

Calendar No. 195

103D CONGRESS
1ST SESSION

S. 11

[Report No. 103-138]

A BILL

To combat violence and crimes against women on
the streets and in homes.

SEPTEMBER 10 (legislative day, SEPTEMBER 7), 1993
Reported with an amendment

Calendar No. 195103^D CONGRESS
1ST SESSION**S. 11****[Report No. 103-138]**

To combat violence and crimes against women on the streets and in homes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. BIDEN (for himself, Mrs. BOXER, Mr. COHEN, Mr. KENNEDY, Mr. KOHL, Mr. BOREN, Mr. AKAKA, Mr. GLENN, Mr. GRAHAM, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. SARBANES, Mr. SHELBY, Mr. ROCKEFELLER, Mr. ROBB, Mr. WARNER, Mr. PELL, Mr. SIMON, Mr. MOYNIHAN, Mr. BRADLEY, Mr. WELLSTONE, Mr. BREAUX, Mr. HARKIN, Mr. LEVIN, Mr. HATFIELD, Mr. DECONCINI, Mr. REID, Mr. CAMPBELL, Mr. RIEGLE, Mr. BRYAN, Mr. KERRY, Mr. DODD, Mr. CONRAD, Mr. BAUCUS, Mr. D'AMATO, Mr. DURENBERGER, Mr. LEAHY, Ms. MOSELEY-BRAUN, Ms. MURRAY, Mr. LAUTENBERG, Mr. INOUE, Mr. KERREY, Mr. SPECTER, Mr. MITCHELL, Ms. MIKULSKI, Mr. KRUEGER, Mr. DASCHLE, Mr. BUMPERS, Mr. WOFFORD, Mrs. FEINSTEIN, Mr. EXON, Mr. MATHEWS, Mr. FORD, Mr. JEFFORDS, Mr. DORGAN, Mr. PRYOR, Mr. PACKWOOD, Mr. METZENBAUM, Mr. PRESSLER, Mr. HATCH, Mr. BURNS, Mr. BINGAMAN, Mr. HUTCHISON, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 10 (legislative day, SEPTEMBER 7), 1993

Reported by Mr. BIDEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To combat violence and crimes against women on the streets
and in homes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Violence Against
5 Women Act of 1993”.

6 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—SAFE STREETS FOR WOMEN

Sec. 101. Short title.

Subtitle A—Federal Penalties for Sex Crimes

Sec. 111. Repeat offenders.
Sec. 112. Federal penalties.
Sec. 113. Mandatory restitution for sex crimes.
Sec. 114. Authorization for Federal victim’s counselors.

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent
Crimes Against Women

Sec. 121. Grants to combat violent crimes against women.

Subtitle C—Safety for Women in Public Transit and Public Parks

Sec. 131. Grants for capital improvements to prevent crime in public transpor-
tation.
Sec. 132. Grants for capital improvements to prevent crime in national parks.
Sec. 133. Grants for capital improvements to prevent crime in public parks.

Subtitle D—National Commission on Violence Against Women

Sec. 141. Establishment.
Sec. 142. Duties of Commission.
Sec. 143. Membership.
Sec. 144. Reports.
Sec. 145. Executive director and staff.
Sec. 146. Powers of Commission.
Sec. 147. Authorization of appropriations.
Sec. 148. Termination.

Subtitle E—New Evidentiary Rules

Sec. 151. Sexual history in all criminal cases.
Sec. 152. Sexual history in civil cases.
Sec. 153. Amendments to rape shield law.
Sec. 154. Evidence of clothing.

Subtitle F—Assistance to Victims of Sexual Assault

- Sec. 161. Education and prevention grants to reduce sexual assaults against women.
- Sec. 162. Rape exam payments.
- Sec. 163. Education and prevention grants to reduce sexual abuse of female runaway, homeless, and street youth.
- Sec. 164. Victim's right of allocution in sentencing.

TITLE II—SAFE HOMES FOR WOMEN

- Sec. 201. Short title.

Subtitle A—Family Violence Prevention and Services Act Amendments

- Sec. 211. Grants for a national domestic violence hotline.

Subtitle B—Interstate Enforcement

- Sec. 221. Interstate enforcement.

Subtitle C—Arrest in Spousal Abuse Cases

- Sec. 231. Encouraging arrest policies.

Subtitle D—Funding for Shelters

- Sec. 241. Authorization of appropriations.

Subtitle E—Family Violence Prevention and Services Act Amendments

- Sec. 251. Grantee reporting.

Subtitle F—Youth Education and Domestic Violence

- Sec. 261. Educating youth about domestic violence.

Subtitle G—Confidentiality for Abused Persons

- Sec. 271. Confidentiality of abused person's address.

Subtitle H—Technical Amendments

- Sec. 281. State domestic violence coalitions.

Subtitle I—Data and Research

- Sec. 291. Report on recordkeeping.
- Sec. 292. Research agenda.
- Sec. 293. State databases.
- Sec. 294. Number and cost of injuries.

TITLE III—CIVIL RIGHTS

- Sec. 301. Short title.
- Sec. 302. Civil rights.
- Sec. 303. Attorney's fees.
- Sec. 304. Sense of the Senate concerning protection of the privacy of rape victims.

TITLE IV—SAFE CAMPUSES FOR WOMEN

- Sec. 401. Authorization of appropriations.

1 sexual contact, is punishable by a term of imprisonment
2 up to twice that otherwise authorized.”.

3 (b) CHAPTER ANALYSIS.—The chapter analysis for
4 chapter 109A of title 18, United States Code, is amended
5 by adding at the end the following new item:

“2247. Repeat offenders.”.

6 **SEC. 112. FEDERAL PENALTIES.**

7 (a) RAPE AND AGGRAVATED RAPE.—Pursuant to its
8 authority under section 994(p) of title 28, United States
9 Code, the United States Sentencing Commission shall
10 amend its sentencing guidelines to provide that a defend-
11 ant convicted of aggravated sexual abuse under section
12 2241 of title 18, United States Code, or sexual abuse
13 under section 2242 of title 18, United States Code, shall
14 be assigned a base offense level under chapter 2 of the
15 sentencing guidelines that is at least 4 levels greater than
16 the base offense level applicable to criminal sexual abuse
17 under the guidelines in effect on November 1, 1992, or
18 otherwise shall amend the guidelines applicable to such of-
19 fenses so as to achieve a comparable minimum guideline
20 sentence. In amending such guidelines, the Sentencing
21 Commission shall review the appropriateness of existing
22 specific offense characteristics or other adjustments appli-
23 cable to such offenses, and make such changes as it deems
24 appropriate, taking into account the severity of rape of-
25 fenses, with or without aggravating factors; the unique na-

1 ture and duration of the mental injuries inflicted on the
2 victims of such offenses; and any other relevant factors.

3 (b) EFFECT OF AMENDMENT.—If the sentencing
4 guidelines are amended after the effective date of this sec-
5 tion, the Sentencing Commission shall implement the in-
6 structions set forth in subsection (a) so as to achieve a
7 comparable result.

8 **SEC. 113. MANDATORY RESTITUTION FOR SEX CRIMES.**

9 (a) IN GENERAL.—Chapter 109A of title 18, United
10 States Code, is amended by adding at the end thereof the
11 following:

12 **“§ 2248. Mandatory restitution**

13 “(a) IN GENERAL.—Notwithstanding the terms of
14 section 3663 of this title, and in addition to any other
15 civil or criminal penalty authorized by law, the court shall
16 order restitution for any offense under this chapter.

17 “(b) SCOPE AND NATURE OF ORDER.—(1) The order
18 of restitution under this section shall direct that—

19 “(A) the defendant pay to the victim (through
20 the appropriate court mechanism) the full amount of
21 the victim’s losses as determined by the court, pur-
22 suant to paragraph (2); and

23 “(B) the United States Attorney enforce the
24 restitution order by all available and reasonable
25 means.

1 “(2) For purposes of this subsection, the term ‘full
2 amount of the victim’s losses’ includes any costs incurred
3 by the victim for—

4 “(A) medical services relating to physical, psy-
5 chiatric, or psychological care;

6 “(B) physical and occupational therapy or reha-
7 bilitation;

8 “(C) necessary transportation, temporary hous-
9 ing, and child care expenses;

10 “(D) lost income;

11 “(E) attorneys’ fees, expert witness and inves-
12 tigators’ fees, interpretive services, and court costs;
13 and

14 “(F) any other losses suffered by the victim as
15 a proximate result of the offense.

16 “(3) Restitution orders under this section are manda-
17 tory. A court may not decline to issue an order under this
18 section because of—

19 “(A) the economic circumstances of the defend-
20 ant; or

21 “(B) the fact that a victim has, or is entitled
22 to, receive compensation for his or her injuries from
23 the proceeds of insurance or any other source.

24 “(4)(A) Notwithstanding the terms of paragraph (3),
25 the court may take into account the economic cir-

1 circumstances of the defendant in determining the manner
2 in which and the schedule according to which the restitu-
3 tion is to be paid.

4 “(B) For purposes of this paragraph, the term ‘eco-
5 nomic circumstances’ includes—

6 “(i) the financial resources and other assets of
7 the defendant;

8 “(ii) projected earnings, earning capacity, and
9 other income of the defendant; and

10 “(iii) any financial obligations of the defendant,
11 including obligations to dependents.

12 “(C) An order under this section may direct the de-
13 fendant to make a single lump-sum payment or partial
14 payments at specified intervals. The order shall also pro-
15 vide that the defendant’s restitutionary obligation takes
16 priority over any criminal fine ordered.

17 “(D) In the event that the victim has recovered for
18 any amount of loss through the proceeds of insurance or
19 any other source, the order of restitution shall provide that
20 restitution be paid to the person who provided the com-
21 pensation, but that restitution shall be paid to the victim
22 for the victim’s other losses before any restitution is paid
23 to any other provider of compensation.

1 ~~“(5) Any amount paid to a victim under this section~~
2 ~~shall be set off against any amount later recovered as com-~~
3 ~~pensatory damages by the victim from the defendant in—~~

4 ~~“(A) any Federal civil proceeding; and~~

5 ~~“(B) any State civil proceeding, to the extent~~
6 ~~provided by the law of the State.~~

7 ~~“(c) PROOF OF CLAIM.—(1) Within 60 days after~~
8 ~~conviction and, in any event, no later than 10 days prior~~
9 ~~to sentencing, the United States Attorney (or the United~~
10 ~~States Attorney’s delegee), after consulting with the vic-~~
11 ~~tim, shall prepare and file an affidavit with the court list-~~
12 ~~ing the amounts subject to restitution under this section.~~
13 ~~The affidavit shall be signed by the United States Attor-~~
14 ~~ney (or the United States Attorney’s delegee) and the vic-~~
15 ~~tim. Should the victim object to any of the information~~
16 ~~included in the affidavit, the United States Attorney (or~~
17 ~~the United States Attorney’s delegee) shall advise the vic-~~
18 ~~tim that the victim may file a separate affidavit and shall~~
19 ~~provide the victim with an affidavit form which may be~~
20 ~~used to do so.~~

21 ~~“(2) If no objection is raised by the defendant, the~~
22 ~~amounts attested to in the affidavit filed pursuant to sub-~~
23 ~~section (1) shall be entered in the court’s restitution order.~~
24 ~~If objection is raised, the court may require the victim or~~
25 ~~the United States Attorney (or the United States Attor-~~

1 ney's delegee) to submit further affidavits or other sup-
2 porting documents, demonstrating the victim's losses.

3 “(3) If the court concludes, after reviewing the sup-
4 porting documentation and considering the defendant's
5 objections, that there is a substantial reason for doubting
6 the authenticity or veracity of the records submitted, the
7 court may require additional documentation or hear testi-
8 mony on those questions. Any records filed, or testimony
9 heard, pursuant to this section, shall be in camera in the
10 judge's chambers.

11 “(4) In the event that the victim's losses are not as-
12 certainable 10 days prior to sentencing as provided in sub-
13 section (c)(1), the United States Attorney (or the United
14 States Attorney's delegee) shall so inform the court, and
15 the court shall set a date for the final determination of
16 the victim's losses, not to exceed 90 days after sentencing.
17 If the victim subsequently discovers further losses, the vic-
18 tim shall have 60 days after discovery of those losses in
19 which to petition the court for an amended restitution
20 order. Such order may be granted only upon a showing
21 of good cause for the failure to include such losses in the
22 initial claim for restitutionary relief.

23 “(d) DEFINITIONS.—For purposes of this section, the
24 term ‘victim’ includes the individual harmed as a result
25 of a commission of a crime under this chapter, including,

1 in the case of a victim who is under 18 years of age, in-
 2 competent, incapacitated, or deceased, the legal guardian
 3 of the victim or representative of the victim's estate, an-
 4 other family member, or any other person appointed as
 5 suitable by the court: *Provided*, That in no event shall the
 6 defendant be named as such representative or guardian.”.

7 (b) TABLE OF SECTIONS.—The table of sections for
 8 chapter 109A of title 18, United States Code, is amended
 9 by adding at the end thereof the following:

“2248. Mandatory restitution.”.

10 **SEC. 114. AUTHORIZATION FOR FEDERAL VICTIM'S COUN-**
 11 **SELORS.**

12 There is authorized to be appropriated for fiscal year
 13 1993 \$1,500,000 for the United States Attorneys for the
 14 purpose of appointing Victim/Witness Counselors for the
 15 prosecution of sex crimes and domestic violence crimes
 16 where applicable (such as the District of Columbia).

17 **Subtitle B—Law Enforcement and**
 18 **Prosecution Grants to Reduce**
 19 **Violent Crimes Against Women**

20 **SEC. 121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
 21 **WOMEN.**

22 (a) IN GENERAL.—Title I of the Omnibus Crime
 23 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
 24 et seq.) is amended by—

25 (1) redesignating part P as part Q;

1 targeting violent crimes against women, including
2 the crimes of sexual assault and domestic violence;

3 “(3) developing and implementing police and
4 prosecution policies, protocols, or orders specifically
5 devoted to identifying and responding to violent
6 crimes against women, including the crimes of sex-
7 ual assault and domestic violence;

8 “(4) developing, installing, or expanding data
9 collection systems, including computerized systems,
10 linking police, prosecutors, and courts or for the
11 purpose of identifying and tracking arrests, prosecu-
12 tions, and convictions for the crimes of sexual as-
13 sault and domestic violence; and

14 “(5) developing, enlarging, or strengthening vic-
15 tim services programs, including sexual assault and
16 domestic violence programs, to increase reporting
17 and reduce attrition rates for cases involving violent
18 crimes against women, including the crimes of sex-
19 ual assault and domestic violence.

20 **“Subpart 1—High Intensity Crime Area Grants**

21 **“SEC. 1611. HIGH INTENSITY GRANTS.**

22 “(a) IN GENERAL.—The Director of the Bureau of
23 Justice Assistance (referred to in this part as the ‘Direc-
24 tor’) shall make grants to areas of ‘high intensity crime’
25 against women.

1 “(b) DEFINITION.—For purposes of this part, ‘high
2 intensity crime area’ means an area with one of the 40
3 highest rates of violent crime against women, as deter-
4 mined by the Bureau of Justice Statistics pursuant to sec-
5 tion 1612.

6 “**SEC. 1612. HIGH INTENSITY GRANT APPLICATION.**

7 “(a) COMPUTATION.—Within 45 days after the date
8 of enactment of this part, the Bureau of Justice Statistics
9 shall compile a list of the 40 areas with the highest rates
10 of violent crime against women based on the combined fe-
11 male victimization rate per population for assault, sexual
12 assault (including, but not limited to, rape), murder, rob-
13 bery, and kidnapping (without regard to the relationship
14 between the crime victim and the offenders).

15 “(b) USE OF DATA.—In calculating the combined fe-
16 male victimization rate required by subsection (a), the Bu-
17 reau of Justice Statistics may rely on—

18 “(1) existing data collected by States, munici-
19 palities, Indian reservations or statistical metropoli-
20 tan areas showing the number of police reports of
21 the crimes listed in subsection (a); and

22 “(2) existing data collected by the Federal Bu-
23 reau of Investigation, including data from those gov-
24 ernmental entities already complying with the Na-
25 tional Incident Based Reporting System, showing

1 the number of police reports of crimes listed in sub-
2 section (a).

3 ~~“(c) PUBLICATION.—After compiling the list set~~
4 ~~forth in subsection (a), the Bureau of Justice Statistics~~
5 ~~shall convey it to the Director who shall publish it in the~~
6 ~~Federal Register.~~

7 ~~“(d) QUALIFICATION.—Upon satisfying the terms of~~
8 ~~subsection (c), any high intensity crime area shall be~~
9 ~~qualified for a grant under this subpart upon application~~
10 ~~by the chief executive officer of the governmental entities~~
11 ~~responsible for law enforcement and prosecution of crimi-~~
12 ~~nal offenses within the area and certification that—~~

13 ~~“(1) the funds shall be used to reduce the rate~~
14 ~~of violent crimes against women and for at least 3~~
15 ~~of the purposes outlined in section 1601(b);~~

16 ~~“(2) grantees and subgrantees shall develop a~~
17 ~~plan for implementation, and otherwise consult and~~
18 ~~coordinate program grants, with nongovernmental~~
19 ~~nonprofit victim services programs; and~~

20 ~~“(3) at least 25 percent of the amount granted~~
21 ~~shall be allocated, without duplication, to each of the~~
22 ~~following three areas: prosecution, law enforcement,~~
23 ~~and victim services.~~

24 ~~“(e) APPLICATION REQUIREMENTS.—The application~~
25 ~~requirements provided in section 513 of this title shall~~

1 apply to grants made under this subpart. In addition, each
2 application must provide the certifications required by
3 subsection (d) including documentation from nonprofit
4 nongovernmental victim services programs showing their
5 participation in developing the plan required by subsection
6 (d)(2). Applications shall—

7 “(1) include documentation from the prosecu-
8 tion, law enforcement, and victim services programs
9 to be assisted showing—

10 “(A) need for the grant funds;

11 “(B) intended use of the grant funds;

12 “(C) expected results from the use of grant
13 funds; and

14 “(D) demographic characteristics of the
15 population to be served, including age, marital
16 status, disability, race, ethnicity, and language
17 background; and

18 “(2) proof of compliance with the requirements
19 for the payment of forensic medical exams provided
20 in section 162 of this title.

21 “(f) DISBURSEMENT.—

22 “(1) No later than 60 days after the receipt of
23 an application under this subpart, the Director shall
24 either disburse the appropriate sums provided for
25 under this subpart or shall inform the applicant why

1 the application does not conform to the terms of sec-
2 tion 513 of this title or to the requirements of this
3 section.

4 “(2) In disbursing monies under this subpart,
5 the Director shall issue regulations to ensure that
6 grantees—

7 “(A) equitably distribute funds on a geo-
8 graphic basis;

9 “(B) determine the amount of subgrants
10 based on the population to be served;

11 “(C) give priority to areas with the great-
12 est showing of need; and

13 “(D) recognize and address the needs of
14 underserved populations.

15 “(g) GRANTEE REPORTING.—(1) Upon completion of
16 the grant period under this subpart, the grantee shall file
17 a performance report with the Director explaining the ac-
18 tivities carried out together with an assessment of the ef-
19 fectiveness of those activities in achieving the purposes of
20 this part.

21 “(2) A section of the performance report shall be
22 completed by each grantee or subgrantee performing the
23 services contemplated in the grant application, certifying
24 performance of the services under the grants.

1 “(3) The Director shall suspend funding for an ap-
2 proved application if an applicant fails to submit an an-
3 nual performance report or if funds are expended for pur-
4 poses other than those set forth under this subpart. Fed-
5 eral funds may be used to supplement, not supplant, State
6 funds.

7 **“Subpart 2—Other Grants to States To Combat**
8 **Violent Crimes Against Women**

9 **“SEC. 1621. GENERAL GRANTS TO STATES.**

10 “(a) GENERAL GRANTS.—The Director may make
11 grants to States, for use by States, units of local govern-
12 ment in the States, and nonprofit nongovernmental victim
13 services programs in the States, for the purposes outlined
14 in section 1601(b), and to reduce the rate of violent crimes
15 against women.

16 “(b) AMOUNTS.—From amounts appropriated, the
17 amount of grants under subsection (a) shall be—

18 “(1) \$500,000 to each State; and

19 “(2) that portion of the then remaining avail-
20 able money to each State that results from a dis-
21 tribution among the States on the basis of each
22 State’s population in relation to the population of all
23 States.

1 “(c) QUALIFICATION.—Upon satisfying the terms of
2 subsection (d), any State shall be qualified for funds pro-
3 vided under this part upon certification that—

4 “(1) the funds shall be used to reduce the rate
5 of violent crimes against women and for at least 3
6 of the purposes outlined in section 1601(b);

7 “(2) grantees and subgrantees shall develop a
8 plan for implementation, and otherwise consult and
9 coordinate, with nonprofit nongovernmental victim
10 services programs, including sexual assault and do-
11 mestic violence victim services programs;

12 “(3) at least 25 percent of the amount granted
13 shall be allocated, without duplication, to each of the
14 following three areas: prosecution, law enforcement,
15 and victim services.

16 “(d) APPLICATION REQUIREMENTS.—The applica-
17 tion requirements provided in section 513 of this title shall
18 apply to grants made under this subpart. In addition, each
19 application shall include the certifications of qualification
20 required by subsection (c) including documentation from
21 nonprofit nongovernmental victim services programs show-
22 ing their participation in developing the plan required by
23 subsection (c)(2). Applications shall—

1 ~~“(1) include documentation from the prosecu-~~
2 ~~tion, law enforcement, and victim services programs~~
3 ~~to be assisted showing—~~

4 ~~“(A) need for the grant funds;~~

5 ~~“(B) intended use of the grant funds;~~

6 ~~“(C) expected results from the use of grant~~
7 ~~funds; and~~

8 ~~“(D) demographic characteristics of the~~
9 ~~populations to be served, including age, marital~~
10 ~~status, disability, race, ethnicity and language~~
11 ~~background; and~~

12 ~~“(2) proof of compliance with the requirements~~
13 ~~for the payment of forensic medical exams provided~~
14 ~~in section 162 of this title.~~

15 ~~“(e) DISBURSEMENT.—(1) No later than 60 days~~
16 ~~after the receipt of an application under this subpart, the~~
17 ~~Director shall either disburse the appropriate sums pro-~~
18 ~~vided for under this subpart or shall inform the applicant~~
19 ~~why the application does not conform to the terms of sec-~~
20 ~~tion 513 of this title or to the requirements of this section.~~

21 ~~“(2) In disbursing monies under this subpart, the Di-~~
22 ~~rector shall issue regulations to ensure that States will—~~

23 ~~“(A) give priority to areas with the greatest~~
24 ~~showing of need;~~

1 “(B) determine the amount of subgrants based
2 on the population and geographic area to be served;

3 “(C) equitably distribute monies on a geo-
4 graphic basis including nonurban and rural areas,
5 and giving priority to localities with populations
6 under 100,000; and

7 “(D) recognize and address the needs of under-
8 served populations.

9 “(f) GRANTEE REPORTING.—Upon completion of the
10 grant period under this subpart, the State grantee shall
11 file a performance report with the Director explaining the
12 activities carried out together with an assessment of the
13 effectiveness of those activities in achieving the purposes
14 of this subpart. A section of this performance report shall
15 be completed by each grantee and subgrantee that per-
16 formed the direct services contemplated in the application,
17 certifying performance of direct services under the grant.
18 The Director shall suspend funding for an approved appli-
19 cation if an applicant fails to submit an annual perform-
20 ance report or if funds are expended for purposes other
21 than those set forth under this subpart. Federal funds
22 may only be used to supplement, not supplant, State
23 funds.

1 ~~“SEC. 1622. GENERAL GRANTS TO TRIBES.~~

2 ~~“(a) GENERAL GRANTS.—The Director is authorized~~
3 ~~to make grants to Indian tribes, for use by tribes, tribal~~
4 ~~organizations or nonprofit nongovernmental victim serv-~~
5 ~~ices programs on Indian reservations, for the purposes~~
6 ~~outlined in section 1401(b), and to reduce the rate of vio-~~
7 ~~lent crimes against women in Indian country.~~

8 ~~“(b) AMOUNTS.—From amounts appropriated, the~~
9 ~~amount of grants under subsection (a) shall be awarded~~
10 ~~on a competitive basis to tribes, with minimum grants of~~
11 ~~\$35,000 and maximum grants of \$300,000.~~

12 ~~“(c) QUALIFICATION.—Upon satisfying the terms of~~
13 ~~subsection (d), any tribe shall be qualified for funds pro-~~
14 ~~vided under this part upon certification that—~~

15 ~~“(1) the funds shall be used to reduce the rate~~
16 ~~of violent crimes against women and for at least 3~~
17 ~~of the purposes outlined in section 1401(b);~~

18 ~~“(2) grantees and subgrantees shall develop a~~
19 ~~plan for implementation, and otherwise consult and~~
20 ~~coordinate with nonprofit; and~~

21 ~~“(3) at least 25 percent of the grant funds shall~~
22 ~~be allocated to each of the following three areas:~~
23 ~~prosecution, law enforcement, and victim services.~~

24 ~~“(d) APPLICATION REQUIREMENTS.—(1) Applica-~~
25 ~~tions shall be made directly to the Director and shall con-~~
26 ~~tain a description of the tribes’ law enforcement respon-~~

1 sibilities for the Indian country described in the applica-
2 tion and a description of the tribes' system of courts, in-
3 cluding whether the tribal government operates courts of
4 Indian offenses under section 201 of Public Law 90-284
5 (25 U.S.C. 1301) or part 11 of title 25, Code of Federal
6 Regulations.

7 “(2) Applications shall be in such form as the Direc-
8 tor may prescribe and shall specify the nature of the pro-
9 gram proposed by the applicant tribe, the data and infor-
10 mation on which the program is based, and the extent to
11 which the program plans to use or incorporate existing
12 victim services available in the Indian country where the
13 grant will be used.

14 “(3) The term of any grant shall be for a minimum
15 of 3 years.

16 “(e) GRANTEE REPORTING.—At the end of the first
17 12 months of the grant period and at the end of each year
18 thereafter, the Indian tribal grantee shall file a perform-
19 ance report with the Director explaining the activities car-
20 ried out together with an assessment of the effectiveness
21 of those activities in achieving the purposes of this sub-
22 part. A section of this performance report shall be com-
23 pleted by each grantee or subgrantee that performed the
24 direct services contemplated in the application, certifying
25 performance of direct services under the grant. The Direc-

1 tor shall suspend funding for an approved application if
 2 an applicant fails to submit an annual performance report
 3 or if funds are expended for purposes other than those
 4 set forth under this subpart. Federal funds may only be
 5 used to supplement, not supplant, State funds.

6 “(f) DEFINITIONS.—(1) The term ‘Indian tribe’
 7 means any Indian tribe, band, nation, or other organized
 8 group or community, including any Alaska Native village
 9 or regional or village corporation (as defined in, or estab-
 10 lished pursuant to, the Alaska Native Claims Settlement
 11 Act (43 U.S.C. 1601 et seq.)), which is recognized as eligi-
 12 ble for the special services provided by the United States
 13 to Indians because of their status as Indians.

14 “(2) The term ‘Indian country’ has the meaning stat-
 15 ed in section 1151 of title 18, United States Code.

16 **“Subpart 3—General Terms and Conditions**

17 **“SEC. 1631. GENERAL DEFINITIONS.**

18 “As used in this part—

19 “(1) the term ‘victim services’ means any non-
 20 governmental nonprofit organization that assists vic-
 21 tims, including rape crisis centers, battered women’s
 22 shelters, or other rape or domestic violence pro-
 23 grams, including nonprofit nongovernmental organi-
 24 zations assisting victims through the legal process;

1 “(2) the term ‘prosecution’ means any public
2 agency charged with direct responsibility for pros-
3 ecuting criminal offenders, including such agency’s
4 component bureaus (such as governmental victim/
5 witness programs);

6 “(3) the term ‘law enforcement’ means any
7 public agency charged with policing functions, in-
8 cluding any of its component bureaus (such as gov-
9 ernmental victim services programs);

10 “(4) the term ‘sexual assault’ includes not only
11 assaults committed by offenders who are strangers
12 to the victim but also assaults committed by offend-
13 ers who are known or related by blood or marriage
14 to the victim;

15 “(5) the term ‘domestic violence’ includes felony
16 or misdemeanor offenses committed by a current or
17 former spouse of the victim, a person with whom the
18 victim shares a child in common, a person who is co-
19 habitating with or has cohabitated with the victim as
20 a spouse, a person similarly situated to a spouse of
21 the victim under the domestic or family violence laws
22 of the jurisdiction receiving grant monies, or com-
23 mitted by any other adult person upon a victim who
24 is protected from that person’s acts under the do-

1 mestic or family violence laws of the jurisdiction re-
2 ceiving grant monies; and

3 “(6) the term ‘underserved populations’ in-
4 cludes populations underserved because of geo-
5 graphic location (such as rural isolation), under-
6 served racial or ethnic populations, and populations
7 underserved because of special needs, such as lan-
8 guage barriers or physical disabilities.

9 **“SEC. 1632. GENERAL TERMS AND CONDITIONS.**

10 “(a) NONMONETARY ASSISTANCE.—In addition to
11 the assistance provided under subparts 1 or 2, the Direc-
12 tor may direct any Federal agency, with or without reim-
13 bursement, to use its authorities and the resources grant-
14 ed to it under Federal law (including personnel, equip-
15 ment, supplies, facilities, and managerial, technical, and
16 advisory services) in support of State and local assistance
17 efforts.

18 “(b) BUREAU REPORTING.—No later than 180 days
19 after the end of each fiscal year for which grants are made
20 under this part, the Director shall submit to the Judiciary
21 Committees of the House and the Senate a report that
22 includes, for each high intensity crime area (as provided
23 in subpart 1) and for each State and for each grantee In-
24 dian tribe (as provided in subpart 2)—

1 ~~“(1) the amount of grants made under this~~
2 ~~part;~~

3 ~~“(2) a summary of the purposes for which those~~
4 ~~grants were provided and an evaluation of their~~
5 ~~progress;~~

6 ~~“(3) a statistical summary of persons served,~~
7 ~~detailing the nature of victimization, and providing~~
8 ~~data on age, sex, relationship of victim to offender,~~
9 ~~geographic distribution, race, ethnicity, language,~~
10 ~~and disability; and~~

11 ~~“(4) a copy of each grantee report filed pursu-~~
12 ~~ant to sections 1612(g), 1621(f), and 1622(c).~~

13 ~~“(c) REGULATIONS.—No later than 90 days after the~~
14 ~~date of enactment of this part, the Director shall publish~~
15 ~~proposed regulations implementing this part. No later~~
16 ~~than 120 days after such date, the Director shall publish~~
17 ~~final regulations implementing this part.~~

18 ~~“(d) AUTHORIZATION OF APPROPRIATIONS.—There~~
19 ~~are authorized to be appropriated for each of fiscal years~~
20 ~~1993, 1994, and 1995, \$100,000,000 to carry out subpart~~
21 ~~1, and \$190,000,000 to carry out subpart 2, and~~
22 ~~\$10,000,000 to carry out section 1622 of subpart 2.”.~~

1 **Subtitle C—Safety for Women in**
 2 **Public Transit and Public Parks**

3 ~~SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-~~
 4 ~~VENT CRIME IN PUBLIC TRANSPORTATION.~~

5 Section 24 of the Urban Mass Transportation Act of
 6 1964 (49 U.S.C. App. 1620) is amended to read as fol-
 7 lows:

8 ~~“GRANTS TO PREVENT CRIME IN PUBLIC~~
 9 ~~TRANSPORTATION~~

10 ~~“SEC. 24. (a) GENERAL PURPOSE.—From funds au-~~
 11 ~~thorized under section 21, not to exceed \$10,000,000, the~~
 12 ~~Secretary shall make capital grants for the prevention of~~
 13 ~~crime and to increase security in existing and future public~~
 14 ~~transportation systems. None of the provisions of this Act~~
 15 ~~may be construed to prohibit the financing of projects~~
 16 ~~under this section where law enforcement responsibilities~~
 17 ~~are vested in a local public body other than the grant ap-~~
 18 ~~plicant.~~

19 ~~“(b) GRANTS FOR LIGHTING, CAMERA SURVEIL-~~
 20 ~~LANCE, AND SECURITY PHONES.—~~

21 ~~“(1) From the sums authorized for expenditure~~
 22 ~~under this section for crime prevention, the Sec-~~
 23 ~~retary is authorized to make grants and loans to~~
 24 ~~States and local public bodies or agencies for the~~

1 purpose of increasing the safety of public transpor-
2 tation by—

3 “(A) increasing lighting within or adjacent
4 to public transportation systems, including bus
5 stops, subway stations, parking lots, or garages;

6 “(B) increasing camera surveillance of
7 areas within and adjacent to public transpor-
8 tation systems, including bus stops, subway sta-
9 tions, parking lots, or garages;

10 “(C) providing emergency phone lines to
11 contact law enforcement or security personnel
12 in areas within or adjacent to public transpor-
13 tation systems, including bus stops, subway sta-
14 tions, parking lots, or garages; or

15 “(D) any other project intended to increase
16 the security and safety of existing or planned
17 public transportation systems.

