

VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION
ACT OF 2000

—————
OCTOBER 5, 2000.—Ordered to be printed
—————

Mr. SMITH of New Jersey, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 3244]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244), an Act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Victims of Trafficking and Violence Protection Act of 2000”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) *DIVISIONS.—This Act is organized into three divisions, as follows:*

(1) *DIVISION A.—Trafficking Victims Protection Act of 2000.*

(2) *DIVISION B.—Violence Against Women Act of 2000.*

(3) *DIVISION C.—Miscellaneous Provisions.*

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

- Sec. 101. Short title.*
- Sec. 102. Purposes and findings.*
- Sec. 103. Definitions.*
- Sec. 104. Annual Country Reports on Human Rights Practices.*
- Sec. 105. Interagency Task Force To Monitor and Combat Trafficking.*
- Sec. 106. Prevention of trafficking.*
- Sec. 107. Protection and assistance for victims of trafficking.*
- Sec. 108. Minimum standards for the elimination of trafficking.*
- Sec. 109. Assistance to foreign countries to meet minimum standards.*
- Sec. 110. Actions against governments failing to meet minimum standards.*
- Sec. 111. Actions against significant traffickers in persons.*
- Sec. 112. Strengthening prosecution and punishment of traffickers.*
- Sec. 113. Authorizations of appropriations.*

DIVISION B—VIOLENCE AGAINST WOMEN ACT OF 2000

- Sec. 1001. Short title.*
- Sec. 1002. Definitions.*
- Sec. 1003. Accountability and oversight.*

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

- Sec. 1101. Full faith and credit enforcement of protection orders.*
- Sec. 1102. Role of courts.*
- Sec. 1103. Reauthorization of STOP grants.*
- Sec. 1104. Reauthorization of grants to encourage arrest policies.*
- Sec. 1105. Reauthorization of rural domestic violence and child abuse enforcement grants.*
- Sec. 1106. National stalker and domestic violence reduction.*
- Sec. 1107. Amendments to domestic violence and stalking offenses.*
- Sec. 1108. School and campus security.*
- Sec. 1109. Dating violence.*

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

- Sec. 1201. Legal assistance for victims.*
- Sec. 1202. Shelter services for battered women and children.*
- Sec. 1203. Transitional housing assistance for victims of domestic violence.*
- Sec. 1204. National domestic violence hotline.*
- Sec. 1205. Federal victims counselors.*
- Sec. 1206. Study of State laws regarding insurance discrimination against victims of violence against women.*
- Sec. 1207. Study of workplace effects from violence against women.*
- Sec. 1208. Study of unemployment compensation for victims of violence against women.*
- Sec. 1209. Enhancing protections for older and disabled women from domestic violence and sexual assault.*

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

- Sec. 1301. Safe havens for children pilot program.*
- Sec. 1302. Reauthorization of victims of child abuse programs.*
- Sec. 1303. Report on effects of parental kidnapping laws in domestic violence cases.*

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

- Sec. 1401. Rape prevention and education.*
- Sec. 1402. Education and training to end violence against and abuse of women with disabilities.*
- Sec. 1403. Community initiatives.*
- Sec. 1404. Development of research agenda identified by the Violence Against Women Act of 1994.*
- Sec. 1405. Standards, practice, and training for sexual assault forensic examinations.*
- Sec. 1406. Education and training for judges and court personnel.*
- Sec. 1407. Domestic Violence Task Force.*

TITLE V—BATTERED IMMIGRANT WOMEN

- Sec. 1501. Short title.*

- Sec. 1502. *Findings and purposes.*
 Sec. 1503. *Improved access to immigration protections of the Violence Against Women Act of 1994 for battered immigrant women.*
 Sec. 1504. *Improved access to cancellation of removal and suspension of deportation under the Violence Against Women Act of 1994.*
 Sec. 1505. *Offering equal access to immigration protections of the Violence Against Women Act of 1994 for all qualified battered immigrant self-petitioners.*
 Sec. 1506. *Restoring immigration protections under the Violence Against Women Act of 1994.*
 Sec. 1507. *Remedying problems with implementation of the immigration provisions of the Violence Against Women Act of 1994.*
 Sec. 1508. *Technical correction to qualified alien definition for battered immigrants.*
 Sec. 1509. *Access to Cuban Adjustment Act for battered immigrant spouses and children.*
 Sec. 1510. *Access to the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children.*
 Sec. 1511. *Access to the Haitian Refugee Fairness Act of 1998 for battered spouses and children.*
 Sec. 1512. *Access to services and legal representation for battered immigrants.*
 Sec. 1513. *Protection for certain crime victims including victims of crimes against women.*

TITLE VI—MISCELLANEOUS

- Sec. 1601. *Notice requirements for sexually violent offenders.*
 Sec. 1602. *Teen suicide prevention study.*
 Sec. 1603. *Decade of pain control and research.*

DIVISION C—MISCELLANEOUS PROVISIONS

- Sec. 2001. *Aimee's law.*
 Sec. 2002. *Payment of anti-terrorism judgments.*
 Sec. 2003. *Aid to victims of terrorism.*
 Sec. 2004. *Twenty-first century amendment.*

DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

SEC. 101. SHORT TITLE.

This division may be cited as the “Trafficking Victims Protection Act of 2000”.

SEC. 102. PURPOSES AND FINDINGS.

(a) *PURPOSES.*—*The purposes of this division are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.*

(b) *FINDINGS.*—*Congress finds that:*

(1) *As the 21st century begins, the degrading institution of slavery continues throughout the world. Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.*

(2) *Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The*

low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as direct threats to inflict such harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking in persons is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risks. Women and children trafficked in the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive con-

duct that amounts to a condition of servitude, victims are subjected to a range of violations.

(13) *Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through nonviolent coercion. In United States v. Kozminski, 487 U.S. 931 (1988), the Supreme Court found that section 1584 of title 18, United States Code, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to criminalize only servitude that is brought about through use or threatened use of physical or legal coercion, and to exclude other conduct that can have the same purpose and effect.*

(14) *Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking in the sex industry are often punished under laws that also apply to lesser offenses, so that traffickers typically escape deserved punishment.*

(15) *In the United States, the seriousness of this crime and its components is not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers.*

(16) *In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.*

(17) *Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.*

(18) *Additionally, adequate services and facilities do not exist to meet victims' needs regarding health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.*

(19) *Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.*

(20) *Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, because they are often subjected to coercion and intimidation including physical detention and debt bondage, and because they often fear retribution and forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.*

(21) *Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.*

(22) *One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal*

and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which the United States was founded.

(23) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

(24) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

SEC. 103. DEFINITIONS.

In this division:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) **COERCION.**—The term “coercion” means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result

in serious harm to or physical restraint against any person;
or

(C) *the abuse or threatened abuse of the legal process.*

(3) *COMMERCIAL SEX ACT.—The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person.*

(4) *DEBT BONDAGE.—The term “debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.*

(5) *INVOLUNTARY SERVITUDE.—The term “involuntary servitude” includes a condition of servitude induced by means of—*

(A) *any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or*

(B) *the abuse or threatened abuse of the legal process.*

(6) *MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—The term “minimum standards for the elimination of trafficking” means the standards set forth in section 108.*

(7) *NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE.—The term “nonhumanitarian, nontrade-related foreign assistance” means—*

(A) *any assistance under the Foreign Assistance Act of 1961, other than—*

(i) *assistance under chapter 4 of part II of that Act that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act;*

(ii) *assistance under chapter 8 of part I of that Act;*

(iii) *any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;*

(iv) *disaster relief assistance, including any assistance under chapter 9 of part I of that Act;*

(v) *antiterrorism assistance under chapter 8 of part II of that Act;*

(vi) *assistance for refugees;*

(vii) *humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;*

(viii) *programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation; and*

(ix) *other programs involving trade-related or humanitarian assistance; and*

(B) *sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in ac-*

cordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961.

(8) **SEVERE FORMS OF TRAFFICKING IN PERSONS.**—The term “severe forms of trafficking in persons” means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(9) **SEX TRAFFICKING.**—The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(10) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(11) **TASK FORCE.**—The term “Task Force” means the Interagency Task Force to Monitor and Combat Trafficking established under section 105.

(12) **UNITED STATES.**—The term “United States” means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(13) **VICTIM OF A SEVERE FORM OF TRAFFICKING.**—The term “victim of a severe form of trafficking” means a person subject to an act or practice described in paragraph (8).

(14) **VICTIM OF TRAFFICKING.**—The term “victim of trafficking” means a person subjected to an act or practice described in paragraph (8) or (9).

SEC. 104. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

(a) **COUNTRIES RECEIVING ECONOMIC ASSISTANCE.**—Section 116(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(f)) is amended to read as follows:

“(f)(1) The report required by subsection (d) shall include the following:

“(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

“(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

“(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

“(ii) Which government authorities in that country are involved in activities to combat such trafficking.

“(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

“(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

“(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

“(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

“(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

“(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

“(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

“(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

“(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.”.

(b) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by adding at the end the following new subsection:

“(h)(1) The report required by subsection (b) shall include the following:

“(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

“(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of

that country to combat such trafficking. The assessment shall address the following:

“(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

“(ii) Which government authorities in that country are involved in activities to combat such trafficking.

“(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

“(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

“(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

“(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

“(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

“(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

“(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

“(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

“(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.”.

SEC. 105. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) **ESTABLISHMENT.**—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking.

(b) **APPOINTMENT.**—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Ad-

ministrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, and such other officials as may be designated by the President.

(c) **CHAIRMAN.**—The Task Force shall be chaired by the Secretary of State.

(d) **ACTIVITIES OF THE TASK FORCE.**—The Task Force shall carry out the following activities:

(1) Coordinate the implementation of this division.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. The Task Force shall have primary responsibility for assisting the Secretary of State in the preparation of the reports described in section 110.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international “sex tourism” industry in the trafficking of persons and in the sexual exploitation of women and children around the world.

(6) Engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of this division.

(e) **SUPPORT FOR THE TASK FORCE.**—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this division and may have additional responsibilities as determined by the Secretary. The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The agencies represented on the Task Force are authorized to provide staff to the Office on a nonreimbursable basis.

SEC. 106. PREVENTION OF TRAFFICKING.

(a) **ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.**—The President shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women's participation in economic decisionmaking;

(3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) **PUBLIC AWARENESS AND INFORMATION.**—The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(c) **CONSULTATION REQUIREMENT.**—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsections (a) and (b).

SEC. 107. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) **ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.**—

(1) **IN GENERAL.**—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Task Force.

(2) **ADDITIONAL REQUIREMENT.**—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking, including stateless victims.

(b) **VICTIMS IN THE UNITED STATES.**—

(1) **ASSISTANCE.**—

(A) **ELIGIBILITY FOR BENEFITS AND SERVICES.**—Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) **REQUIREMENT TO EXPAND BENEFITS AND SERVICES.**—Subject to subparagraph (C) and, in the case of non-

entitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, without regard to the immigration status of such victims.

(C) *DEFINITION OF VICTIM OF A SEVERE FORM OF TRAFFICKING IN PERSONS.*—For the purposes of this paragraph, the term “victim of a severe form of trafficking in persons” means only a person—

(i) who has been subjected to an act or practice described in section 103(8) as in effect on the date of the enactment of this Act; and

(ii)(I) who has not attained 18 years of age; or

(II) who is the subject of a certification under subparagraph (E).

(D) *ANNUAL REPORT.*—Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other appropriate Federal agencies shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

(E) *CERTIFICATION.*—

(i) *IN GENERAL.*—Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)—

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and

(II)(aa) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), that has not been denied; or

(bb) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.

(ii) *PERIOD OF EFFECTIVENESS.*—A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the Attorney General determines that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.

(iii) *INVESTIGATION AND PROSECUTION DEFINED.*—For the purpose of a certification under this subparagraph, the term “investigation and prosecution” includes—

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons; and

(III) testimony at proceedings against such persons.

(2) *GRANTS.*—

(A) *IN GENERAL.*—Subject to the availability of appropriations, the Attorney General may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims’ service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) *ALLOCATION OF GRANT FUNDS.*—Of amounts made available for grants under this paragraph, there shall be set aside—

(i) three percent for research, evaluation, and statistics;

(ii) two percent for training and technical assistance; and

(iii) one percent for management and administration.

(C) *LIMITATION ON FEDERAL SHARE.*—The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(c) *TRAFFICKING VICTIM REGULATIONS.*—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) *PROTECTIONS WHILE IN CUSTODY.*—Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—

(A) not be detained in facilities inappropriate to their status as crime victims;

(B) receive necessary medical care and other assistance; and

(C) be provided protection if a victim’s safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—

(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and

(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

(2) *ACCESS TO INFORMATION.*—Victims of severe forms of trafficking shall have access to information about their rights and translation services.

(3) *AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.*—Federal law enforcement officials may permit an alien individual’s continued presence in the United States, if after an assessment, it is determined that such individual is a victim of a severe form of trafficking and a potential witness to such trafficking, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.

(4) *TRAINING OF GOVERNMENT PERSONNEL.*—Appropriate personnel of the Department of State and the Department of Justice shall be trained in identifying victims of severe forms of trafficking and providing for the protection of such victims.

(d) *CONSTRUCTION.*—Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its officers or employees.

(e) *PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.*—

(1) *IN GENERAL.*—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by striking “or” at the end of subparagraph (R);

(B) by striking the period at the end of subparagraph (S) and inserting “; or”; and

(C) by adding at the end the following new subparagraph:

“(T)(i) subject to section 214(n), an alien who the Attorney General determines—

“(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

“(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking,

“(III)(aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

“(bb) has not attained 15 years of age, and

“(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal; and

“(ii) if the Attorney General considers it necessary to avoid extreme hardship—

“(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, and parents of such alien; and

“(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien,

if accompanying, or following to join, the alien described in clause (i).”.

(2) *CONDITIONS OF NONIMMIGRANT STATUS.*—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(A) by redesignating the subsection (l) added by section 625(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1820) as subsection (m); and

(B) by adding at the end the following:

“(n)(1) No alien shall be eligible for admission to the United States under section 101(a)(15)(T) if there is substantial reason to believe that the alien has committed an act of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000).

“(2) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year under section 101(a)(15)(T) may not exceed 5,000.

“(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.”

(3) *WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.*—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

“(13)(A) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T).

“(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General’s discretion, may waive the application of—

“(i) paragraphs (1) and (4) of subsection (a); and

“(ii) any other provision of such subsection (excluding paragraphs (3), (10)(C), and (10)(E)) if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).”

(4) *DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO “T” VISA NONIMMIGRANTS.*—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following new subsection:

“(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i)—

“(1) the Attorney General and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien’s options while in the United States and the resources available to the alien; and

“(2) the Attorney General shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an ‘employment authorized’ endorsement or other appropriate work permit.”

(5) *STATUTORY CONSTRUCTION.*—Nothing in this section, or in the amendments made by this section, shall be construed as

prohibiting the Attorney General from instituting removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) of that Act, as added by subsection (e), for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under such section 101(a)(15)(T)(i).

(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of such Act (8 U.S.C 1255) is amended by adding at the end the following new subsection:

“(l)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

“(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i),

“(B) has, throughout such period, been a person of good moral character, and

“(C)(i) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

“(ii) the alien would suffer extreme hardship involving unusual and severe harm upon removal from the United States, the Attorney General may adjust the status of the alien (and any person admitted under that section as the spouse, parent, or child of the alien) to that of an alien lawfully admitted for permanent residence.

“(2) Paragraph (1) shall not apply to an alien admitted under section 101(a)(15)(T) who is inadmissible to the United States by reason of a ground that has not been waived under section 212, except that, if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—

“(A) paragraphs (1) and (4) of section 212(a); and

“(B) any other provision of such section (excluding paragraphs (3), (10)(C), and (10)(E)), if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).

“(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

“(3)(A) The total number of aliens whose status may be adjusted under paragraph (1) during any fiscal year may not exceed 5,000.

“(B) The numerical limitation of subparagraph (A) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

“(4) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.”.

(g) *ANNUAL REPORTS.*—On or before October 31 of each year, the Attorney General shall submit a report to the appropriate congressional committees setting forth, with respect to the preceding fiscal year, the number, if any, of otherwise eligible applicants who did not receive visas under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), or who were unable to adjust their status under section 245(l) of such Act, solely on account of the unavailability of visas due to a limitation imposed by section 214(n)(1) or 245(l)(4)(A) of such Act.

SEC. 108. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) *MINIMUM STANDARDS.*—For purposes of this division, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for a significant number of victims of severe forms of trafficking are the following:

(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) *CRITERIA.*—In determinations under subsection (a)(4), the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons.

(4) *Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons.*

(5) *Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).*

(6) *Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.*

(7) *Whether the government of the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.*

SEC. 109. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

“SEC. 134. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

“(a) AUTHORIZATION.—The President is authorized to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities designed to meet the minimum standards for the elimination of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000), including—

“(1) the drafting of laws to prohibit and punish acts of trafficking;

“(2) the investigation and prosecution of traffickers;

“(3) the creation and maintenance of facilities, programs, projects, and activities for the protection of victims; and

“(4) the expansion of exchange programs and international visitor programs for governmental and nongovernmental personnel to combat trafficking.

“(b) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.”.

SEC. 110. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) *STATEMENT OF POLICY.*—*It is the policy of the United States not to provide nonhumanitarian, nontrade-related foreign assistance to any government that—*

(1) *does not comply with minimum standards for the elimination of trafficking; and*

(2) *is not making significant efforts to bring itself into compliance with such standards.*

(b) *REPORTS TO CONGRESS.*—

(1) *ANNUAL REPORT.*—*Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report with respect to the status of severe forms of trafficking in persons that shall include—*

(A) *a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments fully comply with such standards;*

(B) *a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply with such standards but are making significant efforts to bring themselves into compliance; and*

(C) *a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance.*

(2) *INTERIM REPORTS.*—*In addition to the annual report under paragraph (1), the Secretary of State may submit to the appropriate congressional committees at any time one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments—*

(A) *have come into or out of compliance with the minimum standards for the elimination of trafficking; or*

(B) *have begun or ceased to make significant efforts to bring themselves into compliance, since the transmission of the last annual report.*

(3) *SIGNIFICANT EFFORTS.*—*In determinations under paragraph (1) or (2) as to whether the government of a country is making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider—*

(A) *the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;*

(B) *the extent of noncompliance with the minimum standards by the government and, particularly, the extent to which officials or employees of the government have participated in, facilitated, condoned, or are otherwise complicit in severe forms of trafficking; and*

(C) *what measures are reasonable to bring the government into compliance with the minimum standards in light of the resources and capabilities of the government.*

(c) *NOTIFICATION.*—Not less than 45 days or more than 90 days after the submission, on or after January 1, 2003, of an annual report under subsection (b)(1), or an interim report under subsection (b)(2), the President shall submit to the appropriate congressional committees a notification of one of the determinations listed in subsection (d) with respect to each foreign country whose government, according to such report—

(A) does not comply with the minimum standards for the elimination of trafficking; and

(B) is not making significant efforts to bring itself into compliance, as described in subsection (b)(1)(C).

(d) *PRESIDENTIAL DETERMINATIONS.*—The determinations referred to in subsection (c) are the following:

(1) *WITHHOLDING OF NONHUMANITARIAN, NONTRADE-RELATED ASSISTANCE.*—The President has determined that—

(A)(i) the United States will not provide nonhumanitarian, nontrade-related foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; or

(ii) in the case of a country whose government received no nonhumanitarian, nontrade-related foreign assistance from the United States during the previous fiscal year, the United States will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and

(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that government) for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance.

