

1 **TITLE IV—DOMESTIC VIOLENCE**
2 **PREVENTION**
3 **Subtitle A—Domestic Violence**
4 **Victims' Housing**

5 **SEC. 401. SHORT TITLE.**

6 This subtitle may be cited as the “Domestic Violence
7 Victims Housing Act”.

8 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

9 The budget authority under section 5(c) of the Unit-
10 ed States Housing Act of 1937 for assistance under sub-
11 sections (b) and (o) of section 8 of such Act is authorized
12 to be increased by \$50,000,000 on or after October 1,
13 1997 and by such sums as may be necessary on or after
14 October 1, 1998.

15 **SEC. 403. USE OF AMOUNTS FOR HOUSING ASSISTANCE**
16 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

17 (a) IN GENERAL.—Amounts available pursuant to
18 section 402 shall be made available by the Secretary of
19 Housing and Urban Development only to public housing
20 agencies and qualified nonprofit organizations only for use
21 for providing tenant-based rental assistance on behalf of
22 families victimized by domestic violence (as such term is
23 defined in section 404 of this subtitle) who have left or
24 are leaving a residence as a result of the domestic violence.

1 (b) DETERMINATION.—For purposes of subsection
2 (a), a family victimized by domestic violence shall be con-
3 sidered to have left or to be leaving a residence as a result
4 of domestic violence if the public housing agency or quali-
5 fied nonprofit organization providing rental assistance
6 under this subtitle determines that the member of the
7 family who was a victim of the domestic violence reason-
8 ably believes that relocation from such residence will assist
9 in avoiding future domestic violence against such member
10 or another member of the family.

11 (c) ALLOCATION.—Amounts made available pursuant
12 to section 402 shall be allocated by the Secretary on the
13 basis of a national competition to the public housing agen-
14 cies and qualified nonprofit organizations that submit ap-
15 plications to the Secretary that best demonstrate a need
16 for such assistance, including the extent of service to un-
17 derserved populations as defined in 42 U.S.C. 3796gg-
18 2(7) as modified by title VI of this Act, and the ability
19 to undertake and carry out a program under this subtitle,
20 as the Secretary shall determine. At least 25 percent of
21 the total grants awarded shall go to qualified nonprofit
22 organizations.

1 **SEC. 404. DEFINITIONS RELATING TO DOMESTIC VIO-**
2 **LENCE.**

3 For purposes of this subtitle, the following definitions
4 shall apply:

5 (1) DOMESTIC VIOLENCE.—The term ‘domestic
6 violence’ includes acts or threats of violence, not in-
7 cluding acts of self defense, committed by a current
8 or former spouse of the victim, by a person with
9 whom the victim shares a child in common, by a per-
10 son who is cohabitating with or has cohabitated with
11 the victim, by a person who is or has been in a con-
12 tinuing social relationship of a romantic or intimate
13 nature with the victim, by a person similarly situ-
14 ated to a spouse of the victim under the domestic or
15 family violence laws of the jurisdiction, or by any
16 other person against a victim who is protected from
17 that person’s acts under the domestic or family vio-
18 lence laws of the jurisdiction.

19 (2) FAMILY VICTIMIZED BY DOMESTIC VIO-
20 LENCE.—

21 (A) IN GENERAL.—The term “family vic-
22 timized by domestic violence” means a family or
23 household that includes an individual who has
24 been determined under subparagraph (B) to
25 have been a victim of domestic violence, but
26 does not include any individual described in

1 paragraph (3) who committed the domestic vio-
2 lence. The term includes any such family or
3 household in which only a minor or minors are
4 the individual or individuals who was or were a
5 victim of domestic violence only if such family
6 or household also includes a parent, stepparent,
7 legal guardian, or other responsible caretaker
8 for the child.

9 (B) DETERMINATION THAT FAMILY OR IN-
10 DIVIDUAL WAS A VICTIM OF DOMESTIC VIO-
11 LENCE.—For purposes of subparagraph (A), a
12 determination under this subparagraph is a de-
13 termination that domestic violence has been
14 committed, which is made by any agency or of-
15 ficial of a State or unit of general local govern-
16 ment (including a public housing agency) based
17 upon—

18 (i) information provided by any medi-
19 cal, legal, counseling, or other clinic, shel-
20 ter, sexual assault program, or other pro-
21 gram or entity licensed, recognized, or au-
22 thorized by the State or unit of general
23 local government to provide services to vic-
24 tims of domestic violence or sexual assault;

1 (ii) information provided by any agen-
2 cy of the State, unit of general local gov-
3 ernment, or nonprofit nongovernmental or-
4 ganization that provides or administers the
5 provision of social, medical, legal, or health
6 services;

7 (iii) information provided by any cler-
8 gy;

9 (iv) information provided by any hos-
10 pital, clinic, medical facility, or doctor li-
11 censed or authorized by the State or unit
12 of general local government to provide
13 medical services;

14 (v) a petition or complaint filed in a
15 court or law or documents or records of ac-
16 tion of any court or law enforcement agen-
17 cy, including any record of any protection
18 order, injunction, or temporary or final
19 order issued by civil or criminal courts or
20 any police report; or

21 (vi) any other reliable evidence that
22 domestic violence has occurred. A victim's
23 statement that domestic violence has oc-
24 curred shall be sufficient unless the agency

1 has an independent, reasonable basis to
2 find the individual not credible.

