

106TH CONGRESS
1ST SESSION

S. 1069

To provide economic security and safety for battered women, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 14), 1999

Mr. WELLSTONE (for himself, Mrs. MURRAY, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide economic security and safety for battered women, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Battered Women’s Economic Security and Safety Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—DOMESTIC VIOLENCE PREVENTION

Subtitle A—Housing for Victims of Domestic Violence and Sexual Assault

- Sec. 1001. Short title.
- Sec. 1002. Findings.
- Sec. 1003. Definitions.
- Sec. 1004. Housing assistance for victims of domestic violence, stalking, or sexual assault.
- Sec. 1005. Authorization of appropriations.

Subtitle B—Full Faith and Credit for Protection Orders

- Sec. 1011. Full faith and credit for protection orders.
- Sec. 1012. Grant program.

Subtitle C—Victims of Abuse Insurance Protection

- Sec. 1021. Short title.
- Sec. 1022. Definitions.
- Sec. 1023. Discriminatory acts prohibited.
- Sec. 1024. Insurance protocols for subjects of abuse.
- Sec. 1025. Reasons for adverse actions.
- Sec. 1026. Life insurance.
- Sec. 1027. Subrogation without consent prohibited.
- Sec. 1028. Enforcement.
- Sec. 1029. Effective date.

Subtitle D—Access to Safety and Advocacy

- Sec. 1031. Short title.
- Sec. 1032. Purpose.
- Sec. 1033. Definitions.
- Sec. 1034. Grant program.
- Sec. 1035. Provision of technical assistance and training.
- Sec. 1036. Evaluation.
- Sec. 1037. Funding.

Subtitle E—Battered Women’s Shelters and Services

- Sec. 1041. Short title.
- Sec. 1042. Family violence prevention and services improvements.
- Sec. 1043. Model leadership grants; direct emergency assistance; technical assistance and training.
- Sec. 1044. Authorization of appropriations for family violence prevention and services.

Subtitle F—Battered Immigrant Women’s Economic Security and Safety

- Sec. 1051. Purposes.
- Sec. 1052. Waiver of certain removal grounds.
- Sec. 1053. Self-petitioning children of United States citizens.
- Sec. 1054. Self-petitioning children of lawful permanent residents.
- Sec. 1055. Treatment of petitions including derivative children turning 21 years of age.
- Sec. 1056. Protection of battered children and children of battered immigrants for cancellation of removal or suspension of deportation.
- Sec. 1057. Nonapplicability of special rules relating to the treatment of non-213a aliens.
- Sec. 1058. Discretionary first time offender waivers for aliens making child support payments.

- Sec. 1059. Misrepresentation waivers for battered spouses of United States citizens and lawful permanent residents.
- Sec. 1060. Public charge.
- Sec. 1061. Access to naturalization for divorced victims of abuse.
- Sec. 1062. Filing fees.
- Sec. 1063. Access to food stamps and SSI for qualified battered aliens.
- Sec. 1064. Exemption from 5-year bar.
- Sec. 1065. Access to housing for battered immigrants.
- Sec. 1066. Clarifying welfare reporting requirements for benefit applicants.
- Sec. 1067. Conforming definition of “family” used in laws granting welfare access for battered immigrants to State family law.
- Sec. 1068. Ensuring that battered immigrants have access to food stamps and SSI.
- Sec. 1069. Technical correction to qualified alien definition for battered immigrants.
- Sec. 1070. Access to Legal Services Corporation funds.

TITLE II—VIOLENCE AGAINST WOMEN AND THE WORKPLACE

- Sec. 2001. Findings.

Subtitle A—National Clearinghouse on Domestic Violence and Sexual Assault in the Workplace Grant

- Sec. 2011. National clearinghouse on domestic violence and sexual assault in the workplace grant.

Subtitle B—Victims’ Employment Rights

- Sec. 2021. Short title.
- Sec. 2022. Purposes.
- Sec. 2023. Definitions.
- Sec. 2024. Prohibited discriminatory acts.
- Sec. 2025. Enforcement.
- Sec. 2026. Attorney’s fees.

Subtitle C—Workplace Violence Against Women Prevention Tax Credit

- Sec. 2031. Short title.
- Sec. 2032. Credit for costs to employers of implementing workplace safety programs to combat violence against women.

Subtitle D—Employment Protection for Battered Women

- Sec. 2041. Short title and reference.
- Sec. 2042. Purposes.
- Sec. 2043. Unemployment compensation.
- Sec. 2044. Entitlement to leave for addressing domestic violence for non-Federal employees.
- Sec. 2045. Entitlement to leave for addressing domestic violence for Federal employees.
- Sec. 2046. Existing leave usable for domestic violence.
- Sec. 2047. Effect on other laws and employment benefits.
- Sec. 2048. Effective date.

TITLE III—PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE UNDER SOCIAL SECURITY ACT PROGRAMS

Sec. 3001. Waivers for victims of domestic violence under the TANF program.
 Sec. 3002. Disclosure protections under the Child Support Program.
 Sec. 3003. Bonus to build real opportunities for poor families.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 4001. Grants to combat violence against women.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, except as otherwise expressly provided:

3 (1) DOMESTIC VIOLENCE.—The term “domestic
 4 violence” has the meaning given that term in section
 5 2105 of the Omnibus Crime Control and Safe
 6 Streets Act of 1968 (42 U.S.C. 3796hh-4), as
 7 amended by this Act.

8 (2) SEXUAL ASSAULT.—The term “sexual
 9 assault”—

10 (A) means any conduct proscribed by chap-
 11 ter 109A of title 18, United States Code,
 12 whether or not the conduct occurs in the special
 13 maritime and territorial jurisdiction of the
 14 United States or in a Federal prison; and

15 (B) includes both—

16 (i) assaults committed by offenders
 17 who are strangers to the victim; and

18 (ii) assaults committed by offenders
 19 who are known to the victim or related by
 20 blood or marriage to the victim.

21 (3) STALKING.—The term “stalking” means
 22 engaging in a course of conduct directed at a spe-

1 cific person that would cause a reasonable person
2 under the circumstances to have a fear of death, or
3 bodily injury or sexual assault to the person or a
4 member of the immediate family of the person, if—

5 (A) the individual engaging in such con-
6 duct has knowledge or should have knowledge
7 that the conduct will cause the specific person
8 to have that fear; and

9 (B) the conduct causes the specific person
10 to have that fear.

11 **TITLE I—DOMESTIC VIOLENCE**
12 **PREVENTION**

13 **Subtitle A—Housing for Victims of**
14 **Domestic Violence and Sexual**
15 **Assault**

16 **SEC. 1001. SHORT TITLE.**

17 This subtitle may be cited as the “Domestic Violence
18 and Sexual Assault Victims’ Housing Act”.

19 **SEC. 1002. FINDINGS.**

20 Congress makes the following findings:

21 (1) Access to housing can prevent domestic vio-
22 lence and mitigate its effects. The connection be-
23 tween domestic violence and housing is over-
24 whelming. Of all homeless women and children, 50
25 percent are fleeing domestic violence.

1 (2) Among cities surveyed, 44 percent identified
2 domestic violence as a primary cause of homeless-
3 ness.

4 (3) Women's poverty levels aggravate the prob-
5 lems of homelessness and domestic violence. Two out
6 of 3 poor adults are women. Female-headed house-
7 holds are 6 times poorer than male-headed house-
8 holds. In 1996, of the 7,700,000 poor families in the
9 country, 4,100,000 of them were single female-head-
10 ed households. In addition, 5,100,000 poor women
11 who are not in families are poor.

12 (4) Almost 50 percent of the women who re-
13 ceive assistance under the State program funded
14 under part A of title IV of the Social Security Act
15 (42 U.S.C. 601 et seq.) cite domestic violence as a
16 factor in the need for assistance.

17 (5) Many women who flee violence are forced to
18 return to their abusers because of inadequate shelter
19 or lack of money. Even if they leave their abusers
20 to go to a shelter, they often return home because
21 the isolation from familiar surroundings, friends,
22 and neighborhood resources makes them feel even
23 more vulnerable. Shelters and transitional housing
24 facilities are often located far from a domestic vio-
25 lence victim's neighborhood. While this placement

1 may be deliberate to protect domestic violence vic-
2 tims from their abusers, it can also be intimidating
3 and alienating for a woman to leave her home, com-
4 munity, cultural support system, and all that she
5 knows for shelter way across town. Thus, women of
6 color and immigrant women are less likely to become
7 shelter residents.

8 (6) Women who do leave their abusers lack
9 emergency shelter options. The overall number of
10 emergency shelter beds for homeless people is esti-
11 mated to have decreased by an average of 3 percent
12 in 1997 while requests for shelter increased on the
13 average by 3 percent. Emergency shelters struggle to
14 meet the increased need for services with about 32
15 percent of the requests for shelter by homeless fami-
16 lies going unmet. In fact 88 percent of cities re-
17 ported having to turn away homeless families from
18 emergency shelters due to inadequate resources for
19 services.

20 (7) Battered women and their children comprise
21 an increasing proportion of the emergency shelter
22 population. Many emergency shelters have strict
23 time limits that require women to find alternative
24 housing immediately forcing them to separate from
25 their children.

1 (8) A stable, sustainable home base is crucial
2 for women who have left situations of domestic vio-
3 lence and are learning new job skills, participating
4 in educational programs, working full-time jobs, or
5 searching for adequate child care in order to gain
6 self-sufficiency. Transitional housing resources and
7 services provide a continuum between emergency
8 shelter provision and independent living.

9 **SEC. 1003. DEFINITIONS.**

10 In this subtitle:

11 (1) DOMESTIC VIOLENCE.—The term “domestic
12 violence” includes acts or threats of violence, or acts
13 of extreme cruelty (as such term is referred to in
14 section 216 of the Immigration and Nationality Act
15 (8 U.S.C. 1186a)), not including acts of self-defense,
16 committed by—

17 (A) a current or former spouse of the vic-
18 tim;

19 (B) a person with whom the victim shares
20 a child in common;

21 (C) a person who is cohabiting with or has
22 cohabited with the victim;

23 (D) a person who is or has been in a con-
24 tinuing social relationship of a romantic or inti-
25 mate nature with the victim;

1 (E) a person similarly situated to a spouse
2 of the victim under the domestic or family vio-
3 lence laws of the jurisdiction; or

4 (F) any other person against a victim
5 whom is protected from that person's acts
6 under the domestic or family violence laws of
7 the jurisdiction.

8 (2) FAMILY VICTIMIZED BY DOMESTIC VIO-
9 LENCE, STALKING, OR SEXUAL ASSAULT.—

10 (A) IN GENERAL.—The term “family vic-
11 timized by domestic violence, stalking, or sexual
12 assault”—

13 (i) means a family or household that
14 includes an individual who has been deter-
15 mined under subparagraph (B) to have
16 been a victim of domestic violence, stalk-
17 ing, or sexual assault, except that, if the
18 individual determined under subparagraph
19 (B) to be a victim has not attained the age
20 of 18 years, the family or household must
21 also include a parent, stepparent, legal
22 guardian, or other responsible caretaker
23 for the minor; and

1 (ii) does not include any individual
2 who committed the domestic violence,
3 stalking, or sexual assault.

4 (B) DETERMINATION THAT FAMILY OR IN-
5 DIVIDUAL WAS A VICTIM OF DOMESTIC VIO-
6 LENCE, STALKING, OR SEXUAL ASSAULT.—For
7 purposes of subparagraph (A), a determination
8 by under this subparagraph is a determination
9 by an agency or official of a State, Indian tribe,
10 tribal organization, or unit of general local gov-
11 ernment that domestic violence, stalking, or
12 sexual assault has been committed, which deter-
13 mination is based on—

14 (i) information provided by a medical,
15 legal, counseling, or other clinic, shelter,
16 sexual assault program or other program
17 or entity licensed, recognized, or author-
18 ized by the State, Indian tribe, tribal orga-
19 nization, or unit of general local govern-
20 ment to provide services to victims of do-
21 mestic violence, stalking, or sexual assault;

22 (ii) information provided by any agen-
23 cy of the State, Indian tribe, tribal organi-
24 zation, unit of general local government, or
25 qualified, nonprofit, nongovernmental orga-

1 nization that provides or administers the
2 provision of social, medical, legal, or health
3 services;

4 (iii) information provided by any cler-
5 gy;

6 (iv) information provided by any hos-
7 pital, clinic, medical facility, or doctor li-
8 censed or authorized by the State, Indian
9 tribe, tribal organization, or unit of general
10 local government to provide medical serv-
11 ices;

12 (v) a petition, application, or com-
13 plaint filed in any State, Federal, or tribal
14 court or administrative agency, documents
15 or records of action or decision of any
16 court, law enforcement agency, or adminis-
17 trative agency, including any record of any
18 protective order, injunction, or temporary
19 or final order issued by civil or criminal
20 courts, any self-petition or any police re-
21 port; or

22 (vi) any other reliable evidence that
23 domestic violence, stalking, or sexual as-
24 sault has occurred.

1 (C) SUFFICIENCY OF VICTIM STATE-
2 MENT.—In making a determination under sub-
3 paragraph (B), the sworn statement of a victim
4 that domestic violence, stalking, or sexual as-
5 sault has occurred shall be sufficient unless the
6 agency or official has an independent, reason-
7 able basis to find the individual not credible.

8 (3) INDIAN TRIBE.—The term “Indian tribe”
9 has the meaning given that term in section 2002(3)
10 of the Omnibus Crime Control and Safe Streets Act
11 of 1968 (42 U.S.C. 3796gg-2(3)).

12 (4) QUALIFIED, NONPROFIT, NONGOVERN-
13 MENTAL ORGANIZATION.—The term “qualified, non-
14 profit, nongovernmental organization” means a pri-
15 vate organization that—

16 (A) is organized, or has as 1 of its primary
17 purposes, to provide emergency shelter, transi-
18 tional housing, or permanent housing for vic-
19 tims of domestic violence, stalking, or sexual as-
20 sault or is a medical, legal, counseling, social,
21 psychological, health, job training, educational,
22 life skills development, or other clinical services
23 program for victims of domestic violence, stalk-
24 ing, or sexual assault that undertakes a collabo-
25 rative project with a qualified, nonprofit, non-

1 governmental organization that primarily pro-
2 vides emergency shelter, transitional housing, or
3 permanent housing for low-income people;

4 (B) is organized under State, tribal, or
5 local laws;

6 (C) has no part of its net earnings inuring
7 to the benefit of any member, shareholder,
8 founder, contributor, or individual;

9 (D) is approved by the Secretary as to fi-
10 nancial responsibility; and

11 (E) demonstrates experience in providing
12 services to victims of domestic violence, stalk-
13 ing, or sexual assault.

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of Housing and Urban Development.

16 (6) SEXUAL ASSAULT.—The term “sexual
17 assault”—

18 (A) means any conduct proscribed by chap-
19 ter 109A of title 18, United States Code,
20 whether or not the conduct occurs in the special
21 maritime and territorial jurisdiction of the
22 United States, on an Indian reservation, or in
23 a Federal prison; and

24 (B) includes—

1 (i) both assaults committed by offend-
2 ers who are strangers to the victims and
3 assaults committed by offenders who are
4 known to the victims or related by blood or
5 marriage to the victim; and

6 (ii) assaults against both adults and
7 children.

8 (7) STALKING.—The term “stalking” means
9 engaging in a course of conduct directed at a spe-
10 cific person that would cause a reasonable person to
11 fear death, sexual assault, or bodily injury to himself
12 or herself or a member of his or her immediate fam-
13 ily, when the person engaging in such conduct has
14 knowledge or should have knowledge that the spe-
15 cific person will be placed in reasonable fear of
16 death, sexual assault, or bodily injury to himself or
17 herself or a member of his or her immediate family
18 and when the conduct induces fear in the specific
19 person of death, sexual assault, or bodily injury to
20 himself or herself or a member of his or her imme-
21 diate family.

22 (8) STATE.—The term “State” means the
23 States of the United States, the District of Colum-
24 bia, the Commonwealth of Puerto Rico, the Com-
25 monwealth of the Northern Mariana Islands, Guam,

1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (9) TRANSITIONAL HOUSING.—The term “tran-
4 sitional housing” includes short-term housing and
5 has the meaning given the term in subchapter IV,
6 part C of the Stewart B. McKinney Homeless As-
7 sistance Act (42 U.S.C. 11384(b)).

8 (10) TRIBAL ORGANIZATION.—The term “tribal
9 organization” means a private, nonprofit, non-
10 governmental, or tribally chartered organization—

11 (A) whose primary purpose is to provide
12 emergency shelter, transitional housing, or per-
13 manent housing or supportive services to indi-
14 viduals or families victimized by domestic vio-
15 lence, stalking, or sexual assault;

16 (B) that operates within the exterior
17 boundaries of an Indian reservation; and

18 (C) whose board of directors reflects the
19 population served.

20 (11) UNIT OF GENERAL LOCAL GOVERN-
21 MENT.—The term “unit of general local govern-
22 ment” has the meaning given that term in section
23 102(a) of the Housing and Community Development
24 Act of 1974 (42 U.S.C. 5302(a)).

1 **SEC. 1004. HOUSING ASSISTANCE FOR VICTIMS OF DOMES-**
2 **TIC VIOLENCE, STALKING, OR SEXUAL AS-**
3 **SAULT.**

4 (a) IN GENERAL.—

5 (1) SUPPORTIVE HOUSING.—The additional
6 amounts authorized under section 2005 to be made
7 available under section 429 of the Stewart B.
8 McKinney Homeless Assistance Act (42 U.S.C.
9 11389) shall be used by the Secretary only to assist
10 qualified, nonprofit, nongovernmental organizations
11 in providing supportive housing (as such term is re-
12 ferred to in subchapter IV of part C of the Stewart
13 B. McKinney Homeless Assistance Act (42 U.S.C.
14 11384)), tenant-based rental assistance, financial as-
15 sistance for security deposit, first month's rent, or
16 ongoing rental assistance on behalf of individuals or
17 families victimized by domestic violence, stalking, or
18 sexual assault who have left or who are leaving a
19 residence as a result of the domestic violence, stalk-
20 ing, or sexual assault.

21 (2) REQUIREMENTS FOR RECIPIENTS.—Each
22 recipient of assistance under this subtitle shall—

23 (A) supplement the assistance provided
24 under this subsection with a 25 percent match
25 of funds for supportive services (as such term
26 is referred to in subchapter IV of part C of the

1 Stewart B. McKinney Homeless Assistance Act
2 (42 U.S.C. 11385)) from sources other than
3 this subsection; and

4 (B) certify to the Secretary its compliance
5 with this subsection, which certification shall in-
6 clude a description of the sources and amounts
7 of such supplemental funds.

8 (b) DETERMINATION.—For purposes of subsection
9 (a), an individual or a family victimized by domestic vio-
10 lence, stalking, or sexual assault shall be considered to
11 have left or to be leaving a residence as a result of domes-
12 tic violence, stalking, or sexual assault if the qualified,
13 nonprofit, nongovernmental organization providing sup-
14 port, including tenant-based rental assistance, financial
15 assistance for security deposit, first month’s rent, or ongo-
16 ing rental assistance under subsection (a) determines that
17 the individual or member of the family who was a victim
18 of the domestic violence, stalking, or sexual assault rea-
19 sonably believes that relocation from such residence will
20 assist in avoiding future domestic violence, stalking, or
21 sexual assault against such individual or another member
22 of the family.

23 (c) ALLOCATION.—

24 (1) NATIONAL COMPETITION.—Subject to para-
25 graphs (2) and (3), the amount made available to

1 carry out this subtitle in each fiscal year shall be al-
2 located by the Secretary on the basis of a national
3 competition among the qualified, nonprofit, non-
4 governmental organizations that submit applications
5 to the Secretary that best demonstrate a need for
6 such assistance, including the extent of service pro-
7 vided to underserved populations (as defined in sec-
8 tion 2003(7) of the Omnibus Crime Control and
9 Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7)))
10 and the ability to undertake and carry out a pro-
11 gram under subsection (a), as the Secretary shall
12 determine.

13 (2) INDIAN ASSISTANCE.—Of the amount made
14 available to carry out this subtitle in each fiscal
15 year, not less than 5 percent shall be used for grants
16 to Indian tribes or Indian tribal organizations that
17 provide emergency shelter, transitional housing, or
18 permanent housing or supportive services to individ-
19 uals or families victimized by domestic violence,
20 stalking, or sexual assault. An Indian tribe or Indian
21 tribal organization that receives a grant with the
22 amount set-aside under this paragraph may apply
23 for and receive other any other grant under this sub-
24 title.

25 (3) REALLOCATION.—

1 (A) IN GENERAL.—If, at the end of the
2 6th month of any fiscal year for which amounts
3 are made available to carry out this subtitle,
4 the amount appropriated has not been made
5 available to a qualified, nonprofit, nongovern-
6 mental organization under subsection (a), the
7 Secretary shall allocate such amount to quali-
8 fied, nonprofit, nongovernmental organizations
9 that are eligible for funding under subchapter
10 IV of part C of the Stewart B. McKinney
11 Homeless Assistance Act (42 U.S.C. 11381 et
12 seq.).

