who are trained in accordance with protocols under paragraph (2)—

"(A) identify victims of such violence;

"(B) collect physical evidence from the victims that may be of use in judicial proceedings regarding the violence; and

"(C) provide information and appropriate referrals to rape crisis center programs and victim service providers, including referrals to health-related services and social services.

"(2) In carrying out paragraph (1), the Secretary shall carry out a program to train nurses and other health care professionals to provide the services described in such paragraph. The program shall develop a protocol for such training.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) to section 393 of the Public Health Service Act (42 U.S.C. 280b–1a) shall apply to demonstration projects funded under subsection (a)(6) of such Act which are ongoing on the date of the enactment of this Act.

TITLE III—OTHER DOMESTIC VIOLENCE PROGRAMS

Subtitle A—Strengthening Services to Victims of Violence

SEC. 301. CIVIL LEGAL ASSISTANCE FOR VICTIMS.

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of civil legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS.—In this section:

(1) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(2) DATING VIOLENCE.—The term "dating violence" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(3) CIVIL LEGAL ASSISTANCE FOR VICTIMS.—The term "civil legal assistance" includes legal assistance to victims of domestic violence, dating violence, stalking, and sexual assault in any administrative, civil, judicial, family, or immigration proceeding. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504(a) of Public Law 104-134.

(4) SEXUAL ASSAULT.—The term "sexual assault" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, tribally recognized organizations, qualified Legal Services Corporation grantees, other voluntary legal services organizations, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and

legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) To be eligible for a grant under subsection (c), applicants shall certify in writing that—

(1) any person providing civil legal assistance through a program funded under subsection (c) has completed or will complete training in connection with domestic violence or sexual assault and related legal issues;

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;

(3) any person or organization providing civil legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, or child sexual abuse is an issue.

(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(A) $35,250,000 for fiscal year 2001;
(B) $40,000,000 for fiscal year 2002;
(C) $45,000,000 for fiscal year 2003;
(D) $50,000,000 for fiscal year 2004; and
(E) $55,000,000 for fiscal year 2005;

(2) ALLOCATION OF FUNDS.—

(A) TRIBAL PROGRAMS.—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(B) VICTIMS OF SEXUAL ASSAULT.—Not less than 25 percent of the funds used for direct services, training, and technical assistance shall be used to support projects focused solely or primarily on civil legal assistance for victims of sexual assault.

(3) NONSUPPLANTATION.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

Subtitle B—Limiting the Effects of Violence on Children

SEC. 305 . SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) IN GENERAL.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in cases of domestic violence, child abuse, or sexual assault.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) APPLICANT REQUIREMENTS.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) REPORTING.—

(1) IN GENERAL.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) GUIDELINES.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $15,000,000 for each of fiscal years 2001 and 2002.

(f) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

Subtitle C—Protections Against Violence and Abuse for Women with Disabilities

SEC. 310. FINDINGS.

The Congress finds that—

(1) women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others;

(2) in domestic violence cases, women with disabilities stay with their batterers almost twice as long as women without disabilities;

(3) violence and abuse against women with disabilities takes many forms, including verbal abuse, physical abuse, sexual assault, forced isolation, control over economic resources, and the withholding of equipment, medication, transportation, or personal care assistance;

(4) many women with disabilities fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized;

(5) many women with disabilities are unable to leave abusive or violent spouses or cohabitants because of the inaccessibility of services or the fear of abandoning dependent children; and

(6) law enforcement, the criminal justice system, legal services, and victim services are often not equipped or trained to effectively identify and respond to abuse or violence against women with disabilities.

SEC. 311. OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 2001(b)(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)), as amended by section 141(a)(1), is amended by inserting before the semicolon at the end the following: "and forms of violence and abuse particularly suffered by women with disabilities"

SEC. 312. VIOLENCE AGAINST WOMEN ACT.

Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended—

(1) in paragraph (6), by inserting ", stereotyping of persons with disabilities who are victims of rape, sexual assault, abuse, or violence" after "racial stereotyping of rape victims";

(2) in paragraph (13), by inserting "or among persons with disabilities," after "socioeconomic groups,"; and

(3) by inserting after paragraph (22) the following:

"(23) issues related to violence and abuse against persons with disabilities, including the nature of physical, mental, and communications disabilities, the special vulnerability to violence of persons with disabilities, and the types of violence and abuse experienced by persons with disabilities;

"(24) the requirements placed on courts and judges under existing disability laws, including the requirements to provide appropriate auxiliary aids and services and to ensure physical access; and

"(25) the stereotypes regarding the fitness of persons with disabilities to retain custody of children, especially in domestic violence cases.".

SEC. 313. GRANTS FOR TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Attorney General shall make grants to States, nongovernmental private entities, and tribal organizations to provide education and technical assistance for the purpose of providing training, consultation, and information on violence, abuse, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES.—In making grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of violence, abuse, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of violence, abuse, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to national, State, local, and tribal organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, domestic violence programs providing shelter or related assistance, rape crisis centers, and programs providing sexual assault services, other victim services organizations, and women with disabilities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $10,000,000 for each of fiscal years 2001 through 2005.

Subtitle D—Standards, Practice, and Training for Sexual Assault Examinations

SEC. 315. SHORT TITLE.

This subtitle may be cited as the "Standards, Practice, and Training for Sexual Assault Forensic Examinations Act"

SEC. 316. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.

(a) IN GENERAL.—The Attorney General shall—

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault forensic examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and

(3) review existing national, State, tribal, and local protocols on sexual assault forensic examinations, and based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

(b) CONSULTATION.—The Attorney General shall consult with national, State, tribal, and local experts in the area of rape and sexual assault, including rape crisis centers, State and tribal sexual assault and domestic violence coalitions and programs, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities (as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(7) as amended by section 2(d)).

(c) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, a report of the actions taken pursuant to subsection (a) is submitted to Congress.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.

Subtitle E—Domestic Violence Task Force

SEC. 320. DOMESTIC VIOLENCE TASK FORCE

The Violence Against Women Act of 1994 (108 Stat. 1902), as amended by section 107, is amended by adding at the end the following:

"Subtitle I—Domestic Violence Task Force

"SEC. 40901. TASK FORCE.

"(a) ESTABLISH.—The Attorney General, in consultation with national nonprofit, nongovernmental organizations whose primary expertise is in domestic violence, shall establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

"(b) USES OF FUNDS.—Funds appropriated under this section shall be used to—

"(1) develop a coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies;

"(2) track and report all Federal research and expenditures on domestic violence; and

"(3) identify gaps and duplication of efforts in domestic violence research and governmental expenditures on domestic violence issues.

"(c) REPORT.—The Task Force shall report to Congress annually on its work under subsection (b).

"(d) DEFINITION.—For purposes of this section, the term 'domestic violence' has the meaning given such term by section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(1).

"(e) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated $500,000 for each of the fiscal years 2001 through 2004 to carry out this section.".

PURPOSE AND SUMMARY

H.R. 1248 would reauthorize and make key improvements in programs created by the "Violence Against Women Act of 1994" (title IV of the "Violent Crime Control and Law Enforcement Act of 1994," P.L. 103–322). Those programs include: Law Enforcement and Prosecution Grants to Combat Violence Against Women; National Domestic Violence Hotline; Battered Women's Shelter and Services; Grants for Community Initiatives; Education and Training for Judges and Court Personnel; Grants to Encourage Arrest Polices; Rural Domestic Violence And Child Abuse Enforcement; National Stalker and Domestic Violence Reduction; Federal Victims' Counselors; Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth; Victims of Child Abuse; and, Rape Prevention Education. It would also create several new programs, including: Civil Legal Assistance for Victims; Safe Havens for Children Pilot Program; Protections Against Violence and Abuse for Women with Disabilities; Standards, Practice, and Training for Sexual Assault Examinations; and, a requirement that a Domestic Violence Task Force report back to Congress on any overlapping or duplication of Federal agency efforts addressing domestic violence.

It is the view of the committee that, while the general purpose of the grants program is to combat violent crimes against women, the Department of Justice should not preclude the use of funds under this act to address crimes which affect both men and women.

BACKGROUND AND NEED FOR THE LEGISLATION

In response to growing rates of crimes committed against women, Congress passed the Violence Against Women Act (VAWA) as Title IV of the Violent Crime Control and Law Enforcement Act of 1994. VAWA created new criminal enforcement authority and enhanced penalties to combat sexual assault and domestic violence in Federal court. It also authorized grant programs to fight violence against women by providing funds to State and local law enforcement agencies, as well as for education, prevention, and outreach programs. To date, Congress has appropriated more than $1.5 billion for the act, and the appropriation authority for VAWA expires at the end of this fiscal year.

VAWA programs have aided the prosecution of domestic violence, sexual assault and child abuse cases across the country, and have increased victim services like domestic violence shelters for women.

Yet, despite the dramatic drop in most categories of crime across the country over the past several years, violent crime committed against women is still a serious problem. For example, nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.

Moreover, women are at increased risk of harm after separation from an abusive partner. Separated women are three times more likely than divorced women and 25 times more likely than married women to be victims of violence at the hands of an intimate partner. According to the National Crime Victimization Survey data from the Justice Department, between 1992 and 1996, women and girls over 12 experienced annually, on average, 960,000 incidents of assault, rape, and murder at the hands of a current or former spouse or intimate partner. During the same period, the same surveys found that men were victims of about 150,000 violent crimes by current or former spouses or intimate partners. Other surveys have found a much higher rate of domestic violence against women.

HEARINGS

The committee's Subcommittee on Crime held one hearing on H.R. 1248 on Wednesday, September 29, 1999. Testimony was received from Bonnie J. Campbell, Director, Violence Against Women Office, Department of Justice; Juley Fulcher, Public Policy Director, National Coalition Against Domestic Violence; Carole Alexander, Executive Director, House of Ruth; and Patrick Fagan, Heritage Foundation.

COMMITTEE CONSIDERATION

On Thursday, May 4, 2000 the Subcommittee on Crime met in open session and ordered favorably reported the bill H.R. 1248, as amended, by voice vote, a quorum being present. On Wednesday, June 21, 2000, the committee met in open session on this matter, and then met again on Tuesday, June 27, 2000 and ordered favorably reported the bill H.R. 1248, as amended, by voice vote, a quorum being present.

VOTES OF THE COMMITTEE

Subject: Conyers/Rothman amendment to the amendment in the nature of a substitute to H.R. 1248 to significantly broaden the definition of "domestic violence." By a rollcall vote of 11 yeas to 14 nays, the amendment was defeated.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Sensenbrenner			
Mr. McCollum		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (TX)		X	
Mr. Gallegly			
Mr. Canady		X	
Mr. Goodlatte			
Mr. Chabot		X	
Mr. Barr			
Mr. Jenkins		X	

ROLLCALL NO. 1—Continued

	Ayes	Nays	Present
Mr. Hutchinson		X	
Mr. Pease			
Mr. Cannon		X	
Mr. Rogan		X	
Mr. Graham		X	
Ms. Bono		X	
Mr. Bachus		X	
Mr. Scarborough			
Mr. Vitter			
Mr. Conyers	X		
Mr. Frank	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott			
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Meehan	X		
Mr. Delahunt	X		
Mr. Wexler			
Mr. Rothman	X		
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Hyde, Chairman		X	
Total	11	14	

Subject: Conyers/Scott/Jackson Lee amendment to the amendment in the nature of a substitute to H.R. 1248, as modified by Mr. Frank's perfecting amendment to broaden the definition of underserved population by striking "of special needs" and insert "of sexual orientation, religion, alienage status, or special needs" and to include gender identification language within the definition. By a rollcall vote of 11 yeas to 16 nays, the amendment was defeated.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Sensenbrenner			
Mr. McCollum		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (TX)		X	
Mr. Gallegly		X	
Mr. Canady		X	
Mr. Goodlatte			
Mr. Chabot		X	
Mr. Barr		X	
Mr. Jenkins		X	
Mr. Hutchinson			
Mr. Pease			
Mr. Cannon		X	
Mr. Rogan		X	
Mr. Graham		X	
Ms. Bono		X	
Mr. Bachus		X	
Mr. Scarborough		X	
Mr. Vitter			
Mr. Conyers	X		
Mr. Frank	X		

ROLLCALL NO. 2—Continued

	Ayes	Nays	Present
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott			
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Meehan	X		
Mr. Delahunt	X		
Mr. Wexler			
Mr. Rothman	X		
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Hyde, Chairman		X	
Total	11	16	

Subject: Conyers/Nadler/Baldwin substitute amendment to the Hutchinson amendment to the amendment in the nature of a substitute to H.R. 1248 to authorize a less defined and more expensive civil legal assistance program. By a rollcall vote of 8 yeas to 12 nays, the amendment was defeated.

ROLLCALL NO. 3

	Ayes	Nays	Present
Mr. Sensenbrenner			
Mr. McCollum		X	
Mr. Gekas			
Mr. Coble		X	
Mr. Smith (TX)		X	
Mr. Gallegly			
Mr. Canady		X	
Mr. Goodlatte			
Mr. Chabot		X	
Mr. Barr			
Mr. Jenkins		X	
Mr. Hutchinson		X	
Mr. Pease			
Mr. Cannon			
Mr. Rogan		X	
Mr. Graham			
Ms. Bono		X	
Mr. Bachus		X	
Mr. Scarborough			
Mr. Vitter		X	
Mr. Conyers	X		
Mr. Frank			
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee			
Ms. Waters			
Mr. Meehan	X		
Mr. Delahunt			
Mr. Wexler			
Mr. Rothman			
Ms. Baldwin	X		

ROLLCALL NO. 3—Continued

	Ayes	Nays	Present
Mr. Weiner	X		
Mr. Hyde, Chairman		X	
Total	8	12	

Subject: Baldwin perfecting amendment to the Hutchinson amendment to the amendment in the nature of a substitute to H.R. 1248 to significantly broaden the definition of civil legal assistance available under the bill. By a rollcall vote of 8 yeas to 14 nays, the amendment was defeated.

