

106TH CONGRESS
2D SESSION

H. R. 4663

To provide civil legal assistance for victims of domestic violence and sexual assault.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2000

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

A BILL

To provide civil legal assistance for victims of domestic
violence and sexual assault.

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

3 **TITLE I—ACCESS TO SAFETY**
4 **AND ADVOCACY FOR VICTIMS**
5 **OF VIOLENCE AGAINST**
6 **WOMEN ACT**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “Access to Safety and
9 Advocacy for Victims of Violence Against Women Act”.

1 **SEC. 102. PURPOSE.**

2 The purpose of this title is to enhance safety and jus-
3 tice for victims of sexual assault and domestic violence in
4 every State, jurisdiction under military or Federal control,
5 tribal land, territory, or commonwealth, through access to
6 the justice system and improved civil legal assistance.

7 **SEC. 103. GRANTS TO IMPROVE ACCESS TO THE CIVIL JUS-**
8 **TICE SYSTEM.**

9 (a) **ELIGIBLE GRANTEES.**—To be eligible for a grant
10 under subsection (c) an applicant shall be a—

11 (1) nonprofit domestic violence victim service
12 program;

13 (2) nonprofit sexual assault victim service pro-
14 gram;

15 (3) State, tribal, or local coalition of domestic
16 violence programs;

17 (4) State, tribal, or local coalition of sexual as-
18 sault programs;

19 (5) State, tribal, or local bar association;

20 (6) law school program;

21 (7) nonprofit legal service provider;

22 (8) court-based pro se program; or

23 (9) tribe or tribally recognized organization.

24 (b) **ELIGIBLE SERVICES.**—

25 (1) Activities funded under grants under sub-
26 section (c) shall be designed to further the health,

1 safety, and economic needs of victims of domestic vi-
2 olence and sexual assault through legal assistance in
3 any civil case, clemency proceeding, or violation or
4 enforcement of a protection order.

5 (2) Activities funded under subsection (c) shall
6 include civil legal assistance on behalf of persons
7 who have inadequate access to sufficient financial re-
8 sources to secure appropriate legal assistance.

9 (c) GRANT AUTHORITY.—The Attorney General may
10 make grants to enhance the availability and quality of civil
11 legal assistance for victims of domestic violence and sexual
12 assault through—

13 (1) efforts to further the health, safety, and
14 economic needs of victims of domestic violence and
15 sexual assault;

16 (2) the provision of comprehensive legal services
17 to victims of domestic violence and sexual assault,
18 including assistance in family law, protection order,
19 violation of protection order, dependency, abuse and
20 neglect, foster care, clemency, housing, landlord-ten-
21 ant, consumer credit, public benefits, immigration,
22 administrative, bankruptcy, property, estate, civil
23 rights, employment, disciplinary, civil relief, restitu-
24 tion, and any civil legal matters arising from the ef-
25 fects of the assault or abuse or otherwise related to

1 the health, safety, or economic well-being of the vic-
2 tim;

3 (3) the development of partnerships between
4 domestic violence and sexual assault programs and
5 civil legal assistance providers, including bar-spon-
6 sored pro bono projects and low-cost representation
7 programs designed to serve victims of domestic vio-
8 lence and sexual assault;

9 (4) the improvement of court and administra-
10 tive handling of pro se cases involving victims of do-
11 mestic violence and sexual assault;

12 (5) efforts to enhance the availability and qual-
13 ity of civil legal representation through increasing
14 law school programs on domestic violence and sexual
15 assault;

16 (6) the development of training or technical as-
17 sistance programs on State, tribal, or local levels to
18 improve the civil justice system's response to domes-
19 tic violence and sexual assault; and

20 (7) the provision of civil legal assistance for the
21 nonabusive parent in cases where the custody and
22 visitation of children subjected to child sexual abuse
23 is sought or challenged by the abusive parent or pro-
24 vision of civil legal assistance for the nonabusive
25 parent in any child welfare or abuse and neglect pro-

1 ceedings involving children subjected to sexual
2 abuse.

3 **SEC. 104. APPLICATION.**

4 To be eligible for a grant under section 103(c), appli-
5 cants shall comply with the following:

6 (1) For entities primarily serving domestic vio-
7 lence victims, offer comprehensive family law serv-
8 ices at a minimum and may also provide a broader
9 range of civil legal services. Applicants that have not
10 previously provided family law services may partner
11 with any other eligible grantee with the capacity to
12 provide these services in order to satisfy this require-
13 ment.

14 (2) For entities described in paragraphs (5)
15 through (9) of section 103(a), consult and coordi-
16 nate with a nonprofit, nongovernmental victim serv-
17 ices program including a local, State, or tribal sexual
18 assault or domestic violence victim services program.