3 **SEC. 405. OTHER DEFINITIONS.**

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

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

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

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

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

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

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

22 (E) demonstrates experience in providing
23 services to victims of domestic violence.

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

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

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

12 **Subtitle B—Full Faith and Credit**
13 **for Protection Orders**

14 **SEC. 411. FULL FAITH AND CREDIT FOR PROTECTION OR-**
15 **DERS.**

16 (a) Section 2265 of title 18, United States Code, is
17 amended by adding at the end the following:

18 “(d) FORMULA GRANT REDUCTION FOR NONCOMPLI-
19 ANCE.—

20 “(1) REDUCTION.—The Attorney General shall
21 reduce by 10 percent (for redistribution to other
22 participating States that comply with subsections (a)
23 and (b)) the amount a State would receive under
24 subpart 1 of part E of title I of the Omnibus Crime
25 Control and Safe Streets Act of 1968 if such State

1 fails to comply with the requirements of subsections
2 (a), (b), and (c).

3 “(2) EFFECTIVE DATE.—The Attorney General
4 may begin to reduce funds described in paragraph
5 (1) on the first day of each fiscal year succeeding
6 the first fiscal year beginning after the date of the
7 enactment of this subsection.

8 “(e) REGISTRATION.—Nothing in this section shall
9 require prior filing or registration of a protection order
10 in the enforcing State in order to secure enforcement pur-
11 suant to subsection (a). Nothing in this section shall per-
12 mit a State to notify the party against whom the order
13 has been made that a protection order has been registered
14 and/or filed in that State.”

15 “(f) NOTICE.—Nothing in this section shall require
16 notification of the party against whom the order was made
17 in order to secure enforcement by a law enforcement offi-
18 cer pursuant to subsection (a).”.

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

21 (1) by inserting “issued pursuant to State di-
22 vorce and child custody codes” after “custody or-
23 ders”; and

1 (2) by adding “Custody and visitation provi-
2 sions in protection orders are subject to the man-
3 dates of this chapter.” after “seeking protection.”.

4 (b) COMPLIANCE—FULL FAITH AND CREDIT.—

5 Within 180 days, the Attorney General shall issue regula-
6 tions to determine whether a State is in compliance with
7 18 U.S.C. 2265(a), (b), and (c), taking into account the
8 following factors:

9 (1) The State’s documented good faith efforts
10 to ensure compliance by judicial, law enforcement,
11 and other State officials, including the extent and
12 nature of any training programs, outreach, and
13 other activities.

14 (2) The degree to which any case of noncompli-
15 ance by a State official represents an isolated inci-
16 dent, rather than a pattern of nonenforcement.

17 (3) Any barriers to compliance presented by
18 outdated technology, recordkeeping problems, or
19 similar issues, and the State’s documented good
20 faith efforts to removing those barriers.

21 **SEC. 412. GRANT PROGRAM.**

22 (a) IN GENERAL.—The Attorney General may pro-
23 vide grants to assist States, Indian tribal governments,
24 and units of local government to develop and strengthen
25 effective law enforcement and recordkeeping strategies to

1 assist States, Indian tribal governments, and units of local
2 government to enforce protective orders issued by other
3 States, Indian tribal governments, or units of local govern-
4 ment.

5 (b) USES OF FUNDS.—

6 (1) IN GENERAL.—Grants under this section
7 shall provide training and enhanced technology com-
8 patible with existing law enforcement systems in-
9 cluding the National Crime Information Center to
10 enforce protection orders.

11 (2) USES OF FUNDS.—Funds received under
12 this section may be used to train law enforcement,
13 prosecutors, court personnel, victim service provid-
14 ers, and others responsible for the enforcement of
15 protection orders, and to develop, install, or expand
16 data collection and communication systems, includ-
17 ing computerized systems, linking police, prosecu-
18 tors, and courts for the purpose of identifying and
19 tracking protection orders and violations of protec-
20 tion orders and training.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to carry out this section, \$5,000,000 for
23 each of fiscal years 1999, 2000, 2001, 2002, and 2003.

1 **Subtitle C—Victims of Abuse**
2 **Insurance Protection**

3 **SEC. 421. SHORT TITLE.**

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

6 **SEC. 422. DEFINITIONS.**

7 As used in this subtitle:

8 (1) The term “abuse” means the occurrence of
9 one or more of the following acts by a current or
10 former household or family member, intimate part-
11 ner, or caretaker:

12 (A) Attempting to cause or causing an-
13 other person bodily injury, physical harm, sub-
14 stantial emotional distress, psychological trau-
15 ma, rape, sexual assault, or involuntary sexual
16 intercourse.