(2) *ONGOING, MULTIPLE, BROAD-BASED RESTRICTIONS ON ASSISTANCE IN RESPONSE TO HUMAN RIGHTS VIOLATIONS.*—The President has determined that such country is already subject to multiple, broad-based restrictions on assistance imposed in significant part in response to human rights abuses and such restrictions are ongoing and are comparable to the restrictions provided in paragraph (1). Such determination shall be accompanied by a description of the specific restriction or restrictions that were the basis for making such determination.

(3) *SUBSEQUENT COMPLIANCE.*—The Secretary of State has determined that the government of the country has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

(4) *CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.*—Notwithstanding the failure of the government of the country to comply with minimum standards for the elimination of trafficking and to make significant efforts to bring itself into compliance, the President has determined that the provision to the country of nonhumanitarian, nontrade-related foreign assistance, or the multilateral assistance described in paragraph (1)(B), or both, would promote the purposes of this division or is otherwise in the national interest of the United States.

(5) *EXERCISE OF WAIVER AUTHORITY.*—

(A) *IN GENERAL.*—The President may exercise the authority under paragraph (4) with respect to—

- (i) all nonhumanitarian, nontrade-related foreign assistance to a country;
- (ii) all multilateral assistance described in paragraph (1)(B) to a country; or
- (iii) one or more programs, projects, or activities of such assistance.

(B) *AVOIDANCE OF SIGNIFICANT ADVERSE EFFECTS.*—

The President shall exercise the authority under paragraph (4) when necessary to avoid significant adverse effects on vulnerable populations, including women and children.

(6) *DEFINITION OF MULTILATERAL DEVELOPMENT BANK.*—In this subsection, the term “multilateral development bank” refers to any of the following institutions: the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

(e) *CERTIFICATION.*—Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that, with respect to any assistance described in clause (ii), (iii), or (v) of section 103(7)(A), or with respect to any assistance described in section 103(7)(B), no assistance is intended to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.

SEC. 111. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.

(a) *AUTHORITY TO SANCTION SIGNIFICANT TRAFFICKERS IN PERSONS.*—

(1) *IN GENERAL.*—The President may exercise the authorities set forth in section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701) without regard to section 202 of that Act (50 U.S.C. 1701) in the case of any of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States.

(B) Foreign persons that materially assist in, or provide financial or technological support for or to, or provide goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker identified pursuant to subparagraph (A).

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under this section.

(b) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PERSONS.—

(1) IN GENERAL.—Upon exercising the authority of subsection (a), the President shall report to the appropriate congressional committees—

(A) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this section and the basis for such determination; and

(B) detailing publicly the sanctions imposed pursuant to this section.

(2) REMOVAL OF SANCTIONS.—Upon suspending or terminating any action imposed under the authority of subsection (a), the President shall report to the committees described in paragraph (1) on such suspension or termination.

(3) SUBMISSION OF CLASSIFIED INFORMATION.—Reports submitted under this subsection may include an annex with classified information regarding the basis for the determination made by the President under paragraph (1)(A).

(c) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(d) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by inserting at the end the following new subparagraph:

“(H) SIGNIFICANT TRAFFICKERS IN PERSONS.—

“(i) IN GENERAL.—Any alien who is listed in a report submitted pursuant to section 111(b) of the Trafficking Victims Protection Act of 2000, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 103 of such Act, is inadmissible.

“(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (iii), any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.

“(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter

who was a child at the time he or she received the benefit described in such clause.”.

(e) IMPLEMENTATION.—

(1) DELEGATION OF AUTHORITY.—*The President may delegate any authority granted by this section, including the authority to designate foreign persons under paragraphs (1)(B) and (1)(C) of subsection (a).*

(2) PROMULGATION OF RULES AND REGULATIONS.—*The head of any agency, including the Secretary of Treasury, is authorized to take such actions as may be necessary to carry out any authority delegated by the President pursuant to paragraph (1), including promulgating rules and regulations.*

(3) OPPORTUNITY FOR REVIEW.—*Such rules and regulations shall include procedures affording an opportunity for a person to be heard in an expeditious manner, either in person or through a representative, for the purpose of seeking changes to or termination of any determination, order, designation or other action associated with the exercise of the authority in subsection (a).*

(f) DEFINITION OF FOREIGN PERSONS.—*In this section, the term “foreign person” means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.*

(g) CONSTRUCTION.—*Nothing in this section shall be construed as precluding judicial review of the exercise of the authority described in subsection (a).*

SEC. 112. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.

(a) TITLE 18 AMENDMENTS.—*Chapter 77 of title 18, United States Code, is amended—*

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking “10 years” and inserting “20 years”; and

(B) by adding at the end the following: “If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.”;

(2) by inserting at the end the following:

“§ 1589. Forced labor

“Whoever knowingly provides or obtains the labor or services of a person—

“(1) by threats of serious harm to, or physical restraint against, that person or another person;

“(2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or

“(3) by means of the abuse or threatened abuse of law or the legal process,

shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the

violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

“§ 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

“Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

“§ 1591. Sex trafficking of children or by force, fraud or coercion

“(a) Whoever knowingly—

“(1) in or affecting interstate commerce, recruits, entices, harbors, transports, provides, or obtains by any means a person; or

“(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

“(b) The punishment for an offense under subsection (a) is—

“(1) if the offense was effected by force, fraud, or coercion or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

“(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

“(c) In this section:

“(1) The term ‘commercial sex act’ means any sex act, on account of which anything of value is given to or received by any person.”

“(2) The term ‘coercion’ means—

“(A) threats of serious harm to or physical restraint against any person;

“(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

“(C) the abuse or threatened abuse of law or the legal process.

“(3) The term ‘venture’ means any group of 2 or more individuals associated in fact, whether or not a legal entity.

“§ 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

“(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—

“(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);

“(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

“(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person’s liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000;

shall be fined under this title or imprisoned for not more than 5 years, or both.

“(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

“§ 1593. Mandatory restitution

“(a) Notwithstanding sections 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

“(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses, as determined by the court under paragraph (3) of this subsection.

“(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

“(3) As used in this subsection, the term ‘full amount of the victim’s losses’ has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim’s services or labor or the value of the victim’s labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).

“(c) As used in this section, the term ‘victim’ means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim’s estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

“§ 1594. General provisions

“(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

“(b) *The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—*

“(1) *such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and*

“(2) *any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.*

“(c)(1) *The following shall be subject to forfeiture to the United States and no property right shall exist in them:*

“(A) *Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.*

“(B) *Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.*

“(2) *The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.*

“(d) *WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).*”; and

(3) *by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:*

“1589. *Forced labor.*

“1590. *Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.*

“1591. *Sex trafficking of children or by force, fraud, or coercion.*

“1592. *Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.*

“1593. *Mandatory restitution.*

“1594. *General provisions.*”.

(b) *AMENDMENT TO THE SENTENCING GUIDELINES.—*

(1) *Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking, and the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act.*

(2) *In carrying out this subsection, the Sentencing Commission shall—*

(A) *take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;*

(B) *consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the*

guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE TASK FORCE.—To carry out the purposes of sections 104, 105, and 110, there are authorized to be appropriated to the Secretary of State \$1,500,000 for fiscal year 2001 and \$3,000,000 for fiscal year 2002.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Health and Human Services \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.—

(1) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(2) VOLUNTARY CONTRIBUTIONS TO OSCE.—To carry out the purposes of section 109, there are authorized to be appropriated to the Secretary of State \$300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for fiscal year 2001.

(3) PREPARATION OF ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS.—To carry out the purposes of section 104, there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices, including the preparation and publication of the list described in subsection (a)(1) of that section.

(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Attorney General \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.—

(1) FOREIGN VICTIM ASSISTANCE.—To carry out the purposes of section 106, there are authorized to be appropriated to

the President \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(2) ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.—*To carry out the purposes of section 109, there are authorized to be appropriated to the President \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.*

(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.—*To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Labor \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.*

DIVISION B—VIOLENCE AGAINST WOMEN ACT OF 2000

SEC. 1001. SHORT TITLE.

This division may be cited as the “Violence Against Women Act of 2000”.

SEC. 1002. DEFINITIONS.

In this division—

(1) *the term “domestic violence” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2); and*

(2) *the term “sexual assault” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).*

SEC. 1003. ACCOUNTABILITY AND OVERSIGHT.

(a) REPORT BY GRANT RECIPIENTS.—*The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this division or an amendment made by this division to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.*

(b) REPORT TO CONGRESS.—*The Attorney General or Secretary of Health and Human Services, as applicable, shall report biennially to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.*

TITLE I—STRENGTHENING LAW EN- FORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

SEC. 1101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

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

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

(2) in section 2101(b)—

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

(B) by adding at the end the following:

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

(3) in section 2102—

(A) in subsection (b)—

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

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

(iii) by adding at the end the following:

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

“(4) in applications describing plans to further the purposes stated in paragraph (4) or (7) of section 2101(b), will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.”; and

(B) by adding at the end the following:

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

(b) **PROTECTION ORDERS.**—

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

(A) in the heading, by striking “**FILING**” and inserting “**AND PROTECTION ORDERS**” after “**CHARGES**”;

(B) in subsection (a)—

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

“(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic

violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or”; and

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

(C) by adding at the end the following:

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

(2) **ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.**—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

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

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

(B) by adding at the end the following:

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

(3) **APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.**—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(a)(1)(B)) is amended by inserting before the semicolon the following: “or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date of enactment of the Violence Against Women Act of 2000”.

(4) **REGISTRATION FOR PROTECTION ORDERS.**—Section 2265 of title 18, United States Code, is amended by adding at the end the following:

“(d) **NOTIFICATION AND REGISTRATION.**—

“(1) **NOTIFICATION.**—A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.

“(2) **NO PRIOR REGISTRATION OR FILING AS PREREQUISITE FOR ENFORCEMENT.**—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit,

notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.

(e) TRIBAL COURT JURISDICTION.—For purposes of this section, a tribal court shall have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe.

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding “AND ENFORCEMENT OF PROTECTION ORDERS” at the end.

SEC. 1102. ROLE OF COURTS.

(a) COURTS AS ELIGIBLE STOP SUBGRANTEES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (a), by striking “Indian tribal governments,” and inserting “State and local courts (including juvenile courts), Indian tribal governments, tribal courts,”; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting “, judges, other court personnel,” after “law enforcement officers”;

(ii) in paragraph (2), by inserting “, judges, other court personnel,” after “law enforcement officers”; and

(iii) in paragraph (3), by inserting “, court,” after “police”; and

(2) in section 2002—

(A) in subsection (a), by inserting “State and local courts (including juvenile courts),” after “States,” the second place it appears;

(B) in subsection (c), by striking paragraph (3) and inserting the following:

“(3) of the amount granted—

“(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;

“(B) not less than 30 percent shall be allocated to victim services; and

“(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and”; and

(C) in subsection (d)(1), by inserting “court,” after “law enforcement.”

(b) ELIGIBLE GRANTEES; USE OF GRANTS FOR EDUCATION.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by inserting “State and local courts (including juvenile courts), tribal courts,” after “Indian tribal governments,”;

(2) in subsection (b)—

(A) by inserting “State and local courts (including juvenile courts),” after “Indian tribal governments”;

(B) in paragraph (2), by striking “policies and” and inserting “policies, educational programs, and”;

(C) in paragraph (3), by inserting “parole and probation officers,” after “prosecutors,”; and

(D) in paragraph (4), by inserting “parole and probation officers,” after “prosecutors,”;

(3) in subsection (c), by inserting “State and local courts (including juvenile courts),” after “Indian tribal governments”; and

(4) by adding at the end the following:

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

SEC. 1103. REAUTHORIZATION OF STOP GRANTS.

(a) REAUTHORIZATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following:

“(18) There is authorized to be appropriated to carry out part T \$185,000,000 for each of fiscal years 2001 through 2005.”.

(b) GRANT PURPOSES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (b)—

(i) in paragraph (5), by striking “racial, cultural, ethnic, and language minorities” and inserting “underserved populations”;

(ii) in paragraph (6), by striking “and” at the end;

(iii) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;

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

(B) by adding at the end the following:

“(c) STATE COALITION GRANTS.—

“(1) PURPOSE.—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

“(2) GRANTS TO STATE COALITIONS.—The Attorney General shall award grants to—

“(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services

through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and

“(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

“(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).”;

(2) in section 2002(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(B) in paragraph (1), by striking “4 percent” and inserting “5 percent”;

(C) in paragraph (5), as redesignated, by striking “\$500,000” and inserting “\$600,000”; and

(D) by inserting after paragraph (1) the following:

“(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to $\frac{1}{54}$ of the total amount made available under this paragraph for each fiscal year;

“(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to $\frac{1}{54}$ of the total amount made available under this paragraph for each fiscal year;

“(4) $\frac{1}{54}$ shall be available for the development and operation of nonprofit tribal domestic violence and sexual assault coalitions in Indian country.”;

(3) in section 2003, by striking paragraph (7) and inserting the following:

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

(4) in section 2004(b)(3), by inserting “, and the membership of persons served in any underserved population” before the semicolon.

SEC. 1104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:

“(19) There is authorized to be appropriated to carry out part U \$65,000,000 for each of fiscal years 2001 through 2005.”.

SEC. 1105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.

Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended—

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

“(1) *IN GENERAL.*—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.”; and

(2) by adding at the end the following:

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

SEC. 1106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.

(a) *REAUTHORIZATION.*—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

“SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this subtitle \$3,000,000 for each of fiscal years 2001 through 2005.”.

(b) *TECHNICAL AMENDMENT.*—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting “and implement” after “improve”.

SEC. 1107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.

(a) *INTERSTATE DOMESTIC VIOLENCE.*—Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) *OFFENSES.*—

“(1) *TRAVEL OR CONDUCT OF OFFENDER.*—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

“(2) *CAUSING TRAVEL OF VICTIM.*—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).”.

(b) *INTERSTATE STALKING.*—

(1) *IN GENERAL.*—Section 2261A of title 18, United States Code, is amended to read as follows:

“§ 2261A. Interstate stalking

“Whoever—

“(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to

kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

“(2) with the intent—

“(A) to kill or injure a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

“(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

“(i) that person;

“(ii) a member of the immediate family (as defined in section 115) of that person; or

“(iii) a spouse or intimate partner of that person;

uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii);

shall be punished as provided in section 2261(b).”.

(2) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—

(A) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to reflect the amendment made by this subsection.

(B) FACTORS FOR CONSIDERATION.—In carrying out subparagraph (A), the Commission shall consider—

(i) whether the Federal Sentencing Guidelines relating to stalking offenses should be modified in light of the amendment made by this subsection; and

(ii) whether any changes the Commission may make to the Federal Sentencing Guidelines pursuant to clause (i) should also be made with respect to offenses under chapter 110A of title 18, United States Code.

(c) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) OFFENSES.—

“(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

“(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or

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

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended to read as follows:

“§ 2266. Definitions

“In this chapter:

“(1) BODILY INJURY.—The term ‘bodily injury’ means any act, except one done in self-defense, that results in physical injury or sexual abuse.

“(2) COURSE OF CONDUCT.—The term ‘course of conduct’ means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose.

“(3) ENTER OR LEAVE INDIAN COUNTRY.—The term ‘enter or leave Indian country’ includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

“(4) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning stated in section 1151 of this title.

“(5) PROTECTION ORDER.—The term ‘protection order’ includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

“(6) SERIOUS BODILY INJURY.—The term ‘serious bodily injury’ has the meaning stated in section 2119(2).

“(7) SPOUSE OR INTIMATE PARTNER.—The term ‘spouse or intimate partner’ includes—

“(A) for purposes of—

“(i) sections other than 2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; and

“(ii) section 2261A, a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; and

“(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of

the State or tribal jurisdiction in which the injury occurred or where the victim resides.

“(8) STATE.—The term ‘State’ includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

“(9) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term ‘travel in interstate or foreign commerce’ does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.”.

SEC. 1108. SCHOOL AND CAMPUS SECURITY.

(a) GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.—Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in paragraphs (2), (6), (7), and (9) of subsection (b), by striking “and domestic violence” and inserting “domestic violence, and dating violence”;

(2) in subsection (c)(2)(B), by striking “and domestic violence” and inserting “, domestic violence and dating violence”;

(3) in subsection (f)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

“(1) the term ‘dating violence’ means violence committed by a person—

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

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

“(i) the length of the relationship;

“(ii) the type of relationship; and

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

(C) in paragraph (2) (as redesignated by subparagraph (A)), by inserting “, dating” after “domestic” each place the term appears; and

(D) in paragraph (4) (as redesignated by subparagraph (A))—

(i) by inserting “or a public, nonprofit organization acting in a nongovernmental capacity” after “organization”;

(ii) by inserting “, dating violence” after “assists domestic violence”;

(iii) by striking “or domestic violence” and inserting “, domestic violence or dating violence”; and

(iv) by inserting “dating violence,” before “stalking.”; and

(4) in subsection (g), by striking “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “each of fiscal years 2001 through 2005”.

(b) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part Z the following new part:

**“PART AA—MATCHING GRANT PROGRAM FOR
SCHOOL SECURITY**

“SEC. 2701. PROGRAM AUTHORIZED.

“(a) *IN GENERAL.*—The Attorney General is authorized to make grants to States, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

“(b) *USES OF FUNDS.*—Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

“(1) Placement and use of metal detectors, locks, lighting, and other deterrent measures.

“(2) Security assessments.

“(3) Security training of personnel and students.

“(4) Coordination with local law enforcement.

“(5) Any other measure that, in the determination of the Attorney General, may provide a significant improvement in security.

“(c) *PREFERENTIAL CONSIDERATION.*—In awarding grants under this part, the Attorney General shall give preferential consideration, if feasible, to an application from a jurisdiction that has a demonstrated need for improved security, has a demonstrated need for financial assistance, and has evidenced the ability to make the improvements for which the grant amounts are sought.

“(d) *MATCHING FUNDS.*—

“(1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.

“(2) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

“(3) The Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

“(e) *EQUITABLE DISTRIBUTION.*—In awarding grants under this part, the Attorney General shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

“(f) *ADMINISTRATIVE COSTS.*—The Attorney General may reserve not more than 2 percent from amounts appropriated to carry out this part for administrative costs.

“SEC. 2702. APPLICATIONS.

“(a) *IN GENERAL.*—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require. Each application shall—

“(1) include a detailed explanation of—

“(A) the intended uses of funds provided under the grant; and

“(B) how the activities funded under the grant will meet the purpose of this part; and

“(2) be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers, child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are—

“(A) consistent with a comprehensive approach to preventing school violence; and

“(B) individualized to the needs of each school at which those improvements are to be made.

“(b) **GUIDELINES.**—Not later than 90 days after the date of the enactment of this part, the Attorney General shall promulgate guidelines to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

“SEC. 2703. ANNUAL REPORT TO CONGRESS.

“Not later than November 30th of each year, the Attorney General shall submit a report to the Congress regarding the activities carried out under this part. Each such report shall include, for the preceding fiscal year, the number of grants funded under this part, the amount of funds provided under those grants, and the activities for which those funds were used.

“SEC. 2704. DEFINITIONS.

“For purposes of this part—

“(1) the term ‘school’ means a public elementary or secondary school;

“(2) the term ‘unit of local government’ means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level; and

“(3) the term ‘Indian tribe’ has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

“SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$30,000,000 for each of fiscal years 2001 through 2003.”.

