

103D CONGRESS
1ST SESSION

H. R. 1133

To combat violence and crimes against women.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1993

Mrs. SCHROEDER (for herself, Ms. SLAUGHTER, Mr. SCHUMER, Mrs. MORELLA, Ms. SNOWE, Ms. PELOSI, Ms. NORTON, Mrs. COLLINS of Illinois, Miss COLLINS of Michigan, Mrs. MINK, Mrs. UNSOELD, Ms. KAPTUR, Mrs. LOWEY, Ms. WATERS, Mrs. BYRNE, Mrs. MALONEY, Ms. VELÁZQUEZ, Ms. MCKINNEY, Ms. ESHOO, Ms. SCHENK, Ms. BROWN of Florida, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mr. FRANK of Massachusetts, Mr. YATES, Mr. OBERSTAR, Mr. MCDERMOTT, Mr. WILSON, Mr. LEHMAN, Mr. MAZZOLI, Mr. ANDREWS of Texas, Mr. KREIDLER, Mr. OLVER, Mr. MILLER of California, Mr. SHAYS, Mr. GUTIERREZ, Mr. RAMSTAD, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. ACKERMAN, Mr. OWENS, Mr. FROST, Mr. KILDEE, Mr. BILBRAY, Mr. REED, Mr. BROWN of California, Mr. KOPETSKI, Mr. BILIRAKIS, Mr. EVANS, Mr. WHEAT, Mr. GEJDENSON, Mr. WISE, Ms. E.B. JOHNSON of Texas, Mr. DEUTSCH, Mr. LIPINSKI, Mr. FILNER, Mr. ANDREWS of New Jersey, Mr. SWETT, Mr. ALLARD, Mr. SWIFT, and Mr. WALSH) introduced the following bill; which was referred to the Committee on the Judiciary

AUGUST 23, 1993

Additional sponsors: Mr. LAFALCE, Mr. STUPAK, Mr. SANDERS, Mr. JEFFERSON, Mr. PETERSON of Minnesota, Mr. BRYANT, Mrs. JOHNSON of Connecticut, Mr. FALEOMAVAEGA, Mr. RAVENEL, Mr. MURPHY, Mr. COLEMAN, Mr. DURBIN, Mr. MANTON, Mr. VENTO, Mrs. KENNELLY, Mr. RANGEL, Mr. HAMILTON, Mr. UPTON, Mr. TOWNS, Mr. COYNE, Mr. FLAKE, Mr. BECERRA, Mr. BEILENSEN, Mrs. MEEK, Mr. HINCHEY, Mr. CARDIN, Mr. BLACKWELL, Mr. BARRETT of Wisconsin, Mr. DEFazio, Mr. KENNEDY, Mr. FAZIO, Mr. MFUME, Mr. REYNOLDS, Mr. LEWIS of Georgia, Mr. MORAN, Mr. ABERCROMBIE, Mr. SERRANO, Mr. MCCLOSKEY, Mr. SARPALIUS, Mrs. LLOYD, Mr. ANDREWS of Maine, Mr. HYDE, Mr. MARKEY, Mr. GIBBONS, Mr. COSTELLO, Mr. FOGLIETTA, Mr. SCOTT, Ms. DANNER, Mr. MCHUGH, Mr. CONYERS, Ms. MOLINARI, Ms. DELAURO, Mrs. CLAYTON, Mr. HASTINGS, Mr. WAXMAN, Mr. BONIOR, Mr. WASHINGTON, Ms. FURSE, Mr. JOHNSTON of Florida, Mr. BORSKI, Mr. CARR, Mr. COPPERSMITH, Mr. HOCHBRUECKNER, Mr. TUCKER, Mr. SABO, Mr. WYDEN, Mr. TORRICELLI, Mr. RUSH, Mr. FRANKS of Con-