ROLLCALL NO. 4

	Ayes	Nays	Present
Mr. Sensenbrenner			
Mr. McCollum		X	
Mr. Gekas			
Mr. Coble		X	
Mr. Smith (TX)		X	
Mr. Gallegly		X	
Mr. Canady		X	
Mr. Goodlatte			
Mr. Chabot		X	
Mr. Barr			
Mr. Jenkins		X	
Mr. Hutchinson		X	
Mr. Pease			
Mr. Cannon			
Mr. Rogan		X	
Mr. Graham		X	
Ms. Bono		X	
Mr. Bachus		X	
Mr. Scarborough			
Mr. Vitter		X	
Mr. Conyers	X		
Mr. Frank			
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee			
Ms. Waters			
Mr. Meehan	X		
Mr. Delahunt			
Mr. Wexler			
Mr. Rothman			
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Hyde, Chairman		X	
Total	8	14	

Subject: Conyers perfecting amendment to the Hutchinson amendment to the amendment in the nature of a substitute to H.R. 1248 to insert on page 2 line 6, after "issues" "except in cases where the life or health of the expectant mother is at risk, or the pregnancy results from rape or incest," the effect of which would have been to significantly broaden the definition of civil legal as-

sistance. By a rollcall vote of 8 yeas to 16 nays, the amendment was defeated.

ROLLCALL NO. 5

	Ayes	Nays	Present
Mr. Sensenbrenner			
Mr. McCollum		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (TX)		X	
Mr. Gallegly			
Mr. Canady		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Barr			
Mr. Jenkins		X	
Mr. Hutchinson		X	
Mr. Pease			
Mr. Cannon			
Mr. Rogan		X	
Mr. Graham		X	
Ms. Bono		X	
Mr. Bachus		X	
Mr. Scarborough		X	
Mr. Vitter		X	
Mr. Conyers	X		
Mr. Frank			
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee			
Ms. Waters			
Mr. Meehan	X		
Mr. Delahunt			
Mr. Wexler			
Mr. Rothman			
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Hyde, Chairman		X	
Total	8	16	

Subject: Berman perfecting amendment to the Hutchinson amendment to the amendment in the nature of a substitute to H.R. 1248 to insert on page 2, line 6, after "issues" "except in cases where the life of the expectant mother is at risk, or pregnancy results from rape or incest." Mr. Berman modified his amendment to strike "is at risk;; and insert "would be endangered." By a rollcall vote of 10 yeas to 15 nays, the amendment was defeated.

ROLLCALL NO. 6

	Ayes	Nays	Present
Mr. Sensenbrenner			
Mr. McCollum		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (TX)		X	
Mr. Gallegly			
Mr. Canady		X	

ROLLCALL NO. 6—Continued

	Ayes	Nays	Present
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Barr			
Mr. Jenkins		X	
Mr. Hutchinson		X	
Mr. Pease			
Mr. Cannon			
Mr. Rogan		X	
Mr. Graham		X	
Ms. Bono	X		
Mr. Bachus		X	
Mr. Scarborough		X	
Mr. Vitter		X	
Mr. Conyers	X		
Mr. Frank			
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Meehan	X		
Mr. Delahunt			
Mr. Wexler			
Mr. Rothman			
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Hyde, Chairman		X	
Total	10	15	

Subject: Conyers amendment to the amendment in the nature of a substitute to H.R. 1248 to condition funds under this Title on States permitting a person to bring a cause of action in State court for gender-motivated violence. By a rollcall vote of 8 yeas to 13 nays, the amendment was defeated.

ROLLCALL NO. 7

	Ayes	Nays	Present
Mr. Sensenbrenner			
Mr. McCollum		X	
Mr. Gekas			
Mr. Coble		X	
Mr. Smith (TX)		X	
Mr. Gallegly			
Mr. Canady		X	
Mr. Goodlatte		X	
Mr. Chabot			
Mr. Barr		X	
Mr. Jenkins			
Mr. Hutchinson		X	
Mr. Pease			
Mr. Cannon		X	
Mr. Rogan		X	
Mr. Graham			
Ms. Bono		X	
Mr. Bachus			
Mr. Scarborough			
Mr. Vitter		X	

ROLLCALL NO. 7—Continued

	Ayes	Nays	Present
Mr. Conyers	X		
Mr. Frank	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt		X	
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Mr. Rothman	X		
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Hyde, Chairman		X	
Total	8	13	

Subject: Waters amendment offered on behalf of Mr. Meehan, to the amendment in the nature of a substitute to H.R. 1248 regarding violence against women, intervention, prevention, and education research. By a rollcall vote of 10 yeas to 15 nays, the amendment was defeated.

ROLLCALL NO. 8

	Ayes	Nays	Present
Mr. Sensenbrenner			
Mr. McCollum		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (TX)			
Mr. Gallegly		X	
Mr. Canady		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Barr		X	
Mr. Jenkins			
Mr. Hutchinson			
Mr. Pease		X	
Mr. Cannon		X	
Mr. Rogan		X	
Mr. Graham		X	
Ms. Bono		X	
Mr. Bachus		X	
Mr. Scarborough			
Mr. Vitter			
Mr. Conyers	X		
Mr. Frank	X		
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler			
Mr. Scott			
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			

ROLLCALL NO. 8—Continued

	Ayes	Nays	Present
Mr. Rothman	X		
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Hyde, Chairman		X	
Total	10	15	

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform were received as referred to in clause 3(c)(4) of rule XIII of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the committee sets forth, with respect to H.R.1248, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 13, 2000.

Hon. HENRY J. HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1248, the Violence Against Women Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers Jr.
Ranking Democratic Member

H.R. 1248—Violence Against Women Act of 2000.

SUMMARY

H.R. 1248 would authorize the appropriation of about $3.6 billion for fiscal years 2001 through 2005 for programs to combat violence against women. Most of these programs would fund grants to state and local governments and Indian tribes.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 1248 would cost about $2.8 billion over the 2001–2005 period. This legislation would not affect direct spending or receipts, so pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and could benefit state, local, or tribal governments. Any costs incurred by state, local, or tribal governments would be the result of complying with grant conditions and would be voluntary.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

For this estimate, CBO assumes that the amounts authorized in H.R. 1248 will be appropriated by the start of each fiscal year, and that spending would follow the historical rates for these or similar programs. The estimated budgetary impact of H.R. 1248 is shown in the following table. The costs of this legislation fall within budget functions 550 (health) and 750 (administration of justice).

By fiscal year, in millions of dollars

	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Violence Against Women Programs						
Authorization Level [1,2]	436	6	6	0	0	0
Estimated Outlays	431	348	178	5	2	0
Proposed Changes						
Authorization Level	0	631	706	746	877	609
Estimated Outlays	0	155	425	665	765	778
Spending Under H.R. 1248 for Violence Against Women Programs						
Authorization Level [1]	436	637	712	746	877	609
Estimated Outlays	431	503	603	670	767	778

[1] The 2000 level is the amount appropriated for that year for the programs authorized by H.R. 1248.
[2] The 2001 and 2002 levels are the amounts authorized in current law for these programs.

PAY-AS-YOU-GO CONSIDERATIONS:

None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

The bill contains no intergovernmental or private-sector mandates as defined in UMRA and could benefit state, local, or tribal governments. The bill would authorize the appropriation of about $3.6 billion in grants over the 2001–2005 period to these governments and certain nonprofit entities. Any costs incurred by state, local, or tribal governments would be the result of complying with grant conditions and would be voluntary.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (202) 226–2860
Impact on State, Local, and Tribal Governments: Shelley Finlayson (202) 225–3220
Impact on the Private Sector: John Harris (202) 226–2618

ESTIMATE APPROVED BY:

Robert A. Sunshine
Assistant Director for Budget Analysis

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8, of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title.

Section 1 states that the short title of the bill is the "Violence Against Women Act of 2000" and provides a Table of Contents for the act.

Section 2. Definitions.

Subsection 2(a) amends section 2003(1) of the Omnibus Crime Control and Safe Streets Act of 1968 and section 2105(1) of the Omnibus Crime Control and Safe Streets Act of 1968 by defining "domestic violence" as acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws or the jurisdiction.

Subsection 2(b) amends section 2003(2) of the Omnibus Crime Control and Safe Streets Act of 1968 by stating that "Indian country" has the same meaning as it is given by section 1151 of title 18, United States Code.

Subsection 2(c) amends section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 by defining "stalking" as engaging in conduct that is directed at an individual with the intent to injure and harass the individual and which places the individual in reasonable fear of the death of, or serious bodily injury to, that individual, a member of that individual's immediate family or that individual's intimate partner.

Subsection 2(d) amends section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 by defining "underserved populations" as populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, or age), and any other population determined to be underserved by the State planning process, in consultation with the Attorney General.

Subsection 2(e) amends section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 by defining "domestic violence coalition" as a statewide nonprofit, nongovernmental membership organization of a majority of domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority that, among other activities, provides training and technical assistance to domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority.

Subsection 2(f) amends section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 by defining the term "sexual assault coalition" as a statewide, nonprofit, nongovernmental membership organization of a majority of sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority that, among other activities, provides training and technical assistance to sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority.

Subsection 2(g) amends section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 by defining the term "dating violence" as violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

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

Subtitle A. Law Enforcement and Prosecution (S.T.O.P.) Grants to Combat Violence Against Women.

Section 101. Reauthorization.

Section 101 amends section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 by authorizing $185,000,000 for FY 2001 through FY 2003, and $195,000,000 for FY2004 and FY 2005.

Section 102. Technical Amendments.

Subsection 102(a) amends section 2002(c)(3) of the Omnibus Crime Control and Safe Streets Act of 1968, specifying that to qualify for S.T.O.P. grant funds States shall be required to certify that 50 percent of any funds distributed are to be allocated to grants for law enforcement, prosecution, and State and local court systems and that 35 percent of any funds distributed are to be allocated for victims' services.

Subsection 102(b) amends section 2002(e) of the Omnibus Crime Control and Safe Streets Act of 1968 by reallotting unspent or unobligated funds at the end of the 9th month of any fiscal year to the current fiscal year recipients in the victim serves area. This section also allows the Attorney General to waive the qualification requirements of section 2002(c)(3) for the first 2 fiscal years following the enactment of this act at the request of grantees currently funded under this section.

Subsection 102(c) amends section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 by incorporating dating violence into certain purposes for which grants may be used. It also adds three new such purposes relating to developing, enlarging, and strengthening State and local court programs; training sexual assault forensic medical personnel examiners; and, supporting the development of sexual assault response teams.

Subsection 102(d) amends section 2002 of the Omnibus Crime Control and Safe Streets Act of 1964 by redesignating subsections and adding a provision allowing the Attorney General to deny applications that do not meet the requirements of subsections (c) and (d) and for failure to provide documentation of any collaborative efforts with other agencies or organizations.

Subsection 102(e) amends section 2003(8) of the Omnibus Crime Control and Safe Streets Act of 1964 by striking "assisting domestic violence or sexual assault victims through the legal process" and inserting "providing advocacy and assistance for victims seeking legal, social, and abuse-related health care services" and also inserting "except that such term shall not include programs or activities that are targeted primarily for offenders."

Subsection 102(f) amends section 2002 (b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 by increasing to 5 percent the minimum amount available to Indian tribal governments.

Subsection 102(g) amends section 2005(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 by clarifying that grantees may not condition reimbursement to victims for rape exam payments upon the victim's report of the sexual assault to law enforcement or upon the victim's cooperation in the prosecution of the sexual assault.

Subsection 102(h) amends section 2002(a) of the Omnibus Crime Control Act of 1968 by clarifying that State and local courts are eligible grantees for State grants.

Subsection 102(i) amends section 2001(b)(4) of the Omnibus Crime Control Act of 1968 by incorporating the reporting of information to the National Instant Criminal Background Check System as a purpose for which the grants may be used.

Section 103. State Coalition Grants.

Section 103 amends section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 by directing the Attorney General to make grants available to the domestic violence and sexual assault coalitions in each State for purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities. Further, this section provides that each coalition shall receive not less than 2.5 percent of funds appropriated, and specifies additional aspects of geographical allotment, component eligibility, and application requirements.

Section 104. Full Faith and Credit Enforcement of Protection Orders.

Section 104 amends 2101(b) of the Omnibus Crime Control and Safe Streets Act of 1968 and adds enforcement of protection orders to the list of eligible purposes for Grants to Encourage Arrest Policies, and adds certain requirements with respect to enforcement of

protection orders that grantees must meet to be eligible for funding. It further requires States in their application to describe a plan for the enforcement of protection orders from other States and jurisdictions including cooperative agreements and data collection systems. It also requires States to certify that their laws do not require victims to bear the costs of filing of criminal charges or civil remedies.

Section 105. Filing Costs for Criminal Charges/S.T.O.P. Grant Program

Section 105 adds a requirement to S.T.O.P. grant funding requirements that a State certify that their laws do not require victims to bear the costs of filing of criminal charges or civil remedies.

Section 106. Elder Abuse, Neglect, and Exploitation.

Section 106 authorizes a program whereby the Attorney General shall make grants to law school clinical programs, and shall develop curricula for and offer training programs to assist law enforcement officers and prosecutors, to address issues of elder abuse, neglect, and domestic violence and sexual assault against older or disabled individuals.

Subtitle B. National Domestic Violence Hotline.

Section 111. Reauthorization.

This section amends section 316(f) of the Family Violence Prevention and Services Act by authorizing $1,600,000 for FY 2001; $1,800,000 for FY 2002; and, $2,000,000 for each year from FY2003 through FY2005.

Section 112. Technical Amendments.

This section amends section 316 of the Family Violence Prevention and Services Act by adding that all entities receiving funds shall, within 90 days, prepare and submit a report to the Secretary that evaluates the effectiveness of the use of the amounts.

Subtitle C. Battered Women's Shelters and Services

Section 121. Short Title.

Section 121 designates the short title of Subtitle C as the "Battered Women's Shelters and Services Act."

Section 122. Authorization of Appropriations for Family Violence Prevention and Services.

This section amends section 310(a) of the Family Violence Prevention and Services Act by authorizing $120,000,000 for FY2001, $160,000,000 for FY2002, $200,000,000 for FY2003, and $260,000,000 for FY2004 through FY2005 to carry out this title.

Section 123. Family Violence Prevention and Services Act Improvements.