SEC. 1109. DATING VIOLENCE.

(a) **DEFINITIONS.**—

(1) **SECTION 2003.**—Section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2) is amended—

(A) in paragraph (8), by striking the period at the end and inserting “; and”; and

(B) by adding at the end the following:

“(9) the term ‘dating violence’ means violence committed by a person—

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

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

- “(i) the length of the relationship;
- “(ii) the type of relationship; and
- “(iii) the frequency of interaction between the persons involved in the relationship.”.

(2) SECTION 2105.—Section 2105 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-4) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) the term ‘dating violence’ means violence committed by a person—

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

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

- “(i) the length of the relationship;
- “(ii) the type of relationship; and
- “(iii) the frequency of interaction between the persons involved in the relationship.”.

(b) STOP GRANTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

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

(2) in paragraph (5), by striking “sexual assault and domestic violence” and inserting “sexual assault, domestic violence, and dating violence”.

(c) GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended—

(1) in paragraph (2), by inserting “and dating violence” after “domestic violence”; and

(2) in paragraph (5), by inserting “and dating violence” after “domestic violence”.

(d) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT.—Section 40295(a) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(a)) is amended—

(1) in paragraph (1), by inserting “and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg-2))” after “domestic violence”; and

(2) in paragraph (2), by inserting “and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg-2))” after “domestic violence”.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

SEC. 1201. LEGAL ASSISTANCE FOR VICTIMS.

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

(b) *DEFINITIONS.*—In this section:

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

(2) *LEGAL ASSISTANCE FOR VICTIMS.*—The term “legal assistance” includes assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504 of Public Law 104–134.

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

(c) *LEGAL ASSISTANCE FOR VICTIMS GRANTS.*—The Attorney General may award grants under this subsection to private non-profit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

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

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

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

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

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with

input from and in collaboration with a State, local, or tribal domestic violence or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;

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

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

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

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.

(2) **ALLOCATION OF FUNDS.**—

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

(B) **VICTIMS OF SEXUAL ASSAULT.**—Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.

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

SEC. 1202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.

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

“(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$175,000,000 for each of fiscal years 2001 through 2005.”

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

(1) in subsection (a), by striking “for grants to States for any fiscal year” and all that follows and inserting the following: “and available for grants to States under this subsection for any fiscal year—

“(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{8}$ of 1 percent of the

amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

“(2) each State shall be allotted for payment in a grant authorized under section 303(a), \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.”;

(2) in subsection (c), in the first sentence, by inserting “and available” before “for grants”; and

(3) by adding at the end the following:

“(e) In subsection (a)(2), the term “State” does not include any jurisdiction specified in subsection (a)(1).”.

SEC. 1203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

“SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.

“(a) *IN GENERAL.*—The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—

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

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

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

“(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

“(2) support services designed to enable an individual or dependent who is fleeing a situation of domestic violence to locate and secure permanent housing, and to integrate the individual or dependent into a community, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

“(c) *TERM OF ASSISTANCE.*—

“(1) *IN GENERAL.*—Subject to paragraph (2), an individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

“(2) *WAIVER.*—The recipient of a grant under this section may waive the restrictions of paragraph (1) for up to an additional 6-month period with respect to any individual (and dependents of the individual) who has made a good-faith effort to acquire permanent housing and has been unable to acquire the housing.

“(d) *REPORTS.*—

“(1) *REPORT TO SECRETARY.*—

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

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

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

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

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

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

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

“(e) *EVALUATION, MONITORING, AND ADMINISTRATION.*—Of the amount appropriated under subsection (f) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this section.

“(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2001.”.

SEC. 1204. NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:

“(1) *IN GENERAL.*—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2001 through 2005.”.

SEC. 1205. FEDERAL VICTIMS COUNSELORS.

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1910) is amended by striking “(such as District of Columbia)—” and all that follows and inserting “(such as District of Columbia), \$1,000,000 for each of fiscal years 2001 through 2005.”.

SEC. 1206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.

(a) *IN GENERAL.*—The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.

(b) *REPORT.*—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).

SEC. 1207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.

The Attorney General shall—

(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and

(2) not later than 18 months after the date of enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.

SEC. 1208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.

The Secretary of Labor, in consultation with the Attorney General, shall—

(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.

SEC. 1209. ENHANCING PROTECTIONS FOR OLDER AND DISABLED WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

(a) ELDER ABUSE, NEGLECT, AND EXPLOITATION.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

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

“SEC. 40801. DEFINITIONS.

“In this subtitle:

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

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

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

“SEC. 40802. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.

“The Attorney General may make grants for training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.

“SEC. 40803. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subtitle \$5,000,000 for each of fiscal years 2001 through 2005.”.

(b) PROTECTIONS FOR OLDER AND DISABLED INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN PRO-ARREST GRANTS.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

“(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) and individuals with disabilities (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).”.

(c) PROTECTIONS FOR OLDER AND DISABLED INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN STOP GRANTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) (as amended by section 1103(b) of this division) is amended by adding at the end the following:

“(10) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals; and”.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 1301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

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

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

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

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

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

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

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

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

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

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

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

(d) **REPORTING.**—

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

(A) *the number of—*

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

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

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

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

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

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

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

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

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2001 and 2002.

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

SEC. 1302. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) **COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.**—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

“(a) **AUTHORIZATION.**—There is authorized to be appropriated to carry out this subtitle \$12,000,000 for each of fiscal years 2001 through 2005.”.

(b) **CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.**—Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:

“(a) **AUTHORIZATION.**—There is authorized to be appropriated to carry out this subtitle \$2,300,000 for each of fiscal years 2001 through 2005.”.

(c) **GRANTS FOR TELEVISED TESTIMONY.**—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:

“(7) There is authorized to be appropriated to carry out part N \$1,000,000 for each of fiscal years 2001 through 2005.”.

(d) **DISSEMINATION OF INFORMATION.**—The Attorney General shall—

(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.

SEC. 1303. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS IN DOMESTIC VIOLENCE CASES.

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

(1) *conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, the Parental Kidnaping Prevention Act of 1980 and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and*

(2) *submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.*

(b) *SUFFICIENCY OF DEFENSES.*—In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980 and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.

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

(d) *CONDITION FOR CUSTODY DETERMINATION.*—Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking “he” and inserting “the child, a sibling, or parent of the child”.

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 1401. RAPE PREVENTION AND EDUCATION.

(a) *IN GENERAL.*—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:

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

“(a) *PERMITTED USE.*—The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—

“(1) *educational seminars;*

“(2) *the operation of hotlines;*

“(3) *training programs for professionals;*

“(4) *the preparation of informational material;*

“(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;

“(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and

“(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

“(b) **COLLECTION AND DISSEMINATION OF INFORMATION ON SEXUAL ASSAULT.**—The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$80,000,000 for each of fiscal years 2001 through 2005.

“(2) **NATIONAL RESOURCE CENTER ALLOTMENT.**—Of the total amount made available under this subsection in each fiscal year, not more than the greater of \$1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).

“(d) **LIMITATIONS.**—

“(1) **SUPPLEMENT NOT SUPPLANT.**—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

“(2) **STUDIES.**—A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

“(3) **ADMINISTRATION.**—A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.”.

(b) **REPEAL.**—Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed.

SEC. 1402. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

(a) **IN GENERAL.**—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States, units of local government, Indian tribal governments, and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in

section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

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

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

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

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

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

(c) **USES OF GRANTS.**—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$7,500,000 for each of fiscal years 2001 through 2005.

SEC. 1403. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended by striking subsection (h) and inserting the following:

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 2001 through 2005.”.

SEC. 1404. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.

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

(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled “Understanding Violence Against Women” of the National Academy of Sciences; and

(2) not later than 1 year after the date of enactment of this Act, in consultation with the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—

(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda;

(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be appropriated such sums as may be necessary to carry out this section.*

SEC. 1405. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.

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

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

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

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

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

(c) *REPORT.*—*The Attorney General shall ensure that not later than 1 year after the date of enactment of this Act, a report of the actions taken pursuant to subsection (a) is submitted to Congress.*

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

SEC. 1406. EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL.

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

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

(A) *by striking “and” at the end of paragraph (18);*

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

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

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

“(21) *the issues raised by child sexual assault in determining custody and visitation, including how to protect the*

safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault;

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

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

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

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

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

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

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

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

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

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

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

(d) DATING VIOLENCE.—

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

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

(A) in paragraph (10), by inserting “and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg-2))” before the semicolon;

(B) in paragraph (11), by inserting “and dating violence” after “domestic violence”;

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

(D) in paragraph (17), by inserting “or dating violence” after “domestic violence” in both places that it appears; and

(E) in paragraph (18), by inserting “and dating violence” after “domestic violence”.

SEC. 1407. DOMESTIC VIOLENCE TASK FORCE

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) (as amended by section 1209(a) of this division) is amended by adding at the end the following:

“Subtitle I—Domestic Violence Task Force**“SEC. 40901. TASK FORCE.**

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

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

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

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

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

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

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

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2001 through 2004.”.

TITLE V—BATTERED IMMIGRANT WOMEN

SEC. 1501. SHORT TITLE.

This title may be cited as the “Battered Immigrant Women Protection Act of 2000”.

SEC. 1502. FINDINGS AND PURPOSES.

(a) *FINDINGS.—Congress finds that—*

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser’s control; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) *PURPOSES.—The purposes of this title are—*

(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

SEC. 1503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.

(a) *INTENDED SPOUSE DEFINED.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:*

“(50) The term ‘intended spouse’ means any alien who meets the criteria set forth in section 204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III).”.

(b) *IMMEDIATE RELATIVE STATUS FOR SELF-PETITIONERS MARRIED TO U.S. CITIZENS.—*

(1) SELF-PETITIONING SPOUSES.—

(A) BATTERY OR CRUELTY TO ALIEN OR ALIEN’S CHILD.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

“(iii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

“(aa) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

“(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse.

“(II) For purposes of subclause (I), an alien described in this subclause is an alien—

“(aa)(AA) who is the spouse of a citizen of the United States;

“(BB) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

“(CC) who was a bona fide spouse of a United States citizen within the past 2 years and—

“(aaa) whose spouse died within the past 2 years;

“(bbb) whose spouse lost or renounced citizenship status within the past 2 years related to an incident of domestic violence; or

“(ccc) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the United States citizen spouse;

“(bb) who is a person of good moral character;

“(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

“(dd) who has resided with the alien’s spouse or intended spouse.”.

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

“(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who within the past 2 years lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien’s citizen parent. For purposes of this clause, residence includes any period of visitation.”.

(3) *FILING OF PETITIONS.*—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

“(v) An alien who—

“(I) is the spouse, intended spouse, or child living abroad of a citizen who—

“(aa) is an employee of the United States Government;

“(bb) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

“(cc) has subjected the alien or the alien’s child to battery or extreme cruelty in the United States; and

“(II) is eligible to file a petition under clause (iii) or (iv); shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (iii) or (iv), as applicable.”.

(c) *SECOND PREFERENCE IMMIGRATION STATUS FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMANENT RESIDENTS.*—

(1) *SELF-PETITIONING SPOUSES.*—Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

“(ii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that—

“(aa) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

“(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse.

“(II) For purposes of subclause (I), an alien described in this paragraph is an alien—

“(aa)(AA) who is the spouse of a lawful permanent resident of the United States; or

“(BB) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

“(CC) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

“(aaa) whose spouse lost status within the past 2 years due to an incident of domestic violence; or

“(bbb) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the lawful permanent resident spouse;

“(bb) who is a person of good moral character;

“(cc) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the

bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

“(dd) who has resided with the alien’s spouse or intended spouse.”.

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

“(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who within the past 2 years lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien’s permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien’s permanent resident parent.”.

(3) FILING OF PETITIONS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

“(iv) An alien who—

“(I) is the spouse, intended spouse, or child living abroad of a lawful permanent resident who—

“(aa) is an employee of the United States Government;

“(bb) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

“(cc) has subjected the alien or the alien’s child to battery or extreme cruelty in the United States; and

“(II) is eligible to file a petition under clause (i) or (iii);

shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (ii) or (iii), as applicable.”.

(d) GOOD MORAL CHARACTER DETERMINATIONS FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively;

(2) by inserting after subparagraph (B) the following:

“(C) Notwithstanding section 101(f), an act or conviction that is waivable with respect to the petitioner for purposes of a determination of the petitioner’s admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien’s having been battered or subjected to extreme cruelty.

“(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21

years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

“(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

“(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

“(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

“(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary.”; and

(3) in subparagraph (J) (as so redesignated), by inserting “or in making determinations under subparagraphs (C) and (D),” after “subparagraph (B),”.

(e) ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

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

(2) by inserting “(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)” after “has been living in marital union with the citizen spouse”.

SEC. 1504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

“(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

“(A) AUTHORITY.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

“(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a

United States citizen and the child has been battered or subjected to extreme cruelty by such citizen parent);

“(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

“(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen’s or lawful permanent resident’s bigamy;

“(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

“(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

“(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a) (except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver), and has not been convicted of an aggravated felony; and

“(v) the removal would result in extreme hardship to the alien, the alien’s child, or the alien’s parent.

“(B) PHYSICAL PRESENCE.—Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence if the alien demonstrates a connection between the absence and the battering or extreme cruelty perpetrated against the alien. No absence or portion of an absence connected to the battering or extreme cruelty shall count toward the 90-day or 180-day limits established in subsection (d)(2). If any absence or aggregate absences exceed 180 days, the absences or portions of the absences will not be considered to break the period of continuous presence. Any such period of time excluded from the 180-day limit shall be excluded in computing the time during which the alien has been physically present for purposes of the 3-year requirement set forth in section 240A(b)(2)(B) and section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

“(C) GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that does not bar the Attor-

ney General from granting relief under this paragraph by reason of subparagraph (A)(iv) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver is otherwise warranted.

“(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.”

(b) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

“(4) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—

“(A) IN GENERAL.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

“(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

“(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

“(B) DURATION OF PAROLE.—The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c). Failure by the alien granted relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) may result in revocation of parole.”

(c) EFFECTIVE DATE.—Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pur-

suant to section 240(c)(6)(C)(iv). The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587). Such portions of the amendments made by subsection (b) that relate to section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall take effect as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 *et seq.*).

SEC. 1505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.

(a) **BATTERED IMMIGRANT WAIVER.**—Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following: “The Attorney General in the Attorney General’s discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between—

“(1) the alien’s having been battered or subjected to extreme cruelty; and

“(2) the alien’s—

“(A) removal;

“(B) departure from the United States;

“(C) reentry or reentries into the United States; or

“(D) attempted reentry into the United States.”.

(b) **DOMESTIC VIOLENCE VICTIM WAIVER.**—

(1) **WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.**—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

“(7) **WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.**—

“(A) **IN GENERAL.**—The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

“(i) upon a determination that—

“(I) the alien was acting in self-defense;

“(II) the alien was found to have violated a protection order intended to protect the alien; or

“(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

“(aa) that did not result in serious bodily injury; and

“(bb) where there was a connection between the crime and the alien’s having been battered or subjected to extreme cruelty.

“(B) **CREDIBLE EVIDENCE CONSIDERED.**—In acting on applications under this paragraph, the Attorney General

shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.”

(2) CONFORMING AMENDMENT.—Section 240A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)(C)) is amended by inserting “(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)” after “237(a)(3)”.

(c) MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

(1) WAIVER OF INADMISSIBILITY.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: “or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), the alien demonstrates extreme hardship to the alien or the alien’s United States citizen, lawful permanent resident, or qualified alien parent or child”.

(2) WAIVER OF DEPORTABILITY.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(A) in clause (i), by inserting “(I)” after “(i)”;

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

“(ii) is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B).”.

(d) BATTERED IMMIGRANT WAIVER.—Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by adding “or” at the end; and

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

“(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B);”.

(e) WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS.—Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

(1) in subparagraph (B), by striking “and” and inserting “or”; and

(2) by adding at the end the following:

“(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B); and”.

(f) PUBLIC CHARGE.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

“(p) In determining whether an alien described in subsection (a)(4)(C)(i) is inadmissible under subsection (a)(4) or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident by reason of subsection (a)(4), the consular officer or the Attorney General shall not consider any benefits the alien may have received that were authorized under section 501 of the Il-

legal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).”.

(g) *REPORT.*—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to fiscal year 1997 and each fiscal year thereafter—

(1) the policy and procedures of the Immigration and Naturalization Service under which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

(2) the number of requests filed at each district office under this policy;

(3) the number of these requests granted reported separately for each district; and

(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

SEC. 1506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) *REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE.*—

(1) *IMMIGRATION AMENDMENTS.*—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a), by inserting “or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or” after “into the United States.”; and

(B) in subsection (c), by striking “Subsection (a) shall not be applicable to” and inserting the following: “Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1), subsection (a) shall not be applicable to”.

(2) *EFFECTIVE DATE.*—The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

(b) *REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE.*—

(1) *NOT TREATING SERVICE OF NOTICE AS TERMINATING CONTINUOUS PERIOD.*—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking “when the alien is served a notice to appear under section 239(a) or” and inserting “(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2),

when the alien is served a notice to appear under section 239(a), or (B)”.

(2) *EFFECTIVE DATE.*—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587).

(3) *MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD.*—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended—

(A) by striking the subparagraph heading and inserting the following:

“(C) *SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.*—”; and

(B) in clause (i)—

(i) in subclause (IV), by striking “or” at the end;

(ii) in subclause (V), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).”.

(4) *EFFECTIVE DATE.*—The amendments made by paragraph (3) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(c) *ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE.*—

(1) *REMOVAL PROCEEDINGS.*—

(A) *IN GENERAL.*—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

“(iv) *SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.*—The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply—

“(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2);

“(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen; and

“(III) if the motion to reopen is filed within 1 year of the entry of the final order of removal, except that the Attorney General may, in the Attorney General’s discretion, waive this time limitation in the case of an alien who demonstrates extraor-

dinary circumstances or extreme hardship to the alien's child.”.

(B) *EFFECTIVE DATE.*—The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (8 U.S.C. 1229–1229c).

(2) *DEPORTATION PROCEEDINGS.*—

(A) *IN GENERAL.*—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the *Immigration and Nationality Act* (as in effect before the title III–A effective date in section 309 of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the *Immigration and Nationality Act* (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the *Immigration and Nationality Act* (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the *Immigration and Naturalization Service* upon the granting of the motion to reopen.

(B) *APPLICABILITY.*—Subparagraph (A) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the *Immigration and Nationality Act* (as in effect before the title III–A effective date in section 309 of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the *Immigration and Nationality Act* (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (8 U.S.C. 1101 note)) as a result of the amendments made by—

(I) subtitle G of title IV of the *Violent Crime Control and Law Enforcement Act of 1994* (Public Law 103–322; 108 Stat. 1953 et seq.); or

(II) this title.

SEC. 1507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) *EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS ON SELF-PETITION.*—

(1) *RECLASSIFICATION.*—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 1503(b)(3) of this title) is amended by adding at the end the following:

“(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser’s citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien’s ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.”.

(2) *LOSS OF STATUS.*—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 1503(c)(3) of this title) is amended by adding at the end the following:

“(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien’s ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).

“(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.”.

(3) *DEFINITION OF IMMEDIATE RELATIVES.*—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: “For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.”.

(b) *ALLOWING REMARRIAGE OF BATTERED IMMIGRANTS.*—Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: “Remarriage of an alien whose petition was approved under section 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii) or marriage of an alien described in clause (iv) or (vi) of section 204(a)(1)(A) or in section 204(a)(1)(B)(iii) shall not be the basis for revocation of a petition approval under section 205.”.