18 “(2) From the sums authorized under this sec-
19 tion, at least 75 percent shall be expended on
20 projects of the type described in subsection (b)(1)
21 (A) and (B).

22 “(c) REPORTING.—All grants under this section are
23 contingent upon the filing of a report with the Secretary
24 and the Department of Justice, Office of Victims of
25 Crime, showing crime rates in or adjacent to public trans-

1 portation before, and for a 1-year period after, the capital
2 improvement. Statistics shall be broken down by type of
3 crime, sex, race, ethnicity, language, and relationship of
4 victim to the offender.

5 “(d) INCREASED FEDERAL SHARE.—Notwithstand-
6 ing any other provision of this Act, the Federal share
7 under this section for each capital improvement project
8 which enhances the safety and security of public transpor-
9 tation systems and which is not required by law (including
10 any other provision of this chapter) shall be 90 percent
11 of the net project cost of such project.

12 “(e) SPECIAL GRANTS FOR PROJECTS TO STUDY IN-
13 CREASING SECURITY FOR WOMEN.—From the sums au-
14 thorized under this section, the Secretary shall provide
15 grants and loans for the purpose of studying ways to re-
16 duce violent crimes against women in public transit
17 through better design or operation of public transit sys-
18 tems.

19 “(f) GENERAL REQUIREMENTS.—All grants or loans
20 provided under this section shall be subject to all the
21 terms, conditions, requirements, and provisions applicable
22 to grants and loans made under section 2(a).”

1 **SEC. 132. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
2 **VENT CRIME IN NATIONAL PARKS.**

3 Public Law 91-383 (commonly known as the Na-
4 tional Park System Improvements in Administration Act)
5 (16 U.S.C. 1a-1 et seq.) is amended by adding at the end
6 the following new section:

7 **“SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION AS-**
8 **SISTANCE.**

9 “(a) From the sums authorized pursuant to section
10 7 of the Land and Water Conservation Act of 1965, not
11 to exceed \$10,000,000, the Secretary of the Interior may
12 provide Federal assistance to reduce the incidence of vio-
13 lent crime in the National Park System.

14 “(b) The Secretary shall direct the chief official re-
15 sponsible for law enforcement within the National Park
16 Services to—

17 “(1) compile a list of areas within the National
18 Park System with the highest rates of violent crime;

19 “(2) make recommendations concerning capital
20 improvements, and other measures, needed within
21 the National Park System to reduce the rates of vio-
22 lent crime, including the rate of sexual assault; and

23 “(3) publish the information required by para-
24 graphs (1) and (2) in the Federal Register.

25 “(c) No later than 120 days after the date of enact-
26 ment of this section, and based on the recommendations

1 and list issued pursuant to subsection (b), the Secretary
 2 shall distribute funds throughout the National Park Serv-
 3 ice. Priority shall be given to those areas with the highest
 4 rates of sexual assault.

5 “(d) Funds provided under this section may be used
 6 for the following purposes:

7 “(1) To increase lighting within or adjacent to
 8 public parks and recreation areas.

9 “(2) To provide emergency phone lines to con-
 10 tact law enforcement or security personnel in areas
 11 within or adjacent to public parks and recreation
 12 areas.

13 “(3) To increase security or law enforcement
 14 personnel within or adjacent to public parks and
 15 recreation areas.

16 “(4) Any other project intended to increase the
 17 security and safety of public parks and recreation
 18 areas.”.

19 **SEC. 133. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
 20 **VENT CRIME IN PUBLIC PARKS.**

21 Section 6 of the Land and Water Conservation Fund
 22 Act of 1965 (16 U.S.C. 4601-8) is amended by adding
 23 at the end the following new subsection:

24 “(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS
 25 TO REDUCE CRIME.—In addition to assistance for plan-

1 ning projects, and in addition to the projects identified
2 in subsection (e), and from amounts appropriated, the
3 Secretary shall provide financial assistance to the States,
4 not to exceed \$15,000,000 in total, for the following types
5 of projects or combinations thereof:

6 “(1) For the purpose of making capital im-
7 provements and other measures to increase safety in
8 urban parks and recreation areas, including funds
9 to—

10 “(A) increase lighting within or adjacent to
11 public parks and recreation areas;

12 “(B) provide emergency phone lines to con-
13 tact law enforcement or security personnel in
14 areas within or adjacent to public parks and
15 recreation areas;

16 “(C) increase security personnel within or
17 adjacent to public parks and recreation areas;
18 and

19 “(D) any other project intended to increase
20 the security and safety of public parks and
21 recreation areas.

22 “(2) In addition to the requirements for project
23 approval imposed by this section, eligibility for as-
24 sistance under this subsection is dependent upon a
25 showing of need. In providing funds under this sub-

1 section, the Secretary shall give priority to those
 2 projects proposed for urban parks and recreation
 3 areas with the highest rates of crime and, in particu-
 4 lar, to urban parks and recreation areas with the
 5 highest rates of sexual assault.

6 “(3) Notwithstanding subsection (c), the Sec-
 7 retary may provide 70 percent improvement grants
 8 for projects undertaken by any State for the pur-
 9 poses outlined in this subsection. The remaining
 10 share of the cost shall be borne by the State.”.

11 **Subtitle D—National Commission** 12 **on Violence Against Women**

13 **SEC. 141. ESTABLISHMENT.**

14 There is established a commission to be known as the
 15 National Commission on Violence Against Women (re-
 16 ferred to as the “Commission”).

17 **SEC. 142. DUTIES OF COMMISSION.**

18 (a) **GENERAL PURPOSE OF THE COMMISSION.**—The
 19 Commission shall carry out activities for the purposes of
 20 promoting a national policy on violent crime against
 21 women, and for making recommendations for how to re-
 22 duce violent crime against women.

23 (b) **FUNCTIONS.**—The Commission shall—

24 (1) evaluate the adequacy of, and make rec-
 25 ommendations regarding, current law enforcement

1 efforts at the Federal and State levels to reduce the
2 rate of violent crimes against women;

3 (2) evaluate the adequacy of, and make rec-
4 ommendations regarding, the responsiveness of State
5 prosecutors and State courts to violent crimes
6 against women;

7 (3) evaluate the adequacy of, and make rec-
8 ommendations regarding, the adequacy of current
9 education, prevention, and protection services for
10 women victims of violent crime;

11 (4) evaluate the adequacy of, and make rec-
12 ommendations regarding, the role of the Federal
13 Government in reducing violent crimes against
14 women;

15 (5) evaluate the adequacy of, and make rec-
16 ommendations regarding, national public awareness
17 and the public dissemination of information essential
18 to the prevention of violent crimes against women;

19 (6) evaluate the adequacy of, and make rec-
20 ommendations regarding, data collection and govern-
21 ment statistics on the incidence and prevalence of
22 violent crimes against women;

23 (7) evaluate the adequacy of, and make rec-
24 ommendations regarding, the adequacy of State and
25 Federal laws on sexual assault and the need for a

1 more uniform statutory response to sex offenses, in-
 2 cluding sexual assaults and other sex offenses com-
 3 mitted by offenders who are known or related by
 4 blood or marriage to the victim;

5 (8) evaluate the adequacy of, and make rec-
 6 ommendations regarding, the adequacy of State and
 7 Federal laws on domestic violence and the need for
 8 a more uniform statutory response to domestic vio-
 9 lence; and

10 (9) evaluate and make recommendations re-
 11 garding the feasibility of maintaining the confiden-
 12 tiality of addresses of domestic violence victims in
 13 voting, welfare, licensed public utilities, and other
 14 public records.

15 **SEC. 143. MEMBERSHIP.**

16 (a) NUMBER AND APPOINTMENT.—

17 (1) APPOINTMENT.—The Commission shall be
 18 composed of 15 members as follows:

19 (A) Five members shall be appointed by
 20 the President—

21 (i) 3 of whom shall be—

22 (I) the Attorney General;

23 (II) the Secretary of Health and
 24 Human Services; and

1 (III) the Director of the Federal
2 Bureau of Investigation,
3 who shall be nonvoting members, except
4 that in the case of a tie vote by the Com-
5 mission, the Attorney General shall be a
6 voting member;

7 (ii) two of whom shall be selected
8 from the general public on the basis of
9 such individuals being specially qualified to
10 serve on the Commission by reason of their
11 education, training, or experience; and

12 (iii) at least one of whom shall be se-
13 lected for their experience in providing
14 services to women victims of sexual assault
15 or domestic violence.

16 (B) Five members shall be appointed by
17 the Speaker of the House of Representatives on
18 the joint recommendation of the Majority and
19 Minority Leaders of the House of Representa-
20 tives.

21 (C) Five members shall be appointed by
22 the President pro tempore of the Senate on the
23 joint recommendation of the Majority and Mi-
24 nority Leaders of the Senate.

1 (2) CONGRESSIONAL COMMITTEE REC-
2 COMMENDATIONS.—In making appointments under
3 subparagraphs (B) and (C) of paragraph (1), the
4 Majority and Minority Leaders of the House of Rep-
5 resentatives and the Senate shall duly consider the
6 recommendations of the Chairmen and Ranking Mi-
7 nority Members of committees with jurisdiction over
8 laws contained in title 18 of the United States Code.

9 (3) REQUIREMENTS OF APPOINTMENTS.—The
10 Majority and Minority Leaders of the Senate and
11 the House of Representatives shall—

12 (A) select persons who are specially quali-
13 fied to serve on the Commission by reason of
14 their experience in State or national efforts to
15 fight violence against women and demonstrate
16 experience in State or national advocacy or
17 service organizations specializing in sexual as-
18 sault and domestic violence; and

19 (B) engage in consultations for the pur-
20 pose of ensuring that the expertise of the ten
21 members appointed by the Speaker of the
22 House of Representatives and the President pro
23 tempore of the Senate shall provide as much of
24 a balance as possible and, to the greatest extent
25 possible, include representatives from law en-

1 forcement, prosecution, judicial administration,
2 legal expertise, public health, social work, victim
3 compensation boards, victim advocacy, and sur-
4 vivors of violence.

5 (4) ~~TERM OF MEMBERS.~~—Members of the Com-
6 mission (other than members appointed under para-
7 graph (1)(A)(i)) shall serve for the life of the Com-
8 mission.

9 (5) ~~VACANCY.~~—A vacancy on the Commission
10 shall be filled in the manner in which the original
11 appointment was made.

12 (b) ~~CHAIRMAN.~~—Not later than 15 days after the
13 members of the Commission are appointed, such members
14 shall select a Chairman from among the members of the
15 Commission.

16 (c) ~~QUORUM.~~—Seven members of the Commission
17 shall constitute a quorum, but a lesser number may be
18 authorized by the Commission to conduct hearings.

19 (d) ~~MEETINGS.~~—The Commission shall hold its first
20 meeting on a date specified by the Chairman, but such
21 date shall not be later than 60 days after the date of the
22 enactment of this Act. After the initial meeting, the Com-
23 mission shall meet at the call of the Chairman or a major-
24 ity of its members, but shall meet at least 6 times.

1 (e) ~~PAY.~~—Members of the Commission who are offi-
2 cers or employees or elected officials of a government en-
3 tity shall receive no additional compensation by reason of
4 their service on the Commission.

5 (f) ~~PER DIEM.~~—Except as provided in subsection (e),
6 members of the Commission shall be allowed travel and
7 other expenses, including per diem in lieu of subsistence,
8 at rates authorized for employees of agencies under sec-
9 tions 5702 and 5703 of title 5, United States Code.

10 (g) ~~DEADLINE FOR APPOINTMENT.~~—Not later than
11 45 days after the date of enactment of this Act, the mem-
12 bers of the Commission shall be appointed.

13 **SEC. 144. REPORTS.**

14 (a) ~~IN GENERAL.~~—Not later than 1 year after the
15 date on which the Commission is fully constituted under
16 section 143, the Commission shall prepare and submit a
17 final report to the President and to congressional commit-
18 tees that have jurisdiction over legislation addressing vio-
19 lent crimes against women, including the crimes of domes-
20 tic and sexual assault.

21 (b) ~~CONTENTS.~~—The final report submitted under
22 paragraph (1) shall contain a detailed statement of the
23 activities of the Commission and of the findings and con-
24 clusions of the Commission, including such recommenda-

1 tions for legislation and administrative action as the Com-
2 mission considers appropriate.

3 **SEC. 145. EXECUTIVE DIRECTOR AND STAFF.**

4 (a) EXECUTIVE DIRECTOR.—

5 (1) APPOINTMENT.—The Commission shall
6 have an Executive Director who shall be appointed
7 by the Chairman, with the approval of the Commis-
8 sion, not later than 30 days after the Chairman is
9 selected.

10 (2) COMPENSATION.—The Executive Director
11 shall be compensated at a rate not to exceed the
12 maximum rate of the basic pay payable for a posi-
13 tion above GS-15 of the General Schedule contained
14 in title 5, United States Code.

15 (b) STAFF.—With the approval of the Commission,
16 the Executive Director may appoint and fix the compensa-
17 tion of such additional personnel as the Executive Director
18 considers necessary to carry out the duties of the Commis-
19 sion.

20 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The
21 Executive Director and the additional personnel of the
22 Commission appointed under subsection (b) may be ap-
23 pointed without regard to the provisions of title 5, United
24 States Code, governing appointments in the competitive
25 service, and may be paid without regard to the provisions

1 of chapter 51 and subchapter III of chapter 53 of such
2 title relating to classification and General Schedule pay
3 rates.

4 (d) CONSULTANTS.—Subject to such rules as may be
5 prescribed by the Commission, the Executive Director may
6 procure temporary or intermittent services under section
7 3109(b) of title 5, United States Code, at rates for individ-
8 uals not to exceed \$200 per day.

9 **SEC. 146. POWERS OF COMMISSION.**

10 (a) HEARINGS.—For the purpose of carrying out this
11 subtitle, the Commission may conduct such hearings, sit
12 and act at such times and places, take such testimony,
13 and receive such evidence, as the Commission considers
14 appropriate. The Commission may administer oaths before
15 the Commission.

16 (b) DELEGATION.—Any member or employee of the
17 Commission may, if authorized by the Commission, take
18 any action that the Commission is authorized to take
19 under this subtitle.

20 (c) ACCESS TO INFORMATION.—The Commission
21 may request directly from any executive department or
22 agency such information as may be necessary to enable
23 the Commission to carry out this subtitle, on the request
24 of the Chairman of the Commission.

1 (d) ~~MAILS.~~—The Commission may use the United
 2 States mails in the same manner and under the same con-
 3 ditions as other departments and agencies of the United
 4 States.

5 **SEC. 147. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to carry out
 7 this subtitle \$500,000 for fiscal year 1993.

8 **SEC. 148. TERMINATION.**

9 The Commission shall cease to exist 30 days after
 10 the date on which its final report is submitted under sec-
 11 tion 144. The President may extend the life of the Com-
 12 mission for a period of not to exceed 1 year.

13 **Subtitle E—New Evidentiary Rules**

14 **SEC. 151. SEXUAL HISTORY IN ALL CRIMINAL CASES.**

15 The Federal Rules of Evidence are amended by in-
 16 serting after rule 412 the following new rule:

17 **“Rule 412A. Evidence of victim’s past behavior in**
 18 **other criminal cases**

19 “(a) ~~REPUTATION AND OPINION EVIDENCE EX-~~
 20 ~~CLUDED.~~—Notwithstanding any other law, in a criminal
 21 case, other than a sex offense case governed by rule 412,
 22 reputation or opinion evidence of the past sexual behavior
 23 of an alleged victim is not admissible.

24 “(b) ~~ADMISSIBILITY.~~—Notwithstanding any other
 25 law, in a criminal case, other than a sex offense case gov-

1 earned by rule 412, evidence of an alleged victim's past sex-
2 ual behavior (other than reputation and opinion evidence)
3 may be admissible if—

4 “(1) the evidence is admitted in accordance
5 with the procedures specified in subdivision (c); and

6 “(2) the probative value of the evidence out-
7 weighs the danger of unfair prejudice.

8 “(c) PROCEDURES.—(1) If the defendant intends to
9 offer evidence of specific instances of the alleged victim's
10 past sexual behavior, the defendant shall make a written
11 motion to offer such evidence not later than 15 days before
12 the date on which the trial in which such evidence is to
13 be offered is scheduled to begin, except that the court may
14 allow the motion to be made at a later date, including dur-
15 ing trial, if the court determines either that the evidence
16 is newly discovered and could not have been obtained ear-
17 lier through the exercise of due diligence or that the issue
18 to which such evidence relates has newly arisen in the
19 case. Any motion made under this paragraph shall be
20 served on all other parties and on the alleged victim.

21 “(2) The motion described in paragraph (1) shall be
22 accompanied by a written offer of proof. If necessary, the
23 court shall order a hearing in chambers to determine if
24 such evidence is admissible. At the hearing, the parties
25 may call witnesses, including the alleged victim and offer

1 relevant evidence. Notwithstanding subdivision (b) of rule
2 104, if the relevancy of the evidence which the defendant
3 seeks to offer in the trial depends upon the fulfillment of
4 a condition of fact, the court, at the hearing in chambers
5 or at a subsequent hearing in chambers scheduled for such
6 purpose, shall accept evidence on the issue of whether such
7 condition of fact is fulfilled and shall determine such issue.

8 “(3) If the court determines on the basis of the hear-
9 ing described in paragraph (2), that the evidence the de-
10 fendant seeks to offer is relevant, not excluded by any
11 other evidentiary rule, and that the probative value of such
12 evidence outweighs the danger of unfair prejudice, such
13 evidence shall be admissible in the trial to the extent an
14 order made by the court specifies the evidence which may
15 be offered and areas with respect to which the alleged vic-
16 tim may be examined or cross-examined. In its order, the
17 court should consider (A) the chain of reasoning leading
18 to its finding of relevance, and (B) why the probative value
19 of the evidence outweighs the danger of unfair prejudice
20 given the potential of the evidence to humiliate and embar-
21 rass the alleged victim and to result in unfair or biased
22 jury inferences.”

1 **SEC. 152. SEXUAL HISTORY IN CIVIL CASES.**

2 The Federal Rules of Evidence, as amended by sec-
3 tion 151, are amended by adding after rule 412A the fol-
4 lowing new rule:

5 **“Rule 412B. Evidence of past sexual behavior in civil**
6 **cases**

7 ~~“(a) REPUTATION AND OPINION EVIDENCE EX-~~
8 ~~CLUDED.—Notwithstanding any other law, in a civil case~~
9 ~~in which a defendant is accused of actionable sexual mis-~~
10 ~~conduct, reputation or opinion evidence of the plaintiff’s~~
11 ~~past sexual behavior is not admissible.~~

12 ~~“(b) ADMISSIBLE EVIDENCE.—Notwithstanding any~~
13 ~~other law, in a civil case in which a defendant is accused~~
14 ~~of actionable sexual misconduct, evidence of a plaintiff’s~~
15 ~~past sexual behavior other than reputation or opinion evi-~~
16 ~~dence may be admissible if—~~

17 ~~“(1) it is admitted in accordance with the pro-~~
18 ~~cedures specified in subdivision (c); and~~

19 ~~“(2) the probative value of the evidence out-~~
20 ~~weighs the danger of unfair prejudice.~~

21 ~~“(c) PROCEDURES.—(1) If the defendant intends to~~
22 ~~offer evidence of specific instances of the plaintiff’s past~~
23 ~~sexual behavior, the defendant shall make a written mo-~~
24 ~~tion to offer such evidence not later than 15 days before~~
25 ~~the date on which the trial in which such evidence is to~~
26 ~~be offered is scheduled to begin, except that the court may~~

1 allow the motion to be made at a later date, including dur-
2 ing trial, if the court determines either that the evidence
3 is newly discovered and could not have been obtained ear-
4 lier through the exercise of due diligence or that the issue
5 to which such evidence relates has newly arisen in the
6 case. Any motion made under this paragraph shall be
7 served on all other parties and on the plaintiff.

8 “(2) The motion described in paragraph (1) shall be
9 accompanied by a written offer of proof. If necessary, the
10 court shall order a hearing in chambers to determine if
11 such evidence is admissible. At the hearing, the parties
12 may call witnesses, including the plaintiff and offer rel-
13 evant evidence. Notwithstanding subdivision (b) of rule
14 104, if the relevancy of the evidence that the defendant
15 seeks to offer in the trial depends upon the fulfillment of
16 a condition of fact, the court, at the hearing in chambers
17 or at a subsequent hearing in chambers scheduled for the
18 purpose, shall accept evidence on the issue of whether the
19 condition of fact is fulfilled and shall determine such issue.

20 “(3) If the court determines on the basis of the hear-
21 ing described in paragraph (2) that the evidence the de-
22 fendant seeks to offer is relevant and not excluded by any
23 other evidentiary rule, and that the probative value of the
24 evidence outweighs the danger of unfair prejudice, the evi-
25 dence shall be admissible in the trial to the extent an order

1 made by the court specifies evidence that may be offered
2 and areas with respect to which the plaintiff may be exam-
3 ined or cross-examined. In its order, the court should con-
4 sider—

5 “(A) the chain of reasoning leading to its find-
6 ing of relevance; and

7 “(B) why the probative value of the evidence
8 outweighs the danger of unfair prejudice given the
9 potential of the evidence to humiliate and embarrass
10 the alleged victim and to result in unfair or biased
11 jury inferences.

12 “(d) DEFINITIONS.—For purposes of this rule, a case
13 involving a claim of actionable sexual misconduct, includes
14 sexual harassment or sex discrimination claims brought
15 pursuant to title VII of the Civil Rights Act of 1964 (42
16 U.S.C. 2000(e)) and gender bias claims brought pursuant
17 to title III of the Violence Against Women Act of 1993.”.

18 **SEC. 153. AMENDMENTS TO RAPE SHIELD LAW.**

19 Rule 412 of the Federal Rules of Evidence is
20 amended—

21 (1) by adding at the end the following new sub-
22 divisions:

23 “(e) INTERLOCUTORY APPEAL.—Notwithstanding
24 any other law, any evidentiary rulings made pursuant to

1 this rule are subject to interlocutory appeal by the govern-
2 ment or by the alleged victim.

3 “(f) **RULE OF RELEVANCE AND PRIVILEGE.**— If the
4 prosecution seeks to offer evidence of prior sexual history,
5 the provisions of this rule may be waived by the alleged
6 victim.”; and

7 (2) by adding at the end of subdivision (c)(3)
8 the following: “In its order, the court should con-
9 sider (A) the chain of reasoning leading to its find-
10 ing of relevance; and (B) why the probative value of
11 the evidence outweighs the danger of unfair preju-
12 dice given the potential of the evidence to humiliate
13 and embarrass the alleged victim and to result in
14 unfair or biased jury inferences.”.

15 **SEC. 154. EVIDENCE OF CLOTHING.**

16 The Federal Rules of Evidence, as amended by sec-
17 tion 152, are amended by adding after rule 412B the fol-
18 lowing new rule:

19 **“Rule 413. Evidence of victim’s clothing as inciting**
20 **violence**

21 “Notwithstanding any other law, in a criminal case
22 in which a person is accused of an offense under chapter
23 109A of title 18, United States Code, evidence of an al-
24 leged victim’s clothing is not admissible to show that the
25 alleged victim incited or invited the offense charged.”.

1 **Subtitle F—Assistance to Victims of**
2 **Sexual Assault**

3 **SEC. 161. EDUCATION AND PREVENTION GRANTS TO RE-**
4 **DUCE SEXUAL ASSAULTS AGAINST WOMEN.**

5 Part A of title XIX of the Public Health and Health
6 Services Act (42 U.S.C. 300w et seq.) is amended by add-
7 ing at the end the following new section:

8 **“SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION**
9 **EDUCATION.**

10 “(a) **PERMITTED USE.**—Notwithstanding section
11 1904(a)(1), amounts transferred by the State for use
12 under this part may be used for rape prevention and edu-
13 cation programs conducted by rape crisis centers or simi-
14 lar nongovernmental nonprofit entities, which programs
15 may include—

16 “(1) educational seminars;

17 “(2) the operation of hotlines;

18 “(3) training programs for professionals;

19 “(4) the preparation of informational materials;

20 and

21 “(5) other efforts to increase awareness of the
22 facts about, or to help prevent, sexual assault, in-
23 cluding efforts to increase awareness in underserved
24 racial, ethnic, and language minority communities.

1 “(b) TARGETING OF EDUCATION PROGRAMS.—
2 States providing grant monies must ensure that at least
3 25 percent of the monies are devoted to education pro-
4 grams targeted for middle school, junior high school, and
5 high school students.

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$65,000,000 for each of fiscal years 1993, 1994, and
9 1995.

10 “(d) LIMITATION.—Funds authorized under this sec-
11 tion may only be used for providing rape prevention and
12 education programs.

13 “(e) DEFINITION.—For purposes of this section, the
14 term ‘rape prevention and education’ includes education
15 and prevention efforts directed at offenses committed by
16 offenders who are not known to the victim as well as of-
17 fenders who are known to the victim.

18 “(f) TERMS.—States shall be allotted funds under
19 this section pursuant to the terms of sections 1902 and
20 1903, and subject to the conditions provided in this sec-
21 tion and sections 1904 through 1909.”.

22 **SEC. 162. RAPE EXAM PAYMENTS.**

23 (a) No State or other grantee is entitled to funds
24 under title I of the Violence Against Women Act of 1993
25 unless the State or other grantee incurs the full cost of

1 forensic medical exams for victims of sexual assault. A
2 State or other grantee does not incur the full medical cost
3 of forensic medical exams if it chooses to reimburse the
4 victim after the fact unless the reimbursement program
5 waives any minimum loss or deductible requirement, pro-
6 vides victim reimbursement within a reasonable time (90
7 days), permits applications for reimbursement within one
8 year from the date of the exam, and provides information
9 to all subjects of forensic medical exams about how to ob-
10 tain reimbursement.

11 (b) Within 90 days after the enactment of this Act,
12 the Director of the Office of Victims of Crime shall pro-
13 pose regulations to implement this section, detailing quali-
14 fied programs. Such regulations shall specify the type and
15 form of information to be provided victims, including pro-
16 visions for multilingual information, where appropriate.

17 **SEC. 163. EDUCATION AND PREVENTION GRANTS TO RE-**

18 **DUCE SEXUAL ABUSE OF FEMALE RUNAWAY,**

19 **HOMELESS, AND STREET YOUTH.**

20 Part A of the Runaway and Homeless Youth Act (42
21 U.S.C. 5711 et seq.) is amended by—

22 (1) redesignating sections 316 and 317 as sec-
23 tions 317 and 318, respectively; and

24 (2) inserting after section 315 the following
25 new section:

1 “(2) the term ‘street youth’ means a female less
2 than 21 years old who spends a significant amount
3 of time on the street or in other areas of exposure
4 to encounters that may lead to sexual abuse.”.

5 **SEC. 164. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.**

6 Rule 32 of the Federal Rules of Criminal Procedure
7 is amended—

8 (1) by striking “and” at the end of subdivision
9 (a)(1)(B);

10 (2) by striking the period at the end of subdivi-
11 sion (a)(1)(C) and inserting “; and”;

12 (3) by inserting after subdivision (a)(1)(C) the
13 following new subdivision:

14 “(D) if sentence is to be imposed for a crime
15 of violence or sexual abuse, address the victim per-
16 sonally if the victim is present at the sentencing
17 hearing and determine if the victim wishes to make
18 a statement and to present any information in rela-
19 tion to the sentence.”;

20 (4) in the penultimate sentence of subdivision
21 (a)(1), by striking “equivalent opportunity” and in-
22 serting “opportunity equivalent to that of the de-
23 fendant’s counsel”;

1 ~~(5)~~ in the last sentence of subdivision ~~(a)(1)~~ by
2 inserting “the victim,” before “or the attorney for
3 the Government.”; and

4 ~~(6)~~ by adding at the end the following new sub-
5 division:

6 ~~“(f) DEFINITIONS.—For purposes of this rule—~~

7 ~~“(1) the term ‘victim’ means any person against~~
8 ~~whom an offense for which a sentence is to be im-~~
9 ~~posed has been committed, but the right of allocu-~~
10 ~~tion under subdivision ~~(a)(1)(D)~~ may be exercised~~
11 ~~instead by—~~

12 ~~“(A) a parent or legal guardian in case the~~
13 ~~victim is below the age of 18 years or incom-~~
14 ~~petent; or~~

15 ~~“(B) 1 or more family members or rel-~~
16 ~~atives designated by the court in case the victim~~
17 ~~is deceased or incapacitated,~~

18 ~~if such person or persons are present at the sentenc-~~
19 ~~ing hearing, regardless of whether the victim is~~
20 ~~present; and~~

21 ~~“(2) the term ‘crime of violence or sexual~~
22 ~~abuse’ means a crime that involved the use or at-~~
23 ~~tempted or threatened use of physical force against~~
24 ~~the person or property of another, or a crime under~~
25 ~~chapter 109A of title 18, United States Code.”.~~

1 **TITLE II—SAFE HOMES FOR**
 2 **WOMEN**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Safe Homes for
 5 Women Act of 1993”.

6 **Subtitle A—Family Violence Pre-**
 7 **vention and Services Act**
 8 **Amendments**

9 **SEC. 211. GRANTS FOR A NATIONAL DOMESTIC VIOLENCE**
 10 **HOTLINE.**

11 The Family Violence Prevention and Services Act (42
 12 U.S.C. 10401 et seq.) is amended by adding at the end
 13 the following new section:

14 **“SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE**
 15 **GRANTS.**

16 “(a) **IN GENERAL.**—The Secretary may award grants
 17 to 1 or more private, nonprofit entities to provide for the
 18 operation of a national, toll-free telephone hotline to pro-
 19 vide information and assistance to victims of domestic vio-
 20 lence.

21 “(b) **ACTIVITIES.**—Funds received by an entity under
 22 this section shall be utilized to open and operate a na-
 23 tional, toll-free domestic violence hotline. Such funds may
 24 be used for activities including—

1 ~~“(1) contracting with a carrier for the use of a~~
2 ~~toll-free telephone line;~~

3 ~~“(2) employing, training and supervising per-~~
4 ~~sonnel to answer incoming calls and provide counsel-~~
5 ~~ing and referral services to callers on a 24-hour-a-~~
6 ~~day basis;~~

7 ~~“(3) assembling, maintaining, and continually~~
8 ~~updating a database of information and resources to~~
9 ~~which callers may be referred throughout the United~~
10 ~~States; and~~

11 ~~“(4) publicizing the hotline to potential users~~
12 ~~throughout the United States.~~

13 ~~“(c) APPLICATION.—A grant, contract or cooperative~~
14 ~~agreement may not be made or entered into under this~~
15 ~~section unless an application for such grant, contract or~~
16 ~~cooperative agreement has been approved by the Sec-~~
17 ~~retary. To be approved by the Secretary under this sub-~~
18 ~~section an application shall—~~

19 ~~“(1) provide such agreements, assurances, and~~
20 ~~information, be in such form and be submitted in~~
21 ~~such manner as the Secretary shall prescribe~~
22 ~~through notice in the Federal Register;~~

23 ~~“(2) include a complete description of the appli-~~
24 ~~cant’s plan for the operation of a national domestic~~
25 ~~violence hotline, including descriptions of—~~

1 “(A) the training program for hotline per-
2 sonnel;

3 “(B) the hiring criteria for hotline person-
4 nel;

5 “(C) the methods for the creation, mainte-
6 nance and updating of a resource database; and

7 “(D) a plan for publicizing the availability
8 of the hotline;

9 “(3) demonstrate that the applicant has nation-
10 ally recognized expertise in the area of domestic vio-
11 lence and a record of high quality service to victims
12 of domestic violence; and

13 “(4) contain such other information as the Sec-
14 retary may require.