Subsection 123(a) amends section 304(a) of the Family Violence Prevention and Services Act by inserting "$500,000, with the remaining funds to be allotted to each State in" after "grant authorized under section 303(a)".

Subsection 123(b) amends section 304(d) of the Family Violence Prevention and Services Act by (1) inserting "or Indian tribe or tribal organization under section 303(b)" after "to such State in grants under section 303(a)"; (2) inserting "or Indian tribe or tribal organization, or other entity" after "failure of such State"; (3) inserting "and Indian tribes and tribal organizations" after "such amount to States"; (4) inserting "proportionate to the original allocation made under subsection (a) or (b) of section 303, respectively" after "which meet such requirements"; (5) inserting a new paragraph that states that if after the sixth month of any fiscal year that any amount allotted to an entity that has not been made available in a grant due to a failure to meet the requirement or limit reached, the money shall be reallotted to States and Indian tribes and tribal organizations that meet the requirement.

Subsection 123(c) amends section 308(a)(2) of the Family Violence Prevention and Services Act by inserting "on providing training and technical assistance" after "focusing" and inserting at the end that the Secretary may award grants for technical assistance and training initiatives to nonprofit, nongovernmental organizations not exceeding $500,000.

Subsection 123(d) amends section 308(c) of the Family Violence Prevention and Services Act to establish additional eligibility requirements relating to providing technical assistance and training to local domestic violence programs that provide shelter or related assistance; improving access to services, information, and training within Indian tribes and tribal organizations; responding to emerging issues in the field of domestic violence; and clarifying that nothing in this section shall prohibit the Secretary from making multiple grants to any nonprofit, nongovernmental entity.

Subsection 123(e) amends section 309(1)(B) of the Family Violence Prevention and Services Act by inserting "with whom such person is or has been in a continuing social relationship of a romantic or intimate nature,", before "or with whom".

Subsection 123(f) amends section 310(c) of the Family Violence Prevention and Services Act by inserting "the lesser of $7,500,000 or" after "for each fiscal year".

Subsection 123(g) amends section 310(d) of the Family Violence Prevention and Services Act by inserting "the lesser of $22,000,000 or" and by inserting language at the end that directs the Secretary to designate that after the appropriation under this subsection exceeds $11,000,000, 20 percent of these funds shall be made available in the amounts necessary to State domestic violence coalitions for providing technical assistance and training and direct assistance in the following areas: (1) Model leadership grants for domestic violence intervention in underserved populations (2) Direct emergency assistance to victims of domestic violence, technical assistance (3) training for State, local, and tribal domestic violence programs.

Subsection 123(h) amends section 308(e) of the Family Violence Prevention and Services Act by inserting language that directs all entities receiving funds pursuant to the activities under this section to, within 90 days after the enactment of this act, prepare and submit a report to the Secretary that evaluates the effectiveness of the use of the amounts received.

Subsection 123(i) amends section 307(a) of the Family Violence Prevention and Services Act by inserting language that allows the Secretary to deny any application that fails to provide documentation of the specific involvement of the State or tribal domestic violence coalition. (j) This section amends section 303(b) of the Family Violence Prevention Services Act by inserting language that requires that, from the amounts made available under paragraph (1), the Secretary shall award not less than 5 percent of such amounts for the funding of tribal domestic violence coalitions.

Section 124. Transitional Housing Assistance for Victims of Domestic Violence.

Section 124 would authorize the Attorney General to award grants to States, units or local government, and Indian tribes under this section to carry out programs to provide assistance to individuals and their dependents who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing domestic violence, and for whom emergency shelter services are unavailable or insufficient. Any entity that receives a grant under this section shall annually prepare and submit to the Attorney General a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided. $25,000 is authorized to be appropriated for this program in FY 2001 through 2003, and $30,000,000 for FY 2004 and 2005.

Subtitle D. Community Initiatives

Section 131. Grants for Community Initiatives.

Subsection 131(a) amends section 318(h) of the Family Violence Prevention and Services Act by authorizing $8,000,000 for FY2001, $9,000,000 for FY2002, $10,000,000 for FY2003, $11,000,000 for FY2004, and $12,000,000 for FY2005.

Subsection 131(b) amends subsection (i) of section 318 of the Family Violence Prevention and Services Act by adding language that directs the Secretary to annually compile and broadly disseminate information about the use of funds and about the projects funded under this section.

Subtitle E. Education and Training for Judges and Court Personnel

Section 141. Reauthorization.

Section 141 amends section 40412 of the Equal Justice for Women in the Courts Act of 1994 authorizing $1,500,000 for each of the fiscal years 2001 through 2005 for grants for education and training for Judges and court personnel in State Courts and $500,000 for each of the fiscal years 2001 through 2004 for grants for education and training for Judges and court personnel in Federal Courts and adds three areas of training eligible for grant use.

Subtitle F. Grants to Encourage Arrest Policies

Section 151. Reauthorization.

This section amends section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 by authorizing grants to encourage arrest policies in the amount of $63,000,000 for FY2001,

$67,000,000 for FY2002, $70,000,000 for each of the fiscal years 2003 through 2005.

Section 152. Technical Amendments.

This section amends section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grant funding for dating violence training initiatives in certain circumstances, and by adding a section that calls for 5 percent of the funds appropriated under 1001(a)(19) to be used for grants to Indian tribal governments.

Subtitle G. Rural Domestic Violence Child Abuse Enforcement

Section 161. Reauthorization.

Section 161 amends section 40295(c)(1) of the Safe Homes for Women Act of 1994 by authorizing $35,000,000 for each of the fiscal years 2001 through 2005 for rural domestic violence child abuse enforcement.

Section 162. Technical Amendments.

Section 162 amends the Safe Homes for Women Act of 1994 by adding a section that calls for at least 5 percent of the funds appropriated under paragraph (1) to be used for grants to Indian tribal governments and which also incorporates dating violence as eligible for funding under the program.

Subtitle H. National Stalker and Domestic Violence Reduction

Section 171. Technical Amendments.

Section 171 amends section 40602(a) of the Violence Against Women Act of 1994 to allow the Attorney General to provide grants both to implement and improve certain processes detailed in Section 172 (below).

Section 172. Reauthorization.

Section 172 amends section 40603 of the Violence Against Women Act of 1994 by authorizing $3,000,000 for each of the fiscal years 2001 through 2005 for grants to States and units of local government to improve local, State, and national crime information databases.

Subtitle I. Federal Victims' Counselor

Section 181. Reauthorization.

Section 181 amends section 40114 of the Safe Streets for Women Act of 1994 by authorizing $1,000,000 for each of the fiscal years 2001 through 2005 for United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of domestic violence and sexual assault of crimes.

Subtitle J. Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth

Section 191. Reauthorization.

Section 191 amends section 316(c) of the Runaway and Homeless Youth Act by authorizing $22,000,000 for each of the fiscal years 2001 through 2005.

Section 192. Dissemination of Information.

Section 192 amends section 316 of part A of the Runaway and Homeless Youth Act by directing the Secretary to annually compile and broadly disseminate information about the use of funds and evaluations of the projects funded under this section.

Subtitle K. Victims of Child Abuse Programs

Section 193. Reauthorization of Court-Appointed Special Advocate Program

Section 193 amends section 218(a) of the Victims of Child Abuse Act of 1990 by authorizing $12,000,000 for each of the fiscal years 2001 through 2005.

Section 194. Reauthorization of Child Abuse Training Programs for Judicial Personnel and Practitioners.

Section 194 amends section 224(a) of the Victims of Child Abuse Act of 1990 by authorizing $2,300,000 for each of the fiscal years 2001 through 2004.

Section 195. Reauthorization of Grants for Televised Testimony.

Section 195 amends section 1001(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 by authorizing $1,000,000 for each of the fiscal years 2001 through 2005.

Section 196. Dissemination of Information.

Section 196 amends section 40156 of the Violence Against Women Act of 1994 by directing the Attorney General to annually compile and broadly disseminate information about the use of funds and about the projects funded under this section.

TITLE II. SEXUAL ASSAULT PREVENTION.

Section 201. Transfer of Rape Prevention and Education Program.

This section amends part J of title III of the Public Health Service Act by inserting a new section establishing a grant program to be used for rape prevention and education programs conducted by rape crisis centers and private nonprofit nongovernmental State and tribal sexual assault coalitions. The grants will be distributed on the basis of the population of the State and not more than 5 percent shall be used by the Secretary for administrative and technical assistance. This section also provides that at such time as appropriations under subsection (c) reach at least $80,000,000, the Secretary of Health and Human Service shall establish a National Resource Center through the National Center for Injury Prevention at the Centers for Disease Control and Prevention to provide resource information, policy, training, and technical assistance to Federal, State and Indian tribal agencies, as well as to State and tribal sexual assault coalitions and local sexual assault programs. The following funding is authorized: $80,000,000 for FY2001; $105,000,000 for each of fiscal years 2002 and 2003; and, $155,000,000 for each of fiscal years 2004 and 2005 in order to carry out this section.

Section 202. Rape Prevention Education.

Section 202 repeals section 1910A of the Public Health and Human Services Act.

Section 203. Sexual Assault and Interpersonal Violence; Demonstration Projects.

Section 203 amends section 393 of the Public Health Service Act by specifying that certain demonstration projects shall include projects in which, on a 24-hour basis, nurses and other health care professionals, at such rooms and sites who are trained in accordance with protocols, identify victims of such violence, collect physical evidence, and provide information and appropriate referrals to rape crisis center programs and victim service providers.

TITLE III—OTHER DOMESTIC VIOLENCE PROGRAMS

Subtitle A. Strengthening Services to Victims of Violence

Section 301. Civil Legal Assistance for Victims.

Section 301 authorizes the Attorney General to award grants to increase the availability of civil legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims. The following funding is authorized for this program: $35,250,000 in FY 2001; $40,000,000 in FY 2002; $45,000,000 in FY 2003; $50,000,000 in FY 2004; and, $55,000,000 in FY 2005.

Subtitle B. Limiting the Effects of Violence on Children

Section 305. Safe Havens For Children Pilot Program.

Section 305 authorizes the Attorney General to award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in cases of domestic violence, child abuse, or sexual assault. $15,000,000 is authorized for this program for fiscal years FY 2001 and FY 2002.

Subtitle C—Protections Against Violence and Abuse for Women with Disabilities

Section 310. Findings.

Section 310 makes a number of findings concerning women with disabilities and domestic violence.

Section 311. Omnibus Crime Control and Safe Streets Act of 1968.

Section 311 incorporates into the scope of victims services programs that address the issue of violence and abuse suffered by women with disabilities.

Section 312. Violence Against Women Act.

Section 312 amends the Education and Training for Judges and Court Personnel in State Courts programs to allow funding for programs that address violence against persons with disabilities.

Section 313. Grants for Technical Assistance.

Section 313 authorizes the Attorney General to make grants to States, nongovernmental private entities, and tribal organizations to provide education and technical assistance for the purpose of providing training, consultation, and information on violence, abuse, and sexual assault against women who are individuals with disabilities. $10,000,000 is authorized for this program for fiscal years 2001 through 2005.

Subtitle D—Standards, Practice, and Training for Sexual Assault Examinations

Section 315. Short Title.

Section 315 states the short title as the "Standards, Practice, and Training for Sexual Assault Forensic Examinations Act".

Section 316. Standards, Practice, and Training for Sexual Assault Forensic Examinations Act.

Section 316 requires the Attorney General to evaluate existing standards of training and practice for licenses health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training; recommend sexual assault forensic examination training for all health care students; and, review existing protocols on sexual assault forensic examinations and develop a recommended national protocol and establish a mechanism for its nationwide dissemination. $200,000 is authorized to carry out this evaluation for FY 2001.

Subtitle E. Domestic Violence Task Force

Section 320. Domestic Violence Task Force.

Section 320 requires the Attorney General to establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts among the Federal agencies that address domestic violence. $500,000 is authorized for each of fiscal years 2001 through 2004 to carry out this section.

AGENCY VIEWS

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 13, 2000.

Hon. HENRY J. HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: This letter provides the views of the Department of Justice on H.R. 1248, the Violence Against Women Act (VAWA II), introduced by Congresswoman Morella and passed by the House Subcommittee on Crime. This legislation would reau-

thorize the critically important programs created in 1994 by the original VAWA and by subsequent legislation. The Department of Justice supports this legislation, with the amendments discussed below, and appreciates the time and dedication that you and Congressman Conyers have devoted to fighting violence against women.

During the last six years, the Violence Against Women Act has made a crucial difference in the lives of countless women and children. In implementing the Act, the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) have worked together and with communities to expand prevention efforts, enhance the safety of more victims, and hold perpetrators of violence against women accountable for their acts.

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

Under the violence against women grant programs, DOJ has awarded more than $800 million in grant funds, making over 900 discretionary grants and 280 STOP (Services, Training, Officers, Prosecutors) formula grants to the states and territories. These grant programs help state, tribal, and local governments and community-based agencies to train personnel, enforce laws, develop policies and procedures, establish specialized domestic violence and sexual assault units, assist victims of violence, and hold perpetrators accountable. More than 6,500 STOP subgrants have supported community partnerships among police, prosecutors, victim advocates, and others to address violence against women. To date, DOJ has prosecuted more than 250 cases in the federal system involving interstate domestic violence, interstate stalking, interstate violation of a protection order, or possession of a firearm while subject to a protection order or after conviction for a misdemeanor crime of domestic violence.

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

In its current form, H.R. 1248 is an important step toward our mutual goal of re-authorizing and improving VAWA. We are pleased that the legislation would authorize critical VAWA grant

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

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

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

First, the Department recommends that the bill be revised to extend reauthorization of all of the Violence Against Women Act grant programs to 2005. With the exception of four programs (the Grants to Encourage Arrest Policies Program, the National Domestic Violence Hotline, the Battered Women's Shelters and Services Program, and the Rape Prevention Education Program), the bill currently only reauthorizes the VAWA programs through 2004. We urge you to assure grant recipients that all the VAWA grant programs will be maintained for at least five more years, and to ensure that the authorization is consistent throughout the bill. In addition, we strongly recommend that the bill extend the authorization for the Grants to Combat Violent Crimes Against Women on Campuses Program, currently authorized under the Higher Education Amendments of 1998, through 2005 and make a few technical amendments to the authorizing statute for that program.