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

23 (C) Subjecting another person to false im-
24 prisonment or kidnapping.

1 (D) Attempting to cause or causing dam-
2 age to property so as to intimidate or attempt
3 to control the behavior of another person.

4 (2) The term “abuse-related medical condition”
5 means a medical condition which arises in whole or
6 in part out of an action or pattern of abuse.

7 (3) The term “abuse status” means the fact or
8 perception that a person is, has been, or may be a
9 subject of abuse, irrespective of whether the person
10 has sustained abuse-related medical conditions or
11 has incurred abuse-related claims.

12 (4) The term “health benefit plan” means any
13 public or private entity or program that provides for
14 payments for health care, including—

15 (A) a group health plan (as defined in sec-
16 tion 607 of the Employee Retirement Income
17 Security Act of 1974) or a multiple employer
18 welfare arrangement (as defined in section
19 3(40) of such Act) that provides health bene-
20 fits;

21 (B) any other health insurance arrange-
22 ment, including any arrangement consisting of
23 a hospital or medical expense incurred policy or
24 certificate, hospital or medical service plan con-

1 tract, or health maintenance organization sub-
2 scriber contract;

3 (C) workers' compensation or similar in-
4 surance to the extent that it relates to workers'
5 compensation medical benefits (as defined by
6 the Federal Trade Commission); and

7 (D) automobile medical insurance to the
8 extent that it relates to medical benefits (as de-
9 fined by the Federal Trade Commission).

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

19 (6) The term "insured" means a party named
20 on a policy, certificate, or health benefit plan, in-
21 cluding an individual, corporation, partnership, asso-
22 ciation, unincorporated organization or any similar
23 entity, as the person with legal rights to the benefits
24 provided by the policy, certificate, or health benefit
25 plan. For group insurance, such term includes a per-

1 son who is a beneficiary covered by a group policy,
2 certificate, or health benefit plan. For life insurance,
3 the term refers to the person whose life is covered
4 under an insurance policy.

5 (7) The term “insurer” means any person, re-
6 ciprocal exchange, interinsurer, Lloyds insurer, fra-
7 ternal benefit society, or other legal entity engaged
8 in the business of insurance, including agents, bro-
9 kers, adjusters, and third party administrators. The
10 term also includes health carriers, health benefit
11 plans, and life, disability, and property and casualty
12 insurers.

13 (8) The term “policy” means a contract of in-
14 surance, certificate, indemnity, suretyship, or annu-
15 ity issued, proposed for issuance or intended for is-
16 suance by an insurer, including endorsements or rid-
17 ers to an insurance policy or contract.

18 (9) The term “subject of abuse” means a per-
19 son against whom an act of abuse has been directed,
20 a person who has prior or current injuries, illnesses,
21 or disorders that resulted from abuse, or a person
22 who seeks, may have sought, or had reason to seek
23 medical or psychological treatment for abuse, protec-
24 tion, court-ordered protection, or shelter from abuse.

1 **SEC. 423. DISCRIMINATORY ACTS PROHIBITED.**

2 (a) IN GENERAL.—No insurer or health carrier may,
3 directly or indirectly, engage in any of the following acts
4 or practices on the basis that the applicant or insured,
5 or any person employed by the applicant or insured or
6 with whom the applicant or insured is known to have a
7 relationship or association, is, has been, or may be the
8 subject of abuse:

9 (1) Denying, refusing to issue, renew or reissue,
10 or canceling or otherwise terminating an insurance
11 policy or health benefit plan.

12 (2) Restricting, excluding, or limiting insurance
13 or health benefit plan coverage for losses incurred as
14 a result of abuse or denying a claim incurred by an
15 insured as a result of abuse, except as otherwise per-
16 mitted or required by State laws relating to life in-
17 surance beneficiaries.

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

20 (4) Terminating health coverage for a subject
21 of abuse because coverage was originally issued in
22 the name of the abuser and the abuser has divorced,
23 separated from, or lost custody of the subject of
24 abuse or the abuser's coverage has terminated volun-
25 tarily or involuntarily and the subject of abuse does
26 not qualify for extension of coverage under part 6 of

1 subtitle B of title I or the Employee Retirement In-
2 come Security Act of 1974 (29 U.S.C. 1161 et seq.)
3 or 4980B of the Internal Revenue Code of 1986.
4 Nothing in this paragraph prohibits the insurer from
5 requiring the subject of abuse to pay the full pre-
6 mium for the subject's coverage under the health
7 plan if the requirements are applied to all insureds
8 of the health carrier. The insurer may terminate
9 group coverage after the continuation coverage re-
10 quired by this paragraph has been in force for 18
11 months if it offers conversion to an equivalent indi-
12 vidual plan. The continuation of health coverage re-
13 quired by this paragraph shall be satisfied by any
14 extension of coverage under part 6 of subtitle B of
15 title I or the Employee Retirement Income Security
16 Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of
17 the Internal Revenue Code of 1986 provided to a
18 subject of abuse and is not intended to be in addi-
19 tion to any extension of coverage provided under
20 part 6 of subtitle B of title I or the Employee Re-
21 tirement Income Security Act of 1974 (29 U.S.C.
22 1161 et seq.) or 4980B of the Internal Revenue
23 Code of 1986.