13 (B) AVAILABILITY.—Any amount reallo-
14 cated under subparagraph (A) shall remain
15 available for expenditure until the last day of
16 the fiscal year following the fiscal year during
17 which the amount becomes available for re-
18 allocation under this paragraph.

19 **SEC. 1005. AUTHORIZATION OF APPROPRIATIONS.**

20 To carry out this subtitle, the authorization of appro-
21 priations under section 429(a) of the Stewart B. McKin-
22 ney Homeless Assistance Act (42 U.S.C. 11389(a)) shall
23 be increased by \$50,000,000 for fiscal year 2000 and by
24 such sums as may be necessary for each of fiscal years
25 2000 through 2004.

1 **Subtitle B—Full Faith and Credit**
2 **for Protection Orders**

3 **SEC. 1011. FULL FAITH AND CREDIT FOR PROTECTION OR-**
4 **DERS.**

5 (a) IN GENERAL.—Subsection 2265 of title 18,
6 United States Code, is amended—

7 (1) in subsection (a)—

8 (A) by striking “Any protection” and in-
9 serting the following:

10 “(1) IN GENERAL.—Any protection order”; and

11 (B) by adding at the end the following:

12 “(2) ENFORCEMENT BY TRIBAL COURTS.—

13 “(A) IN GENERAL.—For purposes of en-
14 forcement of a protection order described in
15 subsection (a), a tribal court may exercise civil
16 and criminal jurisdiction over any person, with-
17 out regard to whether that person is an Indian
18 or non-Indian, who violates a protection order
19 within the jurisdiction of the tribal court, if the
20 exercise of jurisdiction is authorized under title
21 II of the Civil Rights Act of 1968 (25 U.S.C.
22 1301 et seq.).

23 “(B) HABEAS CORPUS REVIEW.—The exer-
24 cise of criminal jurisdiction under this para-
25 graph is subject to Federal court habeas corpus

1 review under section 203 of the Civil Rights Act
2 of 1968 (25 U.S.C. 1302) after tribal court
3 remedies are exhausted.

4 “(3) PRESUMPTION OF VALIDITY.—For pur-
5 poses of Federal, State, and tribal law enforcement,
6 a protection order issued by a Federal, State, or
7 tribal court shall be presumed to be valid.”;

8 (2) in subsection (b)—

9 (A) by redesignating paragraphs (1) and
10 (2) as subparagraphs (A) and (B), respectively,
11 and indenting accordingly;

12 (B) by striking “In the case of” and in-
13 serting the following:

14 “(2) EX PARTE ORDERS.—In the case of”;

15 (C) by striking “A protection order” and
16 inserting the following:

17 “(1) IN GENERAL.—A protection order”; and

18 (D) by adding at the end the following:

19 “(3) TRIBAL COURT ORDERS.—For purposes of
20 paragraph (1), a Federal, State, or tribal court may
21 not refuse to enforce a tribal court order on the
22 grounds that the tribal court lacks jurisdiction over
23 the defendant because of the status of the defendant
24 as a non-Indian or an Indian who is not a member
25 of the Indian tribe.”; and

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

2 “(d) RULES OF CONSTRUCTION.—Nothing in this
3 section may be construed—

4 “(1) to require the prior filing or registration of
5 a protection order in the enforcing State or tribal
6 government in order to secure enforcement pursuant
7 to subsection (a);

8 “(2) to permit an enforcing State or tribal gov-
9 ernment to notify the party against whom the order
10 has been made that a protection order has been reg-
11 istered or filed in that State or tribal government;
12 or

13 “(3) to require notification of the party against
14 whom the order was made in order to secure en-
15 forcement by a law enforcement officer pursuant to
16 subsection (a).”.

17 (b) DEFINITIONS.—Section 2266 of title 18, United
18 States Code, is amended—

19 (1) by designating the first 6 undesignated
20 paragraphs as paragraphs (1) through (6), respec-
21 tively;

22 (2) in each of paragraphs (1) through (4), as
23 so designated, by striking the period at the end and
24 inserting a semicolon;

25 (3) in paragraph (3), as so designated—

1 (A) by inserting “issued pursuant to State
2 or tribal divorce and child custody laws” after
3 “custody orders”; and

4 (B) by inserting before the period at the
5 end the following: “, and includes any related
6 child custody or visitation order”; and

7 (4) in paragraph (5), as so designated, by strik-
8 ing the period at the end and inserting “; and”.

9 **SEC. 1012. GRANT PROGRAM.**

10 (a) IN GENERAL.—The Attorney General may award
11 grants to assist States, Indian tribal governments, and
12 units of local government to develop and strengthen effec-
13 tive law enforcement and recordkeeping strategies to assist
14 States, Indian tribal governments, and units of local gov-
15 ernment to enforce protective orders issued by other
16 States, Indian tribal governments, or units of local govern-
17 ment.

18 (b) USES OF FUNDS.—

19 (1) IN GENERAL.—Grants awarded under this
20 section shall be used to provide training and en-
21 hanced technology compatible with existing law en-
22 forcement systems including the National Crime In-
23 formation Center to enforce protection orders.

24 (2) USES OF FUNDS.—Amounts received under
25 this section may be used to train law enforcement,

1 prosecutors, court personnel, victim service pro-
 2 viders, and others responsible for the enforcement of
 3 protection orders, and to develop, install, or expand
 4 data collection and communication systems, includ-
 5 ing computerized systems, linking police, prosecu-
 6 tors, and courts for the purpose of identifying and
 7 tracking protection orders and violations of protec-
 8 tion orders and training.

9 (3) GRANTS TO TRIBAL GOVERNMENTS.—Not
 10 less than 50 percent of the amount made available
 11 under subsection (c) in each fiscal year shall be used
 12 for grants to Indian tribal governments.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 14 authorized to be appropriated to carry out this section,
 15 \$10,000,000 for each of fiscal years 2000 through 2004.

16 **Subtitle C—Victims of Abuse**

17 **Insurance Protection**

18 **SEC. 1021. SHORT TITLE.**

19 This subtitle may be cited as the “Victims of Abuse
 20 Insurance Protection Act”.

21 **SEC. 1022. DEFINITIONS.**

22 In this subtitle:

23 (1) ABUSE.—The term “abuse” means the oc-
 24 currence of 1 or more of the following acts by a cur-

1 rent or former household or family member, intimate
2 partner, or caretaker:

3 (A) Attempting to cause or causing an-
4 other person bodily injury, physical harm, sub-
5 stantial emotional distress, psychological trau-
6 ma, rape, sexual assault, or involuntary sexual
7 intercourse.

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

14 (C) Subjecting another person to false im-
15 prisonment or kidnapping.

16 (D) Attempting to cause or causing dam-
17 age to property so as to intimidate or attempt
18 to control the behavior of another person.

19 (2) HEALTH CARRIER.—The term “health car-
20 rier” means a person that contracts or offers to con-
21 tract on a risk-assuming basis to provide, deliver, ar-
22 range for, pay for or reimburse any of the cost of
23 health care services, including a sickness and acci-
24 dent insurance company, a health maintenance orga-
25 nization, a nonprofit hospital and health service cor-

1 poration or any other entity providing a plan of
2 health insurance, health benefits or health services.

3 (3) INSURED.—The term “insured” means a
4 party named on a policy, certificate, or health ben-
5 efit plan, including an individual, corporation, part-
6 nership, association, unincorporated organization or
7 any similar entity, as the person with legal rights to
8 the benefits provided by the policy, certificate, or
9 health benefit plan. For group insurance, such term
10 includes a person who is a beneficiary covered by a
11 group policy, certificate, or health benefit plan. For
12 life insurance, the term refers to the person whose
13 life is covered under an insurance policy.

14 (4) INSURER.—The term “insurer” means any
15 person, reciprocal exchange, inter insurer, Lloyds in-
16 surer, fraternal benefit society, or other legal entity
17 engaged in the business of insurance, including
18 agents, brokers, adjusters, and third party adminis-
19 trators. The term also includes health carriers,
20 health benefit plans, and life, disability, and prop-
21 erty and casualty insurers.

22 (5) POLICY.—The term “policy” means a con-
23 tract of insurance, certificate, indemnity, suretyship,
24 or annuity issued, proposed for issuance or intended

1 for issuance by an insurer, including endorsements
 2 or riders to an insurance policy or contract.

3 (6) SUBJECT OF ABUSE.—The term “subject of
 4 abuse” means—

5 (A) a person against whom an act of abuse
 6 has been directed;

7 (B) a person who has prior or current in-
 8 juries, illnesses, or disorders that resulted from
 9 abuse; or

10 (C) a person who seeks, may have sought,
 11 or had reason to seek medical or psychological
 12 treatment for abuse, protection, court-ordered
 13 protection, or shelter from abuse.

14 **SEC. 1023. DISCRIMINATORY ACTS PROHIBITED.**

15 (a) IN GENERAL.—No insurer may, directly or indi-
 16 rectly, engage in any of the following acts or practices on
 17 the basis that the applicant or insured, or any person em-
 18 ployed by the applicant or insured or with whom the appli-
 19 cant or insured is known to have a relationship or associa-
 20 tion, is, has been, or may be the subject of abuse or has
 21 incurred or may incur abuse-related claims:

22 (1) Denying, refusing to issue, renew or reissue,
 23 or canceling or otherwise terminating an insurance
 24 policy or health benefit plan.

1 (2) Restricting, excluding, or limiting insurance
2 coverage for losses or denying a claim, except as oth-
3 erwise permitted or required by State laws relating
4 to life insurance beneficiaries.

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

7 (b) PROHIBITION ON LIMITATION ON CLAIMS.—No
8 insurer may, directly or indirectly, deny or limit payment
9 of a claim incurred by an innocent insured as a result of
10 abuse.

11 (c) PROHIBITION ON TERMINATION.—

12 (1) IN GENERAL.—No insurer or health carrier
13 may terminate health coverage for a subject of abuse
14 because coverage was originally issued in the name
15 of the abuser and the abuser has divorced, separated
16 from, or lost custody of the subject of abuse or the
17 abuser's coverage has terminated voluntarily or in-
18 voluntarily and the subject of abuse does not qualify
19 for an extension of coverage under part 6 of subtitle
20 B of title I of the Employee Retirement Income Se-
21 curity Act of 1974 (29 U.S.C. 1161 et seq.) or sec-
22 tion 4980B of the Internal Revenue Code of 1986.

23 (2) PAYMENT OF PREMIUMS.—Nothing in para-
24 graph (1) shall be construed to prohibit the insurer
25 from requiring that the subject of abuse pay the full

1 premium for the subject's coverage under the health
2 plan if the requirements are applied to all insured
3 of the health carrier.

4 (3) EXCEPTION.—An insurer may terminate
5 group coverage to which this subsection applies after
6 the continuation coverage period required by this
7 subsection has been in force for 18 months if it of-
8 fers conversion to an equivalent individual plan.

9 (4) CONTINUATION COVERAGE.—The continu-
10 ation of health coverage required by this subsection
11 shall be satisfied by any extension of coverage under
12 part 6 of subtitle B of title I of the Employee Re-
13 tirement Income Security Act of 1974 (29 U.S.C.
14 1161 et seq.) or section 4980B of the Internal Rev-
15 enue Code of 1986 provided to a subject of abuse
16 and is not intended to be in addition to any exten-
17 sion of coverage otherwise provided for under such
18 part 6 or section 4980B.

19 (d) USE OF INFORMATION.—

20 (1) LIMITATION.—

21 (A) IN GENERAL.—In order to protect the
22 safety and privacy of subjects of abuse, no per-
23 son employed by or contracting with an insurer
24 or health benefit plan may—

1 (i) use, disclose, or transfer informa-
2 tion relating to abuse status, acts of abuse,
3 abuse-related medical conditions or the ap-
4 plicant's or insured's status as a family
5 member, employer, or associate, person in
6 a relationship with a subject of abuse for
7 any purpose unrelated to the direct provi-
8 sion of health care services unless such
9 use, disclosure, or transfer is required by
10 an order of an entity with authority to reg-
11 ulate insurance or an order of a court of
12 competent jurisdiction; or

13 (ii) disclose or transfer information
14 relating to an applicant's or insured's loca-
15 tion or telephone number or the location
16 and telephone number of a shelter for sub-
17 jects of abuse, unless such disclosure or
18 transfer—

19 (I) is required in order to provide
20 insurance coverage; and

21 (II) does not have the potential
22 to endanger the safety of a subject of
23 abuse.

24 (B) RULE OF CONSTRUCTION.—Nothing in
25 this paragraph may be construed to limit or

1 preclude a subject of abuse from obtaining the
2 subject's own insurance records from an in-
3 surer.

4 (2) **AUTHORITY OF SUBJECT OF ABUSE.**—A
5 subject of abuse, at the absolute discretion of the
6 subject of abuse, may provide evidence of abuse to
7 an insurer for the limited purpose of facilitating
8 treatment of an abuse-related condition or dem-
9 onstrating that a condition is abuse-related. Nothing
10 in this paragraph shall be construed as authorizing
11 an insurer or health carrier to disregard such pro-
12 vided evidence.

13 **SEC. 1024. INSURANCE PROTOCOLS FOR SUBJECTS OF**
14 **ABUSE.**

15 Insurers shall develop and adhere to written policies
16 specifying procedures to be followed by employees, con-
17 tractors, producers, agents and brokers for the purpose
18 of protecting the safety and privacy of a subject of abuse
19 and otherwise implementing this subtitle when taking an
20 application, investigating a claim, or taking any other ac-
21 tion relating to a policy or claim involving a subject of
22 abuse.

23 **SEC. 1025. REASONS FOR ADVERSE ACTIONS.**

24 An insurer that takes an action that adversely affects
25 a subject of abuse, shall advise the subject of abuse appli-

1 cant or insured of the specific reasons for the action in
2 writing. For purposes of this section, reference to general
3 underwriting practices or guidelines shall not constitute
4 a specific reason.

5 **SEC. 1026. LIFE INSURANCE.**

6 Nothing in this subtitle shall be construed to prohibit
7 a life insurer from declining to issue a life insurance policy
8 if the applicant or prospective owner of the policy is or
9 would be designated as a beneficiary of the policy, and
10 if—

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

13 (2) the applicant or prospective owner of the
14 policy is known, on the basis of police or court
15 records, to have committed an act of abuse against
16 the proposed insured.

17 **SEC. 1027. SUBROGATION WITHOUT CONSENT PROHIBITED.**

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

20 **SEC. 1028. ENFORCEMENT.**

21 (a) FEDERAL TRADE COMMISSION.—

22 (1) IN GENERAL.—The Federal Trade Commis-
23 sion shall have the power to examine and investigate
24 any insurer to determine whether such insurer has

1 been or is engaged in any act or practice prohibited
2 by this subtitle.

3 (2) CEASE AND DESIST ORDERS.—If the Fed-
4 eral Trade Commission determines an insurer has
5 been or is engaged in any act or practice prohibited
6 by this subtitle, the Commission may take action
7 against such insurer by the issuance of a cease and
8 desist order as if the insurer was in violation of sec-
9 tion 5 of the Federal Trade Commission Act. Such
10 cease and desist order may include any individual re-
11 lief warranted under the circumstances, including
12 temporary, preliminary, and permanent injunctive
13 and compensatory relief.

14 (b) PRIVATE CAUSE OF ACTION.—

15 (1) IN GENERAL.—An applicant or insured who
16 believes that the applicant or insured has been ad-
17 versely affected by an act or practice of an insurer
18 in violation of this subtitle may maintain an action
19 against the insurer in a Federal or State court of
20 original jurisdiction.

21 (2) RELIEF.—Upon proof of such conduct by a
22 preponderance of the evidence in an action described
23 in paragraph (1), the court may award appropriate
24 relief, including temporary, preliminary, and perma-
25 nent injunctive relief and compensatory and punitive

1 damages, as well as the costs of suit and reasonable
2 fees for the aggrieved individual’s attorneys and ex-
3 pert witnesses.

4 (3) **STATUTORY DAMAGES.**—With respect to
5 compensatory damages in an action described in
6 paragraph (1), the aggrieved individual may elect, at
7 any time prior to the rendering of final judgment, to
8 recover in lieu of actual damages, an award of statu-
9 tory damages in the amount of \$5,000 for each vio-
10 lation.

11 **SEC. 1029. EFFECTIVE DATE.**

12 This subtitle shall apply with respect to any action
13 taken on or after the date of enactment of this Act, except
14 that section 2024 shall only apply to actions taken after
15 the expiration of 60 days after such date of enactment.

16 **Subtitle D—Access to Safety and**
17 **Advocacy**

18 **SEC. 1031. SHORT TITLE.**

19 This subtitle may be cited as the “Access to Safety
20 and Advocacy Act”.

21 **SEC. 1032. PURPOSE.**

22 The purpose of this subtitle is to enhance safety and
23 justice for victims of domestic violence throughout the
24 United States through improved access to the justice sys-
25 tem and improved legal assistance.

1 **SEC. 1033. DEFINITIONS.**

2 In this subtitle:

3 (1) **DOMESTIC VIOLENCE PROGRAM.**—The term
4 “domestic violence program” means a nonprofit,
5 nongovernmental organization, the primary purpose
6 of which is to provide advocacy on behalf of and
7 comprehensive services to victims of domestic vio-
8 lence, including—

- 9 (A) crisis hotlines;
- 10 (B) shelter or safe homes;
- 11 (C) transitional housing;
- 12 (D) task forces or coordinating councils;
- 13 (E) food assistance;
- 14 (F) counseling;
- 15 (G) systems advocacy;
- 16 (H) transportation;
- 17 (I) safety planning;
- 18 (J) information and referral; and
- 19 (K) legal advocacy and representation.

20 (2) **ELIGIBLE GRANTEE.**—The term “eligible
21 grantee” means any—

- 22 (A) domestic violence program;
- 23 (B) State, tribal, or local bar association;
- 24 (C) law school clinical program;
- 25 (D) nonprofit legal service;
- 26 (E) court-based pro se program;

1 (F) bar association or domestic violence
2 legal information and referral service or hotline;
3 or

4 (G) State or tribal coalition of domestic vi-
5 olence programs.

6 (3) 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 legal rep-
11 resentation, information, or assistance to victims of
12 domestic violence directed at stopping the violence,
13 enhancing victim safety, achieving economic justice,
14 or protecting child victims of domestic violence.

15 (4) LEGAL ASSISTANCE.—The term “legal as-
16 sistance” includes—

17 (A) direct representation of and assistance
18 to victims of domestic violence in any civil ac-
19 tion, administrative proceeding, criminal case in
20 which the defendant advances a claim of duress
21 or a defense of self or other, or clemency pro-
22 ceeding, from intake through adjudication, en-
23 forcement, and appeal, directed at stopping the
24 violence, enhancing victim safety, assuring eco-

1 nomic protection and well-being, and protecting
2 child victims of domestic violence; and

3 (B) legal advocacy, including issue identi-
4 fication, safety planning, evaluating options,
5 policy analysis, representation enhancement,
6 outreach activities, accompaniment, informa-
7 tion, directories, and referral, monitoring the
8 civil and criminal justice process, and coordi-
9 nating among legal, social, and health care sys-
10 tems, offered by personnel of domestic violence
11 programs, that is directed at stopping the vio-
12 lence, enhancing victim safety, assuring eco-
13 nomic protection and well-being, or protecting
14 child victims of domestic violence.

15 (5) NONPROFIT DIRECT LEGAL SERVICES.—The
16 term “nonprofit direct legal services” means a non-
17 profit legal organization that has as its primary pur-
18 pose the provision of legal assistance persons on a
19 no-cost, sliding scale, deferred payment or fixed fee
20 basis on civil or criminal legal matters and which
21 provides specialized representation to victims of do-
22 mestic violence directed at stopping the violence, en-
23 hancing victim safety, achieving economic justice, or
24 protecting child victims of domestic violence.

1 (6) PRO BONO PROGRAM.—The term “pro bono
2 program” means a program affiliated with a State,
3 tribal, or local court, bar association, nonprofit di-
4 rect legal services organization or a domestic vio-
5 lence program that offers no-cost representation,
6 legal educational programs or information and refer-
7 ral services to victims of domestic violence directed
8 at stopping the violence, enhancing victim safety,
9 achieving economic justice, or protecting child vic-
10 tims of domestic violence.

11 (7) PRO SE PROGRAM.—The term “pro se pro-
12 gram” means a program based in a State, tribal, or
13 local court, a nonprofit direct legal services organiza-
14 tion, or a domestic violence program, in order to as-
15 sist victims of domestic violence—

16 (A) in preparation and filing of court
17 pleadings, forms, memos, proposed orders, and
18 related documents, in effecting service and in
19 representation of themselves in any civil or ad-
20 ministrative matters or proceedings directed at
21 stopping the violence, enhancing victim safety,
22 achieving economic justice, or protecting child
23 victims of domestic violence;

24 (B) to develop comprehensive safety plans;
25 and

1 (C) to offer information and referral serv-
2 ices.