19 (3) Certify in writing that—

20 (A) any person providing civil legal assist-
21 ance through a program funded under section
22 103(c) has completed or will complete training
23 on the dynamics of domestic violence or sexual
24 assault and related legal issues;

1 (B) any training program conducted in
2 satisfaction of the requirement of subparagraph
3 (A) has been or will be developed with input
4 from and in collaboration with a State, local, or
5 tribal domestic violence or sexual assault pro-
6 gram or coalition;

7 (C) any person or organization providing
8 civil legal assistance through a program funded
9 under section 103(c) has informed or will in-
10 form State, local, or tribal domestic violence or
11 sexual assault programs or coalitions of their
12 work; and

13 (D) the grantee's organizational policies do
14 not require or encourage mediation or coun-
15 seling involving offenders and victims, in cases
16 where sexual assault, domestic violence, or child
17 sexual abuse is an issue.

18 **SEC. 105. FUNDING.**

19 (a) **FUNDING LEVELS.**—There are authorized to be
20 appropriated for grants under section 103(c)—

- 21 (1) \$60,000,000 for fiscal year 2001;
- 22 (2) \$70,000,000 for fiscal year 2002;
- 23 (3) \$84,000,000 for fiscal year 2003;
- 24 (4) \$102,000,000 for fiscal year 2004; and
- 25 (5) \$124,000,000 for fiscal year 2005.

1 (b) ALLOCATION OF FUNDS.—Of the total amounts
2 appropriated under subsection (a) in any fiscal year—

3 (1) at least 65 percent shall be allocated to
4 projects that provide direct services to victims of do-
5 mestic violence and sexual assault;

6 (2) at least 5 percent shall be used for grants
7 for tribes and tribally recognized organizations;

8 (3) no more than 10 percent shall be awarded
9 to technical assistance and training initiatives;

10 (4) no more than 5 percent shall be awarded to
11 evaluation;

12 (5) 5 percent shall be utilized for the costs of
13 administration of this program; and

14 (6) at least 25 percent of the funds used for di-
15 rect services, training, and technical assistance shall
16 be used to support projects focused solely or pri-
17 marily on civil legal assistance for victims of sexual
18 assault.

19 (c) DISCRIMINATION.—Activities funded under sec-
20 tion 103(c) shall be conducted pursuant to any applicable
21 Federal, State, or local law governing discrimination on
22 the basis of race, color, national origin, religion, sex, or
23 disability, and shall be subject to section 307(a)(2) of the
24 Family Violence Prevention and Services Act (42 U.S.C.
25 10406(a)(2)). Entities funded under section 103(c) shall

1 not be restricted from providing services because of the
2 age, immigration status, or sexual orientation of the per-
3 sons seeking services.

4 **SEC. 106. EVALUATION OF ACCESS TO SAFETY AND ADVOCACY GRANTS.**
5

6 The Attorney General may evaluate the grants fund-
7 ed under section 103(c) through contracts or other ar-
8 rangements with entities expert on sexual assault or do-
9 mestic violence and evaluation research.

10 **SEC. 107. DEFINITIONS.**

11 For purposes of this title:

12 (1) DOMESTIC VIOLENCE.—The term “domestic
13 violence” includes acts or threats of violence, and
14 stalking, not including acts of self-defense, com-
15 mitted by a current or former spouse of the victim,
16 by a person with whom the victim shares a child in
17 common, by a person who is cohabiting with or has
18 cohabited with the victim, by a person who is or has
19 been in a social relationship of a romantic or inti-
20 mate nature with the victim, by a person similarly
21 situated to a spouse of the victim under the domestic
22 violence or family violence laws of the jurisdiction, or
23 by any other person against a victim who is pro-
24 tected from that person’s acts under the domestic or
25 family violence laws of the jurisdiction.

1 (2) NONPROFIT DOMESTIC VIOLENCE VICTIM
2 SERVICE PROGRAM.—The term “nonprofit domestic
3 violence victim service program” means a nonprofit
4 nongovernmental organization, the primary purpose
5 of which is to provide advocacy on behalf of and
6 comprehensive services to victims of domestic vio-
7 lence, including some combination of the following:
8 crisis hotlines, shelter or safe homes, transitional
9 housing, counseling, systems advocacy, safety plan-
10 ning, information and referral, and legal assistance.

11 (3) SEXUAL ASSAULT.—The term “sexual as-
12 sault” means any conduct proscribed by chapter
13 109A of title 18, United States Code, whether or not
14 the conduct occurs in the special maritime and terri-
15 torial jurisdictions or tribal jurisdictions of the
16 United States or in a Federal prison and includes
17 both assaults committed by offenders who are
18 strangers to the victim and assaults committed by
19 offenders who are known to the victim or related by
20 blood or marriage to the victim.

21 (4) NONPROFIT SEXUAL ASSAULT VICTIM SERV-
22 ICE PROGRAM.—The term “nonprofit sexual assault
23 victim service program” means a nonprofit, non-
24 governmental organization, the primary purpose of
25 which is to provide advocacy on behalf of and com-

1 prehensive services to victims of sexual assault in-
2 cluding some combination of the following: crisis
3 hotlines; counseling; systems advocacy; transpor-
4 tation; safety planning; information; and referrals to
5 legal assistance.