24 (b) USE OF INFORMATION.—

1 (1) IN GENERAL.—No person employed by or
2 contracting with an insurer or health benefit plan
3 may use, disclose, or transfer information relating to
4 an applicant's or insured's abuse status or abuse-re-
5 lated medical condition or the applicant's or
6 insured's status as a family member, employer, or
7 associate, person in a relationship with a subject of
8 abuse for any purpose unrelated to the direct provi-
9 sion of health care services unless such use, disclo-
10 sure, or transfer is required by an order of an entity
11 with authority to regulate insurance or an order of
12 a court of competent jurisdiction. In addition, such
13 a person may not disclose or transfer information re-
14 lating to an applicant's or insured's location or tele-
15 phone number. Nothing in this paragraph shall be
16 construed as limiting or precluding a subject of
17 abuse from obtaining the subject's own insurance
18 records from an insurer.

19 (2) AUTHORITY OF SUBJECT OF ABUSE.—A
20 subject of abuse, at the absolute discretion of the
21 subject of abuse, may provide evidence of abuse to
22 an insurer for the limited purpose of facilitating
23 treatment of an abuse-related condition or dem-
24 onstrating that a condition is abuse-related. Nothing
25 in this paragraph shall be construed as authorizing

1 an insurer or health carrier to disregard such pro-
2 vided evidence.

3 **SEC. 424. INSURANCE PROTOCOLS FOR SUBJECTS OF**
4 **ABUSE.**

5 Insurers shall develop and adhere to written policies
6 specifying procedures to be followed by employees, con-
7 tractors, producers, agents and brokers for the purpose
8 of protecting the safety and privacy of a subject of abuse
9 and otherwise implementing the provisions of this subtitle
10 when taking an application, investigating a claim, or tak-
11 ing any other action relating to a policy or claim involving
12 a subject of abuse.

13 **SEC. 425. REASONS FOR ADVERSE ACTIONS.**

14 An insurer that takes an action that adversely affects
15 a subject of abuse, shall advise the subject of abuse appli-
16 cant or insured of the specific reasons for the action in
17 writing. Reference to general underwriting practices or
18 guidelines does not constitute a specific reason.

19 **SEC. 426. LIFE INSURANCE.**

20 Nothing in this subtitle shall be construed to prohibit
21 a life insurer from declining to issue a life insurance policy
22 if the applicant or prospective owner of the policy is or
23 would be designated as a beneficiary of the policy, and
24 if—

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

3 (2) the applicant or prospective owner of the
4 policy is known, on the basis of police or court
5 records, to have committed an act of abuse against
6 the proposed insured.

7 **SEC. 427. SUBROGATION WITHOUT CONSENT PROHIBITED.**

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

10 **SEC. 428. ENFORCEMENT.**

11 (a) FEDERAL TRADE COMMISSION.—The Federal
12 Trade Commission shall have the power to examine and
13 investigate any insurer to determine whether such insurer
14 has been or is engaged in any act or practice prohibited
15 by this subtitle. If the Federal Trade Commission deter-
16 mines an insurer has been or is engaged in any act or
17 practice prohibited by this subtitle, the Commission may
18 take action against such insurer by the issuance of a cease
19 and desist order as if the insurer was in violation of sec-
20 tion 5 of the Federal Trade Commission Act. Such cease
21 and desist order may include any individual relief war-
22 ranted under the circumstances, including temporary, pre-
23 liminary, and permanent injunctive and compensatory re-
24 lief.

1 (b) PRIVATE CAUSE OF ACTION.—An applicant or in-
2 sured who believes that the applicant or insured has been
3 adversely affected by an act or practice of an insurer in
4 violation of this subtitle may maintain an action against
5 the insurer in a Federal or State court of original jurisdic-
6 tion. Upon proof of such conduct by a preponderance of
7 the evidence, the court may award appropriate relief, in-
8 cluding temporary, preliminary, and permanent injunctive
9 relief and compensatory and punitive damages, as well as
10 the costs of suit and reasonable fees for the aggrieved indi-
11 vidual's attorneys and expert witnesses. With respect to
12 compensatory damages, the aggrieved individual may
13 elect, at any time prior to the rendering of final judgment,
14 to recover in lieu of actual damages, an award of statutory
15 damages in the amount of \$5,000 for each violation.

