

Partner Violence Reduction Act

Amending and Strengthening the Violence Against Women Act

Developed by:

Stop Abusive and Violent Environments: www.saveservices.org/pvra

Additions are underlined.

Deletions are indicated with a ~~striketrough~~ or by the word, "Delete:"

AMENDMENTS	RATIONALE
Partner Violence Reduction Act, amending and strengthening the Violence Against Women Act	Title amended to avert illegal discriminatory effects.
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Section 1: Short Title	
Sec. 40001 of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read, "This title may be cited as the ' <u>Partner Violence Reduction Act.</u> '"	Title amended to avert illegal discriminatory effects.
Section 3: Universal Definitions	
Sec. 40002(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended as follows: "(6) Domestic Violence.—The term 'domestic violence' <u>means</u> includes felony or misdemeanor crimes of violence, <u>as defined under state criminal law</u> , committed by a current or former spouse of the victim..."	The word "includes" invites inclusion of many offenses that are not violent in nature. This has the effect of increasing the number of persons defined as "victims," making it more difficult for true victims of violence to be accorded the priority they deserve.
Sec. 40002(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting a new definition: <u>"TRAINING, EDUCATION, AND PUBLIC AWARENESS ACCREDITATION ORGANIZATION.—A training, education, and public awareness accreditation organization means an independent, nonprofit organization that accredits organizations that engage in training, education, or public awareness activities</u>	Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs

<p><u>pertaining to domestic violence, dating violence, sexual assault, or stalking. Such an accreditation organization has established and published objective criteria to assure the accuracy, balance, and scientifically-validated content of domestic violence training, education, and public awareness activities and programs.”</u></p>	
<p>Sec. 40002(a)(29)(A) is amended as follows:</p> <p>“an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian or Alaskan Native <u>men and women.</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Sec. 40002(a)(29)(B) is amended as follows:</p> <p>“...or address domestic violence and sexual assault against American Indian or Alaska Native <u>men and women.</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Sec. 40002(a)(32) is amended as follows:</p> <p>“(32) Underserved Populations.—The term ‘underserved populations’ includes populations underserved because of <u>gender identity, sex, geographic location,...</u>”</p>	<p>Discrimination against DV victims on the basis of gender identity or sex has been extensively documented. A 2010 DoJ legal advisory explicitly called for such discriminatory practices to come to an end.</p>
<p>Sec. 40002(a) is amended by adding these definitions:</p> <p><u>“Complainant: A person who makes an allegation of domestic violence.”</u></p> <p><u>“Alleged Victim: A person whose allegation of domestic violence is currently under investigation by a law enforcement or criminal justice representative.”</u></p> <p><u>“Victim: A person who has suffered actual harm as a result of a criminal act of domestic violence, based on a judicial determination.”</u></p>	<p>The word “victim” is used inconsistently throughout VAWA’s statutory language. In the judicial context, the inappropriate use of “victim” serves to diminish the presumption of innocence for the accused.</p>
<p>Section 3: Grant Provisions</p>	
<p>Sec. 40002(b)(6) is amended as follows:</p> <p>“(6) Reports.—An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require. <u>The entity receiving a grant shall submit its report within six (6) months after the end of the grant year, and shall make said report publicly available on the</u></p>	<p>Provision added to enhance the accountability of VAWA-funded services.</p>

entity's website.”	
<p>Sec. 40002(b) is amended by adding a new provision as follows:</p> <p><u>Nonexclusivity.—Nothing in this title shall be construed to prohibit persons from receiving benefits and services under this title on the basis of gender identity.</u></p>	<p>VAWA-funded programs and services have been criticized on the basis of discriminatory actions.</p> <p>See: Department of Justice Memorandum Opinion. Whether the criminal provisions of the Violence Against Women Act apply to otherwise covered conduct when the offender and victim are the same sex. April 27, 2010. http://www.justice.gov/olc/2010/vawa-opinion-04272010.pdf</p>
<p>Sec. 40002(b) is amended to add a new provision as follows:</p> <p><u>Priority for Victims of Battering and Other Forms of Physical Violence.—It is the intention that priority for provision of services and protections provided under this Act, and under the Family Violence Prevention and Services Act, shall be accorded to victims currently experiencing battering or other forms of physical violence. Therefore, an assessment shall be conducted of all potential recipients of services to evaluate the existence of credible evidence of physical violence, or credible evidence of imminent physical violence. This requirement does not apply to potential recipients of educational, counseling, or hotline services.</u></p>	<p>Many VAWA-funded programs and services are being provided to persons claiming to be victims of emotional abuse. As a result, victims of battering and physical violence often experience long waiting periods or outright denials of service. This new provision assures victims of physical violence are accorded priority for criminal justice, transitional housing, shelter, and related services.</p>
<p>New Section 4: Anti-Discrimination Amendments to the Violent Crime Control and Law Enforcement Act of 1994</p>	
<p>Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Subtitle A is amended as follows: “Safe Streets for <u>Men and Women</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Sec. 40101 of the Violent Crime Control and Law Enforcement Act of 1994 is amended as follows: “This subtitle may be cited as the “Safe Streets for <u>Men and Women</u> Act of 1994.”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Sec. 40121 is amended as follows: “Grants to Combat Violent Crimes Against <u>Men and Women</u>.”</p>	<p>Provision amended to remove illegal discriminatory effects.</p>

<p>Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Subtitle B is amended as follows: “Safe Homes for <u>Men and Women</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Sec. 40201 of the Violent Crime Control and Law Enforcement Act of 1994 is amended as follows: “This subtitle may be cited as the “Safe Homes for <u>Men and Women Act of 1994.</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Subtitle C is amended as follows: “Civil Rights for <u>Men and Women</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Sec. 40301 is amended as follows: “This subtitle may be cited as the ‘Civil Rights Remedies for Gender-Motivated Violence Act <u>Against Men and Women.</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Subtitle D is amended as follows: “Equal Justice for <u>Men and Women</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Sec. 40401 is amended as follows: “This subtitle may be cited as the ‘Equal Justice for <u>Men and Women in the Courts Act of 1994.</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Sec. 40901(a) is amended by inserting after “The task force shall be comprised of representatives from all Federal agencies that fund such research” a sentence that reads, “<u>Said task force shall be titled the Interagency Task Force on Domestic Violence Against Men and Women, and shall publish the minutes of its meetings in a timely manner on the website of the Office of Violence Against Women.</u>”</p>	<p>The name of the existing inter-agency task force is gender-exclusive.</p>
<p>Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Subtitle E is amended as follows: “Violence Against <u>Men and Women Improvements</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>New Section 5: Findings</p>	
<p>The Congress finds:</p> <ol style="list-style-type: none"> 1. Overall, 24% of persons have been assaulted by a partner at least once in their lifetime. 2. Female initiation of partner violence is the leading reason for the woman becoming a victim 	<p>These findings establish the basis of the “scientifically-validated content” described in Section 3, above.</p> <p>References for each Finding are shown below:</p> <ol style="list-style-type: none"> 1. Desmarais, S.L., Reeves,

<p>of subsequent violence.</p> <ol style="list-style-type: none"> 3. Among large population samples, 58% of intimate partner violence is bi-directional and 42% is unidirectional. For unidirectional violence, 14% of the was male to female (MFPV), 28% was female to male (FMPV) 4. Male and female partner violence is perpetrated from similar motives – to get back at a partner for emotionally hurting them, because of stress or jealousy, to express anger and other feelings, and to get their partner’s attention. The extent of the power/control motive is similar among male and female perpetrators. 5. With few exceptions, risk factors for intimate partner violence are the same for men and women. Demographic risk factors include younger age, low income/unemployment, and minority group membership. 6. Victims of physical abuse experience more injuries, poorer health outcomes, higher rates of psychological symptoms, and poorer cognitive functioning compared to non-victims. Women are generally more impacted by physical abuse than men. 	<p>K.A.,Nicholls, T.L.,Telford, R. & Fiebert, M.S. (2012). Prevalence of physical violence in intimate Relationships - Part 1: Rates of male and female victimization. <i>Partner Abuse</i>, 3(2), 140-169.</p> <ol style="list-style-type: none"> 2. Stith S, Smith DB, Penn CE, et al. Intimate partner physical abuse perpetration and victimization risk factors: A meta-analytic review. <i>Aggression and Violent Behavior</i> Vol. 10, 2004. pp. 65-98. 3. Langhinrichsen-Rohling, J., Misra, T.A., Selwyn, C. & Rohling, M.L. (2012). Rates of bi-directional versus unidirectional intimate partner violence across samples, sexual orientations, and race/ethnicities: A comprehensive review. <i>Partner Abuse</i>, 3(2), 199-230. 4. Langhinrichsen-Rohling, J., & McCullars, A. (2012). Motivations for men and women's intimate partner violence perpetration: A comprehensive review. <i>Partner Abuse</i>, 3(4) 5. Capaldi, D.M., Knoble, N.B.,Shortt, J.W., & Kim, H.K. (2012). A systematic review of risk factors for intimate partner violence. <i>Partner Abuse</i>, 3(2), 231-280. 6. Lawrence, E., Oringo, A., & Brock, R. (2012). The impact of partner abuse on partners. <i>Partner Abuse</i>, 3(4)
AMENDMENTS	RATIONALE
TITLE I – ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN	
<p>Title I of the Violence Against Women Act is amended as follows: “Enhancing Judicial and Law Enforcement Tools to Combat Violence Against <u>Men and Women</u>”</p>	<p>Title amended to avert illegal discriminatory effects.</p>