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

Similarly, we urge you to make a parallel amendment to the definition of "spouse or intimate partner" in 18 U.S.C. § 2266 to cover dating relationships under the federal criminal offenses created by VAWA and subsequent legislation.

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

Fourth, we strongly recommend including language that would authorize the Domestic Violence Victims' Civil Legal Assistance Grant Program and would extend the assistance funded by that program to victims of sexual assault and stalking. The authorizing legislation should describe explicitly the types of civil legal assistance that could be supported under the program. We support Representative Lowey's efforts to address this issue, and we would be happy to work with your staff on modifying H.R. 4663 for inclusion in H.R. 1248.

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

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

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

cludes improved protections for battered immigrants, as does the bill under consideration in the Senate.

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

Thank you again for your hard work to assist victims of domestic violence, sexual assault, and stalking and to hold offenders accountable. This Administration is deeply committed to continuing the progress that has been made in confronting violence against women. We look forward to working with the Committee as it considers these and other issues raised by the revised bill. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT RABEN, *Assistant Attorney General.*

SECTION-BY-SECTION ANALYSIS
H.R. 1248 AS PASSED SUBCOMMITTEE

Section 2. DEFINITIONS

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

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

We are concerned that the term "stalking" in section 2(c) is defined too narrowly. This definition applies to grant programs that address stalking, and the definition should be written to allow

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

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

a) insert "or that would cause a reasonable person to have a high level of fear" after "that would cause a reasonable person to fear death, sexual assault, or bodily injury to such person or a member of such person's immediate family,";

b) insert "or has knowledge or should have knowledge that the specific person will have a high level of fear" after "knowledge that the specific person will be placed in reasonable fear of death, sexual assault, or bodily injury to such person or a member of such person's immediate family"; and

c) insert "or induces a high level of fear in the specific person" after "induces fear in the specific person of death, sexual assault, or bodily injury to such person or a member of such person's immediate family."

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

TITLE I CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

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

Sec. 101. Reauthorization.

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

Sec. 102. Technical Amendments.

This section would make several important improvements to the STOP Formula Grant Program. In particular, we strongly support the provisions in this section that would increase the set-aside for tribal governments from four percent to five percent, clarify the

definition of victim services, and provide that reimbursement of sexual assault survivors for forensic medical exams is not contingent upon the victim's report to law enforcement or cooperation in the prosecution of the perpetrator.

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

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

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

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

We believe that section 102(d) is unnecessary because we already have the authority to enforce compliance with grant program requirements. If certifications are not included at the application stage and the applicant receives an award, a special condition is in-

cluded in the award that requires the submission of the certification, and grant funds are not available until the grantee has complied with the special condition. If a site visit later reveals that a grantee is not in compliance with certification, the grantee is required to comply immediately. Grant funds may be frozen if the grantee does not comply. However, if subsection (d) is not deleted, "document of any collaborative efforts" should be "documentation of any collaborative efforts" in the proposed section 2002(e)(2).

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

We are concerned that section102(h) does not accomplish its intended goal. We believe the goal of this section is to amend section 2006(a)(1) of the STOP authorization to extend STOP's prohibition on protection order filing fees to civil protection orders not connected to a criminal case. However, inserting "civil or criminal" does not accomplish this goal. The STOP regulations currently interpret this section as precluding charging for service of a protection order (civil or criminal) when it arises from an incident that is the subject of a criminal arrest or prosecution. To extend this requirement to all civil protection orders would require making the following changes to Section 2006(a)(1) (42 U.S.C. § 3796gg-5(a)(1)):

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

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

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

order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or"

Sec. 103. State Coalition Grants.

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

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

Subtitle E Education and Training for Judges and Court Personnel

Sec. 141. Reauthorization.

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

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

Subtitle F Grants to Encourage Arrest Policies

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

Subtitle G Rural Domestic Violence and Child Abuse Enforcement

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

Subtitle H National Stalker and Domestic Violence Reduction

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

Subtitle I Federal Victims' Counselors.

Sec. 181. Reauthorization.

We strongly support the annual appropriation of $1 million to the Executive Office of the U.S. Attorneys for the purpose of funding federal victims' counselors, education, and prevention.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

* * * * * * *

TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * * * *

PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) * * *

* * * * * * *

(7) There are authorized to be appropriated to carry out part N—

(A) $250,000 for fiscal year 1996;
(B) $1,000,000 for fiscal year 1997;
(C) $1,000,000 for fiscal year 1998;
(D) $1,000,000 for fiscal year 1999; **[**and**]**
(E) $1,000,000 for fiscal year 2000**[**.**]**; *and*
(F) $1,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.

* * * * * * *

(18) There are authorized to be appropriated to carry out part T—

(A) $26,000,000 for fiscal year 1995;
(B) $130,000,000 for fiscal year 1996;
(C) $145,000,000 for fiscal year 1997;
(D) $160,000,000 for fiscal year 1998;
(E) $165,000,000 for fiscal year 1999; **[**and**]**
(F) $174,000,000 for fiscal year 2000**[**.**]**;

(G) $185,000,000 for fiscal year 2001;
(H) $185,000,000 for fiscal year 2002;
(I) $185,000,000 for fiscal year 2003;
(J) $195,000,000 for fiscal year 2004; and
(K) $195,000,000 for fiscal year 2005.

(19) There are authorized to be appropriated to carry out part U—

(A) $28,000,000 for fiscal year 1996;
(B) $33,000,000 for fiscal year 1997; [and]
(C) $59,000,000 for fiscal year 1998[.];
(D) $63,000,000 for fiscal year 2001;
(E) $67,000,000 for fiscal year 2002;
(F) $70,000,000 for fiscal year 2003;
(G) $70,000,000 for fiscal year 2004; and
(H) $70,000,000 for fiscal year 2005.

* * * * * * *

PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.

(a) * * *

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of—

(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of [sexual assault and domestic violence] *sexual assault, domestic violence, and dating violence*;

* * * * * * *

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence, *including the reporting of such information to the National Instant Criminal Background Check System*;

(5) developing, enlarging, or strengthening victim services programs, including [sexual assault and domestic violence] *sexual assault, domestic violence, and dating violence* programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence *and forms of violence and abuse particularly suffered by women with disabilities*;

(6) developing, enlarging, or strengthening programs addressing stalking;

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

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

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

[(7)] *(10)* developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

(c) GRANTS.—

(1) TO COALITIONS.—The Attorney General shall make grants to each of the State domestic violence and sexual assault coalitions in the State for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities. In no case will such awards preclude the State domestic violence and sexual assault coalitions from receiving grants under this part to fulfill the purposes described in subsections (a) and (b).

(2) PERCENT ALLOCATIONS.—Domestic violence coalitions and sexual assault coalitions shall each receive not less than two and one-half percent of the funds appropriated for a fiscal year under section 1001(a)(18) for the purposes described in paragraph (1).

(3) GEOGRAPHICAL ALLOTMENT.—

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

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

(C) INDIANS.—1/54 of the amount appropriated shall be made available for development and operation of nonprofit nongovernmental tribal domestic violence and sexual assault coalitions in Indian country.

(4) DISBURSEMENT OF GEOGRAPHICAL ALLOTMENTS.—50 percent of the 1/54 allotted to each State, the District of Columbia, Commonwealth of Puerto Rico, the combined United States Territories, and Indian country under paragraph (3) shall be made available to the domestic violence coalition as defined in section 2003(10) of this Act

and 50 percent shall be made available to the sexual assault coalition as defined in section 2003(11) of this Act; and

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

(6) APPLICATION.—In the application submitted by a coalition for the grant, the coalition provides assurances satisfactory to the Attorney General that the coalition—

(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.

* * * * * * *

SEC. 2002. STATE GRANTS.

(a) GENERAL GRANTS.—The Attorney General may make grants to States, for use by States, *State and local courts*, units of local government, nonprofit nongovernmental victim services programs, and Indian tribal governments for the purposes described in section 2001(b).

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

(1) **[**4**]** *5* percent shall be available for grants to Indian tribal governments;

* * * * * * *

(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

(1) * * *

* * * * * * *

[(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following 3 areas: prosecution, law enforcement, and victim services; and**]**

(3) at least 50 percent is allocated to grants for law enforcement, prosecution, and State and local court systems and at least 35 percent is allocated for victim services; and

* * * * * * *

(e) MONITORING AND COMPLIANCE.—The Attorney General shall deny applications—

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

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

[(e)**]** *(f)* DISBURSEMENT.—

(1) * * *

* * * * * * *

(3) REALLOTMENT OF FUNDS.—

(A) If, at the end of the 9th month of any fiscal year for which funds are appropriated under section 1001(a)(18), the amounts made available are unspent or unobligated,

such unspent or unobligated funds shall be reallotted to the current fiscal year recipients in the victim services area pursuant to section 2002(c)(3) proportionate to their original allotment for the current fiscal year.

(B) For the first 2 fiscal years following the date of the enactment of the Violence Against Women Act of 2000, the Attorney General may waive the qualification requirements of section 2002(c)(3), at the request of the State and with the support of law enforcement, prosecution, and victim services grantees currently funded under this section, if the reallocation of funds among law enforcement, prosecution, victim services, and State and local court systems mandated by this Act adversely impacts victims of sexual assault, domestic violence, and stalking, due to the reduction of funds to programs and services funded under this section in the prior fiscal year. Any waiver granted under this subparagraph shall not diminish the allocation of any State for victim services.

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

[(g)] *(h)* INDIAN TRIBES.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

[(h)] *(i)* GRANTEE REPORTING.—

(1) * * *

* * * * * * *

SEC. 2003. DEFINITIONS.

In this part—

[(1) the term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

[(2) the term "Indian country" has the meaning stated in section 1151 of title 18, United States Code;]

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

(2) the term "Indian country" has the same meaning as is given such term by section 1151 of title 18, United States Code;

* * * * * * *

[(7) the term "underserved populations" includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities; and]

(7) the term "underserved populations" includes populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, or age), and any other population determined to be underserved by the State planning process in consultation with the Attorney General;

(8) the term "victim services" means a nonprofit, nongovernmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs, including nonprofit, nongovernmental organizations [assisting domestic violence or sexual assault victims through the legal process] *providing advocacy and assistance for victims seeking abuse-related health care services and legal and social services, and, except that such term shall not include programs or activities that are targeted primarily for offenders*[.]*;*

(9) the term "stalking" means engaging in conduct that is directed at an individual with the intent to injure and harass the individual and which places the individual in reasonable fear of the death of, or serious bodily injury to, that individual, a member of that individual's immediate family or that individual's intimate partner;

(10) the term "domestic violence coalition" means a statewide (except in the case of a coalition within lands under tribal authority) nonprofit, nongovernmental membership organization of a majority of domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority that among other activities provides training and technical assistance to domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority;

(11) the term "sexual assault coalition" means a statewide (except in the case of a coalition within lands under tribal authority) nonprofit, nongovernmental membership organization of a majority of sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority that among other activities provides training and technical assistance to sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority; and

(12) The term "dating violence" means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) the length of the relationship;

(ii) the type of relationship; and

(iii) the frequency of interaction between the persons involved in the relationship.

* * * * * * *

SEC. 2005. RAPE EXAM PAYMENTS.

(a) * * *

(b) MEDICAL COSTS.—A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

(1) * * *

* * * * * * *

(3) reimburses victims for the cost of such exams if—

(A) * * *

* * * * * * *

(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; **[**and**]**

(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement**[**.**]***; and*

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

* * * * * * *

SEC. 2006. [FILING] COSTS FOR CRIMINAL CHARGES *AND PROTECTION ORDERS.*

(a) IN GENERAL.—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government—

[(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or**]**

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with

the filing, issuance, registration, or service of a warrant, civil or criminal protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or

(2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of—

(A) * * *

(B) [2 years] *1 year after the date of enactment of the Violence Against Women Act of 2000.*

* * * * * * *

(c) DEFINITION.—In this section, the term "protection order" has the meaning given the term in section 2266 of title 18, United States Code.

SEC. 2007. TRANSITIONAL HOUSING ASSISTANCE.

(a) IN GENERAL.—The Attorney General shall award grants to States, units of local government, and Indian tribes under this section to carry out programs to provide assistance to individuals and their dependents—

(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing domestic violence; and

(2) for whom emergency shelter services are unavailable or insufficient.

(b) ASSISTANCE DESCRIBED.—Assistance provided under this section may include—

(1) short-term housing assistance, including rental or utilities payments assistance, where such assistance is necessary to prevent homelessness due to fleeing domestic violence; and

(2) short-term support services, including expenses and costs associated with transportation and job training referrals, child care, counseling, transitional housing identification and placement, and related expenses such as utility or security deposits and other costs incidental to relocation to transitional housing.

(c) TERM OF ASSISTANCE.—An individual or family assisted under this section may not receive transitional housing assistance for a total of more than 12 months.

(d) REPORTS.—

(1) REPORT TO ATTORNEY GENERAL.—

(A) IN GENERAL.—An entity that receives a grant under this section shall annually prepare and submit to the Attorney General a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

(B) CONTENTS.—Each report shall include information on—

(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

(ii) the number of months each individual or dependent received the assistance;

(iii) the number of individuals and dependents who were eligible to receive the assistance, and to

whom the entity could not provide the assistance solely due to a lack of available housing; and

(iv) the type of support services provided to each individual or dependent assisted under this section.

(2) REPORT TO CONGRESS.—The Attorney General shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(1) $25,000,000 for each of fiscal years 2001 through 2003; and

(2) $30,000,000 for each of fiscal years 2004 and 2005.

PART U—GRANTS TO ENCOURAGE ARREST POLICIES *AND ENFORCEMENT OF PROTECTION ORDERS*

SEC. 2101. GRANTS.

(a) * * *

(b) GRANT AUTHORITY.—The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

(1) * * *

(2) To develop policies and training in police departments to improve tracking of cases involving domestic *and dating* violence.

* * * * * * *

(5) To strengthen legal advocacy service programs for victims of domestic *and dating* violence.