16 **SEC. 429. EFFECTIVE DATE.**

17 This subtitle shall apply with respect to any action
18 taken on or after the date of the enactment of this Act,
19 except that section 254 shall only apply to actions taken
20 after the expiration of 60 days after such date.

1 **Subtitle D—National Summit on**
2 **Sports and Violence**

3 **SEC. 431. SENSE OF THE CONGRESS THAT A NATIONAL**
4 **SUMMIT OF SPORTS, POLITICAL, COMMU-**
5 **NITY, AND MEDIA LEADERS SHOULD BE**
6 **PROMPTLY CONVENEED TO DEVELOP A**
7 **MULTIFACETED ACTION PLAN TO DETER**
8 **ACTS OF VIOLENCE, ESPECIALLY DOMESTIC**
9 **VIOLENCE AND SEXUAL ASSAULT.**

10 (a) FINDINGS.—

11 (1) Involvement in sports commonly places indi-
12 viduals in a unique context of competition that pro-
13 vides an opportunity to teach, learn, and hone quali-
14 ties of responsible citizenship, including values that
15 promote self-respect and respect for others, and
16 deter acts of violence, especially domestic violence
17 and sexual assault.

18 (2) Professional and amateur athletes and
19 sports coaches are role models with great national
20 influence and have helped to positively shape the
21 lives of countless individuals.

22 (3) Professional and amateur athletes, and
23 sports coaches, administrators, volunteers, and team
24 owners have participated in a variety of outstanding

1 and valuable community service projects throughout
2 the Nation.

3 (4) Many professional and amateur sports orga-
4 nizations have instituted educational programs and
5 other measures to deter and sanction misconduct, in-
6 cluding abuse of legal and illegal drugs, illegal gam-
7 bling, discriminatory practices, and other unethical
8 behavior.

9 (5) Acts of domestic violence and sexual assault
10 are serious, indefensible crimes.

11 (6) Acts of domestic violence and sexual assault
12 committed by athletes are often not taken seriously
13 and go unpunished, sending an insidious and harm-
14 ful message that this behavior is excusable and is
15 not criminal.

16 (7) Most athletes do not commit acts of domes-
17 tic violence or sexual assault and these athletes, as
18 role models, can have a profound impact in deterring
19 others from committing acts of domestic violence
20 and sexual assault.

21 (8) There exists a Citizenship Through Sports
22 Alliance that is made up of the National Collegiate
23 Athletic Association, the National Junior College
24 Athletic Association, the National Association of
25 Intercollegiate Athletics, the National Federation of

1 State High School Associations, the United States
2 Olympic Committee, Major League Baseball, the
3 National Football League, the National Basketball
4 Association, and the National Hockey League.

5 (9) The Congress supports the existing activi-
6 ties of the Citizenship Through Sports Alliance and
7 its member organizations and encourages a broader
8 array of efforts to promote responsible citizenship by
9 teaching administrators, coaches, and athletes values
10 that will help all who participate in our Nation's
11 sports culture to become better citizens.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that—

14 (1) a national summit should be promptly con-
15 vened to develop a multifaceted action plan to deter
16 acts of violence, especially domestic violence and sex-
17 ual assault;

18 (2) the members of the national summit re-
19 ferred to in paragraph (1) should include—

20 (A) sports, community, political, and media
21 leaders;

22 (B) individuals with experience in youth
23 advocacy;

24 (C) individuals with experience in
25 antiviolence advocacy;

1 (D) members of the Citizenship Through
2 Sports Alliance;

3 (E) Members of Congress; and

4 (F) other governmental and community
5 leaders with specific expertise in education,
6 services, and advocacy programs that serve to
7 deter acts of violence, specifically national,
8 State, and local domestic violence and sexual
9 assault coalitions and programs;

10 (3) the action plan referred to in paragraph (1)
11 should—

12 (A) be designed to encourage the participa-
13 tion of all administrators, coaches, and athletes,
14 from those involved in youth leagues to those
15 who are involved in professional sports;

16 (B) emphasize and promote values such as
17 self-respect and respect for others, tolerance,
18 non-discrimination, and gender equality as well
19 as teamwork, discipline, responsibility, and com-
20 mitment;

21 (C) encourage and promote participation in
22 sports as a positive character building activity;

23 (D) promote a sports culture that encour-
24 ages integrity, honesty, fairness, inclusion, tol-

1 erance, nonviolence, and a commitment to excel-
2 lence; and

3 (E) include a high-profile public education
4 program and media campaign to deter acts of
5 violence, especially domestic violence and sexual
6 assault; and

7 (4) the members of the national summit re-
8 ferred to in paragraph (1), and other sports, com-
9 munity, political and media leaders should assume
10 leadership roles deterring acts of domestic violence
11 and sexual assault and should support the measures
12 developed by the national summit referred to in
13 paragraph (1).