15 “(d) SPECIAL CONSIDERATIONS.—In considering an
16 application under subsection (c), the Secretary shall also
17 take into account the applicant’s ability to offer multi-
18 lingual services and services for the hearing impaired.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$500,000 for each of fiscal years 1993, 1994, and 1995.”.

1 **Subtitle B—Interstate Enforcement**

2 **SEC. 221. INTERSTATE ENFORCEMENT.**

3 (a) IN GENERAL.—Part 1 of title 18, United States
4 Code, is amended by inserting after chapter 110 the fol-
5 lowing new chapter:

6 **“CHAPTER 110A—VIOLENCE AGAINST**
7 **SPOUSES**

“Sec. 2261. Traveling to commit spousal abuse.

“Sec. 2262. Interstate violation of protection orders.

“Sec. 2263. Interim protections.

“Sec. 2264. Restitution.

“Sec. 2265. Full faith and credit given to protection orders.

“Sec. 2266. Definitions.

8 **“§ 2261. Traveling to commit spousal abuse**

9 “(a) IN GENERAL.—Any person who travels across
10 State lines—

11 “(1) and who, in the course of or as a result
12 of such travel, commits an act that injures his or
13 her spouse or intimate partner; or

14 “(2) for the purpose of harassing, intimidating,
15 or injuring a spouse or intimate partner and who, in
16 furtherance of that purpose, commits an act that in-
17 jures his or her spouse or intimate partner,

18 shall be fined not more than \$1,000 or imprisoned for not
19 more than 10 years but not less than 3 months, or both,
20 in addition to any fine or term of imprisonment provided
21 under State law.

1 “(b) CAUSING THE CROSSING OF STATE LINES.—

2 Any person who causes a spouse or intimate partner to
3 cross State lines by force, coercion, duress or fraud and,
4 in the course or as a result of that conduct, commits an
5 act that injures his or her spouse or intimate partner shall
6 be punished as provided in subsection (c).

7 “(c) PENALTIES.—A person who violates this section
8 shall be punished as follows:

9 “(1) If permanent disfigurement or life-threat-
10 ening bodily injury results, by imprisonment for not
11 more than 20 years; if serious bodily injury results,
12 by fine under this title or imprisonment for not more
13 than 10 years, or both; if bodily injury results, by
14 fine under this title or imprisonment for not more
15 than 5 years, or both.

16 “(2) If the offense is committed with intent to
17 commit another felony, by fine under this title or im-
18 prisonment for not more than 10 years, or both.

19 “(3) If the offense is committed with a dan-
20 gerous weapon, with intent to do bodily harm, by
21 fine under this title or imprisonment for not more
22 than 5 years, or both.

23 “(4) If the offense constitutes sexual abuse, as
24 that conduct is described under chapter 109A of
25 title 18, United States Code (without regard to

1 whether the offense was committed in the maritime,
 2 territorial or prison jurisdiction of the United
 3 States) by fine or term of imprisonment as provided
 4 for the applicable conduct under chapter 109A.

5 “(d) CRIMINAL INTENT.—The criminal intent of the
 6 offender required to establish an offense under subsection
 7 (b) is the general intent to do the acts that result in injury
 8 to a spouse or intimate partner and not the specific intent
 9 to violate the law of a State.

10 “(e) NO PRIOR STATE ACTION NECESSARY.—Noth-
 11 ing in this section requires a prior criminal prosecution
 12 or conviction or a prior civil protection order issued under
 13 State law to initiate Federal prosecution.

14 **“§ 2262. Interstate violation of protection orders**

15 “(a) IN GENERAL.—Any person against whom a valid
 16 protection order has been entered who travels across State
 17 lines—

18 “(1) and who, in the course of or as a result
 19 of such travel, commits an act that injures his or
 20 her spouse or intimate partner in violation of a valid
 21 protection order issued by a State; or

22 “(2) for the purpose of harassing, injuring,
 23 finding, contacting, or locating a spouse or intimate
 24 partner and who, in furtherance of that purpose,
 25 commits an act that injures his or her spouse or in-

1 intimate partner in violation of a valid protection
2 order issued by a State, shall be punished as pro-
3 vided in subsection (c).

4 “(b) CAUSING THE CROSSING OF STATE LINES.—

5 Any person who causes a spouse or intimate partner to
6 cross State lines by force, coercion, duress, or fraud, and,
7 in the course or as a result of that conduct, commits an
8 act that injures his or her spouse or intimate partner in
9 violation of a valid protection order issued by a State shall
10 be punished as provided in subsection (c).

11 “(c) PENALTIES.—A person who violates this section
12 shall be punished as follows:

13 “(1) If permanent disfigurement or life-threat-
14 ening bodily injury results, by imprisonment for not
15 more than 20 years; if serious bodily injury results,
16 by fine under this title or imprisonment for not more
17 than 10 years, or both; if bodily injury results, by
18 fine under this title or imprisonment for not more
19 than 5 years, or both.

20 “(2) If the offense is committed with intent to
21 commit another felony, by fine under this title or im-
22 prisonment for not more than 10 years, or both.

23 “(3) If the offense is committed with a dan-
24 gerous weapon, with intent to do bodily harm, by

1 fine under this title or imprisonment for not more
2 than 5 years, or both.

3 ~~“(4) If the offender has previously violated any~~
4 ~~prior protection order issued against that person for~~
5 ~~the protection of the same victim, by fine under this~~
6 ~~title or imprisonment for not more than 5 years and~~
7 ~~not less than 6 months, or both.~~

8 ~~“(5) If the offense constitutes sexual abuse, as~~
9 ~~that conduct is described under chapter 109A of~~
10 ~~title 18, United States Code (without regard to~~
11 ~~whether the conduct was committed in the special~~
12 ~~maritime, territorial or prison jurisdiction of the~~
13 ~~United States) by fine or term of imprisonment as~~
14 ~~provided for the applicable offense under chapter~~
15 ~~109A.~~

16 ~~“(d) CRIMINAL INTENT.—The criminal intent re-~~
17 ~~quired to establish the offense provided in subsection (a)~~
18 ~~is the general intent to do the acts which result in injury~~
19 ~~to a spouse or intimate partner and not the specific intent~~
20 ~~to violate a protection order or State law.~~

21 ~~“(e) NO PRIOR STATE ACTION NECESSARY.—Noth-~~
22 ~~ing in this section requires a prior criminal prosecution~~
23 ~~or conviction under State law to initiate Federal prosecu-~~
24 ~~tion.~~

1 **“§ 2263. Interim protections**

2 “(a) IN GENERAL.—In furtherance of the purposes
3 of this chapter, and to protect against abuse of a spouse
4 or intimate partner, any judge or magistrate before whom
5 a criminal case under this chapter is brought, shall have
6 the power to issue temporary orders of protection for the
7 protection of an abused spouse or intimate partner pend-
8 ing final disposition of the case, upon a showing of a likeli-
9 hood of danger to the abused spouse or intimate partner.

10 “(b) LIMITATION ON JURISDICTION.—This section
11 does not confer original jurisdiction in a Federal district
12 court to issue any order of protection in a case of injury
13 to a spouse or intimate partner unless the case—

14 “(1) has been brought by a Federal prosecutor
15 pursuant to section 2261 or 2262; and

16 “(2) includes the interstate nexus required
17 under section 2261 or 2262.

18 “(c) APPLICATION OF STATE LAW.—In issuing a
19 temporary order of protection pursuant to subsection (a),
20 the judge or magistrate shall look to the law of the State
21 where the injury occurred to determine the types of relief
22 that are appropriate.

23 **“§ 2264. Restitution**

24 “(a) IN GENERAL.—In addition to any fine or term
25 of imprisonment provided under this chapter, and notwith-

1 standing section 3663, the court shall order restitution to
2 the victim of an offense under this chapter.

3 ~~“(b) SCOPE AND NATURE OF ORDER.—(1) An order~~
4 of restitution under this section shall direct that—

5 ~~“(A) the defendant pay to the victim (through~~
6 ~~the appropriate court mechanism) the full amount of~~
7 ~~the victim’s losses as determined by the court, pur-~~
8 ~~suant to paragraph (2); and~~

9 ~~“(B) the United States Attorney enforce the~~
10 ~~restitution order by all available and reasonable~~
11 ~~means.~~

12 ~~“(2) For purposes of this subsection, the term ‘full~~
13 ~~amount of the victim’s losses’ includes any costs incurred~~
14 ~~by the victim for—~~

15 ~~“(A) medical services relating to physical, psy-~~
16 ~~chiatric, or psychological care;~~

17 ~~“(B) physical and occupational therapy or reha-~~
18 ~~ilitation;~~

19 ~~“(C) lost income;~~

20 ~~“(D) attorneys’ fees, plus any costs incurred in~~
21 ~~obtaining a civil protection order; and~~

22 ~~“(E) any other losses suffered by the victim as~~
23 ~~a proximate result of the offense.~~

1 ~~“(3) A restitution order under this section is manda-~~
2 ~~tory. A court may not decline to issue an order under this~~
3 ~~section because of—~~

4 ~~“(A) the economic circumstances of the defend-~~
5 ~~ant; or~~

6 ~~“(B) the fact that victim has, or is entitled to,~~
7 ~~receive compensation for his or her injuries from the~~
8 ~~proceeds of insurance.~~

9 ~~“(4)(A) Notwithstanding paragraph (3), the court~~
10 ~~may take into account the economic circumstances of the~~
11 ~~defendant in determining the manner in which and the~~
12 ~~schedule according to which the restitution is to be paid,~~
13 ~~including—~~

14 ~~“(i) the financial resources and other assets of~~
15 ~~the defendant;~~

16 ~~“(ii) projected earnings, earning capacity, and~~
17 ~~other income of the defendant; and~~

18 ~~“(iii) any financial obligations of the offender,~~
19 ~~including obligations to dependents.~~

20 ~~“(B) An order under this section may direct the de-~~
21 ~~fendant to make a single lump-sum payment, or partial~~
22 ~~payments at specified intervals. The order shall provide~~
23 ~~that the defendant’s restitutionary obligation takes prior-~~
24 ~~ity over any criminal fine ordered.~~

1 “(C) If the victim has recovered for any amount of
2 loss through the proceeds of insurance or any other
3 source, the order of restitution shall provide that restitu-
4 tion be paid to the person who provided the compensation,
5 but that restitution shall be paid to the victim for the vic-
6 tim’s other losses before any restitution is paid to any
7 other provider of compensation.

8 “(5) Any amount paid to a victim under this section
9 shall be set off against any amount later recovered as com-
10 pensatory damages by the victim from the defendant in—

11 “(A) any Federal civil proceeding; and

12 “(B) any State civil proceeding, to the extent
13 provided by the law of the State.

14 “(c) PROOF OF CLAIM.—(1) Within 60 days after
15 conviction and, in any event, no later than 10 days prior
16 to sentencing, the United States Attorney (or the United
17 States Attorney’s delegee), after consulting with the vic-
18 tim, shall prepare and file an affidavit with the court list-
19 ing the amounts subject to restitution under this section.
20 The affidavit shall be signed by the United States Attor-
21 ney (or the United States Attorney’s delegee) and the vic-
22 tim. Should the victim object to any of the information
23 included in the affidavit, the United States Attorney (or
24 the United States Attorney’s delegee) shall advise the vic-
25 tim that the victim may file a separate affidavit and shall

1 provide the victim with an affidavit form which may be
2 used to do so.

3 ~~“(2) If no objection is raised by the defendant, the~~
4 amounts attested to in the affidavit filed pursuant to para-
5 graph (1) shall be entered in the court’s restitution order.
6 ~~If objection is raised, the court may require the victim or~~
7 ~~the United States Attorney (or the United States Attor-~~
8 ~~ney’s delegee) to submit further affidavits or other sup-~~
9 ~~porting documents, demonstrating the victim’s losses.~~

10 ~~“(3) If the court concludes, after reviewing the sup-~~
11 ~~porting documentation and considering the defendant’s~~
12 ~~objections, that there is a substantial reason for doubting~~
13 ~~the authenticity or veracity of the records submitted, the~~
14 ~~court may require additional documentation or hear testi-~~
15 ~~mony on those questions. Any records filed, or testimony~~
16 ~~heard, pursuant to this subsection, shall be in camera in~~
17 ~~the judge’s chambers.~~

18 ~~“(4) If the victim’s losses are not ascertainable 10~~
19 ~~days prior to sentencing as provided in subsection (c)(1),~~
20 ~~the United States Attorney (or the United States Attor-~~
21 ~~ney’s delegee) shall so inform the court, and the court~~
22 ~~shall set a date for the final determination of the victim’s~~
23 ~~losses, not to exceed 90 days after sentencing. If the victim~~
24 ~~subsequently discovers further losses, the victim shall have~~
25 ~~60 days after discovery of those losses in which to petition~~

1 the court for an amended restitution order. Such an order
2 may be granted only upon a showing of good cause for
3 the failure to include such losses in the initial claim for
4 restitutionary relief.

5 “(d) RESTITUTION AND CRIMINAL PENALTIES.—An
6 award of restitution to the victim of an offense under this
7 chapter shall not be a substitute for imposition of punish-
8 ment under sections 2261 and 2262.

9 “(e) DEFINITIONS.—For purposes of this section, the
10 term ‘victim’ includes the person harmed as a result of
11 a commission of a crime under this chapter, including, in
12 the case of a victim who is under 18 years of age, incom-
13 petent, incapacitated, or deceased, the legal guardian of
14 the victim or representative of the victim’s estate, another
15 family member, or any other person appointed as suitable
16 by the court, but in no event shall the defendant be named
17 as such a representative or guardian.

18 **“§ 2265. Full faith and credit given to protection or-**
19 **ders**

20 “(a) FULL FAITH AND CREDIT.—Any protection
21 order issued consistent with subsection (b) by the court
22 of 1 State (the issuing State) shall be accorded full faith
23 and credit by the court of another State (the enforcing
24 State) and enforced as if it were the order of the enforcing
25 State.

1 “(b) PROTECTION ORDER.—(1) A protection order
2 issued by a State court is consistent with this subsection
3 if—

4 “(A) the court has jurisdiction over the parties
5 and matter under the law of the State; and

6 “(B) reasonable notice and opportunity to be
7 heard is given to the person against whom the order
8 is sought sufficient to protect that person’s right to
9 due process.

10 “(2) In the case of an order under paragraph (1) that
11 is issued ex parte, notice and opportunity to be heard shall
12 be provided within the time required by State law, and
13 in any event within a reasonable time after the order is
14 issued, sufficient to protect the respondent’s due process
15 rights.

16 “(c) CROSS- OR COUNTER-PETITION.—A protection
17 order issued by a State court against one who has peti-
18 tioned, filed a complaint, or otherwise filed a written
19 pleading for protection against abuse by a spouse or inti-
20 mate partner is not entitled to full faith and credit if—

21 “(1) no cross- or counter-petition, complaint, or
22 other written pleading was filed seeking such a pro-
23 tection order; or

1 ~~“(2) if a cross- or counter-petition has been~~
2 ~~filed, if the court did not make specific findings that~~
3 ~~each party was entitled to such an order.~~

4 **“§ 2266. Definitions**

5 ~~“As used in this chapter—~~

6 ~~“(1) the term ‘spouse or intimate partner’ in-~~
7 ~~cludes—~~

8 ~~“(A) a present or former spouse, a person~~
9 ~~who shares a child in common with an abuser,~~
10 ~~and a person who cohabits or has cohabited~~
11 ~~with an abuser as a spouse; and~~

12 ~~“(B) any other person similarly situated to~~
13 ~~a spouse who is protected by the domestic or~~
14 ~~family violence laws of the State in which the~~
15 ~~injury occurred or where the victim resides, or~~
16 ~~any other adult person who is protected from~~
17 ~~an abuser’s acts under the domestic or family~~
18 ~~violence laws of the State in which the injury~~
19 ~~occurred or where the victim resides;~~

20 ~~“(2) the term ‘protection order’ includes an in-~~
21 ~~junction or other order issued for the purpose of~~
22 ~~preventing violent or threatening acts by 1 spouse~~
23 ~~against his or her spouse or intimate partner, in-~~
24 ~~cluding a temporary or final order issued by a civil~~
25 ~~or criminal court (other than a support or child cus-~~

1 today order or provision) whether obtained by filing
 2 an independent action or as a pendente lite order in
 3 another proceeding, so long as, in the case of a civil
 4 order, the order was issued in response to a com-
 5 plaint, petition, or motion filed by or on behalf of an
 6 abused spouse or intimate partner;

7 “(3) the term ‘act that injures’ includes any
 8 act, except one done in self-defense, that results in
 9 physical injury or sexual abuse;

10 “(4) the term ‘State’ includes a State of the
 11 United States, the District of Columbia, and any In-
 12 dian tribe, commonwealth, territory, or possession of
 13 the United States; and

14 “(5) the term ‘travel across State lines’ includes
 15 any travel except travel across State lines by an In-
 16 dian tribal member when that member remained at
 17 all times on tribal lands.”.

18 (b) TECHNICAL AMENDMENT.—The part analysis for
 19 part 1 of title 18, United States Code, is amended by in-
 20 serting after the item for chapter 110 the following new
 21 item:

“110A. Violence against spouses 2261.”.

1 **Subtitle C—Arrest in Spousal**
2 **Abuse Cases**

3 **SEC. 231. ENCOURAGING ARREST POLICIES.**

4 The Family Violence Prevention and Services Act (42
5 U.S.C. 10401 et seq.), as amended by section 211, is
6 amended by adding at the end the following new section:

7 ~~**“SEC. 317. ENCOURAGING ARREST POLICIES.**~~

8 ~~“(a) PURPOSE.—To encourage States, Indian tribes~~
9 ~~and localities to treat spousal violence as a serious viola-~~
10 ~~tion of criminal law, the Secretary may make grants to~~
11 ~~eligible States, Indian tribes, municipalities, or local gov-~~
12 ~~ernment entities for the following purposes:~~

13 ~~“(1) To implement pro-arrest programs and~~
14 ~~policies in police departments and to improve track-~~
15 ~~ing of cases involving spousal abuse.~~

16 ~~“(2) To centralize police enforcement, prosecu-~~
17 ~~tion, or judicial responsibility for, spousal abuse~~
18 ~~cases in one group or unit of police officers, prosecu-~~
19 ~~tors, or judges.~~

20 ~~“(3) To coordinate computer tracking systems~~
21 ~~to ensure communication between police, prosecu-~~
22 ~~tors, and both criminal and family courts.~~

23 ~~“(4) To educate judges in criminal and other~~
24 ~~courts about spousal abuse and to improve judicial~~
25 ~~handling of such cases.~~

1 “(b) ELIGIBILITY.—(1) Eligible grantees are those
2 States, Indian tribes, municipalities or other local govern-
3 ment entities that—

4 “(A) demonstrate, through arrest and convic-
5 tion statistics, that their laws or policies have been
6 effective in significantly increasing the number of ar-
7 rests made of spouse abusers;

8 “(B) certify that their laws or official policies—

9 “(i) mandate arrest of spouse abusers
10 based on probable cause that violence has been
11 committed; or

12 “(ii) permit warrantless arrests of spouse
13 abusers, encourage the use of that authority,
14 and mandate arrest of spouses violating the
15 terms of a valid and outstanding protection
16 order;

17 “(C) demonstrate that their laws, policies, prac-
18 tices and training programs discourage ‘dual’ arrests
19 of abused and abuser; and

20 “(D) certify that their laws, policies, and prac-
21 tices prohibit issuance of mutual protection orders in
22 cases where only one spouse has sought a protection
23 order, and require findings of mutual aggression to
24 issue mutual protection orders in cases where both
25 parties file a claim.

1 “(2) For purposes of this section—

2 “(A) the term ‘protection order’ includes any
3 injunction issued for the purpose of preventing vio-
4 lent or threatening acts of spouse abuse, including
5 a temporary or final order issued by civil or criminal
6 courts (other than support or child custody orders or
7 provisions) whether obtained by filing an independ-
8 ent action or as a pendente lite order in another pro-
9 ceeding; and

10 “(B) the term ‘spousal or spouse abuse’ in-
11 cludes a felony or misdemeanor offense committed
12 by a current or former spouse of the victim, a per-
13 son with whom the victim shares a child in common,
14 a person who is cohabiting with or has cohabited
15 with the victim as a spouse, a person similarly situ-
16 ated to a spouse of the victim under the domestic or
17 family violence laws of the jurisdiction receiving
18 grant monies, or committed by any other adult per-
19 son upon a victim who is protected from that per-
20 son’s acts under the domestic or family violence laws
21 of the jurisdiction receiving grant monies.

22 “(3) The eligibility requirements provided in this sec-
23 tion shall take effect on the date that is 1 year after the
24 date of enactment of this section.

1 “(c) DELEGATION AND AUTHORIZATION.—The Sec-
2 retary shall delegate to the Attorney General of the United
3 States the Secretary’s responsibilities for carrying out this
4 section. There are authorized to be appropriated not in
5 excess of \$25,000,000 for each fiscal year to be used for
6 the purpose of making grants under this section.

7 “(d) APPLICATION.—An eligible grantee shall submit
8 an application to the Secretary. Such an application
9 shall—

10 “(1) contain a certification by the chief execu-
11 tive officer of the State, Indian tribe, municipality,
12 or local government entity that the conditions of
13 subsection (b) are met;

14 “(2) describe the entity’s plans to further the
15 purposes listed in subsection (a);

16 “(3) identify the agency or office or groups of
17 agencies or offices responsible for carrying out the
18 program; and

19 “(4) identify and include documentation show-
20 ing the nonprofit nongovernmental victim services
21 programs that will be consulted in developing, and
22 implementing, the program.

23 “(e) PRIORITY.—In awarding grants under this sec-
24 tion, the Secretary shall give priority to a grantee that—

1 ~~“(1) does not currently provide for centralized~~
 2 ~~handling of cases involving spousal or family violence~~
 3 ~~in any one of the areas listed in this subsection—~~
 4 ~~police, prosecutors, and courts; and~~

5 ~~“(2) demonstrates a commitment to strong en-~~
 6 ~~forcement of laws, and prosecution of cases, involv-~~
 7 ~~ing spousal or family violence.~~

8 ~~“(f) REPORTING.—Each grantee receiving funds~~
 9 ~~under this section shall submit a report to the Secretary~~
 10 ~~evaluating the effectiveness of the plan described in sub-~~
 11 ~~section (d)(2) and containing such additional information~~
 12 ~~as the Secretary may prescribe.~~

13 ~~“(g) REGULATIONS.—No later than 45 days after the~~
 14 ~~date of enactment of this section, the Secretary shall pub-~~
 15 ~~lish proposed regulations implementing this section. No~~
 16 ~~later than 120 days after such date, the Secretary shall~~
 17 ~~publish final regulations implementing this section.”.~~

18 **Subtitle D—Funding for Shelters**

19 **SEC. 241. AUTHORIZATION OF APPROPRIATIONS.**

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

23 ~~“(a) IN GENERAL.—There are authorized to be ap-~~
 24 ~~propriated to carry out this title \$85,000,000 for fiscal~~

1 year 1993, \$100,000,000 for fiscal year 1994, and
2 \$125,000,000 for fiscal year 1995.”.

3 **Subtitle E—Family Violence Pre-**
4 **vention and Services Act**
5 **Amendments**

6 **SEC. 251. GRANTEE REPORTING.**

7 (a) SUBMISSION OF APPLICATION.—Section
8 303(a)(2)(C) of the Family Violence Prevention and Serv-
9 ices Act (42 U.S.C. 10402(a)(2)(C)) is amended by insert-
10 ing “and a plan to address the needs of underserved popu-
11 lations, including populations underserved because of eth-
12 nic, racial, cultural, language diversity or geographic isola-
13 tion” after “such State”.

14 (b) APPROVAL OF APPLICATION.—Section 303(a) of
15 the Family Violence Prevention and Services Act (42
16 U.S.C. 10402(a)) is amended by adding at the end the
17 following new paragraph:

18 “(4) Upon completion of the activities funded
19 by a grant under this subpart, the State grantee
20 shall file a performance report with the Director ex-
21 plaining the activities carried out together with an
22 assessment of the effectiveness of those activities in
23 achieving the purposes of this subpart. A section of
24 this performance report shall be completed by each
25 grantee or subgrantee that performed the direct

1 services contemplated in the application certifying
 2 performance of direct services under the grant. The
 3 Director shall suspend funding for an approved ap-
 4 plication if an applicant fails to submit an annual
 5 performance report or if the funds are expended for
 6 purposes other than those set forth under this sub-
 7 part, after following the procedures set forth in
 8 paragraph (3). Federal funds may be used only to
 9 supplement, not supplant, State funds.”.

10 **Subtitle F—Youth Education and** 11 **Domestic Violence**

12 **SEC. 261. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.**

13 The Family Violence Prevention and Services Act (42
 14 U.S.C. 10401 et seq.) as amended by section 231, is
 15 amended by adding at the end the following new section:

16 **“SEC. 318. EDUCATING YOUTH ABOUT DOMESTIC VIO-** 17 **LENCE.**

18 “(a) **GENERAL PURPOSE.**—For purposes of this sec-
 19 tion, the Secretary shall delegate the Secretary’s powers
 20 to the Secretary of Education (hereafter in this section
 21 referred to as the “Secretary”). The Secretary shall select,
 22 implement and evaluate 4 model programs for education
 23 of young people about domestic violence and violence
 24 among intimate partners.

1 ~~“(b) NATURE OF PROGRAM.—The Secretary shall se-~~
2 ~~lect, implement and evaluate separate model programs for~~
3 ~~4 different audiences: primary schools, middle schools, sec-~~
4 ~~ondary schools, and institutions of higher education. The~~
5 ~~model programs shall be selected, implemented, and evalu-~~
6 ~~ated in the light of the comments of educational experts,~~
7 ~~legal and psychological experts on battering, and victim~~
8 ~~advocate organizations such as battered women’s shelters,~~
9 ~~State coalitions and resource centers. The participation of~~
10 ~~each of those groups or individual consultants from such~~
11 ~~groups is essential to the selection, implementation, and~~
12 ~~evaluation of programs that meet both the needs of edu-~~
13 ~~cational institutions and the needs of the domestic violence~~
14 ~~problem.~~

15 ~~“(c) REVIEW AND DISSEMINATION.—Not later than~~
16 ~~2 years after the date of enactment of this section, the~~
17 ~~Secretary shall transmit the design and evaluation of the~~
18 ~~model programs, along with a plan and cost estimate for~~
19 ~~nationwide distribution, to the relevant committees of~~
20 ~~Congress for review.~~

21 ~~“(d) AUTHORIZATION OF APPROPRIATIONS.—There~~
22 ~~is authorized to be appropriated to carry out this section~~
23 ~~\$400,000 for fiscal year 1993.”.~~

1 **Subtitle G—Confidentiality for**
2 **Abused Persons**

3 **SEC. 271. CONFIDENTIALITY OF ABUSED PERSON'S AD-**
4 **DRESS.**

5 Not later than 90 days after enactment of this Act,
6 the United States Postal Service shall promulgate regula-
7 tions to secure the confidentiality of domestic violence
8 shelters and abused persons' addresses consistent with the
9 following guidelines:

10 (1) Confidentiality shall be provided to a person
11 upon the presentation to an appropriate postal offi-
12 cial of a valid court order or a police report docu-
13 menting abuse.

14 (2) Confidentiality shall be provided to any do-
15 mestic violence shelter upon presentation to an ap-
16 propriate postal authority of proof from a State do-
17 mestic violence coalition (within the meaning of sec-
18 tion 311 of the Family Violence Prevention and
19 Services Act (42 U.S.C. 10410)) verifying that the
20 organization is a domestic violence shelter.

21 (3) Disclosure of addresses to State or Federal
22 agencies for legitimate law enforcement or other gov-
23 ernmental purposes shall not be prohibited.

24 (4) Compilations of addresses existing at the
25 time the order is presented to an appropriate postal

1 official shall be excluded from the scope of the pro-
2 posed regulations.

3 **Subtitle H—Technical Amendments**

4 **SEC. 281. STATE DOMESTIC VIOLENCE COALITIONS.**

5 Section 311(a) of the Family Violence Prevention and
6 Services Act (42 U.S.C. 10410(a)) is amended—

7 (1) by redesignating paragraphs (1), (2), (3),
8 and (4) as paragraphs (2), (3), (4), and (5);

9 (2) by inserting before paragraph (2), as redес-
10 igned by paragraph (1), the following new para-
11 graph:

12 “(1) working with local domestic violence pro-
13 grams and providers of direct services to encourage
14 appropriate responses to domestic violence within
15 the State, including—

16 “(A) training and technical assistance for
17 local programs and professionals working with
18 victims of domestic violence;

19 “(B) planning and conducting State needs
20 assessments and planning for comprehensive
21 services;

22 “(C) serving as an information clearing-
23 house and resource center for the State; and

24 “(D) collaborating with other governmental
25 systems which affect battered women;”

1 (3) in paragraph (2)(K), as redesignated by
 2 paragraph (1), by striking “and court officials and
 3 other professionals” and inserting “; judges, court
 4 officers and other criminal justice professionals,”;

5 (4) in paragraph (3), as redesignated by para-
 6 graph (1)—

7 (A) by inserting “; criminal court judges,”
 8 after “family law judges,” each place it ap-
 9 pears;

10 (B) in subparagraph (F), by inserting
 11 “custody” after “temporary”; and

12 (C) in subparagraph (H), by striking “su-
 13 pervised visitations that do not endanger vic-
 14 tims and their children,” and inserting “super-
 15 vised visitations or denial of visitation to pro-
 16 tect against danger to victims or their chil-
 17 dren”; and

18 (5) in paragraph (4), as redesignated by para-
 19 graph (1), by inserting “; including information
 20 aimed at underserved racial, ethnic or language-mi-
 21 nority populations” before the semicolon.

22 **Subtitle I—Data and Research**

23 **SEC. 291. REPORT ON RECORDKEEPING.**

24 (a) **STUDY.**—Not later than 180 days after the date
 25 of enactment of this Act, the Government Accounting Of-

1 fice shall complete a study of, and shall submit to Con-
2 gress, a report on the progress of the Department of Jus-
3 tice in collecting statistics showing the relationship be-
4 tween an offender and victim for all reported Federal
5 crimes, including the crimes of rape, kidnapping, assault,
6 aggravated assault, and robbery.

7 (b) REPORT TO CONGRESS.—No later than 180 days
8 after the date of enactment of this Act, the study required
9 under subsection (a) shall be completed and a report de-
10 scribing the findings made submitted to the Committee
11 on the Judiciary of the House of Representatives, the
12 Committee on the Judiciary of the Senate, and the Na-
13 tional Commission on Violence Against Women.

14 **SEC. 292. RESEARCH AGENDA.**

15 (a) REQUEST FOR CONTRACT.—The Director of the
16 National Institute of Justice shall request the National
17 Academy of Sciences, through its National Research
18 Council, to enter into a contract to develop a research
19 agenda to increase the understanding and control of vio-
20 lence against women, including rape and domestic vio-
21 lence. In furtherance of the contract, the National Acad-
22 emy shall convene a panel of nationally recognized experts
23 on violence against women, in the fields of law, medicine,
24 criminal justice and the social sciences. In setting the
25 agenda, the Academy shall focus primarily upon preven-

1 tive, educative, social, and legal strategies. Nothing in this
2 section shall be construed to invoke the terms of the Fed-
3 eral Advisory Committee Act.