necticut, Mr. LANTOS, Mr. LEVY, Mr. CLEMENT, Mr. LEVIN, Mr. NADLER, Mr. HAMBURG, Mr. BOUCHER, Mr. MCHALE, Mr. SLATTERY, Mr. STARK, Mr. POMEROY, Mr. MENENDEZ, Ms. WOOLSEY, Mr. MACHTLEY, Mr. PALLONE, Mr. DIXON, Mr. WYNN, Mr. FORD of Michigan, Mr. MURTHA, Ms. ROYBAL-ALLARD, Mr. CLAY, Ms. MARGOLIES-MEZVINSKY, Mr. STUDDS, Ms. ENGLISH of Arizona, Mr. GILMAN, Mr. LEACH, Mr. APPEGATE, Mr. RAHALL, Mr. ENGEL, Mr. DE LUGO, Mr. PETE GEREN of Texas, Mr. BARTON of Texas, Mr. CRAMER, Mr. JOHNSON of South Dakota, Mrs. THURMAN, Mr. ENGLISH of Oklahoma, Mr. HOYER, Mr. PASTOR, Mr. ORTON, Mr. FORD of Tennessee, Mr. POSHARD, Mr. GILCHREST, Mr. MOLLOHAN, Ms. SHEPHERD, Mr. VIS-CLOSKY, Mr. MINETA, Mr. SANGMEISTER, Mr. MARTINEZ, Mr. STOKES, Mr. VALENTINE, Mr. PAYNE of New Jersey, Mr. MINGE, Mr. GUNDERSON, Mr. HOLDEN, Mr. GINGRICH, and Mr. GENE GREEN of Texas

A BILL

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

7 The following is the table of contents for this Act:

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

TITLE I—SAFE STREETS FOR WOMEN

Sec. 101. Short title.

Subtitle A—Law Enforcement and Prosecution Grants to Reduce violent
 Crimes Against Women

Sec. 111. Grants to combat violent crimes against women.
 Sec. 112. Rape exam payments.

Subtitle B—Rape Prevention Grants and Offender Training Programs

CHAPTER 1—RAPE PREVENTION GRANTS

- Sec. 121. Education and prevention grants to reduce sexual assaults against women.
- Sec. 122. Applications.
- Sec. 123. Reports.
- Sec. 124. Definitions.
- Sec. 125. Authorization of appropriations.

CHAPTER 2—OFFENDER TRAINING AND INFORMATION PROGRAMS

- Sec. 126. National Institute of Justice training program.
- Sec. 127. Treatment information.

Subtitle C—Victim Compensation

- Sec. 131. Victim Compensation.

Subtitle D—National Board on Violent Crime Against Women

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

Subtitle E—Safe Campuses for Women

- Sec. 151. Safe campuses for women.

TITLE II—SAFE HOMES FOR WOMEN

- Sec. 201. Short title.

Subtitle A—Interstate Enforcement

- Sec. 211. Interstate enforcement.

Subtitle B—Arrest in Domestic Violence Cases

- Sec. 221. Encouraging arrest policies.

Subtitle C—Safe Homes for Immigrant Women

- Sec. 231. Authorization.

Subtitle D—Confidentiality for Abuse Persons

- Sec. 261. Confidentiality for abused persons.

TITLE III—CIVIL RIGHTS

- Sec. 301. Civil rights.

TITLE IV—EQUAL JUSTICE FOR WOMEN IN THE COURTS

Subtitle A—New Evidentiary Rules

- Sec. 401. Interlocutory Appeal.

1 **“PART Q—GRANTS TO COMBAT VIOLENT CRIMES**
2 **AGAINST WOMEN**

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

4 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
5 this part is to assist States and other eligible entities to
6 develop effective law enforcement and prosecution strate-
7 gies to combat violent crimes against women.

8 “(b) PURPOSES FOR WHICH GRANTS MAY BE
9 USED.—Grants under this part shall provide additional
10 personnel, training, technical assistance, data collection
11 and other equipment for the more widespread apprehen-
12 sion, prosecution, and adjudication of persons committing
13 violent crimes against women and specifically, for the pur-
14 poses of—

15 “(1) training law enforcement officers and pros-
16 ecutors to identify and respond more effectively to
17 violent crimes against women, including crimes of
18 sexual assault and domestic violence;

19 “(2) developing, training, or expanding units of
20 law enforcement officers and prosecutors that spe-
21 cifically target violent crimes against women, includ-
22 ing the crimes of sexual assault and domestic vio-
23 lence;

24 “(3) developing and implementing police and
25 prosecution policies, protocols, or orders specifically
26 devoted to the identification of and response to vio-

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

3 “(4) developing, installing, or expanding data
4 collection systems, including computerized systems,
5 linking police, prosecutors, and courts or identifying
6 and tracking arrests, protection orders, prosecutions,
7 and convictions for the crimes of sexual assault and
8 domestic violence; and

9 “(5) developing, enlarging, or strengthening vic-
10 tim services programs, including sexual assault and
11 domestic violence programs, to increase reporting
12 and reduce attrition rates for cases involving violent
13 crimes against women, including crimes of sexual as-
14 sault and domestic violence.