SEC. 1508. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.

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

“(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).”.

SEC. 1509. ACCESS TO CUBAN ADJUSTMENT ACT FOR BATTERED IMMIGRANT SPOUSES AND CHILDREN.

(a) *IN GENERAL.*—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note) is amended by striking the period at the end and inserting the following: “, except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United States. In acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall be effective as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.).

SEC. 1510. ACCESS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT FOR BATTERED SPOUSES AND CHILDREN.

(a) *ADJUSTMENT OF STATUS OF CERTAIN NICARAGUAN AND CUBAN BATTERED SPOUSES.*—Section 202(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100, as amended) is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) the alien—

“(i) is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date on which the application for adjustment under this subsection is filed; or

“(ii) was, at the time at which an alien filed for adjustment under subsection (a), the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien that filed for adjustment under subsection (a);”;

and

(2) by adding at the end the following:

“(3) *PROCEDURE*.—In acting on an application under this section with respect to a spouse or child who has been battered or subjected to extreme cruelty, the Attorney General shall apply section 204(a)(1)(H).”.

(b) *CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION TRANSITION RULES FOR CERTAIN BATTERED SPOUSES*.—Section 309(c)(5)(C) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note) (as amended by section 1506(b)(3) of this title) is amended—

(1) in clause (i)—

(A) by striking the period at the end of subclause (VI) (as added by section 1506(b)(3) of this title) and inserting “; or”; and

(B) by adding at the end the following:

“(VII)(aa) was the spouse or child of an alien described in subclause (I), (II), or (V)—

“(AA) at the time at which a decision is rendered to suspend the deportation or cancel the removal of the alien;

“(BB) at the time at which the alien filed an application for suspension of deportation or cancellation of removal; or

“(CC) at the time at which the alien registered for benefits under the settlement agreement in *American Baptist Churches, et. al. v. Thornburgh (ABC)*, applied for temporary protected status, or applied for asylum; and

“(bb) the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien described in subclause (I), (II), or (V).”; and

(2) by adding at the end the following:

“(iii) *CONSIDERATION OF PETITIONS*.—In acting on a petition filed under subclause (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) shall apply.

“(iv) *RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED*.—For purposes of the application of clause (i)(VII), a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.”.

(c) *EFFECTIVE DATE*.—The amendments made by subsections (a) and (b) shall be effective as if included in the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100, as amended).

SEC. 1511. ACCESS TO THE HAITIAN REFUGEE FAIRNESS ACT OF 1998 FOR BATTERED SPOUSES AND CHILDREN.

(a) *IN GENERAL*.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538) is amended to read as follows:

“(B)(i) the alien is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under

subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date on which the application for such adjustment is filed;

“(ii) at the time of filing of the application for adjustment under subsection (a), the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and

“(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective as if included in the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538).

SEC. 1512. ACCESS TO SERVICES AND LEGAL REPRESENTATION FOR BATTERED IMMIGRANTS.

(a) **LAW ENFORCEMENT AND PROSECUTION GRANTS.**—Section 2001(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) (as amended by section 1209(c) of this division) is amended by adding at the end the following:

“(11) providing assistance to victims of domestic violence and sexual assault in immigration matters.”

(b) **GRANTS TO ENCOURAGE ARRESTS.**—Section 2101(b)(5) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)(5)) is amended by inserting before the period the following: “, including strengthening assistance to such victims in immigration matters”.

(c) **RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.**—Section 40295(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953; 42 U.S.C. 13971(a)(2)) is amended to read as follows:

“(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and”.

(d) **CAMPUS DOMESTIC VIOLENCE GRANTS.**—Section 826(b)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 20 U.S.C. 1152) is amended by inserting before the period at the end the following: “, including assistance to victims in immigration matters”.

SEC. 1513. PROTECTION FOR CERTAIN CRIME VICTIMS INCLUDING VICTIMS OF CRIMES AGAINST WOMEN.

(a) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress makes the following findings:

(A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, kidnaping, traf-

ficking, incest, domestic violence, sexual assault, female genital mutilation, forced prostitution, involuntary servitude, being held hostage or being criminally restrained.

(B) All women and children who are victims of these crimes committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes committed against them and the prosecution of the perpetrators of such crimes.

(2) PURPOSE.—

(A) The purpose of this section is to create a new non-immigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. This visa will encourage law enforcement officials to better serve immigrant crime victims and to prosecute crimes committed against aliens.

(B) Creating a new nonimmigrant visa classification will facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who are not in lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations or prosecutions. Providing temporary legal status to aliens who have been severely victimized by criminal activity also comports with the humanitarian interests of the United States.

(C) Finally, this section gives the Attorney General discretion to convert the status of such nonimmigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest.

(b) ESTABLISHMENT OF HUMANITARIAN/MATERIAL WITNESS NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) (as amended by section 107 of this Act) is amended—

- (1) by striking “or” at the end of subparagraph (S);*
- (2) by striking the period at the end of subparagraph (T) and inserting “; or”; and*
- (3) by adding at the end the following new subparagraph:*
“(U)(i) subject to section 214(o), an alien who files a petition for status under this subparagraph, if the Attorney General determines that—

“(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

“(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

“(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

“(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;

“(ii) if the Attorney General considers it necessary to avoid extreme hardship to the spouse, the child, or, in the case of an alien child, the parent of the alien described in clause (i), the Attorney General may also grant status under this paragraph based upon certification of a government official listed in clause (i)(III) that an investigation or prosecution would be harmed without the assistance of the spouse, the child, or, in the case of an alien child, the parent of the alien; and

“(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.”

(c) **CONDITIONS FOR ADMISSION AND DUTIES OF THE ATTORNEY GENERAL.**—Section 214 of such Act (8 U.S.C. 1184) (as amended by section 107 of this Act) is amended by adding at the end the following new subsection:

“(o) **REQUIREMENTS APPLICABLE TO SECTION 101(a)(15)(U) VISAS.**—

“(1) **PETITIONING PROCEDURES FOR SECTION 101(a)(15)(U) VISAS.**—The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 101(a)(15)(U)(iii). This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations. This certification shall state that the alien “has been helpful, is being helpful, or is likely to be helpful” in the investigation or prosecution of criminal activity described in section 101(a)(15)(U)(iii).

“(2) **NUMERICAL LIMITATIONS.**—

“(A) The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 101(a)(15)(U) in any fiscal year shall not exceed 10,000.

“(B) The numerical limitations in subparagraph (A) shall only apply to principal aliens described in section 101(a)(15)(U)(i), and not to spouses, children, or, in the case of alien children, the alien parents of such children.

“(3) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO ‘U’ VISA NONIMMIGRANTS.—With respect to nonimmigrant aliens described in subsection (a)(15)(U)—

“(A) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations to advise the aliens regarding their options while in the United States and the resources available to them; and

“(B) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, provide the aliens with employment authorization.

“(4) CREDIBLE EVIDENCE CONSIDERED.—In acting on any petition filed under this subsection, the consular officer or the Attorney General, as appropriate, shall consider any credible evidence relevant to the petition.

“(5) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of aliens who qualify for status under section 101(a)(15)(U) to seek any other immigration benefit or status for which the alien may be eligible.”

(d) PROHIBITION ON ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY.—Section 384(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) by striking “or” at the end of paragraph (1)(C);

(2) by striking the comma at the end of paragraph (1)(D) and inserting “, or”; and

(3) by inserting after paragraph (1)(D) the following new subparagraph:

“(E) in the case of an alien applying for status under section 101(a)(15)(U) of the Immigration and Nationality Act, the perpetrator of the substantial physical or mental abuse and the criminal activity,”; and

(4) in paragraph (2), by inserting “section 101(a)(15)(U),” after “section 216(c)(4)(C).”

(e) WAIVER OF GROUNDS OF INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following new paragraph:

“(13) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(U). The Attorney General, in the Attorney General’s discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(U), if the Attorney General considers it to be in the public or national interest to do so.”

(f) *ADJUSTMENT TO PERMANENT RESIDENT STATUS.*—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

“(l)(1) The Attorney General may adjust the status of an alien admitted into the United States (or otherwise provided non-immigrant status) under section 101(a)(15)(U) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E), unless the Attorney General determines based on affirmative evidence that the alien unreasonably refused to provide assistance in a criminal investigation or prosecution, if—

“(A) the alien has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under clause (i) or (ii) of section 101(a)(15)(U); and

“(B) in the opinion of the Attorney General, the alien’s continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.

“(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days unless the absence is in order to assist in the investigation or prosecution or unless an official involved in the investigation or prosecution certifies that the absence was otherwise justified.

“(3) Upon approval of adjustment of status under paragraph (1) of an alien described in section 101(a)(15)(U)(i) the Attorney General may adjust the status of or issue an immigrant visa to a spouse, a child, or, in the case of an alien child, a parent who did not receive a nonimmigrant visa under section 101(a)(15)(U)(ii) if the Attorney General considers the grant of such status or visa necessary to avoid extreme hardship.

“(4) Upon the approval of adjustment of status under paragraph (1) or (3), the Attorney General shall record the alien’s lawful admission for permanent residence as of the date of such approval.”.

TITLE VI—MISCELLANEOUS

SEC. 1601. NOTICE REQUIREMENTS FOR SEXUALLY VIOLENT OFFENDERS.

(a) *SHORT TITLE.*—This section may be cited as the “Campus Sex Crimes Prevention Act”.

(b) *NOTICE WITH RESPECT TO INSTITUTIONS OF HIGHER EDUCATION.*—

(1) *IN GENERAL.*—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following:

“(j) *NOTICE OF ENROLLMENT AT OR EMPLOYMENT BY INSTITUTIONS OF HIGHER EDUCATION.*—

“(1) *NOTICE BY OFFENDERS.*—

“(A) *IN GENERAL.*—In addition to any other requirements of this section, any person who is required to register

in a State shall provide notice as required under State law—

“(i) of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student; and

“(ii) of each change in enrollment or employment status of such person at an institution of higher education in that State.

“(B) CHANGE IN STATUS.—A change in status under subparagraph (A)(ii) shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated information is promptly made available to a law enforcement agency having jurisdiction where such institution is located and entered into the appropriate State records or data system.

“(2) STATE REPORTING.—State procedures shall ensure that the registration information collected under paragraph (1)—

“(A) is promptly made available to a law enforcement agency having jurisdiction where such institution is located; and

“(B) entered into the appropriate State records or data system.

“(3) REQUEST.—Nothing in this subsection shall require an educational institution to request such information from any State.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 2 years after the date of enactment of this Act.

(c) DISCLOSURES BY INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—Section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) is amended by adding at the end the following:

“(I) A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 2 years after the date of enactment of this Act.

(d) AMENDMENT TO FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974.—Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)), also known as the Family Educational Rights and Privacy Act of 1974, is amended by adding at the end the following:

“(7)(A) Nothing in this section may be construed to prohibit an educational institution from disclosing information provided to the institution under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) concerning registered sex offenders who are required to register under such section.

“(B) The Secretary shall take appropriate steps to notify educational institutions that disclosure of information described in subparagraph (A) is permitted.”.

SEC. 1602. TEEN SUICIDE PREVENTION STUDY.

(a) SHORT TITLE.—This section may be cited as the “Teen Suicide Prevention Act of 2000”.

(b) FINDINGS.—Congress finds that—

(1) measures that increase public awareness of suicide as a preventable public health problem, and target parents and youth so that suicide risks and warning signs can be recognized, will help to eliminate the ignorance and stigma of suicide as barriers to youth and families seeking preventive care;

(2) suicide prevention efforts in the year 2000 should—

(A) target at-risk youth, particularly youth with mental health problems, substance abuse problems, or contact with the juvenile justice system;

(B) involve—

(i) the identification of the characteristics of the at-risk youth and other youth who are contemplating suicide, and barriers to treatment of the youth; and

(ii) the development of model treatment programs for the youth;

(C) include a pilot study of the outcomes of treatment for juvenile delinquents with mental health or substance abuse problems;

(D) include a public education approach to combat the negative effects of the stigma of, and discrimination against individuals with, mental health and substance abuse problems; and

(E) include a nationwide effort to develop, implement, and evaluate a mental health awareness program for schools, communities, and families;

(3) although numerous symptoms, diagnoses, traits, characteristics, and psychosocial stressors of suicide have been investigated, no single factor or set of factors has ever come close to predicting suicide with accuracy;

(4) research of United States youth, such as a 1994 study by Lewinsohn, Rohde, and Seeley, has shown predictors of suicide, such as a history of suicide attempts, current suicidal ideation and depression, a recent attempt or completed suicide by a friend, and low self-esteem; and

(5) epidemiological data illustrate—

(A) the trend of suicide at younger ages as well as increases in suicidal ideation among youth in the United States; and

(B) distinct differences in approaches to suicide by gender, with—

(i) 3 to 5 times as many females as males attempting suicide; and

(ii) 3 to 5 times as many males as females completing suicide.

(c) PURPOSE.—The purpose of this section is to provide for a study of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facili-

tate the development of model treatment programs and public education and awareness efforts.

(d) *STUDY.*—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall carry out, directly or by grant or contract, a study that is designed to identify—

(1) the characteristics of at-risk and other youth age 13 through 21 who are contemplating suicide;

(2) the characteristics of at-risk and other youth who are younger than age 13 and are contemplating suicide; and

(3) the barriers that prevent youth described in paragraphs (1) and (2) from receiving treatment.

(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 1603. DECADE OF PAIN CONTROL AND RESEARCH.

The calendar decade beginning January 1, 2001, is designated as the “Decade of Pain Control and Research”.

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. AIMEE’S LAW.

(a) *SHORT TITLE.*—This section may be cited as “Aimee’s Law”.

(b) *DEFINITIONS.*—In this section:

(1) *DANGEROUS SEXUAL OFFENSE.*—The term “dangerous sexual offense” means any offense under State law for conduct that would constitute an offense under chapter 109A of title 18, United States Code, had the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison.

(2) *MURDER.*—The term “murder” has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

(3) *RAPE.*—The term “rape” has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

(c) *PENALTY.*—

(1) *SINGLE STATE.*—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one of those offenses in a State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(2) *MULTIPLE STATES.*—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one or more of those offenses in more than one other State described in paragraph (3), the Attorney General shall transfer an amount equal to the

costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(3) *STATE DESCRIBED.*—A State is described in this paragraph if—

(A) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in paragraph (1) or (2), as applicable, was convicted by the State is less than the average term of imprisonment imposed for that offense in all States; or

(B) with respect to the individual described in paragraph (1) or (2), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

For purposes of subparagraph (B), in a State that has indeterminate sentencing, the term of imprisonment to which that individual was sentenced for the prior offense shall be based on the lower of the range of sentences.

(d) *STATE APPLICATIONS.*—In order to receive an amount transferred under subsection (c), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for one of those offenses in another State.

(e) *SOURCE OF FUNDS.*—

(1) *IN GENERAL.*—Any amount transferred under subsection (c) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General shall provide the State with an opportunity to select the specific Federal law enforcement assistance funds to be so reduced (other than Federal crime victim assistance funds).

(2) *PAYMENT SCHEDULE.*—The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(f) *CONSTRUCTION.*—Nothing in this section may be construed to diminish or otherwise affect any court ordered restitution.

(g) *EXCEPTION.*—This section does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in subsection (c) and subsequently been convicted for an offense described in subsection (c).

(h) *REPORT.*—The Attorney General shall—

(1) conduct a study evaluating the implementation of this section; and

(2) not later than October 1, 2006, submit to Congress a report on the results of that study.

(i) *COLLECTION OF RECIDIVISM DATA.*—

(1) *IN GENERAL.*—Beginning with calendar year 2002, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for—

- (i) any dangerous sexual offense;
- (ii) rape; and
- (iii) murder; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) *REPORT.*—Not later than March 1, 2003, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

(j) *EFFECTIVE DATE.*—This section shall take effect on January 1, 2002.

SEC. 2002. PAYMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) *PAYMENTS.*—

(1) *IN GENERAL.*—Subject to subsections (b) and (c), the Secretary of the Treasury shall pay each person described in paragraph (2), at the person's election—

(A) 110 percent of compensatory damages awarded by judgment of a court on a claim or claims brought by the person under section 1605(a)(7) of title 28, United States Code, plus amounts necessary to pay post-judgment interest under section 1961 of such title, and, in the case of a claim or claims against Cuba, amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected on June 2, 2000), subject to final appellate review of that order; or

(B) 100 percent of the compensatory damages awarded by judgment of a court on a claim or claims brought by the person under section 1605(a)(7) of title 28, United States Code, plus amounts necessary to pay post-judgment interest, as provided in section 1961 of such title, and, in the case of a claim or claims against Cuba, amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected June 2, 2000), subject to final appellate review of that order.

Payments under this subsection shall be made promptly upon request.

(2) *PERSONS COVERED.*—A person described in this paragraph is a person who—

(A)(i) as of July 20, 2000, held a final judgment for a claim or claims brought under section 1605(a)(7) of title 28, United States Code, against Iran or Cuba, or the right to

payment of an amount awarded as a judicial sanction with respect to such claim or claims; or

(ii) filed a suit under such section 1605(a)(7) on February 17, 1999, June 7, 1999, January 28, 2000, March 15, 2000, or July 27, 2000;

(B) relinquishes all claims and rights to compensatory damages and amounts awarded as judicial sanctions under such judgments;

(C) in the case of payment under paragraph (1)(A), relinquishes all rights and claims to punitive damages awarded in connection with such claim or claims; and

(D) in the case of payment under paragraph (1)(B), relinquishes all rights to execute against or attach property that is at issue in claims against the United States before an international tribunal, that is the subject of awards rendered by such tribunal, or that is subject to section 1610(f)(1)(A) of title 28, United States Code.

(b) *FUNDING OF AMOUNTS.*—

(1) *JUDGMENTS AGAINST CUBA.*—For purposes of funding the payments under subsection (a) in the case of judgments and sanctions entered against the Government of Cuba or Cuban entities, the President shall vest and liquidate up to and not exceeding the amount of property of the Government of Cuba and sanctioned entities in the United States or any commonwealth, territory, or possession thereof that has been blocked pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, or regulation issued thereunder. For the purposes of paying amounts for judicial sanctions, payment shall be made from funds or accounts subject to sanctions as of April 18, 2000, or from blocked assets of the Government of Cuba.

(2) *JUDGMENTS AGAINST IRAN.*—For purposes of funding payments under subsection (a) in the case of judgments against Iran, the Secretary of the Treasury shall make such payments from amounts paid and liquidated from—

(A) rental proceeds accrued on the date of enactment of this Act from Iranian diplomatic and consular property located in the United States; and

(B) funds not otherwise made available in an amount not to exceed the total of the amount in the Iran Foreign Military Sales Program account within the Foreign Military Sales Fund on the date of enactment of this Act.

(c) *SUBROGATION.*—Upon payment under subsection (a) with respect to payments in connection with a Foreign Military Sales Program account, the United States shall be fully subrogated, to the extent of the payments, to all rights of the person paid under that subsection against the debtor foreign state. The President shall pursue these subrogated rights as claims or offsets of the United States in appropriate ways, including any negotiation process which precedes the normalization of relations between the foreign state designated as a state sponsor of terrorism and the United States, except that no funds shall be paid to Iran, or released to Iran, from property blocked under the International Emergency Economic Powers Act or

from the Foreign Military Sales Fund, until such subrogated claims have been dealt with to the satisfaction of the United States.

