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H. R. 1133

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Read twice and referred to the Committee on the Judiciary

AN ACT

To combat violence and crimes against women.

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 **TITLE I—SAFE STREETS FOR**
7 **WOMEN**

8 **SEC. 101. SHORT TITLE.**

9 This title may be cited as the “Safe Streets for
10 Women Act of 1993”.

1 **Subtitle A—Law Enforcement and**
2 **Prosecution Grants To Reduce**
3 **Violent Crimes Against Women**

4 **SEC. 111. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
5 **WOMEN.**

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

9 (1) redesignating part Q as part R;

10 (2) redesignating section 1701 as section 1801;

11 and

12 (3) adding after part P the following new part:

13 **“PART Q—GRANTS TO COMBAT VIOLENT CRIMES**
14 **AGAINST WOMEN**

15 **“SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.**

16 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
17 this part is to assist States, Indian tribes, and other eligi-
18 ble entities to develop effective law enforcement and pros-
19 ecution strategies to combat violent crimes against women.

20 “(b) PURPOSES FOR WHICH GRANTS MAY BE
21 USED.—Grants under this part shall provide funds for
22 personnel, training, technical assistance, data collection
23 and other equipment for the more widespread apprehen-
24 sion, prosecution, and adjudication of persons committing
25 violent crimes against women to reduce the rate of violent

1 crime against women and specifically, for the purposes
2 of—

3 “(1) training law enforcement officers and pros-
4 ecutors to identify and respond more effectively to
5 violent crimes against women, including crimes of
6 sexual assault and domestic violence;

7 “(2) developing, training, or expanding units of
8 law enforcement officers and prosecutors that spe-
9 cifically target violent crimes against women, includ-
10 ing the crimes of sexual assault and domestic vio-
11 lence;

12 “(3) developing and implementing more effec-
13 tive police and prosecution policies, protocols, orders,
14 or services specifically devoted to the prevention of,
15 identification of, and response to violent crimes
16 against women, including the crimes of sexual as-
17 sault and domestic violence;

18 “(4) developing, installing, or expanding data
19 collection systems, including computerized systems,
20 linking police, prosecutors, and courts or identifying
21 and tracking arrests, protection orders, prosecutions,
22 and convictions for the crimes of sexual assault and
23 domestic violence;

24 “(5) developing, enlarging, or strengthening vic-
25 tim services programs, including sexual assault and

1 domestic violence programs, developing or improving
2 delivery of victim services to racial, cultural, ethnic,
3 and language minorities, and increasing reporting
4 and reducing attrition rates for cases involving vio-
5 lent crimes against women, including crimes of sex-
6 ual assault and domestic violence; and

7 “(6) aiding Indian tribe grantees, exclusively, in
8 financing the payments required under sections 112
9 and 113 of the Violence Against Women Act of
10 1993.

11 **“SEC. 1702. STATE GRANTS.**

12 “(a) GENERAL GRANTS.—The Director of the Bu-
13 reau of Justice Assistance (hereinafter in this part re-
14 ferred to as the ‘Director’) is authorized to make grants
15 to States, Indian tribes, units of local government, tribal
16 organizations, and nonprofit nongovernmental victim serv-
17 ices programs in the States or Indian country.

18 “(b) APPLICATION REQUIREMENTS.—Applications
19 shall include—

20 “(1) documentation from prosecution, law en-
21 forcement, and victim services programs to be as-
22 sisted that demonstrates—

23 “(A) the need for grant funds;

24 “(B) the intended use of grant funds; and

25 “(C) the expected results;

1 “(2) proof of compliance with the requirements
2 for the payment of forensic medical exams provided
3 pursuant to section 112 of the Violence Against
4 Women Act of 1993, except that Indian tribes are
5 exempt from such requirement; and

6 “(3) proof of compliance with the requirements
7 for paying filing and service fees for domestic vio-
8 lence cases pursuant to section 113 of the Violence
9 Against Women Act of 1993.

10 “(c) QUALIFICATION.—Upon satisfying the terms of
11 subsection (b), an eligible entity shall be eligible for funds
12 provided under this part by—

13 “(1) certifying that funds received under this
14 part shall be used for the purposes outlined in sec-
15 tion 1701(b); and

16 “(2) certifying that grantees shall develop a
17 plan, implement such plan, and otherwise consult
18 and coordinate with nonprofit nongovernmental do-
19 mestic violence and sexual assault victim services
20 programs, law enforcement officials, victim advo-
21 cates, prosecutors, and defense attorneys;

22 “(3) providing documentation from the individ-
23 uals and groups listed under paragraph (2) regard-
24 ing their participation in development of a plan and
25 involvement in the application process, as well as

1 how such individuals and groups will be involved in
2 implementation of the plan;

3 “(4) providing assurances that the plan devel-
4 oped under paragraph (2) shall meet the needs of
5 racial, cultural, ethnic, and language minority popu-
6 lations;

7 “(5) providing assurances that prosecution, law
8 enforcement, and nonprofit nongovernmental victim
9 services programs in the community to be served by
10 such plan each receive an equitable percentage of
11 any funds allocated under this part; and

12 “(6) providing assurances that any Federal
13 funds received under this part shall be used to sup-
14 plement, not supplant, non-Federal funds that would
15 otherwise be available for activities funded under
16 this part.

17 “(d) DISBURSEMENT OF FUNDS.—

18 “(1) IN GENERAL.—Not later than 60 days
19 after the receipt of an application under this part,
20 the Director shall either disburse the appropriate
21 sums provided for under this part or shall inform
22 the applicant regarding why the application does not
23 conform to the requirements of this section.

1 “(2) RESPONSIBILITY OF DIRECTOR.—In dis-
2 bursing funds under this part, the Director shall
3 issue regulations—

4 “(A) to distribute funds equitably on a ge-
5 ographic basis, including nonurban and rural
6 areas of varying geographic size; and

7 “(B) give priority to areas of varying geo-
8 graphic size with the greatest showing of need
9 based on the availability of existing domestic vi-
10 olence and sexual assault programs in the popu-
11 lation and geographic area to be served in rela-
12 tion to the availability of such programs in
13 other such populations and geographic areas.

14 “(e) GRANTEE REPORTING.—(1) Not later than
15 March 31 of each year during which funds are received
16 under this part, the grantee shall file a performance report
17 with the Director explaining the activities carried out to-
18 gether with an assessment of the effectiveness of such ac-
19 tivities in achieving the purposes of this part.

20 “(2) The grantee shall arrange for assessments of the
21 grantee’s program from all organizations and government
22 entities that were involved in the design of the grant plan.

23 “(3) Such assessments must be sent directly to the
24 Director by the assessing entity.

1 “(f) SUSPENSION OF FUNDING.—The Director shall
2 suspend funding for an approved application if—

3 “(1) an applicant fails to submit an annual per-
4 formance report;

5 “(2) funds provided under this part are ex-
6 pended for purposes other than those set forth under
7 this part; or

8 “(3) grant reports or accompanying assess-
9 ments demonstrate to the Director that the program
10 is ineffective or financially unsound.

11 **“SEC. 1703. GENERAL DEFINITIONS.**

12 “For purposes of this part—

13 “(1) the term ‘domestic violence’ means crimes
14 of violence committed against a victim by a current
15 or former spouse of the victim, an individual with
16 whom the victim shares a child in common, an indi-
17 vidual who is cohabiting with or has cohabited with
18 the victim as a spouse, an individual similarly situ-
19 ated to a spouse, or any other individual who is pro-
20 tected under domestic or family violence laws of the
21 jurisdiction that receives a grant under this part;

22 “(2) the term ‘eligible entity’ means a State,
23 unit of local government, Indian tribe, and a non-
24 profit, nongovernmental victims services program;

1 “(3) the term ‘Indian tribe’ means any Indian
2 tribe, band, nation, or other organized group or com-
3 munity, including any Alaska Native village or re-
4 gional or village corporation (as defined in, or estab-
5 lished pursuant to, the Alaska Native Claims Settle-
6 ment Act (43 U.S.C. 1601, et seq.)), which is recog-
7 nized as eligible for the special services provided by
8 the United States to Indians because of their status
9 as Indians;

10 “(4) the term ‘Indian country’ has the meaning
11 given to such term by section 1151 of title 18, Unit-
12 ed States Code;

13 “(5) the term ‘sexual assault’ means any con-
14 duct proscribed by chapter 109A of title 18, United
15 States Code, whether or not the conduct occurs in
16 the special maritime and territorial jurisdiction of
17 the United States or in a Federal prison and in-
18 cludes both assaults committed by offenders who are
19 strangers to the victim and assaults committed by
20 offenders who are known or related by blood or mar-
21 riage to the victim; and

22 “(6) the term ‘victim services program’ means
23 a nongovernmental nonprofit program that assists
24 domestic violence or sexual assault victims, including
25 nongovernmental nonprofit organizations such as

1 rape crisis centers, battered women’s shelters, and
2 other sexual assault and domestic violence programs,
3 including nonprofit nongovernmental organizations
4 assisting domestic violence and sexual assault vic-
5 tims through the legal process.

6 **“SEC. 1704. GENERAL TERMS AND CONDITIONS.**

7 “(a) NONMONETARY ASSISTANCE.—In addition to
8 the assistance provided under sections 1702, the Attorney
9 General may request any Federal agency, with or without
10 reimbursement, to use its authorities and the resources
11 granted to it under Federal law (including personnel,
12 equipment, supplies, facilities, and managerial, technical,
13 and advisory services) to support State, tribal, and local
14 assistance efforts under this part.

15 “(b) BUREAU REPORTING.—Not later than 180 days
16 after the end of each fiscal year for which grants are made
17 under this part, the Director shall submit to the Congress
18 a report that includes, for each State and Indian tribe—

19 “(1) the amount of grants made under this
20 part;

21 “(2) a summary of the purposes for which
22 grants were provided and an evaluation of progress;
23 and

24 “(3) an evaluation of the effectiveness of pro-
25 grams established with funds under this part.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-
4 ing after paragraph (10) the following:

5 “(11) There are authorized to be appropriated for
6 each of the fiscal years 1994 and 1995, \$200,000,000 to
7 carry out the purposes of part Q, with not less than 8
8 percent of such appropriation allotted specifically for In-
9 dian tribes.”.

10 (c) ADMINISTRATIVE PROVISIONS.—(1) Section
11 801(b) of title I of the Omnibus Crime Control and Safe
12 Streets Act of 1968 is amended by striking “and O” and
13 inserting “O, and Q”; and

14 (2) Section 802(b) of title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968 is amended by strik-
16 ing “or O” and inserting “O, or Q”.

17 (d) CONFORMING AMENDMENT.—The table of con-
18 tents of title I of the Omnibus Crime Control and Safe
19 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
20 by striking the matter relating to part Q and inserting
21 the following:

“PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

“Sec. 1701. Purpose of the program and grants.