4 (b) DECLINATION OF REQUEST.—If the National
5 Academy of Sciences declines to conduct the study and
6 develop a research agenda, it shall recommend a nonprofit
7 private entity that is qualified to conduct such a study.
8 In that case, the Director of the National Institute of Jus-
9 tice shall carry out subsection (a) through the nonprofit
10 private entity recommended by the Academy. In either
11 case, whether the study is conducted by the National
12 Academy of Sciences or by the nonprofit group it rec-
13 ommends, the funds for the contract shall be made avail-
14 able from sums appropriated for the conduct of research
15 by the National Institute of Justice.

16 (c) REPORT.—The Director of the National Institute
17 of Justice shall ensure that no later than 9 months after
18 the date of enactment of this Act, the study required
19 under subsection (a) is completed and a report describing
20 the findings made is submitted to the Committee on the
21 Judiciary of the House of Representatives, the Committee
22 on the Judiciary of the Senate, and the National Commis-
23 sion on Violence Against Women.

1 **SEC. 293. STATE DATABASES.**

2 (a) **IN GENERAL.**—The National Institute of Justice,
3 in conjunction with the Bureau of Justice Statistics, shall
4 study and report to the States and to Congress on how
5 the States may collect centralized databases on the inci-
6 dence of domestic violence offenses within a State.

7 (b) **CONSULTATION.**—In conducting its study, the
8 National Institute of Justice shall consult persons expert
9 in the collection of criminal justice data, State statistical
10 administrators, law enforcement personnel, and nonprofit
11 nongovernmental agencies that provide direct services to
12 victims of domestic violence. The Institute's final report
13 shall set forth the views of the persons consulted on the
14 Institute's recommendations.

15 (c) **REPORT.**—The Director of the National Institute
16 of Justice shall ensure that no later than 9 months after
17 the date of enactment of this Act, the study required
18 under subsection (a) is completed and a report describing
19 the findings made is submitted to the Committee on the
20 Judiciary of the House of Representatives and the Com-
21 mittee on the Judiciary of the Senate.

22 (d) **AUTHORIZATION OF APPROPRIATIONS.**—There
23 are authorized such sums as are necessary to carry out
24 this section.

1 **SEC. 294. NUMBER AND COST OF INJURIES.**

2 (a) STUDY.—The Secretary of Health and Human
3 Services, acting through the Centers for Disease Control
4 Injury Control Division, shall conduct a study to obtain
5 a national projection of the incidence of injuries resulting
6 from domestic violence, the cost of injuries to health care
7 facilities, and recommend health care strategies for reduc-
8 ing the incidence and cost of such injuries.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$100,000 for fiscal year 1993.

12 **TITLE III—CIVIL RIGHTS**

13 **SEC. 301. SHORT TITLE.**

14 This title may be cited as the “Civil Rights Remedies
15 for Gender-Motivated Violence Act”.

16 **SEC. 302. CIVIL RIGHTS.**

17 (a) FINDINGS.—The Congress finds that—

18 (1) crimes motivated by the victim’s gender
19 constitute bias crimes in violation of the victim’s
20 right to be free from discrimination on the basis of
21 gender;

22 (2) current law provides a civil rights remedy
23 for gender crimes committed in the workplace, but
24 not for gender crimes committed on the street or in
25 the home;

1 (3) State and Federal criminal laws do not ade-
2 quately protect against the bias element of gender-
3 motivated crimes, which separates these crimes from
4 acts of random violence, nor do those laws ade-
5 quately provide victims of gender-motivated crimes
6 the opportunity to vindicate their interests;

7 (4) existing bias and discrimination in the
8 criminal justice system often deprives victims of gen-
9 der-motivated crimes of equal protection of the laws
10 and the redress to which they are entitled;

11 (5) gender-motivated violence has a substantial
12 adverse effect on interstate commerce, by deterring
13 potential victims from traveling interstate, from en-
14 gaging in employment in interstate business, and
15 from transacting with business, and in places in-
16 volved, in interstate commerce;

17 (6) gender-motivated violence has a substantial
18 adverse effect on interstate commerce, by diminish-
19 ing national productivity, increasing medical and
20 other costs, and decreasing the supply of and the de-
21 mand for interstate products;

22 (7) a Federal civil rights action as specified in
23 this section is necessary to guarantee equal protec-
24 tion of the laws and to reduce the substantial ad-

1 verse effects of gender-motivated violence on inter-
2 state commerce; and

3 ~~(8) victims of gender-motivated violence have a~~
4 right to equal protection of the laws, including a sys-
5 tem of justice that is unaffected by bias or discrimi-
6 nation and that, at every relevant stage, treats such
7 crimes as seriously as other violent crimes.

8 ~~(b) RIGHT TO BE FREE FROM CRIMES OF VIO-~~
9 LENCE.—All persons within the United States shall have
10 the right to be free from crimes of violence motivated by
11 gender (as defined in subsection (d)).

12 ~~(c) CAUSE OF ACTION.—A person (including a person~~
13 who acts under color of any statute, ordinance, regulation,
14 custom, or usage of any State) who commits a crime of
15 violence motivated by gender and thus deprives another
16 of the right declared in subsection (b) shall be liable to
17 the party injured, in an action for the recovery of compen-
18 satory and punitive damages, injunctive and declaratory
19 relief, and such other relief as a court may deem appro-
20 priate.

21 ~~(d) DEFINITIONS.—For purposes of this section—~~

22 ~~(1) the term “crime of violence motivated by~~
23 gender” means a crime of violence committed be-
24 cause of gender or on the basis of gender; and

1 (2) the term “crime of violence” means an act
 2 or series of acts that would come within the meaning
 3 of State or Federal offenses described in section 16
 4 of title 18, United States Code, whether or not those
 5 acts have actually resulted in criminal charges, pros-
 6 ecution, or conviction and whether or not those acts
 7 were committed in the special maritime, territorial,
 8 or prison jurisdiction of the United States.

9 (c) LIMITATION AND PROCEDURES.—

10 (1) LIMITATION.—Nothing in this section enti-
 11 tles a person to a cause of action under subsection
 12 (c) for random acts of violence unrelated to gender
 13 or for acts that cannot be demonstrated, by a pre-
 14 ponderance of the evidence, to be motivated by gen-
 15 der (within the meaning of subsection (d)).

16 (2) NO PRIOR CRIMINAL ACTION.—Nothing in
 17 this section requires a prior criminal complaint,
 18 prosecution, or conviction to establish the elements
 19 of a cause of action under subsection (c).

20 **SEC. 303. ATTORNEY’S FEES.**

21 Section 722 of the Revised Statutes (42 U.S.C. 1988)
 22 is amended in the last sentence—

23 (1) by striking “or” after “Public Law 92-
 24 318,”; and

1 (6) rape victims need a reasonable expectation
2 that their physical safety will be protected against
3 retaliation or harassment by an assailant;

4 (7) the news media should, in the exercise of
5 their discretion, balance the public's interest in
6 knowing facts reported by free news media against
7 important privacy interests of a rape victim, and an
8 absolutist view of the public interest leads to insen-
9 sitivity to a victim's privacy interest; and

10 (8) the public's interest in knowing the identity
11 of a rape victim is small compared with the interests
12 of maintaining the privacy of rape victims and en-
13 couraging rape victims to report and assist in the
14 prosecution of the crime of rape.

15 (b) SENSE OF THE SENATE.—It is the sense of the
16 Senate that news media, law enforcement officers, and
17 other persons should exercise restraint and respect a rape
18 victim's privacy by not disclosing the victim's identity to
19 the general public or facilitating such disclosure without
20 the consent of the victim.

1 **TITLE IV—SAFE CAMPUSES FOR**
2 **WOMEN**

3 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 1541(i) of the Higher Education Amend-
5 ments of 1992 (20 U.S.C. 1145h(i)) is amended to read
6 as follows:

7 “(i) For the purpose of carrying out this part, there
8 are authorized to be appropriated \$20,000,000 for fiscal
9 year 1993 and such sums as are necessary for fiscal years
10 1994, 1995, 1996, and 1997.”.

11 **TITLE V—EQUAL JUSTICE FOR**
12 **WOMEN IN THE COURTS ACT**

13 **SECTION 501. SHORT TITLE.**

14 This title may be cited as the “Equal Justice for
15 Women in the Courts Act of 1993”.

16 **Subtitle A—Education and Train-**
17 **ing for Judges and Court Per-**
18 **sonnel in State Courts**

19 **SEC. 511. GRANTS AUTHORIZED.**

20 The State Justice Institute may award grants for the
21 purpose of developing, testing, presenting, and disseminat-
22 ing model programs to be used by States in training
23 judges and court personnel in the laws of the States on
24 rape, sexual assault, domestic violence, and other crimes
25 of violence motivated by the victim’s gender.

1 **SEC. 512. TRAINING PROVIDED BY GRANTS.**

2 Training provided pursuant to grants made under
3 this subtitle may include current information, existing
4 studies, or current data on—

5 (1) the nature and incidence of rape and sexual
6 assault by strangers and nonstrangers, marital rape,
7 and incest;

8 (2) the underreporting of rape, sexual assault,
9 and child sexual abuse;

10 (3) the physical, psychological, and economic
11 impact of rape and sexual assault on the victim, the
12 costs to society, and the implications for sentencing;

13 (4) the psychology of sex offenders, their high
14 rate of recidivism, and the implications for sentenc-
15 ing;

16 (5) the historical evolution of laws and attitudes
17 on rape and sexual assault;

18 (6) sex stereotyping of female and male victims
19 of rape and sexual assault, racial stereotyping of
20 rape victims and defendants, and the impact of such
21 stereotypes on credibility of witnesses, sentencing,
22 and other aspects of the administration of justice;

23 (7) application of rape shield laws and other
24 limits on introduction of evidence that may subject
25 victims to improper sex stereotyping and harassment
26 in both rape and nonrape cases, including the need

1 for sua sponte judicial intervention in inappropriate
2 cross-examination;

3 (8) the use of expert witness testimony on rape
4 trauma syndrome, child sexual abuse accommodation
5 syndrome, post-traumatic stress syndrome, and simi-
6 lar issues;

7 (9) the legitimate reasons why victims of rape,
8 sexual assault, and incest may refuse to testify
9 against a defendant;

10 (10) the nature and incidence of domestic vio-
11 lence;

12 (11) the physical, psychological, and economic
13 impact of domestic violence on the victim, the costs
14 to society, and the implications for court procedures
15 and sentencing;

16 (12) the psychology and self-presentation of
17 batterers and victims and the implications for court
18 proceedings and credibility of witnesses;

19 (13) sex stereotyping of female and male vic-
20 tims of domestic violence, myths about presence or
21 absence of domestic violence in certain racial, ethnic,
22 religious, or socioeconomic groups, and their impact
23 on the administration of justice;

24 (14) historical evolution of laws and attitudes
25 on domestic violence;

1 (15) proper and improper interpretations of the
2 defenses of self-defense and provocation, and the use
3 of expert witness testimony on battered woman syn-
4 drome;

5 (16) the likelihood of retaliation, recidivism,
6 and escalation of violence by batterers, and the po-
7 tential impact of incarceration and other meaningful
8 sanctions for acts of domestic violence including vio-
9 lations of orders of protection;

10 (17) economic, psychological, social and institu-
11 tional reasons for victims' inability to leave the
12 batterer, to report domestic violence or to follow
13 through on complaints, including the influence of
14 lack of support from police, judges, and court per-
15 sonnel, and the legitimate reasons why victims of do-
16 mestic violence may refuse to testify against a de-
17 fendant;

18 (18) the need for orders of protection, and the
19 implications of mutual orders of protection, dual ar-
20 rest policies, and mediation in domestic violence
21 cases;

22 (19) recognition of and response to gender-mo-
23 tivated crimes of violence other than rape, sexual as-
24 sault and domestic violence, such as mass or serial
25 murder motivated by the gender of the victims; and

1 (20) current information on the impact of por-
2 nography on crimes against women, or data on other
3 activities that tend to degrade women.

4 **SEC. 513. COOPERATION IN DEVELOPING PROGRAMS IN**
5 **MAKING GRANTS UNDER THIS TITLE.**

6 The State Justice Institute shall ensure that model
7 programs carried out pursuant to grants made under this
8 subtitle are developed with the participation of law en-
9 forcement officials, public and private nonprofit victim ad-
10 vocates, legal experts, prosecutors, defense attorneys, and
11 recognized experts on gender bias in the courts.

12 **SEC. 514. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated to carry out
14 this subtitle \$600,000 for fiscal year 1993. Of amounts
15 appropriated under this section, the State Justice Insti-
16 tute shall expend no less than 40 percent on model pro-
17 grams regarding domestic violence and no less than 40
18 percent on model programs regarding rape and sexual as-
19 sault.

1 **Subtitle B—Education and Train-**
2 **ing for Judges and Court Per-**
3 **sonnel in Federal Courts**

4 **SEC. 521. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**
5 **CATION AND TRAINING GRANTS.**

6 (a) STUDY.—In order to gain a better understanding
7 of the nature and the extent of gender bias in the Federal
8 courts, the circuit judicial councils are encouraged to con-
9 duct studies of the instances, if any, of gender bias in their
10 respective circuits. The studies may include an examina-
11 tion of the effects of gender on—

12 (1) the treatment of litigants, witnesses, attor-
13 neys, jurors, and judges in the courts, including be-
14 fore magistrate and bankruptcy judges;

15 (2) the interpretation and application of the
16 law, both civil and criminal;

17 (3) treatment of defendants in criminal cases;

18 (4) treatment of victims of violent crimes;

19 (5) sentencing;

20 (6) sentencing alternatives, facilities for incar-
21 ceration, and the nature of supervision of probation
22 and parole;

23 (7) appointments to committees of the Judicial
24 Conference and the courts;

1 ~~(8)~~ case management and court sponsored al-
2 ternative dispute resolution programs;

3 ~~(9)~~ the selection, retention, promotion, and
4 treatment of employees;

5 ~~(10)~~ appointment of arbitrators, experts, and
6 special masters; and

7 ~~(11)~~ the aspects of the topics listed in section
8 512 that pertain to issues within the jurisdiction of
9 the Federal courts.

10 ~~(b)~~ CLEARINGHOUSE.—The Judicial Conference of
11 the United States shall designate an entity within the Ju-
12 dicial branch to act as a clearinghouse to disseminate any
13 reports and materials issued by the gender bias task forces
14 under subsection (a) and to respond to requests for such
15 reports and materials. The gender bias task forces shall
16 provide this entity with their reports and related material.

17 ~~(c)~~ MODEL PROGRAMS.—The Federal Judicial Cen-
18 ter, in carrying out section 620(b)(3) of title 28, United
19 States Code, may—

20 ~~(1)~~ include in the educational programs it pre-
21 sents and prepares, including the training programs
22 for newly appointed judges, information on issues re-
23 lated to gender bias in the courts including such
24 areas as are listed in subsection (a) along with such

1 other topics as the Federal Judicial Center deems
2 appropriate;

3 ~~(2)~~ prepare materials necessary to implement
4 this subsection; and

5 ~~(3)~~ take into consideration the findings and rec-
6 ommendations of the studies conducted pursuant to
7 subsection (a); and to consult with individuals and
8 groups with relevant expertise in gender bias issues
9 as it prepares or revises such materials.

10 **SEC. 522. AUTHORIZATION OF APPROPRIATIONS.**

11 ~~(a)~~ IN GENERAL.—There is authorized to be appro-
12 priated—

13 ~~(1)~~ \$400,000 to the Salaries and Expenses Ac-
14 count of the Courts of Appeals, District Courts, and
15 other Judicial Services, to carry out section 521(a),
16 to be available until expended through fiscal year
17 1994;

18 ~~(2)~~ \$100,000 to the Federal Judicial Center to
19 carry out section 521(c) and any activities des-
20 ignated by the Judicial Conference under section
21 521(b); and

22 ~~(3)~~ such sums as are necessary to the Adminis-
23 trative Office of the United States Courts to carry
24 out any activities designated by the Judicial Con-
25 ference under section 521(b).

1 ~~(b)~~ THE JUDICIAL CONFERENCE OF THE UNITED
 2 STATES.—~~(1)~~ The Judicial Conference of the United
 3 States Courts shall allocate funds to Federal circuit courts
 4 under this subtitle that—

5 ~~(A)~~ undertake studies in their own circuits; or

6 ~~(B)~~ implement reforms recommended as a re-
 7 sult of such studies in their own or other circuits,
 8 including education and training.

9 ~~(2)~~ Funds shall be allocated to Federal circuits under
 10 this subtitle on a first come first serve basis in an amount
 11 not to exceed \$50,000 on the first application. If within
 12 6 months after the date on which funds authorized under
 13 this Act become available, funds are still available, circuits
 14 that have received funds may reapply for additional funds,
 15 with not more than \$200,000 going to any one circuit.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Violence Against Women*
 18 *Act of 1993”.*

19 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SAFE STREETS FOR WOMEN

Sec. 101. Short title.

Subtitle A—Federal Penalties for Sex Crimes

Sec. 111. Repeat offenders.

Sec. 112. Federal penalties.

Sec. 113. Mandatory restitution for sex crimes.

Sec. 114. Authorization for Federal victim’s counselors.

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women

Sec. 121. Grants to combat violent crimes against women.

Subtitle C—Safety for Women in Public Transit and Public Parks

Sec. 131. Grants for capital improvements to prevent crime in public transportation.

Sec. 132. Grants for capital improvements to prevent crime in national parks.

Sec. 133. Grants for capital improvements to prevent crime in public parks.

Subtitle D—Justice Department Task Force on Violence Against Women

Sec. 141. Establishment.

Sec. 142. General purposes of task force.

Sec. 143. Membership.

Sec. 144. Task Force operations.

Sec. 145. Reports.

Sec. 146. Executive director and staff.

Sec. 147. Powers of Task Force.

Sec. 148. Authorization of appropriations.

Sec. 149. Termination.

Subtitle E—New Evidentiary Rules

Sec. 151. Sexual history in all criminal cases.

Sec. 152. Sexual history in civil cases.

Sec. 153. Amendments to rape shield law.

Sec. 154. Evidence of clothing.

Subtitle F—Assistance to Victims of Sexual Assault

Sec. 161. Education and prevention grants to reduce sexual assaults against women.

Sec. 162. Rape exam payments.

Sec. 163. Education and prevention grants to reduce sexual abuse of female runaway, homeless, and street youth.

Sec. 164. Victim's right of allocution in sentencing.

TITLE II—SAFE HOMES FOR WOMEN

Sec. 201. Short title.

Subtitle A—Family Violence Prevention and Services Act Amendments

Sec. 211. Grant for a national domestic violence hotline.

Subtitle B—Interstate Enforcement

Sec. 221. Interstate enforcement.

Subtitle C—Arrest in Spousal Abuse Cases

Sec. 231. Encouraging arrest policies.

Subtitle D—Domestic Violence Family Support and Shelter Grants

Sec. 241. Authorization of appropriations.

Subtitle E—Family Violence Prevention and Services Act Amendments

Sec. 251. Grantee reporting.

Subtitle F—Youth Education and Domestic Violence

Sec. 261. Educating youth about domestic violence.

Subtitle G—Confidentiality for Abused Persons

Sec. 271. Confidentiality of abused person's address.

Subtitle H—Technical Amendments

Sec. 281. State domestic violence coalitions.

Subtitle I—Data and Research

Sec. 291. Report on recordkeeping.

Sec. 292. Research agenda.

Sec. 293. State databases.

Sec. 294. Number and cost of injuries.

TITLE III—CIVIL RIGHTS

Sec. 301. Short title.

Sec. 302. Civil rights.

Sec. 303. Attorney's fees.

Sec. 304. Sense of the Senate concerning protection of the privacy of rape victims.

TITLE IV—SAFE CAMPUSES FOR WOMEN

Sec. 401. Authorization of appropriations.

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT

Sec. 501. Short title.

Subtitle A—Education and Training for Judges and Court Personnel in State Courts

Sec. 511. Grants authorized.

Sec. 512. Training provided by grants.

Sec. 513. Cooperation in developing programs in making grants under this title.

Sec. 514. Authorization of appropriations.

Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts

Sec. 521. Authorizations of circuit studies; education and training grants.

Sec. 522. Authorization of appropriations.

TITLE VI—VIOLENCE AGAINST WOMEN ACT IMPROVEMENTS

Sec. 601. Pre-trial detention in sex offense cases.

Sec. 602. Increased penalties for sex offenses against victims below the age of 16.

Sec. 603. Payment of cost of hiv testing for victims in sex offense cases.

Sec. 604. Extension and strengthening of restitution.

Sec. 605. Enforcement of restitution orders through suspension of Federal benefits.

1 (b) *RECOMMENDATION BY THE SENTENCING COMMIS-*
 2 *SION.—The Sentencing Commission shall implement the*
 3 *amendment made by subsection (a) by recommending to the*
 4 *Congress amendments, if appropriate, in the sentencing*
 5 *guidelines applicable to chapter 109A offenses.*

6 (c) *CHAPTER ANALYSIS.—The chapter analysis for*
 7 *chapter 109A of title 18, United States Code, is amended*
 8 *by adding at the end the following new item:*

“2247. Repeat offenders.”.

9 **SEC. 112. FEDERAL PENALTIES.**

10 (a) *AMENDMENT OF SENTENCING GUIDELINES.—Pur-*
 11 *suant to its authority under section 994(p) of title 28,*
 12 *United States Code, the United States Sentencing Commis-*
 13 *sion shall review and amend, where necessary, its sentenc-*
 14 *ing guidelines on aggravated sexual abuse under section*
 15 *2241 of title 18, United States Code, or sexual abuse under*
 16 *section 2242 of title 18, United States Code, as follows:*

17 (1) *The Commission shall review and recommend*
 18 *amendments to the guidelines, if appropriate, to en-*
 19 *hance penalties if more than 1 offender is involved in*
 20 *the offense.*

21 (2) *The Commission shall review and recommend*
 22 *amendments to the guidelines, if appropriate, to re-*
 23 *duce unwarranted disparities between the sentences*
 24 *for sex offenders who are known to the victim and*

1 *sentences for sex offenders who are not known to the*
2 *victim.*

3 *(3) The Commission shall review and recommend*
4 *amendments to the guidelines to enhance penalties, if*
5 *appropriate, to render Federal penalties on Federal*
6 *territory commensurate with penalties for similar of-*
7 *fenses in the States.*

8 *(4) The Commission shall review and recommend*
9 *amendments to the guidelines, if appropriate, to ac-*
10 *count for the general problem of recidivism in cases*
11 *of sex offenses, the severity of the offense, and its dev-*
12 *astating effects on survivors.*

13 *(b) REPORT.—Not later than 180 days after the date*
14 *of enactment of this Act, the United States Sentencing Com-*
15 *mission shall review and submit to Congress a report con-*
16 *taining an analysis of Federal rape sentencing, accom-*
17 *panied by comment from independent experts in the field,*
18 *describing—*

19 *(1) comparative Federal sentences for cases in*
20 *which the rape victim is known to the defendant and*
21 *cases in which the defendant is not known to the de-*
22 *fendant;*

23 *(2) comparative Federal sentences for cases on*
24 *Federal territory and sentences in surrounding*
25 *States; and*

1 (3) *an analysis of the effect of rape sentences on*
2 *populations residing primarily on Federal territory*
3 *relative to the impact of other Federal offenses in*
4 *which the existence of Federal jurisdiction depends*
5 *upon the offense's being committed on Federal terri-*
6 *tory.*

7 **SEC. 113. MANDATORY RESTITUTION FOR SEX CRIMES.**

8 (a) *SEXUAL ABUSE.*—(1) *Chapter 109A of title 18,*
9 *United States Code, is amended by adding at the end there-*
10 *of the following:*

11 **“§ 2248. Mandatory restitution**

12 “(a) *IN GENERAL.*—*Notwithstanding the terms of sec-*
13 *tion 3663 of this title, and in addition to any other civil*
14 *or criminal penalty authorized by law, the court shall order*
15 *restitution for any offense under this chapter.*

16 “(b) *SCOPE AND NATURE OF ORDER.*—(1) *The order*
17 *of restitution under this section shall direct that—*

18 “(A) *the defendant pay to the victim (through*
19 *the appropriate court mechanism) the full amount of*
20 *the victim's losses as determined by the court, pursu-*
21 *ant to paragraph (2); and*

22 “(B) *the United States Attorney enforce the res-*
23 *titution order by all available and reasonable means.*

1 “(2) For purposes of this subsection, the term ‘full
2 amount of the victim’s losses’ includes any costs incurred
3 by the victim for—

4 “(A) medical services relating to physical, psy-
5 chiatric, or psychological care;

6 “(B) physical and occupational therapy or reha-
7 bilitation;

8 “(C) necessary transportation, temporary hous-
9 ing, and child care expenses;

10 “(D) lost income;

11 “(E) attorneys’ fees, expert witness and inves-
12 tigators’ fees, interpretive services, and court costs;
13 and

14 “(F) any other losses suffered by the victim as a
15 proximate result of the offense.

16 “(3) Restitution orders under this section are manda-
17 tory. A court may not decline to issue an order under this
18 section because of—

19 “(A) the economic circumstances of the defend-
20 ant; or

21 “(B) the fact that a victim has, or is entitled to,
22 receive compensation for his or her injuries from the
23 proceeds of insurance or any other source.

24 “(4)(A) Notwithstanding the terms of paragraph (3),
25 the court may take into account the economic circumstances

1 *of the defendant in determining the manner in which and*
2 *the schedule according to which the restitution is to be paid.*

3 “(B) For purposes of this paragraph, the term ‘eco-
4 nomic circumstances’ includes—

5 “(i) the financial resources and other assets of
6 the defendant;

7 “(ii) projected earnings, earning capacity, and
8 other income of the defendant; and

9 “(iii) any financial obligations of the defendant,
10 including obligations to dependents.

11 “(C) An order under this section may direct the de-
12 fendant to make a single lump-sum payment or partial
13 payments at specified intervals. The order shall also provide
14 that the defendant’s restitutionary obligation takes priority
15 over any criminal fine ordered.

16 “(D) In the event that the victim has recovered for any
17 amount of loss through the proceeds of insurance or any
18 other source, the order of restitution shall provide that res-
19 titution be paid to the person who provided the compensa-
20 tion, but that restitution shall be paid to the victim for the
21 victim’s other losses before any restitution is paid to any
22 other provider of compensation.

23 “(5) Any amount paid to a victim under this section
24 shall be set off against any amount later recovered as com-
25 pensatory damages by the victim from the defendant in—

1 “(A) any Federal civil proceeding; and

2 “(B) any State civil proceeding, to the extent
3 provided by the law of the State.

4 “(c) *PROOF OF CLAIM.*—(1) Within 60 days after con-
5 viction and, in any event, no later than 10 days prior to
6 sentencing, the United States Attorney (or the United States
7 Attorney’s delegee), after consulting with the victim, shall
8 prepare and file an affidavit with the court listing the
9 amounts subject to restitution under this section. The affi-
10 davit shall be signed by the United States Attorney (or the
11 United States Attorney’s delegee) and the victim. Should
12 the victim object to any of the information included in the
13 affidavit, the United States Attorney (or the United States
14 Attorney’s delegee) shall advise the victim that the victim
15 may file a separate affidavit and shall provide the victim
16 with an affidavit form which may be used to do so.

17 “(2) If no objection is raised by the defendant, the
18 amounts attested to in the affidavit filed pursuant to sub-
19 section (1) shall be entered in the court’s restitution order.
20 If objection is raised, the court may require the victim or
21 the United States Attorney (or the United States Attorney’s
22 delegee) to submit further affidavits or other supporting
23 documents, demonstrating the victim’s losses.

24 “(3) If the court concludes, after reviewing the support-
25 ing documentation and considering the defendant’s objec-

1 *tions, that there is a substantial reason for doubting the*
2 *authenticity or veracity of the records submitted, the court*
3 *may require additional documentation or hear testimony*
4 *on those questions. Any records filed, or testimony heard,*
5 *pursuant to this section, shall be in camera in the judge's*
6 *chambers.*

7 “(4) *In the event that the victim's losses are not ascer-*
8 *tainable 10 days prior to sentencing as provided in sub-*
9 *section (c)(1), the United States Attorney (or the United*
10 *States Attorney's delegee) shall so inform the court, and the*
11 *court shall set a date for the final determination of the vic-*
12 *tim's losses, not to exceed 90 days after sentencing. If the*
13 *victim subsequently discovers further losses, the victim shall*
14 *have 60 days after discovery of those losses in which to peti-*
15 *tion the court for an amended restitution order. Such order*
16 *may be granted only upon a showing of good cause for the*
17 *failure to include such losses in the initial claim for*
18 *restitutionary relief.*

19 “(d) *DEFINITIONS.—For purposes of this section, the*
20 *term 'victim' includes the individual harmed as a result*
21 *of a commission of a crime under this chapter, including,*
22 *in the case of a victim who is under 18 years of age, incom-*
23 *petent, incapacitated, or deceased, the legal guardian of the*
24 *victim or representative of the victim's estate, another fam-*
25 *ily member, or any other person appointed as suitable by*

1 *the court: Provided, That in no event shall the defendant*
 2 *be named as such representative or guardian.”.*

3 (2) *TABLE OF SECTIONS.—The table of sections for*
 4 *chapter 109A of title 18, United States Code, is amended*
 5 *by adding at the end thereof the following:*

“2248. Mandatory restitution.”.

6 (b) *SEXUAL EXPLOITATION AND OTHER ABUSE OF*
 7 *CHILDREN.—(1) Chapter 110 of title 18, United States*
 8 *Code, is amended by adding at the end thereof the following:*

9 ***“§ 2259. Mandatory restitution***

10 *“(a) IN GENERAL.—Notwithstanding the terms of sec-*
 11 *tion 3663 of this title, and in addition to any other civil*
 12 *or criminal penalty authorized by law, the court shall order*
 13 *restitution for any offense under this chapter.*

14 *“(b) SCOPE AND NATURE OF ORDER.—(1) The order*
 15 *of restitution under this section shall direct that—*

16 *“(A) the defendant pay to the victim (through*
 17 *the appropriate court mechanism) the full amount of*
 18 *the victim’s losses as determined by the court, pursu-*
 19 *ant to paragraph (2); and*

20 *“(B) the United States Attorney enforce the res-*
 21 *titution order by all available and reasonable means.*

22 *“(2) For purposes of this subsection, the term ‘full*
 23 *amount of the victim’s losses’ includes any costs incurred*
 24 *by the victim for—*

1 “(A) medical services relating to physical, psy-
2 chiatric, or psychological care;

3 “(B) physical and occupational therapy or reha-
4 bilitation;

5 “(C) necessary transportation, temporary hous-
6 ing, and child care expenses;

7 “(D) lost income;

8 “(E) attorneys’ fees, expert witness and inves-
9 tigators’ fees, interpretive services, and court costs;
10 and

11 “(F) any other losses suffered by the victim as a
12 proximate result of the offense.

13 “(3) Restitution orders under this section are manda-
14 tory. A court may not decline to issue an order under this
15 section because of—

16 “(A) the economic circumstances of the defend-
17 ant; or

18 “(B) the fact that a victim has, or is entitled to,
19 receive compensation for his or her injuries from the
20 proceeds of insurance or any other source.

21 “(4)(A) Notwithstanding the terms of paragraph (3),
22 the court may take into account the economic circumstances
23 of the defendant in determining the manner in which and
24 the schedule according to which the restitution is to be paid.

1 “(B) For purposes of this paragraph, the term ‘eco-
2 nomic circumstances’ includes—

3 “(i) the financial resources and other assets of
4 the defendant;

5 “(ii) projected earnings, earning capacity, and
6 other income of the defendant; and

7 “(iii) any financial obligations of the defendant,
8 including obligations to dependents.