(d) *SENSE OF CONGRESS.*—It is the sense of Congress that the President should not normalize relations between the United States and Iran until the claims subrogated have been dealt with to the satisfaction of the United States.

(e) *REAFFIRMATION OF AUTHORITY.*—Congress reaffirms the President’s statutory authority to manage and, where appropriate and consistent with the national interest, vest foreign assets located in the United States for the purposes, among other things, of assisting and, where appropriate, making payments to victims of terrorism.

(f) *AMENDMENTS.*—(1) Section 1610(f) of title 28, United States Code, is amended—

(A) in paragraphs (2)(A) and (2)(B)(ii), by striking “shall” each place it appears and inserting “should make every effort to”; and

(B) by adding at the end the following new paragraph:

“(3) *WAIVER.*—The President may waive any provision of paragraph (1) in the interest of national security.”

(2) Subsections (b) and (d) of section 117 of the Treasury Department Appropriations Act, 1999 (as contained in section 101(h) of Public Law 105–277) are repealed.

SEC. 2003. AID FOR VICTIMS OF TERRORISM.

(a) *MEETING THE NEEDS OF VICTIMS OF TERRORISM OUTSIDE THE UNITED STATES.*—

(1) *IN GENERAL.*—Section 1404B(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)) is amended as follows:

“(a) *VICTIMS OF ACTS OF TERRORISM OUTSIDE UNITED STATES.*—

“(1) *IN GENERAL.*—The Director may make supplemental grants as provided in 1402(d)(5) to States, victim service organizations, and public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

“(2) *VICTIM DEFINED.*—In this subsection, the term ‘victim’—

“(A) means a person who is a national of the United States or an officer or employee of the United States Government who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and

“(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

“(3) *RULE OF CONSTRUCTION.*—Nothing in this subsection shall be construed to allow the Director to make grants to any

foreign power (as defined by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) or to any domestic or foreign organization operated for the purpose of engaging in any significant political or lobbying activities.”

(2) *APPLICABILITY.*—The amendment made by this subsection shall apply to any terrorist act or mass violence occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

(3) *ADMINISTRATIVE PROVISION.*—Not later than 90 days after the date of enactment of this Act, the Director shall establish guidelines under section 1407(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(a)) to specify the categories of organizations and agencies to which the Director may make grants under this subsection.

(4) *TECHNICAL AMENDMENT.*—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended by striking “1404(d)(4)(B)” and inserting “1402(d)(5)”.

(b) *AMENDMENTS TO EMERGENCY RESERVE FUND.*—

(1) *CAP INCREASE.*—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking “\$50,000,000” and inserting “\$100,000,000”.

(2) *TRANSFER.*—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended by striking “in excess of \$500,000” and all that follows through “than \$500,000” and inserting “shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums”.

(c) *COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.*—

(1) *IN GENERAL.*—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

“SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.

“(a) *DEFINITIONS.*—In this section:

“(1) *INTERNATIONAL TERRORISM.*—The term ‘international terrorism’ has the meaning given the term in section 2331 of title 18, United States Code.

“(2) *NATIONAL OF THE UNITED STATES.*—The term ‘national of the United States’ has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

“(3) *VICTIM.*—

“(A) *IN GENERAL.*—The term ‘victim’ means a person who—

“(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988 with respect to which an investigation or prosecution was ongoing after April 24, 1996; and

“(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

“(B) *INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.*—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

“(C) *EXCEPTION.*—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.

“(b) *AWARD OF COMPENSATION.*—The Director may use the emergency reserve referred to in section 1402(d)(5)(A) to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization.

“(c) *ANNUAL REPORT.*—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

“(1) an explanation of the procedures for filing and processing of applications for compensation;

“(2) a description of the procedures and policies instituted to promote public awareness about the program;

“(3) a complete statistical analysis of the victims assisted under the program, including—

“(A) the number of applications for compensation submitted;

“(B) the number of applications approved and the amount of each award;

“(C) the number of applications denied and the reasons for the denial;

“(D) the average length of time to process an application for compensation; and

“(E) the number of applications for compensation pending and the estimated future liability of the program; and

“(4) an analysis of future program needs and suggested program improvements.”

(2) *CONFORMING AMENDMENT.*—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting “, to provide compensation to victims of international terrorism under the program under section 1404C,” after “section 1404B”.

(d) *AMENDMENTS TO VICTIMS OF CRIME FUND.*—Section 1402(c) of the Victims of Crime Act 1984 (42 U.S.C. 10601(c)) is amended by adding at the end the following: “Notwithstanding section 1402(d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.”

SEC. 2004. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) *SHIPMENT OF INTOXICATING LIQUOR IN VIOLATION OF STATE LAW.*—The Act entitled “An Act divesting intoxicating liquors of their interstate character in certain cases”, approved March 1, 1913 (commonly known as the “Webb-Kenyon Act”) (27 U.S.C. 122) is amended by adding at the end the following:

“SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘attorney general’ means the attorney general or other chief law enforcement officer of a State or the designee thereof;

“(2) the term ‘intoxicating liquor’ means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

“(3) the term ‘person’ means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

“(4) the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

“(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general has reasonable cause to believe that a person is engaged in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction) against the person, as the attorney general determines to be necessary to—

“(1) restrain the person from engaging, or continuing to engage, in the violation; and

“(2) enforce compliance with the State law.

“(c) FEDERAL JURISDICTION.—

“(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section by an attorney general against any person, except one licensed or otherwise authorized to produce, sell, or store intoxicating liquor in such State.

“(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code, or in the district in which the recipient of the intoxicating liquor resides or is found.

“(3) FORM OF RELIEF.—An action under this section is limited to actions seeking injunctive relief (a preliminary and/or permanent injunction).

“(4) NO RIGHT TO JURY TRIAL.—An action under this section shall be tried before the court.

“(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

“(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court may issue a preliminary or permanent injunction to restrain a violation of this section. A proper showing under this paragraph shall require that a State prove by a preponderance of the evidence that a violation of State law as described in subsection (b) has taken place or is taking place.

“(2) ADDITIONAL SHOWING FOR PRELIMINARY INJUNCTION.—No preliminary injunction may be granted except upon—

“(A) evidence demonstrating the probability of irreparable injury if injunctive relief is not granted; and

“(B) evidence supporting the probability of success on the merits.

“(3) NOTICE.—No preliminary or permanent injunction may be issued under paragraph (1) without notice to the adverse party and an opportunity for a hearing.

“(4) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction entered in an action brought under this section shall—

“(A) set forth the reasons for the issuance of the order;

“(B) be specific in terms;

“(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and

“(D) be binding upon—

“(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

“(ii) persons in active concert or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

“(5) ADMISSIBILITY OF EVIDENCE.—In a hearing on an application for a permanent injunction, any evidence previously received on an application for a preliminary injunction in connection with the same civil action and that would otherwise be admissible, may be made a part of the record of the hearing on the permanent injunction.

“(e) RULES OF CONSTRUCTION.—This section shall be construed only to extend the jurisdiction of Federal courts in connection with State law that is a valid exercise of power vested in the States—

“(1) under the twenty-first article of amendment to the Constitution of the United States as such article of amendment is interpreted by the Supreme Court of the United States including interpretations in conjunction with other provisions of the Constitution of the United States; and

“(2) under the first section herein as such section is interpreted by the Supreme Court of the United States; but shall not be construed to grant to States any additional power.

“(f) ADDITIONAL REMEDIES.—

“(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

“(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.

“SEC. 3. GENERAL PROVISIONS.

“(a) EFFECT ON INTERNET TAX FREEDOM ACT.—Nothing in this section may be construed to modify or supersede the operation of the Internet Tax Freedom Act (47 U.S.C. 151 note).

“(b) INAPPLICABILITY TO SERVICE PROVIDERS.—Nothing in this section may be construed to—

“(1) authorize any injunction against an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) used by another person to engage in any activity that is subject to this Act;

“(2) authorize any injunction against an electronic communication service (as defined in section 2510(15) of title 18,

United States Code) used by another person to engage in any activity that is subject to this Act; or

“(3) authorize an injunction prohibiting the advertising or marketing of any intoxicating liquor by any person in any case in which such advertising or marketing is lawful in the jurisdiction from which the importation, transportation or other conduct to which this Act applies originates.”

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective 90 days after the date of this enactment of this Act.

(c) STUDY.—The Attorney General shall carry out the study to determine the impact of this section and shall submit the results of such study not later than 180 days after the enactment of this Act.

Amend the title so as to read: “An Act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.”.

And the Senate agree to the same.

BENJAMIN GILMAN,
BILL GOODLING,
CHRIS SMITH,
HENRY J. HYDE,
NANCY L. JOHNSON,
SAM GEJDENSON,
TOM LANTOS,
BEN CARDIN,

Managers on the Part of the House.

From the Committee on the Judiciary:

ORRIN HATCH,
STROM THURMOND,

From the Committee on Foreign Relations:

JESSE HELMS,
SAM BROWNBACK,
JOE BIDEN,
PAUL WELLSTONE,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244) an Act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Division A of the conference agreement is the Trafficking Victims Protection Act of 2000, an act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, in the United States and foreign countries. Division B is the Violence Against Women Act of 2000, an act to reauthorize federal programs that combat violence against women, to strengthen law enforcement to reduce violence against women, to strengthen services to victims of violence, to limit the effects of violence on children, to strengthen education and training to combat violence against women, to enact new procedures for the protection of battered immigrant women, and to extend the Violent Crime Reduction Trust Fund. Division C consists of anti-crime measures including provisions to encourage States to incarcerate individuals convicted of murder, rape, or child molestation, to facilitate recovery by victims of terrorism against the assets of foreign entities that have been held responsible for such terrorism; and to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

CONCERNING DIVISION A

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244), an Act to combat trafficking of persons, especially into the sex trade, slavery, and involuntary servitude, in the United States and foreign countries, through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS

Section 1 of the House bill states that this Act may be cited as the Trafficking Victims Protection Act of 2000 and lists its contents. Section 1 of the Senate amendment is substantially identical to the House provision. The conference agreement provides that this Act may be cited as the Trafficking Victims Protection Act of 2000 and includes a table of contents.

SEC. 2. PURPOSES AND FINDINGS

Section 2 of the House bill states that the purposes of this Act are to combat trafficking in persons, to ensure just punishment of traffickers, and to protect their victims. Section 2 of the House bill also includes findings to the effect that every year millions of people, predominantly women and children, are trafficked within or across international borders; that many victims are trafficked into the international sex industry, often through force, fraud, or coercion; that trafficking in persons is not limited to sex trafficking, but often involves forced labor and other violations of human rights; that trafficking is a growing transnational problem that is increasingly perpetrated by organized criminal enterprises; that existing legislation and law enforcement in the United States and abroad are inadequate to deter trafficking, bring traffickers to justice, and meet the safe reintegration needs of trafficking victims; that in some countries, anti-trafficking efforts are hindered by official indifference, corruption, and sometimes even official participation in trafficking; that trafficking in persons is a matter of pressing international concern, and that the United States must work bilaterally and multilaterally to abolish trafficking and protect trafficking victims. The House findings also include references to the Declaration of Independence, the Universal Declaration of Human Rights, and numerous treaties and other international instruments.

Section 2 of the Senate amendment contains identical purposes and similar findings, with a more succinct set of references to international agreements. Section 2 of the Senate amendment also contains findings to the effect that victims of severe forms of trafficking in persons should not be inappropriately incarcerated, fined, or otherwise penalized, and that existing United States statutes on involuntary servitude have been narrowly construed, in the absence of a definition by Congress, to exclude certain cases in which persons are held in a condition of servitude by nonviolent coercion.

Section 2 of the conference agreement is substantially identical to section 2 of the Senate amendment.

SEC. 3. DEFINITIONS

Section 3 of the House bill defines certain terms used in this Act. "Sex trafficking" is defined as the purchase, sale, recruitment, harboring, transportation, transfer, or receipt of a person for the purpose of a commercial sex act. "Severe forms of trafficking in persons" is defined as sex trafficking induced by force, coercion, fraud, or deception, or involving a person under the age of 18, as well as trafficking for the purpose of subjecting the trafficked person to involuntary servitude, slavery, or slavery-like practices by force, coercion, fraud, or deception. "Slavery-like practices" means induce-

ment of a person to perform labor or other services by force, coercion, or by any scheme, plan, or pattern to cause the person to believe that failure to perform the work will result in the infliction of serious harm, debt bondage amounting to involuntary servitude, or subjection to conditions so harsh or degrading as to provide a clear indication that the person has been subjected to them by force, fraud, or coercion. In the context of this bill, "serious harm" could include physical restraint that severely limits freedom of movement. "Coercion," as defined, includes the use of force, violence, and physical restraint, as well as acts calculated to have the same effect (such as the credible threat of serious harm). The House provision also defines "nonhumanitarian foreign assistance" to include certain assistance under the Foreign Assistance Act of 1961 and the Export-Import Bank Act of 1945.

Section 3 of the Senate amendment contains definitions similar to those in the House bill, with several exceptions. The Senate provision defines "debt bondage" as a condition in which personal services are pledged as security for a debt but in which either the reasonable value of such services is not in fact applied to the debt or the length and nature of such services are unlimited or undefined. The Senate definitions do not use the term "deception" in the definition of severe forms of trafficking. The Senate provision omits the House definition of "slavery-like practices" because this term is not contained elsewhere in the Senate bill. Instead, the Senate provision makes clear that "involuntary servitude" includes a condition of servitude induced by means of any act, scheme, plan, or pattern intended to cause a belief that serious harm or physical restraint would otherwise occur, or by the abuse or threatened abuse of the legal process and also includes a definition of "coercion." The Senate provision also includes definitions of "State" and "United States" which include the District of Columbia and United States territories and possessions. Finally, the Senate omits the definitions of "act of a severe form of trafficking" and "nonhumanitarian foreign assistance" contained in the House bill.

Section 3 of the conference agreement is similar to the Senate provision, except that it includes a definition of "nonhumanitarian, nontrade-related foreign assistance" similar to the definition contained in the House provision, but excluding assistance under the Export-Import Bank Act of 1945 and under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation. The conference agreement also includes a definition of "coercion" corresponding to the definition included in 18 U.S.C. sec. 1591, added by section 12 of this Act, which provides for a criminal offense of sex trafficking.

In various sections, the conference agreement uses more general terms such as "trafficking" or "trafficking in persons" rather than the more limited term "severe forms of trafficking in persons." In such contexts, these terms are intended to be used in a more general sense, giving the President and other officials some degree of discretion to apply the relevant provisions to a broader range of actions or victims beyond those associated with severe forms of trafficking in persons. Such discretion is particularly appropriate in assistance to and protection of victims, because trafficked women and children may have a compelling need for such assistance and

protection even though they have not been subjected to severe forms of trafficking. In this connection, the conference agreement includes a definition of “victims of trafficking” that would encompass a broader class of victims in certain programs. Where, however, this Act uses the term “victims of severe forms of trafficking,” even in provisions related to protection and assistance, the application of such provisions is limited to such victims.

SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

Section 4 of the House bill requires the Secretary of State to include in the annual Country Reports a list of foreign countries that are countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking, as well as information such as the extent to which government officials in such countries are involved in such trafficking, and an assessment of the steps governments are taking to combat trafficking and to assist victims of trafficking and protect their rights. Section 4 of the Senate amendment is substantially identical to the House provision, except that it does not require a list of countries and would therefore effectively require information about severe forms of trafficking in persons to be provided in the annual Country Report for each foreign country.

Section 4 of the conference agreement is similar to the Senate provision except that it amends sections 116(f) and 502B of the Foreign Assistance Act of 1961, requiring certain information on trafficking in persons to be provided in the Country Reports. The section as amended will limit the required reporting in the Country Reports to severe forms of trafficking in persons, but gives the Secretary of State discretion to include such other information on trafficking as the Secretary deems appropriate. As with other human rights violations, the extent to which trafficking in persons is discussed in the Country Report for a particular country should be commensurate with the extent of the problem in such country.

SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING

Section 5 of the House bill provides that the President shall establish an Inter-Agency Task Force to Monitor and Combat Trafficking and authorizes the establishment an Office in the State Department to provide assistance to the Task Force. Section 5 of the Senate provision is substantially identical to the House provision, except that it requires the Task Force, beginning in 2002, to publish an annual list of countries which do not meet the minimum standards set forth in section 8, and authorizes interim reports with respect to such countries. Section 5 of the conference agreement is substantially identical to the House provision, although the conference agreement does provide in section 10 for annual and interim reports on countries whose governments do not comply with the minimum standards. It also provides that the Task Force will have primary responsibility for advising the Secretary of State on preparation of the reports in section 10.

SEC. 6. PREVENTION OF TRAFFICKING

Section 6 of the House bill charges the President, acting through the Agency for International Development and other agencies and in consultation with appropriate non-governmental organizations, with establishing initiatives to enhance economic opportunity for potential trafficking victims as a means of deterring trafficking, such as microcredit lending programs, training, and education. It also directs the President to establish programs to increase public awareness of the dangers of trafficking and the protections available to victims. Section 6 of the of the Senate amendment is substantially identical to section 6 of the House bill. Section 6 of the conference agreement is identical to the Senate provision.

SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING

Subsection 7(a) of the House bill charges the State Department and the Agency for International Development (AID) with establishing programs and initiatives in foreign countries to assist victims of trafficking. Subsection 7(a) of the Senate amendment is substantially identical to the House provision. Subsection 7(a) of the conference agreement is identical to the Senate provision, except that all authorities are vested in the President.

Subsection 7(b) of the House bill directs the Attorney General, the Secretaries of Labor and of Health and Human Services, and the Board of Directors of the Legal Services Corporation to expand assistance to victims of severe forms of trafficking in the United States. The provision makes clear that for the purpose of receiving benefits, a "victim of a severe form of trafficking" means only a person who has been subjected to such trafficking and who either has not obtained the age of 15 years or is the subject of a certification that he or she (1) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons, and (2) either has made a bona fide application for a visa under the provisions of immigration law added by section 7(f), or is a person whose presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers. In addition, the section makes victims of severe forms of trafficking in the United States eligible for benefits under the Crime Victims Fund without regard to their immigration status, and allows the Attorney General to make grants to local governments and non-profit organizations to expand services for victims of trafficking. It also provides trafficking victims a civil right of action against traffickers for violations of 18 U.S.C. 1589 (trafficking into slavery-like conditions) or 1589A (sex trafficking of children or by force, fraud, or coercion).

Subsection 7(b) of the Senate amendment is similar to the House provision except that it does not contain the certification requirement as a condition on eligibility for benefits. It also contains no reference to the Crime Victims Fund and does not provide a civil right of action.

Subsection 7(b) of the conference agreement contains the certification requirement for benefit eligibility. The conference agreement, however, requires a certification only for victims who have

attained the age of 18 years. This subsection of the conference agreement is similar to the Senate provision in that it provides no civil right of action. The conferees emphasize that nothing in this Act will preclude trafficking victims from availing themselves of applicable State, local or other Federal laws in seeking compensatory or other damages and relief in any civil proceeding. The House provision making victims eligible for benefits under the Crime Victims Fund has been deleted as unnecessary, because current law does not bar such victims from receiving such benefits on account of their immigration status. The conferees expect that the Office of Victims of Crimes will provide assistance to these victims, even though this provision was deleted. In addition, the conferees believe that in making grants under this section, the Attorney General and other federal officials should consider whether the prospective grantee denies services to a trafficking victim solely on account of conduct incident to that person's status as a victim.