(6) To educate judges in criminal and other courts *(including juvenile courts)* about domestic violence and to improve judicial handling of such cases.

(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.

(c) ELIGIBILITY.—Eligible grantees are States, Indian tribal governments, or units of local government that—

(1) * * *

* * * * * * *

[(4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the

costs associated with the issuance or service of a warrant, protection order, or witness subpoena.]

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

(d) DEFINITION.—In this section, the term "protection order" has the meaning given the term in section 2266 of title 18, United States Code.

(e) DISBURSEMENT.—At least 5 percent of the funds appropriated under 1001(a)(19) shall be used for grants to Indian tribal governments.

SEC. 2102. APPLICATIONS.

(a) APPLICATION.—An eligible grantee shall submit an application to the Attorney General that—

(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 2101(c) are met or will be met within the later of—

(A) * * *

(B) [2 years of the date of enactment of this part] *the expiration of the 1-year period beginning on the date of enactment of the Violence Against Women Act of 2000;*

* * * * * * *

(b) PRIORITY.—In awarding grants under this part, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; [and]

(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence[.], *including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);*

(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

(4) will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.

(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection

and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.

* * * * * * *

SEC. 2105. DEFINITIONS.

For purposes of this part—

[(1) the term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the eligible State, Indian tribal government, or unit of local government that receives a grant under this part; and]

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

(2) the term "protection order" includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding[.]*; and*

(3) the term "dating violence" means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) the length of the relationship;

(ii) the type of relationship; and

(iii) the frequency of interaction between the persons involved in the relationship.

* * * * * * *

TITLE IV—VIOLENCE AGAINST WOMEN

SEC. 40001. SHORT TITLE.

This title may be cited as the "Violence Against Women Act of 1994".

Subtitle A—Safe Streets for Women

SEC. 40101. SHORT TITLE.

This subtitle may be cited as the "Safe Streets for Women Act of 1994".

CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES

* * * * * * *

SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.

[There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia)—

[(1) $500,000 for fiscal year 1996;

[(2) $500,000 for fiscal year 1997; and

[(3) $500,000 for fiscal year 1998.]

There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of domestic violence and sexual assault crimes where applicable (such as the District of Columbia) $1,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.

* * * * * * *

CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

SEC. 40151. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Human Services Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new section:

["SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

["(a) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities for—

["(1) educational seminars;

["(2) the operation of hotlines;

["(3) training programs for professionals;

["(4) the preparation of informational materials; and

["(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase

awareness in underserved racial, ethnic, and language minority communities.

[“(b) TARGETING OF EDUCATION PROGRAMS.—States providing grant monies must ensure that at least 25 percent of the monies are devoted to education programs targeted for middle school, junior high school, and high school students.

[“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[“(1) $35,000,000 for fiscal year 1996;

[“(2) $35,000,000 for fiscal year 1997;

[“(3) $45,000,000 for fiscal year 1998;

[“(4) $45,000,000 for fiscal year 1999; and

[“(5) $45,000,000 for fiscal year 2000.

[“(d) LIMITATION.—Funds authorized under this section may only be used for providing rape prevention and education programs.

[“(e) DEFINITION.—For purposes of this section, the term ‘rape prevention and education’ includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

[“(f) TERMS.—The Secretary shall make allotments to each State on the basis of the population of the State, and subject to the conditions provided in this section and sections 1904 through 1909.”.]

* * * * * * *

SEC. 40156. VICTIMS OF CHILD ABUSE PROGRAMS.

(a) * * *

* * * * * * *

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

* * * * * * *

Subtitle B—Safe Homes for Women

SEC. 40201. SHORT TITLE.

This title may be cited as the “Safe Homes for Women Act of 1994”.

* * * * * * *

CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

SEC. 40295. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) GRANTS.—The Attorney General may make grants to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic *and dating* violence and child abuse;

(2) to provide treatment and counseling to victims of domestic *and dating* violence and child abuse; and

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $7,000,000 for fiscal year 1996;

(B) $8,000,000 for fiscal year 1997; **[**and**]**

(C) $15,000,000 for fiscal year 1998**[**.**]**; *and*

(D) $35,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.

* * * * * * *

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

* * * * * * *

Subtitle D—Equal Justice for Women in the Courts Act

SEC. 40401. SHORT TITLE.

This subtitle may be cited as the "Equal Justice for Women in the Courts Act of 1994".

* * * * * * *

CHAPTER 1—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

SEC. 40411. GRANTS AUTHORIZED.

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States (as defined in section 202 of the State Justice Institute Act of 1984 (42 U.S.C. 10701)) in training judges and court personnel in the laws of the States and by Indian tribes in training tribal judges and court personnel in the laws of the tribes on rape, sexual assault, domestic violence, *dating violence,* and other crimes of violence motivated by the victim's gender. *Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.*

SEC. 40412. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) * * *

* * * * * * *

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims, *stereotyping of persons with disabilities who are victims of rape, sexual assault, abuse, or violence* and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

* * * * * * *

(10) the nature and incidence of domestic violence *and dating violence*;

(11) the physical, psychological, and economic impact of domestic *and dating* violence on the victim, the costs to society, and the implications for court procedures and sentencing;

* * * * * * *

(13) sex stereotyping of female and male victims of domestic *and dating* violence, myths about presence or absence of domestic *and dating* violence in certain racial, ethnic, religious, or socioeconomic groups, *or among persons with disabilities,* and their impact on the administration of justice;

* * * * * * *

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic *or dating* violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic *or dating* violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic *and dating* violence cases; **[**and**]**

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims**[**.**]**;

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

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

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

(23) issues related to violence and abuse against persons with disabilities, including the nature of physical, mental, and

communications disabilities, the special vulnerability to violence of persons with disabilities, and the types of violence and abuse experienced by persons with disabilities;

(24) the requirements placed on courts and judges under existing disability laws, including the requirements to provide appropriate auxiliary aids and services and to ensure physical access; and

(25) the stereotypes regarding the fitness of persons with disabilities to retain custody of children, especially in domestic violence cases.

SEC. 40413. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, *including national, State, tribal, and local domestic violence and sexual assault programs and coalitions*, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 40414. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter $600,000 for fiscal year 1996 *and $1,500,000 for each of the fiscal years 2001 through 2005.*

* * * * * * *

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

CHAPTER 2—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

SEC. 40421. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) * * *

* * * * * * *

[(d) MODEL PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, may—

[(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

[(2) prepare materials necessary to implement this subsection; and

[(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.]

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

SEC. 40422. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) * * *

(2) to the Federal Judicial Center to carry out section 40421(d) $100,000 for fiscal year 1996 *and $500,000 for each of the fiscal years 2001 through 2005*; and

* * * * * * *

Subtitle F—National Stalker and Domestic Violence Reduction

* * * * * * *

SEC. 40602. GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General is authorized to provide grants to States and units of local government to improve *and implement* processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

* * * * * * *

SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $1,500,000 for fiscal year 1996;

(2) $1,750,000 for fiscal year 1997; [and]

(3) $2,750,000 for fiscal year 1998[.]; *and*

(4) $3,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.

* * * * * * *

Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older or Disabled Individuals

SEC. 40801. DEFINITIONS.

In this subtitle:

(1) IN GENERAL.—The terms "elder abuse, neglect, and exploitation", and "older individual" have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(2) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given such term by section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–4).

(3) SEXUAL ASSAULT.—The term "sexual assault" has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

The Attorney General shall make grants to law school clinical programs for the purposes of funding the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence and sexual assault, against older or disabled individuals.

SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.

The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence and sexual assault, against older or disabled individuals.

SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2001 through 2005 to carry out this subtitle.

Subtitle I—Domestic Violence Task Force

SEC. 40901. TASK FORCE.

(a) ESTABLISH.—The Attorney General, in consultation with national nonprofit, nongovernmental organizations whose primary expertise is in domestic violence, shall establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

(b) USES OF FUNDS.—Funds appropriated under this section shall be used to—

(1) develop a coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies;

(2) track and report all Federal research and expenditures on domestic violence; and

(3) identify gaps and duplication of efforts in domestic violence research and governmental expenditures on domestic violence issues.

(c) REPORT.—The Task Force shall report to Congress annually on its work under subsection (b).

(d) DEFINITION.—For purposes of this section, the term "domestic violence" has the meaning given such term by section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(1).

(e) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated $500,000 for each of the fiscal years 2001 through 2004 to carry out this section.

FAMILY VIOLENCE PREVENTION AND SERVICES ACT

* * * * * * *

STATE DEMONSTRATION GRANTS AUTHORIZED

SEC. 303. (a) * * *

* * * * * * *

(b)(1) * * *

* * * * * * *

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

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

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

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

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

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

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

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

* * * * * * *

ALLOTMENT OF FUNDS

SEC. 304. (a) From the sums appropriated under section 310 for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under section 303(a) *$500,000, with the remaining funds to be allotted to each State in* an amount

which bears the same ratio to such sums as the population of such State bears to the population of all States, except that[—

[(1) each State shall be allotted not less than 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made, or $400,000, whichever is the lessor amount; and

[(2)] Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made.

[For the purpose of the exception contained in clause (1) of the preceding sentence only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.]

* * * * * * *

(d)(1) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 310, the amount allotted to a State has not been made available to such State in grants under section 303(a) *or Indian tribe or tribal organization under section 303(b)* because of the failure of such State *or Indian tribe or tribal organization, or other entity* to meet the requirements for a grant, then the Secretary shall reallot such amount to States *and Indian tribes and tribal organizations* which meet such requirements *proportionate to the original allocation made under subsection (a) or (b) of section 303, respectively.*

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

[(2)] *(3)* Funds made available by the Secretary through reallotment under paragraph (1) shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallotment.

* * * * * * *

DISCRIMINATION PROHIBITED

SEC. 307. (a)(1) * * *

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

* * * * * * *

SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

(a) PURPOSE AND GRANTS.—

(1) * * *

(2) GRANTS.—From the amounts appropriated under this title, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b)) and not to exceed seven special issue resource centers (as provided for in subsection (c)) focusing *on providing training and technical assistance* on one or more issues of concern to domestic violence victims. *The Secretary may award grants to nonprofit, nongovernmental organizations for technical assistance and training initiatives on the subjects identified in subsection (c) if such initiatives do not duplicate the work of the entities funded under subsection (c) and the total amounts awarded for such initiatives do not exceed $500,000.*

* * * * * * *

(c) SPECIAL ISSUE RESOURCE CENTERS.—The special issue resource centers established under subsection (a)(2) shall provide information, training and technical assistance to State and local domestic violence service providers *on emerging issues in domestic violence service, prevention, or law*, and shall specialize in at least one of the following areas [of domestic violence service, prevention, or law]:

(1) * * *

* * * * * * *

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

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

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

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

* * * * * * *

(e) REPORTING.—Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe. *Within 90 days after the date of the enactment of the Violence Against Women Act of 2000, all entities receiving funds pursuant to activities under this section shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.*

* * * * * * *

DEFINITIONS

SEC. 309. As used in this title:

(1) The term "family violence" means any act or threatened act of violence, including any forceful detention of an individual, which—

(A) * * *

(B) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related, *with whom such person is or has been in a continuing social relationship of a romantic or intimate nature,* or with whom such person is or was lawfully residing.

* * * * * * *

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

[(1) $50,000,000 for fiscal year 1996;
[(2) $60,000,000 for fiscal year 1997;
[(3) $70,000,000 for fiscal year 1998;
[(4) $72,500,000 for fiscal year 1999; and
[(5) $72,500,000 for fiscal year 2000.]

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title (other than section 316)—

(1) $120,000,000 for fiscal year 2001;
(2) $160,000,000 for fiscal year 2002;
(3) $200,000,000 for fiscal year 2003; and
(4) $260,000,000 for fiscal year 2004.

* * * * * * *

(c) SECTION 308.—Of the amounts appropriated under subsection (a) for each fiscal year, *the lesser of $7,500,000 or* 5 percent shall be used by the Secretary for making grants under section 308.

(d) GRANTS FOR STATE *AND TRIBAL* COALITIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, [not less than] *the lesser of $22,000,000 or* 10 percent of such amounts shall be used by the Secretary for making grants under section 311. *At such time as the appropriation under this subsection exceeds $11,000,000, the Secretary shall designate that of the amounts appropriated under this subsection up to 20 percent of such funds shall be made available in the amounts necessary to State domestic violence coalitions for the specific purpose of providing technical assistance and training and direct assistance in the following areas or other priorities that may be determined by the Secretary in consultation with State domestic violence coalitions and programs that provide shelter or related assistance:*

(1) MODEL LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION IN UNDERSERVED POPULATIONS.—The Secretary shall award model leadership grants of up to 3 years to not more than 10 State and tribal domestic violence coalitions and not more than 10 local domestic violence programs providing shelter or related assistance to develop model strategies to address domestic violence in underserved populations as defined in section 2003(7) of the Omnibus Crime Control and Safe

Streets Act of 1968 (42 U.S.C. 3796gg–2(7)). Such grants shall be made to assess the needs of underserved populations in the State or Indian country; build collaborative relationships with community-based organizations serving underserved populations; and develop and implement model community intervention strategies to decrease the incidence of domestic violence in underserved populations.

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

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

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

(B) ELIGIBILITY FOR CONTINUED FUNDING.—To be eligible for continued funding of up to 2 additional years of a 1-year model leadership grant, an applicant shall provide—

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

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

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

(2) DIRECT EMERGENCY ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE.—

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

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

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

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

(iii) an application form that includes the type of assistance requested, a statement of need for the funds, a statement about the impact of the funds on the victim's ability to escape domestic violence, and other such information that would be helpful in disbursing emergency assistance funds;

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

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

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

(3) TECHNICAL ASSISTANCE AND TRAINING FOR STATE, LOCAL, AND TRIBAL DOMESTIC VIOLENCE PROGRAMS.—

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

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

(C) REPORTING.—The grantee State or tribal domestic violence coalition shall file an annual report to the Sec-

retary describing the recipients and the type of technical assistance and training received.

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SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) * * *

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(f) REPORTS.—Within 90 days after the date of the enactment of the Violence Against Women Act of 2000, all entities receiving funds pursuant to activities under subsection (a) shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.