9 “(C) An order under this section may direct the de-
10 fendant to make a single lump-sum payment or partial
11 payments at specified intervals. The order shall also provide
12 that the defendant’s restitutionary obligation takes priority
13 over any criminal fine ordered.

14 “(D) In the event that the victim has recovered for any
15 amount of loss through the proceeds of insurance or any
16 other source, the order of restitution shall provide that res-
17 titution be paid to the person who provided the compensa-
18 tion, but that restitution shall be paid to the victim for the
19 victim’s other losses before any restitution is paid to any
20 other provider of compensation.

21 “(5) Any amount paid to a victim under this section
22 shall be set off against any amount later recovered as com-
23 pensatory damages by the victim from the defendant in—

24 “(A) any Federal civil proceeding; and

1 “(B) any State civil proceeding, to the extent
2 provided by the law of the State.

3 “(c) *PROOF OF CLAIM.*—(1) Within 60 days after con-
4 viction and, in any event, no later than 10 days prior to
5 sentencing, the United States Attorney (or the United States
6 Attorney’s delegee), after consulting with the victim, shall
7 prepare and file an affidavit with the court listing the
8 amounts subject to restitution under this section. The affi-
9 davit shall be signed by the United States Attorney (or the
10 United States Attorney’s delegee) and the victim. Should
11 the victim object to any of the information included in the
12 affidavit, the United States Attorney (or the United States
13 Attorney’s delegee) shall advise the victim that the victim
14 may file a separate affidavit and shall provide the victim
15 with an affidavit form which may be used to do so.

16 “(2) If no objection is raised by the defendant, the
17 amounts attested to in the affidavit filed pursuant to sub-
18 section (1) shall be entered in the court’s restitution order.
19 If objection is raised, the court may require the victim or
20 the United States Attorney (or the United States Attorney’s
21 delegee) to submit further affidavits or other supporting
22 documents, demonstrating the victim’s losses.

23 “(3) If the court concludes, after reviewing the support-
24 ing documentation and considering the defendant’s objec-
25 tions, that there is a substantial reason for doubting the

1 *authenticity or veracity of the records submitted, the court*
2 *may require additional documentation or hear testimony*
3 *on those questions. Any records filed, or testimony heard,*
4 *pursuant to this section, shall be in camera in the judge's*
5 *chambers.*

6 “(4) *In the event that the victim's losses are not ascer-*
7 *tainable 10 days prior to sentencing as provided in sub-*
8 *section (c)(1), the United States Attorney (or the United*
9 *States Attorney's delegee) shall so inform the court, and the*
10 *court shall set a date for the final determination of the vic-*
11 *tim's losses, not to exceed 90 days after sentencing. If the*
12 *victim subsequently discovers further losses, the victim shall*
13 *have 60 days after discovery of those losses in which to peti-*
14 *tion the court for an amended restitution order. Such order*
15 *may be granted only upon a showing of good cause for the*
16 *failure to include such losses in the initial claim for*
17 *restitutionary relief.*

18 “(d) *DEFINITIONS.—For purposes of this section, the*
19 *term 'victim' includes the individual harmed as a result*
20 *of a commission of a crime under this chapter, including,*
21 *in the case of a victim who is under 18 years of age, incom-*
22 *petent, incapacitated, or deceased, the legal guardian of the*
23 *victim or representative of the victim's estate, another fam-*
24 *ily member, or any other person appointed as suitable by*

1 *the court: Provided, That in no event shall the defendant*
 2 *be named as such representative or guardian.”.*

3 (2) *The table of sections for chapter 110 of title 18,*
 4 *United States Code, is amended by adding at the end there-*
 5 *of the following:*

“2259. Mandatory restitution.”.

6 **SEC. 114. AUTHORIZATION FOR FEDERAL VICTIM'S COUN-**
 7 **SELORS.**

8 *There is authorized to be appropriated for fiscal year*
 9 *1994, \$1,500,000 for the United States Attorneys for the*
 10 *purpose of appointing Victim/Witness Counselors for the*
 11 *prosecution of sex crimes and domestic violence crimes*
 12 *where applicable (such as the District of Columbia).*

13 **Subtitle B—Law Enforcement and**
 14 **Prosecution Grants to Reduce**
 15 **Violent Crimes Against Women**

16 **SEC. 121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
 17 **WOMEN.**

18 (a) *IN GENERAL.*—*Title I of the Omnibus Crime Con-*
 19 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),*
 20 *as amended by section 4 of Public Law 102–521 (106 Stat.*
 21 *3404), is amended by—*

22 (1) *redesignating part Q as part R;*

23 (2) *redesignating section 1701 as section 1801;*

24 *and*

25 (3) *adding after part P the following new part:*

1 “(3) *developing and implementing police and*
2 *prosecution policies, protocols, or orders specifically*
3 *devoted to identifying and responding to violent*
4 *crimes against women, including the crimes of sexual*
5 *assault and domestic violence;*

6 “(4) *developing, installing, or expanding data*
7 *collection systems, including computerized systems,*
8 *linking police, prosecutors, and courts or for the pur-*
9 *pose of identifying and tracking arrests, prosecutions,*
10 *and convictions for the crimes of sexual assault and*
11 *domestic violence; and*

12 “(5) *developing, enlarging, or strengthening vic-*
13 *tim services programs, including sexual assault and*
14 *domestic violence programs, to increase reporting and*
15 *reduce attrition rates for cases involving violent*
16 *crimes against women, including the crimes of sexual*
17 *assault and domestic violence.*

18 **“Subpart 1—High Intensity Crime Area Grants**

19 **“SEC. 1711. HIGH INTENSITY GRANTS.**

20 “(a) *IN GENERAL.*—*The Director of the Bureau of Jus-*
21 *tice Assistance (referred to in this part as the ‘Director’)*
22 *shall make grants to areas of ‘high intensity crime’ against*
23 *women.*

24 “(b) *DEFINITION.*—*For purposes of this part, ‘high in-*
25 *tensity crime area’ means an area with one of the 40 highest*

1 *rates of violent crime against women, as determined by the*
2 *Bureau of Justice Statistics pursuant to section 1712.*

3 ***“SEC. 1712. HIGH INTENSITY GRANT APPLICATION.***

4 “(a) *COMPUTATION.*—*Within 45 days after the date of*
5 *enactment of this part, the Bureau of Justice Statistics shall*
6 *compile a list of the 40 areas with the highest rates of vio-*
7 *lent crime against women based on the combined female vic-*
8 *timization rate per population for assault, sexual assault*
9 *(including, but not limited to, rape), murder, robbery, and*
10 *kidnapping (without regard to the relationship between the*
11 *crime victim and the offenders).*

12 “(b) *USE OF DATA.*—*In calculating the combined fe-*
13 *male victimization rate required by subsection (a), the Bu-*
14 *reau of Justice Statistics may rely on—*

15 “(1) *existing data collected by States, munici-*
16 *palities, Indian reservations or statistical metropoli-*
17 *tan areas showing the number of police reports of the*
18 *crimes listed in subsection (a); and*

19 “(2) *existing data collected by the Federal Bu-*
20 *reau of Investigation, including data from those gov-*
21 *ernmental entities already complying with the Na-*
22 *tional Incident Based Reporting System, showing the*
23 *number of police reports of crimes listed in subsection*
24 *(a).*

1 “(c) *PUBLICATION.*—After compiling the list set forth
2 in subsection (a), the Bureau of Justice Statistics shall con-
3 vey it to the Director who shall publish it in the Federal
4 Register.

5 “(d) *QUALIFICATION.*—Upon satisfying the terms of
6 subsection (e), any high intensity crime area shall be quali-
7 fied for a grant under this subpart upon application by
8 the chief executive officer of the governmental entities re-
9 sponsible for law enforcement and prosecution of criminal
10 offenses within the area and certification that—

11 “(1) the funds shall be used to reduce the rate of
12 violent crimes against women and for at least 3 of the
13 purposes outlined in section 1701(b);

14 “(2) grantees and subgrantees shall develop a
15 plan for implementation, and otherwise consult and
16 coordinate program grants, with nongovernmental
17 nonprofit victim services programs; and

18 “(3) at least 25 percent of the amount granted
19 shall be allocated, without duplication, to each of the
20 following three areas: prosecution, law enforcement,
21 and victim services.

22 “(e) *APPLICATION REQUIREMENTS.*—The application
23 requirements provided in section 513 of this title shall
24 apply to grants made under this subpart. In addition, each
25 application must provide the certifications required by sub-

1 *section (d) including documentation from nonprofit non-*
2 *governmental victim services programs showing their par-*
3 *ticipation in developing the plan required by subsection*
4 *(d)(2). Applications shall—*

5 *“(1) include documentation from the prosecution,*
6 *law enforcement, and victim services programs to be*
7 *assisted showing—*

8 *“(A) need for the grant funds;*

9 *“(B) intended use of the grant funds;*

10 *“(C) expected results from the use of grant*
11 *funds; and*

12 *“(D) demographic characteristics of the*
13 *population to be served, including age, marital*
14 *status, disability, race, ethnicity, and language*
15 *background; and*

16 *“(2) include proof of compliance with the re-*
17 *quirements for the payment of forensic medical exams*
18 *provided in section 162 of this title.*

19 *“(f) DISBURSEMENT.—*

20 *“(1) No later than 60 days after the receipt of*
21 *an application under this subpart, the Director shall*
22 *either disburse the appropriate sums provided for*
23 *under this subpart or shall inform the applicant why*
24 *the application does not conform to the terms of sec-*

1 *tion 513 of this title or to the requirements of this sec-*
2 *tion.*

3 *“(2) In disbursing monies under this subpart,*
4 *the Director shall issue regulations to ensure that*
5 *grantees—*

6 *“(A) equitably distribute funds on a geo-*
7 *graphic basis;*

8 *“(B) determine the amount of subgrants*
9 *based on the population to be served;*

10 *“(C) give priority to areas with the greatest*
11 *showing of need; and*

12 *“(D) recognize and address the needs of un-*
13 *derserved populations.*

14 *“(g) GRANTEE REPORTING.—(1) Upon completion of*
15 *the grant period under this subpart, the grantee shall file*
16 *a performance report with the Director explaining the ac-*
17 *tivities carried out together with an assessment of the effec-*
18 *tiveness of those activities in achieving the purposes of this*
19 *part.*

20 *“(2) A section of the performance report shall be com-*
21 *pleted by each grantee or subgrantee performing the services*
22 *contemplated in the grant application, certifying perform-*
23 *ance of the services under the grants.*

24 *“(3) The Director shall suspend funding for an ap-*
25 *proved application if an applicant fails to submit an an-*

1 nual performance report or if funds are expended for pur-
2 poses other than those set forth under this subpart. Federal
3 funds may be used to supplement, not supplant, State
4 funds.

5 **“Subpart 2—Other Grants to States To Combat**
6 **Violent Crimes Against Women**

7 **“SEC. 1721. GENERAL GRANTS TO STATES.**

8 “(a) *GENERAL GRANTS.*—The Director may make
9 grants to States, for use by States, units of local government
10 in the States, and nonprofit nongovernmental victim serv-
11 ices programs in the States, for the purposes outlined in
12 section 1701(b), and to reduce the rate of violent crimes
13 against women.

14 “(b) *AMOUNTS.*—From amounts appropriated, the
15 amount of grants under subsection (a) shall be—

16 “(1) \$500,000 to each State; and

17 “(2) that portion of the then remaining available
18 money to each State that results from a distribution
19 among the States on the basis of each State’s popu-
20 lation in relation to the population of all States.

21 “(c) *QUALIFICATION.*—Upon satisfying the terms of
22 subsection (d), any State shall be qualified for funds pro-
23 vided under this part upon certification that—

1 “(1) the funds shall be used to reduce the rate of
2 violent crimes against women and for at least 3 of the
3 purposes outlined in section 1701(b);

4 “(2) grantees and subgrantees shall develop a
5 plan for implementation, and otherwise consult and
6 coordinate, with nonprofit nongovernmental victim
7 services programs, including sexual assault and do-
8 mestic violence victim services programs; and

9 “(3) at least 25 percent of the amount granted
10 shall be allocated, without duplication, to each of the
11 following three areas: prosecution, law enforcement,
12 and victim services.

13 “(d) APPLICATION REQUIREMENTS.—The application
14 requirements provided in section 513 of this title shall
15 apply to grants made under this subpart. In addition, each
16 application shall include the certifications of qualification
17 required by subsection (c) including documentation from
18 nonprofit nongovernmental victim services programs show-
19 ing their participation in developing the plan required by
20 subsection (c)(2). Applications shall—

21 “(1) include documentation from the prosecution,
22 law enforcement, and victim services programs to be
23 assisted showing—

24 “(A) need for the grant funds;

25 “(B) intended use of the grant funds;

1 “(C) expected results from the use of grant
2 funds; and

3 “(D) demographic characteristics of the
4 populations to be served, including age, marital
5 status, disability, race, ethnicity and language
6 background; and

7 “(2) proof of compliance with the requirements
8 for the payment of forensic medical exams provided
9 in section 162 of this title.

10 “(e) DISBURSEMENT.—(1) No later than 60 days after
11 the receipt of an application under this subpart, the Direc-
12 tor shall either disburse the appropriate sums provided for
13 under this subpart or shall inform the applicant why the
14 application does not conform to the terms of section 513
15 of this title or to the requirements of this section.

16 “(2) In disbursing monies under this subpart, the Di-
17 rector shall issue regulations to ensure that States will—

18 “(A) give priority to areas with the greatest
19 showing of need;

20 “(B) determine the amount of subgrants based on
21 the population and geographic area to be served;

22 “(C) equitably distribute monies on a geographic
23 basis including nonurban and rural areas, and giving
24 priority to localities with populations under 100,000;
25 and

1 “(D) recognize and address the needs of under-
2 served populations.

3 “(f) *GRANTEE REPORTING.*—Upon completion of the
4 grant period under this subpart, the State grantee shall file
5 a performance report with the Director explaining the ac-
6 tivities carried out together with an assessment of the effec-
7 tiveness of those activities in achieving the purposes of this
8 subpart. A section of this performance report shall be com-
9 pleted by each grantee and subgrantee that performed the
10 direct services contemplated in the application, certifying
11 performance of direct services under the grant. The Director
12 shall suspend funding for an approved application if an
13 applicant fails to submit an annual performance report or
14 if funds are expended for purposes other than those set forth
15 under this subpart. Federal funds may only be used to sup-
16 plement, not supplant, State funds.

17 **“SEC. 1722. GENERAL GRANTS TO TRIBES.**

18 “(a) *GENERAL GRANTS.*—The Director is authorized
19 to make grants to Indian tribes, for use by tribes, tribal
20 organizations or nonprofit nongovernmental victim services
21 programs on Indian reservations, for the purposes outlined
22 in section 1701(b), and to reduce the rate of violent crimes
23 against women in Indian country.

24 “(b) *AMOUNTS.*—From amounts appropriated, the
25 amount of grants under subsection (a) shall be awarded on

1 *a competitive basis to tribes, with minimum grants of*
2 *\$35,000 and maximum grants of \$300,000.*

3 *“(c) QUALIFICATION.—Upon satisfying the terms of*
4 *subsection (d), any tribe shall be qualified for funds pro-*
5 *vided under this part upon certification that—*

6 *“(1) the funds shall be used to reduce the rate of*
7 *violent crimes against women and for at least 3 of the*
8 *purposes outlined in section 1701(b);*

9 *“(2) grantees and subgrantees shall develop a*
10 *plan for implementation, and otherwise consult and*
11 *coordinate with nonprofit; and*

12 *“(3) at least 25 percent of the grant funds shall*
13 *be allocated to each of the following three areas: pros-*
14 *ecution, law enforcement, and victim services.*

15 *“(d) APPLICATION REQUIREMENTS.—(1) Applications*
16 *shall be made directly to the Director and shall contain a*
17 *description of the tribes’ law enforcement responsibilities for*
18 *the Indian country described in the application and a de-*
19 *scription of the tribes’ system of courts, including whether*
20 *the tribal government operates courts of Indian offenses*
21 *under section 201 of Public Law 90–284 (25 U.S.C. 1301)*
22 *or part 11 of title 25, Code of Federal Regulations.*

23 *“(2) Applications shall be in such form as the Director*
24 *may prescribe and shall specify the nature of the program*
25 *proposed by the applicant tribe, the data and information*

1 *on which the program is based, and the extent to which*
2 *the program plans to use or incorporate existing victim*
3 *services available in the Indian country where the grant*
4 *will be used.*

5 “(3) *The term of any grant shall be for a minimum*
6 *of 3 years.*

7 “(e) *GRANTEE REPORTING.—At the end of the first 12*
8 *months of the grant period and at the end of each year*
9 *thereafter, the Indian tribal grantee shall file a performance*
10 *report with the Director explaining the activities carried*
11 *out together with an assessment of the effectiveness of those*
12 *activities in achieving the purposes of this subpart. A sec-*
13 *tion of this performance report shall be completed by each*
14 *grantee or subgrantee that performed the direct services con-*
15 *templated in the application, certifying performance of di-*
16 *rect services under the grant. The Director shall suspend*
17 *funding for an approved application if an applicant fails*
18 *to submit an annual performance report or if funds are*
19 *expended for purposes other than those set forth under this*
20 *subpart. Federal funds may only be used to supplement,*
21 *not supplant, State funds.*

22 “(f) *DEFINITIONS.—(1) The term ‘Indian tribe’ means*
23 *any Indian tribe, band, nation, or other organized group*
24 *or community, including any Alaska Native village or re-*
25 *gional or village corporation (as defined in, or established*

1 *pursuant to, the Alaska Native Claims Settlement Act (43*
2 *U.S.C. 1601 et seq.), which is recognized as eligible for the*
3 *special services provided by the United States to Indians*
4 *because of their status as Indians.*

5 “(2) The term ‘Indian country’ has the meaning stated
6 in section 1151 of title 18, United States Code.

7 **“Subpart 3—General Terms and Conditions**

8 **“SEC. 1731. GENERAL DEFINITIONS.**

9 “As used in this part—

10 “(1) the term ‘victim services’ means any non-
11 governmental nonprofit organization that assists vic-
12 tims, including rape crisis centers, battered women’s
13 shelters, or other rape or domestic violence programs,
14 including nonprofit nongovernmental organizations
15 assisting victims through the legal process;

16 “(2) the term ‘prosecution’ means any public
17 agency charged with direct responsibility for prosecut-
18 ing criminal offenders, including such agency’s com-
19 ponent bureaus (such as governmental victim/witness
20 programs);

21 “(3) the term ‘law enforcement’ means any pub-
22 lic agency charged with policing functions, including
23 any of its component bureaus (such as governmental
24 victim services programs);

1 “(4) the term ‘sexual assault’ includes not only
2 assaults committed by offenders who are strangers to
3 the victim but also assaults committed by offenders
4 who are known or related by blood or marriage to the
5 victim;

6 “(5) the term ‘domestic violence’ includes felony
7 or misdemeanor offenses committed by a current or
8 former spouse of the victim, a person with whom the
9 victim shares a child in common, a person who is co-
10 habitating with or has cohabitated with the victim as
11 a spouse, a person similarly situated to a spouse of
12 the victim under the domestic or family violence laws
13 of the jurisdiction receiving grant monies, or commit-
14 ted by any other adult person upon a victim who is
15 protected from that person’s acts under the domestic
16 or family violence laws of the jurisdiction receiving
17 grant monies; and

18 “(6) the term ‘underserved populations’ includes
19 populations underserved because of geographic loca-
20 tion (such as rural isolation), underserved racial or
21 ethnic populations, and populations underserved be-
22 cause of special needs, such as language barriers or
23 physical disabilities.

1 **“SEC. 1732. GENERAL TERMS AND CONDITIONS.**

2 “(a) *NONMONETARY ASSISTANCE.*—*In addition to the*
3 *assistance provided under subparts 1 or 2, the Director may*
4 *direct any Federal agency, with or without reimbursement,*
5 *to use its authorities and the resources granted to it under*
6 *Federal law (including personnel, equipment, supplies, fa-*
7 *cilities, and managerial, technical, and advisory services)*
8 *in support of State and local assistance efforts.*

9 “(b) *BUREAU REPORTING.*—*No later than 180 days*
10 *after the end of each fiscal year for which grants are made*
11 *under this part, the Director shall submit to the Judiciary*
12 *Committees of the House and the Senate a report that in-*
13 *cludes, for each high intensity crime area (as provided in*
14 *subpart 1) and for each State and for each grantee Indian*
15 *tribe (as provided in subpart 2)—*

16 “(1) *the amount of grants made under this part;*

17 “(2) *a summary of the purposes for which those*
18 *grants were provided and an evaluation of their*
19 *progress;*

20 “(3) *a statistical summary of persons served, de-*
21 *tailing the nature of victimization, and providing*
22 *data on age, sex, relationship of victim to offender,*
23 *geographic distribution, race, ethnicity, language, and*
24 *disability; and*

25 “(4) *a copy of each grantee report filed pursuant*
26 *to sections 1712(g), 1721(f) and 1722(c).*

1 “(c) *REGULATIONS.*—No later than 90 days after the
 2 date of enactment of this part, the Director shall publish
 3 proposed regulations implementing this part. No later than
 4 120 days after such date, the Director shall publish final
 5 regulations implementing this part.

6 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There
 7 are authorized to be appropriated for each of fiscal years
 8 1994, 1995, and 1996, \$100,000,000 to carry out subpart
 9 1, and \$190,000,000 to carry out subpart 2, and
 10 \$10,000,000 to carry out section 1722 of subpart 2.”.

11 (b) *TECHNICAL AMENDMENT.*—The table of contents of
 12 title I of the Omnibus Crime Control and Safe Streets Act
 13 of 1968 (42 U.S.C. 3711 et seq.) is amended by striking
 14 the matter relating to part Q and inserting the following:

“PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

“Sec. 1701. Purpose of the program and grants.

“SUBPART 1—HIGH INTENSITY CRIME AREA GRANTS

“Sec. 1711. High intensity grants.

“Sec. 1712. High intensity grant application.

“SUBPART 2—OTHER GRANTS TO STATES TO COMBAT VIOLENT CRIMES AGAINST
 WOMEN

“Sec. 1721. General grants to States.

“Sec. 1722. General grants to tribes.

“SUBPART 3—GENERAL TERMS AND CONDITIONS

“Sec. 1731. General definitions.

“Sec. 1732. General terms and conditions.

“PART R—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”.

1 ***Subtitle C—Safety for Women in***
 2 ***Public Transit and Public Parks***

3 ***SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-***
 4 ***VENT CRIME IN PUBLIC TRANSPORTATION.***

5 *Section 24 of the Urban Mass Transportation Act of*
 6 *1964 (49 U.S.C. App. 1620) is amended to read as follows:*

7 “GRANTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION

8 “SEC. 24. (a) GENERAL PURPOSE.—From funds au-
 9 thorized under section 21, not to exceed \$10,000,000, the
 10 Secretary shall make capital grants for the prevention of
 11 crime and to increase security in existing and future public
 12 transportation systems. None of the provisions of this Act
 13 may be construed to prohibit the financing of projects under
 14 this section where law enforcement responsibilities are vest-
 15 ed in a local public body other than the grant applicant.

16 “(b) GRANTS FOR LIGHTING, CAMERA SURVEILLANCE,
 17 AND SECURITY PHONES.—

18 “(1) From the sums authorized for expenditure
 19 under this section for crime prevention, the Secretary
 20 is authorized to make grants and loans to States and
 21 local public bodies or agencies for the purpose of in-
 22 creasing the safety of public transportation by—

23 “(A) increasing lighting within or adjacent
 24 to public transportation systems, including bus
 25 stops, subway stations, parking lots, or garages;

1 “(B) increasing camera surveillance of
2 areas within and adjacent to public transpor-
3 tation systems, including bus stops, subway sta-
4 tions, parking lots, or garages;

5 “(C) providing emergency phone lines to
6 contact law enforcement or security personnel in
7 areas within or adjacent to public transportation
8 systems, including bus stops, subway stations,
9 parking lots, or garages; or

10 “(D) any other project intended to increase
11 the security and safety of existing or planned
12 public transportation systems.

13 “(2) From the sums authorized under this sec-
14 tion, at least 75 percent shall be expended on projects
15 of the type described in subsection (b)(1) (A) and (B).

16 “(c) REPORTING.—All grants under this section are
17 contingent upon the filing of a report with the Secretary
18 and the Department of Justice, Office of Victims of Crime,
19 showing crime rates in or adjacent to public transportation
20 before, and for a 1-year period after, the capital improve-
21 ment. Statistics shall be broken down by type of crime, sex,
22 race, ethnicity, language, and relationship of victim to the
23 offender.

24 “(d) INCREASED FEDERAL SHARE.—Notwithstanding
25 any other provision of this Act, the Federal share under

1 *this section for each capital improvement project which en-*
 2 *hances the safety and security of public transportation sys-*
 3 *tems and which is not required by law (including any other*
 4 *provision of this chapter) shall be 90 percent of the net*
 5 *project cost of such project.*

6 “(e) *SPECIAL GRANTS FOR PROJECTS TO STUDY IN-*
 7 *CREASING SECURITY FOR WOMEN.—From the sums author-*
 8 *ized under this section, the Secretary shall provide grants*
 9 *and loans for the purpose of studying ways to reduce violent*
 10 *crimes against women in public transit through better de-*
 11 *sign or operation of public transit systems.*

12 “(f) *GENERAL REQUIREMENTS.—All grants or loans*
 13 *provided under this section shall be subject to all the terms,*
 14 *conditions, requirements, and provisions applicable to*
 15 *grants and loans made under section 2(a).”.*

16 **SEC. 132. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
 17 **VENT CRIME IN NATIONAL PARKS.**

18 *Public Law 91–383 (commonly known as the National*
 19 *Park System Improvements in Administration Act) (16*
 20 *U.S.C. 1a–1 et seq.) is amended by adding at the end the*
 21 *following new section:*

22 **“SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION AS-**
 23 **SISTANCE.**

24 “(a) *From the sums authorized pursuant to section 7*
 25 *of the Land and Water Conservation Act of 1965, not to*

1 *exceed \$10,000,000, the Secretary of the Interior may pro-*
2 *vide Federal assistance to reduce the incidence of violent*
3 *crime in the National Park System.*

4 “(b) *The Secretary shall direct the chief official respon-*
5 *sible for law enforcement within the National Park Services*
6 *to—*

7 “(1) *compile a list of areas within the National*
8 *Park System with the highest rates of violent crime;*

9 “(2) *make recommendations concerning capital*
10 *improvements, and other measures, needed within the*
11 *National Park System to reduce the rates of violent*
12 *crime, including the rate of sexual assault; and*

13 “(3) *publish the information required by para-*
14 *graphs (1) and (2) in the Federal Register.*

15 “(c) *No later than 120 days after the date of enactment*
16 *of this section, and based on the recommendations and list*
17 *issued pursuant to subsection (b), the Secretary shall dis-*
18 *tribute funds throughout the National Park Service. Prior-*
19 *ity shall be given to those areas with the highest rates of*
20 *sexual assault.*

21 “(d) *Funds provided under this section may be used*
22 *for the following purposes:*

23 “(1) *To increase lighting within or adjacent to*
24 *public parks and recreation areas.*

1 “(2) To provide emergency phone lines to contact
2 law enforcement or security personnel in areas within
3 or adjacent to public parks and recreation areas.

4 “(3) To increase security or law enforcement per-
5 sonnel within or adjacent to public parks and recre-
6 ation areas.

7 “(4) Any other project intended to increase the
8 security and safety of public parks and recreation
9 areas.”.

10 **SEC. 133. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
11 **VENT CRIME IN PUBLIC PARKS.**

12 Section 6 of the Land and Water Conservation Fund
13 Act of 1965 (16 U.S.C. 460l-8) is amended by adding at
14 the end the following new subsection:

15 “(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS
16 TO REDUCE CRIME.—In addition to assistance for plan-
17 ning projects, and in addition to the projects identified in
18 subsection (e), and from amounts appropriated, the Sec-
19 retary shall provide financial assistance to the States, not
20 to exceed \$15,000,000 in total, for the following types of
21 projects or combinations thereof:

22 “(1) For the purpose of making capital improve-
23 ments and other measures to increase safety in urban
24 parks and recreation areas, including funds to—

1 “(A) increase lighting within or adjacent to
2 public parks and recreation areas;

3 “(B) provide emergency phone lines to con-
4 tact law enforcement or security personnel in
5 areas within or adjacent to public parks and
6 recreation areas;

7 “(C) increase security personnel within or
8 adjacent to public parks and recreation areas;
9 and

10 “(D) fund any other project intended to in-
11 crease the security and safety of public parks
12 and recreation areas.

13 “(2) In addition to the requirements for project
14 approval imposed by this section, eligibility for assist-
15 ance under this subsection is dependent upon a show-
16 ing of need. In providing funds under this subsection,
17 the Secretary shall give priority to those projects pro-
18 posed for urban parks and recreation areas with the
19 highest rates of crime and, in particular, to urban
20 parks and recreation areas with the highest rates of
21 sexual assault.

22 “(3) Notwithstanding subsection (c), the Sec-
23 retary may provide 70 percent improvement grants
24 for projects undertaken by any State for the purposes

1 *outlined in this subsection. The remaining share of*
2 *the cost shall be borne by the State.”.*

3 ***Subtitle D—Justice Department***
4 ***Task Force on Violence Against***
5 ***Women***

6 ***SEC. 141. ESTABLISHMENT.***

7 *Not later than 30 days after the date of enactment of*
8 *this Act, the Attorney General shall establish a task force*
9 *to be known as the Attorney General’s Task Force on Vio-*
10 *lence Against Women (referred to in this subtitle as the*
11 *“Task Force”).*

12 ***SEC. 142. GENERAL PURPOSES OF TASK FORCE.***

13 *(a) GENERAL PURPOSE OF THE TASK FORCE.—The*
14 *Task Force shall recommend Federal, State, and local strat-*
15 *egies for preventing and sanctioning violent crime against*
16 *women, including the enhancement and protection of the*
17 *rights of the victims of such crimes.*

18 *(b) FUNCTIONS.—The Task Force shall perform such*
19 *functions as the Attorney General deems appropriate to*
20 *carry out the purposes of the Task Force, including—*

21 *(1) evaluating the adequacy of, and make rec-*
22 *ommendations regarding, current law enforcement ef-*
23 *forts at the Federal and State levels to reduce the rate*
24 *of violent crimes against women and to punish those*
25 *responsible for such crime;*

1 (2) evaluating the adequacy of, and make rec-
2 ommendations regarding, the responsiveness of State
3 prosecutors and State courts to violent crimes against
4 women;

5 (3) evaluating the adequacy of rules of evidence,
6 practice and procedure to ensure the effective prosecu-
7 tion and conviction of violent offenders against
8 women and to protect victims from abuse in legal
9 proceedings, making recommendations, where nec-
10 essary, to improve those rules;

11 (4) evaluating the adequacy of pretrial release,
12 sentencing, incarceration, and post-conviction release
13 for crimes that predominantly affect women, such as
14 rape and domestic violence;

15 (5) evaluating the adequacy of, and make rec-
16 ommendations regarding, the adequacy of State and
17 Federal laws on sexual assault and the need for a
18 more uniform statutory response to sex offenses, in-
19 cluding sexual assaults and other sex offenses commit-
20 ted by offenders who are known or related by blood
21 or marriage to the victim;

22 (6) evaluating the adequacy of, and make rec-
23 ommendations regarding, the adequacy of State and
24 Federal Laws on domestic violence and the need for

1 *a more uniform statutory response to domestic vio-*
2 *lence;*

3 (7) *evaluating the adequacy of, and make rec-*
4 *ommendations regarding, the adequacy of current*
5 *education, prevention, and protection services for*
6 *women victims of violent crimes;*

7 (8) *assessing the issuance, formulation, and en-*
8 *forcement of protective orders, whether or not related*
9 *to a criminal proceeding, and making recommenda-*
10 *tions for their more effective use in domestic violence*
11 *and stalking cases;*

12 (9) *assessing the problem of stalking and persist-*
13 *ent menacing and recommending effective means of*
14 *response to the problem; and*

15 (10) *evaluating the adequacy of, and make rec-*
16 *ommendations regarding, the national public aware-*
17 *ness and the public dissemination of information es-*
18 *sential to the prevention of violent crimes against*
19 *women.*

20 **SEC. 143. MEMBERSHIP.**

21 (a) *IN GENERAL.*—*The Task Force shall consist of up*
22 *to 15 members, who shall be appointed by the Attorney Gen-*
23 *eral not later than 60 days after the date of enactment of*
24 *this Act.*

1 (b) *REPRESENTATION.*—The Attorney General shall
2 choose members of the Task Force based on their education,
3 training, or experience. The Attorney General shall ensure
4 that the Task Force includes representatives of State and
5 local law enforcement, judicial administration, prosecution,
6 legal experts, persons devoted to the protection of victims’
7 rights, persons providing services to the victims of sexual
8 assault or domestic violence, and survivors of violence.