<p>Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Subtitle A, Chapter 2 is amended as follows: “Law Enforcement and Prosecution Grants to Reduce Violence Crimes Against <u>Men and Women</u>.”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Section 101</p>	
<p>Section 101 is amended to include a new subsection (a):</p> <p><u>(a) FINDINGS—</u></p> <p><u>Congress finds the following:</u></p> <ol style="list-style-type: none"> (1) <u>About one in 10 married or cohabiting couples experience some form of partner aggression, such as a slap, shove, punch, etc., each year.</u> (2) <u>A recent summary of 282 scholarly studies concluded, “women are as physically aggressive, or more aggressive, than men in their relationships with their spouses or male partners.”</u> (3) <u>A Centers for Disease Control survey found that half of all partner violence was mutual.</u> (4) <u>Intimate partner aggression is common among lesbian and gay couples.</u> (5) <u>The U.S. Centers for Disease Control has identified 28 different causes of domestic violence. These include individual, relationship, and community factors</u> (6) <u>Crime statistics and surveys are known to underreport and distort the true prevalence of domestic violence.</u> 	<p>Sources:</p> <p>1992 National Alcohol and Family Violence Survey. Fiebert ML. References Examining Assaults by Women on their Spouses or Male Partners. California State University, 2011.</p> <p>Whitaker DJ et al. Differences in frequency of violence and reported injury between relationships with reciprocal and nonreciprocal intimate partner violence. <i>American Journal of Public Health</i>, Vol. 97, No. 5, 2007.</p> <p>Zahnd E, Grant D, Aydin M et al. Nearly Four Million California Adults are Victims of Intimate Partner Violence. Los Angeles, CA: UCLA Center for Health Policy Research, 2010.</p> <p>Centers for Disease Control: Intimate Partner Violence: Risk and Protective Factors. http://www.cdc.gov/ViolencePrevention/intimatepartnerviolence/riskprotectivefactors.html</p>
<p>Sec. 3 re: Evaluation</p>	
<p>Section 101(e)(i)(2) is amended as follows: “The Director of the Office of Violence Against Women shall ensure that training or technical assistance</p>	<p>Provision amended to avert illegal discriminatory effects.</p>

regarding violence against Indian <u>men and women...</u> "	
42 USC 3796gg is amended by adding a new subsection: <u>"(e) Eligibility. (1) Grantees must certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization's website.</u>	Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs
42 USC 3796gg is amended to add in new subsection (e): <u>"(2) Grantees must certify that they do not endorse, promote, or follow any predominant aggressor or primary aggressor policy, except for a policy that endorses the law enforcement practice of identifying the party who first offers violence or who threatens to strike the other."</u>	Predominant aggressor policies represent a bald form of sex discrimination. See: http://www.saveservices.org/downloads/Predominant-Aggressor-Policies
42 USC 3796gg is amended to add in new subsection (e): <u>"(3) Grantees must certify that they do not endorse, promote, or follow any 'no-drop' prosecution policy or practice, or any other prosecution policy that does not follow probable-cause evidentiary standards.</u>	No-drop prosecution policies are unethical, and have been found to place victims' lives at risk. See: http://www.saveservices.org/downloads/Unequal-Justice-in-the-Criminal-Justice-System
42 USC 3796gg-0	
Subsection (b) is amended as follows: "The Office shall be a separate and distinct office within the Department of Justice, headed by a Director, who shall report to the Attorney General and serve as Counsel to the Attorney General on the subject of violence against <u>men and women...</u> "	Provision amended to avert illegal discriminatory effects.
Section 102	
Section 102(b) is amended as follows: "Grant authority	Federally-supported mandatory arrest policies have been found to: <ol style="list-style-type: none">1. Endanger victims' lives2. Disempower victims

The Attorney General may make grants to eligible States, Indian tribal governments, State, tribal, territorial, and local courts (including juvenile courts), or units of local government for the following purposes:

(1) To implement *[delete: pro-arrest]* programs and policies in police departments for alternatives to arrest, including policies for protection order violations. Said alternatives to arrest policy shall address situations of apparent partner conflict, but where probable-cause evidentiary standards are not met. The alternatives to arrest policy shall include risk assessment prior to an arrest decision; and may also include, but are not limited to, provision of information about and/or referral to community resources, verbal or written warnings, filing of an incident report to guide future responses, and/or issuance of a citation requiring an appearance before a judicial officer for assessment and referral, if appropriate, to treatment services for substance abuse, anger management, and/or conflict resolution.

(2) To develop policies, evidence-based educational programs, protection order registries, and training in police departments to improve tracking of cases involving domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for alleged and adjudicated victims of domestic violence, dating violence, sexual assault, and stalking.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for alleged and adjudicated domestic violence, dating violence, sexual assault, and stalking cases in teams or units of police officers, prosecutors, parole and probation officers, or judges....

(5) To strengthen legal advocacy service programs for alleged and adjudicated victims of domestic violence, dating violence, sexual assault, and stalking, including strengthening assistance to such victims in immigration matters.

3. Violate 4th amendment “probable cause” protections
4. Have disproportionate negative effective on minority communities
5. Cost taxpayers \$30 million each year

See:

<http://www.saveservices.org/download/Justice-Denied-DV-Arrest-Policies>

(6) To educate judges, based on valid and reliable research, in criminal and civil courts (including juvenile courts) about domestic violence, dating violence, sexual assault, and stalking and to improve judicial handling of such cases....

(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for limiting *[delete: preventing]* dual arrests and prosecutions to *[delete: in]* cases of mutual domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual initiator *[delete: perpetrator]* of violence *[delete: abuse]*.

(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non profit, non-governmental victim and family services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for alleged and adjudicated victims, alleged and adjudicated offenders, and other family members. Said services may include anger management classes, parenting classes, job training, substance abuse treatment program, psychological counseling and treatment, safety planning, referral to an abuse shelter, and relocation assistance. Although funds may be used to support the co-location of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas....

(13) To develop human immunodeficiency virus (HIV) testing programs for alleged sexual assault perpetrators and notification and counseling protocols.”

Section 102(c) is amended as follows:

Mandatory arrest has been found to:

“Eligibility

Eligible grantees are States, Indian tribal governments, State and local courts (including juvenile courts), or units of local government that--

(1) certify that their laws, ~~or~~ official policies, and practices—

(A) encourage or mandate arrests of domestic violence offenders only when there exists based on probable cause that an offense has been committed; and

(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order, but only when the violation of the valid and outstanding protection order involves actual violence, or the credible threat of imminent violence;

(C) include an alternatives to arrest policy that specifies appropriate law enforcement, counseling, and other interventions when probable-cause evidentiary standards are not met.

(D) do not endorse, promote, or mandate any predominant aggressor or primary aggressor policy, except for a policy that endorses the law enforcement practice of identifying the party who first offers violence or who threatens to strike the other.

(E) ensure that prosecutors consistently enforce laws pertaining to perjury, subornation of perjury, and false swearing.