[(f)] *(g)* AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

[(A) $1,000,000 for fiscal year 1995;
[(B) $400,000 for fiscal year 1996;
[(C) $400,000 for fiscal year 1997;
[(D) $400,000 for fiscal year 1998;
[(E) $400,000 for fiscal year 1999; and
[(F) $400,000 for fiscal year 2000.]

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

(A) $1,600,000 for fiscal year 2001;
(B) $1,800,000 for fiscal year 2002;
(C) $2,000,000 for fiscal year 2003; and
(D) $2,000,000 for fiscal year 2004.

* * * * * * *

SEC. 318. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) * * *

* * * * * * *

[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[(1) $4,000,000 for fiscal year 1996; and

[(2) $6,000,000 for for each of the fiscal years 1997 through 2002.]

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

(1) $8,000,000 for fiscal year 2001;
(2) $9,000,000 for fiscal year 2002;
(3) $10,000,000 for fiscal year 2003; and
(4) $11,000,000 for fiscal year 2004.

(i) REGULATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after the date of enactment, the Secretary shall publish final regulations implementing this section.

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

SECTION 316 OF THE RUNAWAY AND HOMELESS YOUTH ACT

* * * * * * *

GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

SEC. 316. (a) * * *

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $7,000,000 for fiscal year 1996;

(2) $8,000,000 for fiscal year 1997; [and]

(3) $15,000,000 for fiscal year 1998[.]; *and*

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

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

[(d)] *(e)* DEFINITIONS.—For the purposes of this section—

(1) the term "street-based outreach and education" includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

(2) the term "street youth" means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.

VICTIMS OF CHILD ABUSE ACT OF 1990

TITLE II—VICTIMS OF CHILD ABUSE ACT OF 1990

SEC. 201. SHORT TITLE.

This title may be cited as the "Victims of Child Abuse Act of 1990".

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Subtitle B—Court-Appointed Special Advocate Program

* * * * * * *

SEC. 218. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

(1) $6,000,000 for fiscal year 1996;
(2) $6,000,000 for fiscal year 1997;
(3) $7,000,000 for fiscal year 1998;
(4) $9,000,000 for fiscal year 1999; [and]
(5) $10,000,000 for fiscal year 2000[.]; *and*
(6) $12,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.

* * * * * * *

Subtitle C—Child Abuse Training Programs for Judicial Personnel and Practitioners

* * * * * * *

SEC. 224. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

(1) $750,000 for fiscal year 1996;
(2) $1,000,000 for fiscal year 1997;
(3) $2,000,000 for fiscal year 1998;
(4) $2,000,000 for fiscal year 1999; [and]
(5) $2,300,000 for fiscal year 2000[.]; *and*
(6) $2,300,000 for each of the fiscal years 2001, 2002, 2003, and 2004.

* * * * * * *

PUBLIC HEALTH SERVICE ACT

* * * * * * *

PART J—PREVENTION AND CONTROL OF INJURIES

* * * * * * *

INTERPERSONAL VIOLENCE WITHIN FAMILIES AND AMONG ACQUAINTANCES

SEC. 393. (a) * * *

* * * * * * *

(b)(1) With respect to all victims of sexual assault and interpersonal violence who present at hospital emergency rooms and other sites offering services to such victims, demonstration projects under subsection (a)(6) shall include projects in which, on a 24-hour

basis, nurses and other health care professionals at such rooms and sites who are trained in accordance with protocols under paragraph (2)—

(A) identify victims of such violence;

(B) collect physical evidence from the victims that may be of use in judicial proceedings regarding the violence; and

(C) provide information and appropriate referrals to rape crisis center programs and victim service providers, including referrals to health-related services and social services.

(2) In carrying out paragraph (1), the Secretary shall carry out a program to train nurses and other health care professionals to provide the services described in such paragraph. The program shall develop a protocol for such training.

[(b)] *(c)* For purposes of this part, the term "interpersonal violence within families and among acquaintances" includes behavior commonly referred to as domestic violence, sexual assault, spousal abuse, woman battering, partner abuse, elder abuse, and acquaintance rape.

* * * * * * *

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

(a) GRANTS.—

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

(A) educational seminars;

(B) the operation of hotlines;

(C) training programs for professionals;

(D) the preparation of informational material; and

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

(2) TERMS.—

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

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

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

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

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

(b) NATIONAL RESOURCE CENTER.—

(1) ESTABLISHMENT.—At such time as appropriations under subsection (c) reach at least $80,000,000, the Secretary of Health and Human Services shall, through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, establish a National Resource Center on Sexual Assault to provide resource information, policy, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to State and tribal sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault. The Resource Center shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $80,000,000 for fiscal year 2001;
(B) $105,000,000 for fiscal year 2002;
(C) $105,000,000 for fiscal year 2003;
(D) $155,000,000 for fiscal year 2004; and
(E) $155,000,000 for fiscal year 2005.

Funds authorized to be appropriated under this section are appropriated from the Violent Crime Reduction Fund pursuant to section 310001(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(c)) and paragraph (16) under the definition of prevention program in section 310004(d) of such Act (42 U.S.C. 14214(d)).

(2) SEXUAL ASSAULT COALITIONS.—At such time as appropriations under subsection (c) reach at least $80,000,000, the Secretary shall designate 15 percent of the total amount appropriated to be used for making grants to nonprofit, nongovernmental State sexual assault coalitions to address public health

issues associated with sexual assault through training, resource development, or similar research.

(3) INDIAN COUNTRY.—At such time as the appropriations under subsection (c) reach at least $80,000,000, there shall be awarded by the Secretary not less than 5 percent of such amounts for the funding of tribal sexual assault coalitions. To be eligible for a grant under this paragraph, an entity shall be a private nonprofit coalition whose membership includes representatives from a majority of the programs for adult and child victims of sexual assault operating within the boundaries of such Indian country and programs whose primary purpose is serving the population of an Indian reservation, and whose board membership is representative of such programs. Such coalitions shall further the purposes of sexual assault intervention and prevention through activities including—

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

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

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

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

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

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

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

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

(d) LIMITATIONS.—

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

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

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

(e) DEFINITIONS.—

(1) INDIAN COUNTRY.—The term "Indian Country" has the same meaning as is given such term by section 1151 of title 18, United States Code.

(2) RAPE PREVENTION AND EDUCATION.—For purposes of this section, the term "rape prevention and education" includes education and prevention efforts directed at sexual offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

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

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

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

(6) SEXUAL ASSAULT COALITION.—The term "sexual assault coalition" means a coalition that coordinates State victim service activities, and collaborates and coordinates with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention.

ADDITIONAL VIEWS

We offer these additional views because in many respects H.R. 1248, as reported by the committee, represents a missed opportunity to further solidify and strengthen Federal legislation to combat domestic violence. Not only did the Majority choose to weaken several important aspects of H.R. 1248 as introduced by Ms. Morella (such as limiting the availability of grants for programs dealing with dating or same sex violence, or for persons harmed on account of their sexual orientation, religion, or alienage status), but the Majority also failed to incorporate other important legislative initiatives that could serve to reduce domestic violence (such as protections for battered immigrants and victims of gender-motivated violence).

We appreciate the fact that the Majority has chosen to move legislation reauthorizing the funding programs provided in the Violence Against Women Act and also accepted several Democratic amendments to improve those programs; however, the end product falls short of bipartisan legislation that has been introduced by Representatives Conyers and Morella in the House (H.R. 357), and by Senators Biden and Hatch in the Senate (S. 2787). We were particularly disappointed that the Majority refused to mark up or even hold hearings on H.R. 357,[1] despite repeated requests by the Minority, and the fact that every single Democratic member of the committee cosponsored an amendment to H.R. 1248 incorporating the major components of H.R. 357.[2]

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[1] In January 1999, Representative Conyers introduced H.R. 357, the Violence Against Women Act of 1999, which was substantially similar to a VAWA bill that Mr. Conyers introduced in the 105th Congress (H.R. 3514). H.R. 357 is widely viewed by of all of the major domestic violence and sexual assault coalitions as the major piece of legislation addressing intimate partner violence. H.R. 357 currently has 180 cosponsors, and has generated bi-partisan support. H.R. 357 does several things to combat domestic violence: (1) it reauthorizes funding for the original VAWA I programs in the same way that H.R. 1248 does, (2) it creates additional programs to address domestic violence and sexual assault more comprehensively, and (3) it changes substantive criminal, civil, and immigration law to combat domestic violence and sexual assault.

Among other things, H.R. 357 contains a section on violence against children, which funds school programs to address domestic violence and sexual assault and which trains welfare agencies to recognize the warning signs of abuse. There is also a separate title to deal with violence in underserved communities, including older women, disabled women, and immigrant women. H.R. 357 would also establish a national resource center on sexual assault, prohibit individuals who have been involved in sexual misconduct from becoming prison guards, and give priority in funding to medical schools and training programs that require students to be trained in the identification and treatment of domestic violence and sexual assault. To combat violence in the workplace, H.R. 357 establishes a national workplace clearinghouse on domestic violence and sexual assault, and it prohibits employers from taking adverse job actions against an employee because that employee has been the victim of a crime. It also requires employers to provide leave to employees for the purpose of dealing with domestic violence and its aftermath, and it allows women to use their family and medical leave to deal with domestic abuse. These are just a few of the new programs that H.R. 357 would create to deal with the pervasive problems of domestic violence and sexual assault.

[2] Crime Subcommittee Chairman McCollum raised a point of order against this amendment.

CURRENT LAW AND LEGISLATIVE EFFORTS

In order to address the nationwide problem of domestic violence and sexual assault,[3] Democrats led the fight to pass the Violence Against Women Act in 1994 ("VAWA I").[4] This landmark legislation had several components. First, it provided funding through fiscal year 2000 for numerous programs to combat domestic violence and sexual assault, including, among other things, battered women's shelters and rape crisis centers; a domestic violence hotline; training for prosecutors, judges, and court personnel; pro-arrest policies; victims' counselors; and victims of child abuse programs. In addition, VAWA I included several civil and criminal provisions to combat domestic violence and sexual assault. For example, it increased penalties for Federal rape convictions and criminalized violations of protection orders and interstate domestic violence, including stalking; required States, as a condition of receiving Federal VAWA funds, to meet certain standards with respect to domestic violence procedures;[5] and created a Federal civil remedy for victims of gender-motivated crimes of violence.[6]

H.R. 1248, as approved by the committee, reauthorizes existing VAWA I programs for 5 years beyond 2000. It continues funding for VAWA I programs such as law enforcement and prosecution grants to combat violence against women, the National Domestic Violence Hotline, battered women's shelters and services, education and training for judges and court personnel, pro-arrest policies, rural domestic violence and child abuse enforcement, stalker reduction, and others. The bill also authorizes funding for new programs such as civil legal assistance, transitional housing, and a pilot program for supervised child visitation centers.[7]

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[3] According to National Crime Victimization Survey data from the Department of Justice (a conservative estimate), about 1 million violent crimes in 1998 were committed against people by their current or former spouses, boyfriends, or girlfriends. These crimes were committed primarily against women. About 85% of victimizations by intimate partners in 1998, or 876,340, were against women. Intimate partner violence made up 22% of violent crime against women between 1993 and 1998. By contrast, during this period intimate partners committed 3% of the violence against men. Callie Marie Rennison & Sarah Welchans, Department of Justice, Bureau of Justice Statics, Special Report, Intimate Partner Violence, May 2000 [hereinafter "BJS Study"].

[4] In part as a result of VAWA I, intimate partner violence decreased 21% from 1993 to 1998. Nevertheless, domestic violence is still experienced by hundreds of thousands of women each year, and there still are demographic groups that need better access to services and the criminal justice system. For example, between 1993 and 1998, women ages 16 to 24 experienced the highest per capita rates of intimate violence. BJS Study.

[5] E.g., States could not require a victim to bear the cost of a rape exam, and States could not require a victim to pay a filing fee in order to obtain a protection order.

[6] On May 15, 2000, the Supreme Court struck down this civil rights remedy, as violative of the Commerce Clause and the 14th amendment. *United States* v. *Morrison*, ____U.S.____, 120 S. Ct. 1740 (2000). The Supreme Court's decision did not invalidate any other portion of VAWA I, and it does not affect the validity of any of the new proposed VAWA legislation.

[7] In addition, several important amendments were offered by Democratic Members and accepted by the Majority. In the area of elder abuse, Rep. Baldwin amended the bill to authorize law school and law enforcement training programs regarding domestic violence against older women, community initiatives to combat domestic violence, and outreach programs targeted to older women who are victims of domestic violence. In addition, Rep. Baldwin amended the bill to ensure the inclusion of women with disabilities in existing domestic violence and sexual assault programs, provide training on issues of violence against women with disabilities, and provide technical assistance to assist shelters and victim services organizations with the requirements of the Americans with Disabilities Act. The committee also accepted an amendment offered by Rep. Weiner regarding sexual assault examiners, which directs the Attorney General to evaluate existing standards of training, practice, and payment of forensic exams and to recommend a national protocol. Finally, H.R. 1248 includes an amendment offered by Rep. Conyers requiring that domestic violence and sexual assault crimes be included in reports to the National Instant Criminal Background Check system.

The following is a description of the principal areas of concern we have with the committee-passed legislation:

I. The Committee-Passed Bill Weakens Key Aspects of H.R. 1248

The Committee-Passed Bill Changes the Definition of "Domestic Violence" to Eliminate Coverage of Dating Violence and Same-Sex Violence

One of the most serious concerns we have with the committee-passed bill is its failure to expand the scope of VAWA funding to include programs designed to combat dating violence, including violence in same-sex relationships.[8] As introduced, H.R. 1248 would have amended VAWA so that the term "domestic violence" would have included dating violence, and violence between same-sex couples,[9] a position which is strongly supported by all of the major domestic violence and sexual assault groups, the Department of Justice,[10] the National Association of Attorneys General,[11] and the U.S. Conference of Mayors.[12]

Unfortunately, at the Crime Subcommittee markup of H.R. 1248, Rep. McCollum introduced a manager's amendment that changed the bill's definition of domestic violence to exclude dating violence and violence in same-sex relationships. At the Full Committee markup, Rep. McCollum offered a manager's amendment that added a separate definition of "dating violence" to selected VAWA programs.[13] This approach is inadequate, however, because it does not include dating violence in *all* VAWA programs. For example, the McCollum amendment adds the term dating violence to only two out of ten purpose areas for which STOP Grants (which are law enforcement, victim services, and prosecution grants to combat domestic violence and sexual assault) can be used,[14] and only two

[8] The definition of "domestic violence" under VAWA I covers acts of dating violence only in States and jurisdictions whose domestic violence or family violence laws include dating relationships. If a state's or jurisdiction's domestic or family violence laws do not include dating violence, VAWA grants cannot be provided to programs in those States and jurisdictions that target dating violence. 42 U.S.C. § 3796gg-2(1) (1994).