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

9 (9) STATE, TRIBAL, OR LOCAL BAR ASSOCIA-
10 TION.—The term “State, tribal, or local bar associa-
11 tion” means a State, tribal, or local association of
12 attorneys of a specified geographic area whose mem-
13 bers are licensed to practice in the jurisdiction or ju-
14 risdictions, as applicable, and that offers informa-
15 tion, referral, or pro bono legal services to victims of
16 domestic violence related to civil actions, administra-
17 tive proceedings and criminal defense directed at
18 stopping the violence, enhancing victim safety,
19 achieving economic justice, or protecting child vic-
20 tims of domestic violence.

21 (10) STATE COALITION OF DOMESTIC VIOLENCE
22 PROGRAMS.—The term “State coalition of domestic
23 violence programs” means a private, nonprofit state-
24 wide membership organization of domestic violence
25 programs that, among other activities, provides

1 training and technical assistance to domestic vio-
2 lence programs within the State, Commonwealth,
3 territory, or lands under Federal military or tribal
4 authority.

5 (11) TRIBAL COALITION OF DOMESTIC VIO-
6 LENCE PROGRAMS.—The term “tribal coalition of
7 domestic violence programs” means a private non-
8 profit coalition whose membership includes rep-
9 resentatives from a majority of the programs for vic-
10 tims of domestic violence operating within the
11 boundaries of an Indian reservation and programs
12 whose primary purpose is serving the population of
13 such Indian country, and whose board membership
14 is representative of such programs.

15 (12) TRIBAL ORGANIZATION.—The term “tribal
16 organization” means a tribally chartered organiza-
17 tion operating within the boundaries of an Indian
18 reservation whose governing body reflects the popu-
19 lations served.

20 **SEC. 1034. GRANT PROGRAM.**

21 (a) GRANT AUTHORITY.—The Attorney General may
22 award grants to eligible grantees in accordance with this
23 section, which shall be used to further the health, safety,
24 and economic needs of victims of domestic violence, re-
25 gardless of the race, ethnicity, gender, sexual orientation,

1 religion, or immigration status of those victims, through
2 the provision of legal assistance to those victims.

3 (b) APPLICATION REQUIREMENTS.—

4 (1) IN GENERAL.—Subject to paragraph (2), in
5 order to receive a grant under this section, an eligi-
6 ble grantee shall—

7 (A) with respect to any eligible grantee de-
8 scribed in subparagraphs (B) through (F) of
9 section 2033(2), include documentation of an
10 ongoing partnership and working relationship
11 with a domestic violence program or State or
12 tribal coalition of domestic violence programs;

13 (B) demonstrate a history of providing di-
14 rect legal or advocacy services in a manner that
15 is accountable to the community served; and

16 (C) certify in writing that—

17 (i) any person providing direct legal
18 representation or advocacy through a pro-
19 gram funded under this section has com-
20 pleted training on domestic violence law
21 and practice;

22 (ii) any training program conducted in
23 satisfaction of the requirement of clause (i)
24 will be developed with input from and in
25 collaboration with a domestic violence pro-

1 gram or State of tribal coalition of domes-
2 tic violence programs;

3 (iii) the applicant agency will, to the
4 maximum extent practicable, petition for
5 the shifting of litigation costs to the
6 abuser;

7 (iv) the applicant agency does not re-
8 quire clients to engage in mediation or en-
9 courage mediation in domestic violence
10 cases or related civil matters;

11 (v) any person providing direct legal
12 representation or advocacy through a pro-
13 gram funded under this section has in-
14 formed the appropriate State or tribal do-
15 mestic violence coalitions of their work and
16 participates in any statewide networking
17 among legal assistance providers to victims
18 of domestic violence; and

19 (vi) the applicant agency's policies
20 and practices do not encourage victims to
21 seek or obtain the insurance of mutual or-
22 ders of protection.

23 (2) WAIVER.—

1 (A) IN GENERAL.—The Attorney General
2 may waive the requirements of paragraph (1)
3 for good cause, if the applicant—

4 (i) is seeking a grant to fund activities
5 described in paragraphs (1) through (5) of
6 subsection (c);

7 (ii) cannot meet all of the conditions
8 described in clauses (i) through (vi) of
9 paragraph (1)(C); and

10 (iii) demonstrates a commitment to
11 improved access to the justice system for
12 victims of domestic violence.

13 (B) APPLICATION FOR WAIVER.—An eligi-
14 ble grantee seeking a waiver under this para-
15 graph shall submit to the Attorney General an
16 application that—

17 (i) contains a certification by the ap-
18 plicant's chief executive officer or its des-
19 ignee that the applicant is seeking a waiver
20 under this paragraph; and

21 (ii) describes plans to further the pur-
22 poses as stated in paragraphs (1) through
23 (6) of subsection (c).

24 (c) PURPOSES.—Grants awarded under this section
25 may be used to—

- 1 (1) enhance the availability and quality of legal
2 representation to victims of domestic violence in civil
3 actions, criminal defense, administrative pro-
4 ceedings, and other courts;
- 5 (2) strengthen and expand legal advocacy pro-
6 grams for victims of domestic violence;
- 7 (3) encourage the development of partnerships
8 between domestic violence programs and the full
9 spectrum of legal representation and advocacy pro-
10 grams, including—
- 11 (A) private practitioners;
- 12 (B) government and public sector attor-
13 neys;
- 14 (C) direct legal services programs;
- 15 (D) bar associations;
- 16 (E) legal hotlines; and
- 17 (F) law school programs;
- 18 (4) increase the participation of the private bar
19 in pro bono and low-cost representation of and as-
20 sistance to victims of domestic violence;
- 21 (5) improve judicial and administrative han-
22 dling of cases involving victims of domestic violence;
- 23 and

1 (6) improve legal education on domestic vio-
2 lence in law schools and in continuing professional
3 education programs.

4 (d) MATCHING REQUIREMENT.—The Attorney Gen-
5 eral may not award a grant to an eligible grantee under
6 this section unless the eligible grantee agrees that, with
7 respect to the costs to be incurred by the eligible grantee
8 in carrying out the program for which the grant was
9 awarded, the State will make available (directly or through
10 donations from public or private entities) non-Federal con-
11 tributions in an amount not to exceed 20 percent of Fed-
12 eral funds provided under the grant, except that grantees
13 who are nonprofit, nongovernmental organizations shall be
14 exempt from this matching requirement.

15 (e) NONSUPPLANTATION.—Federal funds received
16 under this section shall be used to supplement, not sup-
17 plant, other Federal and non-Federal funds that would
18 otherwise be available for expenditure on activities de-
19 scribed in this section. Amounts made available under this
20 section may be used to fund new programs or to expand
21 or enhance existing programs.

1 **SEC. 1035. PROVISION OF TECHNICAL ASSISTANCE AND**
2 **TRAINING.**

3 The Attorney General may provide, either directly or
4 through contract or other arrangements with 1 or more
5 other entities—

6 (1) technical assistance to further the purpose
7 of this subtitle, including—

8 (A) consultation to and problem-solving
9 with any grantee related to the implementation
10 of grants;

11 (B) litigation support for advocates, attor-
12 neys, and grantee programs, including the es-
13 tablishment of an archive and database related
14 to trial memos, briefs, and case law on civil, ad-
15 ministrative, and criminal matters on domestic
16 violence;

17 (C) the development of materials to assist
18 in the education of legal advocates, law stu-
19 dents, and attorneys on providing services to
20 victims of domestic violence and their children;

21 (D) the development of information pack-
22 ets on mentoring programs for building the ca-
23 pacity of advocates and attorneys to enhance
24 the quality of services to victims of domestic vi-
25 olence;

1 (E) the identification of promising prac-
2 tices for partnerships between direct legal serv-
3 ices programs, the private bar, and law schools
4 with domestic violence programs to enhance
5 legal advocacy and representation of victims of
6 domestic violence and their children; and the
7 development of protocols or program guidelines
8 for partnership initiatives; and

9 (F) the development of statewide databases
10 and a national clearinghouse and database re-
11 lating to the provision of advocacy and rep-
12 resentation for victims of domestic violence; and

13 (2) training to further the purpose of this sub-
14 title, including—

15 (A) training to educate legal advocates and
16 attorneys about stopping the violence, enhanc-
17 ing victim safety, achieving economic justice,
18 and protecting child victims and witnesses of
19 domestic violence, including—

20 (i) the identification and development
21 of training materials on an array of civil,
22 administrative, and criminal issues related
23 to domestic violence; and

24 (ii) the provision of site, regional, or
25 national consultations and training of ad-

1 vocates, attorneys, or law faculty on do-
2 mestic violence advocacy and representa-
3 tion; and

4 (B) training relating to—

5 (i) legal strategies and practice issues
6 in civil, administrative, and criminal cases
7 and in enforcement proceedings relating to
8 domestic violence;

9 (ii) safety planning for victims and
10 their children;

11 (iii) statutory, regulatory, and case
12 law which affect or protect victims of do-
13 mestic violence and their children;

14 (iv) coordinating efforts in civil, crimi-
15 nal, administrative, and other proceedings
16 affecting a victim of domestic violence or
17 the victim's family;

18 (v) developing partnerships for advo-
19 cacy and representation for victims of do-
20 mestic violence; and

21 (vi) creating multidisciplinary, com-
22 munity-based approaches to enhance legal
23 advocacy and representation in justice-
24 seeking efforts for victims of domestic vio-
25 lence.

1 **SEC. 1036. EVALUATION.**

2 The Attorney General may evaluate impact of the
3 grants awarded under this subtitle through contract or
4 other arrangement with 1 or more other entities that have
5 expertise in domestic violence and evaluation research.

6 **SEC. 1037. FUNDING.**

7 (a) IN GENERAL.—There are authorized to be appro-
8 priated to carry out this subtitle—

9 (1) \$30,000,000 for fiscal year 2000;

10 (2) \$44,000,000 for fiscal year 2001; and

11 (3) \$57,000,000 for fiscal year 2002.

12 (b) ALLOCATION.—Of the amount made available
13 under this section in each fiscal year—

14 (1) not less than 70 percent shall be used for
15 grants for legal assistance programs under section
16 2034;

17 (2) not more than 15 percent shall be used to
18 provide technical assistance and training under sec-
19 tion 2035;

20 (3) not more than 5 percent shall be used for
21 evaluation under section 2036;

22 (4) not more than 5 percent shall be used for
23 the costs of administration; and

24 (5) not less than 5 percent shall be used for
25 grants to tribal organizations.

1 (c) ASSISTANCE TO STATE OR TRIBAL DOMESTIC VI-
 2 OLENCE COALITIONS.—Any grant awarded under this
 3 subtitle to a tribal organization or a State or tribal domes-
 4 tic violence coalition shall be in addition to any assistance
 5 made available to the tribal organization or State or tribal
 6 domestic violence coalition under the Violence Against
 7 Women Act of 1994 or any provision of law amended by
 8 that Act.

9 **Subtitle E—Battered Women’s**
 10 **Shelters and Services**

11 **SEC. 1041. SHORT TITLE.**

12 This subtitle may be cited as the “Battered Women’s
 13 Shelters and Services Act”.

14 **SEC. 1042. FAMILY VIOLENCE PREVENTION AND SERVICES**
 15 **IMPROVEMENTS.**

16 (a) STATE DEMONSTRATION GRANTS.—

17 (1) APPLICATION.—Section 303(a)(2)(C) of the
 18 Family Violence Prevention and Services Act (42
 19 U.S.C. 10402(a)(2)(C)) is amended by striking
 20 “populations underserved because of ethnic, racial,
 21 cultural, language diversity or geographic isolation;”
 22 and inserting “populations underserved because of
 23 race, ethnicity, age, disability, sexual orientation, re-
 24 ligion, alien status, geographic location (including
 25 rural isolation), or language barriers, and any other

1 populations determined by the Secretary to be un-
2 derserved;”.

3 (2) TRIBAL DOMESTIC VIOLENCE COALI-
4 TIONS.—Section 303(b) of the Family Violence Pre-
5 vention and Services Act (42 U.S.C. 10402(b)) is
6 amended—

7 (A) by redesignating paragraphs (2) and
8 (3) as subparagraphs (B) and (C), respectively;

9 (B) in the matter preceding subparagraph
10 (B), as redesignated in subparagraph (A) of
11 this paragraph, by striking “of such amounts to
12 make grants” and inserting the following: “of
13 such amounts to make grants under paragraphs
14 (2) and (3).

15 “(2)(A) Using amounts made available under para-
16 graph (1), the Secretary shall make grants”;

17 (C) in subparagraph (B), as redesignated
18 in subparagraph (A) of this paragraph—

19 (i) by striking “this subsection” each
20 place it appears and inserting “this para-
21 graph”; and

22 (ii) by striking “paragraph (1)” and
23 inserting “this paragraph”; and

24 (D) by adding at the end the following:

1 “(3)(A) Using not less than 5 percent of the amounts
2 made available under paragraph (1), the Secretary shall
3 make grants to tribal domestic violence coalitions.

4 “(B) To be eligible to receive a grant under this para-
5 graph, an entity shall be a private nonprofit coalition—

6 “(i) whose membership includes representatives
7 from—

8 “(I) a majority of the programs for victims
9 of domestic violence operating within the
10 boundaries of an Indian reservation; and

11 “(II) programs whose primary purpose is
12 serving the populations of an area of Indian
13 country; and

14 “(ii) that has a governing board whose member-
15 ship represents the programs described in clause (i).

16 “(C) A coalition that receives a grant under this
17 paragraph shall use the funds made available through the
18 grant to further the purposes of domestic violence inter-
19 vention and prevention through activities including—

20 “(i) providing training and technical assistance
21 for local Indian domestic violence programs pro-
22 viding shelter or related assistance and providers of
23 direct services to encourage appropriate responses to
24 domestic violence in Indian country;

1 “(ii) planning and conducting needs assess-
2 ments and planning for comprehensive services to
3 address domestic violence in Indian country;

4 “(iii) serving as an information clearinghouse
5 and resource center for the Indian reservation rep-
6 resented by the coalition receiving the funds;

7 “(iv) collaborating with Indian, State, and Fed-
8 eral governmental entities that affect victims of do-
9 mestic violence in Indian country, including judicial,
10 law enforcement, and child protective services agen-
11 cies, to encourage appropriate responses to domestic
12 violence cases;

13 “(v) conducting public education and outreach
14 activities addressing domestic violence in Indian
15 country;

16 “(vi) collaborating with State domestic violence
17 coalitions in carrying out the activities described in
18 clauses (i) through (v); and

19 “(vii) participating in planning and monitoring
20 the distribution of grants and grant funds to tribes
21 and organizations under paragraph (2).”.

22 (3) DENIAL OF APPLICATION.—Section 303 of
23 the Family Violence Prevention and Services Act (42
24 U.S.C. 10402) is amended by adding at the end the
25 following:

1 “(g) The Secretary shall deny any State or tribal ap-
2 plication submitted under this section that fails to provide
3 documentation, including a memorandum of under-
4 standing, of the specific involvement of the appropriate
5 State or tribal domestic violence coalition and other knowl-
6 edgeable individuals and interested organizations, in the
7 development of the State or tribal application.”.

8 (b) STATE MINIMUM; REALLOTMENT.—Section 304
9 of the Family Violence Prevention and Services Act (42
10 U.S.C. 10403) is amended—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph

13 (1)—

14 (i) by striking “for grants to States”
15 and inserting “and available for grants to
16 States under section 303(a)”;

17 (ii) by inserting after “grant author-
18 ized under section 303(a)” the following:
19 “\$500,000, with the remaining funds to be
20 allotted to each State in”; and

21 (iii) by striking “such sums” and in-
22 serting “such remaining funds”; and

23 (B) by striking “except that—” and all
24 that follows and inserting “except that Guam,
25 American Samoa, the United States Virgin Is-

1 lands, the Commonwealth of the Northern Mar-
2 iana Islands, and the combined Freely Associ-
3 ated States shall each be allotted not less than
4 $\frac{1}{8}$ of 1 percent of the amounts available for
5 grants under section 303(a) for the fiscal year
6 for which the allotment is made.”;

7 (2) in subsection (c), in the first sentence, by
8 inserting “and available” before “for grants”; and
9 (3) in subsection (d)—

10 (A) in paragraph (1), by inserting before
11 the period the following: “, in proportion to the
12 original allotments made to the States for such
13 year”;

14 (B) by redesignating paragraph (2) as
15 paragraph (3);

16 (C) by inserting before paragraph (3) the
17 following:

18 “(2) If, at the end of the sixth month of a fiscal year
19 for which sums are appropriated under section 310—

20 “(A) the entire portion of such sums that is
21 made available for grants under section 303(b) has
22 not been distributed to Indian tribes and organiza-
23 tions described in section 303(b) in grants because
24 of the failure of 1 or more of the tribes or organiza-

1 tions to meet the requirements for such a grant, the
2 Secretary shall—

3 “(i) use the remainder of the portion to
4 make grants under section 303(b) to Indian
5 tribes and organizations who meet the require-
6 ments; and

7 “(ii) make the grants in proportion to the
8 original grants made to the tribes and organiza-
9 tions under section 303(b) for such year;

10 “(B) the amount allotted to an entity under
11 section 311 has not been made available to such en-
12 tity in grants under section 311 because of the fail-
13 ure of such entity to meet the requirements for a
14 grant or because a limitation on expenditure has
15 been reached, the Secretary shall—

16 “(i) use the amount to make allotments
17 and grants under subsections (a) and (b) of
18 section 303 and section 304 to States, Indian
19 tribes, and other organizations who meet the re-
20 quirements of those sections; and

21 “(ii) make the allotments and grants in
22 proportion to the original allotments and grants
23 made to the States, tribes, and organizations
24 under subsections (a) and (b) of section 303
25 and section 304 for such year; and

1 “(C) the entire portion of such sums that is
2 made available for grants under section 308 has not
3 been distributed to entities described in section 308
4 in grants because of the failure of 1 or more of the
5 entities to meet the requirements for such a grant
6 or because a limitation on expenditure has been
7 reached, the Secretary shall—

8 “(i) use the remainder of the portion to
9 make allotments and grants under subsections
10 (a) and (b) of section 303 and section 304 to
11 States, Indian tribes, and other organizations
12 who meet the requirements of those sections;
13 and

14 “(ii) make the allotments and grants in
15 proportion to the original allotments and grants
16 made to the States, tribes, and organizations
17 under subsections (a) and (b) of section 303
18 and section 304 for such year.”; and

19 (D) in paragraph (3) (as redesignated in
20 subparagraph (A))—

21 (i) by inserting “or distribution under
22 paragraph (2)” after “paragraph (1)”; and

23 (ii) by striking “for reallocation” and
24 inserting “for reallocation or distribution”.

1 (c) CONFORMING AMENDMENT.—The last sentence
2 of section 306 of the Family Violence Prevention and
3 Services Act (42 U.S.C. 10405) is amended by inserting
4 “or section 303(g)” before the period.

5 (d) RESOURCE CENTERS.—Section 308 of the Fam-
6 ily Violence Prevention and Services Act (42 U.S.C.
7 10407) is amended—

8 (1) in subsection (a)(2)—

9 (A) by striking the following:

10 “(2) GRANTS.—From the amounts” and insert-
11 ing the following:

12 “(2) GRANTS.—

13 “(A) CENTERS.—From the amounts”;

14 (B) by inserting “on providing informa-
15 tion, training, and technical assistance” after
16 “focusing”; and

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

18 “(B) INITIATIVES.—From such amounts,
19 the Secretary may award grants to private non-
20 profit organizations for information, training,
21 and technical assistance initiatives in the sub-
22 ject areas identified in subsection (c), if—

23 “(i) such initiatives do not duplicate
24 the activities of the entities operating the

1 special issue resource centers provided for
2 in subsection (c); and

3 “(ii) the total amounts awarded for all
4 such initiatives do not exceed \$500,000.”;

5 (2) in subsection (c)—

6 (A) in the matter preceding paragraph (1),
7 by striking “and shall specialize” and all that
8 follows through “law:” and inserting “on
9 emerging issues in domestic violence service,
10 prevention, or law, and shall specialize in at
11 least 1 of the following areas:”; and

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

13 “(8) Providing technical assistance and training
14 to local entities carrying out domestic violence pro-
15 grams that provide shelter or related assistance.

16 “(9) Improving access to services, information,
17 and training, concerning family violence, within In-
18 dian tribes and Indian tribal agencies.

19 “(10) Responding to emerging issues in the
20 field of family violence that the Secretary may iden-
21 tify in consultation with advocates for local entities
22 carrying out domestic violence programs that provide
23 shelter or related assistance, State and tribal domes-
24 tic violence coalitions, and national domestic violence
25 organizations.”;

1 (3) in subsection (d)(4), by inserting “in the
2 case of an entity seeking to establish and maintain
3 a resource center,” after “(4)”;

4 (4) in subsection (e)—

5 (A) by inserting before “Not” the fol-
6 lowing:

7 “(1) REPORTS AFTER RECEIPT.—”; and

8 (B) by adding at the end the following:

9 “(2) REPORTS BY GRANT RECIPIENTS.—

10 “(A) IN GENERAL.—Not later than 90
11 days after the date of enactment of the Bat-
12 tered Women’s Shelters and Services Act, each
13 recipient of a grant under this section shall pre-
14 pare and submit to the Secretary a report that
15 contains—

16 “(i) an evaluation of the effectiveness
17 of the activities carried out by the recipient
18 with funds received under such grant; and

19 “(ii) such other information as the
20 Secretary may prescribe.