(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim, except where each arrestee is both a victim and an offender; and that their laws, policies, and practices prohibit arrest in absence of probable

1. Endanger victims' lives
2. Disempower victims
3. Violate 4th amendment “probable cause” protections
4. Have disproportionate negative effective on minority communities
5. Cost taxpayers \$30 million each year

See:

<http://www.saveservices.org/download/Justice-Denied-DV-Arrest-Policies>

<p><u>cause;</u></p> <p>(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection, <u>except in cases where the court makes a finding of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense;...</u></p> <p><u>(4) certify that if a Court of competent jurisdiction issues a temporary restraining order, but does not continue the order at the time of the final hearing, the person who has been accused of domestic violence will have all record of the injunction expunged from all the books and records of the State within one (1) month from the date of the final hearing.</u></p>	
<p>Section 102(c) is amended as follows:</p> <p><u>(6) certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system.</p> <p>See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
<p>Section 102(c) is amended as follows:</p> <p><u>“(7) certify that they do not endorse, promote, or follow any ‘no-drop’ prosecution policy or practice, or any other prosecution policy that does not follow probable-cause evidentiary standards.</u></p>	<p>No-drop prosecution policies are unethical, and have been found to place victims’ lives at risk. See: http://www.saveservices.org/downloads/Unequal-Justice-in-the-Criminal-Justice-System</p>
<p>Section 103</p>	
<p>The title of 42 U.S.C. 3796gg-6 is amended as follows:</p> <p>Legal Assistance for Victims</p>	<p>The 14th Amendment states, “No State shall make or enforce any law which... den[ies] to any person within its jurisdiction the equal protection of the laws.” Indeed, equal justice under the law is one of the most cherished</p>

	<p>principles of a civil society.</p> <p>Providing legal assistance to an alleged victim, but not to the alleged offender, is a direct violation of the 14th Amendment.</p>
<p>42 U.S.C. 3796gg-6 (a) is amended as follows:</p> <p>“The purpose of this section is to enable the Attorney General to award grants to increase the availability of civil and criminal legal assistance necessary to provide effective aid to <u>alleged and adjudicated</u> adult and youth victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that <u>alleged</u> abuse or violence, at minimal or no cost to the <u>alleged or adjudicated</u> victims; and to provide effective aid to <u>alleged adult and youth offenders of domestic violence, dating violence, stalking, or sexual assault, at minimal or no cost to the alleged offender</u>. Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.”</p>	<p>See 14th Amendment protections, cited above. Also see: http://www.saveservices.org/downloads/SAVE-Assault-Civil-Rights</p> <p>In many cases, probable-cause evidence of violence does not exist, so it falls to the court to make a determination of victimization. Hence, addition of the words, “alleged and adjudicated.”</p>
<p>42 U.S.C. 3796gg-6 (c) is amended as follows:</p> <p>“The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments and tribal organizations, territorial organizations, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—</p> <p>(1) to implement, expand, and establish cooperative efforts and projects between domestic violence, dating violence, and sexual assault victim services organizations and legal assistance providers to provide legal assistance for <u>alleged and adjudicated</u> victims and for <u>alleged perpetrators</u> of domestic violence, dating violence, stalking, and sexual assault;</p> <p>(2) to implement, expand, and establish efforts and projects to provide legal assistance for <u>alleged and adjudicated</u> victims and for <u>alleged perpetrators</u> of domestic violence, dating violence, stalking, and sexual assault by organizations with a</p>	<p>See 14th Amendment protections, cited above. Also see: http://www.saveservices.org/downloads/SAVE-Assault-Civil-Rights</p> <p>In many cases, probable-cause evidence of violence does not exist, so it falls to the court to make a determination of victimization. Hence, addition of the words, “alleged and adjudicated.”</p>

<p>demonstrated history of providing direct legal or advocacy services on behalf of these <u>persons</u> <i>[delete: victims]</i>; and</p> <p>(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to <u>alleged and adjudicated</u> victims <u>and for alleged perpetrators</u> of domestic violence, dating violence, stalking, and sexual assault.”</p>	
<p>42 U.S.C. 3796gg-6 (d) is amended as follows:</p> <p>“(4) the grantee’s organizational policies <u>allow, but do not</u> require mediation or counseling involving <u>alleged and adjudicated</u> offenders and <u>alleged and adjudicated</u> victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.”</p>	<p>Existing wording implies that mediation or couples counseling should not be used.</p> <p>In many cases, probable-cause evidence of violence does not exist, so it falls to the court to make a determination of victimization. Hence, addition of the words, “alleged and adjudicated.”</p>
<p>42 U.S.C. 3796gg-6 is amended in subsection (d) by adding (5):</p> <p><u>“Grantees must certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
<p>42 U.S.C. 3796gg-6 (f)(2)(A) is amended as follows:</p> <p>“Of the amount made available under this subsection in each fiscal year, not less than 3 percent shall be used for grants for programs that assist <u>alleged and adjudicated</u> adult and youth victims <u>alleged perpetrators</u> of domestic violence, dating violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.”</p>	<p>See 14th Amendment protections, cited above.</p> <p>In many cases, probable-cause evidence of violence does not exist, so it falls to the court to make a determination of victimization. Hence, addition of the words, “alleged and adjudicated.”</p>
<p>42 U.S.C. 3796gg-6 (f)(2)(C) is amended as follows:</p>	<p>See 14th Amendment protections, cited above.</p>

<p>(C) <u>Alleged and adjudicated</u> victims of sexual assault</p> <p>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 <u>alleged and adjudicated victims and to alleged perpetrators</u> of sexual assault.</p>	<p>In many cases, probable-cause evidence of violence does not exist, so it falls to the court to make a determination of victimization. Hence, addition of the words, “alleged and adjudicated.”</p>
<p>Section 105</p>	
<p>The title of Section 105 is amended as follows: “Violence against <u>men and</u> women court training and improvements.”</p>	<p>Title amended to avert illegal discriminatory effects.</p>
<p>Section 105(a) is amended as follows: “Violence Against <u>Men and</u> Women Court Training and Improvements—“</p>	
<p>Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Subtitle J is amended as follows: “Violence Against <u>Men and</u> Women – Court Training and Improvements”</p>	<p>Title amended to avert illegal discriminatory effects.</p>
<p>Sec. 41001 is amended as follows: “This subtitle may be the <u>Partner Violence Reduction Act – Court Training and Improvements Act.</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>42 U.S.C. 14043a is amended at subsection (2) by adding (B):</p> <p><u>“Grantees must certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/download/SAVE-DV-Educational-Programs</p>
<p>42 U.S.C. 14043a-1 is amended at subsection (b) by adding (3):</p> <p><u>“Grantees must certify that all training, education, and</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the</p>

<p><u>public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>workings of the criminal justice system. See: http://www.saveservices.org/download/s/SAVE-DV-Educational-Programs</p>
<p>Section 122</p>	
<p>Insert new section 122:</p> <p><u>MULTI-SITE STUDY OF THE EFFECTIVENESS OF CIVIL RESTRAINING ORDERS</u></p>	<p>Restraining orders are a widely employed abuse-reduction strategy. However, many studies indicate restraining orders are ineffective in reducing physical violence. This multi-site study will address the long-standing controversy surrounding the use of restraining orders.</p>
<p>(a) <u>Purposes.—The Attorney General, acting through the National Institute of Justice, shall award grants to academic institutions to conduct a multi-site research study to evaluate the effectiveness of civil restraining orders.</u></p>	
<p>(b) <u>Eligible Organizations.—Any accredited university is eligible to apply, provided said university has previously conducted and published research on criminal justice interventions for domestic violence.</u></p>	
<p>(c) <u>Performance Sites.—The research shall be conducted in 5 geographically dispersed States.</u></p>	
<p>(d) <u>Research Design.—The research will be conducted relying on a prospective, controlled design, allowing comparison of program effects between one or more intervention groups and a control group. Studies are encouraged to evaluate innovative strategies, such as abuse assessments of both the petitioner and respondent, alternative abuse reduction strategies, provision of a safety plan, or referral to community resources.</u></p>	
<p>(e) <u>Measurement.-- The research studies will</u></p>	