9 (c) *CONGRESSIONAL COMMITTEE RECOMMENDA-*
10 *TIONS.*—In making appointments to the Task Force, the At-
11 torney General shall consider the recommendations of the
12 chairman and ranking minority members of the Committee
13 on the Judiciary of the Senate and the Committee on the
14 Judiciary of the House of Representatives.

15 (d) *VACANCIES.*—A vacancy on the Task Force shall
16 be filled in the manner in which the original appointment
17 was made.

18 **SEC. 144. TASK FORCE OPERATIONS.**

19 (a) *MEETINGS.*—The Task Force shall hold its first
20 meeting on a date specified by the Attorney General, which
21 date shall not be later than 60 days after the date of enact-
22 ment of this Act. After the initial meeting, the Task Force
23 shall meet at the call of the Attorney General, or its chair-
24 man-designate, but shall meet at least 6 times.

1 (b) *CHAIRMAN.*—Not later than 15 days after the mem-
2 bers of the Task Force are appointed, the Attorney General
3 shall designate a chairman from among the members of the
4 Task Force.

5 (c) *PAY.*—Members of the Task Force who are officers
6 or employees or elected officials of a government entity shall
7 receive no additional compensation by reason of their serv-
8 ice on the Task Force.

9 (d) *PER DIEM.*—Except as provided in subsection (c),
10 members of the Task Force shall be allowed travel and other
11 expenses including per diem in lieu of subsistence, at rates
12 authorized for employees of agencies under sections 5702
13 and 5703 of title 5, United States Code.

14 **SEC. 145. REPORTS.**

15 (a) *IN GENERAL.*—Not later than 1 year after the date
16 on which the Task Force is fully constituted under section
17 143, the Task Force shall prepare and submit a final report
18 to the President and to congressional committees that have
19 jurisdiction over legislation addressing violent crimes
20 against women, including the crimes of domestic and sexual
21 assault.

22 (b) *CONTENTS.*—The final report submitted under
23 paragraph (1) shall contain a detailed statement of the ac-
24 tivities of the Task Force and of the findings and conclu-
25 sions of the Task Force, including such recommendations

1 *for legislation and administrative action as the Task Force*
2 *considers appropriate.*

3 **SEC. 146. EXECUTIVE DIRECTOR AND STAFF.**

4 (a) *EXECUTIVE DIRECTOR.*—

5 (1) *APPOINTMENT.*—*The Task Force shall have*
6 *an Executive Director who shall be appointed by the*
7 *Chairman, with the approval of the Task Force, not*
8 *later than 30 days after the Chairman is selected.*

9 (2) *COMPENSATION.*—*The Executive Director*
10 *shall be compensated at a rate not to exceed the maxi-*
11 *imum rate of the basic pay payable for a position*
12 *above GS-15 of the General Schedule contained in*
13 *title 5, United States Code.*

14 (b) *STAFF.*—*With the approval of the Task Force, the*
15 *Executive Director may appoint and fix the compensation*
16 *of such additional personnel as the Executive Director con-*
17 *siders necessary to carry out the duties of the Task Force.*

18 (c) *APPLICABILITY OF CIVIL SERVICE LAWS.*—*The Ex-*
19 *ecutive Director and the additional personnel of the Task*
20 *Force appointed under subsection (b) may be appointed*
21 *without regard to the provisions of title 5, United States*
22 *Code, governing appointments in the competitive service,*
23 *and may be paid without regard to the provisions of chapter*
24 *51 and subchapter III of chapter 53 of such title relating*
25 *to classification and General Schedule pay rates.*

1 (d) *CONSULTANTS.*—Subject to such rules as may be
2 prescribed by the Task Force, the Executive Director may
3 procure temporary or intermittent services under section
4 3109(b) of title 5, United States Code, at rates for individ-
5 uals not to exceed \$200 per day.

6 **SEC. 147. POWERS OF TASK FORCE.**

7 (a) *HEARINGS.*—For the purpose of carrying out this
8 subtitle, the Task Force may conduct such hearings, sit and
9 act at such times and places, take such testimony, and re-
10 ceive such evidence, as the Task Force considers appro-
11 priate. The Task Force may administer oaths before the
12 Task Force.

13 (b) *DELEGATION.*—Any member or employee of the
14 Task Force may, if authorized by the Task Force, take any
15 action that the Task Force is authorized to take under this
16 subtitle.

17 (c) *ACCESS TO INFORMATION.*—The Task Force may
18 request directly from any executive department or agency
19 such information as may be necessary to enable the Task
20 Force to carry out this subtitle, on the request of the Chair-
21 man of the Task Force.

22 (d) *MAILS.*—The Task Force may use the United
23 States mails in the same manner and under the same condi-
24 tions as other departments and agencies of the United
25 States.

1 **SEC. 148. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated to carry out*
3 *this subtitle \$500,000 for fiscal year 1994.*

4 **SEC. 149. TERMINATION.**

5 *The Task Force shall cease to exist 30 days after the*
6 *date on which its final report is submitted under section*
7 *144.*

8 **Subtitle E—New Evidentiary Rules**

9 **SEC. 151. SEXUAL HISTORY IN ALL CRIMINAL CASES.**

10 *(a) RULE.—The Federal Rules of Evidence are amend-*
11 *ed by inserting after rule 412 the following new rule:*

12 **“Rule 412A. Evidence of victim’s past behavior in**
13 **other criminal cases**

14 *“(a) REPUTATION AND OPINION EVIDENCE EX-*
15 *CLUDED.—Notwithstanding any other law, in a criminal*
16 *case, other than a sex offense case governed by rule 412,*
17 *reputation or opinion evidence of the past sexual behavior*
18 *of an alleged victim is not admissible.*

19 *“(b) ADMISSIBILITY.—Notwithstanding any other law,*
20 *in a criminal case, other than a sex offense case governed*
21 *by rule 412, evidence of an alleged victim’s past sexual be-*
22 *havior (other than reputation and opinion evidence) may*
23 *be admissible if—*

24 *“(1) the evidence is admitted in accordance with*
25 *the procedures specified in subdivision (c); and*

1 “(2) *the probative value of the evidence out-*
2 *weighs the danger of unfair prejudice.*

3 “(c) *PROCEDURES.—(1) If the defendant intends to*
4 *offer evidence of specific instances of the alleged victim’s*
5 *past sexual behavior, the defendant shall make a written*
6 *motion to offer such evidence not later than 15 days before*
7 *the date on which the trial in which such evidence is to*
8 *be offered is scheduled to begin, except that the court may*
9 *allow the motion to be made at a later date, including dur-*
10 *ing trial, if the court determines either that the evidence*
11 *is newly discovered and could not have been obtained earlier*
12 *through the exercise of due diligence or that the issue to*
13 *which such evidence relates has newly arisen in the case.*
14 *Any motion made under this paragraph shall be served on*
15 *all other parties and on the alleged victim.*

16 “(2) *The motion described in paragraph (1) shall be*
17 *accompanied by a written offer of proof. If necessary, the*
18 *court shall order a hearing in chambers to determine if such*
19 *evidence is admissible. At the hearing, the parties may call*
20 *witnesses, including the alleged victim and offer relevant*
21 *evidence. Notwithstanding subdivision (b) of rule 104, if the*
22 *relevancy of the evidence which the defendant seeks to offer*
23 *in the trial depends upon the fulfillment of a condition of*
24 *fact, the court, at the hearing in chambers or at a subse-*
25 *quent hearing in chambers scheduled for such purpose, shall*

1 *accept evidence on the issue of whether such condition of*
 2 *fact is fulfilled and shall determine such issue.*

3 “(3) *If the court determines on the basis of the hearing*
 4 *described in paragraph (2), that the evidence the defendant*
 5 *seeks to offer is relevant, not excluded by any other evi-*
 6 *dentiary rule, and that the probative value of such evidence*
 7 *outweighs the danger of unfair prejudice, such evidence*
 8 *shall be admissible in the trial to the extent an order made*
 9 *by the court specifies the evidence which may be offered and*
 10 *areas with respect to which the alleged victim may be exam-*
 11 *ined or cross-examined. In its order, the court should con-*
 12 *sider (A) the chain of reasoning leading to its finding of*
 13 *relevance, and (B) why the probative value of the evidence*
 14 *outweighs the danger of unfair prejudice given the potential*
 15 *of the evidence to humiliate and embarrass the alleged vic-*
 16 *tim and to result in unfair or biased jury inferences.”.*

17 (b) *TECHNICAL AMENDMENT.—The table of contents*
 18 *for the Federal Rules of Evidence is amended by inserting*
 19 *after the item relating to rule 412 the following new item:*

 “412A. *Evidence of victim’s past behavior in other criminal cases:*
 “(a) *Reputation and opinion evidence excluded.*
 “(b) *Admissibility.*
 “(c) *Procedures.”.*

20 **SEC. 152. SEXUAL HISTORY IN CIVIL CASES.**

21 (a) *RULE.—The Federal Rules of Evidence, as amend-*
 22 *ed by section 151, are amended by adding after rule 412A*
 23 *the following new rule:*

1 **“Rule 412B. Evidence of past sexual behavior in civil**
2 **cases**

3 “(a) *REPUTATION AND OPINION EVIDENCE EX-*
4 *CLUDED.*—Notwithstanding any other law, in a civil case
5 in which a defendant is accused of actionable sexual mis-
6 conduct, reputation or opinion evidence of the plaintiff’s
7 past sexual behavior is not admissible.

8 “(b) *ADMISSIBLE EVIDENCE.*—Notwithstanding any
9 other law, in a civil case in which a defendant is accused
10 of actionable sexual misconduct, evidence of a plaintiff’s
11 past sexual behavior other than reputation or opinion evi-
12 dence may be admissible if—

13 “(1) it is admitted in accordance with the proce-
14 dures specified in subdivision (c); and

15 “(2) the probative value of the evidence out-
16 weighs the danger of unfair prejudice.

17 “(c) *PROCEDURES.*—(1) If the defendant intends to
18 offer evidence of specific instances of the plaintiff’s past sex-
19 ual behavior, the defendant shall make a written motion
20 to offer such evidence not later than 15 days before the date
21 on which the trial in which such evidence is to be offered
22 is scheduled to begin, except that the court may allow the
23 motion to be made at a later date, including during trial,
24 if the court determines either that the evidence is newly dis-
25 covered and could not have been obtained earlier through
26 the exercise of due diligence or that the issue to which such

1 *evidence relates has newly arisen in the case. Any motion*
2 *made under this paragraph shall be served on all other par-*
3 *ties and on the plaintiff.*

4 “(2) *The motion described in paragraph (1) shall be*
5 *accompanied by a written offer of proof. If necessary, the*
6 *court shall order a hearing in chambers to determine if such*
7 *evidence is admissible. At the hearing, the parties may call*
8 *witnesses, including the plaintiff and offer relevant evi-*
9 *dence. Notwithstanding subdivision (b) of rule 104, if the*
10 *relevancy of the evidence that the defendant seeks to offer*
11 *in the trial depends upon the fulfillment of a condition of*
12 *fact, the court, at the hearing in chambers or at a subse-*
13 *quent hearing in chambers scheduled for the purpose, shall*
14 *accept evidence on the issue of whether the condition of fact*
15 *is fulfilled and shall determine such issue.*

16 “(3) *If the court determines on the basis of the hearing*
17 *described in paragraph (2) that the evidence the defendant*
18 *seeks to offer is relevant and not excluded by any other evi-*
19 *dentiary rule, and that the probative value of the evidence*
20 *outweighs the danger of unfair prejudice, the evidence shall*
21 *be admissible in the trial to the extent an order made by*
22 *the court specifies evidence that may be offered and areas*
23 *with respect to which the plaintiff may be examined or*
24 *cross-examined. In its order, the court should consider—*

1 “(A) the chain of reasoning leading to its finding
2 of relevance; and

3 “(B) why the probative value of the evidence out-
4 weighs the danger of unfair prejudice given the poten-
5 tial of the evidence to humiliate and embarrass the al-
6 leged victim and to result in unfair or biased jury in-
7 ferences.

8 “(d) *DEFINITIONS.*—For purposes of this rule, a case
9 involving a claim of actionable sexual misconduct, includes
10 sexual harassment or sex discrimination claims brought
11 pursuant to title VII of the Civil Rights Act of 1964 (42
12 U.S.C. 2000(e)) and gender bias claims brought pursuant
13 to title III of the Violence Against Women Act of 1993.”.

14 (b) *TECHNICAL AMENDMENT.*—The table of contents
15 for the Federal Rules of Evidence, as amended by section
16 151, is amended by inserting after the item relating to rule
17 412A the following new item:

 “412B. Evidence of past sexual behavior in civil cases:

 “(a) Reputation and opinion evidence excluded.

 “(b) Admissible evidence.

 “(c) Procedures.

 “(d) Definitions.”.

18 **SEC. 153. AMENDMENTS TO RAPE SHIELD LAW.**

19 (a) *RULE.*—Rule 412 of the Federal Rules of Evidence
20 is amended—

21 (1) by adding at the end the following new sub-
22 divisions:

1 “(e) *INTERLOCUTORY APPEAL*.—Notwithstanding any
 2 other law, any evidentiary rulings made pursuant to this
 3 rule are subject to interlocutory appeal by the government
 4 or by the alleged victim.

5 “(f) *RULE OF RELEVANCE AND PRIVILEGE*.—If the
 6 prosecution seeks to offer evidence of prior sexual history,
 7 the provisions of this rule may be waived by the alleged
 8 victim.”; and

9 (2) by adding at the end of subdivision (c)(3) the
 10 following: “In its order, the court should consider (A)
 11 the chain of reasoning leading to its finding of rel-
 12 evance; and (B) why the probative value of the evi-
 13 dence outweighs the danger of unfair prejudice given
 14 the potential of the evidence to humiliate and embar-
 15 rass the alleged victim and to result in unfair or bi-
 16 ased jury inferences.”.

17 (b) *TECHNICAL AMENDMENT*.—The table of contents
 18 for the Federal Rules of Evidence is amended by adding
 19 at the end the item relating to rule 412 the following:

 “(e) *Interlocutory appeal*.

 “(f) *Rule of relevance and privilege*.”.

20 **SEC. 154. EVIDENCE OF CLOTHING.**

21 (a) *RULE*.—The Federal Rules of Evidence, as amend-
 22 ed by section 152, are amended by adding after rule 412B
 23 the following new rule:

1 **“Rule 413. Evidence of victim’s clothing as inciting vi-**
 2 **olence**

3 *“Notwithstanding any other law, in a criminal case*
 4 *in which a person is accused of an offense under chapter*
 5 *109A of title 18, United States Code, evidence of an alleged*
 6 *victim’s clothing is not admissible to show that the alleged*
 7 *victim incited or invited the offense charged.”.*

8 (b) *TECHNICAL AMENDMENT.—The table of contents*
 9 *for the Federal Rules of Evidence, as amended by section*
 10 *152, is amended by inserting after the item relating to rule*
 11 *412B the following new item:*

“413. Evidence of victim’s clothing as inciting violence.”.

12 ***Subtitle F—Assistance to Victims of***
 13 ***Sexual Assault***

14 ***SEC. 161. EDUCATION AND PREVENTION GRANTS TO RE-***
 15 ***DUCE SEXUAL ASSAULTS AGAINST WOMEN.***

16 *Part A of title XIX of the Public Health and Health*
 17 *Services Act (42 U.S.C. 300w et seq.) is amended by adding*
 18 *at the end the following new section:*

19 ***“SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION***
 20 ***EDUCATION.***

21 *“(a) PERMITTED USE.—Notwithstanding section*
 22 *1904(a)(1), amounts transferred by the State for use under*
 23 *this part may be used for rape prevention and education*
 24 *programs conducted by rape crisis centers or similar non-*

1 *governmental nonprofit entities, which programs may in-*
2 *clude—*

3 “(1) *educational seminars;*

4 “(2) *the operation of hotlines;*

5 “(3) *training programs for professionals;*

6 “(4) *the preparation of informational materials;*

7 *and*

8 “(5) *other efforts to increase awareness of the*
9 *facts about, or to help prevent, sexual assault, includ-*
10 *ing efforts to increase awareness in underserved ra-*
11 *cial, ethnic, and language minority communities.*

12 “(b) *TARGETING OF EDUCATION PROGRAMS.—States*
13 *providing grant monies must ensure that at least 25 percent*
14 *of the monies are devoted to education programs targeted*
15 *for middle school, junior high school, and high school*
16 *students.*

17 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
18 *authorized to be appropriated to carry out this section*
19 *\$65,000,000 for each of fiscal years 1994, 1995, and 1996.*

20 “(d) *LIMITATION.—Funds authorized under this sec-*
21 *tion may only be used for providing rape prevention and*
22 *education programs.*

23 “(e) *DEFINITION.—For purposes of this section, the*
24 *term ‘rape prevention and education’ includes education*
25 *and prevention efforts directed at offenses committed by of-*

1 *enders who are not known to the victim as well as offenders*
2 *who are known to the victim.*

3 “(f) *TERMS.—States shall be allotted funds under this*
4 *section pursuant to the terms of sections 1902 and 1903,*
5 *and subject to the conditions provided in this section and*
6 *sections 1904 through 1909.”.*

7 ***SEC. 162. RAPE EXAM PAYMENTS.***

8 (a) *No State or other grantee is entitled to funds under*
9 *title I of the Violence Against Women Act of 1993 unless*
10 *the State or other grantee incurs the full cost of forensic*
11 *medical exams for victims of sexual assault. A State or*
12 *other grantee does not incur the full medical cost of forensic*
13 *medical exams if it chooses to reimburse the victim after*
14 *the fact unless the reimbursement program waives any min-*
15 *imum loss or deductible requirement, provides victim reim-*
16 *bursement within a reasonable time (90 days), permits ap-*
17 *plications for reimbursement within one year from the date*
18 *of the exam, and provides information to all subjects of fo-*
19 *rensic medical exams about how to obtain reimbursement.*

20 (b) *Within 90 days after the enactment of this Act,*
21 *the Director of the Office of Victims of Crime shall propose*
22 *regulations to implement this section, detailing qualified*
23 *programs. Such regulations shall specify the type and form*
24 *of information to be provided victims, including provisions*
25 *for multilingual information, where appropriate.*

1 **SEC. 163. EDUCATION AND PREVENTION GRANTS TO RE-**
2 **DUCE SEXUAL ABUSE OF FEMALE RUNAWAY,**
3 **HOMELESS, AND STREET YOUTH.**

4 *Part A of the Runaway and Homeless Youth Act (42*
5 *U.S.C. 5711 et seq.) is amended by—*

6 *(1) redesignating sections 316 and 317 as sec-*
7 *tions 317 and 318, respectively; and*

8 *(2) inserting after section 315 the following new*
9 *section:*

10 *“GRANTS FOR PREVENTION OF SEXUAL ABUSE AND*
11 *EXPLOITATION*

12 *“SEC. 316. (a) IN GENERAL.—The Secretary shall*
13 *make grants under this section to private, nonprofit agen-*
14 *cies for street-based outreach and education, including*
15 *treatment, counseling, and information and referral, for fe-*
16 *male runaway, homeless, and street youth who have been*
17 *subjected to or are at risk of being subjected to sexual abuse.*

18 *“(b) PRIORITY.—In selecting among applicants for*
19 *grants under subsection (a), the Secretary shall give prior-*
20 *ity to agencies that have experience in providing services*
21 *to female runaway, homeless, and street youth.*

22 *“(c) AUTHORIZATION OF APPROPRIATIONS.—There are*
23 *authorized to be appropriated to carry out this section*
24 *\$10,000,000 for each of fiscal years 1994, 1995, and 1996.*

25 *“(d) DEFINITIONS.—For the purposes of this section—*

1 “(1) the term ‘street-based outreach and edu-
2 cation’ includes education and prevention efforts di-
3 rected at offenses committed by offenders who are not
4 known to the victim as well as offenders who are
5 known to the victim; and

6 “(2) the term ‘street youth’ means a female less
7 than 21 years old who spends a significant amount
8 of time on the street or in other areas of exposure to
9 encounters that may lead to sexual abuse.”.

10 **SEC. 164. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.**

11 Rule 32 of the Federal Rules of Criminal Procedure
12 is amended—

13 (1) by striking “and” at the end of subdivision
14 (a)(1)(B);

15 (2) by striking the period at the end of subdivi-
16 sion (a)(1)(C) and inserting “; and”;

17 (3) by inserting after subdivision (a)(1)(C) the
18 following new subdivision:

19 “(D) if sentence is to be imposed for a crime of
20 violence or sexual abuse, address the victim personally
21 if the victim is present at the sentencing hearing and
22 determine if the victim wishes to make a statement
23 and to present any information in relation to the sen-
24 tence.”;

1 (4) in the penultimate sentence of subdivision
2 (a)(1), by striking “equivalent opportunity” and in-
3 serting “opportunity equivalent to that of the defend-
4 ant’s counsel”;

5 (5) in the last sentence of subdivision (a)(1) by
6 inserting “the victim,” before “or the attorney for the
7 Government.”; and

8 (6) by adding at the end the following new sub-
9 division:

10 “(f) DEFINITIONS.—For purposes of this rule—

11 “(1) the term ‘victim’ means any person against
12 whom an offense for which a sentence is to be imposed
13 has been committed, but the right of allocution under
14 subdivision (a)(1)(D) may be exercised instead by—

15 “(A) a parent or legal guardian in case the
16 victim is below the age of 18 years or incom-
17 petent; or

18 “(B) 1 or more family members or relatives
19 designated by the court in case the victim is de-
20 ceased or incapacitated,

21 if such person or persons are present at the sentencing
22 hearing, regardless of whether the victim is present;
23 and

24 “(2) the term ‘crime of violence or sexual abuse’
25 means a crime that involved the use or attempted or

1 *threatened use of physical force against the person or*
 2 *property of another, or a crime under chapter 109A*
 3 *of title 18, United States Code.”.*

4 **TITLE II—SAFE HOMES FOR**
 5 **WOMEN**

6 **SEC. 201. SHORT TITLE.**

7 *This title may be cited as the “Safe Homes for Women*
 8 *Act of 1993”.*

9 **Subtitle A—Family Violence Preven-**
 10 **tion and Services Act Amend-**
 11 **ments**

12 **SEC. 211. GRANT FOR A NATIONAL DOMESTIC VIOLENCE**
 13 **HOTLINE.**

14 *The Family Violence Prevention and Services Act (42*
 15 *U.S.C. 10401 et seq.) is amended by adding at the end the*
 16 *following new section:*

17 **“SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE**
 18 **GRANT.**

19 *“(a) IN GENERAL.—The Secretary may award a grant*
 20 *to a private, nonprofit entity to provide for the operation*
 21 *of a national, toll-free telephone hotline to provide informa-*
 22 *tion and assistance to victims of domestic violence.*

23 *“(b) ACTIVITIES.—Funds received by an entity under*
 24 *this section shall be utilized to open and operate a national,*

1 *toll-free domestic violence hotline. Such funds may be used*
2 *for activities including—*

3 “(1) *contracting with a carrier for the use of a*
4 *toll-free telephone line;*

5 “(2) *employing, training and supervising per-*
6 *sonnel to answer incoming calls and provide counsel-*
7 *ing and referral services to callers on a 24-hour-a-day*
8 *basis;*

9 “(3) *assembling, maintaining, and continually*
10 *updating a database of information and resources to*
11 *which callers may be referred throughout the United*
12 *States; and*

13 “(4) *publicizing the hotline to potential users*
14 *throughout the United States.*

15 “(c) *APPLICATION.—A grant may not be made under*
16 *this section unless an application for such grant has been*
17 *approved by the Secretary. To be approved by the Secretary*
18 *under this subsection an application shall—*

19 “(1) *provide such agreements, assurances, and*
20 *information, be in such form and be submitted in*
21 *such manner as the Secretary shall prescribe through*
22 *notice in the Federal Register;*

23 “(2) *include a complete description of the appli-*
24 *cant’s plan for the operation of a national domestic*
25 *violence hotline, including descriptions of—*

1 “(A) the training program for hotline per-
2 sonnel;

3 “(B) the hiring criteria for hotline person-
4 nel;

5 “(C) the methods for the creation, mainte-
6 nance and updating of a resource database; and

7 “(D) a plan for publicizing the availability
8 of the hotline;

9 “(3) demonstrate that the applicant has nation-
10 ally recognized expertise in the area of domestic vio-
11 lence and a record of high quality service to victims
12 of domestic violence; and

13 “(4) contain such other information as the Sec-
14 retary may require.

15 “(d) *SPECIAL CONSIDERATIONS.*—In considering an
16 application under subsection (c), the Secretary shall also
17 take into account the applicant’s ability to offer multi-
18 lingual services and services for the hearing impaired.

19 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
20 authorized to be appropriated to carry out this section
21 \$500,000 for each of fiscal years 1994, 1995, and 1996.”.

1 **Subtitle B—Interstate Enforcement**

2 **SEC. 221. INTERSTATE ENFORCEMENT.**

3 (a) *IN GENERAL.*—Part 1 of title 18, United States
4 Code, is amended by inserting after chapter 110 the follow-
5 ing new chapter:

6 **“CHAPTER 110A—VIOLENCE AGAINST**
7 **SPOUSES**

“Sec. 2261. *Traveling to commit spousal abuse.*

“Sec. 2262. *Interstate violation of protection orders.*

“Sec. 2263. *Interim protections.*

“Sec. 2264. *Restitution.*

“Sec. 2265. *Full faith and credit given to protection orders.*

“Sec. 2266. *Definitions.*

8 **“§ 2261. Traveling to commit spousal abuse**

9 “(a) *IN GENERAL.*—Any person who travels across a
10 State line with the intent to injure, harass, intimidate his
11 or her spouse or intimate partners and who, in the course
12 of or as a result of such travel, commits an act that injures
13 his or her spouse or intimate partner shall be punished as
14 provided in subsection (c).

15 “(b) *CAUSING THE CROSSING OF A STATE LINE.*—Any
16 person who causes a spouse or intimate partner to cross
17 a State line by force, coercion, duress or fraud and, in the
18 course or as a result of that conduct, commits an act that
19 injures his or her spouse or intimate partner shall be pun-
20 ished as provided in subsection (c).

21 “(c) *PENALTIES.*—A person who violates this section
22 shall be punished as follows:

1 “(1) *If permanent disfigurement or life-threaten-*
2 *ing bodily injury results, by imprisonment for not*
3 *more than 20 years; if serious bodily injury results,*
4 *by fine under this title or imprisonment for not more*
5 *than 10 years, or both.*

6 “(2) *If the offense is committed with intent to*
7 *commit another felony, by fine under this title or im-*
8 *prisonment for not more than 10 years, or both.*

9 “(3) *If the offense is committed with a dangerous*
10 *weapon, with intent to do bodily harm, by fine under*
11 *this title or imprisonment for not more than 5 years,*
12 *or both.*

13 “(4) *If the offense constitutes sexual abuse, as*
14 *that conduct is described under chapter 109A of title*
15 *18, United States Code (without regard to whether the*
16 *offense was committed in the maritime, territorial or*
17 *prison jurisdiction of the United States), by fine or*
18 *term of imprisonment as provided for the applicable*
19 *conduct under chapter 109A.*

20 “(5) *In a case not described in paragraph (1),*
21 *(2), (3), or (4), by fine under this title or imprison-*
22 *ment for not more than 5 years, or both.*

23 “(d) *CRIMINAL INTENT.—The criminal intent of the*
24 *offender required to establish an offense under subsection*

1 *(b) does not require a showing of the specific intent to vio-*
2 *late the law of a State.*

3 “(e) *NO PRIOR STATE ACTION NECESSARY.*—*Nothing*
4 *in this section requires a prior criminal prosecution or con-*
5 *viction or a prior civil protection order issued under State*
6 *law to initiate Federal prosecution.*

7 **“§ 2262. Interstate violation of protection orders**

8 “(a) *IN GENERAL.*—*Any person against whom a valid*
9 *protection order has been entered who—*

10 “(1) *travels across a State line with the intent*
11 *to injure, harass, intimidate, or contact a spouse or*
12 *intimate partner; and*

13 “(2) *commits an act that injures, harasses, or in-*
14 *timidates a spouse or intimate partner or otherwise*
15 *violates a valid protection order issued by a State,*
16 *shall be punished as provided in subsection (c).*

17 “(b) *CAUSING THE CROSSING OF A STATE LINE.*—*Any*
18 *person who causes a spouse or intimate partner to cross*
19 *a State line by force, coercion, duress, or fraud, and, in*
20 *the course or as a result of that conduct, commits an act*
21 *that injures his or her spouse or intimate partner in viola-*
22 *tion of a valid protection order issued by a State shall be*
23 *punished as provided in subsection (c).*

24 “(c) *PENALTIES.*—*A person who violates this section*
25 *shall be punished as follows:*

1 “(1) If permanent disfigurement or life-threaten-
2 ing bodily injury results, by imprisonment for not
3 more than 20 years; if serious bodily injury results,
4 by fine under this title or imprisonment for not more
5 than 10 years, or both.

6 “(2) If the offense is committed with intent to
7 commit another felony, by fine under this title or im-
8 prisonment for not more than 10 years, or both.

9 “(3) If the offense is committed with a dangerous
10 weapon, with intent to do bodily harm, by fine under
11 this title or imprisonment for not more than 5 years,
12 or both.

13 “(4) If the offender has previously violated any
14 prior protection order issued against that person for
15 the protection of the same victim, by fine under this
16 title or imprisonment for not more than 5 years and
17 not less than 6 months, or both.

18 “(5) If the offense constitutes sexual abuse, as
19 that conduct is described under chapter 109A of title
20 18, United States Code (without regard to whether the
21 conduct was committed in the special maritime, terri-
22 torial or prison jurisdiction of the United States), by
23 fine or term of imprisonment as provided for the ap-
24 plicable offense under chapter 109A.

1 “(6) *In a case not described in paragraph (1),*
2 *(2), (3), (4), or (5), by fine under this title or impris-*
3 *onment for not more than 5 years, or both.*

4 “(d) *CRIMINAL INTENT.—The criminal intent required*
5 *to establish the offense provided in subsection (a) does not*
6 *require a showing of the specific intent to violate a protec-*
7 *tion order or the law of any State.*

8 “(e) *NO PRIOR STATE ACTION NECESSARY.—Nothing*
9 *in this section requires a prior criminal prosecution or con-*
10 *viction under State law to initiate Federal prosecution.*

11 **“§ 2263. Pretrial release of defendant**

12 *“In any proceeding pursuant to section 3142 of this*
13 *title for the purpose of determining whether a defendant*
14 *charged under this section shall be released pending trial,*
15 *or for the purpose of determining conditions of such release,*
16 *the alleged victim shall be given an opportunity to be heard*
17 *regarding the danger posed by the defendant.*

18 **“§ 2264. Restitution**

19 “(a) *IN GENERAL.—In addition to any fine or term*
20 *of imprisonment provided under this chapter, and notwith-*
21 *standing section 3663, the court shall order restitution to*
22 *the victim of an offense under this chapter.*

23 “(b) *SCOPE AND NATURE OF ORDER.—(1) An order*
24 *of restitution under this section shall direct that—*

1 “(A) the defendant pay to the victim (through
2 the appropriate court mechanism) the full amount of
3 the victim’s losses as determined by the court, pursu-
4 ant to paragraph (2); and

5 “(B) the United States Attorney enforce the res-
6 titution order by all available and reasonable means.