“Sec. 1702. State grants.

“Sec. 1703. General definitions.

“Sec. 1704. General terms and conditions.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings”.

1 **SEC. 112. RAPE EXAM PAYMENTS.**

2 (a) RESTRICTION OF FUNDS.—No State is entitled
3 to funds under this title unless the State incurs the full
4 out of pocket cost of forensic medical exams described in
5 subsection (b) for victims of sexual assault.

6 (b) MEDICAL COSTS.—A State shall be deemed to
7 incur the full out of pocket cost of forensic medical exams
8 for victims of sexual assault if such State—

9 (1) provides such exams to victims free of
10 charge to the victim;

11 (2) arranges for victims to obtain such exams
12 free of charge to the victims; or

13 (3) reimburses victims for the cost of such
14 exams, if—

15 (A) the reimbursement covers the full cost
16 of such exams, without any deductible require-
17 ment or limit on the amount of a reimburse-
18 ment;

19 (B) the State permits victims to apply to
20 the State for reimbursement for not less than
21 one year from the date of the exam;

22 (C) the State provides reimbursement not
23 later than 90 days after written notification of
24 the victim's expense; and

25 (D) the State provides information at the
26 time of the exam to all victims, including vic-

1 tims with limited or no English proficiency, re-
2 garding how to obtain reimbursement.

3 **SEC. 113. FILING COSTS FOR CRIMINAL CHARGES.**

4 No State is entitled to funds under this title unless
5 the State certifies that their laws, policies, and practices
6 do not require, in connection with the prosecution of any
7 misdemeanor or felony domestic violence offense, that the
8 abused bear the costs associated with the filing of criminal
9 charges against the domestic violence offender, or that the
10 abused bear the costs associated with the issuance or serv-
11 ice of a warrant, protection order, or witness subpoena.

12 **SEC. 114. EQUITABLE TREATMENT OF RAPE CASES.**

13 No State is entitled to funds under this title unless
14 the State can certify that its laws and policies treat sex
15 offenses committed by offenders who are known to, cohabi-
16 tants of, social companions of, or related by blood or mar-
17 riage to, the victim no less severely than sex offenses com-
18 mitted by offenders who are strangers to the victim.

19 **Subtitle B—Rape Prevention**
20 **Programs**

21 **CHAPTER 1—RAPE PREVENTION GRANTS**

22 **SEC. 121. EDUCATION AND PREVENTION GRANTS TO RE-**
23 **DUCE SEXUAL ASSAULTS AGAINST WOMEN.**

24 (a) IN GENERAL.—Title I of the Omnibus Crime
25 Control and Safe Streets Act of 1968 (42 U.S.C. 3711

1 et seq.), as amended by section 111, is further amended
2 by—

3 (1) redesignating part R as part S;

4 (2) redesignating section 1801 as section 1901;

5 and

6 (3) adding after part Q the following new part:

7 **“PART R—RAPE PREVENTION PROGRAMS**

8 **“SEC. 1801. GRANT AUTHORIZATION.**

9 “The Director of the Bureau of Justice Assistance
10 (referred to in this part as the ‘Director’) is authorized
11 to make grants—

12 “(1) to provide educational seminars, particu-
13 larly developed with emphasis on seminars for ele-
14 mentary and secondary school age children, designed
15 to develop an awareness of what acts meet the legal
16 definition of rape;

17 “(2) to provide programs for elementary and
18 secondary school age children that teach nonviolent
19 conflict resolution, self defense, or other relevant
20 skills;

21 “(3) to operate telephone hotlines for callers
22 with questions regarding sexual assault and rape;

23 “(4) to design and disseminate training pro-
24 grams for professionals, including the development
25 and dissemination of protocols for the routine identi-

1 fication, treatment, and appropriate referral of vic-
2 tims of sexual assault by hospital emergency person-
3 nel and other professionals;

4 “(5) to develop treatment programs for con-
5 victed sex offenders and make such programs avail-
6 able to the local community and to Federal and
7 State prisons;

8 “(6) to prepare and disseminate informational
9 materials designed to educate the community regard-
10 ing sexual assault and prevention; and

11 “(7) to develop other projects to increase
12 awareness and prevention of sexual assault, includ-
13 ing efforts to increase awareness of sexual assault
14 prevention among racial, ethnic, cultural and lan-
15 guage minorities.

16 **“SEC. 1802. APPLICATIONS.**

17 “(a) IN GENERAL.—To be eligible to receive a grant
18 under this part, a duly authorized representative of an eli-
19 gible entity shall submit an application to the Director in
20 such form and containing such information as the Director
21 may reasonably require.

22 “(b) ASSURANCES.—Each application must contain
23 an assurance that Federal funds received under this part
24 shall be used to supplement, not supplant, non-Federal

1 funds that would otherwise be available for activities fund-
2 ed under this part.

3 “(c) **REQUIRED PLAN.**—Each application shall in-
4 clude a plan that contains—

5 “(1) a description of the projects to be devel-
6 oped;

7 “(2) a description of how funds would be spent;

8 “(3) a statement of staff qualifications and
9 demonstrated expertise in the field of rape preven-
10 tion and education; and

11 “(4) a statement regarding the ability to serve
12 community needs and language minority populations
13 in providing ethnically and culturally and linguis-
14 tically appropriate programs where necessary.

15 **“SEC. 1803. REPORTS.**

16 “(a) **GRANTEE REPORTING.**—Upon completion of the
17 grant period under this subpart, each grantee shall file
18 a performance report with the Director explaining the ac-
19 tivities carried out together with an assessment of the ef-
20 fectiveness of such activities in achieving the purposes of
21 this subpart. The Director shall suspend funding for an
22 approved application if an applicant fails to submit an an-
23 nual performance report.

24 “(b) **BUREAU REPORTING.**—Not later than 180 days
25 after the end of each fiscal year for which grants are made

1 under this subpart, the Director shall submit to the Con-
2 gress a report that includes, for each grantee—

3 “(1) the amount of grants made under this sub-
4 part;

5 “(2) a summary of the purposes for which
6 grants were provided and an evaluation of progress;
7 and

8 “(3) an evaluation of the effectiveness of pro-
9 grams established with funds under this part.

10 **“SEC. 1804. DEFINITIONS.**

11 “For purposes of this part—

12 “(1) the term ‘eligible entity’ means a non-
13 profit, nongovernmental organization that directly
14 serves or provides advocacy on behalf of victims of
15 rape or sexual assault; and

16 “(2) the term ‘sexual assault prevention and
17 education’ means education and prevention efforts
18 directed at reducing the number of sexual assaults.”.

19 (b) AUTHORIZATION OF APPROPRIATION.—Section
20 1001(a) of title I of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-
22 ing after paragraph (11), as added by section 111 of this
23 Act, the following:

24 “(12) There are authorized to be appropriated to
25 carry out the purposes of part R, \$60,000,000 for fiscal

1 year 1994, \$75,000,000 for fiscal year 1995, and
2 \$100,000,000 for fiscal year 1996.”.

3 (c) ADMINISTRATIVE PROVISIONS.—(1) Section
4 801(b) of title I of the Omnibus Crime Control and Safe
5 Streets Act of 1968, as amended by section 111 of this
6 Act, is amended by striking “O, and Q” and inserting “O,
7 Q, and R”; and

8 (2) Section 802(b) of title I of the Omnibus Crime
9 Control and Safe Streets Act of 1968, as amended by sec-
10 tion 111 of this Act, is amended by striking “O, or Q”
11 and inserting “O, Q, or R”.

12 (d) CONFORMING AMENDMENT.—The table of con-
13 tents of title I of the Omnibus Crime Control and Safe
14 Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended
15 by section 111, is amended by striking the matter relating
16 to part R and inserting the following:

“PART R—RAPE PREVENTION PROGRAMS

“Sec. 1801. Grant authorization.

“Sec. 1802. Applications.

“Sec. 1803. Reports.

“Sec. 1804. Definitions.

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1901. Continuation of rules, authorities, and proceedings.”.

1 **CHAPTER 2—OFFENDER TRAINING AND**
2 **INFORMATION PROGRAMS**

3 **SEC. 126. NATIONAL INSTITUTE OF JUSTICE TRAINING**
4 **PROGRAMS.**

5 (a) IN GENERAL.—The National Institute of Justice,
6 after consultation with victim advocates and individuals
7 who have expertise in treating sex offenders, shall estab-
8 lish criteria and develop training programs to assist proba-
9 tion and parole officer and other personnel who work with
10 released sex offenders in the areas of—

- 11 (1) case management;
12 (2) supervision; and
13 (3) relapse prevention.

14 (b) TRAINING PROGRAMS.—The Director of the Na-
15 tional Institute of Justice shall attempt, to the extent
16 practicable, to make training programs developed under
17 subsection (a) available in geographically diverse locations
18 throughout the country.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated \$1,000,000 for each of the
21 fiscal years 1994 and 1995 to carry out the provisions
22 of this section.

23 **SEC. 127. INFORMATION PROGRAMS.**

24 The Attorney General shall compile information re-
25 garding sex offender treatment programs and ensure that

1 information regarding community treatment programs in
2 the community into which a convicted sex offender is re-
3 leased is made available to each person serving a sentence
4 of imprisonment in a Federal penal or correctional institu-
5 tion for a commission of an offense under chapter 109A
6 of title 18 of the United States Code or for the commission
7 of a similar offense, including halfway houses and psy-
8 chiatric institutions.

9 **Subtitle C—Victim Compensation**

10 **SEC. 131. VICTIM COMPENSATION.**

11 (a) IN GENERAL.—Chapter 109A of title 18, United
12 States Code, is amended by adding at the end the follow-
13 ing new section:

14 **“§ 2246. Mandatory restitution for sex offenses**

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

19 “(b) SCOPE AND NATURE OF ORDER.—

20 “(1) IN GENERAL.—The order of restitution
21 under this section shall direct that—

22 “(A) the defendant pay to the victim the
23 full amount of the victim’s losses as determined
24 by the court, pursuant to paragraph (3) of this
25 subsection; and

1 “(B) the United States Attorney enforce
2 the restitution order by all available and reason-
3 able means.

4 “(2) DEFINITIONS.—As used in this subsection,
5 the term ‘full amount of the victim’s losses’ includes
6 any costs incurred by the victim for—

7 “(A) medical services relating to physical,
8 psychiatric, or psychological care;

9 “(B) physical and occupational therapy or
10 rehabilitation;

11 “(C) lost income;

12 “(D) attorneys’ fees, plus any costs in-
13 curred in obtaining a civil protection order;

14 “(E) temporary housing;

15 “(F) transportation;

16 “(G) necessary child care;

17 “(H) language translation services; and

18 “(I) any other losses suffered by the victim
19 as a proximate result of the offense.