<p><u>measure criminal justice outcomes such as arrest rates, as well as self-reports of the petitioner and self-reports of the respondent. Said measures will be evaluated up to 12 months after the request for issuance of the restraining order. Both male and female petitioners will be included in the study.</u></p>	
<p>(f) <u>Coordinated Strategy.—To the greatest extent feasible, grantees will coordinate their research methodologies with other grantees to allow statistical pooling of data and comparison of intervention strategies.</u></p>	
<p>(g) <u>Annual Meeting.—A condition of receipt of said grants will be participation of the principal investigator and two other members of the research team at an annual meeting to assess grant progress, discuss intervention strategies, and share data collection methods. Said meeting will be organized by an independent nonprofit domestic violence victim advocacy organization with expertise in research methodology. Said organization shall be awarded \$100,000 annually to conduct the annual meeting, and to assure effective ongoing communications among the grantees.</u></p>	
<p>(h) <u>Grant Conditions.—The Attorney General shall make up to 5 research awards under this title. Each award will be for a 5-year period, and renewable annually. An amount up to \$3,000,000 for the 5-year grant period will be awarded to each grantee.</u></p>	
<p>(i) <u>Authorization of Appropriations.—There shall be authorized to be appropriated to carry out this section \$3,000,000 for each of the 5 fiscal years 2013 through 2017.</u></p>	
<p>Section 123</p>	
<p>Insert new section 123: <u>REPLICATION AND EVALUATION OF EFFECTIVE AND INNOVATIVE COUNSELING INTERVENTIONS</u></p>	<p>There is a growing consensus that we have tended to “over-criminalize” domestic violence, and that more focus should be devoted to implementing counseling interventions. This section is a first step in disseminating effective counseling strategies that address the</p>

	psychological causes of domestic violence incidents.
(a) <u>Purposes.—The Attorney General, acting through the National Institute of Justice, shall award grants to academic institutions to disseminate and evaluate effective and innovative counseling interventions.</u>	
(b) <u>Eligible Organizations.—Any accredited university is eligible to apply, provided said university has previously conducted and published research on counseling interventions for domestic violence offenders and victims, and said research has demonstrated beneficial outcomes on offender behavior, recidivism, and/or victim perception of safety or satisfaction.</u>	
(c) <u>Counseling Interventions.—The research conducted under this section shall include replication and evaluation of best practices for appropriate referral; assessment of both parties to determine the frequency, severity, duration, and directionality of the abuse and causative factors; counseling interventions with both the alleged offender and the alleged victim; and follow-up interventions, when appropriate. Interventions may include restorative justice methods, individual counseling, group counseling, and couples counseling when the counselor believes couples counseling is safe and both parties are willing to participate in couples counseling. The counseling will be directed to both male and female offenders, and to both male and female victims.</u>	
(d) <u>Coordination with Existing Criminal Justice Programs.—To the greatest extent possible, the counseling programs will be coordinated with existing law enforcement agencies, civil courts, or criminal courts that process domestic violence cases.</u>	
(e) <u>Grant Conditions.—The Attorney General shall make up to 5 replication and evaluation awards under this title. Each awardee will replicate and evaluate the counseling</u>	

<p><u>interventions in 3 to 5 jurisdictions where such a counseling program currently does not exist. Each award will be for a 5-year period, and renewable annually. An amount up to \$2,000,000 for the 5-year grant period will be awarded to each grantee.</u></p>	
<p>(f) <u>Annual Meeting.—A condition of receipt of said grants will be participation of the principal investigator and two other members of the research team at an annual meeting to assess grant progress, discuss intervention strategies, and share data collection methods. Said meeting will be organized by an independent nonprofit victim advocacy organization with expertise in research methodology. Said organization shall be awarded \$100,000 annually to conduct the annual meeting, and to assure effective ongoing communications among the grantees.</u></p>	
<p>(g) <u>Authorization of Appropriations.—There shall be authorized to be appropriated to carry out this section \$2,000,000 for each of the 5 fiscal years 2013 through 2017.</u></p>	
<p>Section 124</p>	
<p>Insert new section 124: <u>COSTS OF INTIMATE PARTNER VIOLENCE AGAINST MEN AND WOMEN IN THE UNITED STATES</u></p>	<p>The 2000 reauthorization of the Violence Against Women Act mandated that the U.S. Centers for Disease Control conduct a study to assess the costs of intimate partner violence (42 U.S.C. 13963). However, this study relies on incidence data that is now 15 years old, does not include information from recently-established federal databases, and omits the costs of intimate partner violence against men.</p>
<p>(a) <u>Study.—The Secretary of Health and Human Services, acting through the Centers of Disease Control National Center for Injury Prevention and Control, shall update and expand its 2003 report, Costs of Intimate Partner Violence Against Women in the United States. Said study shall include the costs of intimate partner violence</u></p>	

<u>inflicted on male victims.</u>	
(b) <u>Finding.—The Congress finds that males constitute 35% of persons who require medical treatment as a result of injuries sustained from intimate partner violence.</u>	Source: John Archer, PhD. Sex Differences in Aggression Between Heterosexual Partners: A Meta-Analytic Review. <i>Psychological Bulletin</i> Vol. 126, No. 5, pages 651-680, 2000. Table 5.
(c) <u>Data Sources.—Said study shall incorporate the most recent findings from federal databases including the National Longitudinal Study of Adolescent Health, Youth Risk Behavioral Surveillance Survey, Medical Expenditure Panel Survey, FBI Uniform Crime Reports Supplementary Homicide Reports, Department of Justice Survey of Sexual Violence, DoJ Supplemental Victimization Survey, WISQARS Cost of Injury Module, and other relevant data sources.</u>	
(d) <u>Completion.—The Centers for Disease Control shall complete said study within 24 months after enactment of this Act.</u>	
(e) <u>Authorization of Appropriations.—There are authorized to be appropriated to carry out this section \$100,000 for fiscal year 2013 and \$100,000 for fiscal year 2014.</u>	
AMENDMENTS	RATIONALE
TITLE II – IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING	
Section 201	
Section 201(1) is amended as follows: “According to the Centers for Disease Control, 11.9% of teenage girls and 6.1% of teenage boys being pressured into performing sexual acts by their partner. <i>[Delete: Nearly 1/3 of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.]</i>	Previous Finding was vague and unverifiable. Source of new Finding: Centers for Disease Control. Youth Risk Behavior Surveillance --- United States, 2003. <i>Morbidity and Mortality Weekly Report</i> , May 21, 2004. Table 10.
Section 201(8) is amended as follows: “Disabled <u>men and</u> women comprise another vulnerable population with unmet needs. <u>Men and</u> women with disabilities are more likely to be the victims of abuse and violence than <u>men and</u> women without disabilities	Previous Finding was one-sided and misleading.

because of their increased physical, economic, social, or psychological dependence on others.”	
Section 201(9) is amended as follows: “Many <u>men and</u> women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.”	Previous Finding was one-sided and misleading.
Section 201(10) is amended as follows: “...only 16 percent dedicated a staff member to provide services to <u>men or</u> women with disabilities.”	Previous Finding was one-sided and misleading.
Section 201(11) is amended as follows: “...trapping battered immigrant <u>men and</u> women in violent homes because of fear of deportation.”	Previous Finding was one-sided and misleading.
Section 201(12) is amended as follows: “Battered immigrant <u>men and</u> women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance.”	Previous Finding was one-sided and misleading.
Section 202	
42 U.S.C. 14043g, subsection (b)(3)B) is amended by adding (v): <u>“Certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u>	Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs
42 U.S.C. 14043g, subsection (c)(2) is amended by adding (E): <u>“Certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined</u>	Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs

<p><u>in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	
<p>42 U.S.C. 14043g, subsection (d)(4) is amended by adding the following sentence at the end:</p> <p><u>“The application shall certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
<p>42 U.S.C. 14043g, subsection (e)(1) is amended by adding the following sentence at the end:</p> <p><u>“Applicants must certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
<p>Section 203</p>	
<p>Section 203: Sec. 40295(a)(3) is amended as follows: “...to increase the safety and well-being of <u>men</u>, women, and children in rural communities.”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>42 U.S.C. 13971, subsection (c) is amended by adding the following sentence at the end:</p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance,</p>

<p><u>“Applicants must certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
<p>Section 204</p>	
<p>The title of Section 204 is amended as follows: “Training and services to end violence against <u>men and women with disabilities.</u>”</p>	<p>Title amended to avert illegal discriminatory effects.</p>
<p>Section 204(a) is amended as follows: “SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF <u>MEN AND WOMEN WITH DISABILITIES.</u>”</p>	<p>Title amended to avert illegal discriminatory effects.</p>
<p>42 U.S.C. 3796gg-7, subsection (c)(1) is amended as follows: <u>“(E) Applicants must certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
<p>Section 205</p>	
<p>The title of Section 205 is amended as follows: “Enhanced training and services to end violence against <u>men and women later in life.</u>”</p>	<p>Title amended to avert illegal discriminatory effects.</p>
<p>Section 205(a) is amended as follows:</p>	<p>Title amended to avert illegal discriminatory effects.</p>