21 “(B) NOTICE AND PUBLIC COMMENT.—Be-
22 fore renewing any grant under this section for
23 a recipient, the Secretary shall publish in the
24 Federal Register a copy of the report submitted
25 by the recipient under this paragraph and allow

1 not less than 90 days for notice of and oppor-
2 tunity for public comment on the published re-
3 port.”; and

4 (5) by adding at the end the following:

5 “(h) MULTIPLE GRANTS.—Nothing in this section
6 shall prohibit the Secretary from making multiple grants
7 to any private nonprofit entity to fulfill the objectives of
8 this section.”.

9 (e) DEFINITIONS.—Section 309 of the Family Vio-
10 lence Prevention and Services Act (42 U.S.C. 10408) is
11 amended—

12 (1) in paragraph (1)(B), by inserting “, with
13 whom such person is or has been in a social relation-
14 ship of a romantic or intimate nature,” before “or
15 with whom”;

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

17 “(7) The term ‘Indian country’ has the mean-
18 ing given the term in section 1151 of title 18,
19 United States Code.”; and

20 (3) in paragraph (6), by striking “the Virgin Is-
21 lands, the Northern Mariana Islands, and the Trust
22 Territory of the Pacific Islands” and inserting “the
23 United States Virgin Islands, the Commonwealth of
24 the Northern Mariana Islands, and the combined
25 Freely Associated States”.

1 (f) FUNDS FOR STATE DOMESTIC VIOLENCE COALI-
2 TIONS.—Section 310(d) of the Family Violence Prevention
3 and Services Act (42 U.S.C. 10409(d)) is amended—

4 (1) by striking “not less than” and inserting
5 “the lesser of \$22,000,000 and”; and

6 (2) by adding at the end the following: “For
7 any fiscal year for which the amount of funds made
8 available under this subsection exceeds \$11,000,000,
9 the Secretary shall reserve not more than 20 percent
10 of the funds made available under this subsection.
11 The Secretary shall make the reserved funds avail-
12 able to State and tribal domestic violence coalitions
13 and entities carrying out domestic violence programs
14 that provide shelter or related assistance to carry
15 out activities under sections 319 through 321 or to
16 carry out other priority activities, as determined by
17 the Secretary in consultation with State and tribal
18 domestic violence coalitions and entities carrying out
19 domestic violence programs that provide shelter or
20 related assistance.”.

21 (g) STATE DOMESTIC VIOLENCE COALITION GRANT
22 ACTIVITIES.—Section 311 of the Family Violence Preven-
23 tion and Services Act (42 U.S.C. 10410) is amended—

24 (1) in subsection (a)(4), by striking “under-
25 served racial, ethnic or language-minority popu-

1 lations” and inserting “underserved populations de-
 2 scribed in section 303(a)(2)(C)”; and

3 (2) in subsection (c), by striking “the U.S. Vir-
 4 gin Islands, the Northern Mariana Islands, and the
 5 Trust Territory of the Pacific Islands” and inserting
 6 “the United States Virgin Islands, the Common-
 7 wealth of the Northern Mariana Islands, and the
 8 Freely Associated States”.

9 **SEC. 1043. MODEL LEADERSHIP GRANTS; DIRECT EMER-**
 10 **GENCY ASSISTANCE; TECHNICAL ASSISTANCE**
 11 **AND TRAINING.**

12 Title III of the Family Violence Prevention and Serv-
 13 ices Act (42 U.S.C. 10401 et seq.) is amended by adding
 14 at the end the following:

15 **“SEC. 319. MODEL LEADERSHIP GRANTS FOR DOMESTIC VI-**
 16 **OLENCE INTERVENTION IN UNDERSERVED**
 17 **COMMUNITIES.**

18 “(a) GRANTS.—

19 “(1) IN GENERAL.—The Secretary shall award
 20 grants to develop and implement model community
 21 intervention strategies to address domestic violence
 22 in underserved populations.

23 “(2) LIMITATIONS.—In awarding grants under
 24 paragraph (1), the Secretary shall award grants to
 25 not more than 10 State and tribal domestic violence

1 coalitions and to not more than 10 local entities that
2 carry out domestic violence programs providing shel-
3 ter or related assistance.

4 “(3) PURPOSES.—Grants awarded under para-
5 graph (1) shall be used for—

6 “(A) assessing the needs of underserved
7 populations in the State or area of Indian coun-
8 try involved;

9 “(B) building collaborative relationships
10 between the grant recipients and community-
11 based organizations serving underserved popu-
12 lations; and

13 “(C) developing and implementing model
14 community intervention strategies to decrease
15 the incidence of domestic violence in under-
16 served populations.

17 “(4) PERIODS.—The Secretary shall award
18 grants under paragraph (1) for periods of not more
19 than 3 years.

20 “(b) ELIGIBILITY.—

21 “(1) INITIAL ELIGIBILITY.—To be eligible for
22 an initial year of funding through a grant awarded
23 under subsection (a)(1), an applicant shall—

24 “(A) submit to the Secretary an applica-
25 tion containing an acceptable plan for assessing

1 the needs of underserved populations for the
2 model community intervention strategies de-
3 scribed in subsection (a)(3), and identifying a
4 specific population for development of such an
5 intervention strategy, in the first year of the
6 grant; and

7 “(B) demonstrate to the Secretary inclu-
8 sion of representatives from community-based
9 organizations serving underserved populations,
10 in planning, designing, and disseminating the
11 needs assessment under subparagraph (A).

12 “(2) CONTINUED ELIGIBILITY.—To be eligible
13 for continued funding for not more than 2 additional
14 years through a grant awarded under subsection
15 (a)(1), a recipient of funding for the initial year
16 shall submit to the Secretary an application
17 containing—

18 “(A) a plan for implementing the interven-
19 tion strategy, and specifying collaborative rela-
20 tionships with community-based organizations
21 serving the identified underserved population to
22 be supported under the grant; and

23 “(B) a plan for disseminating the interven-
24 tion strategy throughout the State or area of
25 Indian country involved and, at the option of

1 administered by the coalitions, for victims of domestic vio-
2 lence.

3 “(b) USE OF FUNDS.—

4 “(1) PROVISION OF ASSISTANCE.—A State or
5 tribal domestic violence coalition that receives a
6 grant under subsection (a) may use funds received
7 through the grant only to provide emergency
8 assistance—

9 “(A) directly to victims of domestic vio-
10 lence who are in the process of fleeing an abu-
11 sive situation; or

12 “(B) to such victims through entities that
13 carry out domestic violence programs providing
14 shelter or related assistance and that request
15 such assistance on behalf of victims.

16 “(2) EMERGENCY ASSISTANCE.—Emergency as-
17 sistance provided with such funds may include trans-
18 portation, housing, and payment of other expenses
19 associated with relocation.

20 “(c) APPLICATION.—To be eligible to receive a grant
21 under subsection (a), a State or tribal domestic violence
22 coalition shall submit to the Secretary an application at
23 such time, in such manner, and containing such informa-
24 tion as the Secretary may require, including—

1 “(1) a detailed description of the process that
2 the coalition will use to receive and review applica-
3 tions for the emergency assistance;

4 “(2) a detailed description of the process that
5 the coalition will use for notifying entities that carry
6 out domestic violence programs described in sub-
7 section (b)(1)(B) about the availability of emergency
8 assistance under this section;

9 “(3) an application form for the applications
10 described in paragraph (1) that requires applicants
11 for emergency assistance to specify the type of as-
12 sistance requested from the coalition, a statement of
13 need for the assistance, a statement about the im-
14 pact of the assistance on a victim’s ability to escape
15 domestic violence, and such other information as
16 would be helpful in disbursing emergency assistance;

17 “(4) a description of the process that the coali-
18 tion will use to make payments to recipients of the
19 assistance; and

20 “(5) a statement of procedures the coalition will
21 use to protect the confidentiality of information re-
22 lating to the identity of the recipients.

23 “(d) REPORTS.—The State or tribal domestic vio-
24 lence coalition shall annually prepare and submit to the
25 Secretary a report describing the distribution of emer-

1 gency assistance to victims of domestic violence under this
2 section, analyzing the distribution by type and amount of
3 assistance provided. For reasons of safety and confiden-
4 tiality, such reports shall not contain information that al-
5 lows the identification of individual victims.

6 **“SEC. 321. TECHNICAL ASSISTANCE AND TRAINING FOR**
7 **STATE, LOCAL, AND TRIBAL DOMESTIC VIO-**
8 **LENCE PROGRAMS.**

9 “(a) IN GENERAL.—The Secretary shall award
10 grants to State and tribal domestic violence coalitions for
11 the purpose of providing training and technical assistance
12 for State and tribal domestic violence coalitions and other
13 nonprofit, nongovernmental entities carrying out State,
14 local, and tribal domestic violence programs.

15 “(b) USE OF FUNDS.—A State or tribal domestic vio-
16 lence coalition that receives a grant under subsection (a)
17 shall use funds received through the grant to develop and
18 implement regional training and technical assistance ini-
19 tiatives within a region served by a regional office of the
20 Department of Health and Human Services. In imple-
21 menting the initiatives, the coalition shall use the funds
22 to prioritize, plan, and implement solutions to regional
23 problems experienced by State and tribal domestic violence
24 coalitions, and entities carrying out domestic violence pro-

1 grams providing shelter or related assistance, within the
2 region.

3 “(c) COLLABORATIVE EFFORTS.—To the extent
4 practicable, the coalition shall implement the initiatives in
5 collaboration with advocates and organizations that assist
6 domestic violence victims and that operate outside of the
7 region, and with the national resource center and special
8 issue resource centers established in section 308, in order
9 to obtain the expertise of the advocates, organizations, and
10 centers in delivering training and technical assistance
11 within the region.

12 “(d) ELIGIBILITY.—To be eligible to receive a grant
13 under subsection (a), a State or tribal domestic violence
14 coalition shall—

15 “(1) be a nonprofit, nongovernmental State or
16 tribal domestic violence coalition;

17 “(2) demonstrate to the Secretary that a major-
18 ity of State and tribal domestic violence coalitions
19 within the region to be served support the selection
20 of the coalition to receive the grant; and

21 “(3) have its principal place of operation within
22 the region.

23 “(e) APPLICATION.—To be eligible to receive a grant
24 under subsection (a), a State or tribal domestic violence
25 coalition shall submit an application to the Secretary at

1 such time, in such manner, and containing such informa-
 2 tion as the Secretary may require.

3 “(f) CONSTRUCTION.—Nothing in this section shall
 4 be construed to prohibit entities that carry out domestic
 5 violence programs serving Indian tribes from receiving
 6 technical assistance and training under this section.

7 “(g) REPORTS.—The State or tribal domestic vio-
 8 lence coalition shall annually prepare and submit to the
 9 Secretary a report describing the entities receiving train-
 10 ing and technical assistance from the coalition under this
 11 section, and the type of technical assistance and training
 12 received.”.

13 **SEC. 1044. AUTHORIZATION OF APPROPRIATIONS FOR FAM-**
 14 **ILY VIOLENCE PREVENTION AND SERVICES.**

15 (a) IN GENERAL.—Section 310(a) of the Family Vio-
 16 lence Prevention and Services Act (42 U.S.C. 10409(a))
 17 is amended to read as follows:

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

20 “(1) \$120,000,000 for fiscal year 2000;

21 “(2) \$160,000,000 for fiscal year 2001;

22 “(3) \$200,000,000 for fiscal year 2002;

23 “(4) \$260,000,000 for fiscal year 2003; and

24 “(5) \$260,000,000 for fiscal year 2004.”.

1 (b) INFORMATION AND TECHNICAL ASSISTANCE
2 CENTERS.—Section 310(c) of the Family Violence Preven-
3 tion and Services Act (42 U.S.C. 10409(c)) is amended
4 by inserting before “5 percent shall” the following: “the
5 lesser of \$7,500,000 and”.

6 **Subtitle F—Battered Immigrant**
7 **Women’s Economic Security and**
8 **Safety**

9 **SEC. 1051. PURPOSES.**

10 The purposes of this subtitle are—

11 (1) to ensure that battered immigrant women
12 and children abused by their United States citizen
13 and lawful permanent resident spouses and parents
14 have access to the public benefits safety net when
15 they flee their abusers;

16 (2) to ensure that children of battered immi-
17 grant women have the same access to Violence
18 Against Women Act immigration protections as their
19 battered immigrant mothers; and

20 (3) to remove impediments in current law that
21 reduce battered immigrant women’s and children’s
22 access to the Violence Against Women Act’s immi-
23 gration protections and battered immigrant’s ability
24 to work so that they can sever dependence on their

1 abusers and gain economic independence for them-
2 selves and their children.

3 **SEC. 1052. WAIVER OF CERTAIN REMOVAL GROUNDS.**

4 Section 237(a)(2)(E) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding
6 at the end the following:

7 “(iii) WAIVER FOR VICTIMS OF DO-
8 MESTIC VIOLENCE.—The Attorney General
9 may waive the application of clauses (i)
10 and (ii) in the case of an alien who has
11 been battered or subjected to extreme cru-
12 elty and was not the primary perpetrator
13 of violence in the relationship—

14 “(I) upon determination that—

15 “(aa) the alien was acting in
16 self-defense;

17 “(bb) the alien was found to
18 have violated a protection order
19 intended to protect the alien; or

20 “(cc) the alien committed,
21 was convicted of, or pled guilty to
22 committing a crime where there
23 was a connection between the
24 crime and having been battered

1 or subjected to extreme cruelty;
2 or
3 “(II) for humanitarian pur-
4 poses.”.

5 **SEC. 1053. SELF-PETITIONING CHILDREN OF UNITED**
6 **STATES CITIZENS.**

7 Section 204(a)(1)(A) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
9 at the end the following:

10 “(v) An alien child filing a petition
11 under clause (iv), or who is included in a
12 petition filed under clause (iii) shall con-
13 tinue to be considered a child for purposes
14 of that clause and section 245, and for
15 purposes of obtaining an immigrant visa
16 under section 203, if, on the date of the
17 filing of the petition, the child was under
18 the age of 21.”.

19 **SEC. 1054. SELF-PETITIONING CHILDREN OF LAWFUL PER-**
20 **MANENT RESIDENTS.**

21 Section 204(a)(1)(B) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding
23 at the end the following:

24 “(iv) An alien child filing a petition
25 under clause (iii), or who is included in a

1 petition filed under clause (ii) shall con-
2 tinue to be considered a child for purposes
3 of that clause and section 245, and for
4 purposes of obtaining an immigrant visa
5 under section 203, if, on the date of the
6 filing of the petition, the child was under
7 the age of 21.”.

8 **SEC. 1055. TREATMENT OF PETITIONS INCLUDING DERIVA-**
9 **TIVE CHILDREN TURNING 21 YEARS OF AGE.**

10 Section 204(a)(1) of the Immigration and Nationality
11 Act (8 U.S.C. 1154(a)(1)) is amended—

12 (1) by redesignating subparagraphs (C), (D),
13 (E), (F), (G), and (H) as subparagraphs (D), (E),
14 (F), (G), (H), and (I), respectively; and

15 (2) by inserting after subparagraph (B) the fol-
16 lowing:

17 “(C)(i)(I) Any petition described in clause (ii) for a
18 classification of a child that was filed or approved before
19 the date on which the child attained 21 years of age shall
20 be considered, as of such date, if no visa has been issued
21 to the child, a petition filed or approved, as the case may
22 be, for preference status under paragraph (1), (2), or (3)
23 of section 203(a), whichever paragraph is applicable, with
24 the same priority date under such paragraph as the alien
25 child maintained before such date.

1 “(II) Any individual described in subclause (I) shall
2 remain eligible for deferred action and work authorization.

3 “(ii) The petition referred to in clause (i) is a petition
4 filed by an alien parent under subparagraph (A)(iii) or
5 (B)(ii) in which the child is included.”.

6 **SEC. 1056. PROTECTION OF BATTERED CHILDREN AND**
7 **CHILDREN OF BATTERED IMMIGRANTS FOR**
8 **CANCELLATION OF REMOVAL OR SUSPEN-**
9 **SION OF DEPORTATION.**

10 (a) CANCELLATION OF REMOVAL.—Section 240A(b)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1229b(b)) is amended—

13 (1) in paragraph (2), by striking “The” and in-
14 serting “Subject to paragraphs (3) and (4), the”;

15 (2) by redesignating paragraph (3) as para-
16 graph (5); and

17 (3) by inserting after paragraph (2) the fol-
18 lowing:

19 “(3) INCLUSION OF OTHER ALIENS IN CAN-
20 CELLATION OF REMOVAL APPLICATIONS.—An alien
21 described in paragraph (2) who applies for cancella-
22 tion of removal under that paragraph may include—

23 “(A) the alien’s children, sons, or daugh-
24 ters in the alien’s application and, if the alien
25 is found eligible for cancellation of removal, the

1 Attorney General may adjust the status of the
2 alien's children, sons, or daughters, to that of
3 aliens lawfully admitted to permanent residence;
4 or

5 “(B) the alien's parent in the application
6 in the case of an application filed by an alien
7 child while under 21 years of age who was bat-
8 tered or subjected to extreme cruelty by a cit-
9 izen or lawful permanent resident parent and, if
10 the alien child is found eligible for cancellation,
11 the Attorney General may adjust to the status
12 of lawful permanent residence the status of
13 both the alien child applicant and the alien
14 child's parent.

15 “(4) TREATMENT OF CHILDREN UNDER PEND-
16 ING APPLICATIONS.—An individual shall be consid-
17 ered a child for purposes of paragraphs (2) and (3)
18 of this subsection or section 244(a)(3) (as in effect
19 before the date of enactment of the Illegal Immigra-
20 tion Reform and Immigrant Responsibility Act of
21 1996) if, on the date an application was filed by the
22 child or the parent of the child under that para-
23 graph or section, the child was under the age of
24 21.”.

1 (b) INCLUSION OF OTHER ALIENS IN SUSPENSION
2 OF DEPORTATION APPLICATIONS.—An alien applying for
3 suspension of deportation under section 244(a)(3) (as in
4 effect before the date of the enactment of Illegal Immigra-
5 tion Reform and Immigrant Responsibility Act of 1996)
6 may include—

7 (1) the alien’s children, sons, or daughters in
8 the alien’s application and, if the alien is found eligi-
9 ble for suspension of deportation, the Attorney Gen-
10 eral may adjust to the status of lawful permanent
11 residence the status of the alien’s children, sons, or
12 daughters; or

13 (2) the alien’s parent in the application in the
14 case of an application filed by an alien child while
15 under 21 years of age who was battered or subjected
16 to extreme cruelty by a citizen or lawful permanent
17 resident parent and, if the alien child is found eligi-
18 ble for suspension of deportation, the Attorney Gen-
19 eral may adjust to the status of lawful permanent
20 residence the status of both the alien child applicant
21 and the alien child’s parent.

22 (c) EFFECTIVE DATE.—Subsection (b) and the
23 amendment made by subsection (a) shall take effect as
24 if included in the enactment of section 304 of the Illegal

1 Immigration Reform and Immigrant Responsibility Act of
2 1996 (Public Law 104–208; 110 Stat. 587).

3 **SEC. 1057. NONAPPLICABILITY OF SPECIAL RULES RELAT-**
4 **ING TO THE TREATMENT OF NON-213A**
5 **ALIENS.**

6 Section 408(f)(6) of the Social Security Act (42
7 U.S.C. 608(f)(6)) is amended—

8 (1) in subparagraph (B), by striking “or” at
9 the end;

10 (2) in subparagraph (C), by striking the period
11 and inserting “; or”; and

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

13 “(D) described in section 421(f) of the
14 Personal Responsibility and Work Opportunity
15 Reconciliation Act of 1996 (8 U.S.C. 1631(f))
16 but for the fact that the individual is a non-
17 213A alien.”.