Subsection 7(c) of the House bill requires the Attorney General and the Secretary of State to promulgate regulations to ensure that: (1) victims of severe forms of trafficking are provided with appropriate shelter and care while in Federal custody; (2) victims are not jailed or fined merely because they were trafficked; (3) victims have access to legal assistance and translation services; (4) victims are assured continuous presence in the United States to assist in the prosecution of traffickers; and (5) State and Justice Department personnel are trained in identifying and protecting victims of severe forms of trafficking.

Subsection 7(c) of the Senate amendment is similar to the House provision, with to principal exceptions. First, it does not require regulations that explicitly prohibit incarceration, fines, or other penalties against victims on account of their having been trafficked. Instead, it requires regulations that prohibit the detention of victims in facilities inappropriate to their status as crime victims. Second, it requires regulations under which the Attorney General "may" ensure the continued presence of a person in the United States in order to effectuate prosecution of traffickers if the person is both a victim and a potential witness.

Subsection 7(c) of the Senate conference agreement is substantially identical to the Senate provision. The conferees believe that the House provision with respect to jailing, fining, or otherwise penalizing victims of serious crimes on account of their status as crime victims or on account of conduct committed under duress incident to such status restates existing criminal law and is therefore unnecessary. The conferees also believe that training provided to State Department and Justice Department personnel should include methods for achieving antitrafficking objectives through non-discriminatory application of immigration laws and others laws.

Subsection 7(d) of the House bill makes clear that nothing in subsection (c) creates a private cause of action against the United States or its employees. Subsection 7(d) of the Senate amendment is identical to the House provision. Subsection 7(d) of the conference agreement is identical to both provisions.

Subsection 7(e) of the House bill makes funds derived from the sale of assets seized from and forfeited by traffickers (pursuant to section 12(a) of the House bill) available for the victim assistance

under subsections (a) and (b). The Senate amendment contains no corresponding provision. The conference agreement is identical to the Senate amendment.

Section 7(f) of the House bill creates a new nonimmigrant "T" visa for certain victims of severe forms of trafficking. Eligibility would be limited to persons who: (1) are victims of a severe form of trafficking in persons, as defined in section 3 of the act; (2) are in the United States or at a United States port of entry by reason of having been trafficked here; (3) are no older than 14 years of age or were induced to participate in the sex trade or slavery-like practices by force, coercion, fraud, or deception, did not voluntarily agree to any arrangement including such participation, and have complied with any reasonable request for assistance in the investigation or prosecution of trafficking acts; and (4) have a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States or would suffer extreme hardship in connection with the trafficking upon removal from the United States. It also permits the Attorney General to grant a "T" visa if necessary to avoid extreme hardship to the victim's spouse, sons and daughters (who are not children), and the parents if the victim is under 21 years old. A victim's children who are unmarried and under 21 years old need not establish extreme hardship to receive a "T" visa. It precludes anyone in this section from receiving a "T" visa if there is substantial reason to believe that the person has committed an act of a severe form of trafficking in persons. The House provision permits the Attorney General to waive grounds of inadmissibility, including health-related grounds, public charge, and, with the exception of security, international child abduction, and former citizens who renounced citizenship to avoid taxation, any other provision of section 212(a) of the INA if the activities rendering the alien inadmissible were caused by the trafficking. It states that the INS is not prohibited from instituting removal proceedings against an alien admitted with a "T" visa for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission. The House provision also places an annual cap of 5,000 on "T" visas for trafficking victims. Finally, the House provision permits the Attorney General to adjust the status of a "T" visa holder to that of a permanent resident if the alien: (1) has been physically present in the United States for a continuous period of at least 3 years since the date of admission; (2) has throughout such period been a person of good moral character; (3) has during such period complied with any reasonable request for assistance in the investigation or prosecution of trafficking acts; and (4) has a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States, or would suffer extreme hardship in connection with the trafficking upon removal from the United States. It also permits the Attorney General to adjust the status of the victim's spouse, parents, and married and unmarried sons and daughters, if admitted with a "T" visa, to that of an alien lawfully admitted for permanent residence. An annual cap of 5,000 is placed on adjustments of status for victims. The provision also permits the Attorney General to waive grounds of inadmissibility, including health-related grounds, public

charge, and, with the exception of security, international child abduction, and former citizens who renounced citizenship to avoid taxation, any other provision of section 212(a) of the INA if the activities rendering the alien inadmissible were caused by the trafficking.

Subsections 7(e) and (f) of the Senate amendment are similar to section 7(f) of the House bill. The Senate provision allows victims who meet all other eligibility requirements for the "T" visa to make a showing of "extreme hardship" whether or not such hardship is "in connection with the victimization." The Senate provision also makes a victim's spouse and minor children eligible for visas only on a showing that their presence in the United States would be "necessary to avoid extreme hardship." The Senate provision makes a victim's parents eligible for visas only if the victim is under the age of 21, and provides no eligibility for a victim's sons and daughters who are not minor children. The Senate provision contained no annual limitation on the number of nonimmigrant visas or on the number of persons eligible to adjust status to permanent residence. The Senate provision allowing to waive grounds of inadmissibility was broader than the House provision, allowing waivers of all grounds except participation in Nazi persecution, genocide, and related grounds.

Subsections 7(e) and (f) of the conference agreement are similar to the House bill but incorporate elements of the Senate amendment. The conferees believe that an applicant who voluntarily agrees to be smuggled into the United States in exchange for working to pay off the smuggling fee is not eligible for the "T" visa, unless the applicant becomes a victim of a severe form of trafficking in persons as defined by the Act. The conference provision requires that a victim would face "extreme hardship involving unusual and severe harm" upon removal as an element in establishing eligibility for a visa. The conferees expect that the Immigration and Naturalization Service and the Executive Office for Immigration Review will interpret the "extreme hardship involving unusual and severe harm" to be a higher standard than just "extreme hardship." The standard shall cover those cases where a victim likely would face genuine and serious hardship if removed from the United States, whether or not the severe harm is physical harm or on account of having been trafficked. The extreme hardship shall involve more than the normal economic and social disruptions involved in deportation. The conference provision is also similar to the Senate provision in requiring a showing of extreme hardship for the admission of a victim's spouse and minor children and in containing no provision for admission of adult sons and daughters. The conference provision is identical to the House provision with respect to waivers of grounds of inadmissibility.

The conference agreement limits the number of nonimmigrant visas to 5000 per year and also contains an annual limit of 5000 on the number of "T" visa holders who are eligible to adjust their status to lawful permanent residence. The conference provision also adds a new subsection (g), directing the Immigration and Naturalization Service to report annually on whether any otherwise eligible applicant has been denied a visa or adjustment of status solely on account of the annual limitation. The conferees expect that

this report will list the number of visa and adjustment applications filed, the number of denials for any reason, and the number denied on account of the annual limitation. The conferees believe that the annual limitation of 5000 is sufficient to include all bona fide victims of severe forms of trafficking in persons who meet all other eligibility requirements. If experience should indicate that the number is insufficient to include all such bona fide eligible victims, it would be appropriate for Congress to consider enacting legislation to increase the annual limitation.

SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING

Section 8 of the House bill establishes minimum standards applicable to governments of countries that are countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking in persons. The section provides that such governments should enact laws that prohibit and severely punish such trafficking and should make serious and sustained efforts to eliminate such trafficking. The section sets forth a number of indicia of such serious and sustained efforts, including vigorous prosecution of offenders, protection of victims, education of the public and of potential victims, and cooperation with international efforts to stop trafficking. Section 8 of the Senate amendment is substantially similar to the House provision. Section 8 of the conference agreement is substantially similar to the House and Senate provisions. The conferees do not expect that a government would be required to fulfill all the criteria in subsection 8(b) in order to be making "serious and sustained efforts" to eliminate severe forms of trafficking in persons. Rather, the subsection requires only that the Secretary consider these factors in determining whether the government is making such efforts.

SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEETING MINIMUM STANDARDS

Section 9 of the House bill authorizes the Agency for International Development to fund activities designed to help foreign countries meet the minimum standards outlined in section 8(a) of this Act. Such activities include, but are not limited to, assistance in drafting anti-trafficking legislation, training law enforcement and judicial system officials in the investigation and prosecution of trafficking cases, and efforts by foreign governments to assist victims. Section 9 of the Senate amendment is similar to the House provision but makes clear that such activities may be conducted through nongovernmental or multilateral organizations and may include the expansion of exchange programs and international visitor programs. Section 9 of the conference agreement is substantially identical to the Senate provision.

SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS

Section 10 of the House bill requires the Secretary of State to submit to Congress an annual report on the status of severe forms of trafficking, consisting of a list of countries that do not meet the minimum standards set forth in section 8 of the Act, together with

such other information as the Secretary may wish to provide. The section provides that the Secretary may also file interim reports. Beginning in FY 2002, the section requires that for each government that fails to meet the minimum standards, the President "shall" either (a) withhold nonhumanitarian U.S. foreign assistance to that government and direct that the U.S. executive directors of multilateral lending institutions vote against nonhumanitarian assistance to that government during the following fiscal year; or (b) waive these requirements if the President finds that the provision of nonhumanitarian assistance to that country is in the national interest of the United States.

Section 10 of the Senate amendment provides that, with respect to each country that does not meet the minimum standards set forth in section 8, the President "may" take any of a number of actions, including withholding foreign assistance, instructing the U.S. executive directors of multilateral lending institutions to vote against loans or assistance to such countries, prohibiting arms sales, and restricting exports to such countries.

Section 10 of the conference agreement is similar to the Senate provision with respect to countries whose governments do not comply with the minimum standards but are making significant efforts to bring themselves into compliance, in that it contains no provision for actions against such countries, thereby leaving the President free to take no action or to take any action that is within the President's discretion under current law. This section of the conference agreement is similar to the House provision only with respect to countries whose governments not only fail to comply with the minimum standards, but also fail to make significant efforts to comply with such standards. With respect to this small number of truly egregious offenders, the conference agreement contains a provision similar to the House bill, but with the following additional limitations: (1) The requirement that the President either withhold assistance to the foreign government or waive the withholding requirement is limited to assistance which is "nonhumanitarian" and also "nontrade-related." (2) Similarly, the provision with respect to international financial institutions is limited to non-humanitarian, nontrade-related loans and other utilizations of funds. For the purposes of this provision, the conferees consider humanitarian assistance to include debt relief extended by international financial institutions to governments in order to allow such governments to meet the basic needs of the people of their countries. (3) The President may waive these requirements if a waiver would promote the purposes of this Act, such as in a case in which the President believes providing assistance will cause the offending government to attempt to comply with the minimum standards. (4) The President may also waive the requirements if for any other reason he believes a waiver to be in the national interest. (5) The President may use the waiver authority with respect to all assistance and extensions of credit to a government or with respect to any subset of such assistance or extensions of credit. (6) The President must use the waiver authority as necessary to avoid substantial adverse impact on vulnerable populations including women and children. (7) In lieu of notifying Congress that aid will be withdrawn or that one of the waiver authorities granted by this section will be used, the

President may notify Congress that the government of a country is already subject to broad-based reductions in assistance due to human rights violations and that no additional measures are deemed appropriate. Finally, (8) the requirement will not go into effect until 2003. The three-year delay in implementation of this provision is intended to give foreign governments time to begin making efforts to comply with the minimum standards. The conferees emphasize that the provisions of this Act clearly require that in assessing the records of foreign governments with respect to the minimum standards for the elimination of trafficking, the President and other executive branch officials must not limit their scrutiny to the governments of countries of origin for victims of severe forms of trafficking in persons, but must apply equally close scrutiny to the governments of transit countries and countries of destination for such victims.

SEC. 11. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS

Section 11 of the House bill authorizes the Secretary of State to compile and publish a list of foreign persons who have a significant role in a severe form of trafficking in persons, directly or indirectly in the United States, who materially support such persons, or who are owned or controlled by such persons. It allows the President to impose International Emergency Economic Power Acts (IEEPA) sanctions, including the freezing of assets located in the United States, without regard to section 202 of such Act against any foreign person on that list, and requires that the President report to Congress on any such sanctions. It also allows for the non-disclosure of persons on the list for intelligence and law enforcement reasons, and requires that Congress be notified of such exclusions on an annual basis. Subsection 11(e) excludes significant traffickers, persons who knowingly assist them, and their spouses, sons, and daughters who knowingly benefit from the proceeds of their trafficking activities, from entry into the United States. This approach is similar to that adopted by the Foreign Narcotics Kingpin Designation Act, enacted in Title VIII of the Intelligence Authorization Act of 2000, P.L. 106–120.

Section 11 of the Senate amendment is similar to the House provision in that it provides authority to the President to block assets and transactions of foreign persons who were traffickers in persons and foreign persons who materially assist or are owned, controlled or directed by such persons. The House bill and the Senate amendment also include similar provisions for compiling lists of such persons and for reporting on what persons were subject to the authority to block assets and transactions. Finally, the Senate section also includes a provision similar to the House amendment to the Immigration and Nationality Act making inadmissible persons subject to blocking under section 11 as well as spouses, sons and daughters who had obtained financial benefit from such persons and who knew or should have known that the financial benefit was the product of trafficking in persons.

Section 11 of the conference agreement is similar in substance to the House and Senate provisions. The conferees determined that in light of the discretionary character of both proposals, a streamlined provision for designating and reporting on persons subject to

the section was warranted, with all authority vested in the President rather than in other executive branch officials. A provision was added explicitly providing the President authority to delegate any responsibility. While the provision explicitly refers to the authority to make derivative designations, the conferees intend that any authority or responsibility in this section may be delegated. The conferees expect that a substantial part of this authority will be delegated to the Secretary of the Treasury, since the Office of Foreign Assets Control within the Department of the Treasury is responsible for administering other blocking programs. However, the conferees also expect that the delegation of authority under section 11 or regulations promulgated to implement this section will ensure that appropriate agencies such as the Departments of State and Justice are involved in the designation process contemplated under this section.

The conferees remain concerned regarding administrative actions that may seriously affect the livelihood of persons subject to such actions but that are not subject to a hearing prior to their application. The conferees have been assured that blocking authority of this type is generally exercised only on persons who have most of their assets abroad, and the chief effect of blocking orders is to prohibit U.S. persons from engaging in transactions with such persons. While this assurance decreases the concern of the conferees that the provisions may inadvertently be used against an innocent person who would then be unable to use any of his or her assets to live during a challenge to a determination, the conferees included a provision requiring the agency administering this section to provide an expedited process for hearing from any person subject to this section, including any designation made directly by the President. It also provides that nothing in this section precludes judicial review of determinations under this section. The conferees recognize, however, that courts will give significant deference to a foreign policy determination of the President, which would be basis for making determinations under this section.

Finally, several of the conferees raised concerns regarding the provision making certain spouses and children of traffickers inadmissible. In order to address these concerns, the conference agreement contains an exception for sons and daughters who were minor children at the time they received a benefit from trafficking enterprises.

SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS

Section 12 of the House bill amends chapter 77 of title 18 of the United States Code to increase penalties for involuntary servitude and other existing crimes, adds several new criminal violations in the areas of trafficking in persons, and amends the sentencing guidelines related to these crimes. Subsection (a) increases the penalties for involuntary servitude, peonage and other existing crimes from 10 years to 20 years and provides for life imprisonment if the violation includes kidnaping, aggravated sexual abuse or an attempt to kill. Subsection (a) also adds several new crimes to title 18. Section 1589 creates a new crime of forced labor for persons who knowingly provide or obtain the labor or services of a per-

son by threats of serious harm to, or physical restraint against that person or another; by use of fraud, deceit or misrepresentation if the person is a minor, mentally disabled, or otherwise particularly susceptible to undue influence; by means of any scheme, plan or pattern intended to cause the person to believe that if the person did not perform such labor or services, serious harm or physical restraint would be inflicted on that person or another; or by means of the abuse or threatened abuse of law or the legal process. New section 1590 would criminalize trafficking of any person in violation of Chapter 77 of title 18, including by those who benefit financially or otherwise by such trafficking. New Section 1591 creates a crime for trafficking persons into a criminal sex act by coercion, fraud, deceit, misrepresentation or other abusive practices, as defined in this section. Subsection (a) also establishes a crime for unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude or forced labor, and provides for mandatory restitution to victims of offenses under chapter 77 of title 18. A new subsection 1594 provides general provisions ensuring that attempts and conspiracy of certain crimes in chapter 77 are treated in the same manner as a completed violation and provides for asset forfeiture and witness protection. Finally, section 12(b) provides amendments to U.S. sentencing guidelines regarding crimes contained in the amended chapter 77 of title 18.

Section 12 of the Senate amendment is similar to the House bill, but with certain important differences. Rather than add a new section 1589, the Senate amendment provides a definition of involuntary servitude in section 1584 to include a condition of servitude induced by means of any act, scheme, plan, or pattern intended to cause a person to believe that the person or another person would suffer serious harm or physical restraint or the abuse or threatened abuse of the legal process. The Senate amendment also provides for new crimes for trafficking with respect to peonage, slavery or involuntary servitude, but does not extend the criminal misconduct to persons who benefit financially or otherwise from trafficking. The Senate amendment provides for a new section of title 18 of the United States Code for sex trafficking, but limits it to cases of force, fraud, or coercion, as defined in that section. The Senate amendment also includes new sections relating to unlawful conduct with respect to documents in furtherance of trafficking and other crimes, and likewise has provisions identical to the House bill on mandatory restitution. Finally, the Senate amendment provides general provisions regarding asset forfeiture, witness protection and amendments to U.S. sentencing guidelines.

Section 12 of the conference agreement is substantially similar to the House provision, but incorporates a number of provisions contained in the Senate amendment. In order to address issues raised by the decision of the United States Supreme Court in *United States v. Kozminski*, 487 U.S. 931 (1988), the agreement creates a new section 1589 on forced labor in form similar to the House bill. The agreement does not contain a provision included in the House bill addressing fraud or deception to obtain labor or services of minors, mentally incompetent persons, or persons otherwise particularly susceptible. In deleting these provisions, the con-

feres addressed the concerns of some members of the conference that the similar House bill provision might have criminalized conduct that is currently regulated by labor law. However, the conferees are aware that the Department of Justice may seek additional statutory changes in future years to further address the issues raised in *Kozminski*, as courts and prosecutors develop experience with the new crimes created by this Act.

Section 1589 is intended to address the increasingly subtle methods of traffickers who place their victims in modern-day slavery, such as where traffickers threaten harm to third persons, restrain their victims without physical violence or injury, or threaten dire consequences by means other than overt violence. Section 1589 will provide federal prosecutors with the tools to combat severe forms of worker exploitation that do not rise to the level of involuntary servitude as defined in *Kozminski*. Because provisions within section 1589 only require a showing of a threat of “serious harm,” or of a scheme, plan, or pattern intended to cause a person to believe that such harm would occur, federal prosecutors will not have to demonstrate physical harm or threats of force against victims. The term “serious harm” as used in this Act refers to a broad array of harms, including both physical and nonphysical, and section 1589’s terms and provisions are intended to be construed with respect to the individual circumstances of victims that are relevant in determining whether a particular type or certain degree of harm or coercion is sufficient to maintain or obtain a victim’s labor or services, including the age and background of the victims.