<p>“SEC. 40802. ENHANCED TRAINING AND SERVICES TO END VIOLENCE AGAINST AND ABUSE OF <u>MEN AND WOMEN LATER IN LIFE.</u>”</p>	
<p>Section 205(b)(4) is amended as follows: “a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly <u>men and women...</u>”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>42 U.S.C. 14041, subsection (b) is amended by adding: <u>“(5) able to certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/download/SAVE-DV-Educational-Programs</p>
<p>Section 207</p>	
<p>Insert new Section 207 to read as follows: <u>“Sec. 122. INSPECTOR GENERAL INVESTIGATION.</u></p> <p>(a) <u>PURPOSE.—The Inspector General shall conduct an investigation of all State Domestic Violence Coalitions, as defined under Section 3(26) of this Act, and a reasonable sample of subgrantees in order to:</u></p> <p>(1) <u>Assure compliance with the anti-lobbying provisions contained in Section 1913 of Title 18, United States Code.</u></p> <p>(2) <u>Assure compliance with the sex discrimination provisions contained in the Omnibus Crime Control and Safe Streets Act of 1968, Section 3789d. (c)(1).</u></p> <p>(3) <u>Verify the integrity and accuracy of audit reports as required by OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations</u></p>	<p>Over 11,500 domestic violence victims have signed a petition calling for an audit of state domestic violence coalitions to “be held accountable for refusing victims the resources and services they desperately need:” http://apps.facebook.com/causes/petitions/201?m=a4681d42</p> <p>See:</p> <p>1. Accountability and Oversight of Federally Funded Domestic Violence Programs. 2010. http://www.saveservices.org/download/Accountability%20and%20Oversight</p> <p>2. Domestic Violence Programs Discriminate Against Male Victims. 2010. http://www.saveservices.org/download/Domestic-Violence-Programs-Discriminate-Against-Male-Victims</p> <p>3. OIG Semiannual Report to Congress,</p>

<p>(4) <u>Follow-up on previous findings of grantee and subgrantee noncompliance by the Office of the Inspector General.</u></p> <p>(b) <u>REPORT.—Not later than 2 years after the date of the enactment of this Act, the Inspector General shall submit to Congress a report on the activities and findings carried out under this section.”</u></p>	<p>Oct. 1, 2009 – March 31, 2010 regarding embezzlement by two employees of Safe Harbor shelter of South Dakota.</p> <p>4. OIG Semiannual Report to Congress, Oct. 1, 2010 – March 31, 2011 regarding irregularities in expenditures of grant monies by the Montana Coalition Against Domestic and Sexual Violence.</p>
AMENDMENTS	RATIONALE
TITLE III – SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE	
<p>Section 301</p> <p><i>[Delete: All existing Findings]</i></p>	<p>The existing Findings are outdated, systematically biased, and highly misleading. The source of several Findings could not be located. Finding #4 is vague and essentially meaningless. Finding #6 does not indicate which state allows minors to petition for a restraining order, and is probably outdated. Finding #10 is based on a study that was never published in a peer-reviewed journal and cannot be located on the Internet.</p>
<p>Insert new Findings:</p>	
<p><u>According to a 2007 survey by the U.S. Centers for Disease Control, teenage boys are 25% more likely than girls to be victims of dating violence.</u></p>	<p>Eaton DK et al. Youth Risk Behavior Surveillance – United States, 2007. <i>Morbidity and Mortality Weekly Report</i>, June 6, 2008. Table 11. http://www.cdc.gov/mmwr/preview/mwrhtml/ss5704a1.htm#tab11</p>
<p><u>One study of university dating couples concluded that 70% of all physical abuse was mutual.</u></p>	<p>Straus MA. Dominance and symmetry in partner violence by male and female university students in 32 nations. <i>Children and Youth Services Review</i>, 2008. http://pubpages.unh.edu/%7Eemas2/ID41-PR41-Dominance-symmetry-In-Press-07.pdf</p>
<p><u>According to the Centers for Disease Control, 12% of teenage girls and 6% of teenage boys have been in a relationship in which they were pressured into performing sexual acts by their partner.</u></p>	<p>U.S. Centers for Disease Control. Youth Risk Behavior Surveillance – United States 2003. <i>Morbidity and Mortality Weekly Report</i>. May 21, 2004. Table 10.</p>

<p><u>According to a recent survey conducted among 6th and 7th graders in Cleveland, Ohio, the prevalence of sexual violence is higher among girls than boys.</u></p>	<p>Bruce Taylor. <i>Journal of Experimental Criminology</i>. 2010.</p>
<p><u>According to the U.S. Department of Justice, 15% of sexual assault and rape victims are under age 12.</u></p>	<p>U.S. Department of Justice. <i>2004 National Crime Victimization Survey</i>. 2004.</p>
<p><u>According to a Department of Education report, student surveys reveal that 57% of teacher sex offenders are male and 43% are female.</u></p>	<p>Shakeshaft C. <i>Educator Sexual Misconduct: A Synthesis of the Literature</i>. U.S. Department of Education. 2004. Doc 2004-209.</p>
<p></p>	<p></p>
<p>Section 303</p>	<p></p>
<p>Sec. 41202(f)(1) is amended by inserting the words “<u>men and</u>” before the word “women.”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>42 U.S.C. 14043c, subsection (b)(1) is amended by adding:</p> <p><u>“(5) able to certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
<p>42 U.S.C. 14043c-3, subsection (c) is amended by adding at the end:</p> <p><u>“Applicants shall certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>

organization’s website.”	
Section 304	
<p>42 U.S.C. 14045b, subsection (d) is amended by adding:</p> <p><u>“(4) Accurate and balanced information. The applicant must certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
Section 306	
<p>42 U.S.C. 10420, subsection (c) is amended by adding:</p> <p><u>“(5) “certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
AMENDMENTS	RATIONALE
TITLE IV – STRENGTHENING AMERICA’S FAMILIES BY PREVENTING VIOLENCE	
Section 401	
<p>Sec. 41301(1) is amended by inserting a new Finding:</p> <p><u>Partner violence is lowest among couples who are in intact,</u></p>	<p>See: Catalano S. http://www.ojp.usdoj.gov/bjs/intimate</p>

<p>married relationships. According to the Department of Justice, <u>only 2% of partner aggression involves currently married couples who live together.</u></p> <p><i>[Delete: “the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country.”]</i></p>	<p>/table/wommar.htm</p> <p>The existing Finding is outdated, vague, and unverifiable.</p>
<p>Sec. 41301(2) is amended as follows: <u>“According to a national survey of 1,615 dual-parent households, an estimated 7 million children live in families in which severe partner violence had occurred in the previous year.”</u></p> <p><i>[Delete: “studies suggest that as many as 10,000,000 children witness domestic violence each year.”]</i></p>	<p>The existing Finding lacks precision and credibility.</p> <p>The cited statistic comes from McDonald R: Estimating the number of American children living in partner-violent families. <i>Journal of Family Psychology</i>. 2006.</p>
<p>Sec. 41301(8) is amended as follows: <u>“According to the National Family Violence Survey, about 50% of parents who were frequently physically aggressive to their spouses also frequently abused their children.”</u></p> <p><i>[Delete: “50 percent of men who frequently assaulted their wives also frequently abused their children.”]</i></p>	<p>The claim, “50 percent of men who frequently assaulted their wives also frequently abused their children” is an egregious distortion of the findings of the 1985 National Family Violence Survey, which found nearly identical child abuse rates for both abusive fathers and abusive mothers. See: Strauss, Murray A, et al. <i>Physical Violence in American Families</i>. New Brunswick, NJ: Transaction Publishers. 1990. Figure 14.1 and Table 14.2</p>
<p>A new Finding is inserted at Sec. 41301 as follows: <u>“(9) Couples counseling has been shown to be effective in reducing marital aggression and increasing marital satisfaction. Couples counseling is appropriate only when both partners want such help and the counselor believes it is safe to do so.”</u></p>	<p>See: Stith SM, Rosen KH, McCollum EE, Thomsen CJ. Treating intimate partner violence within intact couple relationships: Outcomes of multi-couple versus individual couple therapy. <i>Journal of Marital and Family Therapy</i> Vol. 30, pp. 305-318. 2004.</p>
<p>Section 401</p>	
<p>Sec. 41302(1) is amended as follows: “prevent crimes involving violence against <u>men</u>, women, children, and youth.”</p>	<p>Provision amended to remove illegal discriminatory effects.</p>
<p>Sec. 41302(2) is amended as follows: “increase the resources and services available to prevent violence against <u>men</u>, women, children, and youth.”</p>	<p>Provision amended to remove illegal discriminatory effects.</p>
<p>Section 401</p>	

<p>42 U.S.C. 14043-2, subsection (e) is amended by adding:</p> <p><u>“(3) certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
<p>Section 401</p>	
<p>Sec. 41305 is amended as follows: “Engaging Men, <u>Women</u>, and Youth in Preventing Domestic Violence, Dating Violence, Sexual Assault, and Stalking.”</p>	<p>Title amended to avert illegal discriminatory effects.</p>
<p>Sec. 41305(a)(1) is amended as follows: “for the purpose of developing or enhancing programs related to engaging men <u>and women</u>.”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Sec. 41305(c)(1)(A) is amended as follows: “to develop or enhance community-based programs, including gender-specific programs <u>for both men and women</u>, in accordance with applicable laws that—“</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Sec. 41305(c)(1)(B) is amended as follows: “to prevent violence against <u>men and boys</u>...”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>42 U.S.C. 14043-4, subsection (e) is amended by adding:</p> <p><u>“(3) certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>