7 “(2) For purposes of this subsection, the term ‘full
8 amount of the victim’s losses’ includes any costs incurred
9 by the victim for—

10 “(A) medical services relating to physical, psy-
11 chiatric, or psychological care;

12 “(B) physical and occupational therapy or reha-
13 bilitation;

14 “(C) lost income;

15 “(D) attorneys’ fees, plus any costs incurred in
16 obtaining a civil protection order; and

17 “(E) any other losses suffered by the victim as
18 a proximate result of the offense.

19 “(3) A restitution order under this section is manda-
20 tory. A court may not decline to issue an order under this
21 section because of—

22 “(A) the economic circumstances of the defend-
23 ant; or

1 “(B) the fact that victim has, or is entitled to,
2 receive compensation for his or her injuries from the
3 proceeds of insurance.

4 “(4)(A) Notwithstanding paragraph (3), the court may
5 take into account the economic circumstances of the defend-
6 ant in determining the manner in which and the schedule
7 according to which the restitution is to be paid, including—

8 “(i) the financial resources and other assets of
9 the defendant;

10 “(ii) projected earnings, earning capacity, and
11 other income of the defendant; and

12 “(iii) any financial obligations of the offender,
13 including obligations to dependents.

14 “(B) An order under this section may direct the de-
15 fendant to make a single lump-sum payment, or partial
16 payments at specified intervals. The order shall provide
17 that the defendant’s restitutionary obligation takes priority
18 over any criminal fine ordered.

19 “(C) If the victim has recovered for any amount of loss
20 through the proceeds of insurance or any other source, the
21 order of restitution shall provide that restitution be paid
22 to the person who provided the compensation, but that res-
23 titution shall be paid to the victim for the victim’s other
24 losses before any restitution is paid to any other provider
25 of compensation.

1 “(5) Any amount paid to a victim under this section
2 shall be set off against any amount later recovered as com-
3 pensatory damages by the victim from the defendant in—

4 “(A) any Federal civil proceeding; and

5 “(B) any State civil proceeding, to the extent
6 provided by the law of the State.

7 “(c) PROOF OF CLAIM.—(1) Within 60 days after con-
8 viction and, in any event, no later than 10 days prior to
9 sentencing, the United States Attorney (or the United States
10 Attorney’s delegee), after consulting with the victim, shall
11 prepare and file an affidavit with the court listing the
12 amounts subject to restitution under this section. The affi-
13 davit shall be signed by the United States Attorney (or the
14 United States Attorney’s delegee) and the victim. Should
15 the victim object to any of the information included in the
16 affidavit, the United States Attorney (or the United States
17 Attorney’s delegee) shall advise the victim that the victim
18 may file a separate affidavit and shall provide the victim
19 with an affidavit form which may be used to do so.

20 “(2) If no objection is raised by the defendant, the
21 amounts attested to in the affidavit filed pursuant to para-
22 graph (1) shall be entered in the court’s restitution order.
23 If objection is raised, the court may require the victim or
24 the United States Attorney (or the United States Attorney’s

1 *delegee) to submit further affidavits or other supporting*
2 *documents, demonstrating the victim's losses.*

3 “(3) *If the court concludes, after reviewing the support-*
4 *ing documentation and considering the defendant's objec-*
5 *tions, that there is a substantial reason for doubting the*
6 *authenticity or veracity of the records submitted, the court*
7 *may require additional documentation or hear testimony*
8 *on those questions. Any records filed, or testimony heard,*
9 *pursuant to this subsection, shall be in camera in the*
10 *judge's chambers.*

11 “(4) *If the victim's losses are not ascertainable 10 days*
12 *prior to sentencing as provided in subsection (c)(1), the*
13 *United States Attorney (or the United States Attorney's*
14 *delegee) shall so inform the court, and the court shall set*
15 *a date for the final determination of the victim's losses, not*
16 *to exceed 90 days after sentencing. If the victim subse-*
17 *quently discovers further losses, the victim shall have 60*
18 *days after discovery of those losses in which to petition the*
19 *court for an amended restitution order. Such an order may*
20 *be granted only upon a showing of good cause for the failure*
21 *to include such losses in the initial claim for restitutionary*
22 *relief.*

23 “(d) *RESTITUTION AND CRIMINAL PENALTIES.—An*
24 *award of restitution to the victim of an offense under this*

1 *chapter shall not be a substitute for imposition of punish-*
2 *ment under sections 2261 and 2262.*

3 “(e) *DEFINITIONS.*—*For purposes of this section, the*
4 *term ‘victim’ includes the person harmed as a result of a*
5 *commission of a crime under this chapter, including, in the*
6 *case of a victim who is under 18 years of age, incompetent,*
7 *incapacitated, or deceased, the legal guardian of the victim*
8 *or representative of the victim’s estate, another family mem-*
9 *ber, or any other person appointed as suitable by the court,*
10 *but in no event shall the defendant be named as such a*
11 *representative or guardian.*

12 **“§2265. Full faith and credit given to protection or-**
13 **ders**

14 “(a) *FULL FAITH AND CREDIT.*—*Any protection order*
15 *issued consistent with subsection (b) by the court of 1 State*
16 *(the issuing State) shall be accorded full faith and credit*
17 *by the court of another State (the enforcing State) and en-*
18 *forced as if it were the order of the enforcing State.*

19 “(b) *PROTECTION ORDER.*—(1) *A protection order is-*
20 *ssued by a State court is consistent with this subsection if—*

21 “(A) *the court has jurisdiction over the parties*
22 *and matter under the law of the State; and*

23 “(B) *reasonable notice and opportunity to be*
24 *heard is given to the person against whom the order*

1 *is sought sufficient to protect that person’s right to*
 2 *due process.*

3 *“(2) In the case of an order under paragraph (1) that*
 4 *is issued ex parte, notice and opportunity to be heard shall*
 5 *be provided within the time required by State law, and in*
 6 *any event within a reasonable time after the order is issued,*
 7 *sufficient to protect the respondent’s due process rights.*

8 *“(c) CROSS- OR COUNTER-PETITION.—A protection*
 9 *order issued by a State court against one who has peti-*
 10 *tioned, filed a complaint, or otherwise filed a written plead-*
 11 *ing for protection against abuse by a spouse or intimate*
 12 *partner is not entitled to full faith and credit if—*

13 *“(1) no cross- or counter-petition, complaint, or*
 14 *other written pleading was filed seeking such a pro-*
 15 *tection order; or*

16 *“(2) if a cross- or counter-petition has been filed,*
 17 *if the court did not make specific findings that each*
 18 *party was entitled to such an order.*

19 **“§ 2266. Definitions**

20 *“As used in this chapter—*

21 *“(1) the term ‘spouse or intimate partner’ in-*
 22 *cludes—*

23 *“(A) a present or former spouse, a person*
 24 *who shares a child in common with an abuser,*

1 *and a person who cohabits or has cohabited with*
2 *an abuser as a spouse; and*

3 “(B) *any other person similarly situated to*
4 *a spouse who is protected by the domestic or*
5 *family violence laws of the State in which the in-*
6 *jury occurred or where the victim resides, or any*
7 *other adult person who is protected from an*
8 *abuser’s acts under the domestic or family vio-*
9 *lence laws of the State in which the injury oc-*
10 *curred or where the victim resides;*

11 “(2) *the term ‘protection order’ includes an in-*
12 *junction or other order issued for the purpose of pre-*
13 *venting violent or threatening acts by 1 spouse*
14 *against his or her spouse or intimate partner, includ-*
15 *ing a temporary or final order issued by a civil or*
16 *criminal court (other than a support or child custody*
17 *order or provision) whether obtained by filing an*
18 *independent action or as a pendente lite order in an-*
19 *other proceeding, so long as, in the case of a civil*
20 *order, the order was issued in response to a com-*
21 *plaint, petition, or motion filed by or on behalf of an*
22 *abused spouse or intimate partner;*

23 “(3) *the term ‘act that injures’ includes any act,*
24 *except one done in self-defense, that results in phys-*
25 *ical injury or sexual abuse;*

1 “(1) To implement pro-arrest programs and
2 policies in police departments and to improve track-
3 ing of cases involving spousal abuse.

4 “(2) To centralize police enforcement, prosecu-
5 tion, or judicial responsibility for, spousal abuse cases
6 in one group or unit of police officers, prosecutors, or
7 judges.

8 “(3) To coordinate computer tracking systems to
9 ensure communication between police, prosecutors,
10 and both criminal and family courts.

11 “(4) To educate judges in criminal and other
12 courts about spousal abuse and to improve judicial
13 handling of such cases.

14 “(b) ELIGIBILITY.—(1) Eligible grantees are those
15 States, Indian tribes, municipalities or other local govern-
16 ment entities that—

17 “(A) demonstrate, through arrest and conviction
18 statistics, that their laws or policies have been effec-
19 tive in significantly increasing the number of arrests
20 made of spouse abusers;

21 “(B) certify that their laws or official policies—

22 “(i) mandate arrest of spouse abusers based
23 on probable cause that violence has been commit-
24 ted; or

1 “(ii) permit warrantless arrests of spouse
2 abusers, encourage the use of that authority, and
3 mandate arrest of spouses violating the terms of
4 a valid and outstanding protection order;

5 “(C) demonstrate that their laws, policies, prac-
6 tices and training programs discourage ‘dual’ arrests
7 of abused and abuser;

8 “(D) certify that their laws, policies, and prac-
9 tices prohibit issuance of mutual protection orders in
10 cases where only one spouse has sought a protection
11 order, and require findings of mutual aggression to
12 issue mutual protection orders in cases where both
13 parties file a claim; and

14 “(E) certify that their laws, policies, and prac-
15 tices do not require, in connection with the prosecu-
16 tion of any misdemeanor or felony spouse abuse of-
17 fense, that the abused bear the costs associated with
18 the filing of criminal charges or the service of such
19 charges on an abuser; or that the abused bear the costs
20 associated with the issuance or service of a warrant,
21 protection order or witness subpoena.

22 “(2) For purposes of this section—

23 “(A) the term ‘protection order’ includes any in-
24 junction issued for the purpose of preventing violent
25 or threatening acts of spouse abuse, including a tem-

1 porary or final order issued by civil or criminal
2 courts (other than support or child custody orders or
3 provisions) whether obtained by filing an independent
4 action or as a pendente lite order in another proceed-
5 ing; and

6 “(B) the term ‘spousal or spouse abuse’ includes
7 a felony or misdemeanor offense committed by a cur-
8 rent or former spouse of the victim, a person with
9 whom the victim shares a child in common, a person
10 who is cohabiting with or has cohabited with the vic-
11 tim as a spouse, a person similarly situated to a
12 spouse of the victim under the domestic or family vio-
13 lence laws of the jurisdiction receiving grant monies,
14 or committed by any other adult person upon a vic-
15 tim who is protected from that person’s acts under the
16 domestic or family violence laws of the jurisdiction
17 receiving grant monies.

18 “(3) The eligibility requirements provided in this sec-
19 tion shall take effect on the date that is 1 year after the
20 date of enactment of this section.

21 “(c) DELEGATION AND AUTHORIZATION.—The Sec-
22 retary shall delegate to the Attorney General of the United
23 States the Secretary’s responsibilities for carrying out this
24 section. There are authorized to be appropriated not in ex-

1 *cess of \$25,000,000 for each fiscal year to be used for the*
2 *purpose of making grants under this section.*

3 “(d) *APPLICATION.—An eligible grantee shall submit*
4 *an application to the Secretary. Such an application*
5 *shall—*

6 “(1) *contain a certification by the chief executive*
7 *officer of the State, Indian tribe, municipality, or*
8 *local government entity that the conditions of sub-*
9 *section (b) are met;*

10 “(2) *describe the entity’s plans to further the*
11 *purposes listed in subsection (a);*

12 “(3) *identify the agency or office or groups of*
13 *agencies or offices responsible for carrying out the*
14 *program; and*

15 “(4) *identify and include documentation show-*
16 *ing the nonprofit nongovernmental victim services*
17 *programs that will be consulted in developing, and*
18 *implementing, the program.*

19 “(e) *PRIORITY.—In awarding grants under this sec-*
20 *tion, the Secretary shall give priority to a grantee that—*

21 “(1) *does not currently provide for centralized*
22 *handling of cases involving spousal or family violence*
23 *in any one of the areas listed in this subsection—po-*
24 *lice, prosecutors, and courts; and*

1 “(2) demonstrates a commitment to strong en-
2 forcement of laws, and prosecution of cases, involving
3 spousal or family violence.

4 “(f) *REPORTING.*—Each grantee receiving funds under
5 this section shall submit a report to the Secretary evaluat-
6 ing the effectiveness of the plan described in subsection
7 (d)(2) and containing such additional information as the
8 Secretary may prescribe.

9 “(g) *REGULATIONS.*—No later than 45 days after the
10 date of enactment of this section, the Secretary shall publish
11 proposed regulations implementing this section. No later
12 than 120 days after such date, the Secretary shall publish
13 final regulations implementing this section.”.

14 ***Subtitle D—DOMESTIC VIOLENCE,***
15 ***FAMILY SUPPORT, AND SHEL-***
16 ***TER GRANTS***

17 ***SEC. 241. DOMESTIC VIOLENCE AND FAMILY SUPPORT***
18 ***GRANT PROGRAM.***

19 (a) *PURPOSE.*—The purpose of this section is to
20 strengthen and improve State and local efforts to prevent
21 and punish domestic violence and other criminal and un-
22 lawful acts that particularly affect women, and to assist
23 and protect the victims of such crimes and acts.

24 (b) *AUTHORIZATION OF GRANTS.*—The Secretary of
25 Health and Human Services shall make grants to support

1 *projects and programs relating to domestic violence and*
2 *other criminal and unlawful acts that particularly affect*
3 *women, including support of—*

4 (1) *training and policy development programs*
5 *for law enforcement officers and prosecutors concern-*
6 *ing the investigation and prosecution of domestic vio-*
7 *lence;*

8 (2) *law enforcement and prosecutorial units and*
9 *teams that target domestic violence;*

10 (3) *model, innovative, and demonstration law*
11 *enforcement programs relating to domestic violence*
12 *that involve pro-arrest and aggressive prosecution*
13 *policies;*

14 (4) *model, innovative, and demonstration pro-*
15 *grams for the effective utilization and enforcement of*
16 *protective orders;*

17 (5) *programs addressing stalking and persistent*
18 *menacing;*

19 (6) *victim services programs for victims of do-*
20 *mestic violence;*

21 (7) *educational and informational programs re-*
22 *lating to domestic violence;*

23 (8) *resource centers providing information, tech-*
24 *nical assistance, and training to domestic violence*
25 *service providers, agencies, and programs;*

1 (9) *coalitions of domestic violence service provid-*
2 *ers, agencies, and programs;*

3 (10) *training programs for judges and court per-*
4 *sonnel in relation to cases involving domestic vio-*
5 *lence;*

6 (11) *enforcement of child support obligations, in-*
7 *cluding cooperative efforts and arrangements of States*
8 *to improve enforcement in cases involving interstate*
9 *elements; and*

10 (12) *shelters that provide services for victims of*
11 *domestic violence and related programs.*

12 (c) *FORMULA GRANTS.—Of the amount appropriated*
13 *in each fiscal year for grants under this section, other than*
14 *the amount set aside to carry out subsection (d)—*

15 (1) *1 percent shall be set aside for each partici-*
16 *pating State; and*

17 (2) *the remainder shall be allocated to the par-*
18 *ticipating States in proportion to their populations;*
19 *for the use of State and local governments in the States.*

20 (d) *DISCRETIONARY GRANTS.—Of the amount appro-*
21 *priated in each fiscal year, 20 percent shall be set aside*
22 *in a discretionary fund to provide grants to public and pri-*
23 *vate agencies to further the purposes and objectives set forth*
24 *in subsections (a) and (b).*

1 (e) *APPLICATION FOR FORMULA GRANTS.*—To request
2 a grant under subsection (c), the chief executive officer of
3 a State must, in each fiscal year, submit to the Secretary
4 a plan for addressing domestic violence and other criminal
5 and unlawful acts that particularly affect women in the
6 State, including a specification of the uses to which funds
7 provided under subsection (c) will be put in carrying out
8 the plan. The application must include—

9 (1) certification that the Federal funding pro-
10 vided will be used to supplement and not supplant
11 State and local funds;

12 (2) certification that any requirement of State
13 law for review by the State legislature or a designated
14 body, and any requirement of State law for public no-
15 tice and comment concerning the proposed plan, have
16 been satisfied; and

17 (3) provisions for fiscal control, management,
18 recordkeeping, and submission of reports in relation
19 to funds provided under this section that are consist-
20 ent with requirements prescribed for the program.

21 (f) *CONDITIONS ON GRANTS.*—

22 (1) *MATCHING FUNDS.*—Grants under subsection
23 (c) may be for up to 50 percent of the overall cost of
24 a project or program funded. Discretionary grants

1 *under subsection (d) may be for up to 100 percent of*
2 *the overall cost of a project or program funded.*

3 (2) *DURATION OF GRANTS.*—*Grants under sub-*
4 *section (c) may be provided in relation to a particu-*
5 *lar project or program for up to an aggregate maxi-*
6 *mum period of 4 years.*

7 (3) *LIMIT ON ADMINISTRATIVE COSTS.*—*Not*
8 *more than 5 percent of a grant under subsection (c)*
9 *may be used for costs incurred to administer the*
10 *grant.*

11 (g) *EVALUATION.*—*The Secretary shall have the au-*
12 *thority to carry out evaluations of programs funded under*
13 *this section. The recipient of any grant under this section*
14 *may be required to include an evaluation component to de-*
15 *termine the effectiveness of the project or program funded*
16 *that is consistent with guidelines issued by the Secretary.*

17 (h) *REPORT.*—*The Secretary shall submit an annual*
18 *report to Congress concerning the operation and effective-*
19 *ness of the program under this section.*

20 (i) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
21 *authorized to be appropriated to carry out this section—*

22 (1) *\$100,000,000 for each of fiscal years 1994,*
23 *1995, and 1996; and*

24 (2) *such sums as are necessary for each fiscal*
25 *year thereafter.*

1 (j) *AUTHORIZATION OF APPROPRIATIONS FOR THE*
 2 *FAMILY VIOLENCE PREVENTION AND SERVICES ACT.*—Sec-
 3 *tion 310(a) of the Family Violence Prevention and Services*
 4 *Act (42 U.S.C. 10409(a)) is amended to read as follows:*

5 “(a) *IN GENERAL.*—*There are authorized to be appro-*
 6 *priated to carry out this title \$85,000,000 for fiscal year*
 7 *1994, \$100,000,000 for fiscal year 1995, and \$125,000,000*
 8 *for fiscal year 1996.”.*

9 ***Subtitle E—Family Violence Preven-***
 10 ***tion and Services Act Amend-***
 11 ***ments***

12 ***SEC. 251. GRANTEE REPORTING.***

13 (a) *SUBMISSION OF APPLICATION.*—*Section*
 14 *303(a)(2)(C) of the Family Violence Prevention and Serv-*
 15 *ices Act (42 U.S.C. 10402(a)(2)(C)) is amended by insert-*
 16 *ing “and a plan to address the needs of underserved popu-*
 17 *lations, including populations underserved because of eth-*
 18 *nic, racial, cultural, language diversity or geographic isola-*
 19 *tion” after “such State”.*

20 (b) *APPROVAL OF APPLICATION.*—*Section 303(a) of the*
 21 *Family Violence Prevention and Services Act (42 U.S.C.*
 22 *10402(a)) is amended by adding at the end the following*
 23 *new paragraph:*

24 “(4) *Upon completion of the activities funded by*
 25 *a grant under this subpart, the State grantee shall*

1 *file a performance report with the Director explaining*
 2 *the activities carried out together with an assessment*
 3 *of the effectiveness of those activities in achieving the*
 4 *purposes of this subpart. A section of this perform-*
 5 *ance report shall be completed by each grantee or*
 6 *subgrantee that performed the direct services con-*
 7 *templated in the application certifying performance*
 8 *of direct services under the grant. The Director shall*
 9 *suspend funding for an approved application if an*
 10 *applicant fails to submit an annual performance re-*
 11 *port or if the funds are expended for purposes other*
 12 *than those set forth under this subpart, after following*
 13 *the procedures set forth in paragraph (3). Federal*
 14 *funds may be used only to supplement, not supplant,*
 15 *State funds.”.*

16 ***Subtitle F—Youth Education and***
 17 ***Domestic Violence***

18 ***SEC. 261. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.***

19 *The Family Violence Prevention and Services Act (42*
 20 *U.S.C. 10401 et seq.), as amended by section 231, is amend-*
 21 *ed by adding at the end the following new section:*

22 ***“SEC. 318. EDUCATING YOUTH ABOUT DOMESTIC VIO-***
 23 ***LENCE.***

24 *“(a) GENERAL PURPOSE.—For purposes of this sec-*
 25 *tion, the Secretary shall delegate the Secretary’s powers to*

1 *the Secretary of Education (hereafter in this section referred*
2 *to as the ‘Secretary’). The Secretary shall select, implement*
3 *and evaluate 4 model programs for education of young peo-*
4 *ple about domestic violence and violence among intimate*
5 *partners.*

6 “(b) *NATURE OF PROGRAM.*—*The Secretary shall se-*
7 *lect, implement and evaluate separate model programs for*
8 *4 different audiences: primary schools, middle schools, sec-*
9 *ondary schools, and institutions of higher education. The*
10 *model programs shall be selected, implemented, and evalu-*
11 *ated in the light of the comments of educational experts,*
12 *legal and psychological experts on battering, and victim ad-*
13 *vocate organizations such as battered women’s shelters,*
14 *State coalitions and resource centers. The participation of*
15 *each of those groups or individual consultants from such*
16 *groups is essential to the selection, implementation, and*
17 *evaluation of programs that meet both the needs of edu-*
18 *cational institutions and the needs of the domestic violence*
19 *problem.*

20 “(c) *REVIEW AND DISSEMINATION.*—*Not later than 2*
21 *years after the date of enactment of this section, the Sec-*
22 *retary shall transmit the design and evaluation of the model*
23 *programs, along with a plan and cost estimate for nation-*
24 *wide distribution, to the relevant committees of Congress*
25 *for review.*

1 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
2 *authorized to be appropriated to carry out this section*
3 *\$400,000 for fiscal year 1994.*”.

4 ***Subtitle G—Confidentiality for***
5 ***Abused Persons***

6 ***SEC. 271. CONFIDENTIALITY OF ABUSED PERSON’S AD-***
7 ***DRESS.***

8 *Not later than 90 days after enactment of this Act,*
9 *the United States Postal Service shall promulgate regula-*
10 *tions to secure the confidentiality of domestic violence shel-*
11 *ters and abused persons’ addresses consistent with the fol-*
12 *lowing guidelines:*

13 (1) *Confidentiality shall be provided to a person*
14 *upon the presentation to an appropriate postal offi-*
15 *cial of a valid court order or a police report docu-*
16 *menting abuse.*

17 (2) *Confidentiality shall be provided to any do-*
18 *mestic violence shelter upon presentation to an appro-*
19 *priate postal authority of proof from a State domestic*
20 *violence coalition (within the meaning of section 311*
21 *of the Family Violence Prevention and Services Act*
22 *(42 U.S.C. 10410)) verifying that the organization is*
23 *a domestic violence shelter.*

1 (3) *Disclosure of addresses to State or Federal*
2 *agencies for legitimate law enforcement or other gov-*
3 *ernmental purposes shall not be prohibited.*

4 (4) *Compilations of addresses existing at the*
5 *time the order is presented to an appropriate postal*
6 *official shall be excluded from the scope of the pro-*
7 *posed regulations.*

8 ***Subtitle H—Technical Amendments***

9 ***SEC. 281. DEFINITIONS.***

10 *Section 309(5)(B) of the Family Violence Prevention*
11 *and Services Act (42 U.S.C. 10408(5)(B)) is amended by*
12 *inserting “or other supportive services” before “by peers in-*
13 *dividually or in groups.”.*

14 ***SEC. 282. SPECIAL ISSUE RESOURCE CENTERS.***

15 (a) *GRANTS.*—*Section 308(a)(2) of the Family Vio-*
16 *lence Prevention and Services Act (42 U.S.C. 10407(a)(2))*
17 *is amended by striking “six” and inserting “seven”.*

18 (b) *FUNCTIONS.*—*Section 308(c) of the Family Vio-*
19 *lence Prevention and Services Act (42 U.S.C. 10407(c)) is*
20 *amended—*

21 (1) *by striking the period at the end of para-*
22 *graph (6) and inserting “, including the issuance and*
23 *enforcement of protection orders.”; and*

24 (2) *by adding at the end the following new para-*
25 *graph:*

1 “(7) Providing technical assistance and training
2 to State domestic violence coalitions.”.

3 **SEC. 283. STATE DOMESTIC VIOLENCE COALITIONS.**

4 Section 311(a) of the Family Violence Prevention and
5 Services Act (42 U.S.C. 10410(a)) is amended—

6 (1) by redesignating paragraphs (1), (2), (3),
7 and (4) as paragraphs (2), (3), (4), and (5);

8 (2) by inserting before paragraph (2), as redesignig-
9 nated by paragraph (1), the following new paragraph:

10 “(1) working with local domestic violence pro-
11 grams and providers of direct services to encourage
12 appropriate responses to domestic violence within the
13 State, including—

14 “(A) training and technical assistance for
15 local programs and professionals working with
16 victims of domestic violence;

17 “(B) planning and conducting State needs
18 assessments and planning for comprehensive
19 services;

20 “(C) serving as an information clearing-
21 house and resource center for the State; and

22 “(D) collaborating with other governmental
23 systems which affect battered women;”;

24 (3) in paragraph (2)(K), as redesignated by
25 paragraph (1), by striking “and court officials and

1 *other professionals” and inserting “, judges, court of-*
 2 *icers and other criminal justice professionals,”;*

3 (4) in paragraph (3), as redesignated by para-
 4 graph (1)—

5 (A) by inserting “, criminal court judges,”
 6 after “family law judges,” each place it appears;

7 (B) in subparagraph (F), by inserting “cus-
 8 tody” after “temporary”; and

9 (C) in subparagraph (H), by striking “su-
 10 pervised visitations that do not endanger victims
 11 and their children,” and inserting “supervised
 12 visitations or denial of visitation to protect
 13 against danger to victims or their children”; and

14 (5) in paragraph (4), as redesignated by para-
 15 graph (1), by inserting “, including information
 16 aimed at underserved racial, ethnic or language-mi-
 17 nority populations” before the semicolon.

18 ***Subtitle I—Data and Research***

19 ***SEC. 291. RESEARCH AGENDA.***

20 (a) *REQUEST FOR CONTRACT.*—The Director of the
 21 National Institute of Justice shall request the National
 22 Academy of Sciences, through its National Research Coun-
 23 cil, to enter into a contract to develop a research agenda
 24 to increase the understanding and control of violence
 25 against women, including rape and domestic violence. In

1 *furtherance of the contract, the National Academy shall con-*
2 *vene a panel of nationally recognized experts on violence*
3 *against women, in the fields of law, medicine, criminal jus-*
4 *tice and the social sciences. In setting the agenda, the Acad-*
5 *emy shall focus primarily upon preventive, educative, so-*
6 *cial, and legal strategies. Nothing in this section shall be*
7 *construed to invoke the terms of the Federal Advisory Com-*
8 *mittee Act.*

9 (b) *DECLINATION OF REQUEST.—If the National*
10 *Academy of Sciences declines to conduct the study and de-*
11 *velop a research agenda, it shall recommend a nonprofit*
12 *private entity that is qualified to conduct such a study. In*
13 *that case, the Director of the National Institute of Justice*
14 *shall carry out subsection (a) through the nonprofit private*
15 *entity recommended by the Academy. In either case, wheth-*
16 *er the study is conducted by the National Academy of*
17 *Sciences or by the nonprofit group it recommends, the funds*
18 *for the contract shall be made available from sums appro-*
19 *priated for the conduct of research by the National Institute*
20 *of Justice.*

21 (c) *REPORT.—The Director of the National Institute*
22 *of Justice shall ensure that no later than 9 months after*
23 *the date of enactment of this Act, the study required under*
24 *subsection (a) is completed and a report describing the find-*
25 *ings made is submitted to the Committee on the Judiciary*

1 *of the House of Representatives, the Committee on the Judi-*
2 *ciary of the Senate, and the Attorney General's Task Force*
3 *on Violence Against Women.*

4 **SEC. 292. STATE DATABASES.**

5 (a) *IN GENERAL.*—*The National Institute of Justice,*
6 *in conjunction with the Bureau of Justice Statistics, shall*
7 *study and report to the States and to Congress on how the*
8 *States may collect centralized databases on the incidence*
9 *of domestic violence offenses within a State.*

10 (b) *CONSULTATION.*—*In conducting its study, the Na-*
11 *tional Institute of Justice shall consult persons expert in*
12 *the collection of criminal justice data, State statistical ad-*
13 *ministrators, law enforcement personnel, and nonprofit*
14 *nongovernmental agencies that provide direct services to*
15 *victims of domestic violence. The Institute's final report*
16 *shall set forth the views of the persons consulted on the Insti-*
17 *tute's recommendations.*

18 (c) *REPORT.*—*The Director of the National Institute*
19 *of Justice shall ensure that no later than 9 months after*
20 *the date of enactment of this Act, the study required under*
21 *subsection (a) is completed and a report describing the find-*
22 *ings made is submitted to the Committee on the Judiciary*
23 *of the House of Representatives and the Committee on the*
24 *Judiciary of the Senate.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
2 authorized such sums as are necessary to carry out this
3 section.

4 ***SEC. 293. NUMBER AND COST OF INJURIES.***

5 (a) *STUDY.*—The Secretary of Health and Human
6 Services, acting through the Centers for Disease Control In-
7 jury Control Division, shall conduct a study to obtain a
8 national projection of the incidence of injuries resulting
9 from domestic violence, the cost of injuries to health care
10 facilities, and recommend health care strategies for reducing
11 the incidence and cost of such injuries.

12 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There is
13 authorized to be appropriated to carry out this section
14 \$100,000 for fiscal year 1994.