18 **SEC. 1058. DISCRETIONARY FIRST TIME OFFENDER WAIV-**
19 **ERS FOR ALIENS MAKING CHILD SUPPORT**
20 **PAYMENTS.**

21 Section 237(a)(2)(E) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1227(a)(2)(E)), as amended by section
23 1052 of this Act, is further amended by adding at the
24 end the following:

1 “(iii) DISCRETIONARY WAIVER OF DE-
2 PORTATION GROUND FOR FIRST OFFEND-
3 ERS PAYING COURT ORDERED CHILD SUP-
4 PORT.—At the sole and unreviewable dis-
5 cretion of the Attorney General, the Attor-
6 ney General may waive removal of an alien
7 who is convicted under clause (i), or who
8 is found in violation of a protection order
9 by a determination entered by a court
10 under clause (ii), if—

11 “(I) the conviction or violation
12 was the alien’s first domestic violence
13 conviction or violation;

14 “(II) the alien is not otherwise
15 deportable under this paragraph or, if
16 so deportable, has obtained a waiver
17 under this paragraph;

18 “(III) the waiver of removal
19 under this clause is requested by the
20 person against whom the domestic vi-
21 olence crime or protection order viola-
22 tion was committed;

23 “(IV) the judge determines that
24 granting the waiver will not jeopardize

1 the safety of the victim or her chil-
2 dren;

3 “(V) any ongoing cohabitation
4 with the abuse victim will not be in
5 violation of any court order; and

6 “(VI) the alien is paying ade-
7 quate child support to the person
8 against whom the domestic violence
9 crime or protection order violation
10 was committed, except that—

11 “(aa) if the alien is sepa-
12 rated from the person against
13 whom the domestic violence crime
14 or the protection order violation
15 was committed, the alien is sub-
16 ject to a court order requiring
17 the alien to pay child support for
18 any children the alien has in
19 common with the person against
20 whom the alien committed the
21 crime of domestic violence or pro-
22 tection order violation, and the
23 alien is current on all child sup-
24 port payments due under such

1 order or is in compliance with a
2 court-approved payment plan; or

3 “(bb) if the alien resides in
4 the same household as the person
5 against whom the alien com-
6 mitted the crime of domestic vio-
7 lence or protection order viola-
8 tion, the alien has demonstrated
9 to the immigration judge in the
10 removal proceeding that the alien
11 has been and will continue to
12 provide adequate, ongoing sup-
13 port for the victim and any chil-
14 dren in common, if the parties
15 have children in common.

16 “(VII) ADEQUATE SUPPORT DE-
17 TERMINED UNDER APPLICABLE CHILD
18 SUPPORT GUIDELINES.—For purposes
19 of the determination of the adequacy
20 of child support provided under sub-
21 clause (VI)(bb), the immigration
22 judge shall refer to the child support
23 guidelines of the jurisdiction in which
24 the parties reside.

1 “(iv) REINSTATEMENT OF DEPORTA-
2 TION GROUNDS.—Any person who obtains
3 a waiver under clause (iii) who thereafter
4 is found by a court to have committed an-
5 other crime or violation of this subpara-
6 graph or is found by a court with jurisdic-
7 tion over the child support matter to have
8 failed to make court-ordered child support
9 payments or failed to comply with a court-
10 approved payment plan is deportable and
11 no further waiver is available under clause
12 (iii).”.

13 **SEC. 1059. MISREPRESENTATION WAIVERS FOR BATTERED**
14 **SPOUSES OF UNITED STATES CITIZENS AND**
15 **LAWFUL PERMANENT RESIDENTS.**

16 (a) WAIVER OF INADMISSIBILITY.—Section 212(i) of
17 the Immigration and Nationality Act (8 U.S.C. 1182(i))
18 is amended in paragraph (1) by inserting before the period
19 at the end the following: “or, in the case of an alien grant-
20 ed classification under clause (iii) or (iv) of section
21 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B),
22 or who qualifies for relief under section 240A(b)(2) or sec-
23 tion 244(a)(3) (as in effect before the date of enactment
24 of the Illegal Immigration Reform and Immigrant Respon-
25 sibility Act of 1996), the alien demonstrates extreme hard-

1 ship to the alien or the alien’s United States citizen, lawful
2 permanent resident or qualified alien parent, child, son,
3 or daughter”.

4 (b) WAIVER OF DEPORTABILITY.—Section 237(a) of
5 the Immigration and Nationality Act (8 U.S.C. 1227(a))
6 is amended—

7 (1) in paragraph (1)(H)—

8 (A) in clause (ii)—

9 (i) by inserting “(I)” immediately
10 after “(ii)”; and

11 (ii) by striking the period and insert-
12 ing “; or”; and

13 (B) by inserting after clause (ii)(I) the fol-
14 lowing:

15 “(II) is an alien who qualifies for clas-
16 sification under clause (iii) or (iv) of sec-
17 tion 204(a)(1)(A) or clause (ii) or (iii) of
18 section 204(a)(1)(B), or who qualifies for
19 relief under section 240A(b)(2) or
20 244(a)(3) (as in effect before the date of
21 enactment of the Illegal Immigration Re-
22 form and Immigrant Responsibility Act of
23 1996).”; and

24 (2) in paragraph (3)(D)—

1 (A) by inserting “(i) IN GENERAL.—” be-
2 fore “Any alien”; and

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

4 “(ii) WAIVER AUTHORIZED.—The At-
5 torney General may waive clause (i) in the
6 case of an alien who qualifies for classifica-
7 tion under clause (iii) or (iv) of section
8 204(a)(1)(A) or clause (ii) or (iii) of sec-
9 tion 204(a)(1)(B), or who qualifies for re-
10 lief under section 240A(b)(2) or 244(a)(3)
11 (as in effect before the date of enactment
12 of the Illegal Immigration Reform and Im-
13 migrant Responsibility Act of 1996).”.

14 **SEC. 1060. PUBLIC CHARGE.**

15 Section 212(a)(4) of the Immigration and Nationality
16 Act (8 U.S.C. 11 82(a)(4)) is amended by adding at the
17 end the following:

18 “(E) EXCEPTION.—The following aliens
19 are not subject to public charge determinations
20 under this paragraph:

21 “(i) An alien who qualifies for classi-
22 fication as a spouse or child of a United
23 States citizen under clause (iii) or (iv) of
24 section 204(a)(1)(A) or as a spouse or

1 child of a lawful permanent resident under
2 clause (ii) or (iii) of section 204(a)(1)(B).

3 “(ii) An alien who qualifies for classi-
4 fication as the spouse or child of a United
5 States citizen under clause (i) or (ii) of
6 section 204(a)(1)(A) or as the spouse or
7 child of a lawful permanent resident under
8 section 204(a)(1)(B)(i) and who has been
9 battered or subjected to extreme cruelty.

10 “(iii) An alien who qualifies for status
11 as a spouse, parent, child, son, or daughter
12 of a United States citizen or lawful perma-
13 nent resident, or as a parent of a child of
14 a United States citizen or lawful perma-
15 nent resident, pursuant to section
16 240A(b)(2) or 244(a)(3) (as in effect be-
17 fore the date of enactment of the Illegal
18 Immigration Reform and Immigrant Re-
19 sponsibility Act of 1996).

20 “(iv) Any derivatives or immediate
21 relative children of aliens under clause (i),
22 (ii), or (iii) of this subparagraph.”.

1 **SEC. 1061. ACCESS TO NATURALIZATION FOR DIVORCED**
2 **VICTIMS OF ABUSE.**

3 Section 319(a) of the Immigration and Nationality
4 Act (8 U.S.C. 1430(a)) is amended—

5 (1) by inserting “, or any person who obtained
6 status as a lawful permanent resident by reason of
7 his or her status as a spouse or child of a United
8 States citizen who battered him or her or subjected
9 him or her to extreme cruelty,” after “United
10 States” the first place such term appears; and

11 (2) by inserting “(except in the case of a person
12 who obtained lawful permanent residence because he
13 or she was the spouse or child of a United States
14 citizen who battered or subjected him or her to ex-
15 treme cruelty)” after “has been living in marital
16 union with the citizen spouse”.

17 **SEC. 1062. FILING FEES.**

18 (a) **PETITIONS FOR CLASSIFICATION.**—Section
19 204(a)(1) of the Immigration and Nationality Act (8
20 U.S.C. 1154(a)(1)(A)) is amended by adding at the end
21 the following:

22 “(I) No fee shall be charged for the filing or proc-
23 essing of any application under clause (iii) or (iv) of sub-
24 paragraph (A) or clause (ii) or (iii) of subparagraph (B),
25 or the first application for work authorization filed by an
26 applicant described in any such clause.”.

1 (b) CANCELLATIONS OF REMOVAL.—Section
2 240A(b)(2) of the Immigration and Nationality Act (8
3 U.S.C. 1229b), as amended by section 1056 of this Act,
4 is further amended by adding at the end the following:
5 “No fee shall be charged for the filing or processing of
6 any application under this paragraph or the first applica-
7 tion for work authorization filed by an applicant described
8 in this paragraph.”.

9 (c) SUSPENSION OF DEPORTATION.—No fee shall be
10 charged for the filing or processing of any application
11 under section 244(a)(3) of the Immigration and Nation-
12 ality Act (as in effect before the date of enactment of the
13 Illegal Immigration Reform and Immigrant Responsibility
14 Act of 1996) (8 U.S.C. 1254(a)(3)), or the first applica-
15 tion for work authorization filed by an applicant described
16 in that section.

17 **SEC. 1063. ACCESS TO FOOD STAMPS AND SSI FOR QUALI-**
18 **FIED BATTERED ALIENS.**

19 Section 402(a)(2) of the Personal Responsibility and
20 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
21 1612(a)(2)) is amended by adding at the end the fol-
22 lowing:

23 “(L) EXCEPTION FOR CERTAIN BATTERED
24 ALIENS.—With respect to eligibility for benefits
25 for the specified Federal programs described in

1 paragraph (3), paragraph (1) shall not apply to
2 any individual described in section 431(c).”.

3 **SEC. 1064. EXEMPTION FROM 5-YEAR BAR.**

4 Section 403(b) of the Personal Responsibility and
5 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
6 1613(b)) is amended by adding at the end the following:

7 “(3) BATTERED IMMIGRANTS.—An alien de-
8 scribed in section 431(c).”.

9 **SEC. 1065. ACCESS TO HOUSING FOR BATTERED IMMI-
10 GRANTS.**

11 (a) IN GENERAL.—Section 214 of the Housing and
12 Community Development Act of 1980 (42 U.S.C. 1436a)
13 is amended—

14 (1) in subsection (a), by striking “a resident of
15 the United States and is” after “unless that alien
16 is”;

17 (2) in paragraphs (1) through (6) of subsection
18 (a), by inserting “a resident of the United States
19 and is” before “an alien”;

20 (3) in subsection (a)(5), by striking “or” after
21 “title 8;”;

22 (4) in subsection (a)(6), by striking the period
23 and inserting “; or”;

24 (5) in subsection (a), by adding at the end the
25 following new paragraph:

1 “(7) a qualified alien as described in section
2 431(c) of the Personal Responsibility and Work Op-
3 portunity Reconciliation Act of 1996 (8 U.S.C.
4 1641(c)).”;

5 (6) in subsection (b)(2), by inserting “Proration
6 shall not apply in the case of a qualified alien as de-
7 scribed in section 431(c) of the Personal Responsi-
8 bility and Work Opportunity Reconciliation Act of
9 1996 (8 U.S.C. 1641(c)).” after “under this sec-
10 tion.”;

11 (7) in subsection (c)(1)(A), by inserting “Prora-
12 tion shall not apply in the case of a qualified alien
13 as described in section 431(c) of the Personal Re-
14 sponsibility and Work Opportunity Reconciliation
15 Act of 1996 (8 U.S.C. 1641(c))” after “members of
16 the family.”;

17 (8) in subsection (c)(1)(A), by striking “para-
18 graphs (1) through (6)” and inserting “paragraphs
19 (1) through (7)”;

20 (9) in subsection (c)(2)(A), by inserting “, ex-
21 cept a qualified alien described in section 431(c) of
22 the Personal Responsibility and Work Opportunity
23 Reconciliation Act of 1996 (8 U.S.C. 1641(c)),” be-
24 fore “who—”; and

1 “Collection of information about, and inquiries
2 into, the immigration status of an individual
3 who is a parent applying on behalf of his or her
4 child who is a United States citizen or a quali-
5 fied alien (as defined in section 431 of the Per-
6 sonal Responsibility and Work Opportunity
7 Reconciliation Act of 1996 (8 U.S.C. 1641) for
8 assistance under the State program funded
9 under this part, shall not be made if the indi-
10 vidual is not applying for benefits for them-
11 selves, whether or not the individual is deter-
12 mined, under Federal or State law, to be part
13 of a family unit receiving assistance under that
14 program.”; and

15 (2) in section 1631(e)(9) (42 U.S.C.
16 1383(e)(9)), by adding at the end the following:
17 “Collection of information about, and inquiries into,
18 the immigration status of an individual who is a par-
19 ent applying on behalf of his or her child who is a
20 United States citizen or a qualified alien (as defined
21 in section 431 of the Personal Responsibility and
22 Work Opportunity Reconciliation Act of 1996 (8
23 U.S.C. 1641) for benefits under this title (or for
24 benefits supplemented by a State with an agreement
25 under section 1616), shall not be made if the indi-

1 vidual is not applying for benefits for themselves,
2 whether or not the individual is determined, under
3 Federal or State law, to be part of a family unit re-
4 ceiving such benefits.”.

5 **SEC. 1067. CONFORMING DEFINITION OF “FAMILY” USED IN**
6 **LAWS GRANTING WELFARE ACCESS FOR BAT-**
7 **TERED IMMIGRANTS TO STATE FAMILY LAW.**

8 Section 431(c) of the Personal Responsibility and
9 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
10 1641(c)) is amended—

11 (1) in paragraph (1)(A), by striking “by a
12 spouse or a parent, or by a member of the spouse
13 or parent’s family residing in the same household as
14 the alien and the spouse or parent consented to, or
15 acquiesced in, such battery or cruelty,” and insert-
16 ing “by a spouse or parent, or by any individual hav-
17 ing a relationship with the alien covered by the civil
18 or criminal domestic violence statutes of the State or
19 Indian country where the alien resides, or the State
20 or Indian country in which the alien, the alien’s
21 child, or the alien child’s parents received a protec-
22 tion order, or by any individual against whom the
23 alien could obtain a protection order,”; and

24 (2) in paragraph (2)(A), by striking “by a
25 spouse or parent of the alien (without the active par-

1 participation of the alien in the battery or cruelty), or
 2 by a member of the spouse or parent’s family resid-
 3 ing in the same household as the alien and the
 4 spouse or parent consented or acquiesced to such
 5 battery or cruelty,” and inserting “by a spouse or
 6 parent of the alien (without the active participation
 7 of the alien in the battery or cruelty) or by any per-
 8 son having a relationship with the alien covered by
 9 the civil or criminal domestic violence statutes of the
 10 State or Indian country where the alien resides, or
 11 the State or Indian country in which the alien, the
 12 alien’s child or the alien child’s parent received a
 13 protection order, or by any individual against whom
 14 the alien could obtain a protection order,”.

15 **SEC. 1068. ENSURING THAT BATTERED IMMIGRANTS HAVE**
 16 **ACCESS TO FOOD STAMPS AND SSI.**

17 (a) **QUALIFYING QUARTERS.**—Section 435 of the
 18 Personal Responsibility and Work Opportunity Reconcili-
 19 ation Act of 1996 (8 U.S.C. 1645) is amended in para-
 20 graph (2) by striking “and the alien remains married to
 21 such spouse or such spouse is deceased” and inserting “if
 22 such spouse is deceased or if the alien remains married
 23 to such spouse (except that qualified aliens described in
 24 section 431(c) may continue after divorce to count the

1 qualifying quarters worked by their spouse during the
2 marriage)”.

3 (b) **FOOD STAMPS ACCESS FOR BATTERED IMMI-**
4 **GRANT QUALIFIED ALIENS AND THEIR CHILDREN.**—Sec-
5 tion 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016)
6 is amended by adding at the end the following:

7 “(k) **BATTERED IMMIGRANT QUALIFIED ALIEN ELI-**
8 **GIBILITY FOR FOOD STAMPS.**—Notwithstanding any other
9 provision of law, qualified aliens described in section
10 431(c) of the Personal Responsibility and Work Oppor-
11 tunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) and
12 their children are eligible to receive food stamps.”.

13 **SEC. 1069. TECHNICAL CORRECTION TO QUALIFIED ALIEN**
14 **DEFINITION FOR BATTERED IMMIGRANTS.**

15 Clause (iii) of section 431(c)(1)(B) of the Personal
16 Responsibility and Work Opportunity Reconciliation Act
17 of 1996 (8 U.S.C. 1641(c)(1)(B)) is amended to read as
18 follows:

19 “(iii) suspension of deportation under
20 section 244(a)(3) of the Immigration and
21 Nationality Act (as in effect before the
22 date of enactment of the Illegal Immigra-
23 tion Reform and Immigrant Responsibility
24 Act of 1996).”.

1 **SEC. 1070. ACCESS TO LEGAL SERVICES CORPORATION**
2 **FUNDS.**

3 Section 502 of the Departments of Commerce, Jus-
4 tice, and State, the Judiciary and Related Agencies Appro-
5 priations Act, 1998 (Public Law 105–119) is amended by
6 adding at the end the following:

7 “(c) This section shall not be construed to prohibit
8 a recipient from—

9 “(1) using funds derived from a source other
10 than the Legal Services Corporation to provide re-
11 lated legal assistance (as that term is defined in sub-
12 section (b)(2)) to any alien who has been battered
13 or subjected to extreme cruelty by a person with
14 whom the alien has a relationship covered by the do-
15 mestic violence laws of the State in which the alien
16 resides or in which an incidence of violence occurred;

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

1 migration Reform and Immigrant Responsibility Act
2 of 1996 (8 U.S.C. 1101 note).”.

3 **TITLE II—VIOLENCE AGAINST**
4 **WOMEN AND THE WORKPLACE**

5 **SEC. 2001. FINDINGS.**

6 Congress makes the following findings:

7 (1) Victims of crime and their families suffer
8 from crime and its effects on a daily basis.

9 (2) Domestic crime against adults accounts for
10 approximately 15 percent of total crime costs in the
11 United States each year.

12 (3) Violence against women has been reported
13 to be the leading cause of physical injury to women.
14 It has a devastating impact on women’s physical and
15 emotional health and financial security.

16 (4) The Department of Justice estimates that
17 intimate partners commit on average 960,000 vio-
18 lent crimes against women every year.

19 (5) Employees in the United States who have
20 been victims of crime too often suffer adverse con-
21 sequences in the workplace as a result of their expe-
22 riences as victims of crime.

23 (6) Victims of crime are particularly vulnerable
24 to changes in employment, pay, and benefits as a re-

1 sult of their victimizations, and are, therefore, in
2 need of legal protection.

3 (7) The prevalence of violence against women at
4 work is dramatic. Homicide is the leading cause of
5 death for women on the job. Eight percent of all
6 rapes occur in the workplace. Women who are vic-
7 tims of violent workplace crimes are twice as likely
8 as men to know their attackers. Husbands, boy-
9 friends, and ex-partners commit 15 percent of work-
10 place homicides against women. One study found
11 that three-quarters of battered women who work
12 were harassed by telephone by their abuser at work.

13 (8) Nearly 50 percent of rape victims lose their
14 employment or are forced to quit their jobs following
15 the crime. Approximately one quarter of battered
16 women surveyed have lost a job due in part to the
17 effects of domestic violence.

18 (9) The availability of economic support is a
19 critical factor in the ability of battered women to
20 leave abusive situations that threaten them and their
21 children. Over half of battered women surveyed
22 stayed with their batterers because they lacked re-
23 sources to support themselves and their children.

24 (10) According to the National Institute of Jus-
25 tice, crime costs an estimated \$450,000,000,000 an-

1 nually in medical expenses, lost earnings, social serv-
2 ice costs, pain, suffering, and reduced quality of life
3 for victims, all of which harm our Nation's produc-
4 tivity and drain our Nation's resources. Violent
5 crime accounts for \$426,000,000,000 of this
6 amount.

7 (11) Rape exacts the highest costs-per-victim of
8 any criminal offense, an estimated total of
9 \$127,000,000,000 per year. Recent governmental es-
10 timates indicate that between 300,000 and 600,000
11 rapes and sexual assaults occur annually in the
12 United States.

13 (12) Other violent offenses take unacceptably
14 high tolls on the economy as well, including assault
15 (\$93,000,000,000), murder (excluding arson and
16 drunk driving deaths) (\$71,000,000,000), drunk
17 driving (including fatalities) (\$61,000,000,000), and
18 child abuse (\$56,000,000,000).

19 (13) Violent crime results in wage losses equiv-
20 alent to 1 percent of all American earnings, and
21 causes 3 percent of the Nation's medical spending
22 and 14 percent of injury-related medical spending.

23 (14) Estimates demonstrate that employers pay
24 between \$3,000,000,000 and \$5,000,000,000 annu-

1 ally to cover the cost of crimes against employees
2 and their families.

3 (15) Surveys of business executives and cor-
4 porate security directors also underscore the heavy
5 toll that workplace violence takes on American
6 women, businesses, and interstate commerce.

7 (16) Ninety-four percent of corporate security
8 and safety directors at companies nationwide rank
9 domestic violence as a high-risk security problem.

10 (17) Forty-nine percent of senior executives re-
11 cently surveyed said domestic violence has a harmful
12 effect on their company's productivity, 47 percent
13 said domestic violence negatively affects attendance,
14 and 44 percent said domestic violence increases
15 health care costs.