20 “(3) MANDATORY NATURE OF ORDER.—(A)
21 Restitution orders under this section are mandatory.
22 A court may not decline to issue an order under this
23 section because of—

24 “(i) the economic circumstances of the de-
25 fendant; or

1 “(ii) the fact that a victim has, or is enti-
2 tled to, receive compensation for his or her inju-
3 ries from the proceeds of insurance or any other
4 source.

5 “(B) Subparagraph (A) of this paragraph does
6 not apply if—

7 “(i) the court finds on the record that the
8 economic circumstances of the defendant do not
9 allow for the payment of any amount of a res-
10 titution order, and do not allow for the payment
11 of any amount of a restitution order in the fore-
12 seeable future (under any reasonable schedule
13 of payments); and

14 “(ii) the court enters in its order the
15 amount of the victim’s losses, and provides a
16 nominal restitution award.

17 “(4) CONSIDERATION OF ECONOMIC CIR-
18 CUMSTANCES.—

19 “(A) IN GENERAL.—Notwithstanding para-
20 graph (3) of this subsection, the court may take
21 into account the economic circumstances of the
22 defendant in determining the manner in which
23 and the schedule according to which the restitu-
24 tion is to be paid, including—

1 “(i) the financial resources and other
2 assets of the defendant;

3 “(ii) projected earnings, earning ca-
4 pacity, and other income of the defendant;
5 and

6 “(iii) any financial obligations of the
7 defendant, including obligations to depend-
8 ents.

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

16 “(5) SETOFF.—Any amount paid to a victim
17 under this section shall be set off against any
18 amount later recovered as compensatory damages by
19 the victim from the defendant in—

20 “(A) any Federal civil proceeding; and

21 “(B) any State civil proceeding, to the ex-
22 tent provided by the law of the State.

23 “(c) PROOF OF CLAIM.—

24 “(1) IN GENERAL.—Within 60 days after con-
25 viction and, in any event, no later than 10 days

1 prior to sentencing, the United States Attorney (or
2 delegate), after consulting with the victim, shall pre-
3 pare and file an affidavit with the court listing the
4 amounts subject to restitution under this section.
5 The affidavit shall be signed by the United States
6 Attorney (or delegate) and the victim. Should the
7 victim object to any of the information included in
8 the affidavit, the United States Attorney (or dele-
9 gate) shall advise the victim that the victim may file
10 a separate affidavit.

11 “(2) OBJECTIONS.—If, after notifying the de-
12 fendant of the affidavit, no objection is raised by the
13 defendant, the amounts attested to in the affidavit
14 filed pursuant to paragraph (1) of this subsection
15 shall be entered in the court’s restitution order. If
16 objection is raised, the court may require the victim
17 or the United States Attorney (or such Attorney’s
18 delegate) to submit further affidavits or other sup-
19 porting documents, demonstrating the victim’s
20 losses.

21 “(3) ADDITIONAL DOCUMENTATION AND TESTI-
22 MONY.—If the court concludes, after reviewing the
23 supporting documentation and considering the de-
24 fendant’s objections, that there is a substantial rea-
25 son for doubting the authenticity or veracity of the

1 records submitted, the court may require additional
2 documentation or hear testimony on those questions.
3 The privacy of any records filed, or testimony heard,
4 pursuant to this section, shall be maintained to the
5 greatest extent possible.

6 “(4) FINAL DETERMINATION OF LOSSES.—In
7 the event that the victim’s losses are not ascertain-
8 able 10 days prior to sentencing as provided in sub-
9 section (c)(1) of this section, the United States At-
10 torney (or delegate) shall so inform the court, and
11 the court shall set a date for the final determination
12 of the victim’s losses, not to exceed 90 days after
13 sentencing. If the victim subsequently discovers fur-
14 ther losses, the victim shall have 60 days after dis-
15 covery of those losses in which to petition the court
16 for an amended restitution order. Such order may be
17 granted only upon a showing of good cause for the
18 failure to include such losses in the initial claim for
19 restitutionary relief.”.

20 (b) TABLE OF SECTIONS.—The table of sections at
21 the beginning of chapter 109A of title 18, United States
22 Code, is amended by adding at the end the following:

“2246. Mandatory restitution for sex offenses.”.

1 **Subtitle D—Safe Campuses for**
2 **Women**

3 **SEC. 141. CAMPUS SEXUAL ASSAULT STUDY.**

4 (a) STUDY.—The Attorney General shall provide for
5 a national baseline study to examine the scope of the prob-
6 lem of campus sexual assaults and the effectiveness of in-
7 stitutional and legal policies in addressing such crimes and
8 protecting victims. The Attorney General may utilize the
9 Bureau of Justice Statistics, the National Institute of Jus-
10 tice, and the Office for Victims of Crime in carrying out
11 this section.

12 (b) REPORT.—Based on the study required by sub-
13 section (a), the Attorney General shall prepare a report
14 including an analysis of—

15 (1) the number of reported allegations and esti-
16 mated number of unreported allegations of campus
17 sexual assaults, and to whom the allegations are re-
18 ported (including authorities of the educational insti-
19 tution, sexual assault victim service entities, and
20 local criminal authorities);

21 (2) the number of campus sexual assault allega-
22 tions reported to authorities of educational institu-
23 tions which are reported to criminal authorities;

24 (3) the number of campus sexual assault allega-
25 tions that result in criminal prosecution in compari-

1 son with the number of noncampus sexual assault
2 allegations that result in criminal prosecution;

3 (4) Federal and State laws or regulations per-
4 taining specifically to campus sexual assaults;

5 (5) the adequacy of policies and practices of
6 educational institutions in addressing campus sexual
7 assaults and protecting victims, including consider-
8 ation of—

9 (A) the security measures in effect at edu-
10 cational institutions, such as utilization of cam-
11 pus police and security guards, control over ac-
12 cess to grounds and buildings, supervision of
13 student activities and student living arrange-
14 ments, control over the consumption of alcohol
15 by students, lighting, and the availability of es-
16 cort services;

17 (B) the articulation and communication to
18 students of the institution's policies concerning
19 sexual assaults;

20 (C) policies and practices that may prevent
21 or discourage the reporting of campus sexual
22 assaults to local criminal authorities, or that
23 may otherwise obstruct justice or interfere with
24 the prosecution of perpetrators of campus sex-
25 ual assaults;

1 (D) the nature and availability of victim
2 services for victims of campus sexual assaults;

3 (E) the ability of educational institutions'
4 disciplinary processes to address allegations of
5 sexual assault adequately and fairly;

6 (F) measures that are taken to ensure that
7 victims are free of unwanted contact with al-
8 leged assailants, and disciplinary sanctions that
9 are imposed when a sexual assault is deter-
10 mined to have occurred; and

11 (G) the grounds on which educational in-
12 stitutions are subject to lawsuits based on cam-
13 pus sexual assaults, the resolution of these
14 cases, and measures that can be taken to avoid
15 the likelihood of lawsuits;

16 (6) an assessment of the policies and practices
17 of educational institutions that are most effective in
18 addressing campus sexual assaults and protecting
19 victims, including policies and practices relating to
20 the particular issues described in paragraph (5); and

21 (7) any recommendations the Attorney General
22 may have for reforms to address campus sexual as-
23 saults and protect victims more effectively, and any
24 other matters that the Attorney General deems rel-

1 **Subtitle A—Interstate Enforcement**

2 **SEC. 211. INTERSTATE ENFORCEMENT.**

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

6 **“CHAPTER 110A—DOMESTIC VIOLENCE**

“Sec. 2261. Interstate domestic violence.

“Sec. 2262. Violation of protection order.

“Sec. 2263. Pretrial release of defendant.

“Sec. 2264. Restitution.

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

“Sec. 2266. Definitions for chapter.

7 **“§ 2261. Interstate domestic violence**

8 “(a) Whoever travels across a State line or enters or
9 leaves Indian country with the intent to contact that per-
10 son’s spouse or intimate partner, and in the course of that
11 contact intentionally commits a crime of violence and
12 thereby causes bodily injury to such spouse or intimate
13 partner, shall be punished as provided in subsection (b)
14 of this section.

15 “(b) The punishment for a violation of subsection (a)
16 of this section is a fine under this title, or imprisonment—

17 “(1) for life or any term of years, if the of-
18 fender murders the victim;

19 “(2) for not more than 20 years, if the offender
20 causes serious bodily injury to the victim;

21 “(3) for not more than 10 years, if the offender
22 uses a dangerous weapon during the offense;

1 “(4) as provided for the applicable conduct
2 under chapter 109A, if the offense constitutes sexual
3 abuse, as described under chapter 109A (without re-
4 gard to whether the offense was committed in the
5 special maritime and territorial jurisdiction of the
6 United States or in a Federal prison); and

7 “(5) for not more than 5 years, in any other
8 case;
9 or both such fine and imprisonment.

10 **“§ 2262. Violation of protection order**

11 “(a) Whoever travels across a State line or enters or
12 leaves Indian country with the intent to engage in conduct
13 that—

14 “(1)(A) violates a protection order, any portion
15 of which involves protection against credible threats
16 of violence, repeated harassment, or bodily injury, to
17 the person or persons for whom the protection order
18 was issued, and—

19 “(B) violates that portion of such protection
20 order; or

21 “(2) would violate paragraph (1) of this sub-
22 section if the conduct occurred in the jurisdiction in
23 which such order was issued;

24 and does engage in such conduct shall be punished as pro-
25 vided in subsection (b) of this section.

1 “(b) The punishment for a violation of subsection (a)
2 of this section is a fine under this title, or imprisonment—

3 “(1) for life or any term of years, if the of-
4 fender murders the victim;

5 “(2) for not more than 20 years, if the offender
6 causes serious bodily injury to the victim;

7 “(3) for not more than 10 years, if the offender
8 uses a dangerous weapon during the offense;

9 “(4) as provided for the applicable conduct
10 under chapter 109A, if the offense constitutes sexual
11 abuse, as described under chapter 109A (without re-
12 gard to whether the offense was committed in the
13 special maritime and territorial jurisdiction of the
14 United States or in a Federal prison); and

15 “(5) for not more than 5 years, in any other
16 case;

17 or both such fine and imprisonment.

18 **“§ 2263. Pretrial release of defendant**

19 “In any proceeding pursuant to section 3142 of this
20 title for the purpose of determining whether a defendant
21 charged under this chapter shall be released pending trial,
22 or for the purpose of determining conditions of such re-
23 lease, the alleged victim shall be given an opportunity to
24 be heard regarding the danger posed by the defendant.

1 **“§ 2264. Restitution**

2 “(a) IN GENERAL.—In addition to any fine or term
3 of imprisonment provided under this chapter, and notwith-
4 standing the terms of section 3663 of this title, the court
5 shall order restitution to the victim of an offense under
6 this chapter.