Section 404	
<p>Insert new section 404:</p> <p><u>EVALUATION OF FEASIBILITY OF FAITH-BASED COUNSELING FOR LOW-LEVEL PARTNER AGGRESSION IN AFRICAN-AMERICAN COMMUNITIES</u></p>	<p>The existing “Strengthening America’s Families by Preventing Violence” has little focus on family preservation.</p>
<p>(h) <u>Purposes.—The Secretary of Health and Human Services acting through the Administration for Families and Children shall make grants to academic institutions to evaluate the feasibility of faith-based counseling interventions for low-level partner aggression in African-American communities.</u></p>	
<p>(i) <u>Use of Funds.—The research conducted under this section shall include evaluation and study of best practices for appropriate referral; assessment of both parties to determine the frequency, severity, duration, directionality, and causative factors; counseling interventions with both the alleged offender and the alleged victim; and follow-up interventions, when appropriate. Interventions may include individual counseling, group counseling, and couples counseling when the counselor believes couples counseling is safe and both parties are willing to participate in couples counseling.</u></p>	
<p>(j) <u>Authorization of Appropriations.—There shall be authorized to be appropriated to carry out this section \$1,000,000 for each of the fiscal years 2013 through 2017.</u></p>	
AMENDMENTS	RATIONALE
TITLE V – STRENGTHENING THE HEALTHCARE SYSTEM’S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING	
<p>Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Subtitle M is amended as follows: “Strengthening America’s Families by Preventing Violence Against <u>Men</u>, Women, and Children”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>

<p>Section 501</p>	
<p>Insert new finding:</p> <p>(1) <u>According to a comprehensive review of persons injured as a result of a domestic violence incident, 38% are male and 62% female.</u></p>	<p>See: Archer J. Sex Differences in Aggression Between Heterosexual Partners: A Meta-Analytic Review. <i>Psychological Bulletin</i> Vol. 126, No. 5, 2000. Pp. 651-680.</p>
<p>Insert new finding:</p> <p>(2) <u>Among all persons who require medical treatment as a result of partner aggression, 35% are male and 65% are female.</u></p>	<p>See: Archer J. Sex Differences in Aggression Between Heterosexual Partners: A Meta-Analytic Review. <i>Psychological Bulletin</i> Vol. 126, No. 5, 2000. Pp. 651-680.</p>
<p>Insert new finding:</p> <p>(3) <u>A meta-analysis concluded that female initiation of partner violence is the leading risk factor for the woman becoming a victim of subsequent violence.</u></p>	<p>See: Stith S, Smith DB, Penn CE, et al. Intimate partner physical abuse perpetration and victimization risk factors: A meta-analytic review. <i>Aggression and Violent Behavior</i> Vol. 10, 2004. pp. 65-98.</p>
<p>Amend finding:</p> <p>The health-related costs of intimate partner violence <u>against women</u> in the United States exceed \$5,800,000 annually. <u>The health-related costs of intimate partner violence against men is unknown.</u></p>	<p>The CDC study that forms the basis of this statistic excluded male victims of domestic violence.</p>
<p>Amend finding:</p> <p>In addition to injuries sustained during violent episodes, physical and psychological abuse is linked to a number of adverse physical and mental effects. <u>Men and</u> women who have been abused...</p>	<p>Finding amended to assure accuracy and completeness.</p>
<p><i>[Delete finding:</i></p> <p><i>Health plans spend an average of \$1,775 more a year on abused women than on general enrollees.]</i></p>	<p>Finding is one-sided and could not be verified.</p>
<p><i>[Delete finding:</i></p> <p><i>Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.]</i></p>	<p>The source of the 324,000 number is a literature review by Julie Gazmararian and colleagues (<i>Maternal and Child Health Journal</i>, Vol. 4, No. 2, 2000). This is what the article states: “we can estimate that <i>between 152,000 and 324,000 women experience violence during their pregnancies.</i>” [emphasis</p>

	<p>added]</p> <p>Violence is defined as any type of physical aggression, including a shove or other minor violence. In contrast, battering is defined as to “strike repeatedly with hard blows; pound heavily and insistently.” Clearly, “violence” and “battering” are not synonymous terms.</p> <p>In addition, there is no consensus that physical aggression increases during pregnancy, and some studies suggest a protective effect of being pregnant (see WHO study, cited below).</p> <p>The Gazmararian article also concludes, “the research findings on the potential association between violence and pregnancy outcomes are inconclusive.”</p> <p>Hence, the existing Finding profoundly misrepresents the numerical range, the nature of the physical aggression, and whether any linkage exists between intimate partner aggression and poor pregnancy outcomes.</p>
<p><i>[Delete finding: Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.]</i></p>	<p>There is no established linkage between pregnancy and increased homicide rates. Indeed, the World Health Organization has stated that pregnancy may provide a protective effect for women.</p> <p>See: Garcia-Moreno C et al. Multi-Country Study on Women’s Health and Domestic Violence Against Women. Geneva, Switzerland: World Health Organization. 2005. p. 65. www.who.int/gender/violence/who_multicountry_study/en/index.html</p>
<p><i>[Delete finding: Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women...]</i></p>	<p>The source of this Finding could not be located.</p> <p>In addition, the United States Preventive Services Task Force has found “insufficient evidence” to</p>

	recommend the routine screening of “women for intimate partner violence.” See: US Preventive Services Task Force. Screening for Family and Intimate Partner Violence: Recommendation Statement. 2004.
Section 502	
Sec. 502 is amended as follows: “...developing comprehensive public health responses to violence against <u>men and women</u> ...”	Provision amended to avert illegal discriminatory effects.
Section 503	
Sec. 503 is amended by adding at Sec. 758(d): <u>“(3) A grantee shall certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u>	
Section 505	
Sec. 40297(b)(1)(C) is amended as follows: “measure the comparative effectiveness of and outcomes of efforts under this Act to reduce violence and increase the safety of <u>men and women</u> , increasing the number of <u>men and women</u> properly screened....”	Provision amended to remove illegal discriminatory effects.
AMENDMENTS	RATIONALE
TITLE VI – HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN	
Title VI of the Violence Against Women Act is amended as follows: “Housing Opportunities and Safety for Battered <u>Men, Women, and Children</u> ”	Title amended to avert illegal discriminatory effects.

<p>Section 601</p> <p>Sec. 41401(1) is amended to as follows: <u>“According to the U.S. Conference on Mayors, 67.5% of the single homeless population is male, and domestic violence is cited as the fifth leading cause of homelessness among men and women.”</u> <i>[Delete: “There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.”]</i></p>	<p>The existing Finding is misleading and vague. The source of the 67.5% figure is the U.S. Conference of Mayors, 2007. The source of the “fifth leading cause” Finding is at http://www.usmayors.org/hungersurvey/2002/onlinereport/HungerAndHomelessReport2002.pdf</p>
<p>Sec. 41401(3) is amended as follows: “In some cases, men, women, and children have been discriminated against, denied access to, and evicted from public and subsidized housing because of their status as victims of domestic violence.” <i>[Delete: “Women and families across the country are being discriminated against,, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.”]</i></p>	<p>The existing Finding is one-sided, overly-broad, and is worded in such a way to play on the reader’s emotions.</p>
<p>Sec. 41401(5) is amended as follows: <u>“Men and women who leave their abusers...”</u></p>	<p>Provision amended to remove illegal discriminatory effects.</p>
<p>Sec. 41401(9) is amended as follows: <u>“Many men and women need transitional housing programs so they do not need to go back to their abusive partners.”</u> <i>[Delete: “A majority of women in transitional housing stated that had these programs not existed, they would have likely gone back to abusive partners.”]</i></p>	<p>The deleted sentence is vague, one-sided, and unverifiable.</p>
<p>Section 601</p>	
<p>Sec. 41405 is amended as follows: “Grants to Combat Violence Against <u>Men and Women</u> in Public and Assisted Housing.”</p>	<p>Title amended to remove illegal discriminatory effects.</p>
<p>Section 602</p>	
<p>42 U.S.C. 13975, subsection (d)(2) is amended by adding: <u>“(D) certify that all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and</u></p>	<p>Many DV-related training, education, and public awareness programs have been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/download/s/SAVE-DV-Educational-Programs</p>