16 (18) Only 12 States have enacted statutes for-
17 bidding employers from taking adverse action
18 against employees who have been victims of crime
19 and must participate in the criminal justice process
20 during working hours. No State explicitly protects
21 crime victims from other adverse action which may
22 result from their experiences and status as crime
23 victims.

24 (19) Existing Federal law neither expressly au-
25 thORIZES battered women to take leave from work to

1 seek legal assistance and redress, counseling, or as-
 2 sistance with safety planning activities nor does it
 3 protect crime victims from retaliation, discharge, or
 4 other workplace penalties that may result from their
 5 experiences and status as crime victims.

6 **Subtitle A—National Clearinghouse**
 7 **on Domestic Violence and Sex-**
 8 **ual Assault in the Workplace**
 9 **Grant**

10 **SEC. 2011. NATIONAL CLEARINGHOUSE ON DOMESTIC VIO-**
 11 **LENCE AND SEXUAL ASSAULT IN THE WORK-**
 12 **PLACE GRANT.**

13 (a) **AUTHORITY.**—The Attorney General may award
 14 a grant in accordance with this section to a private, non-
 15 profit entity or tribal organization that meets the require-
 16 ments of subsection (b) in order to provide for the estab-
 17 lishment and operation of a national clearinghouse and re-
 18 source center to provide information and assistance to em-
 19 ployers, labor organizations, and advocates on behalf of
 20 victims of domestic violence and sexual assault, in their
 21 efforts to develop and implement appropriate responses to
 22 assist the victims.

23 (b) **GRANTEES.**—Each applicant for a grant under
 24 this section shall submit to the Attorney General an appli-
 25 cation, which shall—

1 (1) demonstrate that the applicant—

2 (A) has a nationally recognized expertise in
3 the area of domestic violence and sexual assault
4 and a record of commitment and quality re-
5 sponses to reduce domestic violence and sexual
6 assault; and

7 (B) will provide matching funds from non-
8 Federal sources in an amount equal to not less
9 than 10 percent of the total amount of the
10 grant awarded under this section; and

11 (2) include a plan to maximize, to the extent
12 practicable, outreach to employers (including private
13 companies, as well as public entities such as univer-
14 sities, and State and local governments) in devel-
15 oping and implementing appropriate responses to as-
16 sist employees who are victims of domestic violence
17 and sexual assault.

18 (c) USE OF GRANT AMOUNT.—A grant under this
19 section may be used for staff salaries, travel expenses,
20 equipment, printing, and other reasonable expenses nec-
21 essary to assemble, maintain, and disseminate to employ-
22 ers, labor organizations, and advocates described in sub-
23 section (a), information on and appropriate responses to
24 domestic violence and sexual assault, including—

1 (1) to promote the national interest in ensuring
2 that victims and survivors of domestic violence, sex-
3 ual assault, and stalking can recover from and cope
4 with the effects of those crimes and participate in
5 the criminal and civil justice processes without fear
6 of adverse economic consequences from their employ-
7 ers;

8 (2) to minimize the negative impact on inter-
9 state commerce from dislocations of employees and
10 decreases in productivity that may arise when em-
11 ployees are victimized by those crimes;

12 (3) to promote the purposes of the 14th amend-
13 ment by addressing the failure of existing laws to
14 protect the employment rights of victims of domestic
15 violence, sexual assault, and stalking and by fur-
16 thering the right of domestic violence, sexual assault,
17 and stalking victims to employment free from dis-
18 crimination; and

19 (4) to accomplish the purposes described in
20 paragraphs (1), (2), and (3) in a manner that ac-
21 commodates the legitimate interests of employers
22 and protects the safety of all persons in the work-
23 place.

24 **SEC. 2023. DEFINITIONS.**

25 In this subtitle:

1 (1) EMPLOYEE.—

2 (A) IN GENERAL.—The term “employee”
3 means any person employed by an employer. In
4 the case of an individual employed by a public
5 agency, such term means an individual em-
6 ployed as described in section 3(e) of the Fair
7 Labor Standards Act of 1938 (29 U.S.C.
8 203(e)).

9 (B) BASIS.—The term includes a person
10 employed as described in subparagraph (A) on
11 a full- or part-time basis, for a fixed time pe-
12 riod, on a temporary basis, pursuant to a detail,
13 as an independent contractor, or as a partici-
14 pant in a work assignment as a condition of re-
15 ceipt of Federal or State income-based public
16 assistance.

17 (2) EMPLOYER.—The term “employer”—

18 (A) means any person engaged in com-
19 merce or in any industry or activity affecting
20 commerce who employs individuals; and

21 (B) includes any person acting directly or
22 indirectly in the interest of an employer in rela-
23 tion to an employee, and includes a public agen-
24 cy, but does not include any labor organization
25 (other than when acting as an employer) or

1 anyone acting in the capacity of officer or agent
2 of such labor organization.

3 (3) PARENT; SON OR DAUGHTER.—The terms
4 “parent” and “son or daughter” have the meanings
5 given the terms in section 101 of the Family and
6 Medical Leave Act of 1993 (29 U.S.C. 2611).

7 (4) PERSON.—The term “person” means an in-
8 dividual, partnership, association, corporation, busi-
9 ness trust, legal representative, or any organized
10 group of individuals.

11 (5) PUBLIC AGENCY.—The term “public agen-
12 cy” has the meaning given the term in section 3 of
13 the Fair Labor Standards Act of 1938 (29 U.S.C.
14 203).

15 **SEC. 2024. PROHIBITED DISCRIMINATORY ACTS.**

16 An employer shall not fail to hire, refuse to hire, or
17 discharge any individual, or otherwise discriminate against
18 any individual with respect to compensation, terms, condi-
19 tions, or privileges of employment, of the individual (in-
20 cluding retaliation in any form or manner) because—

21 (1) the individual—

22 (A) is or is perceived to be a victim of do-
23 mestic violence, sexual assault, or stalking;

24 (B) attended, participated in, or prepared
25 for, or requested leave to attend, participate in,

1 or prepare for a criminal or civil court pro-
2 ceeding relating to an incident of domestic vio-
3 lence, sexual assault, or stalking of which the
4 employee, or the son or daughter or parent of
5 the employee, was a victim; or

6 (C) requested an adjustment to a job
7 structure or workplace facility, including a
8 transfer, reassignment, or modified schedule,
9 leave, a changed telephone number or seating
10 assignment, or installation of a lock or imple-
11 mentation of a safety procedure, in response to
12 actual or threatened domestic violence, sexual
13 assault, or stalking, regardless of whether the
14 request was granted; or

15 (2) the action of a person whom the employee
16 states has committed or threatened to commit do-
17 mestic violence, sexual assault, or stalking against
18 the employee, or the son or daughter or parent of
19 the employee, disrupted the workplace.

20 **SEC. 2025. ENFORCEMENT.**

21 (a) CIVIL ACTION BY EMPLOYEES.—

22 (1) LIABILITY.—Any employer who violates sec-
23 tion 3024 shall be liable to any employee affected
24 for—

1 (A) damages equal to the amount of
2 wages, salary, employment benefits (as defined
3 in section 101 of the Family and Medical Leave
4 Act of 1993 (29 U.S.C. 2611)), or other com-
5 pensation denied to or lost by such employee by
6 reason of the violation, and the interest on that
7 amount calculated at the prevailing rate;

8 (B) compensatory damages, including dam-
9 ages for future pecuniary losses, emotional
10 pain, suffering, inconvenience, mental anguish,
11 loss of enjoyment or life, and other nonpecu-
12 niary losses;

13 (C) such punitive damages, up to 3 times
14 the amount of actual damages sustained, as the
15 court described in paragraph (2) shall deter-
16 mine to be appropriate; and

17 (D) such equitable relief as may be appro-
18 priate, including employment, reinstatement,
19 and promotion.

20 (2) RIGHT OF ACTION.—An action to recover
21 the damages or equitable relief prescribed in para-
22 graph (1) may be maintained against any employer
23 (including a public agency) in any Federal or State
24 court of competent jurisdiction by any 1 or more
25 employees.

1 (b) ACTION BY DEPARTMENT OF JUSTICE.—The At-
 2 torney General may bring a civil action in any Federal
 3 or State court of competent jurisdiction to recover the
 4 damages or equitable relief described in subsection (a)(1).

5 **SEC. 2026. ATTORNEY’S FEES.**

6 Section 722(b) of the Revised Statutes (42 U.S.C.
 7 1988(b)) is amended by inserting “the Victims’ Employ-
 8 ment Rights Act,” after “title VI of the Civil Rights Act
 9 of 1964,”.

10 **Subtitle C—Workplace Violence**
 11 **Against Women Prevention Tax**
 12 **Credit**

13 **SEC. 2031. SHORT TITLE.**

14 This subtitle may be cited as the “Workplace Vio-
 15 lence Against Women Prevention Tax Credit Act”.

16 **SEC. 2032. CREDIT FOR COSTS TO EMPLOYERS OF IMPLE-**
 17 **MENTING WORKPLACE SAFETY PROGRAMS**
 18 **TO COMBAT VIOLENCE AGAINST WOMEN.**

19 (a) IN GENERAL.—Subpart D of part IV of sub-
 20 chapter A of chapter 1 of the Internal Revenue Code of
 21 1986 (relating to business related credits) is amended by
 22 adding at the end the following:

23 **“SEC. 45D. WORKPLACE SAFETY PROGRAM CREDIT.**

24 “(a) IN GENERAL.—For purposes of section 38, the
 25 workplace safety program credit determined under this

1 section for the taxable year is, for any employer, an
2 amount equal to 40 percent of the violence against women
3 safety and education costs paid or incurred by such em-
4 ployer during the taxable year.

5 “(b) DEFINITIONS.—In this section:

6 “(1) VIOLENCE AGAINST WOMEN SAFETY AND
7 EDUCATION COST.—

8 “(A) IN GENERAL.—The term ‘violence
9 against women safety and education cost’
10 means any cost certified by the Attorney Gen-
11 eral to the Secretary as being for the purpose
12 of—

13 “(i) ensuring the safety of employees
14 from violent crimes against women,

15 “(ii) providing assistance to employees
16 and the spouses and dependents of employ-
17 ees with respect to violent crimes against
18 women,

19 “(iii) providing legal or medical serv-
20 ices to employees and the spouses and de-
21 pendents of employees subjected to, or at
22 risk from, violent crimes against women,

23 “(iv) educating employees about the
24 issue of violent crimes against women, or

1 “(v) implementing human resource or
2 personnel policies initiated to protect em-
3 ployees from violent crimes against women
4 or to support employees who have been vic-
5 tims of violent crimes against women.

6 “(B) TYPES OF COSTS.—Such term in-
7 cludes costs certified by the Attorney General to
8 the Secretary as being for the purpose of—

9 “(i) the hiring of new security per-
10 sonnel in order to address violent crimes
11 against women,

12 “(ii) the creation of buddy systems or
13 escort systems for walking employees to
14 parking lots, parked cars, subway stations,
15 or bus stops, in order to address violent
16 crimes against women,

17 “(iii) the purchase or installation of
18 new security equipment, including surveil-
19 lance equipment, lighting fixtures, cardkey
20 access systems, and identification systems,
21 in order to address violent crimes against
22 women,

23 “(iv) the establishment of an employee
24 assistance line or other employee assist-
25 ance services, in order to address violent

1 crimes against women, for the use of indi-
2 vidual employees, including counseling or
3 referral services undertaken in consultation
4 and coordination with national, State, or
5 local domestic violence and sexual assault
6 coalitions or programs,

7 “(v) the retention of an attorney to
8 provide legal services to employees seeking
9 restraining orders or other legal recourse
10 from violent crimes against women,

11 “(vi) the establishment of medical
12 services addressing the medical needs of
13 employees who are victims of violent crimes
14 against women,

15 “(vii) the retention of a financial ex-
16 pert or an accountant to provide financial
17 counseling to employees seeking to escape
18 from violent crimes against women,

19 “(viii) the establishment of an edu-
20 cation program for employees, consisting of
21 seminars or training sessions about violent
22 crimes against women undertaken in con-
23 sultation and coordination with national,
24 State, or local domestic violence and sexual
25 assault coalitions or programs,

1 “(ix) studies of the cost, impact, or
2 extent of violent crimes against women at
3 the employer’s place of business, if such
4 studies are made available to the public
5 and protect the identity of employees in-
6 cluded in the study,

7 “(x) the publication of a regularly dis-
8 seminated newsletter or other regularly
9 disseminated educational materials about
10 violent crimes against women,

11 “(xi) the implementation of leave poli-
12 cies for the purpose of allowing or accom-
13 modating the needs of victims of violent
14 crimes against women to pursue legal re-
15 dress against assailants, including leave
16 from work to attend meetings with attor-
17 neys, to give evidentiary statements or
18 depositions, and to attend hearings or
19 trials in court,

20 “(xii) the implementation of flexible
21 work policies for the purpose of allowing or
22 accommodating the needs of employees
23 who are victims of violent crimes against
24 women, or employees at risk with respect
25 to such crimes, to avoid assailants,

1 “(xiii) the implementation of transfer
2 policies for the purpose of allowing or ac-
3 commodating the needs of employees sub-
4 jected to violent crimes against women to
5 change office locations within the company
6 in order to avoid assailants or to allow the
7 transfer of an employee who has per-
8 petrated violent crimes against women in
9 order to protect the victim, including pay-
10 ment of costs for the transfer and reloca-
11 tion of an employee to another city, coun-
12 ty, State, or country for the purpose of
13 maintaining an employee’s safety from vio-
14 lent crimes against women, or

15 “(xiv) the provision of any of the serv-
16 ices described in clauses (iv) through (viii)
17 to the spouses or dependents of employees.

18 “(C) NOTIFICATION OF POSSIBLE TAX
19 CONSEQUENCES.—In no event shall any cost for
20 goods or services which may be included in the
21 income of any employee receiving or benefiting
22 from such goods or services be treated as a vio-
23 lence against women safety and education cost
24 unless the employer notifies the employee in
25 writing of the possibility of such inclusion.

1 “(2) VIOLENT CRIMES AGAINST WOMEN.—

2 “(A) IN GENERAL.—The term ‘violent
3 crimes against women’ includes sexual assault
4 and domestic violence.

5 “(B) DOMESTIC VIOLENCE.—The term
6 ‘domestic violence’ has the meaning given the
7 term in section 2 of the Battered Women’s Eco-
8 nomic Security and Safety Act.

9 “(C) SEXUAL ASSAULT.—The term ‘sexual
10 assault’—

11 “(i) means any conduct proscribed by
12 chapter 109A of title 18, United States
13 Code, whether or not the conduct occurs in
14 the special maritime and territorial juris-
15 diction of the United States or in a Fed-
16 eral prison; and

17 “(ii) includes both assaults committed
18 by offenders who are strangers to the vic-
19 tim and assaults committed by offenders
20 who are known to the victim or related by
21 blood or marriage to the victim.

22 “(3) EMPLOYEE AND EMPLOYER.—

23 “(A) PARTNERS AND PARTNERSHIPS.—
24 The term ‘employee’ includes a partner and the
25 term ‘employer’ includes a partnership.

1 “(B) RELATED PERSONS.—Persons shall
2 be treated as related to each other if such per-
3 sons are treated as a single employer under
4 subsection (a) or (b) of section 52.

5 “(c) COORDINATION WITH OTHER PROVISIONS.—No
6 credit or deduction shall be allowed under any other provi-
7 sion of this title for any amount for which a credit is al-
8 lowed under this section.”.

9 (b) TREATMENT AS GENERAL BUSINESS CREDIT.—

10 (1) IN GENERAL.—Subsection (b) of section 38
11 of the Internal Revenue Code of 1986 (relating to
12 general business credit) is amended by striking
13 “plus” at the end of paragraph (11), by striking the
14 period at the end of paragraph (12) and inserting “,
15 plus”, and by adding at the end the following:

16 “(13) the workplace safety program credit de-
17 termined under section 45D.”.

18 (2) TRANSITIONAL RULE FOR CARRYBACKS.—

19 Subsection (d) of section 39 of such Code (relating
20 to transitional rules) is amended by adding at the
21 end the following:

22 “(9) NO CARRYBACK OF SECTION 45D CREDIT
23 BEFORE EFFECTIVE DATE.—No portion of the un-
24 used business credit for any taxable year which is
25 attributable to the workplace safety program credit

1 determined under section 45D may be carried back
2 to a taxable year beginning on or before the date of
3 the enactment of section 45D.”.

4 (3) DEDUCTION FOR UNUSED CREDITS.—Sub-
5 section (c) of section 196 of such Code (relating to
6 deduction for certain unused business credits) is
7 amended by striking “and” at the end of paragraph
8 (7), by striking the period at the end of paragraph
9 (8) and inserting “, and”, and by adding at the end
10 the following:

11 “(9) the workplace safety program credit deter-
12 mined under section 45D.”.

13 (c) CREDIT NOT A DEFENSE IN LEGAL ACTIONS.—
14 The allowance of a credit under section 45D of the Inter-
15 nal Revenue Code of 1986 (as added by this subtitle) shall
16 not absolve employers of their responsibilities under any
17 other law and shall not be construed as a defense to any
18 legal action (other than legal action by the Secretary of
19 the Treasury under such Code).

20 (d) CLERICAL AMENDMENT.—The table of sections
21 for subpart D of part IV of subchapter A of chapter 1
22 of the Internal Revenue Code of 1986 is amended by add-
23 ing at the end the following:

“Sec. 45D. Workplace safety program credit.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 1999.

4 **Subtitle D—Employment** 5 **Protection for Battered Women**

6 **SEC. 2041. SHORT TITLE AND REFERENCE.**

7 (a) SHORT TITLE.—This subtitle may be cited as the
8 “Battered Women’s Employment Protection Act”.

9 (b) REFERENCE.—Except as otherwise expressly pro-
10 vided, whenever in this subtitle an amendment or repeal
11 is expressed in terms of an amendment to, or repeal of,
12 a section or other provision, the reference shall be consid-
13 ered to be made to that section or other provision of the
14 Family and Medical Leave Act of 1993 (29 U.S.C. 2601
15 et seq.).

16 **SEC. 2042. PURPOSES.**

17 The purposes of this subtitle are, pursuant to the af-
18 firmative power of Congress to enact legislation under sec-
19 tion 5 of the 14th amendment to the Constitution, as well
20 as under the portions of section 8 of article I of the Con-
21 stitution relating to providing for the general welfare and
22 to regulation of commerce among the several States—

23 (1) to promote the national interest in reducing
24 domestic violence by enabling victims of domestic vi-
25 olence to maintain the financial independence nec-

1 essary to leave abusive situations, achieve safety,
2 and minimize the physical and emotional injuries
3 from domestic violence, and to reduce the dev-
4 astating economic consequences of domestic violence
5 to employers and employees, by—

6 (A) providing unemployment insurance for
7 victims of domestic violence who are forced to
8 leave their employment as a result of domestic
9 violence; and

10 (B) entitling employed victims of domestic
11 violence to take reasonable leave under the
12 Family and Medical Leave Act of 1993 (29
13 U.S.C. 2601 et seq.) to seek medical help, legal
14 assistance, counseling, and safety planning and
15 assistance without penalty from their employ-
16 ers;

17 (2) to promote the purposes of the 14th amend-
18 ment by protecting the civil and economic rights of
19 victims of domestic violence and by furthering the
20 equal opportunity of women for employment and
21 economic self-sufficiency;

22 (3) to minimize the negative impact on inter-
23 state commerce from dislocations of employees and
24 harmful effects on productivity, health care costs,
25 and employer costs, caused by domestic violence; and

1 (4) to accomplish the purposes described in
2 paragraphs (1), (2), and (3) in a manner that ac-
3 commodates the legitimate interests of employers.

4 **SEC. 2043. UNEMPLOYMENT COMPENSATION.**

5 (a) UNEMPLOYMENT COMPENSATION.—Section 3304
6 of the Internal Revenue Code of 1986 is amended—

7 (1) in subsection (a)—

8 (A) by striking “and” at the end of para-
9 graph (18);

10 (B) by striking the period at the end of
11 paragraph (19) and inserting “; and”; and

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

14 “(20) compensation is to be provided where an
15 individual is separated from employment due to cir-
16 cumstances directly resulting from the individual’s
17 experience of domestic violence.”; and

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

19 “(g) CONSTRUCTION.—

20 “(1) IN GENERAL.—For purposes of subsection
21 (a)(20), an employee’s separation from employment
22 shall be treated as due to circumstances directly re-
23 sulting from the individual’s experience of domestic
24 violence if the separation resulted from—

1 “(A) the employee’s reasonable fear of fu-
2 ture domestic violence at or en route to or from
3 the employee’s place of employment;

4 “(B) the employee’s wish to relocate to an-
5 other geographic area in order to avoid future
6 domestic violence against the employee or the
7 employee’s family;

8 “(C) the employee’s need to recover from
9 stress resulting from the employee’s experience
10 of domestic violence;

11 “(D) the employer’s denial of the employ-
12 ee’s request for the temporary leave from em-
13 ployment authorized by section 102 of the Fam-
14 ily and Medical Leave Act of 1993 to address
15 domestic violence and its effects; or

16 “(E) any other circumstance in which do-
17 mestic violence causes the employee to reason-
18 ably believe that termination of employment is
19 necessary for the future safety of the employee
20 or the employee’s family.