For example, it is intended that prosecutors will be able to bring more cases in which individuals have been trafficked into domestic service, an increasingly common occurrence, not only where such victims are kept in service through overt beatings, but also where the traffickers use more subtle means designed to cause their victims to believe that serious harm will result to themselves or others if they leave, as when a nanny is led to believe that children in her care will be harmed if she leaves the home. In other cases, a scheme, plan, or pattern intended to cause a belief of serious harm may refer to intentionally causing the victim to believe that her family will face harms such as banishment, starvation, or bankruptcy in their home country. Section 1589 will in certain instances permit prosecutions where children are brought to the United States and face extreme nonviolent and psychological coercion (e.g. isolation, denial of sleep, and other punishments). A claim by an adult of a false legal relationship with a child in order to put the child in a condition of servitude may constitute a scheme, plan or pattern that violates the statute, if there is a showing that such a scheme was intended to create the belief that the victim or some other person would suffer serious harm.

The conference agreement also includes new section 1590 for the crime of trafficking with respect to peonage, slavery, involuntary servitude, or forced labor. The conferees adopted the approach of the Senate bill with respect to this new crime and agreed not to extend it to persons who benefit financially or otherwise from the trafficking out of a concern that such a provision might include within its scope persons, such as stockholders in large companies, who have an attenuated financial interest in a legitimate business

where a few employees might act in violation of the new statute. The conference agreement also creates new section 1591 punishing sex trafficking, which is similar to comparable provisions in both the House bill and the Senate amendment. Also, the conference agreement creates new section 1592, which punishes wrongful conduct with respect to immigration and identification documents in the course of a violation of one of several provisions of chapter 77 of title 18, when such conduct is engaged in with the intent to violate one of the sections, or when such conduct is for the purpose of preventing or restricting, without lawful authority, a person's liberty to move or travel in interstate or foreign commerce, or to maintain the labor or services of another, knowing that such person is a victim of severe forms of trafficking, as defined by section 3 of this Act. This revision is intended to address, in part, cases where one of the other crimes of chapter 77 is not completed, but where there is evidence that a trafficker intended to commit such a crime and withheld or destroyed immigration or identification documents for the purpose of preventing the trafficking victim from escaping. Finally, the conference agreement contains provisions similar to the Senate bill regarding mandatory restitution, general provisions, and sentencing guidelines.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS

Section 13 of the House bill authorizes a total of \$94.5 million (\$31.5 million for FY2000, \$63 million for FY01) in the following categories: (a) Interagency Task Force: \$1.5 million for fiscal year 2000, \$3 million for fiscal year 2001; (b) Health and Human Services for victim assistance in the United States: \$5 million for fiscal year 2000, \$10 million for fiscal year 2001; (c) Department of State for foreign victim assistance: \$5 million for fiscal year 2000, \$10 million for fiscal year 2001; (d) The Attorney General for victim assistance in the United States: \$5 million for fiscal year 2000, \$10 million for fiscal year 2001; (e) The President for (1) foreign victim assistance: \$5 million for fiscal year 2000, \$10 million for fiscal year 2001, and (2) assistance to help countries meet minimum trafficking standards: \$5 million for fiscal year 2000, \$10 million for fiscal year 2001; and (f) Department of Labor for victim assistance in the United States: \$5 million for fiscal year 2000, \$10 million for fiscal year 2001.

Section 13 of the Senate bill is similar to the House provision, except that it authorizes funding for fiscal years 2001 and 2002. It also authorizes \$300,000 in fiscal year 2001 for a voluntary contribution to the Organization for Security and Co-operation in Europe and such sums as may be necessary to include the additional information required by section 4 in the annual Country Reports on Human Rights Practices.

Section 13 of the conference agreement is substantially identical to the Senate provision.

CONCERNING DIVISION B, THE VIOLENCE AGAINST WOMEN ACT OF 2000

The Violence Against Women Act of 2000 accomplishes two basic things:

First, the bill reauthorizes through Fiscal Year 2005 the key programs included in the original Violence Against Women Act, such as the STOP, Pro-Arrest, Rural Domestic Violence and Child Abuse Enforcement, and campus grants; battered women's shelters; the National Domestic Violence Hotline; rape prevention and education grant programs; and three victims of child abuse programs, including the court-appointed special advocate program (CASA).

Second, the Violence Against Women Act of 2000 makes some targeted improvements that our experience with the original Act has shown to be necessary, such as—

- (1) Authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault;
- (2) Providing funding for transitional housing assistance;
- (3) Improving full faith and credit enforcement and computerized tracking of protection orders;
- (4) Strengthening and refining the protections for battered immigrant women;
- (5) Authorizing grants for supervised visitation and safe visitation exchange of children between parents in situations involving domestic violence, child abuse, sexual assault, or stalking; and
- (6) Expanding several of the key grant programs to cover violence that arises in dating relationships.

We append to this joint statement a section by section analysis of the bill and a more detailed section by section analysis of the provisions contained in Title V, which addresses the plight of battered immigrant women.

DIVISION B—THE VIOLENCE AGAINST WOMEN ACT OF 2000

SECTION-BY-SECTION SUMMARY

Sec. 1001. Short Title

Names this division the Violence Against Women Act of 2000.

Sec. 1002. Definitions

Restates the definitions “domestic violence” and “sexual assault” as currently defined in the STOP grant program.

Sec. 1003. Accountability and Oversight

Requires the Attorney General or Secretary of Health and Human Services, as applicable, to require grantees under any program authorized or reauthorized by this division to report on the effectiveness of the activities carried out. Requires the Attorney General or Secretary, as applicable, to report biennially to the Senate and House Judiciary Committees on these grant programs.

Title I—Strengthening Law Enforcement to Reduce Violence Against Women

Sec. 1101. Improving Full Faith and Credit Enforcement of Protection Orders

Helps states and tribal courts improve interstate enforcement of protection orders as required by the original Violence Against Women Act of 1994. Renames Pro-Arrest Grants to expressly include enforcement of protection orders as a focus for grant program

funds, adds as a grant purpose technical assistance and use of computer and other equipment for enforcing orders; instructs the Department of Justice to identify and make available information on promising order enforcement practices; adds as a funding priority the development and enhancement of data collection and sharing systems to promote enforcement of protection orders.

Amends the full faith and credit provision in the original Act to prohibit requiring registration as a prerequisite to enforcement of out-of-state orders and to prohibit notification of a batterer without the victim's consent when an out-of-state order is registered in a new jurisdiction. Requires recipients of STOP and Pro-Arrest grant funds, as a condition of funding, to facilitate filing and service of protection orders without cost to the victim in both civil and criminal cases.

Clarifies that tribal courts have full civil jurisdiction to enforce protection orders in matters arising within the authority of the tribe.

Sec. 1102. Enhancing the Role of Courts in Combating Violence Against Women

Engages state courts in fighting violence against women by targeting funds to be used by the courts for the training and education of court personnel, technical assistance, and technological improvements. Amends STOP and Pro-Arrest grants to make state and local courts expressly eligible for funding and dedicates 5 percent of states' STOP grants for courts.

Sec. 1103. STOP Grants Reauthorization

Reauthorizes through 2005 this vital state formula grant program that has succeeded in bringing police and prosecutors in close collaboration with victim services providers into the fight to end violence against women. ("STOP" means "Services and Training for Officers and Prosecutors"). Preserves the original Act's allocations of states' STOP grant funds of 25 percent to police and 25 percent to prosecutors, but increases grants to victim services to 30 percent (from 25 percent), in addition to the 5 percent allocated to state, tribal, and local courts.

Sets aside five percent of total funds available for State and tribal domestic violence and sexual assault coalitions and increases the allocation for Indian tribes to 5 percent (up from 4 percent in the original Act).

Amends the definition of "underserved populations" and adds additional purpose areas for which grants may be used.

Authorization level is \$185 million/year (FY 2000 appropriation was \$206.75 million (including a \$28 million earmark for civil legal assistance)).

Sec. 1104. Pro-Arrest Grants Reauthorization

Extends this discretionary grant program through 2005 to develop and strengthen programs and policies that mandate and encourage police officers to arrest abusers who commit acts of violence or violate protection orders.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is \$65 million/year (FY 2000 appropriation was \$34 million).

Sec. 1105. Rural Domestic Violence and Child Abuse Enforcement Grants Reauthorization

Extends through 2005 these direct grant programs that help states and local governments focus on problems particular to rural areas.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is \$40 million/year (FY 2000 appropriation was \$25 million).

Sec. 1106. National Stalker and Domestic Violence Reduction Grants Reauthorization

Extends through 2005 this grant program to assist states and local governments in improving databases for stalking and domestic violence.

Authorization level is \$3 million/year (FY 1998 appropriation was \$2.75 million).

Sec. 1107. Clarify Enforcement to End Interstate Battery/Stalking

Clarifies federal jurisdiction to ensure reach to persons crossing United States borders as well as crossing state lines by use of “interstate or foreign commerce language.” Clarifies federal jurisdiction to ensure reach to battery or violation of specified portions of a protection order before travel to facilitate the interstate movement of the victim. Makes the nature of the “harm” required for domestic violence, stalking, and interstate travel offenses consistent by removing the requirement that the victim suffer actual physical harm from those offenses that previously had required such injury.

Resolves several inconsistencies between the protection order offense involving interstate travel of the offender, and the protection order offense involving interstate travel of the victim.

Revises the definition of “protection order” to clarify that support or child custody orders are entitled to full faith and credit to the extent provided under other Federal law—namely, the Parental Kidnaping Prevention Act of 1980, as amended.

Extends the interstate stalking prohibition to cover interstate “cyber-stalking” that occurs by use of the mail or any facility of interstate or foreign commerce, such as by telephone or by computer connected to the Internet.

Sec. 1108. School and Campus Security

Extends the authorization through 2005 for the grant program established in the Higher Education Amendments of 1998 and administered by the Justice Department for grants for on-campus security, education, training, and victim services to combat violence against women on college campuses. Incorporates “dating violence” into purpose areas for which grants may be used. Amends the definition of “victim services” to include public, nonprofit organizations acting in a nongovernmental capacity, such as victim services organizations at public universities.

Authorization level is \$10 million/year (FY 2000 STOP grant appropriation included a \$10 million earmark for this use).

Authorizes the Attorney General to make grants through 2003 to states, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

Authorization level is \$30 million/year.

Sec. 1109. Dating Violence

Incorporates “dating violence” into certain purpose areas for which grants may be used under the STOP, Pro-Arrest, and Rural Domestic Violence and Child Abuse Enforcement grant programs. Defines “dating violence” as violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Title II—Strengthening Services to Victims of Violence

Sec. 1201. Legal Assistance to Victims of Domestic Violence and Sexual Assault

Building on set-asides in past STOP grant appropriations since fiscal year 1998 for civil legal assistance, this section authorizes a separate grant program for those purposes through 2005. Helps victims of domestic violence, stalking, and sexual assault who need legal assistance as a consequence of that violence to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services. Grants support training, technical assistance, data collection, and support for cooperative efforts between victim advocacy groups and legal assistance providers.

Defines the term “legal assistance” to include assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. For purposes of this section, “administrative agency” refers to a federal, state, or local governmental agency that provides financial benefits.

Sets aside 5 percent of the amounts made available for programs assisting victims of domestic violence, stalking, and sexual assault in Indian country; sets aside 25 percent of the funds used for direct services, training, and technical assistance for the use of victims of sexual assault.

Appropriation is \$40 million/year (FY 2000 STOP grant appropriation included a \$28 million earmark for this use).

Sec. 1202. Expanded Shelter for Battered Women and Their Children

Reauthorizes through 2005 current programs administered by the Department of Health and Human Services to help communities provide shelter to battered women and their children, with

increased funding to provide more shelter space to assist the tens of thousands who are now being turned away.

Authorization level is \$175 million/year (FY 2000 appropriation was \$101.5 million).

Sec. 1203. Transitional Housing Assistance for Victims of Domestic Violence

Authorizes the Department of Health and Human Services to make grants to provide short-term housing assistance and support services to individuals and their dependents who are homeless or in need of transitional housing or other housing assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services are unavailable or insufficient.

Authorization level is \$25 million for FY 2001.

Sec. 1204. National Domestic Violence Hotline

Extends through 2005 this grant to meet the growing demands on the National Domestic Violence Hotline established under the original Violence Against Women Act due to increased call volume since its inception. Requires annual reports on the Hotline's operation.

Authorization level is \$2 million/year (FY 2000 appropriation was \$2 million).

Sec. 1205. Federal Victims Counselors Grants Reauthorization

Extends through 2005 this program under which U.S. Attorney offices can hire counselors to assist victims and witnesses in prosecution of sex crimes and domestic violence crimes.

Authorization level is \$1 million/year (FY 1998 appropriation was \$1 million).

Sec. 1206. Study of State Laws Regarding Insurance Discrimination Against Victims of Violence Against Women

Requires the Attorney General to conduct a national study to identify state laws that address insurance discrimination against victims of domestic violence and submit recommendations based on that study to Congress.

Sec. 1207. Study of Workplace Effects From Violence Against Women

Requires the Attorney General to conduct a national survey of programs to assist employers on appropriate responses in the workplace to victims of domestic violence or sexual assault and submit recommendations based on that study to Congress.

Sec. 1208. Study of Unemployment Compensation for Victims of Violence Against Women

Requires the Attorney General to conduct a national study to identify the impact of state unemployment compensation laws on victims of domestic violence when the victim's separation from employment is a direct result of the domestic violence, and to submit recommendations based on that study to Congress.

Sec. 1209. Enhancing Protections for Older and Disabled Women From Domestic Violence and Sexual Assault

Adds as new purposes areas to STOP grants and Pro-Arrest grants the development of policies and initiatives that help in identifying and addressing the needs of older and disabled women who are victims of domestic violence or sexual assault.

Authorizes the Attorney General to make grants for training programs through 2005 to assist law enforcement officers, prosecutors, and relevant court officers in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.

Authorization is \$5 million/year.

Title III—Limiting the Effects of Violence on Children

Sec. 1301. Safe Havens for Children Pilot Program

Establishes through 2002 a pilot Justice Department grant program aimed at reducing the opportunity for domestic violence to occur during the transfer of children for visitation purposes by expanding the availability of supervised visitation and safe visitation exchange for the children of victims of domestic violence, child abuse, sexual assault, or stalking.

Authorization level is \$15 million for each year.

Sec. 1302. Reauthorization of Victims of Child Abuse Act Grants

Extends through 2005 three grant programs geared to assist children who are victims of abuse. These are the court-appointed special advocate program, child abuse training for judicial personnel and practitioners, and grants for televised testimony of children.

Authorization levels are \$12 million/year for the special advocate program, \$2.3 million/year for the judicial personnel training program, and \$1 million/year for televised testimony (FY 2000 appropriations were \$10 million, \$2.3 million, and \$1 million respectively).

Sec. 1303. Report on Parental Kidnaping Laws

Requires the Attorney General to study and submit recommendations on federal and state child custody laws, including custody provisions in protection orders, the Parental Kidnaping Prevention Act of 1980, and the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, and the effect of those laws on child custody cases in which domestic violence is a factor. Amends emergency jurisdiction to cover domestic violence.

Authorization levels is \$200,000.

Title IV—Strengthening Education and Training To Combat
Violence Against Women

Sec. 1401. Rape Prevention and Education Program Reauthorization

Extends through 2005 this Sexual Assault Education and Prevention Grant program; includes education for college students; provides funding to continue the National Resource Center on Sexual Assault at the Centers for Disease Control and Prevention.

Authorization level is \$80 million/year (FY 2000 appropriation was \$45 million).

Sec. 1402. Education and Training to End Violence Against and Abuse of Women With Disabilities

Establishes a new Justice Department grant program through 2005 to educate and provide technical assistance to providers on effective ways to meet the needs of disabled women who are victims of domestic violence, sexual assault, and stalking.

Authorization level is \$7.5 million/year.

Sec. 1403. Reauthorization of Community Initiatives to Prevent Domestic Violence

Reauthorizes through 2005 this grant program to fund collaborative community projects targeted for the intervention and prevention of domestic violence.

Authorization level is \$6 million/year (FY 2000 appropriation was \$6 million).

Sec. 1404. Development of Research Agenda Identified Under the Violence Against Women Act

Requires the Attorney General to direct the National Institute of Justice, in consultation with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a plan to implement a research agenda based on the recommendations in the National Academy of Science report "Understanding Violence Against Women," which was produced under a grant awarded under the original Violence Against Women Act.

Authorization is for such sums as may be necessary to carry out this section.

Sec. 1405. Standards, Practice, and Training for Sexual Assault Forensic Examinations

Requires the Attorney General to evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training; to recommend sexual assault forensic examination training for all health care students; and to review existing protocols on sexual assault forensic examinations and, based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

Authorization level is \$200,000 for FY 2001.

Sec. 1406. Education and Training for Judges and Court Personnel.

Amends the Equal Justice for Women in the Courts Act of 1994, authorizing \$1,500,000 each year through 2005 for grants for education and training for judges and court personnel in state courts, and \$500,000 each year through 2005 for grants for education and training for judges and court personnel in federal courts. Adds three areas of training eligible for grant use.

Sec. 1407. Domestic Violence Task Force

Requires the Attorney General to establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts among the federal agencies that address domestic violence.

Authorization level is \$500,000.

Title V—Battered Immigrant Women

Strengthens and refines the protections for battered immigrant women in the original Violence Against Women Act. Eliminates a number of “catch-22” policies and unintended consequences of subsequent changes in immigration law to ensure that domestic abusers with immigrant victims are brought to justice and that the battered immigrants Congress sought to help in the original Act are able to escape the abuse.

Title VI—Miscellaneous

Sec. 1601. Notice Requirements for Sexually Violent Offenders

Amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act to require sex offenders already required to register in a State to provide notice, as required under State law, or each institution of higher education in that State at which the person is employed, carried on a vocation, or is a student. Requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. These changes take effect 2 years after enactment.

Amends the Higher Education Act of 1965 to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This change takes effect 2 years after enactment.

Amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

Sec. 1602. Teen Suicide Prevention Study

Authorizes a study by the Secretary of Health and Human Services of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facilitate the development of model treatment programs and public education and awareness efforts.

Authorization is for such sums as may be necessary.

Sec. 1603. Decade of Pain Control and Research

Designates the calendar decade beginning January 1, 2001, as the “Decade of Pain Control and Research.”

DIVISION B—THE VIOLENCE AGAINST WOMEN ACT OF 2000

Title V—The Battered Immigrant Women Protection Act of 2000

SECTION-BY-SECTION ANALYSIS

Generally designed to improve on efforts made in VAWA 1994 to prevent immigration law from being used by an abusive citizen or lawful permanent resident spouse as a tool to prevent an abused immigrant spouse from reporting abuse or leaving the abusive relationship. This could happen because generally speaking, U.S. immigration law gives citizens and lawful permanent residents the right to petition for their spouses to be granted a permanent resident visa, which is the necessary prerequisite for immigrating to the United States. In the vast majority of cases, granting the right to seek the visa to the citizen or lawful permanent resident spouse makes sense, since the purpose of family immigration visas is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse’s visa as a means to blackmail and control the spouse. The abusive spouse would do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

VAWA 1994 changed this by allowing immigrants who demonstrate that they have been battered or subjected to extreme cruelty by their U.S. citizen or lawful permanent resident spouses to file their own petitions for visas without the cooperation of their abusive spouse. VAWA 1994 also allowed abused spouses placed in removal proceedings to seek “cancellation of removal,” a form of discretionary relief from removal available to individuals in unlawful immigration status with strong equities, after three years rather than the seven ordinarily required. Finally, VAWA 1994 granted similar rights to minor children abused by their citizen or lawful permanent resident parent, whose immigration status, like that of the abused spouse, would otherwise be dependent on the abusive parent. VAWA 2000 addresses residual immigration law obstacles standing in the path of battered immigrant spouses and children seeking to free themselves from abusive relationships that either had not come to the attention of the drafters of VAWA 1994 or have arisen since as a result of 1996 changes to immigration law.