<p><u>Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	
AMENDMENTS	RATIONALE
<p>TITLE VIII – PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS</p>	
<p>Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Subtitle G is amended as follows: “Protections for Battered Immigrant <u>Men</u>, Women, and Children”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Section 802</p>	
<p>Section 802(a) is amended as follows: “(V) <u>Alleged</u> Victims of a Severe Form of Trafficking in Persons.”</p>	<p>In many cases, persons claiming to be a “victim” have no injuries or other evidence of harm. Therefore, label such persons as “victims” undermines the presumption of innocence for the accused.</p>
<p>Section 803</p>	
<p>Section 803(a) is amended as follows: “(a) <u>Alleged</u> Victims of Trafficking.—“</p>	<p>In many cases, persons claiming to be a “victim” have no injuries or other evidence of harm. Therefore, label such persons as “victims” undermines the presumption of innocence for the accused.</p>
<p>Section 803(b) is amended as follows: “Victims of <u>Alleged</u> Crimes Against <u>Men and</u> Women.”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Section 813</p>	
<p>Section 813(a)(1) is amended as follows: (1) IN GENERAL.--...“<u>alleged</u> battery or extreme cruelty to the alien...”</p>	
<p>Section 814</p>	
<p>The title of Section 814 is amended as follows:</p>	<p>In many cases, probable-cause</p>

<p>“Sec. 814. Eliminating <u>Alleged</u> Abusers’ Control over Applications and Limitation on Petitioning for <u>Alleged</u> Abusers”</p>	<p>evidence of violence does not exist, so it falls to the court to make a determination of victimization. Hence, addition of the word, “alleged.”</p>
<p>Section 106 of Title I of the Immigration and Nationality Act</p>	
<p>Sec. 106(e) is amended as follows: “(e) Limitation on Petitioning for <u>Alleged</u> Abuser”</p>	<p>In many cases, probable-cause evidence of violence does not exist, so it falls to the court to make a determination of victimization. Hence, addition of the word, “alleged.”</p>
<p>Section 816</p>	
<p>Sec. 204(a)(1)(iii) is amended by adding after (II): <u>(III) For purposes of subclause (I), the Attorney General must follow the guidelines set forth in section 240A(b)(2)(E) - Adjudication of VAWA Self-petitions</u></p>	<p>The current immigration provisions violate key constitutional protections and serve to promote immigration fraud. See: http://www.saveservices.org/download/VAWA-Funded-Immigration-Fraud</p>
<p>Sec. 216(c)(4) is amended as follows: (4) Hardship Waiver... In determining extreme hardship, the Attorney General shall consider circumstances occurring only during the period that the alien was admitted for permanent residence on a conditional basis. The Attorney General shall, by regulation, establish measures to protect the confidentiality of information concerning any abused alien spouse or child, including information regarding the whereabouts of such spouse or child. In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application, <u>including credible evidence supplied by the citizen or permanent resident spouse or other biological parent of the self-petitioner’s child.</u> 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.</p>	<p>A fundamental element of due process is the right of the accused to be notified of the allegations filed against them and to be offered the opportunity to refute such charges. These changes restore these rights to persons accused of battery or extreme cruelty.</p>
<p>Sec. 240A(b)(2)(D) of the Immigration and Nationality Act is amended as follows: (D) CREDIBLE EVIDENCE CONSIDERED- In acting on applications under this paragraph, the Attorney General</p>	<p>A fundamental element of due process is the right of the accused to be notified of the allegations filed against them and to be offered the opportunity to refute such charges. These changes restore these rights to persons accused</p>

<p>shall consider any credible evidence relevant to the application, <u>including credible evidence provided by the citizen, permanent resident spouse, or the other biological parent of a child of the self-petitioner.</u> 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.</p>	<p>of battery or extreme cruelty.</p>
<p>Sec. 240A(b)(2) of the Immigration and Nationality Act is amended by adding (E):</p> <p><u>“(E) PROCESSING AND ADJUDICATION OF VAWA SELF PETITIONS</u></p> <p><u>(i) Required Documentation</u></p> <p><u>(a) The self petitioning alien shall provide corroborating evidence such as police reports, medical reports, court documents, affidavits, photographs, and other pertinent materials.</u></p> <p><u>(b) Civil protective orders that are issued are issued based on a preponderance of the evidence standard, or are issued absent evidence of physical violence, shall not be considered an acceptable form of documentation.</u></p> <p><u>(ii) Initial Submission</u></p> <p><u>(I) All I-360 or I-751 self petitions based upon allegations of battering or extreme cruelty or shall be submitted to the Vermont Service Center.</u></p> <p><u>(II) Suspension of I-864 Affidavit of Support. All I-360 and I-751 self petitions alleging battering or extreme cruelty shall be placed in a removal/cancellation of removal status. The underlying I-864 affidavit of support filed by the sponsoring party shall be considered automatically suspended. The US citizen or legally responsible person who filed the I-864 will no longer be contractually liable to the government of the United States or any political subdivision, should the alien apply for, and receive, any means tested public assistance.</u></p> <p><u>(a) If the alien is subsequently found by the</u></p>	<p>A fundamental element of due process is the right of the accused to be notified of the allegations and to be offered the opportunity to refute the charges. These changes restore these rights to persons accused of battery or extreme cruelty.</p> <p>These changes also strengthen evidentiary standards in order to discourage immigration fraud.</p>

administrative law judge to be a victim of battering or extreme cruelty by the US citizen or legally responsible person, the judge can order reinstatement of the I-864 Affidavit of Support.

(III) Screening

(a) The application will be screened by an adjudicator to determine whether the application meets all requirements of the self-petition process and includes the required documentation. If the requirements are met, the application is forwarded to the USCIS service center that is geographically closest to where the alleged battering or extreme cruelty occurred.

(iii) Local Service Center Review

(I) Upon receipt of the self-petition at the local USCIS Service Center, an investigative officer is assigned to the case.

(II) The investigative officer shall promptly notify the United States citizen or lawful permanent resident against whom the allegations of battery or extreme cruelty have been made and who is the initial sponsoring person. The notification shall state the nature of the allegations; indicate the date, place, and time of all hearings involving the alien; and invite the US citizen or lawful permanent resident the opportunity to testify at said hearings, to offer evidence, and to bring witnesses to testify on his or her behalf.

(III) The investigative officer shall conduct an interview of the self-petitioner, as well and any other witnesses the self-petitioner may provide. The US citizen or lawful permanent resident will not be allowed to attend said interview.

(IV) The investigative officer shall conduct an interview of the alleged abusive US citizen or lawful permanent resident spouse, as well and any other witnesses the US citizen or lawful permanent resident spouse may provide. The self-petitioner will not be allowed to attend said interview.

(V) If the alien in question, the US citizen or lawful permanent resident, or any of their witnesses provide false testimony or fraudulent documents, the matter shall be referred to the United States Attorney's Office that has jurisdiction where the alleged battery or extreme cruelty was committed for consideration of prosecution.

(VI) Upon conclusion of the investigation, the investigative officer shall make one of the following determinations based on the "beyond a reasonable doubt" standard:

(a) approval of the self petition, or

(b) referral of the self petition to an Administrative Law Judge for final adjudication.

(VII) Investigations must be completed within 90 days.

(iv) Vermont Service Center Adjudication

(I) When a self petition is referred to an Administrative Law Judge, a hearing shall be scheduled within 90 days. At the hearing, the Administrative Law Judge shall make one of the following determinations, based on the clear and convincing evidence standard:

(a) Petitioner was a victim of battering or extreme cruelty. Such a finding shall qualify the petitioner for permanent residency status, provided all other requirements of the Immigration and Nationality Act (INA) are met.

(b) Insufficient evidence exists to conclude the petitioner was the victim of battering or extreme cruelty. Such a finding will result in the self-petitioner's removal.