7 “(b) SCOPE AND NATURE OF ORDER.—

8 “(1) IN GENERAL.—The order of restitution
9 under this section shall direct that—

10 “(A) the defendant pay to the victim the
11 full amount of the victim’s losses as determined
12 by the court, pursuant to paragraph (3) of this
13 subsection; and

14 “(B) the United States Attorney enforce
15 the restitution order by all available and reason-
16 able means.

17 “(2) DEFINITION.—As used in this subsection,
18 the term ‘full amount of the victim’s losses’ includes
19 any costs incurred by the victim for—

20 “(A) medical services relating to physical,
21 psychiatric, or psychological care;

22 “(B) physical and occupational therapy or
23 rehabilitation;

24 “(C) lost income;

25 “(D) attorneys’ fees, plus any costs in-
26 curred in obtaining a civil protection order;

1 “(E) temporary housing;

2 “(F) transportation;

3 “(G) necessary child care;

4 “(H) language translation services; and

5 “(I) any other losses suffered by the victim
6 as a proximate result of the offense.

7 “(3) MANDATORY NATURE OF ORDER.—(A)

8 Restitution orders under this section are mandatory.

9 A court may not decline to issue an order under this
10 section because of—

11 “(i) the economic circumstances of the de-
12 fendant; or

13 “(ii) the fact that a victim has, or is enti-
14 tled to, receive compensation for his or her inju-
15 ries from the proceeds of insurance or any other
16 source.

17 “(B) Subparagraph (A) of this paragraph does
18 not apply if—

19 “(i) the court finds on the record that the
20 economic circumstances of the defendant do not
21 allow for the payment of any amount of a res-
22 titution order, and do not allow for the payment
23 of any amount of a restitution order in the fore-
24 seeable future (under any reasonable schedule
25 of payments); and

1 “(ii) the court enters in its order the
2 amount of the victim’s losses, and provides a
3 nominal restitution award.

4 “(4) CONSIDERATION OF ECONOMIC CIR-
5 CUMSTANCES.—

6 “(A) IN GENERAL.—Notwithstanding para-
7 graph (3) of this subsection, the court may take
8 into account the economic circumstances of the
9 defendant in determining the manner in which
10 and the schedule according to which the restitu-
11 tion is to be paid, including—

12 “(i) the financial resources and other
13 assets of the defendant;

14 “(ii) projected earnings, earning ca-
15 pacity, and other income of the defendant;
16 and

17 “(iii) any financial obligations of the
18 offender, including obligations to depend-
19 ents.

20 “(B) LUMP-SUM OR PARTIAL PAYMENT.—
21 An order under this section may direct the de-
22 fendant to make a single lump-sum payment, or
23 partial payments at specified intervals. The
24 order shall provide that the defendant’s

1 restitutionary obligation takes priority over any
2 criminal fine ordered.

3 “(5) SETOFF.—Any amount paid to a victim
4 under this section shall be setoff against any amount
5 later recovered as compensatory damages by the vic-
6 tim from the defendant in—

7 “(A) any Federal civil proceeding; and

8 “(B) any State civil proceeding, to the ex-
9 tent provided by the law of the State.

10 “(c) PROOF OF CLAIM.—

11 “(1) IN GENERAL.—Within 60 days after con-
12 viction and, in any event, no later than 10 days be-
13 fore sentencing, the United States Attorney (or such
14 Attorney’s delegate), after consulting with the vic-
15 tim, shall prepare and file an affidavit with the court
16 listing the amounts subject to restitution under this
17 section. The affidavit shall be signed by the United
18 States Attorney (or the delegate) and the victim.
19 Should the victim object to any of the information
20 included in the affidavit, the United States Attorney
21 (or the delegate) shall advise the victim that the vic-
22 tim may file a separate affidavit and assist the
23 victim in the preparation of that affidavit.

24 “(2) OBJECTIONS.—If, after notifying the de-
25 fendant of the affidavit, no objection is raised by the

1 defendant, the amounts attested to in the affidavit
2 filed pursuant to paragraph (1) of this subsection
3 shall be entered in the court's restitution order. If
4 objection is raised, the court may require the victim
5 or the United States Attorney (or such Attorney's
6 delegate) to submit further affidavits or other sup-
7 porting documents, demonstrating the victim's
8 losses.

9 “(3) ADDITIONAL DOCUMENTATION OR TESTI-
10 MONY.—If the court concludes, after reviewing the
11 supporting documentation and considering the de-
12 fendant's objections, that there is a substantial rea-
13 son for doubting the authenticity or veracity of the
14 records submitted, the court may require additional
15 documentation or hear testimony on those questions.
16 The privacy of any records filed, or testimony heard,
17 pursuant to this section, shall be maintained to the
18 greatest extent possible.

19 “(4) FINAL DETERMINATION OF LOSSES.—In
20 the event that the victim's losses are not ascertain-
21 able 10 days before sentencing as provided in para-
22 graph (1) of this subsection, the United States At-
23 torney (or such Attorney's delegate) shall so inform
24 the court, and the court shall set a date for the final
25 determination of the victims's losses, not to exceed

1 90 days after sentencing. If the victim subsequently
2 discovers further losses, the victim shall have 90
3 days after discovery of those losses in which to peti-
4 tion the court for an amended restitution order.
5 Such order may be granted only upon a showing of
6 good cause for the failure to include such losses in
7 the initial claim for restitutionary relief.

8 “(d) RESTITUTION AND CRIMINAL PENALTIES.—An
9 award of restitution to the victim of an offense under this
10 chapter is not a substitute for imposition of punishment
11 under this chapter.

12 **“§ 2265. Full faith and credit given to protection or-**
13 **ders**

14 “(a) FULL FAITH AND CREDIT.—Any protection
15 order issued that is consistent with subsection (b) of this
16 section by the court of one State or Indian tribe (the issu-
17 ing State or Indian tribe) shall be accorded full faith and
18 credit by the court of another State or Indian tribe (the
19 enforcing State or Indian tribe) and enforced as if it were
20 the order of the enforcing State or tribe.

21 “(b) PROTECTION ORDER.—A protection order is-
22 sued by a State or tribal court is consistent with this sub-
23 section if—

1 “(1) such court has jurisdiction over the parties
2 and matter under the law of such State or Indian
3 tribe; and

4 “(2) reasonable notice and opportunity to be
5 heard is given to the person against whom the order
6 is sought sufficient to protect that person’s right to
7 due process. In the case of ex parte orders, notice
8 and opportunity to be heard must be provided within
9 the time required by State or tribal law, and in any
10 event within a reasonable time after the order is
11 issued, sufficient to protect the respondent’s due
12 process rights.

13 “(c) CROSS OR COUNTER PETITION.—A protection
14 order issued by a State or tribal court against one who
15 has petitioned, filed a complaint, or otherwise filed a writ-
16 ten pleading for protection against abuse by a spouse or
17 intimate partner is not entitled to full faith and credit if—

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

21 “(2) a cross or counter petition has been filed
22 and the court did not make specific findings that
23 each party was entitled to such an order.

24 **“§ 2266. Definitions for chapter**

25 “As used in this chapter—

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

3 “(A) a spouse, a former spouse, a person
4 who shares a child in common with the abuser,
5 a person who cohabits or has cohabited with the
6 abuser as a spouse, and any other person simi-
7 larly situated to a spouse; and

8 “(B) any other person, other than a minor
9 child, who is protected by the domestic or fam-
10 ily violence laws of the State in which the injury
11 occurred or where the victim resides;

12 “(2) the term ‘protection order’ includes any in-
13 junction or other order issued for the purpose of
14 preventing violent or threatening acts by one spouse
15 against his or her spouse, former spouse, or intimate
16 partner, including temporary and final orders issued
17 by civil and criminal courts (other than support or
18 child custody orders) whether obtained by filing an
19 independent action or as a pendente lite order in an-
20 other proceeding so long as any civil order was is-
21 sued in response to a complaint, petition or motion
22 filed by or on behalf of an abused spouse or intimate
23 partner;

1 “(3) the term ‘State’ includes a State of the
2 United States, the District of Columbia, a common-
3 wealth, territory, or possession of the United States;

4 “(4) the term ‘travel across State lines’ does
5 not include travel across State lines by an individual
6 who is a member of an Indian tribe when such indi-
7 vidual remains at all times in the territory of the
8 Indian tribe of which the individual is a member;

9 “(5) the term ‘bodily harm’ means any act, ex-
10 cept one done in self-defense, that results in physical
11 injury or sexual abuse; and

12 “(6) the term ‘Indian country’ has the meaning
13 given to such term by section 1151 of this title.”.

14 (b) TABLE OF CHAPTERS.—The table of chapters at
15 the beginning part 1 of title 18, United States Code, is
16 amended by inserting after the item for chapter 110 the
17 following new item:

 “**110A. Violence against spouses** **2261.**”.

18 **Subtitle B—Arrest in Domestic**
19 **Violence Cases**

20 **SEC. 221. ENCOURAGING ARREST POLICIES.**

21 (a) IN GENERAL.—Title I of the Omnibus Crime
22 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
23 et seq.), as amended by section 121, is further amended
24 by—

25 (1) redesignating part S as part T;

1 (2) redesignating section 1901 as section 2001;

2 and

3 (3) adding after part R the following new part:

4 **“PART S—GRANTS TO ENCOURAGE ARREST**
5 **POLICIES**

6 **“SEC. 1901. ARREST POLICIES.**

7 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
8 this part is to encourage States, Indian tribes, and units
9 of local government to treat domestic violence as a serious
10 violation of criminal law. The Director of the Bureau of
11 Justice Assistance may make grants to eligible States, In-
12 dian tribes, or units of local government for the following:

13 “(1) To implement mandatory arrest or
14 proarrest programs, including mandatory arrest pro-
15 grams for protective order violations.

16 “(2) To develop policies, and training in police
17 departments to improve tracking of cases involving
18 domestic violence.

19 “(3) To centralize and coordinate police en-
20 forcement, prosecution, or judicial responsibility for
21 domestic violence cases in groups or units of police
22 officers, prosecutors, or judges.

23 “(4) To strengthen legal advocacy service pro-
24 grams for victims of domestic violence.

1 “(5) To educate judges in criminal and other
2 courts about domestic violence and to improve judi-
3 cial handling of such cases.