21 “(2) REASONABLE EFFORTS TO RETAIN EM-
22 PLOYMENT.—For purposes of subsection (a)(20), if
23 State law requires the employee to have made rea-
24 sonable efforts to retain employment as a condition

1 for receiving unemployment compensation, such re-
2 quirement shall be met if the employee—

3 “(A) sought protection from, or assistance
4 in responding to, domestic violence, including
5 calling the police or seeking legal, social work,
6 medical, clerical, or other assistance;

7 “(B) sought safety, including refuge in a
8 shelter or temporary or permanent relocation,
9 whether or not the employee actually obtained
10 such refuge or accomplished such relocation; or

11 “(C) reasonably believed that options such
12 as taking a leave of absence, transferring jobs,
13 or receiving an alternative work schedule would
14 not be sufficient to guarantee the employee or
15 the employee’s family’s safety.

16 “(3) ACTIVE SEARCH FOR EMPLOYMENT.—For
17 purposes of subsection (a)(20), if State law requires
18 the employee to actively search for employment after
19 separation from employment as a condition for re-
20 ceiving unemployment compensation, such require-
21 ment shall be treated as met where the employee is
22 temporarily unable to actively search for employment
23 because the employee is engaged in seeking safety
24 for the employee or the employee’s family, or relief

1 for the employee, from domestic violence,
2 including—

3 “(A) going into hiding or relocating or at-
4 tempting to do so, including activities associ-
5 ated with such hiding or relocation, such as
6 seeking to obtain sufficient shelter, food, school-
7 ing for children, or other necessities of life for
8 the employee or the employee’s family;

9 “(B) actively pursuing legal protection or
10 remedies, including meeting with the police,
11 going to court to make inquiries or file papers,
12 meeting with attorneys, or attending court pro-
13 ceedings; or

14 “(C) participating in psychological, social,
15 or religious counseling or support activities to
16 assist the employee in coping with domestic vio-
17 lence.

18 “(4) PROVISION OF INFORMATION TO MEET
19 CERTAIN REQUIREMENTS.—In determining if an em-
20 ployee meets the requirements of paragraphs (1),
21 (2), and (3), the unemployment agency of the State
22 in which an employee is requesting unemployment
23 compensation by reason of subsection (a)(20) may
24 require the employee to provide—

1 “(A) a written statement describing the
2 domestic violence and its effects;

3 “(B) documentation of the domestic vio-
4 lence, such as a police or court record, or docu-
5 mentation from a shelter worker, an employee
6 of a domestic violence program, an attorney, a
7 member of the clergy, or a medical or other
8 professional, from whom the employee has
9 sought assistance in addressing domestic vio-
10 lence and its effects, as defined in section 101
11 of the Family and Medical Leave Act of 1993
12 (29 U.S.C. 2611); or

13 “(C) other corroborating evidence, such as
14 a statement from any other individual with
15 knowledge of the circumstances that provide the
16 basis for the claim of domestic violence, or
17 physical evidence of domestic violence, such as
18 a photograph, torn or bloody clothing, or any
19 other damaged property.

20 All evidence of domestic violence experienced by an
21 employee, including a statement of an employee, any
22 other documentation or corroborating evidence, and
23 the fact that an employee has applied for or inquired
24 about unemployment compensation available by rea-
25 son of subsection (a)(20) shall be retained in the

1 strictest confidence by such State unemployment
2 agency, except to the extent that disclosure is re-
3 quired, or consented to, by the employee for the
4 purpose of protecting the safety of the employee or
5 a family member of the employee or of assisting in
6 documenting domestic violence for a court or agen-
7 cy.”.

8 (b) SOCIAL SECURITY PERSONNEL TRAINING.—Sec-
9 tion 303(a) of the Social Security Act (42 U.S.C. 503(a))
10 is amended by redesignating paragraphs (4) through (10)
11 as paragraphs (5) through (11), respectively, and by in-
12 serting after paragraph (3) the following:

13 “(4) Such methods of administration as will en-
14 sure that claims reviewers and hearing personnel are
15 adequately trained in the nature and dynamics of
16 domestic violence and in methods of ascertaining
17 and keeping confidential information about possible
18 experiences of domestic violence, so that employee
19 separations stemming from domestic violence are re-
20 liably screened, identified, and adjudicated, and full
21 confidentiality is provided for the employee’s claim
22 and submitted evidence; and”.

23 (c) DEFINITIONS.—Section 3306 of the Internal Rev-
24 enue Code of 1986 is amended by adding at the end the
25 following:

1 “(u) DOMESTIC VIOLENCE.—The term ‘domestic vio-
2 lence’ has the meaning given the term in section 2 of the
3 Battered Women’s Economic Security and Safety Act.”.

4 **SEC. 2044. ENTITLEMENT TO LEAVE FOR ADDRESSING DO-**
5 **MESTIC VIOLENCE FOR NON-FEDERAL EM-**
6 **PLOYEES.**

7 (a) DEFINITIONS.—Section 101 (29 U.S.C. 2611) is
8 amended by adding at the end the following:

9 “(14) ADDRESSING DOMESTIC VIOLENCE AND
10 ITS EFFECTS.—The term ‘addressing domestic vio-
11 lence and its effects’ means—

12 “(A) being unable to attend or perform
13 work due to an incident of domestic violence;

14 “(B) seeking medical attention for or re-
15 covering from injuries caused by domestic vio-
16 lence;

17 “(C) seeking legal assistance or remedies,
18 including communicating with the police or an
19 attorney, or participating in any legal pro-
20 ceeding, related to domestic violence;

21 “(D) obtaining services from a domestic vi-
22 olence shelter or program or rape crisis center
23 as a result of domestic violence;

24 “(E) obtaining psychological counseling re-
25 lated to experiences of domestic violence;

1 “(F) participating in safety planning and
2 other actions to increase safety from future do-
3 mestic violence, including temporary or perma-
4 nent relocation; and

5 “(G) participating in any other activity ne-
6 cessitated by domestic violence that must be un-
7 dertaken during the hours of employment in-
8 volved.

9 “(15) DOMESTIC VIOLENCE.—The term ‘domes-
10 tic violence’ has the meaning given the term in sec-
11 tion 2 of the Battered Women’s Economic Security
12 and Safety Act.”.

13 (b) LEAVE REQUIREMENT.—Section 102 (29 U.S.C.
14 2612) is amended—

15 (1) in subsection (a)(1), by adding at the end
16 the following:

17 “(E) In order to care for the son, daugh-
18 ter, or parent of the employee, if such son,
19 daughter, or parent is addressing domestic vio-
20 lence and its effects.

21 “(F) Because the employee is addressing
22 domestic violence and its effects, which make
23 the employee unable to perform the functions of
24 the position of such employee.”;

1 (2) in subsection (b), by adding at the end the
2 following:

3 “(3) DOMESTIC VIOLENCE.—Leave under sub-
4 paragraph (E) or (F) of subsection (a)(1) may be
5 taken by an eligible employee intermittently or on a
6 reduced leave schedule. The taking of leave intermit-
7 tently or on a reduced leave schedule pursuant to
8 this paragraph shall not result in a reduction in the
9 total amount of leave to which the employee is enti-
10 tled under subsection (a) beyond the amount of leave
11 actually taken.”; and

12 (3) in subsection (d)(2)(B), by striking “(C) or
13 (D)” and inserting “(C), (D), (E), or (F)”.

14 (c) CERTIFICATION.—Section 103 (29 U.S.C. 2613)
15 is amended—

16 (1) in the title of the section, by inserting be-
17 fore the period the following: “; **CONFIDEN-**
18 **TIALITY**”; and

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

20 “(f) DOMESTIC VIOLENCE.—In determining if an em-
21 ployee meets the requirements of subparagraph (E) or (F)
22 of section 102(a)(1), the employer of an employee may re-
23 quire the employee to provide—

24 “(1) a written statement describing the domes-
25 tic violence and its effects;

1 “(2) documentation of the domestic violence in-
2 volved, such as a police or court record, or docu-
3 mentation from a shelter worker, an employee of a
4 domestic violence program, an attorney, a member
5 of the clergy, or a medical or other professional,
6 from whom the employee has sought assistance in
7 addressing domestic violence and its effects; or

8 “(3) other corroborating evidence, such as a
9 statement from any other individual with knowledge
10 of the circumstances that provide the basis for the
11 claim of domestic violence, or physical evidence of
12 domestic violence, such as a photograph, torn or
13 bloody clothing, or any other damaged property.

14 “(g) CONFIDENTIALITY.—All evidence provided to
15 the employer under subsection (f) of domestic violence ex-
16 perienced by an employee or the son, daughter, or parent
17 of an employee, including a statement of an employee, any
18 other documentation or corroborating evidence, and the
19 fact that an employee has requested leave for the purpose
20 of addressing, or caring for a son, daughter, or parent who
21 is addressing, domestic violence and its effects, shall be
22 retained in the strictest confidence by the employer, except
23 to the extent that disclosure is requested, or consented to,
24 by the employee for the purpose of—

1 “(1) protecting the safety of the employee or a
2 family member or co-worker of the employee; or

3 “(2) assisting in documenting domestic violence
4 for a court or agency.”.

5 **SEC. 2045. ENTITLEMENT TO LEAVE FOR ADDRESSING DO-**
6 **MESTIC VIOLENCE FOR FEDERAL EMPLOY-**
7 **EES.**

8 (a) DEFINITIONS.—Section 6381 of title 5, United
9 States Code, is amended—

10 (1) at the end of paragraph (5), by striking
11 “and”;

12 (2) in paragraph (6), by striking the period and
13 inserting a semicolon; and

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

15 “(7) the term ‘addressing domestic violence and
16 its effects’ has the meaning given the term in section
17 101 of the Family and Medical Leave Act of 1993
18 (29 U.S.C. 2611); and

19 “(8) the term ‘domestic violence’ has the mean-
20 ing given the term in section 2 of the Battered
21 Women’s Economic Security and Safety Act.”.

22 (b) LEAVE REQUIREMENT.—Section 6382 of title 5,
23 United States Code, is amended—

24 (1) in subsection (a)(1), by adding at the end
25 the following:

1 “(E) In order to care for the son, daughter, or
2 parent of the employee, if such son, daughter, or
3 parent is addressing domestic violence and its ef-
4 fects.

5 “(F) Because the employee is addressing do-
6 mestic violence and its effects, which make the em-
7 ployee unable to perform the functions of the posi-
8 tion of such employee.”;

9 (2) in subsection (b), by adding at the end the
10 following:

11 “(3) DOMESTIC VIOLENCE.—Leave under sub-
12 paragraph (E) or (F) of subsection (a)(1) may be
13 taken by an employee intermittently or on a reduced
14 leave schedule. The taking of leave intermittently or
15 on a reduced leave schedule pursuant to this para-
16 graph shall not result in a reduction in the total
17 amount of leave to which the employee is entitled
18 under subsection (a) beyond the amount of leave ac-
19 tually taken.”; and

20 (3) in subsection (d), by striking “(C), or (D)”
21 and inserting “(C), (D), (E), or (F)”.

22 (c) CERTIFICATION.—Section 6383 of title 5, United
23 States Code, is amended—

24 (1) in the title of the section, by adding at the
25 end the following: “; **confidentiality**”; and

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

2 “(f) In determining if an employee meets the require-
3 ments of subparagraph (E) or (F) of section 6382(a)(1),
4 the employing agency of an employee may require the em-
5 ployee to provide—

6 “(1) a written statement describing the domes-
7 tic violence and its effects;

8 “(2) documentation of the domestic violence in-
9 volved, such as a police or court record, or docu-
10 mentation from a shelter worker, an employee of a
11 domestic violence program, an attorney, a member
12 of the clergy, or a medical or other professional,
13 from whom the employee has sought assistance in
14 addressing domestic violence and its effects; or

15 “(3) other corroborating evidence, such as a
16 statement from any other individual with knowledge
17 of the circumstances that provide the basis for the
18 claim of domestic violence, or physical evidence of
19 domestic violence, such as a photograph, torn or
20 bloody clothing, or other damaged property.

21 “(g) All evidence provided to the employing agency
22 under subsection (f) of domestic violence experienced by
23 an employee or the son, daughter, or parent of an em-
24 ployee, including a statement of an employee, any other
25 documentation or corroborating evidence, and the fact

1 that an employee has requested leave for the purpose of
2 addressing, or caring for a son, daughter, or parent who
3 is addressing, domestic violence and its effects, shall be
4 retained in the strictest confidence by the employing agen-
5 cy, except to the extent that disclosure is requested, or
6 consented to, by the employee for the purpose of—

7 “(1) protecting the safety of the employee or a
8 family member or co-worker of the employee; or

9 “(2) assisting in documenting domestic violence
10 for a court or agency.”.

11 **SEC. 2046. EXISTING LEAVE USABLE FOR DOMESTIC VIO-**
12 **LENCE.**

13 (a) DEFINITIONS.—In this section:

14 (1) ADDRESSING DOMESTIC VIOLENCE AND ITS
15 EFFECTS.—The term “addressing domestic violence
16 and its effects” has the meaning given the term in
17 section 101 of the Family and Medical Leave Act of
18 1993 (29 U.S.C. 2611), as amended in section
19 3044(a).

20 (2) EMPLOYEE.—The term “employee” means
21 any person employed by an employer. In the case of
22 an individual employed by a public agency, such
23 term means an individual employed as described in
24 section 3(e) of the Fair Labor Standards Act of
25 1938 (29 U.S.C. 203(e)).

1 (3) EMPLOYER.—The term “employer”—

2 (A) means any person engaged in com-
3 merce or in any industry or activity affecting
4 commerce who employs individuals, if such per-
5 son is also subject to the Family and Medical
6 Leave Act of 1993 (29 U.S.C. 2601 et seq.) or
7 to any provision of a State or local law, collec-
8 tive bargaining agreement, or employment bene-
9 fits program or plan, addressing paid or unpaid
10 leave from employment (including family, med-
11 ical, sick, annual, personal, or similar leave);
12 and

13 (B) includes any person acting directly or
14 indirectly in the interest of an employer in rela-
15 tion to any employee, and includes a public
16 agency, who is subject to a law, agreement, pro-
17 gram, or plan described in subparagraph (A),
18 but does not include any labor organization
19 (other than when acting as an employer) or
20 anyone acting in the capacity of officer or agent
21 of such labor organization.

22 (4) EMPLOYMENT BENEFITS.—The term “em-
23 ployment benefits” has the meaning given the term
24 in section 101 of the Family and Medical Leave Act
25 of 1993 (29 U.S.C. 2611).

1 (5) PARENT; SON OR DAUGHTER.—The terms
2 “parent” and “son or daughter” have the meanings
3 given the terms in section 101 of the Family and
4 Medical Leave Act of 1993 (29 U.S.C. 2611).

5 (6) PUBLIC AGENCY.—The term “public agen-
6 cy” has the meaning given the term in section 3 of
7 the Fair Labor Standards Act of 1938 (29 U.S.C.
8 203).

9 (b) USE OF EXISTING LEAVE.—An employee who is
10 entitled to take paid or unpaid leave (including family,
11 medical, sick, annual, personal, or similar leave) from em-
12 ployment, pursuant to State or local law, a collective bar-
13 gaining agreement, or an employment benefits program or
14 plan, shall be permitted to use such leave for the purpose
15 of addressing domestic violence and its effects, or for the
16 purpose of caring for a son or daughter or parent of the
17 employee, if such son or daughter or parent is addressing
18 domestic violence and its effects.

19 (c) CERTIFICATION.—In determining whether an em-
20 ployee qualifies to use leave as described in subsection (b),
21 an employer may require a written statement, documenta-
22 tion of domestic violence, or corroborating evidence con-
23 sistent with section 103(f) of the Family and Medical
24 Leave Act of 1993 (29 U.S.C. 2613(f)), as amended by
25 section 2044(c).

1 (d) CONFIDENTIALITY.—All evidence provided to the
2 employer under subsection (c) of domestic violence experi-
3 enced by an employee or the son or daughter or parent
4 of the employee, including a statement of an employee,
5 any other documentation or corroborating evidence, and
6 the fact that an employee has requested leave for the pur-
7 pose of addressing, or caring for a son or daughter or par-
8 ent who is addressing, domestic violence and its effects,
9 shall be retained in the strictest confidence by the em-
10 ployer, except to the extent that disclosure is requested,
11 or consented to, by the employee for the purpose of—

12 (1) protecting the safety of the employee or a
13 family member or co-worker of the employee; or

14 (2) assisting in documenting domestic violence
15 for a court or agency.

16 (e) PROHIBITED ACTS.—

17 (1) INTERFERENCE WITH RIGHTS.—

18 (A) EXERCISE OF RIGHTS.—It shall be un-
19 lawful for any employer to interfere with, re-
20 strain, or deny the exercise of or the attempt to
21 exercise, any right provided under this section.

22 (B) DISCRIMINATION.—It shall be unlaw-
23 ful for any employer to discharge or in any
24 other manner discriminate against an individual

1 for opposing any practice made unlawful by this
2 section.

3 (2) INTERFERENCE WITH PROCEEDINGS OR IN-
4 QUIRIES.—It shall be unlawful for any person to dis-
5 charge or in any other manner discriminate against
6 any individual because such individual—

7 (A) has filed any charge, or had instituted
8 or caused to be instituted any proceeding,
9 under or related to this section;

10 (B) has given, or is about to give, any in-
11 formation in connection with any inquiry or
12 proceeding relating to any right provided under
13 this section; or

14 (C) has testified, or is about to testify, in
15 any inquiry or proceeding relating to any right
16 provided under this section.

17 (f) ENFORCEMENT.—

18 (1) PUBLIC ENFORCEMENT.—The Secretary of
19 Labor shall have the powers set forth in subsections
20 (b), (c), (d), and (e) of section 107 of the Family
21 and Medical Leave Act of 1993 (29 U.S.C. 2617)
22 for the purpose of public agency enforcement of any
23 alleged violation of subsection (e) against any em-
24 ployer.

1 (2) PRIVATE ENFORCEMENT.—The remedies
2 and procedures set forth in section 107(a) of the
3 Family and Medical Leave Act of 1993 (29 U.S.C.
4 2617(a)) shall be the remedies and procedures pur-
5 suant to which an employee may initiate a legal ac-
6 tion against an employer for alleged violations of
7 subsection (e).

8 (3) REFERENCES.—For purposes of paragraph
9 (1) and (2), references in section 107 of the Family
10 and Medical Leave Act of 1993 to section 105 of
11 such Act shall be considered to be references to sub-
12 section (e).

13 (4) EMPLOYER LIABILITY UNDER OTHER
14 LAWS.—Nothing in this section shall be construed to
15 limit the liability of an employer to an employee for
16 harm suffered relating to the employee’s experience
17 of domestic violence pursuant to any other Federal
18 or State law, including a law providing for a legal
19 remedy.

20 **SEC. 2047. EFFECT ON OTHER LAWS AND EMPLOYMENT**
21 **BENEFITS.**

22 (a) MORE PROTECTIVE LAWS, AGREEMENTS, PRO-
23 GRAMS, AND PLANS.—Nothing in this subtitle or the
24 amendments made by this subtitle shall be construed to
25 supersede any provision of any Federal, State, or local

1 law, collective bargaining agreement, or other employment
 2 benefits program or plan that provides greater unemploy-
 3 ment compensation or leave benefits for employed victims
 4 of domestic violence than the rights established under this
 5 subtitle or such amendments.

6 (b) LESS PROTECTIVE LAWS, AGREEMENTS, PRO-
 7 GRAMS, AND PLANS.—The rights established for employ-
 8 ees under this subtitle or the amendments made by this
 9 subtitle shall not be diminished by any State or local law,
 10 collective bargaining agreement, or employment benefits
 11 program or plan.

12 **SEC. 2048. EFFECTIVE DATE.**

13 (a) GENERAL RULE.—Except as provided in sub-
 14 section (b), this subtitle and the amendments made by this
 15 subtitle take effect 180 days after the date of enactment
 16 of this Act.

17 (b) UNEMPLOYMENT COMPENSATION.—

18 (1) IN GENERAL.—Except as provided in para-
 19 graph (2), the amendments made by section 3043
 20 shall apply in the case of compensation paid for
 21 weeks beginning on or after the expiration of 180
 22 days from the date of enactment of this Act.

23 (2) MEETING OF STATE LEGISLATURE.—

24 (A) IN GENERAL.—If the Secretary of
 25 Labor identifies a State as requiring a change

1 to its statutes or regulations in order to comply
2 with the amendments made by section 3043,
3 the amendments made by section 3043 shall
4 apply in the case of compensation paid for
5 weeks beginning after the earlier of—

6 (i) the date the State changes its stat-
7 utes or regulations in order to comply with
8 the amendments made by section 3043; or

9 (ii) the end of the first session of the
10 State legislature which begins after the
11 date of enactment of this Act or which
12 began prior to such date and remained in
13 session for at least 25 calendar days after
14 such date;

15 except that in no case shall the amendments
16 made by this subtitle apply before the date that
17 is 180 days after the date of enactment of this
18 Act.