14 **Subtitle E—Keeping Firearms**
15 **From Intoxicated Persons**

16 **SEC. 441. PROHIBITION AGAINST TRANSFER OF A FIREARM**
17 **TO, AND POSSESSION OF A FIREARM BY, A**
18 **PERSON WHO IS INTOXICATED.**

19 (a) TRANSFER PROHIBITION.—Section 922(d) of
20 title 18, United States Code, is amended—

21 (1) by striking “or” at the end of paragraph
22 (8);

23 (2) by striking the period at the end of para-
24 graph (9) and inserting “; or”; and

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

3 “(10) is intoxicated.”.

4 (b) POSSESSION PROHIBITION.—Section 922(g) of
5 such title is amended—

6 (1) by striking “or” at the end of paragraph
7 (8);

8 (2) by inserting “or” at the end of paragraph
9 (9); and

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

12 “(10) who is intoxicated,”.

13 (c) STATEMENT REQUIRED BY THE BRADY LAW.—
14 Section 922(s)(3)(B) of such title is amended—

15 (1) by striking “and” at the end of clause (vii);

16 (2) by inserting “and” at the end of clause
17 (viii); and

18 (3) by inserting after clause (viii) the following:

19 “(ix) is not intoxicated;”.

20 (d) INTOXICATED DEFINED.—Section 921(a) of such
21 title is amended by adding at the end the following:

22 “(34) The term ‘intoxicated’ means, with respect to
23 a person, that the mental or physical condition of the per-
24 son is sufficiently impaired, as a result of the presence
25 in the person’s body of alcohol, a drug, or another sub-

1 stance, to be prohibited by the law of the State in which
2 the person is located from operating a motor vehicle in
3 the State.”.

4 **Subtitle F—Access to Safety and**
5 **Advocacy**

6 **SEC. 451. SHORT TITLE.**

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

9 **SEC. 452. PURPOSE.**

10 The purpose of this subtitle is to enhance safety and
11 justice for victims of domestic violence in every State, ju-
12 risdiction under military or Federal control, tribal land,
13 territory, or commonwealth, through access to the justice
14 system and improved legal advocacy and representation.

15 **SEC. 453. GRANTS TO IMPROVE ACCESS TO THE JUSTICE**
16 **SYSTEM.**

17 (a) **ELIGIBLE GRANTEEES.**—Eligible grantees are—

- 18 (1) domestic violence programs;
19 (2) State, tribal, and local bar associations;
20 (3) law school clinical programs;
21 (4) nonprofit legal services;
22 (5) court-based pro se programs;
23 (6) bar association or domestic violence legal in-
24 formation and referral services or hotlines;

1 (7) State coalitions of domestic violence pro-
2 grams; and

3 (8) tribes and tribally recognized organizations.

4 (b) ELIGIBLE SERVICES.—Activities funded under
5 this subtitle shall be designed to further the health, safety,
6 and economic needs of victims of domestic violence
7 through legal assistance for victims of domestic violence
8 in any civil action, administrative proceeding, criminal
9 cases where the defendant advances a claim of duress or
10 defense of self or other or in clemency proceedings. Activi-
11 ties funded under this subtitle shall include legal assist-
12 ance on behalf of—

13 (1) low-income and indigent persons; or

14 (2) persons who have inadequate access to suf-
15 ficient financial resources to secure appropriate legal
16 assistance.

17 (c) GRANT AUTHORITY.—The Attorney General may
18 make grants for the following purposes:

19 (1) To enhance the availability and quality of
20 legal assistance to victims of domestic violence
21 through efforts directed at stopping the violence, en-
22 hancing victim safety, assuring economic protection
23 and well-being or protecting child victims of domes-
24 tic violence.

1 (2) To encourage the development of partner-
2 ships between domestic violence programs and the
3 full spectrum of legal representation and advocacy
4 programs, including the following: private practition-
5 ers, Government and public sector lawyers, direct
6 legal services programs, bar associations, legal hot-
7 lines, and clinical law school initiatives.

8 (3) To increase the participation of the private
9 bar in pro bono or low-cost representation of and as-
10 sistance to victims of domestic violence.

11 (4) To improve judicial and administrative han-
12 dling of pro se cases involving victims of domestic vi-
13 olence.

14 (5) To enhance the availability and quality of
15 legal representation through programs on domestic
16 violence in law schools and in continuing profes-
17 sional education programs.

18 **SEC. 454. APPLICATION.**

19 (a) REQUIREMENTS.—Eligible grantees must—

20 (1) for entities described in section 453(a)(2)
21 through (6), include documentation of an ongoing
22 partnership and working relationship with a domes-
23 tic violence program;

1 (2) demonstrate a history of providing direct
2 legal or advocacy services in a manner that is ac-
3 countable to the community served; and

4 (3) certify that—

5 (A) any person providing legal assistance
6 through a program funded under this subtitle
7 has completed training on domestic violence law
8 and practice;

9 (B) any training programs conducted in
10 satisfaction of the requirement of section
11 455(a)(3)(A) be developed with input from and
12 in collaboration with a domestic violence pro-
13 gram;

14 (C) the grantee's organizational policies do
15 not require or encourage mediation in cases
16 where domestic violence is a significant issue;
17 and

18 (D) any person providing legal assistance
19 through a program funded under this subtitle
20 has informed any State domestic violence coali-
21 tions of their work and participates in any
22 statewide networking among legal assistance
23 providers to victims of domestic violence.