15 **“SEC. 1702. STATE GRANTS.**

16 “(a) GENERAL GRANTS.—The Director is authorized
17 to make grants to States, for use by States, units of local
18 government in the States, and nonprofit nongovernmental
19 victim services programs in the States, for the purposes
20 outlined in section 1701(b), and to reduce the rate of vio-
21 lent crimes against women.

22 “(b) APPLICATION REQUIREMENTS.—Applications
23 shall include—

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

4 “(A) the need for grant funds;

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

6 “(C) the expected results; and

7 “(2) proof of compliance with the requirements
8 for the payment of forensic medical exams provided
9 pursuant to section 112 of the Violence Against
10 Women Act of 1993.

11 “(c) QUALIFICATION.—Upon satisfying the terms of
12 subsection (b), any State shall be eligible for funds pro-
13 vided under this part by—

14 “(1) certifying that funds received under this
15 part shall be used to reduce the rate of violent
16 crimes against women and for the purposes outlined
17 in section 1701(b); and

18 “(2) certifying that grantees and subgrantees
19 shall develop a plan, implement such plan, and oth-
20 erwise consult and coordinate with nonprofit non-
21 governmental domestic violence and sexual assault
22 victim services programs, law enforcement officials,
23 victim advocates, prosecutors, and defense attorneys;

24 “(3) providing documentation from the individ-
25 uals and groups listed under paragraph (2) regard-

1 ing their participation in development of a plan and
2 involvement in the application process, as well as
3 how these individuals and groups will be involved in
4 implementation of the plan;

5 “(4) providing assurances that the plan devel-
6 oped under paragraph (2) shall meet the needs of
7 racial, cultural, ethnic, and language minority popu-
8 lations in the community to be served by such plan;

9 “(5) providing assurances that prosecution, law
10 enforcement, and nonprofit nongovernmental serv-
11 ices for victims shall each receive not less than 25
12 percent of any funds received under this part; and

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

18 “(d) DISBURSEMENT OF FUNDS.—

19 “(1) IN GENERAL.—Not later than 60 days
20 after the receipt of an application under this part,
21 the Director shall either disburse the appropriate
22 sums provided for under this subpart or shall inform
23 the applicant regarding why the application does not
24 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.—Upon completion of the
15 grant period under this part, the State grantee shall file
16 a performance report with the Director explaining the ac-
17 tivities carried out together with an assessment of the ef-
18 fectiveness of such activities in achieving the purposes of
19 this part.

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

22 “(1) an applicant fails to submit an annual per-
23 formance report; or

1 “(2) funds provided under this part are ex-
2 pended for purposes other than those set forth under
3 this part.

4 **“SEC. 1703. GENERAL GRANTS TO TRIBES**

5 “(a) GENERAL GRANTS.—The Director is authorized
6 to make grants to Indian tribes, for use by tribes, tribal
7 organizations or nonprofit, nongovernmental domestic vio-
8 lence and sexual assault victim services programs on In-
9 dian reservations, for the purposes outlined in section
10 1701(b), and to reduce the rate of violent crimes against
11 women in Indian country.

12 “(b) AMOUNTS.—From amounts appropriated, the
13 amount of grants under subsection (a) shall be awarded
14 on a competitive basis to tribes, with minimum grants of
15 \$35,000 and maximum grants of \$300,000.

16 “(c) QUALIFICATION.—Upon satisfying the terms of
17 subsection (d), any tribe shall be qualified for funds pro-
18 vided under this part upon certification that the funds
19 shall be used to reduce the rate of violent crimes against
20 women and for the purposes outlined in section 1701(b).