19 (B) SESSION DEFINED.—In this para-
20 graph, the term “session” means a regular, spe-
21 cial, budget, or other session of a State legisla-
22 ture.

1 **TITLE III—PROTECTIONS FOR**
2 **VICTIMS OF DOMESTIC VIO-**
3 **LENCE UNDER SOCIAL SECUR-**
4 **RITY ACT PROGRAMS**

5 **SEC. 3001. WAIVERS FOR VICTIMS OF DOMESTIC VIOLENCE**
6 **UNDER THE TANF PROGRAM.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the intent of Congress in amending part A
9 of title IV of the Social Security Act (42 U.S.C. 601
10 et seq.) in section 103(a) of the Personal Responsi-
11 bility and Work Opportunity Reconciliation Act of
12 1996 (Public Law 104–193; 110 Stat 2112) was to
13 allow States to take into account the effects of the
14 epidemic of domestic violence in establishing their
15 welfare programs, by giving States the flexibility to
16 grant individual, temporary waivers for good cause
17 to victims of domestic violence who meet the criteria
18 set forth in section 402(a)(7)(A)(iii) of the Social
19 Security Act (42 U.S.C. 602(a)(7)(A)(iii));

20 (2) the allowance of waivers under that section
21 was not intended to be limited by other, separate,
22 and independent provisions of part A of title IV of
23 the Social Security Act (42 U.S.C. 601 et seq.);

24 (3) under that section, requirements under the
25 temporary assistance for needy families program

1 under part A of title IV of such Act may, for good
2 cause, be waived for so long as necessary; and

3 (4) good cause waivers granted pursuant to
4 that section are intended to be temporary and di-
5 rected only at particular program requirements, such
6 as time limits for receipt of assistance and work par-
7 ticipation, when needed on an individual case-by-case
8 basis, and are intended to facilitate the ability of vic-
9 tims of domestic violence to move forward and meet
10 program requirements when safe and feasible with-
11 out interference by domestic violence.

12 (b) CLARIFICATION OF WAIVER PROVISIONS.—

13 (1) IN GENERAL.—Section 402(a)(7) of the So-
14 cial Security Act (42 U.S.C. 602(a)(7)) is
15 amended—

16 (A) by redesignating subparagraph (B) as
17 subparagraph (E); and

18 (B) by inserting after subparagraph (A),
19 the following:

20 “(B) NO NUMERICAL LIMITS.—In imple-
21 menting this paragraph, a State shall not be
22 subject to any numerical limitation in the
23 granting of good cause waivers under subpara-
24 graph (A)(iii).

1 “(C) WAIVERED INDIVIDUALS NOT IN-
2 CLUDED FOR PURPOSES OF CERTAIN OTHER
3 PROVISIONS OF THIS PART.—Any individual to
4 whom a good cause waiver of compliance with
5 this Act has been granted in accordance with
6 subparagraph (A)(iii) shall not be included for
7 purposes of—

8 “(i) determining a State’s compliance
9 with the participation rate requirements
10 set forth in section 407;

11 “(ii) applying the limitation described
12 in section 408(a)(7)(C)(ii); or

13 “(iii) for purposes of determining
14 whether to impose a penalty under para-
15 graph (3), (5), or (9) of section 409(a).

16 “(D) SECRETARIAL REVIEW.—If, but for
17 subparagraph (C), a State would fail to comply
18 with the participation rate requirements set
19 forth in section 407, exceed the limitation de-
20 scribed in section 408(a)(7)(C)(ii), or have a
21 penalty imposed under paragraph (3), (5), or
22 (9) of section 409(a), the Secretary may review
23 the good cause waivers granted by a State
24 under subparagraph (A)(iii) to determine
25 whether the State has granted such waivers

1 pursuant to a determination of good cause, and
2 may revoke any waivers that the Secretary
3 finds were not granted in accordance with the
4 requirements of this paragraph.”.

5 (2) EFFECTIVE DATE.—The amendment made
6 by paragraph (1) takes effect as if included in the
7 enactment of section 103(a) of the Personal Respon-
8 sibility and Work Opportunity Reconciliation Act of
9 1996 (Public Law 104–193; 110 Stat. 2112).

10 **SEC. 3002. DISCLOSURE PROTECTIONS UNDER THE CHILD**
11 **SUPPORT PROGRAM.**

12 (a) FEDERAL PARENT LOCATOR SERVICE.—Section
13 453 of the Social Security Act (42 U.S.C. 653) is
14 amended—

15 (1) in subsection (b)(2)—

16 (A) in the matter preceding subparagraph
17 (A), by inserting “, or that the health, safety,
18 or liberty of a parent or child would be put at
19 risk by the disclosure of such information,” be-
20 fore “provided that”;

21 (B) in subparagraph (A), by inserting “,
22 that the health, safety, or liberty of a parent or
23 child would be put at risk by the disclosure of
24 such information,” before “and that informa-
25 tion”; and

1 (C) in subparagraph (B)(i), by striking “be
2 harmful to the parent or the child” and insert-
3 ing “place the health, safety, or liberty of a par-
4 ent or child at risk”; and

5 (2) in subsection (e)(2), by inserting “, or to
6 serve as the initiating court in an action to seek an
7 order,” before “against a noncustodial”.

8 (b) STATE PLAN REQUIREMENTS.—Section 454(26)
9 of the Social Security Act (42 U.S.C. 654(26)) is
10 amended—

11 (1) in subparagraph (C), by striking “result in
12 physical or emotional harm to the party or the
13 child” and inserting “place the health, safety, or lib-
14 erty of a parent or child at risk”;

15 (2) in subparagraph (D), by striking “of domes-
16 tic violence or child abuse against a party or the
17 child and that the disclosure of such information
18 could be harmful to the party or the child” and in-
19 serting “that the health, safety, or liberty of a par-
20 ent or child would be put at risk by the disclosure
21 of such information”; and

22 (3) in subparagraph (E), by striking “of domes-
23 tic violence” and all that follows through the semi-
24 colon and inserting “that the health, safety, or lib-
25 erty of a parent or child would be put at risk by the

1 disclosure of such information pursuant to section
 2 453(b)(2), the court shall determine whether disclo-
 3 sure to any other person or persons of information
 4 received from the Secretary could place the health,
 5 safety, or liberty of a parent or child at risk (if the
 6 court determines that disclosure to any other person
 7 could be harmful, the court and its agents shall not
 8 make any such disclosure);”.

9 (c) EFFECTIVE DATE.—The amendments made by
 10 this section shall take effect as if included in the enact-
 11 ment of the Balanced Budget Act of 1997 (Public Law
 12 105–33; 111 Stat. 251).

13 **SEC. 3003. BONUS TO BUILD REAL OPPORTUNITIES FOR**
 14 **POOR FAMILIES.**

15 Section 403(a) of the Social Security Act (42 U.S.C.
 16 603(a)) is amended by adding at the end the following:

17 “(6) BUILDING OPPORTUNITIES BONUS.—

18 “(A) IN GENERAL.—The Secretary shall
 19 award a grant pursuant to this paragraph to
 20 each State for each bonus year for which the
 21 State is a high performing State.

22 “(B) AMOUNT OF GRANT.—

23 “(i) IN GENERAL.—Subject to clause
 24 (ii), the Secretary shall determine the
 25 amount of the grant payable under this

1 paragraph to a high performing State for
2 a bonus year, which shall be based on the
3 score assigned to the State under subpara-
4 graph (D)(i) for the fiscal year that imme-
5 diately precedes the bonus year.

6 “(ii) LIMITATION.—The amount pay-
7 able to a State under this paragraph for a
8 bonus year shall not exceed 5 percent of
9 the State family assistance grant and shall
10 be used to address the issues set forth in
11 subparagraph (C).

12 “(C) CRITERIA FOR MEASURING STATE
13 PERFORMANCE.—Not later than 1 year after
14 the date of enactment of this paragraph, the
15 Secretary, in consultation with the National
16 Governor’s Association and the Institute for
17 Women’s Policy Research, shall develop criteria
18 for measuring State performance in operating
19 the State program funded under this part to
20 address the following issues as they relate to
21 the ability of recipients of assistance under the
22 State program to become economically self-suf-
23 ficient:

24 “(i) CHILD CARE.—Whether States
25 are—

1 “(I) ensuring an adequate supply
2 of safe, accessible, appropriate, and
3 quality child care slots;

4 “(II) helping women identify and
5 place children in safe, accessible, ap-
6 propriate, and quality child care;

7 “(III) ensuring that available
8 child care slots are filled;

9 “(IV) improving the quality of
10 child care by ensuring that child care
11 providers are adequately paid and
12 trained;

13 “(V) increasing access to safe,
14 accessible, appropriate, and quality
15 child care by making child care sub-
16 sidies available to recipients of assist-
17 ance under the State program funded
18 under this part and families that earn
19 up to 85 percent of the State’s me-
20 dian income;

21 “(VI) collaborating with State
22 child care resource and referral agen-
23 cies and child care development ex-
24 perts in developing and implementing
25 child care programs and policies; and

1 “(VII) collaborating with State
2 domestic violence coalitions to address
3 the child care needs of families af-
4 fected by domestic violence.

5 “(ii) EMPLOYMENT.—Whether States
6 are—

7 “(I) providing education and
8 training for recipients of assistance
9 under the State program under this
10 part for employment that pays a sus-
11 tainable wage, such as apprenticeable,
12 technical, and professional occupa-
13 tions, and nontraditional employment;

14 “(II) placing such recipients in
15 such employment;

16 “(III) retaining such recipients in
17 such employment;

18 “(IV) providing career develop-
19 ment assistance for such recipients,
20 including job readiness training, reli-
21 able, up-to-date career counseling
22 services, and employability assess-
23 ments on available employment that
24 pays a sustainable wage, and informa-
25 tion on nontraditional training, edu-

1 cation options, and employment op-
2 portunities for women entering wel-
3 fare-to-work programs; and

4 “(V) utilizing resources available
5 under title I of the Workforce Invest-
6 ment Act of 1998 (29 U.S.C. 2801 et
7 seq.), including under section
8 134(a)(3)(A)(vi)(II) of such Act (29
9 U.S.C. 2864(a)(3)(A)(vi)(II)), to sup-
10 port State efforts on education, train-
11 ing, placement, retention and career
12 development assistance, as described
13 in subclauses (I) through (IV).

14 “(iii) DOMESTIC VIOLENCE.—Whether
15 States are—

16 “(I) collaborating with State do-
17 mestic violence coalitions in imple-
18 menting substantive programs ad-
19 dressing domestic violence as an im-
20 pediment to women’s work and edu-
21 cation (such as demonstration and
22 model projects), programs placing do-
23 mestic violence advocates in welfare
24 offices, and programs providing em-
25 ployment and support services for vic-

1 tims of domestic violence that will
2 reach a substantial number of bat-
3 tered women;

4 “(II) collaborating with State do-
5 mestic violence coalitions in adopting
6 and implementing the option under
7 the State plan relating to domestic vi-
8 olence set forth in section 402(a)(7);

9 “(III) collaborating with State
10 domestic violence coalitions in requir-
11 ing training on domestic violence for
12 case workers for the State program
13 funded under this part;

14 “(IV) collaborating with State
15 domestic violence coalitions in requir-
16 ing training on domestic violence for
17 job training, education, and job place-
18 ment programs that are contracted by
19 the State program funded under this
20 part and requiring that such pro-
21 grams implement strategies and pro-
22 grams to support victims of domestic
23 violence in the workplace;

24 “(V) conducting outreach to em-
25 ployers of recipients of assistance to

1 ensure that employers are aware of
2 and are implementing strategies and
3 programs to support victims of domes-
4 tic violence in the workplace; and

5 “(VI) conducting public edu-
6 cation on domestic violence.

7 “(D) SCORING OF STATE PERFORMANCE;
8 SETTING OF PERFORMANCE THRESHOLDS.—
9 For each bonus year, the Secretary shall—

10 “(i) use the criteria developed under
11 subparagraph (C) to assign a score to each
12 eligible State for the fiscal year that imme-
13 diately precedes the bonus year; and

14 “(ii) prescribe a performance thresh-
15 old in such a manner so as to ensure
16 that—

17 “(I) the average annual total
18 amount of grants to be made under
19 this paragraph for each bonus year
20 equals \$200,000,000; and

21 “(II) the total amount of grants
22 to be made under this paragraph for
23 all bonus years equals
24 \$1,000,000,000.

25 “(E) DEFINITIONS.—In this paragraph:

1 “(i) BONUS YEAR.—The term ‘bonus
2 year’ means fiscal years 2001, 2002, 2003,
3 2004, and 2005.

4 “(ii) CHILD CARE.—The term ‘child
5 care’ means all programs and arrange-
6 ments utilized by parents for the care of
7 children from birth through age 14, and
8 for the care of children with special needs
9 who are older than age 14, including day
10 care services provided by centers, family
11 day care, group family day care, informal
12 care, after hours care, and before- and
13 after-school programs.

14 “(iii) CHILD WITH SPECIAL NEEDS.—
15 The term ‘child with special needs’ has the
16 meaning given the term ‘child with a dis-
17 ability’ in section 602(3)(A)(i) of the Indi-
18 viduals With Disabilities Education Act
19 (20 U.S.C. 1401).

20 “(iv) DOMESTIC VIOLENCE.—The
21 term ‘domestic violence’ has the meaning
22 given the term ‘battered or subjected to ex-
23 treme cruelty’ in section 408(a)(7)(C)(iii).

24 “(v) HIGH PERFORMANCE STATE.—
25 The term ‘high performance State’ means,

1 with respect to a bonus year, an eligible
2 State whose score assigned pursuant to
3 subparagraph (D)(i) for the fiscal year im-
4 mediately preceding the bonus year equals
5 or exceeds the performance threshold pre-
6 scribed under subparagraph (D)(ii) for
7 such preceding fiscal year.

8 “(vi) SUSTAINABLE WAGE.—The term
9 ‘sustainable wage’ means a wage that is at
10 least 185 percent above the poverty line
11 and that takes into account costs related
12 to employment such as Federal, State, and
13 local taxes, child care, transportation, food,
14 and shelter costs for a particular geo-
15 graphic area.

16 “(vii) NONTRADITIONAL EMPLOY-
17 MENT.—The term ‘nontraditional employ-
18 ment’ means occupations or fields of work,
19 including careers in computer science,
20 technology, and other emerging high skill
21 occupations, for which individuals from one
22 gender comprise less than 25 percent of
23 the individuals employed in each such oc-
24 cupation or field of work.

1 “(viii) POVERTY LINE.—The term
2 ‘poverty line’ has the meaning given such
3 term in section 673(2) of the Community
4 Services Block Grant Act (42 U.S.C.
5 9902(2)), including any revision required
6 by such section.

7 “(F) APPROPRIATION.—Out of any money
8 in the Treasury of the United States not other-
9 wise appropriated, there are appropriated for
10 fiscal years 2001 through 2005,
11 \$1,000,000,000 for grants under this para-
12 graph.”.

13 **TITLE IV—MISCELLANEOUS** 14 **PROVISIONS**

15 **SEC. 4001. GRANTS TO COMBAT VIOLENCE AGAINST** 16 **WOMEN.**

17 (a) ENSURING ADEQUATE TRIBAL LAW ENFORCE-
18 MENT GRANTS ON VIOLENCE AGAINST WOMEN.—Section
19 2002(b)(1) of the Omnibus Crime Control and Safe
20 Streets Act of 1968 (42 U.S.C. 3796gg–1(b)(1)) is
21 amended by striking “4 percent” and inserting “5 per-
22 cent”.

23 (b) COALITION GRANTS.—

1 (1) IN GENERAL.—Part T of title I of the Om-
 2 nibus Crime Control and Safe Streets Act of 1968
 3 (42 U.S.C. 3796gg et seq.) is amended—

4 (A) by striking the part designation and
 5 heading and inserting the following:

6 **“PART T—GRANTS TO COMBAT VIOLENCE**
 7 **AGAINST WOMEN”;** and

8 (B) by inserting after section 2002 the fol-
 9 lowing:

10 **“SEC. 2002A. STATE COALITION GRANTS.**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘combined United States Terri-
 13 tories’ means Guam, American Samoa, the United
 14 States Virgin Islands, the Northern Mariana Is-
 15 lands, and the Trust Territory of the Pacific Islands;

16 “(2) the term ‘Indian country’ has the meaning
 17 given that term in section 1151 of title 18, United
 18 States Code;

19 “(3) the term ‘State’ means each of the several
 20 States, the District of Columbia, and the Common-
 21 wealth of Puerto Rico; and

22 “(4) the term ‘State coalition’ means—

23 “(A) a State domestic violence coalition
 24 funded under section 311(b) of the Family Vio-

1 ence Prevention and Services Act (42 U.S.C.
2 10410(b));

3 “(B) a State coalition of sexual assault
4 programs (as defined in section 393B(e) of the
5 Public Health Service Act); and

6 “(C) an entity that constitutes both a
7 State domestic violence coalition described in
8 subparagraph (A) and a State coalition of sex-
9 ual assault programs.

10 “(b) PURPOSE.—The Attorney General shall award
11 grants to State coalitions in accordance with this section,
12 which shall be used for the purposes of coordinating State
13 victim services activities, and collaborating and coordi-
14 nating with Federal, State, and local entities engaged in
15 violence against women activities.

16 “(c) OTHER AWARDS.—A grant awarded under this
17 subsection does not preclude a State coalition from receiv-
18 ing a grant under section 2002.

19 “(d) ALLOCATION.—

20 “(1) IN GENERAL.—Of the amount made avail-
21 able under section 1001(a)(18) in each fiscal year,
22 5 percent shall be used for grants under this section.

23 “(2) GEOGRAPHICAL DISTRIBUTION.—Of the
24 amount made available under paragraph (1) in each
25 fiscal year—

1 “(A) $\frac{1}{54}$ shall be available in each State
2 and in the combined United States Territories;
3 and

4 “(B) $\frac{1}{54}$ shall be available for the estab-
5 lishment and operation of nonprofit, nongovern-
6 mental tribal domestic violence and sexual as-
7 sault coalitions in Indian country.

8 “(3) DISBURSEMENT OF GEOGRAPHICAL AL-
9 LOTMENTS.—Of the amount made available in each
10 fiscal year in each State, the combined United
11 States Territories, and in Indian country under
12 paragraph (2)—

13 “(A) 50 percent shall be—

14 “(i) awarded to the State coalition of
15 domestic violence programs; or

16 “(ii) with respect to a State in which
17 a single entity constitutes both the State
18 domestic violence coalition and the State
19 coalition of sexual assault programs,
20 awarded to that entity and used for domes-
21 tic violence program purposes; and

22 “(B) 50 percent shall be—

23 “(i) awarded to the State coalition of
24 sexual assault programs; or

1 “(ii) with respect to a State described
2 in subparagraph (A)(ii), awarded to the
3 entity described in that subparagraph and
4 used for sexual assault program pur-
5 poses.”.

6 (2) CONFORMING AMENDMENTS.—Part T of
7 title I of the Omnibus Crime Control and Safe
8 Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is
9 amended—

10 (A) in section 2001(b), by striking “this
11 part” and inserting “section 2002”;

12 (B) in section 2002—

13 (i) in each of subsections (a), (c), (d),
14 (e), (f), (g), and (h), by striking “this
15 part” each place that term appears and in-
16 serting “this section”;

17 (ii) in subsection (b), by inserting
18 “(less the amount reserved under section
19 2002A(d)(1))”; and

20 (iii) in subsection (f), by striking “this
21 subtitle” and inserting “this section”;

22 (C) in section 2004(b), by striking “this
23 part” each place that term appears and insert-
24 ing “section 2002”;

1 (D) in section 2005(a)(1), by striking “this
2 part” and inserting “section 2002”; and

3 (E) in section 2006(a), by striking “this
4 part” and inserting “section 2002”.

5 (c) ENSURING TRIBAL PARTICIPATION IN GRANTS
6 TO ENCOURAGE ARREST POLICIES.—Section 2101 of the
7 Omnibus Crime Control and Safe Streets Act of 1968 (42
8 U.S.C. 3796hh) is amended by adding at the end the fol-
9 lowing:

10 “(d) DISBURSEMENT.—Not less than 5 percent of
11 the total amount made available to carry out this section
12 in each fiscal year shall be used for grants to Indian tribal
13 governments.”.

14 (d) ADDRESSING RURAL DOMESTIC VIOLENCE AND
15 CHILD ABUSE ON TRIBAL LANDS.—Section 40295(c) of
16 the Safe Homes for Women Act of 1994 (42 U.S.C.
17 13971(c)) is amended by adding at the end the following:

18 “(3) DISBURSEMENT.—Not less than 5 percent
19 of the total amount made available under paragraph
20 (1) in each fiscal year shall be used for grants to In-
21 dian tribal governments.”.

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