6 (5) LAW SCHOOL PROGRAM.—The term “law
7 school program” means an internship, externship,
8 clinic, or other legal representation program or ini-
9 tiative located at an accredited school of law which
10 has as its primary purpose the provision of civil legal
11 representation, information, or assistance to victims
12 of domestic violence and sexual assault;

13 (6) STATE OR LOCAL COALITION OF DOMESTIC
14 VIOLENCE PROGRAMS.—The term “State or local co-
15 alition of domestic violence programs” means a pri-
16 vate, nonprofit, nongovernmental membership orga-
17 nization of domestic violence programs that, among
18 the other activities, provides training and technical
19 assistance to domestic violence programs within the
20 State, commonwealth, territory, local government, or
21 lands under military or Federal authority.

22 (7) STATE OR LOCAL COALITION OF SEXUAL
23 ASSAULT PROGRAMS.—The term “State or local coa-
24 alition of sexual assault programs” means a private
25 nonprofit, nongovernmental membership organiza-

1 tion that, among other activities, provides training
2 and technical assistance to sexual assault programs
3 within the State, commonwealth, territory, or lands
4 under military, Federal, or tribal authority.

5 (8) TRIBALLY RECOGNIZED ORGANIZATION.—

6 The term “tribally recognized organization” means a
7 tribally chartered organization or a nonprofit organi-
8 zation operating within the boundaries of an Indian
9 reservation or serving primarily Indian or Alaska
10 Native populations whose governing body reflects the
11 populations served.

12 (9) TRIBAL COALITION OF DOMESTIC VIOLENCE

13 PROGRAMS.—The term “tribal coalition of domestic
14 violence programs” means a private nonprofit coali-
15 tion whose membership includes representatives
16 from a majority of the programs for victims of do-
17 mestic violence operating within the boundaries of
18 an Indian reservation and programs whose primary
19 purpose is serving the population of such Indian
20 country, and show board memberships representative
21 of such programs.

1 **TITLE II—ACCESS TO SAFETY**
2 **AND ADVOCACY FOR BAT-**
3 **TERED IMMIGRANTS**

4 **SEC. 201. BATTERED IMMIGRANTS.**

5 Section 1006 of the Legal Services Corporation Act
6 (42 U.S.C. 2996e) is amended by adding at the end the
7 following:

8 “(g) A recipient of funds from the Corporation shall
9 not be prohibited from—

10 “(1) using funds derived from a source other
11 than the Corporation to provide legal assistance to
12 any alien who has been battered or subjected to ex-
13 treme cruelty to prevent or obtain relief from such
14 battery or cruelty; and

15 “(2) using Corporation funds to provide legal
16 assistance to any alien who has been battered or
17 subjected to extreme cruelty who qualifies for classi-
18 fication under clause (iii), (iv), (v), or (vi) of section
19 204(a)(1)(A) of the Immigration and Nationality
20 Act (8 U.S.C. 1154(a)(1)(A)), clause (ii), (iii), or
21 (iv) of section 204(a)(1)(B) of such Act (8 U.S.C.
22 1154(a)(1)(B)), or subsection (b)(2) of section 240A
23 of such Act (8 U.S.C. 1229b) or section 244(a)(3)
24 of the Immigration and Nationality Act (as in effect
25 before the title III–A effective date in section 309 of

1 the Illegal Immigration Reform and Immigrant Re-
2 sponsibility Act of 1996 (8 U.S.C. 1101 note) to
3 prevent or obtain relief from such battery or cru-
4 elty.”.

5 **SEC. 202. PRIOR GRANTEES OF CIVIL LEGAL ASSISTANCE**
6 **PROGRAM**

7 (a) SECTION 502.—Section 502 of the Departments
8 of Commerce, Justice and State, the Judiciary, and Re-
9 lated Agencies Appropriations Act, 1998 (Public Law
10 105–119; 111 Stat. 2440, 2453 (1997)), is amended by
11 adding inserting “, including civil legal assistance for any
12 alien who has been battered or subjected to extreme cru-
13 elty to prevent or obtain relief from such battery or cru-
14 elty” after “\$12,000,000 which shall be used exclusively
15 for the purpose of strengthening civil legal assistance for
16 victims of domestic violence”.

17 (b) SECTION 1201.—Section 1201(b) of the Omnibus
18 Consolidated and Emergency Supplemental Appropria-
19 tions Act, 1999 (Public Law 105–277; 112 Stat. 2681–
20 62 (1998)), is amended by adding inserting “, including
21 civil legal assistance for any alien who has been battered
22 or subjected to extreme cruelty to prevent or obtain relief
23 from such battery or cruelty” after “\$23,000,000 which
24 shall be used exclusively for the purpose of strengthening
25 civil legal assistance for victims of domestic violence”.

1 (c) APPENDIX.—Appendix A of the Consolidated Ap-
2 propriations Act, 2000 (Public Law 106–113; 113 Stat.
3 1501, 1501A–15 (1999)), is amended by adding inserting
4 “, including civil legal assistance for any alien who has
5 been battered or subjected to extreme cruelty to prevent
6 or obtain relief from such battery or cruelty” after
7 “\$28,000,000 which shall be used exclusively for the pur-
8 pose of strengthening civil legal assistance programs for
9 victims of domestic violence”.

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