1 **SEC. 455. FUNDING.**

2 (a) ALLOCATION OF FUNDS.—Of the total amounts
3 appropriated under this subtitle in any fiscal year, at least
4 45 percent shall be allocated to projects that provide direct
5 representation to victims of domestic violence, through
6 staff, volunteers or partnerships, particularly for cases in-
7 cluding custody and visitation, protection order, support,
8 housing and divorce matters, and other actions under-
9 taken to achieve or preserve victim safety. At least 5 per-
10 cent of the funds appropriated under this subtitle shall
11 be used for grants to tribes and tribal organizations, in-
12 cluding tribal courts and bar associations. No more than
13 15 percent of the funds appropriated under this subtitle
14 shall be awarded to technical assistance and training ini-
15 tiatives. No more than 5 percent of the funds appropriated
16 under this subtitle shall be awarded to evaluation. No
17 more than 5 percent of the funds appropriated under this
18 subtitle shall be utilized for the costs of administration.

19 (b) FUNDING LEVELS.—There are authorized to be
20 appropriated for grants under this subtitle \$19,000,000
21 for fiscal 1999, \$27,000,000 for fiscal 2000, \$35,000,000
22 for fiscal 2001, \$44,000,000 for fiscal 2002, and
23 \$57,000,000 for fiscal 2003.

24 (c) MATCHING REQUIREMENTS.—Applicants shall be
25 required to identify an actual or in-kind match for any
26 proposed award under this subtitle of no more than 20

1 percent. Other Federal funding may not be allocated as
2 match.

3 (d) NONSUPPLANTATION.—Federal funds received
4 under this subtitle shall be used to supplement, not sup-
5 plant, other Federal and non-Federal funds that would
6 otherwise be available for expenditures on activities de-
7 scribed in this part. Moneys disbursed under this subtitle
8 must be used to fund new projects or to expand or enhance
9 existing projects.

10 (e) DISCRIMINATION.—Activities funded under this
11 subtitle shall be conducted pursuant to any applicable
12 Federal, State, or local law governing discrimination on
13 the basis of race, national origin, religion, age, gender,
14 sexual orientation, or disability, and shall be subject to
15 section 307(a)(2) of the Family Violence Prevention and
16 Services Act. Entities funded under this subtitle shall not
17 be restricted from providing services because of the immi-
18 gration status or sexual orientation of the person seeking
19 services.

20 **SEC. 456. PROVISION OF TECHNICAL ASSISTANCE AND**
21 **TRAINING.**

22 The Attorney General may provide technical assist-
23 ance and training in furtherance of the purposes of this
24 subtitle. The technical assistance and training authorized
25 by this section may be carried out directly by the Attorney

1 General or through contracts or other arrangements with
2 entities, and may include consultation and problem solv-
3 ing, the development of training programs, materials, and
4 information on domestic violence law and practice, the
5 identification of promising practices, development of
6 databases, developing partnerships, and creating multi-
7 disciplinary, community-based approaches.

8 **SEC. 457. EVALUATION OF ACCESS TO SAFETY AND ADVO-**
9 **CACY GRANTS.**

10 The Attorney General may evaluate the grants fund-
11 ed under this subtitle through contracts or other arrange-
12 ments with entities expert on domestic violence and eval-
13 uation research.

14 **SEC. 458. DEFINITIONS.**

15 In this subtitle the following definitions apply:

16 (1) DOMESTIC VIOLENCE.—The term “domestic
17 violence” includes acts or threats of violence, and
18 stalking, not including acts of self-defense, commit-
19 ted by a current or former spouse of the victim, by
20 a person with whom the victim shares a child in
21 common, by a person who is cohabiting with or has
22 cohabited with the victim, by a person who is or has
23 been in a continuing social relationship of a roman-
24 tic or intimate nature with the victim, by a person
25 similarly situated to a spouse of the victim under the

1 domestic or family violence laws of the jurisdiction,
2 or by any other person against a victim who is pro-
3 tected from that person's acts under the domestic or
4 family violence laws of the jurisdiction.

5 (2) DOMESTIC VIOLENCE PROGRAM.—The term
6 “domestic violence program” means a nonprofit or-
7 ganization, the primary purpose of which is to pro-
8 vide advocacy on behalf of and comprehensive serv-
9 ices to victims of domestic violence, including some
10 combination of the following: crisis hotlines, shelter
11 or safe homes, transitional housing, task forces or
12 coordinating councils, food assistance, counseling,
13 systems advocacy, transportation, safety planning,
14 information and referral, and legal assistance.