4 “(b) ELIGIBILITY.—Eligible grantees are States, In-
5 dian tribes, or units of local government that—

6 “(1) certify that their laws or official policies—

7 “(A)(i) encourage or mandate arrest of do-
8 mestic violence offenders based on probable
9 cause that violence has been committed; or

10 “(ii) certify that all their law enforcement
11 personnel have received domestic violence train-
12 ing conducted by a State Domestic Violence Co-
13 alition as defined in section 10410(b) of title
14 42, United States Code; and

15 “(B) mandate arrest of domestic violence
16 offenders who violate the terms of a valid and
17 outstanding protection order;

18 “(2) demonstrate that their laws, policies, or
19 practices, and training programs discourage dual ar-
20 rests of offender and victim;

21 “(3) certify that their laws, policies, and prac-
22 tices prohibit issuance of mutual restraining orders
23 of protection except in cases where both spouses file
24 a claim and the court makes detailed finding of fact
25 indicating that both spouses acted primarily as ag-

1 gressors and that neither spouse acted primarily in
2 self-defense;

3 “(4) certify that their laws, policies, and prac-
4 tices do not require, in connection with the prosecu-
5 tion of any misdemeanor or felony domestic violence
6 offense, that the abused bear the costs associated
7 with the filing of criminal charges or the service of
8 such charges on an abuser, or that the abused bear
9 the costs associated with the issuance or service of
10 a warrant, protection order, or witness subpoena;
11 and

12 “(5) certify that their laws and policies treat
13 sex offenses committed by offenders who are known
14 to, cohabitants of, or social companions of or related
15 by blood or marriage to, the victim no less severely
16 than sex offenses committed by offenders who are
17 strangers to the victim.

18 **“SEC. 1902. APPLICATIONS.**

19 “(a) APPLICATION.—An eligible grantee shall submit
20 an application to the Director that shall—

21 “(1) describe plans to implement policies de-
22 scribed in subsection (b);

23 “(2) identify the agency or office or groups of
24 agencies or offices responsible for carrying out the
25 program; and

1 “(3) include documentation from nonprofit, pri-
2 vate sexual assault and domestic violence programs
3 demonstrating their participation in developing the
4 application, and identifying such programs in which
5 such groups will be consulted for development and
6 implementation.

7 “(b) PRIORITY.—In awarding grants under this part,
8 the Director shall give priority to an applicant that—

9 “(1) does not currently provide for centralized
10 handling of cases involving domestic violence by pol-
11 icy, prosecutors, and courts; and

12 “(2) demonstrates a commitment to strong en-
13 forcement of laws, and prosecution of cases, involv-
14 ing domestic violence.

15 **“SEC. 1903. REPORTS.**

16 “Each grantee receiving funds under this part shall
17 submit a report to the Director evaluating the effective-
18 ness of projects developed with funds provided under this
19 part and containing such additional information as the
20 Director may prescribe.

21 **“SEC. 1904. DEFINITIONS.**

22 “For purposes of this part—

23 “(1) the term ‘domestic violence’ means a crime
24 of violence against a victim committed by a current
25 or former spouse of the victim, an individual with

1 whom the victim shares a child in common, an indi-
2 vidual who cohabits with or has cohabited with the
3 victim as a spouse, or any other individual similarly
4 situated to a spouse, or any other person who is pro-
5 tected under the domestic or family violence laws of
6 the eligible State, Indian tribe, municipality, or local
7 government entity.

8 “(2) the term ‘protection order’ includes any in-
9 junction issued for the purpose of preventing violent
10 or threatening acts of domestic violence including
11 temporary and final orders issued by civil and crimi-
12 nal courts (other than support or child custody pro-
13 visions) whether obtained by filing an independent
14 action or as a pendente lite order in another pro-
15 ceeding.”.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
17 1001(a) of title I of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-
19 ing after paragraph (12), as added by section 121 of this
20 Act, the following:

21 “(13) There are authorized to be appropriated
22 \$25,000,000 for each of the fiscal years 1994, 1995, and
23 1996 to carry out the purposes of part S.”.

24 (c) ADMINISTRATIVE PROVISIONS.—(1) Section
25 801(b) of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968, as amended by section 121 of this
 2 Act, is amended by striking “O, Q, and R” and inserting
 3 “O, Q, R, and S”; and

4 (2) Section 802(b) of title I of the Omnibus Crime
 5 Control and Safe Streets Act of 1968, as amended by sec-
 6 tion 121 of this Act, is amended by striking “O, Q, or
 7 R” and inserting “O, Q, R, or S”.

8 (d) EFFECTIVE DATE.—The eligibility requirements
 9 provided in this section shall take effect 1 year after the
 10 date of enactment of this subtitle.

11 (e) CONFORMING AMENDMENT.—The table of con-
 12 tents of title I of the Omnibus Crime Control and Safe
 13 Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended
 14 by section 121, is further amended by striking the matter
 15 relating to part S and inserting the following:

“PART S—GRANTS TO ENCOURAGE ARREST POLICIES

“Sec. 1901. Arrest policies.

“Sec. 1902. Applications.

“Sec. 1903. Reports.

“Sec. 1904. Definitions.

“PART T—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2001. Continuation of rules, authorities, and proceedings.”.

16 **Subtitle C—Domestic Violence**

17 **SEC. 231. SHORT TITLE.**

18 This subtitle may be cited as the “Domestic Violence
 19 Firearm Prevention Act”.

20 **SEC. 232. FINDINGS.**

21 The Congress finds that—

1 (1) domestic violence is the leading cause of in-
2 jury to women in the United States between the
3 ages of 15 and 44;

4 (2) firearms are used by the abuser in 7 per-
5 cent of domestic violence incidents and produces an
6 adverse effect on interstate commerce; and

7 (3) individuals with a history of domestic abuse
8 should not have easy access to firearms.

9 **SEC. 233. PROHIBITION AGAINST DISPOSAL OF FIREARMS**
10 **TO, OR RECEIPT OF FIREARMS BY, PERSONS**
11 **WHO HAVE COMMITTED DOMESTIC ABUSE.**

12 (a) INTIMATE PARTNER DEFINED.—Section 921(a)
13 of title 18, United States Code, is amended by inserting
14 at the end the following:

15 “(29) The term ‘intimate partner’ means, with re-
16 spect to a person, the spouse of the person, a former
17 spouse of the person, an individual who is a parent of a
18 child of the person, and an individual who cohabitates or
19 has cohabited with the person.”.

20 (b) PROHIBITION AGAINST DISPOSAL OF FIRE-
21 ARMS.—Section 922(d) of such title is amended—

22 (1) by striking “or” at the end of paragraph
23 (6);

24 (2) by striking the period at the end of para-
25 graph (7) and inserting “; or”; and

1 (3) by inserting after paragraph (7) the follow-
2 ing:

3 “(8) is subject to a court order that restrains
4 such person from harassing, stalking, or threatening
5 an intimate partner of such person, or engaging in
6 other conduct that would place an intimate partner
7 in reasonable fear of bodily injury, except that this
8 paragraph shall only apply to a court order that (A)
9 was issued after a hearing of which such person re-
10 ceived actual notice, and at which such person had
11 the opportunity to participate, and (B) includes a
12 finding that such person represents a credible threat
13 to the physical safety of such intimate partner.”.

14 (c) PROHIBITION AGAINST RECEIPT OF FIRE-
15 ARMS.—Section 922(g) of such title is amended—

16 (1) by striking “or” at the end of paragraph
17 (6);

18 (2) by inserting “or” at the end of paragraph
19 (7); and

20 (3) by inserting after paragraph (7) the follow-
21 ing:

22 “(8) who is subject to a court order that—

23 “(A) was issued after a hearing of which
24 such person received actual or constructive no-

1 tice, and at which such person had an oppor-
2 tunity to participate;

3 “(B) restrains such person from harassing,
4 stalking, or threatening an intimate partner of
5 such person, or engaging in other conduct that
6 would place an intimate partner in reasonable
7 fear of bodily injury; and

8 “(C) includes a finding that such person
9 represents a credible threat to the physical safe-
10 ty of such intimate partner.”.

11 (d) STORAGE OF FIREARMS.—Section 926(a) of such
12 title is amended—

13 (1) by striking “and” at the end of paragraph
14 (1);

15 (2) by striking the period at the end of para-
16 graph (2) and inserting “; and”; and

17 (3) by inserting after paragraph (2) the follow-
18 ing:

19 “(3) regulations providing for effective receipt
20 and secure storage of firearms relinquished by or
21 seized from persons described in subsection (d)(8) or
22 (g)(8) of section 922.”.

23 (e) RETURN OF FIREARMS.—Section 924(d)(1) of
24 such title is amended by striking “the seized” and insert-

1 ing “or lapse of or court termination of the restraining
2 order to which he is subject, the seized or relinquished”.

3 **Subtitle D—Protection for**
4 **Immigrant Women**

5 **SEC. 241. ALIEN SPOUSE PETITIONING RIGHTS FOR IMME-**
6 **DIATE RELATIVE OR SECOND PREFERENCE**
7 **STATUS.**

8 (a) IN GENERAL.—Section 204(a)(1) of the Immi-
9 gration and Nationality Act (8 U.S.C. 1154(a)(1)) is
10 amended—

11 (1) in subparagraph (A)—

12 (A) by inserting “(i)” after “(A)”,

13 (B) by redesignating the second sentence
14 as clause (ii), and

15 (C) by adding at the end the following new
16 clause:

17 “(iii) An alien who is the spouse of a citizen of the
18 United States, who is eligible to be classified as an imme-
19 diate relative under section 201(b)(2)(A)(i), and who has
20 resided in the United States with the alien’s spouse may
21 file a petition with the Attorney General under this sub-
22 paragraph for classification of the alien (and children of
23 the alien) under such section if the alien demonstrates to
24 the Attorney General that—

1 “(I) the alien is residing in the United States,
2 the marriage between the alien and the spouse was
3 entered into in good faith by the alien, and during
4 the marriage the alien or a child of the alien has
5 been battered by or has been the subject of extreme
6 cruelty perpetrated by the alien’s spouse, or

7 “(II) the alien is residing in the United States
8 with the alien’s spouse, the alien has been married
9 to and residing with the spouse for a period of not
10 less than 3 years, and the alien’s spouse has failed
11 to file a petition under clause (i) on behalf of the
12 alien.”; and

13 (2) in subparagraph (B)—

14 (A) by inserting “(i)” after “(B)”, and

15 (B) by adding at the end the following new
16 clause:

17 “(ii) An alien who is the spouse of an alien lawfully
18 admitted for permanent residence, who is eligible for clas-
19 sification under section 203(a)(2)(A), and who has resided
20 in the United States with the alien’s legal permanent resi-
21 dent spouse may file a petition with the Attorney General
22 under this subparagraph for classification of the alien
23 (and children of the alien) under such section if the alien
24 demonstrates to the Attorney General that the conditions

1 described in subclause (I) or (II) of subparagraph (A)(iii)
2 are met with respect to the alien.”.

3 (b) CONFORMING AMENDMENTS.—(1) Section
4 204(a)(2) of such Act (8 U.S.C. 1154(a)(2)) is amended—

5 (A) in subparagraph (A), by striking “filed by
6 an alien who,” and inserting “for the classification
7 of the spouse of an alien if the alien,” and

8 (B) in subparagraph (B), by striking “by an
9 alien whose prior marriage” and inserting “for the
10 classification of the spouse of an alien if the prior
11 marriage of the alien”.

12 (2) Section 201(b)(2)(A)(i) of such Act (8 U.S.C.
13 1151(b)(2)(A)(i)) is amended by striking “204(a)(1)(A)”
14 and inserting “204(a)(1)(A)(ii)”.