[9] As introduced, H.R. 1248 defined "domestic violence" to mean: "acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction." H.R. 1248, Sec. 2(a)(1).

[10] Letter from Bonnie J. Campbell, Director, Violence Against Women Office, U.S. Department of Justice, to Hon. Bill McCollum, chairman, Subcommittee on Crime, Committee on the Judiciary, June 21, 2000.

[11] Letter from National Association of Attorneys General to Hon. Henry Hyde, chairman, Committee on the Judiciary, June 13, 2000 ("We urge you to . . . [s]trengthen VAWA by authorizing coverage of 'dating relationships' in its criminal provisions and in its grants.").

[12] U.S. Conference of Mayors, Resolution No. 61, "Reauthorization of Violence Against Women Grant Programs" ("[T]he new VAWA legislation should contain . . . an amended definition of domestic violence under all VAWA grant programs to permit projects to target services to victims of dating violence in all jurisdictions. . . .").

[13] "Dating violence" is defined to mean violence committed by a person "who is or has been in a social relationship of a romantic or intimate nature with the victim" and "where the existence of such relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship." H.R. 1248, Sec. 2(g).

[14] STOP grant purpose areas that are *not covered* include: developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting dating violence; developing and implementing more effective police and prosecution protocols, orders, and services specifically devoted to preventing, identifying, and responding to dating violence; developing, in-

Continued

out of six purpose areas for which Grants to Encourage Arrest Policies can be used.[15] In addition, dating violence is omitted from the purpose areas of the civil legal assistance grants.[16]

The Majority's failure adequately to include dating violence within VAWA means that both adult and teen victims of dating violence will have less than adequate services and protections. Teenagers will be particularly negatively impacted by this constraint. Just last month, the U.S. Department of Justice released a study indicating that young women between the ages of 16 and 24 experience the highest rates of violence by current or former intimate partners.[17] And 40% of teenage girls between the ages of 14 and 17 report knowing someone their age who has been hit or beaten by a boyfriend. These statistics are chilling and indicate how dangerous the bill's failure to fully cover dating violence within the scope of its grants will be.

The Committee-Passed Bill Changes the Definition of "Underserved Populations" To Exclude Populations Underserved Because of Sexual Orientation, Religion, and Alienage Status

Another serious concern we have with H.R. 1248 is its failure to include populations underserved because of sexual orientation, religion and alienage status within the scope of additional funding opportunities available to help combat domestic violence.[18] Under the version of the bill introduced by Rep. Morella, the term "underserved populations" was expanded to include "populations underserved because of race, ethnicity, age, disability, *sexual orientation, religion, alienage status*, geographic location (including rural isolation), language barriers, and any other populations determined to be under served by the State planning process."[19] Unfortunately, at the Crime Subcommittee markup of H.R. 1248, Rep. McCollum's manager's amendment restricted the definition of "underserved populations" to eliminate the categories of sexual orientation, religion, and alienage status.[20]

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stalling, or expanding data collection and communication systems, for the purpose of identifying and tracking arrests, protection orders, prosecutions, and convictions for dating violence; developing, enlarging, or strengthening programs addressing the circumstances in Indian tribes in dealing with dating violence; and developing, enlarging, or strengthening State and local court programs, including training for State, local, and tribal judges and court personnel, and addressing violent crimes against women, including dating violence.

[15] Grants to Encourage Arrest Policies purpose areas that *are not* covered include: centralizing and coordinating police enforcement, prosecution, or judicial responsibility for dating violence cases; and educating judges in criminal and other courts about dating violence, and to improve judicial handling of such cases.

[16] Rep. Conyers and Rep. Rothman offered an amendment that would have ensured that all VAWA programs covered dating violence, by restoring dating violence to the definition of "domestic violence," as H.R. 1248 originally contemplated. The Conyers-Rothman amendment was defeated in a party line vote.

[17] BJS Study.

[18] VAWA I states that in distributing grants to help combat domestic violence, States are encouraged to give additional consideration to "underserved populations." States are also required to document how their programs address underserved populations. The definition of "underserved populations" in VAWA I includes "populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities." 42 U.S.C. § 3796gg-2(7) (1994).

[19] H.R. 1248, Sec. 2(a)(7) (emphasis added).

[20] Rep. McCollum's amendment permits other populations to be designated as underserved by the State planning process in consultation with the Attorney General.

We strongly oppose this limitation because we believe it is important that immigrants, gays and lesbians, and religious groups be eligible for additional consideration for VAWA grants. Immigrant women are particularly in need of assistance because many times, they rely upon their batterers for their immigration status, and they must overcome language and cultural barriers, as well. The inclusion of "alienage status" as an "underserved population" would help women like "Emma Perez" (name change), a Cuban national living in Miami with her Cuban husband, who is a lawful permanent resident. The husband sexually abuses their 15 year old daughter, has been very violent, and has a criminal history. He was in jail for 8 years for drug trafficking offenses. He has killed people in the past and threatens to kill Emma if she talks to anyone about the sexual abuse of her daughter.[21]

II. The Majority Failed to Add Several Important Provisions to Further Strengthen the Law

H.R. 1248 Fails to Provide Comprehensive Funding for Civil Legal Assistance

At Full Committee, H.R. 1248 was nominally expanded to authorize funds for civil legal assistance for victims of domestic violence pursuant to an amendment offered by Rep. Hutchinson. We have several concerns with this amendment. First, the funding levels provided in the Hutchinson Amendment are inadequate to address the civil legal needs of victims of violence,[22] and they actually *reduce* from current levels the money available for civil legal assistance to domestic violence victims.[23] Second, the amendment fails explicitly to cover programs to assist victims in enforcing their protection orders—which is often the first line of defense for victims who have escaped abusive relationships.

These omissions will have adverse consequences. Approximately 65 percent of petitioners for orders of protection in Washington D.C. alone lack legal representation. According to a survey of domestic violence shelters in Texas, about 75 percent of shelters reported a great need for more legal services for divorce in domestic violence cases, and 85 percent indicated a great need for legal services with regard to custody. In fiscal year 1998, the first year of civil legal assistance, the Department of Justice received 400 applications, of which they could only fund 57. Between fiscal years 1998 and 1999, the advocacy community estimated that only 450 attorneys and paralegals were funded through the Federal civil legal assistance program. Thus, funding levels under the Hutch-

[21] Both at the subcommittee and at the Full Committee markups, Representatives Conyers, Scott, and Jackson Lee offered an amendment that would have restored the categories of alienage status, age, and religion to the definition of "underserved populations." This amendment was defeated by Majority in a party line vote. In addition, at the Full Committee markup, an amendment offered by Mr. Frank to the Conyers-Scott-Jackson Lee Amendment was adopted by voice vote that would have added "gender identity characteristics or expression" as an underserved population, as well.

[22] It is estimated that the Hutchinson Amendment will only fund two to four additional service providers in each State.

[23] For fiscal year 2000, $35.2 million was appropriated for civil legal assistance for domestic violence victims. By comparison, the Hutchinson Amendment authorizes $35.25 million for fiscal year 2001, increasing to $55 million for fiscal year 2005. Because the Hutchinson Amendment allocates 25% of these funds for civil legal assistance for victims of sexual assault, however, the Hutchinson Amendment actually *reduces* from current levels the monies that are available for civil legal assistance for victims of domestic violence.

inson Amendment merely scratch the surface of the overall problem.

We are also troubled by the fact that the Hutchinson Amendment contains an inappropriate restriction on funding for litigation with respect to abortion. In certain cases, abortion-related litigation may be a necessary component of civil legal assistance. For example, a woman may be newly impoverished by having left an abusive relationship and thus in need of assistance in qualifying for Medicaid, which under certain circumstances (such as rape or incest), does cover abortion services. She may be a minor who has been raped by her father in a state requiring parental consent before an abortion, who needs help to navigate the judicial-bypass process. Further, abortion-related litigation may be necessary where States are in non-compliance with the Hyde restrictions that govern Medicaid funding of abortion,[24] or where a woman may need an attorney to ensure compliance with even the minimal protections of the Hyde amendment. Equally problematic is the fact that the Hutchinson Amendment applies these restrictions to a new group of service providers. The restriction on abortion-related litigation currently applies to the Legal Service Corporation. The Hutchinson Amendment extends this limitation to other private, nonprofit entities, Indian tribal governments, and publicly funded organizations such as law schools. We should not be using a VAWA bill to expand the reach of current abortion-related bans to new programs and new types of organizations.[25]

H.R. 1248 Fails to Include Funding for Domestic Violence and Sexual Assault Research

We are also very concerned that H.R. 1248 ignores the need to provide funding for research on domestic violence and sexual assault. This belies the requirements of VAWA I and flies in the face of requests for funding from the administration and others.

When Congress passed the Violence Against Women Act in 1994, it included a mandate requiring that the agencies that receive funds from VAWA appropriations devise a violence against women research agenda for the nation.[26] In a joint letter to Chairman Hyde dated May 15, 2000, the Department of Justice and the Department of Health and Human Services requested that the Judici-

[24] Pub. L. No. 106–113, Sec. 508–509.

[25] Representatives Conyers, Nadler, and Baldwin offered an amendment that would have provided full funding (beginning at $60 million in FY 2001 and increasing to $124 million for FY 2005) for comprehensive civil legal assistance for victims of violence. Furthermore, the amendment contained no abortion-related restrictions on funding. This amendment was based on similar provisions in H.R. 357 as well as in H.R. 4663, the Access to Safety and Advocacy for Victims of Violence Act, which was introduced by Rep. Lowey. The Conyers-Nadler-Baldwin amendment was defeated by the Republicans in a party line vote. Rep. Baldwin also offered an amendment, which was defeated in a party line vote, that would have increased the funding levels of the Hutchinson Amendment to those of the Conyers-Nadler-Baldwin Amendment and expanded the scope of civil legal assistance. In addition, Rep. Conyers offered an amendment that would have limited the abortion restrictions, so they would not apply in cases where the life or health of the expectant mother was at risk, or where the pregnancy resulted from rape or incest. This amendment was also defeated in a party line vote. Finally, Rep. Berman offered an amendment that would have allowed litigation-related abortion counseling where the life of the expectant mother was at risk, or where the pregnancy resulted from rape or incest. This amendment was also defeated by the Republicans, with only one Republican member voting in favor of it.

[26] Specifically, 42 U.S.C. § 13961 states that "the Attorney General shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women. . . . In setting the agenda, the Academy shall focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations."

ary Committee authorize additional funding for research to continue to improve existing and future VAWA-funded programs. DOJ and HHS believe that VAWA reauthorization legislation should "continue to support research and evaluation in order to provide sound data for ongoing improvement of . . . programs for reducing violence against women." [27]

Conservative commentators also recognize the need for additional research in the area of domestic violence. At the Crime Subcommittee hearing on H.R. 1248, Patrick Fagan of the Heritage Foundation testified that "[i]f Congress is serious about coming to grips with domestic violence, if it is serious about educating itself and then the nation, it first needs to know what is going on. . . . Congress should take what would be a rather small percentage of the VAWA money and construct a National Incidence Survey of Domestic Abuse and Neglect if it is to get to the heart of this issue (and many others related to it)." [28]

Unfortunately, rather than authorize additional funding for research on domestic violence and sexual assault, Rep. McCollum offered an amendment, which was adopted, that only authorized a task force to coordinate existing domestic violence research. It did not authorize any new or additional research on the causes of domestic violence and sexual assault.[29]

H.R. 1248 Fails to Restore a Civil Legal Remedy for Victims of Gender-Motivated Violence

We are also disappointed that the Majority refused to include any provisions seeking to ensure that the civil legal remedy in VAWA complies with the recent Supreme Court decision in *United States* v. *Morrison*.[30] In *Morrison*, the Court struck down on federalism grounds VAWA's Federal civil legal remedy for gender-motivated crimes of violence.[31] This important provision was passed by Congress in 1994 to provide a guarantee that all victims of gender-motivated crimes had unencumbered access to the courts to seek civil damages against their assailants.

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[27] Letter from Janet Reno, Attorney General, and Donna E. Shalala, Secretary, Department of Heath and Human Services, to Hon. Henry J. Hyde, chairman, House Committee on the Judiciary, May 15, 2000, at 3.

[28] Testimony of Patrick F. Fagan, William H. G. Fitzgerald Fellow in Family and Culture, The Heritage Foundation, Hearing on H.R. 1248, Crime Subcommittee, September 29, 1999.

[29] Representative Meehan offered an amendment that embodied the research agenda that the National Research Council, in collaboration with numerous leading anti-domestic violence groups, developed. It would have authorized grants in several areas: (1) supporting research on the causes of violence against women and the effectiveness of education, prevention and intervention programs, including research to study the developmental trajectory of violent behavior against women and an examination of the risk factors for sexual and intimate partner violence for victims and perpetrators; (2) addressing gaps in research on violence against women, particularly in underserved communities and instances where domestic violence is a factor in a divorce/child custody case, including national and community level survey studies to measure the incidence and prevalence of violence in underserved populations and the ways such women define and describe their experience of violence; (3) mandating a study and report by the U.S. Sentencing Commission on sentences given in crimes of domestic violence; and (4) directing the Attorney General to establish three research centers to develop and coordinate research on violence against women, each of which would be organized around a research area relevant to violence against women. The Meehan Amendment also would have authorized a task force to coordinate domestic violence research efforts across the country. The Majority opposed the Meehan Amendment and defeated it in a party line vote.