(c) The petitioner made false representations, entered into a sham marriage, or otherwise engaged in fraud. Such a finding will result in removal of the petitioner, and denial of all current and future immigration

<p><u>petitions by the person. The case shall also be presented to the United States Attorney where the crime was committed as a request for prosecution pursuant to 8 USC 1325(c), no later than 90 days after that determination has been made, regardless whether or not the alien files an appeal with the Board of Immigration Appeals.</u></p> <p><u>(II) Under no circumstances will an alien who is convicted of an aggravated felony (as defined in Section 101(A)(43) of the Immigration and Nationality Act), or who is convicted of a crime involving moral turpitude be released from custody, pending final disposition of the alien’s application for COR.”</u></p>	
AMENDMENTS	RATIONALE
TITLE IX – SAFETY FOR INDIAN WOMEN	
Title IX is amended as follows: “Safety for Indian <u>Men and Women</u> ”	Title amended to avert illegal discriminatory effects.
Section 901	The current Findings are outdated, one-sided, and highly misleading.
<p>Finding (1) is amended as follows:</p> <p>(1) <u>According to a Minnesota statewide survey of students in the 9th and 12th grades, 7.1% of American Indian boys and 6.8% of American Indian girls reported they had ever experienced dating violence.</u></p> <p><i>[Delete: One out of every 3 Indian women are raped in their lifetimes.]</i></p>	<p>The current Finding comes from the National Violence Against Women Survey, which was conducted over 15 years ago. This Finding lacks scientific validity because it is based on a sample of only 88 Indian women.</p> <p>See: Ackard DM, Neumark-Sztainer D. Child Abuse & Neglect, Vol. 26, 455-473. 2002.</p>
<i>[Delete: (3) Indian women experience the violence crime of battering...]</i>	Existing Finding is unverifiable and uses inflammatory language.
<p>Finding (4) is amended as follows:</p> <p><u>(4) According the U.S Centers for Disease Control, 765 American Indian males and 195 American Indian males between the ages of 15-34 were victims of homicide from 2000 to 2007.</u></p>	<p>Existing Finding is outdated, one-sided, and misleading.</p> <p>See: http://webappa.cdc.gov/sasweb/ncipc/leadcaus10.html</p>
<p>Finding (6) is amended as follows:</p> <p>(6) ...in safeguarding the lives of Indian <u>men and women.</u></p>	Provision amended to avert illegal discriminatory effects.

<p>Section 904</p> <p>The title of Section 904 is amended as follows: “Analysis and research on violence against Indian <u>men and women</u>.”</p>	<p>Title amended to avert illegal discriminatory effects.</p>
<p>Section 904(a)(1) is amended as follows:</p> <p>“(1) IN GENERAL.-The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian <u>men and women</u> in Indian country.”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Section 904(a)(2)(A) is amended as follows:</p> <p>“(A) IN GENERAL.-The study shall examine violence committed against Indian <u>men and women</u>,”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Section 904(a)(2)(B) is amended as follows:</p> <p>“(B) EVALUATION.-The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian <u>men and women</u>.”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Section 904(a)(2)(C) is amended as follows:</p> <p>“(C) RECOMMENDATIONS.-The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian <u>men and women</u>.”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Section 904(b)(1)(A) is amended as follows:</p> <p>“(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native <u>men and women</u>,”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Section 905</p> <p>The title of Section 905 is amended as follows: “Tracking of Violence Against Indian <u>Men and Women</u>.”</p>	<p>Provision amended to avert illegal discriminatory effects.</p>
<p>Section 906</p> <p>42 U.S.C. 3796gg-10, is amended by adding a new subsection:</p>	<p>Many DV-related training, education, and public awareness programs have</p>

<p><u>“(c) Eligibility. The applicant must certify that:</u></p> <p><u>(1) all training, education, and public awareness training programs and activities, including each of its instructional manuals, curricula, handouts, and other informational content, are currently accredited by an independent Training, Education, and Public Awareness Accreditation Organization, as defined in Section 3(a)(29) of this Act; that the Training, Education, and Public Awareness Accreditation Organization is allowed to conduct audits of said training and education sessions; and that evidence of said accreditation is made publicly available on the organization’s website.”</u></p>	<p>been found to lack accuracy, balance, and truthfulness, thus biasing the workings of the criminal justice system. See: http://www.saveservices.org/downloads/SAVE-DV-Educational-Programs</p>
<p>42 U.S.C. 3796gg-10, is amended by adding in new subsection (c):</p> <p><u>“(2) their laws, official policies, and practices—</u></p> <p><u>(A) encourage or mandate arrests of domestic violence offenders only when there exists based on probable cause that an offense has been committed; and</u></p> <p><u>(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order, but only when the violation of the valid and outstanding protection order involves actual violence, or the credible threat of imminent violence;</u></p> <p><u>(C) include an alternatives to mandatory arrest policy that specifies appropriate law enforcement interventions when probable-cause evidentiary standards are not met.</u></p> <p><u>(D) do not endorse, promote, or mandate any predominant aggressor or primary aggressor policy, except for a policy that endorses the law enforcement practice of identifying the party who first offers violence or who threatens to strike the other.</u></p>	

<p><u>(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim, except where each arrestee is both a victim and an offender; and that their laws, policies, and practices prohibit arrest in absence of probable cause;</u></p> <p><u>(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection, except in cases where the court makes a finding of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense.”</u></p> <p><u>(4) certify that if a Court of competent jurisdiction issues a temporary restraining order, but does not continue the order at the time of the final hearing, the person who has been accused of domestic violence will have all record of the injunction expunged from all the books and records of the State within one (1) month from the date of the final hearing.</u></p>	
<p>42 U.S.C. 3796gg-10, is amended by adding in new subsection (c):</p> <p><u>“(2) Grantees must certify that they do not endorse, promote, or follow any predominant aggressor or primary aggressor policy, except for a policy that endorses the law enforcement practice of identifying the party who first offers violence or who threatens to strike the other.”</u></p>	<p>Predominant aggressor policies represent a bald form of sex discrimination.</p> <p>See: http://www.saveservices.org/downloads/Predominant-Aggressor-Policies</p>
<p>42 U.S.C. 3796gg-10, is amended by adding in new subsection (c):</p> <p><u>“(3) Grantees must certify that they do not endorse, promote, or follow any ‘no-drop’ prosecution policy or practice, or any other prosecution policy that does not follow probable-cause evidentiary standards.</u></p>	<p>No-drop prosecution policies are unethical, and have been found to place victims’ lives at risk. See: http://www.saveservices.org/downloads/Unequal-Justice-in-the-Criminal-Justice-System</p>
<p>Section 907</p>	
<p>Sec. 2008 of Part T of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:</p> <p>“(b)(1)(D) ...and other issues relating to violence against</p>	<p>Provision amended to avert illegal discriminatory effects.</p>

Indian <u>men and women</u> .”	
“(b)(1)(F) ...to enforce Federal laws relating to violence against Indian <u>men and women</u> .”	Provision amended to avert illegal discriminatory effects.
“(b)(1)(G) ...on matters relating to violence against Indian <u>men and women</u> .”	Provision amended to avert illegal discriminatory effects.
“(c)(1) ...used to enhance the capacity of Indian tribes to address the safety of Indian <u>men and women</u> .”	Provision amended to avert illegal discriminatory effects.
“(c)(2)(A) ...and stalking against Indian <u>men and women</u> .”	Provision amended to avert illegal discriminatory effects.
“(c)(2)(B) ...for battered Indian <u>men and women</u> .”	Provision amended to avert illegal discriminatory effects.
“(c)(2)(D) ...to violence against Indian <u>men and women</u> .”	Provision amended to avert illegal discriminatory effects.
AMENDMENTS	RATIONALE
FAMILY VIOLENCE PREVENTION AND SERVICES ACT - 42 U.S.C. 10401	
Section 302	
Sec. 302, Definitions, is amended at subsection (11): “(11) State Domestic Violence Coalition.—The term ‘State Domestic Violence Coalition’ means a statewide non-governmental nonprofit private domestic violence organization that— (A) has a membership that includes a majority of the primary-purpose domestic violence service providers in the State, <u>with no financial, administrative, or other barrier or requirement being imposed on any primary-purpose domestic violence service providers in the State who may apply for membership.</u> (B) has board membership <u>with a majority of its members consisting of individuals who receive no salary, compensation, or fees under this Act or under the Violence Against Women Act, and is also representative of primary-purpose domestic violence service providers. The names and affiliations of said board members shall be posted on the coalition’s website.</u> (E) <u>has established a grants committee with responsibility of awarding funds as described under Section 308 of this Act, with the membership of said</u>	Over 11,500 domestic violence victims have signed a petition calling for greater accountability of state domestic violence coalitions: http://apps.facebook.com/causes/petitions/201?m=a4681d42

<u>committee consisting solely of individuals receiving no salary, compensation, or fees or this Act or under the Violence Against Women Act; and with the names of the members and the minutes of all meetings being publicly available.</u>	
Section 310	
Sec. 310(b)(1)(B) is amended as follows: “(B) a National Indian Resource Center Addressing Domestic Violence and Safety for Indian <u>Men and Women</u> , which shall—“	Provision amended to avert illegal discriminatory effects.

Original version: July 10, 2011. Updated on:

1. August 20, 2011: Added Section 124, Costs of Intimate Partner Violence Against Men and Women in the United States.
2. September 26, 2011: Added a new provision under Section 40002(b): Priority for Victims of Battering and Other Forms of Physical Violence.
3. July 9, 2012: Added definitions under Section 40002(a) for Complainant, Alleged victim, and Victim.
4. January 24, 2013: Added scientific findings.