Sec. 1501. Short Title

Names this title the Battered Immigrant Women Protection Act of 2000.

Sec. 1502. Findings and Purposes

Lays out as the purpose of the title building on VAWA 1994's efforts to enable battered immigrant spouses and children to free themselves of abusive relationships and report abuse without fear of immigration law consequences controlled by their abusive citizen or lawful permanent resident spouse or parent.

Sec. 1503. Improved Access to Immigration Protections of the Violence Against Women Act of 1994 for Battered Immigrant Women

Allows abused spouses and children who have already demonstrated to the INS that they have been the victims of battery or extreme cruelty by their spouse or parent to file their own petition for a lawful permanent resident visa without also having to show they will suffer "extreme hardship" if forced to leave the U.S., a showing that is not required if their citizen or lawful permanent resident spouse or parent files the visa petition on their behalf. Eliminates U.S. residency as a prerequisite for a spouse or child of a citizen or lawful permanent resident who has been battered in the U.S. or whose spouse is a member of the uniformed services or a U.S. government employee to file for his or her own visa, since there is no U.S. residency prerequisite for non-battered spouses' or children's visas. Retains current law's special requirement that abused spouses and children filing their own petitions (unlike spouses and children for whom their citizen or lawful permanent resident spouse or parent petitions) demonstrate good moral character, but modifies it to give the Attorney General authority to find good moral character despite certain otherwise disqualifying acts if those acts were connected to the abuse.

Allows a victim of battery or extreme cruelty who believed himself or herself to be a citizen's or lawful permanent resident's spouse and went through a marriage ceremony to file a visa petition as a battered spouse if the marriage was not valid solely on account of the citizen's or lawful permanent resident's bigamy. Allows a battered spouse whose citizen spouse died, whose spouse lost citizenship, whose spouse lost lawful permanent residency, or from whom the battered spouse was divorced to file a visa petition as an abused spouse within two years of the death, loss of citizenship or lawful permanent residency, or divorce, provided that the loss of citizenship, status or divorce was connected to the abuse suffered by the spouse. Allows a battered spouse to naturalize after three years residency as other spouses may do, but without requiring the battered spouse to live in marital union with the abusive spouse during that period.

Allows abused children or children of abused spouses whose petitions were filed when they were minors to maintain their petitions after they attain age 21, as their citizen or lawful permanent resident parent would be entitled to do on their behalf had the original petition been filed during the child's minority, treating the

petition as filed on the date of the filing of the original petition for purposes of determining its priority date.

Sec. 1504. Improved Access to Cancellation of Removal and Suspension of Deportation under the Violence Against Women Act of 1994

Clarifies that with respect to battered immigrants, IIRIRA's rule, enacted in 1996, that provides that with respect to any applicant for cancellation of removal, any absence that exceeds 90 days, or any series of absences that exceed 180 days, interrupts continuous physical presence, does not apply to any absence or portion of an absence connected to the abuse. Makes this change retroactive to date of enactment of IIRIRA. Directs Attorney General to parole children of battered immigrants granted cancellation until their adjustment of status application has been acted on, provided the battered immigrant exercises due diligence in filing such an application.

Sec. 1505. Offering Equal Access to Immigration Protections of the Violence Against Women Act of 1994 for All Qualified Battered Immigrant Self-Petitioners

Grants the Attorney General the authority to waive certain bars to admissibility or grounds of deportability with respect to battered spouses and children. New Attorney General waiver authority granted (1) for crimes of domestic violence or stalking where the spouse or child was not the primary perpetrator of violence in the relationship, the crime did not result in serious bodily injury, and there was a connection between the crime and the abuse suffered by the spouse or child; (2) for misrepresentations connected with seeking an immigration benefit in cases of extreme hardship to the alien (paralleling the AG's waiver authority for spouses and children petitioned for by their citizen or lawful permanent resident spouse or parent in cases of extreme hardship to the spouse or parent); (3) for crimes of moral turpitude not constituting aggravated felonies where the crime was connected to the abuse (similarly paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parent); (4) for health related grounds of inadmissibility (also paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parent); and (5) for unlawful presence after a prior immigration violation, if there is a connection between the abuse and the alien's removal, departure, reentry, or attempted reentry. Clarifies that a battered immigrant's use of public benefits specifically made available to battered immigrants in PRWORA does not make the immigrant inadmissible on public charge ground.

Sec. 1506. Restoring Immigration Protections under the Violence Against Women Act of 1994

Establishes mechanism paralleling mechanism available to spouses and children petitioned for by their spouse or parent to enable VAWA-qualified battered spouse or child to obtain status as lawful permanent resident in the United States rather than having to go abroad to get a visa.

Addresses problem created in 1996 for battered immigrants' access to cancellation of removal by IIRIRA's new stop-time rule. That rule was aimed at individuals gaming the system to gain access to cancellation of removal. To prevent this, IIRIRA stopped the clock on accruing any time toward continuous physical presence at the times INS initiates removal proceedings against an individual. This section eliminates application of this rule to battered immigrant spouses and children, who, if they are sophisticated enough about immigration law and had sufficient freedom of movement to "game the system", presumably would have filed self-petitions, and more likely do not even know that INS has initiated proceedings against them because their abusive spouse or parent has withheld their mail. To implement this change, allows a battered immigrant spouse or child to file a motion to reopen removal proceedings within 1 year of the entry of an order of removal (which deadline may be waived in the Attorney General's discretion if the Attorney General finds extraordinary circumstances or extreme hardship to the alien's child) provided the alien files a complete application to be classified as VAWA-eligible at the time the alien files the reopening motion.

Sec. 1507. Remedying Problems with Implementation of the Immigration Provisions of the Violence Against Women Act of 1994

Clarifies that negative changes of immigration status of abuser or divorce after abused spouse or child files petition under VAWA have no effect on status of abused spouse or child. Reclassifies abused spouse or child as spouse or child of citizen if abuser becomes citizen notwithstanding divorce or termination of parental rights (so as not to create incentive for abuse victim to delay leaving abusive situation on account of potential future improved immigration status of abuser). Clarifies that remarriage has no effect on pending VAWA immigration petition.

Sec. 1508. Technical Correction to Qualified Alien Definition for Battered Immigrants

Makes technical change of description of battered aliens allowed to access certain public benefits so as to use correct pre-IIRIRA name for equitable relief from deportation/removal ("suspension of deportation" rather than "cancellation of removal") for pre-IIRIRA cases.

Sec. 1509. Access to Cuban Adjustment Act for Battered Immigrant Spouses and Children

Allows battered spouses and children to access special immigration benefits available under Cuban Adjustment Act to other spouses and children of Cubans on the basis of the same showing of battery or extreme cruelty they would have to make as VAWA self-petitioners; relieves them of Cuban Adjustment Act showing that they are residing with their spouse/parent.

Sec. 1510. Access to the Nicaraguan Adjustment and Central American Relief Act for Battered Spouses and Children

Provides access to special immigration benefits under NACARA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

Sec. 1511. Access to the Haitian Refugee Fairness Act of 1998 for Battered Spouses and Children

Provides access to special immigration benefits under HRIFA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

Sec. 1512. Access to Services and Legal Representation for Battered Immigrants

Clarifies that Stop grants, Grants to Encourage Arrest, Rural VAWA grants, Civil Legal Assistance grants, and Campus grants can be used to provide assistance to battered immigrants. Allows local battered women's advocacy organizations, law enforcement or other eligible Stop grant applicants to apply for Stop funding to train INS officers and immigration judges as well as other law enforcement officers on the special needs of battered immigrants.

Sec. 1513. Protection for Certain Crime Victims Including Victims of Crimes Against Women

Creates new nonimmigrant visa for victims of certain serious crimes that tend to target vulnerable foreign individuals without immigration status if the victim has suffered substantial physical or mental abuse as a result of the crime, the victim has information about the crime, and a law enforcement official or a judge certifies that the victim has been helpful, is being helpful, or is likely to be helpful in investigating or prosecuting the crime. The crime must involve rape, torture, trafficking, incest, sexual assault, domestic violence, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, attempt or conspiracy to commit any of the above, or other similar conduct in violation of Federal, State, or local criminal law. Caps visas at 10,000 per fiscal year. Allows Attorney General to adjust these individuals to lawful permanent resident status if the alien has been present for 3 years and the Attorney General determines this is justified on humanitarian grounds, to promote family unity, or is otherwise in the public interest.

AIMEE'S LAW

This bill penalizes States that fail to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for long prison terms. In cases in which a State convicts a person of murder, rape, or a dangerous sexual offense, and that person has a prior conviction for any one of those offenses in a designated State, the designated State must pay, from federal law enforcement assist-

ance funds, the incarceration and prosecution cost of the latter State. (The Attorney General would transfer the federal law enforcement funds from the prior State to the subsequent State.)

A State is a designated State and is subject to penalty under this section if (1) the average term of imprisonment imposed by the State on persons convicted of the offense for which that person was convicted is less than the average term of imprisonment imposed for that offense in all states; or (2) that person had served less than 85 percent of the prison term to which he was sentenced for the prior offense. (In making this calculation, if the State has an indeterminate sentencing system, the prison term shall be considered the lower range of the sentence. For example, if a person is sentenced 10-to-12 years, then the calculation is whether the person served 85 percent of 10 years.)

Concerning Sec. 2002 and 2003 of Division C

Sections 2002 and 2003, which may be referred to as the Justice for Victims of Terrorism Act, helps American victims of terrorism abroad collect court-awarded compensation and ensures that the responsible state sponsors of terrorism pay a price for their crimes.

In March 1985, Terry Anderson, an American journalist working in Beirut, was kidnapped by agents of the Islamic Republic of Iran. He was held captive by his kidnappers in deplorable conditions until early December 1991.

During the 1980's three other individuals working in Lebanon, David Jacobsen, an administrator of the American University hospital in Beirut, Joseph Ciccippio, a comptroller of the American University school and hospital and Frank Reed, a principal of a private secondary school in Beirut, were also held captive by agents of the Islamic Republic of Iran.

In April 1995, Alisa Flatow, a 20-year-old college student from New Jersey, was on a bus on the Gaza strip going to a Passover holiday celebration. A terrorist from the Iranian backed Islamic Jihad rammed his car loaded with explosives into the bus, killing Ms. Flatow and seven others.

Two Americans studying in Israel, Matthew Eisenfeld and Sara Duker were killed in a suicide bombing of a bus in Jerusalem in February 1996. Those responsible were provided training, money, and resources by Iran.

Also in February 1996, Cuban pilots flying MiG aircraft shot down two aircraft flown by the "Brothers to the Rescue" humanitarian organization in international airspace over the Florida Straits. Three American citizens were killed in the attack by the Cuban government.

Section 221 of the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132) gave these and other American citizens injured or killed in acts of terrorism (or their survivors) to bring a lawsuit against the terrorist state responsible for that act. Congress and the President deliberately created an exception to the doctrine of foreign sovereign immunity and to the statutory protections of the Foreign Sovereign Immunities Act, limited to victims' cases against countries on the State Department's list of state sponsors of terrorism.

Following enactment of the Antiterrorism Act of 1996, numerous American victims filed suit against terrorist states. Each of the victims described above, or surviving family members, has been awarded judgements by U.S. courts. However, the victims were not able to collect on their judgements. Iran and Cuba have few, if any, assets in the United States not blocked by the Treasury Department under existing sanctions laws or otherwise held by the U.S. Government. The President did not exercise existing authorities to make those assets available.

After the Brothers to the Rescue incident, at a February 26, 1996, White House press briefing President Clinton stated "I am asking that Congress pass legislation that will provide immediate compensation to the families, something to which they are entitled under international law, out of Cuba's blocked assets here in the United States. If Congress passes this legislation, we can provide the compensation immediately." The President did vest funds from blocked Cuban accounts to make modest payments to the Brothers to the Rescue families as a "humanitarian gesture."

Section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, explicitly made the assets of foreign terrorist states blocked by the Treasury Department under existing sanctions laws available for attachment by U.S. courts for the very limited purpose of satisfying Antiterrorism Act judgements.

That legislation authorized the President to waive the requirements of that provision in the interest of national security, but the scope of that waiver authority remains in dispute. Presidential Determination 99-1 asserted broad authority to waive the entirety of the provision. But the District Court of the Southern District of Florida, in *Alejandre v. Republic of Cuba*, rejected the Administration's view and held, instead, that the President's authority applied only to Section 117's requirement that the Secretaries of State and Treasury assist a judgement creditor in identifying, locating, and executing against non-blocked property of a foreign terrorist state. 42 F. Supp. 2d 1317 (S.D. Fla. 1999) *vacated and remanded on other grounds*, 183 F. 3d 1277 (11th Cir. 1999). Another federal district court reached a contrary opinion. *Flatow v. Islamic Republic of Iran*, 76 F. Supp. 2d 16 (D.D.C. 1999) (construing the waiver authority broadly).

Subsection 1(f) of this bill repeals the waiver authority granted in Section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, replacing it with a clearer but narrower waiver authority in the underlying statute. The Committee hopes clarity in the legislative history and intent of subsection 1(f), in the context of the section as a whole, will ensure appropriate application of the new waiver authority.

This is a key issue for American victims of state-sponsored terrorism who have sued or who will in the future sue the responsible terrorism-list state, as they are entitled to do under the Anti-Terrorism Act of 1996. Victims who already hold U.S. court judgements, and a few whose related cases will soon be decided, will receive their compensatory damages as a result of this legislation.

The Committee intends that this legislation will similarly help other pending and future Antiterrorism Act plaintiffs as and when

U.S. courts issue judgements against the foreign state sponsors of specific terrorist acts. The Committee shares the particular interest of the sponsors of this legislation in ensuring that the families of the victims of Pan Am flight 103 should be able to collect damages promptly if they can demonstrate to the satisfaction of a U.S. court that Libya is indeed responsible for that heinous bombing. The Committee is similarly interested in pending suits against Iraq.

In replacing the waiver, the conferees accept that the President should have the authority to waive the court's authority to attach blocked assets. But to understand the view of the committee with respect to the use of the waiver, it must be read within the context of other provisions of the legislation.

A waiver of the attachment provision would seem appropriate for final and pending Anti-Terrorism Act cases identified in subsection (a)(2) of this bill. In these cases, judicial attachment is not necessary because the executive branch will appropriately pay compensatory damages to the victims and use blocked assets to collect the funds from terrorist states.

Of particular significance, this section reaffirms the President's statutory authority, *inter alia*, to vest blocked foreign government assets and where appropriate make payments to victims of terrorism. The President has the authority to assist victims with pending and future cases.

The Committee's intent is that the President will review each case when the court issues a final judgement to determine whether to use the national security waiver, whether to help the plaintiffs collect from a foreign state's non-blocked assets in the United States whether to allow the courts to attach and execute against blocked assets, or whether to use existing authorities to vest and pay those assets as damages to the victims of terrorism.

When a future President does make a decision whether to invoke the waiver, he should consider seriously whether the national security standard for a waiver has been met. In enacting this legislation, Congress is expressing the view that the attachment and execution of frozen assets to enforce judgements in cases under the Anti-Terrorism Act of 1996 is not by itself contrary to the national security interest. Indeed, in the view of the Committee, it is generally in the national security interest of the United States to make foreign state sponsors of terrorism pay court-awarded damages to American victims, so neither the Foreign Sovereign Immunities Act nor any other law will stand in the way of justice. Thus, in the view of the committee the waiver authority should not be exercised in a routine or blanket manner, but only where U.S. national security interests would be implicated in taking action against particular blocked assets or where alternative recourse—such as vesting and paying those assets—may be preferable to court attachment.

Future Presidents should follow the precedent set by this legislation, and find the best way to help victims of terrorism collect on their judgements and make terrorist states pay for their crimes.

The conference report also includes a section, Section 2003, dealing with support for victims of international terrorism. This section will enable the Office for Victims of Crime (OVC) to provide more immediate and effective assistance to Americans who are vic-

tims of terrorism abroad—Americans like those killed or injured in the embassy bombings in Kenya and Tanzania, and in the Pan Am 103 bombing over Lockerbie, Scotland. These victims deserve help, but existing programs are failing to meet their needs.

Section 2003(a) of the conference report will permit OVC to serve these victims better by expanding the types of assistance for which the Victims of Crime Act (VOCA) emergency reserve fund may be used, and the range of organizations to which assistance may be provided. These changes will not require new or appropriated funds: They simply allow OVC greater flexibility in using existing reserve funds to assist victims of terrorism abroad, including the victims of the Lockerbie and embassy bombings.

Section 2003(b) will authorize OVC to raise the cap on the VOCA emergency reserve fund from \$50 million to \$100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties, and to replenish the reserve fund with unobligated funds from its other grant programs.

Section 2003(c) will simplify the presently-authorized system of using VOCA funds to provide victim compensation to American victims of terrorism abroad, by permitting OVC to establish and operate an international crime victim compensation program. This program will, in addition, cover foreign nationals who are employees of any American government institution targeted for terrorist attack. The source of funding is the VOCA emergency reserve fund, which Congress authorized in an amendment to the 1996 Antiterrorism and Effective Death Penalty Act.

Section 2003(d) clarifies that deposits into the Crime Victims Fund remain available for intended uses under VOCA when not expended immediately. This should quell concerns raised regarding the effect of spending caps included in appropriations bills last year and this. The appropriations' actions were meant to defer spending, not to remove deposits from the Fund. This provision makes that explicit.

SUMMARY OF S. 577—TWENTY-FIRST AMENDMENT ENFORCEMENT ACT

The purpose of S. 577 is to provide a mechanism to enable States to effectively enforce their laws against the illegal interstate shipment of alcoholic beverages. While Federal law already prohibits the interstate shipment of alcohol in violation of state law, unfortunately, that general prohibition lacks any enforcement mechanism. S. 577 provides that mechanism by permitting the Attorney General of a State, who has reasonable cause to believe that his or her State laws regulating the importation and transportation of alcohol are being violated, to file an action in federal court for an injunction to stop those illegal shipments.

S. 577 only reaches those that violate the law. It only allows actions for an injunction if a person is “engaged in” or “has engaged in” an act that would constitute a violation of a State law, but prohibits injunctions to restrain otherwise lawful advertising. Additionally, S. 577 provides that no preliminary injunctions could be obtained without: (1) proving irreparable injury, and (2) a probability of success on the merits. S. 577 also includes a provision on the “Rules of Construction,” which states that the power conveyed

by this act is limited to the valid exercise of power vested in the states under the 21st Amendment in accordance with Supreme Court precedent and interpretation, and shall not be interpreted to grant to states any additional power.

BENJAMIN GILMAN,
BILL GOODLING,
CHRIS SMITH,
HENRY J. HYDE,
NANCY L. JOHNSON,
SAM GEJDENSON,
TOM LANTOS,
BEN CARDIN,

Managers on the Part of the House.

From the Committee on the Judiciary:

ORRIN HATCH,
STROM THURMOND,

From the Committee on Foreign Relations:

JESSE HELMS,
SAM BROWNBACK,
JOE BIDEN,
PAUL WELLSTONE,

Managers on the Part of the Senate.

○