[30] ___U.S.___, 120 S. Ct. 1740 (2000).

[31] The Court struck down the civil legal remedy as violative of the Commerce Clause and section 5 of the 14th amendment.

Representatives Conyers, Jackson Lee, and Baldwin offered an amendment that restored the Federal civil legal remedy by creating a concrete nexus between the cause of action and interstate commerce. Unfortunately, the Majority raised a point of order against this amendment and foreclosed debate and a vote on this issue. The Majority also defeated an amendment offered by Rep. Conyers that would have required States to permit a person to bring a cause of action in State court for gender-motivated violence, such as rape, in which there is no limitation on punitive or non-economic damages, such as pain and suffering.

The committee's failure to even attempt to address this issue is inexcusable. The Majority has shown no reticence in seeking to respond to court decisions concerning religious liberty and abortion. There is no reason we could not work together to ensure that the civil legal remedy for gender-motivated violence complies with the *Morrison* decision as well.

H.R. 1248 Fails to Protect Battered Immigrants

Another glaring omission is the Committee's failure to address or even consider the problem of battered immigrants. Prior to VAWA I, immigration laws were rightfully criticized for permitting abusive U.S. citizens and permanent residents to have total control over their family members' immigration status. As a result, battered immigrant women and children were forced to remain in abusive relationships, unable to appeal to law enforcement agencies and courts for protection because they feared being reported to the INS and consequently deported. Immigration provisions contained in VAWA I helped to remedy the situation by allowing battered immigrants who were abused by their U.S. citizen or lawful permanent resident spouses or parents to file their own applications for immigration relief without the cooperation of their abusive spouse or parent, enabling them to safely flee the violence.

Despite the successes of VAWA I, immigration law continues to be a barrier that keeps immigrant women and children locked in abusive relationships. Intervening changes in immigration and welfare laws enacted by the Majority have undermined many of VAWA I's protections for battered immigrants.[32] As a result, many battered immigrant women and children are forced to stay with their abusers, risking their lives and the lives of their children.

[32] The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104–208, 110 Stat. 3009 (Sept. 30, 1996) ("IIRAIRA") and the Personal Responsibility and Work Opportunity Reconciliation Act, Pub. L. No. 104–193 (Aug. 22, 1996) ("PRWORA") were passed two years after the 1994 Violence Against Women Act offered protection to battered immigrant women. IIRAIRA made it more difficult for battered immigrants to access lawful immigration status. Some changes included a cap on the number of cancellation grants a year, requiring a "substantial connection" between abuse and unlawful entry, and a new definition of "continuous presence." Under PRWORA, battered immigrants were granted access to some public benefits, but across the board, this legislation significantly reduced access to public benefits for all immigrants. PRWORA eliminated eligibility for most immigrants for SSI and federal food stamps and gave States the discretion to determine whether immigrants can qualify for federal, state, and local public benefits programs. PROWORA also replaced AID to Families with Dependent Children (AFDC) with Temporary Assistance for Needy Families (TANF) programs, which States have the discretion to provide or deny. Considering the unique set of economic, cultural, and social barriers faced by battered immigrant women, lack of access to immigration status and public benefits increases the vulnerability of immigrant women who are victims of domestic violence.

Representative Lofgren offered an amendment that addressed battered immigrant problems in three areas.[33] First, it would have addressed the provisions of VAWA I that were weakened because of subsequent legislative changes. Second, the amendment would have removed VAWA I implementation barriers that battered immigrants currently face. Third, the amendment would have improved access to VAWA immigration relief for needy battered immigrants not initially covered under VAWA I.

To restore some of the VAWA I protections that were weakened by subsequent legislation, Representative Lofgren's amendment would have created a mechanism for battered immigrant women and children to adjust their status to lawful permanent resident while in the United States. With the expiration of section 245(i) of the Immigration and Nationality Act,[34] many battered immigrant women and children with approved VAWA self-petitions are forced to leave the United States to obtain their green cards. Traveling outside the United States deprives these battered immigrants of the protection provided by courts, legislation, custody decrees, and law enforcement. Once abroad, the battered immigrant is vulnerable to stalking and retaliatory attacks by the abuser. The Lofgren Amendment would have enabled the battered immigrant to access lawful status while safely remaining in the United States.

Additionally, one of the barriers that has arisen in implementing VAWA I is that the 1996 Immigration Law[35] made domestic violence a deportable crime; however, an unintended effect is that the battered immigrant spouse's pending VAWA self-petition becomes void when her husband is deported. This creates a perverse incentive for the battered immigrant spouse to tolerate the abuse, rather than report it. Representative Lofgren's amendment would have treated abused spouses like spouses in non-abusive relationships, where changes in the spouse's immigration status (denaturalization, loss or renunciation of citizenship, death of the citizen abuser) can only help, not hinder, the battered immigrant if the spouse's immigration status is upgraded. In other words, if the abusive U.S. citizen spouse or parent dies, divorces the battered immigrant, loses immigration status, renounces citizenship, or is deported, the self-petition remains valid.

The Lofgren Amendment also would have made VAWA immigration relief available to abused children and abused spouses living abroad. Under current VAWA provisions, a self-petitioner may include her undocumented children under the age of 21 as derivative beneficiaries of her VAWA self-petition. However, in order to obtain permanent resident status, the child must be under 21 at the time the application for permanent residency to be granted based on the approved self-petition. Consequently, the parent self-petitioner often will be granted permanent residency, while her child will be denied. Such a situation ruptures family unity, as the child remains undocumented and vulnerable to being reported to the INS by the abuser and then placed in removal proceedings.

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[33] The Lofgren Amendment was substantially similar to Title VI, Subtitle C. of H.R. 357. These reforms are also included in the Battered Immigrant Women Protection Act, H.R. 3083, which is sponsored by Reps. Schakowsky, Morella, and Jackson Lee.

[34] The 1998 CJS bill contained a provision that eliminated the benefits of Section 245(i) of the Immigration and Nationality Act for all immigrants seeking permanent residency status.

[35] Pub. L. No. 104–208, 110 Stat. 3009 (Sept. 30, 1996).

Further, presently, only spouses or minor children of citizens or permanent residents are eligible for VAWA immigration relief; therefore, abused children over the age of 21 have no access to VAWA. Consequently, a child who suffered years and years of physical and sexual abuse and who endured endless emotion torment at the hands of the U.S. citizen or permanent resident parent remains unprotected. The Lofgren Amendment would have offered VAWA relief to children over 21 as long as they could demonstrate that one or more incidents of battery or extreme cruelty had occurred before the age of 21.

Finally, current VAWA provisions mandate that the applicant victim resides in the United States to file a self-petition. As a result, if an abused woman is married to a U.S. citizen or permanent resident living abroad, she must rely on him to file a visa petition on her behalf at the American Consulate. Abusive partners may refuse to file on behalf of the battered spouse in an effort to prevent her from reporting the abuse. Therefore, battered immigrant women married to either U.S. citizens or permanent residents living outside the United States remain trapped abroad in abusive relationships, unable to seek help from trained domestic violence advocates and law enforcement officials, and unable to escape the abuse and seek VAWA immigration relief. Consequently, they cannot prosecute their abusers. The Lofgren Amendment would have allowed battered immigrants living abroad to file VAWA self-petitions. This amendment would have been particularly helpful for abused spouses and children of members of the U.S. armed forces and U.S. government employees stationed abroad.[36]

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[36] This provision would have helped women such as "Vanna," the wife of a member of the U.S. military. (Names and places have been changed in the interest of victim safety. This account took place in a U.S. military base in Asia.) Vanna fled Cambodia as a small child with her parents in 1975. After spending 8 years in a refugee camp in Thailand, Vanna was repatriated to Belgium with her family, as a political refugee. There she met and married her first husband. Vanna's husband immigrated to the United States to join family members. Encouraged by her husband who had traveled ahead, Vanna came to the United States on a tourist visa with their two children. Her husband promised her that he would get her legal residency in the United States. Vanna's husband never filed her residency paperwork and her tourist visa expired. Vanna's husband gradually became more abusive, eventually breaking her nose and dislocating her shoulder. Vanna feared for her safety and went to a women's shelter. She divorced her husband four years after arriving in the U.S. Vanna was told that she could not return to Belgium as her residency status had expired because she had been out of the country for too long.

After one year on her own, Vanna met John, a U.S. citizen and an active duty service member in the U.S. military. After they married, John promised Vanna that he would submit paperwork for legal residency. John told Vanna that he could not support her and her two children and Vanna was forced to leave her son with his father. As the relationship progressed, John became emotionally abusive. John often called Vanna and her daughter names, restricted the amount of food they were allowed to eat, and where she was allowed to go. John discouraged Vanna's friendships with other women. John was often sexually abusive, forcing Vanna to engage in sexual behaviors that made her feel demeaned and humiliated.

After six months of marriage, John accepted a three-year posting to an overseas U.S. military base. He promised Vanna that her paperwork would come through while they were overseas and that there would be no problem. Vanna, feeling that she didn't have a choice, accompanied John on his military tour. Once overseas the violence in their relationship escalated further. John often threatens Vanna with withdrawing her paperwork, telling her that she would be deported back to Cambodia where she would probably be killed. John sometimes prevents Vanna from leaving the house by restraining her. John has threatened Vanna's life stating that he could make her death look like an accident. Vanna and John now have a 5-month-old son together. During one argument, John choked Vanna until she began to lose consciousness. Vanna feels she can no longer cope with the abuse and she worries about the effect it is having on her daughter. Vanna feels that she has nowhere else to go and worries what will happen to her and her children if she is not able to return to the United States. Vanna would like to self-petition for legal residency so that she can return to the United States and be reunited with her son.

The Lofgren Amendment included other necessary amendments to current VAWA provisions such as allowing discretionary waivers for good moral character determinations and training judges, immigration officials, and law enforcement officers on VAWA immigration provisions.

Regretfully, the Majority raised a point of order against this amendment, thereby preventing debate and a vote on this issue, even though immigration matters are within the jurisdiction of the Judiciary Committee. Although Rep. McCollum sought to argue that he supported doing "something" about the battered immigrant problem by noting Immigration Subcommittee Chairman Smith's pledge to hold hearings on this issue, many of us are concerned that this will come too late in the process to do much good. Democrats have expressed concern about the problem of battered immigrants for the last two Congresses, and we believe that with less than six weeks left in the legislative calendar, the time for action is now, as part of H.R. 1248.[37]

H.R. 1248 Fails to Protect Against Custodial Sexual Abuse

H.R. 1248 also totally ignores the issue of custodial sexual abuse. According to estimates by the Department of Justice, nearly half of all female prisoners have experienced some form of sexual and/or physical abuse prior to incarceration. Over 50 percent of the female offenders surveyed indicated that they had been abused in an intimate relationship and 26 percent had been abused by a parent or guardian. In 1996 Human Rights Watch released "All Too Familiar: Sexual Abuse of Women in U.S. State Prisons," a report documenting pervasive sexual harassment, sexual abuse, and privacy violations by guards and other corrections department employees in state prisons in California, the District of Columbia, Georgia, Illinois, Michigan, and New York. The report also exposed the failure of States to respond to women's reports of sexual abuse and harassment.[38]

While people are wards of the State, they should not be put at continuing risk of abuse by prison guards. H.R. 1248 does nothing to address the serious problem of custodial sexual assault in our nation's prisons. By contrast, Rep. Conyers' bill, H.R. 357, would have directed the Attorney General to establish guidelines regarding the prevention of custodial sexual misconduct in prisons, pro-

[37] The Majority also raised points of order preventing consideration of several other worthwhile amendments seeking to address domestic violence. These include a hate crimes amendment offered by Rep. Conyers that would have criminalized conduct that injured a person because of his or her race, color, religion, national origin, gender, sexual orientation, or disability; an amendment offered by Reps. Scott and Conyers that would have created grants to support the development of hate crimes prevention programs; an amendment offered by Rep. Jackson Lee that would have prohibited employers from discriminating against battered women, sexual assault survivors, and stalking survivors on account of their status or experience as victims of domestic violence; and another amendment offered by Rep. Jackson Lee that would have clarified that child abuse orders—like domestic relations orders—are properly respected within ERISA so that the young victims of domestic violence are given the financial stability they deserve.

[38] This report was not anecdotal. In 1997, the U.S. Department of Justice sued the Michigan Department of corrections after its investigation found evidence of pervasive sexual abuse in Michigan's prisons for women. Justice Department investigators interviewed women inmates and found that nearly every woman interviewed reported various sexually aggressive acts of guards. Still worse, the Justice Department investigators found that women at some prisons had been raped, sexually assaulted, subjected to groping and fondling during pat-frisks, and subjected to improper visual surveillance by guards in violation of the legitimate privacy interests of the women.

hibited individuals who have been convicted of or found civilly liable for sexual misconduct from becoming correctional staff, and criminalized sexual conduct between correctional staff and prisoners. We believe these important legislative proposals should be put on the table as part of any VAWA legislation.

CONCLUSION

We believe H.R. 1248 is a step in the right direction towards reducing domestic violence, but we can and must do more. The Bureau of Justice Statistics reports that each year, about 1 million violent crimes are committed against people by their current of former spouses, boyfriends, or girlfriends. Approximately 85 percent of these victimizations were against women.[39] According to the Congressional Research Service, over three quarters of the adult women who were raped or physically assaulted say that the perpetrator was a current or former spouse, a co-habitating partner, or a date. As serious as these facts are, they also serve to energize us to continue the fight against domestic violence.

Thus, although we are encouraged that the Majority took action on H.R. 1248, we are disappointed that the Majority chose to weaken H.R. 1248 in important areas, such as dating violence and the definition of "underserved populations," and opposed numerous Democratic amendments that would have provided more comprehensive and well-funded programs to address domestic violence and sexual assault in the areas of civil legal assistance and research on domestic violence. In addition, the Majority prevented debate on several Democratic amendments that would have expanded the scope of VAWA in the areas of a Federal civil remedy for victims of gender-motivated violence, battered immigrant women, hate crimes, employment, and child abuse accountability. We hope that as the bill moves forward, we will be able to incorporate these provisions into the final VAWA legislation.

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[39] BJS Study.