15 ***TITLE III—CIVIL RIGHTS***

16 ***SEC. 301. SHORT TITLE.***

17 This title may be cited as the “Civil Rights Remedies
18 for Gender-Motivated Violence Act”.

19 ***SEC. 302. CIVIL RIGHTS.***

20 (a) *FINDINGS.*—The Congress finds that—

21 (1) crimes motivated by the victim’s gender con-
22 stitute bias crimes in violation of the victim’s right
23 to be free from discrimination on the basis of gender;

24 (2) current law provides a civil rights remedy
25 for gender crimes committed in the workplace, but not

1 *for gender crimes committed on the street or in the*
2 *home;*

3 (3) *State and Federal criminal laws do not ade-*
4 *quately protect against the bias element of gender-mo-*
5 *tivated crimes, which separates these crimes from acts*
6 *of random violence, nor do those laws adequately pro-*
7 *vide victims of gender-motivated crimes the oppor-*
8 *tunity to vindicate their interests;*

9 (4) *existing bias and discrimination in the*
10 *criminal justice system often deprives victims of gen-*
11 *der-motivated crimes of equal protection of the laws*
12 *and the redress to which they are entitled;*

13 (5) *gender-motivated violence has a substantial*
14 *adverse effect on interstate commerce, by deterring po-*
15 *tential victims from traveling interstate, from engag-*
16 *ing in employment in interstate business, and from*
17 *transacting with business, and in places involved, in*
18 *interstate commerce;*

19 (6) *gender-motivated violence has a substantial*
20 *adverse effect on interstate commerce, by diminishing*
21 *national productivity, increasing medical and other*
22 *costs, and decreasing the supply of and the demand*
23 *for interstate products;*

24 (7) *a Federal civil rights action as specified in*
25 *this section is necessary to guarantee equal protection*

1 *of the laws and to reduce the substantial adverse ef-*
2 *fects of gender-motivated violence on interstate com-*
3 *merce; and*

4 (8) *victims of gender-motivated violence have a*
5 *right to equal protection of the laws, including a sys-*
6 *tem of justice that is unaffected by bias or discrimi-*
7 *nation and that, at every relevant stage, treats such*
8 *crimes as seriously as other violent crimes.*

9 (b) *RIGHT TO BE FREE FROM CRIMES OF VIO-*
10 *LLENCE.—All persons within the United States shall have*
11 *the right to be free from crimes of violence motivated by*
12 *gender (as defined in subsection (d)).*

13 (c) *CAUSE OF ACTION.—A person (including a person*
14 *who acts under color of any statute, ordinance, regulation,*
15 *custom, or usage of any State) who commits a crime of vio-*
16 *lence motivated by gender and thus deprives another of the*
17 *right declared in subsection (b) shall be liable to the party*
18 *injured, in an action for the recovery of compensatory and*
19 *punitive damages, injunctive and declaratory relief, and*
20 *such other relief as a court may deem appropriate.*

21 (d) *DEFINITIONS.—For purposes of this section—*

22 (1) *the term “crime of violence motivated by gen-*
23 *der” means a crime of violence committed because of*
24 *gender or on the basis of gender; and due, at least in*
25 *part, to an animus based on the victim’s gender;*

1 (2) *the term “crime of violence” means—*

2 (A) *an act or series of acts that would con-*
3 *stitute a felony against the person or that would*
4 *constitute a felony against property if the con-*
5 *duct presents a serious risk of physical injury to*
6 *another, and that would come within the mean-*
7 *ing of State or Federal offenses described in sec-*
8 *tion 16 of title 18, United States Code, whether*
9 *or not those acts have actually resulted in crimi-*
10 *nal charges, prosecution, or conviction and*
11 *whether or not those acts were committed in the*
12 *special maritime, territorial, or prison jurisdic-*
13 *tion of the United States; and*

14 (B) *includes an act or series of acts that*
15 *would constitute a felony described in subpara-*
16 *graph (A) but for the relationship between the*
17 *person who takes such action and the individual*
18 *against whom such action is taken.*

19 (e) *LIMITATION AND PROCEDURES.—*

20 (1) *LIMITATION.—Nothing in this section entitles*
21 *a person to a cause of action under subsection (c) for*
22 *random acts of violence unrelated to gender or for*
23 *acts that cannot be demonstrated, by a preponderance*
24 *of the evidence, to be motivated by gender (within the*
25 *meaning of subsection (d)).*

1 (2) *NO PRIOR CRIMINAL ACTION.*—*Nothing in*
2 *this section requires a prior criminal complaint,*
3 *prosecution, or conviction to establish the elements of*
4 *a cause of action under subsection (c).*

5 (3) *CONCURRENT JURISDICTION.*—*The Federal*
6 *and State courts shall have concurrent jurisdiction*
7 *over actions brought pursuant to this title.*

8 (4) *PENDENT JURISDICTION.*—*Neither section*
9 *1367 of title 28, United States Code, nor subsection*
10 *(c) of this section shall be construed, by reason of a*
11 *claim arising under such subsection, to confer on the*
12 *courts of the United States jurisdiction over any*
13 *State law claim seeking the establishment of a di-*
14 *vorce, alimony, equitable distribution of marital*
15 *property, or child custody decree.*

16 (5) *LIMITATION ON REMOVAL.*—*Section 1445 of*
17 *title 28, United States Code, is amended by adding*
18 *at the end the following new subsection:*

19 “(d) *A civil action in any State court arising under*
20 *section 302 of the Violence Against Women Act of 1993 may*
21 *not be removed to any district court of the United States.”.*

22 **SEC. 303. ATTORNEY’S FEES.**

23 *Section 722 of the Revised Statutes (42 U.S.C. 1988)*
24 *is amended in the last sentence—*

1 (1) by striking “or” after “Public Law 92–318,”;
2 and

3 (2) by inserting “; or title III of the Violence
4 Against Women Act of 1993,” after “1964”.

5 **SEC. 304. SENSE OF THE SENATE CONCERNING PROTEC-**
6 **TION OF THE PRIVACY OF RAPE VICTIMS.**

7 (a) *FINDINGS AND DECLARATION.*—The Congress finds
8 and declares that—

9 (1) *there is a need for a strong and clear Federal*
10 *response to violence against women, particularly with*
11 *respect to the crime of rape;*

12 (2) *rape is an abominable and repugnant crime,*
13 *and one that is severely underreported to law enforce-*
14 *ment authorities because of its stigmatizing nature;*

15 (3) *the victims of rape are often further victim-*
16 *ized by a criminal justice system that is insensitive*
17 *to the trauma caused by the crime and are increas-*
18 *ingly victimized by news media that are insensitive*
19 *to the victim’s emotional and psychological needs;*

20 (4) *rape victims’ need for privacy should be*
21 *respected;*

22 (5) *rape victims need to be encouraged to come*
23 *forward and report the crime of rape without fear of*
24 *being revictimized through involuntary public disclo-*
25 *sure of their identities;*

1 “(i) For the purpose of carrying out this part, there
 2 are authorized to be appropriated \$20,000,000 for fiscal
 3 year 1994 and such sums as are necessary for fiscal years
 4 1995, 1996, and 1997.”.

5 **TITLE V—EQUAL JUSTICE FOR**
 6 **WOMEN IN THE COURTS ACT**

7 **SECTION 501. SHORT TITLE.**

8 This title may be cited as the “Equal Justice for
 9 Women in the Courts Act of 1993”.

10 **Subtitle A—Education and Train-**
 11 **ing for Judges and Court Per-**
 12 **sonnel in State Courts**

13 **SEC. 511. GRANTS AUTHORIZED.**

14 The State Justice Institute may award grants for the
 15 purpose of developing, testing, presenting, and disseminat-
 16 ing model programs to be used by States in training judges
 17 and court personnel in the laws of the States on rape, sexual
 18 assault, domestic violence, and other crimes of violence mo-
 19 tivated by the victim’s gender.

20 **SEC. 512. TRAINING PROVIDED BY GRANTS.**

21 Training provided pursuant to grants made under this
 22 subtitle may include current information, existing studies,
 23 or current data on—

1 (1) *the nature and incidence of rape and sexual*
2 *assault by strangers and nonstrangers, marital rape,*
3 *and incest;*

4 (2) *the underreporting of rape, sexual assault,*
5 *and child sexual abuse;*

6 (3) *the physical, psychological, and economic im-*
7 *pect of rape and sexual assault on the victim, the*
8 *costs to society, and the implications for sentencing;*

9 (4) *the psychology of sex offenders, their high*
10 *rate of recidivism, and the implications for sentenc-*
11 *ing;*

12 (5) *the historical evolution of laws and attitudes*
13 *on rape and sexual assault;*

14 (6) *sex stereotyping of female and male victims*
15 *of rape and sexual assault, racial stereotyping of rape*
16 *victims and defendants, and the impact of such*
17 *stereotypes on credibility of witnesses, sentencing, and*
18 *other aspects of the administration of justice;*

19 (7) *application of rape shield laws and other*
20 *limits on introduction of evidence that may subject*
21 *victims to improper sex stereotyping and harassment*
22 *in both rape and nonrape cases, including the need*
23 *for sua sponte judicial intervention in inappropriate*
24 *cross-examination;*

1 (8) *the use of expert witness testimony on rape*
2 *trauma syndrome, child sexual abuse accommodation*
3 *syndrome, post-traumatic stress syndrome, and simi-*
4 *lar issues;*

5 (9) *the legitimate reasons why victims of rape,*
6 *sexual assault, and incest may refuse to testify*
7 *against a defendant;*

8 (10) *the nature and incidence of domestic vio-*
9 *lence;*

10 (11) *the physical, psychological, and economic*
11 *impact of domestic violence on the victim, the costs to*
12 *society, and the implications for court procedures and*
13 *sentencing;*

14 (12) *the psychology and self-presentation of*
15 *batterers and victims and the implications for court*
16 *proceedings and credibility of witnesses;*

17 (13) *sex stereotyping of female and male victims*
18 *of domestic violence, myths about presence or absence*
19 *of domestic violence in certain racial, ethnic, reli-*
20 *gious, or socioeconomic groups, and their impact on*
21 *the administration of justice;*

22 (14) *historical evolution of laws and attitudes on*
23 *domestic violence;*

24 (15) *proper and improper interpretations of the*
25 *defenses of self-defense and provocation, and the use*

1 *of expert witness testimony on battered woman syn-*
2 *drome;*

3 *(16) the likelihood of retaliation, recidivism, and*
4 *escalation of violence by batterers, and the potential*
5 *impact of incarceration and other meaningful sanc-*
6 *tions for acts of domestic violence including violations*
7 *of orders of protection;*

8 *(17) economic, psychological, social and institu-*
9 *tional reasons for victims' inability to leave the*
10 *batterer, to report domestic violence or to follow*
11 *through on complaints, including the influence of lack*
12 *of support from police, judges, and court personnel,*
13 *and the legitimate reasons why victims of domestic*
14 *violence may refuse to testify against a defendant;*

15 *(18) the need for orders of protection, and the*
16 *implications of mutual orders of protection, dual ar-*
17 *rest policies, and mediation in domestic violence*
18 *cases;*

19 *(19) recognition of and response to gender-moti-*
20 *vated crimes of violence other than rape, sexual as-*
21 *sault and domestic violence, such as mass or serial*
22 *murder motivated by the gender of the victims; and*

23 *(20) current information on the impact of por-*
24 *nography on crimes against women, or data on other*
25 *activities that tend to degrade women.*

1 **SEC. 513. COOPERATION IN DEVELOPING PROGRAMS IN**
 2 **MAKING GRANTS UNDER THIS TITLE.**

3 *The State Justice Institute shall ensure that model*
 4 *programs carried out pursuant to grants made under this*
 5 *subtitle are developed with the participation of law enforce-*
 6 *ment officials, public and private nonprofit victim advo-*
 7 *cates, legal experts, prosecutors, defense attorneys, and rec-*
 8 *ognized experts on gender bias in the courts.*

9 **SEC. 514. AUTHORIZATION OF APPROPRIATIONS.**

10 *There is authorized to be appropriated to carry out*
 11 *this subtitle \$600,000 for fiscal year 1994. Of amounts ap-*
 12 *propriated under this section, the State Justice Institute*
 13 *shall expend no less than 40 percent on model programs*
 14 *regarding domestic violence and no less than 40 percent on*
 15 *model programs regarding rape and sexual assault.*

16 **Subtitle B—Education and Train-**
 17 **ing for Judges and Court Per-**
 18 **sonnel in Federal Courts**

19 **SEC. 521. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**
 20 **CATION AND TRAINING GRANTS.**

21 *(a) STUDY.—In order to gain a better understanding*
 22 *of the nature and the extent of gender bias in the Federal*
 23 *courts, the circuit judicial councils are encouraged to con-*
 24 *duct studies of the instances, if any, of gender bias in their*
 25 *respective circuits. The studies may include an examination*
 26 *of the effects of gender on—*

1 (1) *the treatment of litigants, witnesses, attor-*
2 *neys, jurors, and judges in the courts, including before*
3 *magistrate and bankruptcy judges;*

4 (2) *the interpretation and application of the law,*
5 *both civil and criminal;*

6 (3) *treatment of defendants in criminal cases;*

7 (4) *treatment of victims of violent crimes;*

8 (5) *sentencing;*

9 (6) *sentencing alternatives, facilities for incar-*
10 *ceration, and the nature of supervision of probation*
11 *and parole;*

12 (7) *appointments to committees of the Judicial*
13 *Conference and the courts;*

14 (8) *case management and court sponsored alter-*
15 *native dispute resolution programs;*

16 (9) *the selection, retention, promotion, and treat-*
17 *ment of employees;*

18 (10) *appointment of arbitrators, experts, and*
19 *special masters; and*

20 (11) *the aspects of the topics listed in section 512*
21 *that pertain to issues within the jurisdiction of the*
22 *Federal courts.*

23 (b) *CLEARINGHOUSE.*—*The Judicial Conference of the*
24 *United States shall designate an entity within the Judicial*
25 *branch to act as a clearinghouse to disseminate any reports*

1 *and materials issued by the gender bias task forces under*
2 *subsection (a) and to respond to requests for such reports*
3 *and materials. The gender bias task forces shall provide this*
4 *entity with their reports and related material.*

5 (c) *MODEL PROGRAMS.*—*The Federal Judicial Center,*
6 *in carrying out section 620(b)(3) of title 28, United States*
7 *Code, may—*

8 (1) *include in the educational programs it pre-*
9 *sents and prepares, including the training programs*
10 *for newly appointed judges, information on issues re-*
11 *lated to gender bias in the courts including such areas*
12 *as are listed in subsection (a) along with such other*
13 *topics as the Federal Judicial Center deems appro-*
14 *priate;*

15 (2) *prepare materials necessary to implement*
16 *this subsection; and*

17 (3) *take into consideration the findings and rec-*
18 *ommendations of the studies conducted pursuant to*
19 *subsection (a), and to consult with individuals and*
20 *groups with relevant expertise in gender bias issues as*
21 *it prepares or revises such materials.*

22 **SEC. 522. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) *IN GENERAL.*—*There is authorized to be appro-*
24 *priated—*

1 (1) \$400,000 to the Salaries and Expenses Ac-
2 count of the Courts of Appeals, District Courts, and
3 other Judicial Services, to carry out section 521(a),
4 to be available until expended through fiscal year
5 1995;

6 (2) \$100,000 to the Federal Judicial Center to
7 carry out section 521(c) and any activities designated
8 by the Judicial Conference under section 521(b); and

9 (3) such sums as are necessary to the Adminis-
10 trative Office of the United States Courts to carry out
11 any activities designated by the Judicial Conference
12 under section 521(b).

13 (b) THE JUDICIAL CONFERENCE OF THE UNITED
14 STATES.—(1) The Judicial Conference of the United States
15 Courts shall allocate funds to Federal circuit courts under
16 this subtitle that—

17 (A) undertake studies in their own circuits; or

18 (B) implement reforms recommended as a result
19 of such studies in their own or other circuits, includ-
20 ing education and training.

21 (2) Funds shall be allocated to Federal circuits under
22 this subtitle on a first come first serve basis in an amount
23 not to exceed \$50,000 on the first application. If within
24 6 months after the date on which funds authorized under
25 this Act become available, funds are still available, circuits

1 *that have received funds may reapply for additional funds,*
2 *with not more than \$200,000 going to any one circuit.*

3 ***TITLE VI—VIOLENCE AGAINST***
4 ***WOMEN ACT IMPROVEMENTS***

5 ***SEC. 601. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.***

6 *Section 3156(a)(4) of title 18, United States Code, is*
7 *amended—*

8 *(1) by striking “or” at the end of subparagraph*
9 *(A);*

10 *(2) by striking the period at the end of subpara-*
11 *graph (B) and inserting “; or”; and*

12 *(3) by adding after subparagraph (B) the follow-*
13 *ing new subparagraph:*

14 *“(C) any felony under chapter 109A or chapter*
15 *110.”.*

16 ***SEC. 602. INCREASED PENALTIES FOR SEX OFFENSES***
17 ***AGAINST VICTIMS BELOW THE AGE OF 16.***

18 *Section 2245(2) of title 18, United States Code, is*
19 *amended—*

20 *(1) by striking “or” at the end of subparagraph*
21 *(B);*

22 *(2) by striking “; and” at the end of subpara-*
23 *graph (C) and inserting “; or”; and*

24 *(3) by inserting after subparagraph (C) the fol-*
25 *lowing new subparagraph:*

1 “(D) the intentional touching, not through the
2 clothing, of the genitalia of another person who has
3 not attained the age of 16 years with an intent to
4 abuse, humiliate, harass, degrade, or arouse or gratify
5 the sexual desire of any person;”.

6 **SEC. 603. PAYMENT OF COST OF HIV TESTING FOR VICTIMS**
7 **IN SEX OFFENSE CASES.**

8 Section 503(c)(7) of the Victims’ Rights and Restitu-
9 tion Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by
10 adding at the end the following: “The Attorney General
11 shall authorize the Director of the Office of Victims of Crime
12 to provide for the payment of the cost of up to two tests
13 of the victim for the human immunodeficiency virus during
14 the 12 months following a serious assault, and the cost of
15 a counseling session by a medically trained professional on
16 the accuracy of such tests and the risk of transmission of
17 the human immunodeficiency virus to the victim as the re-
18 sult of the assault.”.

19 **SEC. 604. EXTENSION AND STRENGTHENING OF RESTITU-**
20 **TION.**

21 Section 3663(b) of title 18, United States Code, is
22 amended—

23 (1) in paragraph (2) by inserting “including an
24 offense under chapter 109A or chapter 110” after “an
25 offense resulting in bodily injury to a victim”;

1 (2) by striking “and” at the end of paragraph
2 (3);

3 (3) by redesignating paragraph (4) as para-
4 graph (5); and

5 (4) by inserting after paragraph (3) the follow-
6 ing new paragraph:

7 “(4) in any case, reimburse the victim for lost
8 income and necessary child care, transportation, and
9 other expenses related to participation in the inves-
10 tigation or prosecution of the offense or attendance at
11 proceedings related to the offense; and”.

12 **SEC. 605. ENFORCEMENT OF RESTITUTION ORDERS**
13 **THROUGH SUSPENSION OF FEDERAL BENE-**
14 **FITS.**

15 Section 3663 of title 18, United States Code, is amend-
16 ed—

17 (1) by redesignating subsections (g) and (h) as
18 subsections (h) and (i), respectively; and

19 (2) by inserting after subsection (f) the following
20 new subsection:

21 “(g)(1) If the defendant is delinquent in making res-
22 titution in accordance with any schedule of payments or
23 any requirement of immediate payment imposed under this
24 section, the court may, after a hearing, suspend the defend-
25 ant’s eligibility for all Federal benefits until such time as

1 *the defendant demonstrates to the court good-faith efforts*
2 *to return to such schedule.*

3 “(2) *In this subsection—*

4 “(A) *‘Federal benefits’—*

5 “(i) *means any grant, contract, loan, pro-*
6 *fessional license, or commercial license provided*
7 *by an agency of the United States or appro-*
8 *priated funds of the United States; and*

9 “(ii) *does not include any retirement, wel-*
10 *fare, Social Security, health, disability, veterans*
11 *benefit, public housing, or other similar benefit,*
12 *or any other benefit for which payments or serv-*
13 *ices are required for eligibility.*

14 “(B) *‘veterans benefit’ means all benefits pro-*
15 *vided to veterans, their families, or survivors by vir-*
16 *tue of the service of a veteran in the Armed Forces of*
17 *the United States.”.*

18 **SEC. 606. INADMISSIBILITY OF EVIDENCE TO SHOW PROVO-**
19 **CATION OR INVITATION BY VICTIM IN SEX OF-**
20 **FENSE CASES.**

21 (a) *RULE.—The Federal Rules of Evidence, as amend-*
22 *ed by section 154, are amended by adding after rule 413*
23 *the following new rule:*

1 ***“Rule 414. Inadmissibility of Evidence to Show Invitation or***
 2 ***Provocation by Victim in Sexual Abuse Cases***

3 *“In a criminal case in which a person is accused of*
 4 *an offense involving conduct proscribed by chapter 109A of*
 5 *title 18, United States Code, evidence is not admissible to*
 6 *show that the alleged victim invited or provoked the com-*
 7 *mission of the offense. This rule does not limit the admis-*
 8 *sion of evidence of consent by the alleged victim if the issue*
 9 *of consent is relevant to liability and the evidence is other-*
 10 *wise admissible under these rules.”.*

11 *(b) TECHNICAL AMENDMENT.—The table of contents*
 12 *for the Federal Rules of Evidence, as amended by section*
 13 *4, is amended by inserting after the item relating to rule*
 14 *413 the following new item:*

“414. Inadmissibility of evidence to show invitation or provocation by victim in sexual abuse cases.”.

15 ***SEC. 607. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL***
 16 ***ASSAULT.***

17 *(a) STUDY.—The Attorney General shall provide for*
 18 *a national baseline study to examine the scope of the prob-*
 19 *lem of campus sexual assaults and the effectiveness of insti-*
 20 *tutional and legal policies in addressing such crimes and*
 21 *protecting victims. The Attorney General may utilize the*
 22 *Bureau of Justice Statistics, the National Institute of Jus-*
 23 *tice, and the Office for Victims of Crime in carrying out*
 24 *this section.*

1 (b) *REPORT.*—Based on the study required by sub-
2 section (a), the Attorney General shall prepare a report in-
3 cluding an analysis of—

4 (1) *the number of reported allegations and esti-*
5 *mated number of unreported allegations of campus*
6 *sexual assaults, and to whom the allegations are re-*
7 *ported (including authorities of the educational insti-*
8 *tution, sexual assault victim service entities, and local*
9 *criminal authorities);*

10 (2) *the number of campus sexual assault allega-*
11 *tions reported to authorities of educational institu-*
12 *tions which are reported to criminal authorities;*

13 (3) *the number of campus sexual assault allega-*
14 *tions that result in criminal prosecution in compari-*
15 *son with the number of non-campus sexual assault al-*
16 *legations that result in criminal prosecution;*

17 (4) *Federal and State laws or regulations per-*
18 *taining specifically to campus sexual assaults;*

19 (5) *the adequacy of policies and practices of edu-*
20 *cational institutions in addressing campus sexual as-*
21 *saults and protecting victims, including consideration*
22 *of—*

23 (A) *the security measures in effect at edu-*
24 *cational institutions, such as utilization of cam-*
25 *pus police and security guards, control over ac-*

1 *cess to grounds and buildings, supervision of stu-*
2 *dent activities and student living arrangements,*
3 *control over the consumption of alcohol by stu-*
4 *dents, lighting, and the availability of escort*
5 *services;*

6 *(B) the articulation and communication to*
7 *students of the institution's policies concerning*
8 *sexual assaults;*

9 *(C) policies and practices that may prevent*
10 *or discourage the reporting of campus sexual as-*
11 *saults to local criminal authorities, or that may*
12 *otherwise obstruct justice or interfere with the*
13 *prosecution of perpetrators of campus sexual*
14 *assaults;*

15 *(D) the nature and availability of victim*
16 *services for victims of campus sexual assaults;*

17 *(E) the ability of educational institutions'*
18 *disciplinary processes to address allegations of*
19 *sexual assault adequately and fairly;*

20 *(F) measures that are taken to ensure that*
21 *victims are free of unwanted contact with alleged*
22 *assailants, and disciplinary sanctions that are*
23 *imposed when a sexual assault is determined to*
24 *have occurred; and*

1 (G) the grounds on which educational insti-
2 tutions are subject to lawsuits based on campus
3 sexual assaults, the resolution of these cases, and
4 measures that can be taken to avoid the likeli-
5 hood of lawsuits and civil liability;

6 (6) an assessment of the policies and practices of
7 educational institutions that are of greatest effective-
8 ness in addressing campus sexual assaults and pro-
9 tecting victims, including policies and practices relat-
10 ing to the particular issues described in paragraph
11 (5); and

12 (7) any recommendations the Attorney General
13 may have for reforms to address campus sexual as-
14 saults and protect victims more effectively, and any
15 other matters that the Attorney General deems rel-
16 evant to the subject of the study and report required
17 by this section.

18 (c) *SUBMISSION OF REPORT.*—The report required by
19 subsection (b) shall be submitted to the Congress no later
20 than September 1, 1995.

21 (d) *DEFINITION.*—For purposes of this section, “cam-
22 pus sexual assaults” includes sexual assaults occurring at
23 institutions of postsecondary education and sexual assaults
24 committed against or by students or employees of such
25 institutions.

1 (e) *AUTHORIZATION OF APPROPRIATION.*—*There is*
2 *authorized to be appropriated \$200,000 to carry out the*
3 *study required by this section.*

4 ***SEC. 608. REPORT ON BATTERED WOMEN'S SYNDROME.***

5 (a) *REPORT.*—*The Attorney General shall prepare and*
6 *transmit to the Congress a report on the status of battered*
7 *women's syndrome as a medical and psychological condi-*
8 *tion and on its effect in criminal trials. The Attorney Gen-*
9 *eral may utilize the National Institute of Justice to obtain*
10 *information required for the preparation of the report.*

11 (b) *COMPONENTS OF REPORT.*—*The report described*
12 *in subsection (a) shall include—*

13 (1) *a review of medical and psychological views*
14 *concerning the existence, nature, and effects of bat-*
15 *tered women's syndrome as a psychological condition;*

16 (2) *a compilation of judicial decisions that have*
17 *admitted or excluded evidence of battered women's*
18 *syndrome as evidence of guilt or as a defense in*
19 *criminal trials; and*

20 (3) *information on the views of judges, prosecu-*
21 *tors, and defense attorneys concerning the effects that*
22 *evidence of battered women's syndrome may have in*
23 *criminal trials.*

1 **SEC. 609. REPORT ON CONFIDENTIALITY OF ADDRESSES**
2 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

3 (a) *REPORT.*—The Attorney General shall conduct a
4 study of the means by which abusive spouses may obtain
5 information concerning the addresses or locations of es-
6 tranged or former spouses, notwithstanding the desire of the
7 victims to have such information withheld to avoid further
8 exposure to abuse. Based on the study, the Attorney General
9 shall transmit a report to Congress including—

10 (1) the findings of the study concerning the
11 means by which information concerning the addresses
12 or locations of abused spouses may be obtained by
13 abusers; and

14 (2) analysis of the feasibility of creating effective
15 means of protecting the confidentiality of information
16 concerning the addresses and locations of abused
17 spouses to protect such persons from exposure to fur-
18 ther abuse while preserving access to such information
19 for legitimate purposes.

20 (b) *USE OF COMPONENTS.*—The Attorney General
21 may use the National Institute of Justice and the Office
22 for Victims of Crime in carrying out this section.

23 **SEC. 610. REPORT ON RECORDKEEPING RELATING TO DO-**
24 **MESTIC VIOLENCE.**

25 Not later than 1 year after the date of enactment of
26 this Act, the Attorney General shall complete a study of,

1 *and shall submit to Congress a report and recommendations*
2 *on, problems of recordkeeping of criminal complaints in-*
3 *volving domestic violence. The study and report shall exam-*
4 *ine—*

5 (1) *the efforts that have been made by the De-*
6 *partment of Justice, including the Federal Bureau of*
7 *Investigation, to collect statistics on domestic violence;*
8 *and*

9 (2) *the feasibility of requiring that the relation-*
10 *ship between an offender and victim be reported in*
11 *Federal records of crimes of aggravated assault, rape,*
12 *and other violent crimes.*

13 **SEC. 611. REPORT ON FAIR TREATMENT IN LEGAL PRO-**
14 **CEEDINGS.**

15 *Not later than 180 days after the date of enactment*
16 *of this Act, the Judicial Conference of the United States*
17 *shall review and make recommendations, and report to*
18 *Congress, regarding the advisability of creating Federal*
19 *rules of professional conduct for lawyers in Federal cases*
20 *involving sexual misconduct that—*

21 (1) *protect litigants from a course of conduct in-*
22 *tended solely for the purpose of distressing, harassing,*
23 *embarrassing, burdening, or inconveniencing liti-*
24 *gants;*

1 (2) *counsel against reliance on generalizations or*
2 *stereotypes that demean, disgrace, or humiliate on the*
3 *basis of gender;*

4 (3) *protect litigants from a course of conduct in-*
5 *tended solely to increase the expense of litigation; and*

6 (4) *prohibit counsel from offering evidence that*
7 *the lawyer knows to be false or from discrediting evi-*
8 *dence the lawyer knows to be true.*

9 **SEC. 612. REPORT ON FEDERAL RULE OF EVIDENCE 404.**

10 (a) *STUDY.*—*Not later than 180 days after the date*
11 *of enactment of this Act, the Judicial Conference shall com-*
12 *plete a study of, and shall submit to Congress recommenda-*
13 *tions for amending, rule 404 of the Federal Rules of Evi-*
14 *dence as it affects the admission of evidence of a defendant's*
15 *prior sex crimes in cases brought pursuant to chapter 109A*
16 *or other cases involving sexual misconduct.*

17 (b) *SPECIFIC ISSUES.*—*The study described in sub-*
18 *section (a) shall include—*

19 (1) *a survey of existing law on the introduction*
20 *of prior similar sex crimes under State and Federal*
21 *evidentiary rules;*

22 (2) *a recommendation concerning whether rule*
23 *404 should be amended to introduce evidence of prior*
24 *sex crimes and, if so—*

1 (A) whether such acts could be used to prove
2 the defendant's propensity to act therewith; and

3 (B) whether evidence of prior similar sex
4 crimes should be admitted for purposes other
5 than to show character;

6 (3) a recommendation concerning whether evi-
7 dence of similar acts, if admitted, should meet a
8 threshold of similarity to the crime charged;

9 (4) a recommendation concerning whether evi-
10 dence of similar acts, if admitted, should be limited
11 to a certain time period, (such as 10 years); and

12 (5) the effect, if any, of the adoption of any pro-
13 posed changes on the admissibility of evidence under
14 rule 412 of the Federal Rules of Evidence.

15 **SEC. 613. SUPPLEMENTARY GRANTS FOR STATES ADOPT-**
16 **ING EFFECTIVE LAWS RELATING TO SEXUAL**
17 **VIOLENCE.**

18 (a) *IN GENERAL.*—The Attorney General may, in each
19 fiscal year, award an aggregate amount of up to \$1,000,000
20 to a State that meets the eligibility requirements of sub-
21 section (b).

22 (b) *ELIGIBILITY.*—The authority to award additional
23 funding under this section is conditional on certification
24 by the Attorney General that the State has laws or policies
25 relating to sexual violence that exceed or are reasonably

1 *comparable to the provisions of Federal law (including*
2 *changes in Federal law made by this Act) in the following*
3 *areas:*

4 (1) *Provision of training and policy development*
5 *programs for law enforcement officers, prosecutors,*
6 *and judges concerning the investigation and prosecu-*
7 *tion of sexual offenses.*

8 (2) *Authorization of law enforcement and pros-*
9 *ecutorial units and teams that target sexual violence.*

10 (3) *Funding of victim services programs for vic-*
11 *tims of sexual violence.*

12 (4) *Authorization of educational and informa-*
13 *tional programs relating to sexual violence.*

14 (5) *Authorization of pretrial detention of defend-*
15 *ants in sexual assault cases where provision of flight*
16 *or the safety of others cannot be reasonably assured*
17 *by other means.*

18 (6) *Authorization of serious penalties for*
19 *nonconsensual sexual assault offenses.*

20 (7) *Payment of the cost of medical examinations*
21 *and testing by the victim for sexually transmitted dis-*
22 *eases.*

23 (8) *Provision of rape shield protection to ensure*
24 *that victims of sexual assault are protected from in-*

1 *quiry into unrelated sexual behavior in sexual assault*
 2 *cases.*

3 (9) *Provision of rules of professional conduct in-*
 4 *tended to protect against a course of conduct intended*
 5 *solely for the purpose of distressing, harassing, embar-*
 6 *assing, burdening, or inconveniencing litigants in*
 7 *sexual assault cases.*

8 (10) *Authorization of the presence of the victim*
 9 *in the courtroom at the time of trial and provides for*
 10 *the victim's addressing the court concerning the sen-*
 11 *tence to be imposed.*

12 (11) *Authorization of awards of restitution to*
 13 *victims of sexual assaults as part of a criminal sen-*
 14 *tence.*

15 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 16 *authorized to be appropriated for each fiscal year such sums*
 17 *as are necessary to carry out this section.*

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