15 (c) SURVIVAL RIGHTS TO PETITION.— Section 204
16 of the Immigration and Nationality Act (8 U.S.C. 1154)
17 is amended by adding at the end the following new sub-
18 section:

19 “(h) The legal termination of a marriage may not be
20 the basis for revocation under section 205 of a petition
21 filed under subsection (a)(1)(A)(iii)(I) or a petition filed
22 under subsection (a)(1)(B)(ii) pursuant to conditions de-
23 scribed in subsection (a)(1)(A)(iii)(I).”.

24 (d) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect January 1, 1994.

1 **SEC. 242. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIV-**
2 **ER APPLICATIONS.**

3 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
5 ed by inserting after the second sentence the following:
6 “In acting on applications under this paragraph, the At-
7 torney General shall consider any credible evidence sub-
8 mitted in support of the application (whether or not the
9 evidence is supported by an evaluation of a licensed mental
10 health professional). The determination of what evidence
11 is credible and the weight to be given that evidence shall
12 be within the sole discretion of the Attorney General.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on the date of the enact-
15 ment of this Act and shall apply to applications made be-
16 fore, on, or after such date.

17 **SEC. 243. SUSPENSION OF DEPORTATION.**

18 Section 244(a) of the Immigration and Nationality
19 Act (8 U.S.C. 1254(a)) is amended—

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

22 (2) at the end of paragraph (2) by striking the
23 period and inserting “; or”; and

24 (3) by inserting after paragraph (2) the follow-
25 ing:

1 “(3) is deportable under any law of the United
2 States except section 241(a)(1)(G) and the provi-
3 sions specified in paragraph (2); is physically
4 present in the United States; has been battered or
5 subjected to extreme cruelty in the United States by
6 a spouse or parent who is a United States citizen or
7 lawful permanent resident; and proves that during
8 all of such time in the United States the alien was
9 and is a person of good moral character; and is a
10 person whose deportation would, in the opinion of
11 the Attorney General, result in extreme hardship to
12 the alien or the alien’s parent or child.”.

13 **TITLE III—MISCELLANEOUS**
14 **PROVISIONS**

15 **Subtitle A—Reports**

16 **SEC. 301. REPORT ON CONFIDENTIALITY OF ADDRESSES**
17 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

18 (a) REPORT.—The Attorney General shall conduct a
19 study of the means by which abusive spouses may obtain
20 information concerning the addresses or locations of es-
21 tranged or former spouses, notwithstanding the desire of
22 the victims to have such information withheld to avoid fur-
23 ther exposure to abuse. Based on the study, the Attorney
24 General shall transmit a report to Congress including—

1 (1) the findings of the study concerning the
2 means by which information concerning the address-
3 es or locations of abused spouses may be obtained
4 by abusers; and

5 (2) analysis of the feasibility of creating effec-
6 tive means of protecting the confidentiality of infor-
7 mation concerning the addresses and locations of
8 abused spouses to protect such persons from expo-
9 sure to further abuse while preserving access to such
10 information for legitimate purposes.

11 (b) USE OF COMPONENTS.—The Attorney General
12 may use the National Institute of Justice and the Office
13 for Victims of Crime in carrying out this section.

14 **SEC. 302. REPORT ON RECORDKEEPING RELATING TO DO-**
15 **MESTIC VIOLENCE.**

16 Not later than 1 year after the date of enactment
17 of this Act, the Attorney General shall complete a study
18 of, and shall submit to Congress a report and rec-
19 ommendations on, problems of recordkeeping of criminal
20 complaints involving domestic violence. The study and re-
21 port shall examine—

22 (1) the efforts that have been made by the De-
23 partment of Justice, including the Federal Bureau
24 of Investigation, to collect statistics on domestic vio-
25 lence; and

1 (2) the feasibility of requiring that the relation-
2 ship between an offender and victim be reported in
3 Federal records of crimes of aggravated assault,
4 rape, and other violent crimes.

5 **Subtitle B—Justice Department**
6 **Task Force on Violence Against**
7 **Women**

8 **SEC. 311. ESTABLISHMENT.**

9 Not later than 30 days after the date of enactment
10 of this Act, the Attorney General shall establish a task
11 force to be known as the Attorney General’s Task Force
12 on Violence Against Women (referred to in this subtitle
13 as the “Task Force”).

14 **SEC. 312. GENERAL PURPOSES OF TASK FORCE.**

15 (a) GENERAL PURPOSE OF THE TASK FORCE.—The
16 Task Force shall review Federal, State, and local strate-
17 gies for preventing and punishing violent crimes against
18 women, including the enhancement and protection of the
19 rights of the victims of such crimes, and make rec-
20 ommendations to improve the response to such crimes.

21 (b) FUNCTIONS.—The Task Force shall perform such
22 functions as the Attorney General deems appropriate to
23 carry out the purposes of the Task Force, including—

24 (1) evaluating the adequacy of, and making 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) evaluating the adequacy of, and making rec-
4 ommendations regarding, the responsiveness of State
5 prosecutors and State courts to violent crimes
6 against women;

7 (3) evaluating the adequacy of State and Fed-
8 eral rules of evidence, practice, and procedure to en-
9 sure the effective prosecution and conviction of vio-
10 lent offenders against women and to protect victims
11 from abuse in legal proceedings, making rec-
12 ommendations, where necessary, to improve those
13 rules;

14 (4) evaluating the adequacy of pretrial release,
15 sentencing, incarceration, and post-conviction release
16 for crimes that predominantly affect women, such as
17 rape and domestic violence;

18 (5) evaluating the adequacy of, and making rec-
19 ommendations regarding, the adequacy of State and
20 Federal laws on sexual assault and the need for a
21 more uniform statutory response to sex offenses, in-
22 cluding sexual assaults and other sex offenses com-
23 mitted by offenders who are known or related by
24 blood or marriage to the victim;

1 (6) evaluating the adequacy of, and making rec-
2 ommendations regarding, the adequacy of State and
3 Federal laws on domestic violence and the need for
4 a more uniform statutory response to domestic vio-
5 lence;

6 (7) evaluating the adequacy of, and making rec-
7 ommendations regarding, the adequacy of current
8 education, prevention, and protection services for
9 women victims of violent crimes;

10 (8) assessing the issuance, formulation, and en-
11 forcement of protective orders, whether or not relat-
12 ed to a criminal proceeding, and making rec-
13 ommendations for their more effective use in domes-
14 tic violence and stalking cases;

15 (9) assessing the problem of stalking and per-
16 sistent menacing and recommending an effective
17 Federal response to the problem;

18 (10) evaluating the adequacy of, and making
19 recommendations regarding, the national public
20 awareness and the public dissemination of informa-
21 tion essential to the prevention of violent crimes
22 against women;

23 (11) evaluating the treatment of women as vic-
24 tims of violent crime in the State and Federal crimi-

1 nal justice system, and making recommendations to
2 improve such treatment; and

3 (12) assessing the problem of sexual exploi-
4 tation of women and youths through prostitution
5 and in the production of pornography, and rec-
6 ommending effective means of response to the prob-
7 lem.

8 **SEC. 313. MEMBERSHIP.**

9 (a) CHAIR; NUMBER AND APPOINTMENT.—The Task
10 Force shall be chaired by the Attorney General (or des-
11 ignee). Not later than 60 days after the date of the enact-
12 ment of this Act, after consultation with the Secretary of
13 Health and Human Services, the Secretary of Education,
14 and the Secretary of Housing and Urban Development,
15 the Attorney General shall select up to 14 other members
16 to serve on the Task Force.

17 (b) PARTICIPATION.—The Attorney General (or des-
18 ignee) shall select, without regard to political affiliation,
19 members who are specially qualified to serve on the Task
20 Force based on their involvement in efforts to combat vio-
21 lence against women, assistance or service to victims of
22 such violence, or other pertinent experience or expertise.
23 The Attorney General shall ensure that the Task Force
24 includes a broad base of participation by including mem-
25 bers with backgrounds in such areas as law enforcement,

1 victim services and advocacy, legal defense and prosecu-
2 tion, judicial administration, medical services, and coun-
3 seling.

4 (c) VACANCIES.—The Attorney General may fill any
5 vacancy that occurs on the Task Force.

6 **SEC. 314. TASK FORCE OPERATIONS.**

7 (a) MEETINGS.—The Task Force shall hold its first
8 meeting on a date specified by the Attorney General (or
9 designee), but shall not be later than 60 days after the
10 date of the enactment of this Act. After the initial meet-
11 ing, the Task Force shall meet at the call of the Attorney
12 General (or designee), but shall meet at least 6 times.

13 (b) PAY.—Members of the Task Force who are offi-
14 cers or employees or elected officials of a government en-
15 tity shall receive no additional compensation by reason of
16 their service on the Task Force.

17 (c) PER DIEM.—Except as provided in subsection
18 (b), members of the Task Force shall be allowed travel
19 and other expenses including per diem in lieu of subsist-
20 ence, at rates authorized for employees of agencies under
21 sections 5702 and 5703 of title 5, United States Code.

22 **SEC. 315. REPORTS.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date on which the Task Force is fully constituted under
25 section 313, the Task Force shall prepare and submit a

1 final report to the President and to congressional commit-
2 tees that have jurisdiction over legislation addressing vio-
3 lent crimes against women, including the crimes of domes-
4 tic and sexual assault.

5 (b) CONTENTS.—The final report submitted under
6 paragraph (1) shall contain a detailed statement of the
7 activities of the Task Force and of the findings and con-
8 clusions of the Task Force, including such recommenda-
9 tions for legislation and administrative action as the Task
10 Force considers appropriate.

11 **SEC. 316. EXECUTIVE DIRECTOR AND STAFF.**

12 (a) EXECUTIVE DIRECTOR.—

13 (1) APPOINTMENT.—The Task Force shall have
14 an Executive Director who shall be appointed by the
15 Attorney General (or designee), with the approval of
16 the Task Force.

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

22 (b) STAFF.—With the approval of the Task Force,
23 the Executive Director may appoint and fix the compensa-
24 tion of such additional personnel as the Executive Director

1 considers necessary to carry out the duties of the Task
2 Force.

3 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The
4 Executive Director and the additional personnel of the
5 Task Force appointed under subsection (b) may be ap-
6 pointed without regard to the provisions of title 5, United
7 States Code, governing appointments in the competitive
8 service, and may be paid without regard to the provisions
9 of chapter 51 and subchapter III of chapter 53 of such
10 title relating to classification and General Schedule pay
11 rates.

12 (d) CONSULTANTS.—Subject to such rules as may be
13 prescribed by the Task Force, the Executive Director may
14 procure temporary or intermittent services under section
15 3109(b) of title 5, United States Code, at rates for individ-
16 uals not to exceed \$200 per day.