15 (3) LAW SCHOOL PROGRAM.—The term “law
16 school program” means an internship, externship,
17 clinic, or other legal representation program or ini-
18 tiative located at an accredited school of law which
19 has as its primary purpose the provision of legal rep-
20 resentation, information, or assistance to victims of
21 domestic violence directed at stopping the violence,
22 enhancing the victim safety, assuring economic pro-
23 tection and well-being, or protecting child victims of
24 domestic violence.

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

3 (A) direct representation of and assistance
4 to victims of domestic violence from intake
5 through adjudication, enforcement, and appeal,
6 in any civil action, administrative proceeding,
7 criminal cases where the defendant advances a
8 claim of duress or a defense of self or other or
9 in clemency proceedings; to include representa-
10 tion from intake through adjudication, enforce-
11 ment and appeal 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; and

15 (B) legal advocacy, including issue identi-
16 fication, safety planning, evaluating options,
17 policy analysis, representation enhancement,
18 outreach activities, accompaniment, informa-
19 tion, directories and referral, monitoring the
20 civil and criminal justice process, and coordina-
21 tion among legal, social, and health care sys-
22 tems, offered by personnel of domestic violence
23 programs, which is directed at stopping the vio-
24 lence, enhancing victim safety, assuring eco-

1 nomic protection and well-being or protecting
2 child victims of domestic violence.

3 (5) NONPROFIT DIRECT LEGAL SERVICES.—The
4 term “nonprofit direct legal services” means a non-
5 profit legal organization which has as its primary
6 purpose the provision of legal assistance to persons
7 on a no-cost, sliding scale, deferred payment, or
8 fixed fee basis on civil or criminal legal matters and
9 which provides specialized representation to victims
10 of domestic violence directed at stopping the vio-
11 lence, enhancing victim safety, assuring economic
12 protection and well-being or protecting child victims
13 of domestic violence.

14 (6) PRO BONO PROGRAM.—The term “pro bono
15 program” means a program affiliated with a State,
16 tribal, or local court, bar association, nonprofit di-
17 rect legal services organization, or a domestic vio-
18 lence program that offers no-cost representation,
19 legal educational programs, or information and re-
20 ferral services to victims of domestic violence di-
21 rected at stopping the violence, enhancing victim
22 safety, assuring economic protection and well-being,
23 or protecting child victims of domestic violence.

24 (7) PRO SE PROGRAM.—The term “pro se pro-
25 gram” means a program based in the State, tribal,

1 or local courts, in nonprofit direct legal services or-
2 ganizations, or in domestic violence programs to as-
3 sist victims of domestic violence—

4 (A) in preparation and filing of court
5 pleadings, forms, memos, proposed orders, and
6 related documents, in effecting service, and in
7 representation of themselves in any civil or ad-
8 ministrative matters or proceedings directed at
9 stopping the violence, enhancing victim safety,
10 assuring economic protection and well-being, or
11 protecting child victims of domestic violence;

12 (B) to develop comprehensive safety plans;
13 and

14 (C) to offer information and referral serv-
15 ices.

16 (8) STATE, TRIBAL, OR LOCAL BAR ASSOCIA-
17 TION.—The term “State, tribal, or local bar associa-
18 tion” means a State, tribal, or local association of
19 attorneys of a specified geographic area whose mem-
20 bers are licensed to practice in the jurisdiction(s)
21 and that offers information, referral, or pro bono
22 legal services to victims of domestic violence related
23 to civil actions, administrative proceedings and
24 criminal defense directed at stopping the violence,

1 enhancing victim safety, achieving economic justice,
2 or protecting child victims of domestic violence.

3 (9) TRIBAL ORGANIZATION.—The term “tribal
4 organization” means a tribally chartered organiza-
5 tion or a nonprofit organization operating within the
6 boundaries of an Indian reservation whose governing
7 body reflects the populations served.

8 (10) STATE COALITION OF DOMESTIC VIOLENCE
9 PROGRAMS.—The term “State coalition of domestic
10 violence programs” means a statewide membership
11 organization of domestic violence programs that,
12 among other activities, provides training and tech-
13 nical assistance to domestic violence programs within
14 the State, commonwealth, territory, or lands under
15 military, Federal, or tribal authority.

16 **Subtitle G—Federal Witness Pro-**
17 **tection for Victims of Domestic**
18 **Violence**

19 **SEC. 461. WITNESS PROTECTION.**

20 (a) GENERALLY.—Section 3521(a)(1) of title 18,
21 United States Code, is amended by inserting “or of a vic-
22 tim of an offense set forth in chapter 110A of this title
23 directed at victims of domestic violence or a similar State
24 offense,” after “other serious offense,”.

1 (b) OTHER ACTIONS.—Section 3521(b)(1) of title 18,
2 United States Code, is amended by inserting “or a victim
3 of domestic violence,” after “potential witness,”.