17 **SEC. 317. POWERS OF TASK FORCE.**

18 (a) HEARINGS.—For the purposes of carrying out
19 this subtitle, the Task Force may conduct such hearings,
20 sit and act at such times and places, take such testimony,
21 and receive such evidence, as the Task Force considers
22 appropriate. The Task Force may administer oaths for
23 testimony before the Task Force.

24 (b) DELEGATION.—Any member or employee of the
25 Task Force may, if authorized by the Task Force, take

1 any action that the Task Force is authorized to take under
2 this subtitle.

3 (c) ACCESS TO INFORMATION.—The Task Force may
4 request directly from any executive department or agency
5 such information as may be necessary to enable the Task
6 Force to carry out this subtitle, on the request of the At-
7 torney General (or designee).

8 (d) MAILS.—The Task Force may use the United
9 States mails in the same manner and under the same con-
10 ditions as other departments and agencies of the United
11 States.

12 **SEC. 318. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated to carry out
14 this subtitle \$500,000 for fiscal year 1994.

15 **SEC. 319. TERMINATION.**

16 The Task Force shall cease to exist 30 days after the
17 date on which its final report is submitted under section
18 315.

19 **Subtitle C—STD Testing**

20 **SEC. 321. PAYMENT OF COST OF STD TESTING FOR VICTIMS**
21 **IN SEX OFFENSE CASES.**

22 Section 503(c)(7) of the Victims' Rights and Restitu-
23 tion Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by
24 adding at the end the following: "The Attorney General
25 shall authorize the Director of the Office of Victims of

1 Crime to provide for the payment of the cost of up to two
2 tests of the victim for sexually transmitted diseases, in-
3 cluding, but not limited to gonorrhea, herpes, chlamydia,
4 syphilis, and HIV, during the 12 months following sexual
5 assaults that pose a risk of transmission, and the cost of
6 a counseling session by a medically trained professional
7 on the accuracy of such tests and the risk of transmission
8 of sexually transmitted diseases to the victim as the result
9 of the assault.”.

10 **Subtitle D—Grant Programs**

11 **SEC. 331. NATIONAL DOMESTIC VIOLENCE HOTLINE**

12 **GRANT.**

13 (a) FINDINGS.—Congress finds that—

14 (1) 4,000,000 women are battered by their
15 partners each year, of which 4,000 die as a result
16 of such abuse;

17 (2) victims of domestic violence need access to
18 resources which will refer such victims and their
19 children to safe homes and shelters; and

20 (3) there is a need for a national domestic vio-
21 lence hotline to provide information and assistance
22 to victims of domestic violence because a privately
23 funded national domestic violence hotline which han-
24 dled more than 65,000 crisis calls annually no longer
25 exists.

1 (b) IN GENERAL.—The Attorney General, through
2 the Bureau of Justice Assistance, shall provide a grant
3 to a nonprofit private organization to establish and oper-
4 ate a national, toll-free telephone hotline to provide infor-
5 mation and assistance to victims of domestic violence. A
6 grant provided under this subsection may extend over a
7 period of not more than 3 fiscal years and the provision
8 of payments under such grant shall be subject to annual
9 approval by the Attorney General and subject to the avail-
10 ability of appropriations for the fiscal year involved to
11 make the payments.

12 (c) APPLICATION.—

13 (1) IN GENERAL.—The Attorney General may
14 not provide a grant under subsection (b) unless an
15 application that meets the requirements of para-
16 graph (2) has been approved by the Attorney
17 General.

18 (2) REQUIREMENTS.—An application meets the
19 requirements of this paragraph if the application—

20 (A) contains such agreements, assurances,
21 and information, and is in such form and sub-
22 mitted in such manner as the Attorney General
23 shall prescribe through notice in the Federal
24 Register;

1 (B) demonstrates that the applicant has
2 nationally recognized expertise in the area of
3 domestic violence and a record of high quality
4 service to victims of domestic violence, including
5 support from advocacy groups, particularly
6 State coalitions and recognized national domes-
7 tic violence groups;

8 (C) demonstrates that the applicant has a
9 commitment to diversity, including the hiring of
10 and provision of services to ethnic, racial, cul-
11 tural, and non-English speaking minorities, in
12 addition to older individuals and individuals
13 with disabilities;

14 (D) demonstrates that the applicant has
15 the ability to integrate the hotline into existing
16 services provided by the applicant to victims of
17 domestic violence;

18 (E) includes a complete description of the
19 applicant's plan for the establishment and oper-
20 ation of the hotline, including a description of—

21 (i) the hiring criteria and training
22 program for hotline personnel;

23 (ii) the methods for the creation,
24 maintenance, and updating of a resource
25 database for the hotline;

1 (iii) a plan for providing service on a
2 24-hour-a-day basis to non-English speak-
3 ing callers, including hotline personnel who
4 speak Spanish;

5 (iv) a plan for access to the hotline by
6 individuals with hearing impairments; and

7 (v) a plan for publicizing the availabil-
8 ity of the hotline; and

9 (F) contains such other information as the
10 Attorney General may require.

11 (d) SELECTION.—The Attorney General shall select
12 a nonprofit private organization to receive a grant under
13 subsection (b) which has been in existence for at least 5
14 years from the date of submission of the application by
15 the organization.

16 (e) USES.—A grant made under subsection (b) shall
17 be used to establish and operate a national, toll-free tele-
18 phone hotline to provide information and assistance to vic-
19 tims of domestic violence. In establishing and operating
20 the hotline, a nonprofit private organization shall—

21 (1) contract with a carrier for the use of a toll-
22 free telephone line;

23 (2) employ, train, and supervise personnel to
24 answer incoming calls and provide counseling and
25 referral services to callers on a 24-hour-a-day basis;

1 (3) establish, maintain, and update a database
2 of information relating to services for victims of do-
3 mestic violence, including information on the avail-
4 ability of shelters that serve battered women; and

5 (4) publicize the hotline to potential users
6 throughout the United States.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There is authorized to be
9 appropriated to carry out this section \$1,000,000 for
10 each of the fiscal years 1994 through 1996.

11 (2) AVAILABILITY.—Funds authorized to be ap-
12 propriated under paragraph (1) shall remain avail-
13 able until expended.

14 **SEC. 332. GRANTS FOR COMMUNITY PROGRAMS ON DOMES-**
15 **TIC VIOLENCE.**

16 (a) IN GENERAL.—Title I of the Omnibus Crime
17 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
18 et seq.), as amended by section 221 of this Act, is amend-
19 ed by—

20 (1) redesignating part T as part U;

21 (2) redesignating section 2001 as section 2101;

22 and

23 (3) adding after part S the following new part:

1 **“PART T—GRANTS FOR COMMUNITY PROGRAMS**
2 **ON DOMESTIC VIOLENCE.**

3 **“SEC. 2001. GRANT AUTHORITY.**

4 “The Director shall provide grants to establish
5 projects in local communities involving many sectors of
6 each community to coordinate intervention and prevention
7 of domestic violence.

8 **“SEC. 2002. APPLICATIONS.**

9 “(a) IN GENERAL.—An organization that desires to
10 receive a grant under this section shall submit to the Di-
11 rector an application, in such form and in such manner
12 as the Director may reasonably require that—

13 “(1) demonstrates that the applicant will serve
14 a community leadership function, bringing together
15 opinion leaders from each sector of the community
16 to develop a coordinated community consensus op-
17 posing domestic violence;

18 “(2) demonstrates a community action compo-
19 nent to improve and expand current intervention and
20 prevention strategies through increased communica-
21 tion and coordination among all affected sectors;

22 “(3) includes a complete description of the ap-
23 plicant’s plan for the establishment and operation of
24 the community project, including a description of—

25 “(A) the method for identification and se-
26 lection of an administrative committee made up

1 of persons knowledgeable in domestic violence
2 to oversee the project, hire staff, assure compli-
3 ance with the project outline, and secure annual
4 evaluation of the project;

5 “(B) the method for identification and se-
6 lection of project staff and a project evaluator;

7 “(C) the method for identification and se-
8 lection of a project council consisting of rep-
9 resentatives of the community sectors listed in
10 subsection (b)(2);

11 “(D) the method for identification and se-
12 lection of a steering committee consisting of
13 representatives of the various community sec-
14 tors who will chair subcommittees of the project
15 council focusing on each of the sectors; and

16 “(E) a plan for developing outreach and
17 public education campaigns regarding domestic
18 violence; and

19 “(4) contains such other information, agree-
20 ments, and assurances as the Director may require.

21 “(b) ELIGIBILITY.—To be eligible for a grant under
22 this section, such application shall include—

23 “(1) an assurance that the applicant is a non-
24 profit private organization organized for the purpose

1 of coordinating community projects for the interven-
2 tion in and prevention of domestic violence; and

3 “(2) an assurance that such nonprofit organiza-
4 tion includes representation from pertinent sectors
5 of the local community, including—

6 “(A) health care providers;

7 “(B) the education community;

8 “(C) the religious community;

9 “(D) the justice system;

10 “(E) domestic violence program advocates;

11 “(F) human service entities such as State
12 child services divisions; and

13 “(G) business and civic leaders.

14 **“SEC. 2003. AWARD OF GRANTS.**

15 “(a) TERM.—A grant provided under this section
16 may extend over a period of not more than 3 fiscal years.

17 “(b) CONDITIONS ON PAYMENT.—Payments under a
18 grant under this section shall be subject to—

19 “(1) annual approval by the Director; and

20 “(2) availability of appropriations.

21 “(c) GEOGRAPHICAL DISPERSION.—The Director
22 shall award grants under this section to organizations in
23 communities geographically dispersed throughout the
24 country.

1 **“SEC. 2004. USES OF FUNDS.**

2 “(a) IN GENERAL.—A grant made under subsection
3 (a) shall be used to establish and operate a community
4 project to coordinate intervention and prevention of do-
5 mestic violence.

6 “(b) REQUIREMENTS.—In establishing and operating
7 a project, a nonprofit private organization shall—

8 “(1) establish protocols to improve and expand
9 domestic violence intervention and prevention strate-
10 gies among all affected sectors;

11 “(2) develop action plans to direct responses
12 within each community sector that are in conjunc-
13 tion with development in all other sectors; and

14 “(3) provide for periodic evaluation of the
15 project with a written report and analysis to assist
16 application of this concept in other communities.”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
18 1001 of the Omnibus Crime Control and Safe Streets Act
19 of 1968 is amended by adding after paragraph (13), as
20 added by section 221 of this Act, the following:

21 “(14) There are authorized to be appropriated to
22 carry out part T \$20,000,000 for fiscal year 1994 and
23 such sums as are necessary for each of the fiscal years
24 1995, 1996, and 1997, to remain available until ex-
25 pended.”.

1 (c) ADMINISTRATIVE PROVISIONS.—(1) Section
2 801(b) of title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968, as amended by section 221 of this
4 Act, is amended by striking “O, Q, R, and S” and insert-
5 ing “O, Q, R, S, and T”; and

6 (2) Section 802(b) of title I of the Omnibus Crime
7 Control and Safe Streets Act of 1968, as amended by sec-
8 tion 221 of this Act, is amended by striking “O, Q, R,
9 or S” and inserting “O, Q, R, S, or T”.

10 (d) CONFORMING AMENDMENT.—The table of con-
11 tents of title I of the Omnibus Crime Control and Safe
12 Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended
13 by section 221 of this Act, is amended by striking the mat-
14 ter relating to part T and inserting the following:

“PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

“Sec. 2001. Grant authority.

“Sec. 2002. Applications.

“Sec. 2003. Award of grants.

“Sec. 2004. Uses of funds.

“PART U—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2101. Continuation of rules, authorities, and proceedings.”.

1 **TITLE IV—EQUAL JUSTICE FOR**
2 **WOMEN IN THE COURTS**
3 **Subtitle A—Education and Train-**
4 **ing for Judge and Court Person-**
5 **nel in State Courts**

6 **SEC. 401. GRANTS AUTHORIZED.**

7 The State Justice Institute is authorized to award
8 grants for the purpose of developing, testing, presenting,
9 and disseminating model programs to be used by States
10 in training judges and court personnel in the laws of the
11 States on rape, sexual assault, domestic violence, and
12 other crimes of violence motivated by gender.

13 **SEC. 402. TRAINING PROVIDED BY GRANTS.**

14 Training provided pursuant to grants made under
15 this subtitle may include current information, existing
16 studies, or current data on—

17 (1) the nature and incidence of rape and sexual
18 assault by strangers and nonstrangers, marital rape,
19 and incest;

20 (2) the underreporting of rape, sexual assault,
21 and child sexual abuse;

22 (3) the physical, psychological, and economic
23 impact of rape and sexual assault on the victim, the
24 costs to society, and the implications for sentencing;

1 (4) the psychology of sex offenders, their high
2 rate of recidivism, and the implications for sentenc-
3 ing;

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

6 (6) sex stereotyping of female and male victims
7 of rape and sexual assault, racial stereotyping of
8 rape victims and defendants, and the impact of such
9 stereotypes on credibility of witnesses, sentencing,
10 and other aspects of the administration of justice;

11 (7) application of rape shield laws and other
12 limits on introduction of evidence that may subject
13 victims to improper sex stereotyping and harassment
14 in both rape and nonrape cases, including the need
15 for sua sponte judicial intervention in inappropriate
16 cross-examination;

17 (8) the use of expert witness testimony on rape
18 trauma syndrome, child sexual abuse accommodation
19 syndrome, post-traumatic stress syndrome, and simi-
20 lar issues;

21 (9) the legitimate reasons why victims of rape,
22 sexual assault, domestic violence, and incest may
23 refuse to testify against a defendant;

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

1 (11) the physical, psychological, and economic
2 impact of domestic violence on the victim, the costs
3 to society, and the implications for court procedures
4 and sentencing;

5 (12) the psychology and self-presentation of
6 batterers and victims and the negative implications
7 for court proceedings and credibility of witnesses;

8 (13) sex stereotyping of female and male vic-
9 tims of domestic violence, myths about presence or
10 absence of domestic violence in certain racial, ethnic,
11 religious, or socioeconomic groups, and their impact
12 on the administration of justice;

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

15 (15) proper and improper interpretations of the
16 defenses of self-defense and provocation, and the use
17 of expert witness testimony on battered woman syn-
18 drome;

19 (16) the likelihood of retaliation, recidivism,
20 and escalation of violence by batterers, and the po-
21 tential impact of incarceration and other meaningful
22 sanctions for acts of domestic violence including vio-
23 lations of orders of protection;

24 (17) economic, psychological, social and institu-
25 tional reasons for victims' inability to leave the

1 batterer, to report domestic violence or to follow
2 through on complaints, including the influence of
3 lack of support from police, judges, and court per-
4 sonnel, and the legitimate reasons why victims of do-
5 mestic violence may refuse to testify against a de-
6 fendant and should not be held in contempt;

7 (18) the need for orders of protection, and the
8 negative implications of mutual orders of protection,
9 dual arrest policies, and mediation in domestic vio-
10 lence cases; and

11 (19) recognition of and response to gender-
12 motivated crimes of violence other than rape, sexual
13 assault and domestic violence, such as mass or serial
14 murder motivated by the gender of the victims.

15 **SEC. 403. COOPERATION IN DEVELOPING PROGRAMS.**

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

22 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated for fiscal year
24 1994, \$600,000 to carry out the purposes of this subtitle.
25 Of amounts appropriated under this section, the State

1 Justice Institute shall expend no less than 40 percent on
2 model programs regarding domestic violence and no less
3 than 40 percent on model programs regarding rape and
4 sexual assault.

5 **Subtitle B—Education and Train-**
6 **ing for Judges and Court Per-**
7 **sonnel in Federal Courts**

8 **SEC. 411. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**
9 **CATION AND TRAINING GRANTS.**

10 (a) STUDY.—In order to gain a better understanding
11 of the nature and the extent of gender bias in the Federal
12 courts, the circuit judicial councils are encouraged to con-
13 duct studies of the instances of gender bias in their respec-
14 tive circuits. The studies may include an examination of
15 the effects of gender on—

16 (1) the treatment of litigants, witnesses, attor-
17 neys, jurors, and judges in the courts, including be-
18 fore magistrate and bankruptcy judges;

19 (2) the interpretation and application of the
20 law, both civil and criminal;

21 (3) treatment of defendants in criminal cases;

22 (4) treatment of victims of violent crimes;

23 (5) sentencing;

1 (6) sentencing alternatives, facilities for incar-
2 ceration, and the nature of supervision of probation,
3 parole, and supervised release;

4 (7) appointments to committees of the Judicial
5 Conference and the courts;

6 (8) case management and court sponsored al-
7 ternative dispute resolution programs;

8 (9) the selection, retention, promotion, and
9 treatment of employees;

10 (10) appointment of arbitrators, experts, and
11 special masters;

12 (11) the admissibility of past sexual history in
13 civil and criminal cases; and

14 (12) the aspects of the topics listed in section
15 402 that pertain to issues within the jurisdiction of
16 the Federal courts.

17 (b) CLEARINGHOUSE.—The Judicial Conference of
18 the United States shall designate an entity within the Ju-
19 dicial Branch to act as a clearinghouse to disseminate any
20 reports and materials issued by the gender bias task forces
21 under subsection (a) and to respond to requests for such
22 reports and materials. The gender bias task forces shall
23 provide this entity with their reports and related material.

1 (c) MODEL PROGRAMS.—The Federal Judicial Cen-
2 ter, in carrying out section 620(b)(3) of title 28, United
3 States Code, shall—

4 (1) include in the educational programs it pre-
5 sents and prepares, including the training programs
6 for newly appointed judges, information on issues re-
7 lated to gender bias in the courts including such
8 areas as are listed in subsection (a) along with such
9 other topics as the Federal Judicial Center deems
10 appropriate;

11 (2) prepare materials necessary to implement
12 this subsection; and

13 (3) take into consideration the findings and rec-
14 ommendations of the studies conducted pursuant to
15 subsection (a), and to consult with individuals and
16 groups with relevant expertise in gender bias issues
17 as it prepares or revises such materials.

18 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There is authorized to be appro-
20 priated—

21 (1) \$600,000 to the Salaries and Expenses Ac-
22 count of the Courts of Appeals, District Courts, and
23 other Judicial Services, to carry out section 411(a),
24 to be available until expended through fiscal year
25 1996;

1 (2) \$100,000 to the Federal Judicial Center to
2 carry out section 411(c) and any activities des-
3 ignated by the Judicial Conference under section
4 411(b); and

5 (3) such sums as are necessary to the Adminis-
6 trative Office of the United States Courts to carry
7 out any activities designated by the Judicial Con-
8 ference under section 411(b).

9 (b) THE JUDICIAL CONFERENCE OF THE UNITED
10 STATES.—(1) The Judicial Conference of the United
11 States Courts shall allocate funds to Federal circuit courts
12 under this subtitle that—

13 (A) undertake studies in their own circuits; or

14 (B) implement reforms recommended as a re-
15 sult of such studies in their own or other circuits,
16 including education and training.

17 (2) Funds shall be allocated to Federal circuits under
18 this subtitle on a first come first serve basis in an amount
19 not to exceed \$100,000 on the first application. If within
20 6 months after the date on which funds authorized under
21 this Act become available, funds are still available, circuits
22 that have received funds may reapply for additional funds,
23 with not more than \$200,000 going to any one circuit.

1 **Subtitle C—Evidentiary Rules**

2 **SEC. 421. EXPERT TESTIMONY OF DOMESTIC VIOLENCE.**

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

4 (1) State criminal courts often fail to admit ex-
5 pert testimony offered by a defendant concerning the
6 nature and effect of physical, sexual, and mental
7 abuse to assist the trier of fact in assessing the be-
8 havior, beliefs, or perceptions of such defendant in
9 a domestic relationship in which abuse has occurred;

10 (2) the average juror often has little under-
11 standing of the nature and effect of domestic vio-
12 lence on such a defendant’s behavior, beliefs, or per-
13 ceptions, and the lack of understanding can result in
14 the juror blaming the woman for her victimization;

15 (3) the average juror is often unaware that vic-
16 tims of domestic violence are frequently in greater
17 danger of violence after they terminate or attempt to
18 terminate domestic relationships with their abuser;

19 (4) myths, misconceptions, and victim-blaming
20 attitudes are often held not only by the average lay
21 person but also by many in the criminal justice sys-
22 tem, insofar as the criminal justice system tradition-
23 ally has failed to protect women from violence at the
24 hands of men;

1 (5) specialized knowledge of the nature and ef-
2 fect of domestic violence is sufficiently established to
3 have gained the general acceptance which is required
4 for the admissibility of expert testimony;

5 (6) although both men and women can be vic-
6 tims of physical, sexual, and mental abuse by their
7 partners in domestic relationships, the most frequent
8 victims are women; and

9 (7) a woman is more likely to be assaulted and
10 injured, raped, or killed by her current or former
11 male partner than by any other type of assailant,
12 and over one-half of all women murdered are killed
13 by their current or former male partners.

14 (b) SENSE OF CONGRESS.—It is the sense of the
15 Congress that the executive branch, working through the
16 State Justice Institute, should examine programs which
17 would allow the States to consider—

18 (1) that expert testimony concerning the nature
19 and effect of domestic violence, including descrip-
20 tions of the experiences of battered women, be ad-
21 missible when offered in a State court by a defend-
22 ant in a criminal case to assist the trier of fact in
23 understanding the behavior, beliefs, or perceptions of
24 such defendant in a domestic relationship in which
25 abuse has occurred;