21 “(d) APPLICATION REQUIREMENTS.—

22 “(1) IN GENERAL.—Applications shall be made
23 directly to the Director and shall contain a descrip-
24 tion of the tribes’ law enforcement responsibilities
25 for the Indian country described in the application

1 and a description of the tribes' system of courts, in-
2 cluding whether the tribal government operates
3 courts of Indian offenses as defined in section 201
4 of title II of Public Law 90-284 (25 U.S.C. 1301)
5 or Code of Federal Regulation courts under 25 CFR
6 11 et seq.

7 “(2) CONTENT.—Applications shall be in such
8 form as the Director may reasonably require and
9 shall specify the nature of the program proposed by
10 the applicant tribe, the data and information on
11 which the program is based, and the plans to use or
12 incorporate existing domestic violence and sexual as-
13 sault services available in the Indian country where
14 the grant will be used.

15 “(3) TERM OF GRANT.—The term of any grant
16 shall be for a period of not less than 3 years.

17 “(e) GRANTEE REPORTING.—At the end of the first
18 12 months of the grant period and at the end of each sub-
19 sequent year, the Indian tribe grantee shall file a perform-
20 ance report with the Director explaining the activities car-
21 ried out together with an assessment of the effectiveness
22 of such activities in achieving the purposes of this part.
23 The Director shall not disperse additional funds if an ap-
24 plicant fails to submit an annual performance report.

25 “(f) DEFINITIONS.—For purposes of this section—

1 “(1) 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; and

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

13 **“SEC. 1704. GENERAL DEFINITIONS.**

14 “For purposes of this part—

15 “(1) the term ‘domestic violence’ means crimes
16 of violence committed by a current or former spouse
17 of the victim, an individual with whom the victim
18 shares a child in common, an individual who is co-
19 habiting with or has cohabited with the victim as a
20 spouse, an individual similarly situated to a spouse,
21 or any other individual who is protected under do-
22 mestic or family violence laws of the jurisdiction that
23 receives a grant under this part;

24 “(2) the term ‘sexual assault’ includes assaults
25 committed by offenders who are strangers to the vic-

1 tim and assaults committed by offenders who are
2 known or related by blood or marriage to the victim;
3 and

4 “(3) the term ‘victim services program’ means
5 any public or private, nonsectarian, nonprofit pro-
6 gram that assists domestic violence or sexual assault
7 victims, including nongovernmental nonprofit organi-
8 zations such as rape crisis centers, battered women’s
9 shelters, and other sexual assault and domestic vio-
10 lence programs, including nonprofit nongovern-
11 mental organizations assisting domestic violence and
12 sexual assault victims through the legal process.

13 **“SEC. 1705. GENERAL TERMS AND CONDITIONS.**

14 “(a) NONMONETARY ASSISTANCE.—In addition to
15 the assistance provided under sections 1702 and 1703, the
16 Director may request any Federal agency, with or without
17 reimbursement, to use its authorities and the resources
18 granted to it under Federal law (including personnel,
19 equipment, supplies, facilities, and managerial, technical,
20 and advisory services) to support State and local assist-
21 ance efforts under this part.

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

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

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

6 “(3) a copy of each grantee report filed pursu-
7 ant to sections 1702(f) and 1703(e).

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated for each of the fiscal
10 years 1994 and 1995, \$190,000,000 to carry out the pur-
11 poses of section 1702 and \$10,000,000 to carry out the
12 purposes of section 1703.”.

13 (b) CONFORMING AMENDMENT.—The table of con-
14 tents of title I of the Omnibus Crime Control and Safe
15 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
16 by striking the matter relating to part Q and inserting
17 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 grants to tribes.

“Sec. 1704. General definitions.

“Sec. 1705. General terms and conditions.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

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

18 **SEC. 112. RAPE EXAM PAYMENTS.**

19 (a) RESTRICTION OF FUNDS.—No State is entitled
20 to funds under title I of the Violence Against Women Act

1 of 1993 unless the State or other grantee incurs the full
2 cost of forensic medical exams for victims of sexual assault
3 when such exams are required under section 112 of such
4 title.

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

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

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

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

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

18 (B) the State permits victims to apply for
19 reimbursement for at least one year from the
20 date of the exam;

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

24 (D) the State provides information at the
25 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 **Subtitle B—Rape Prevention**
4 **Programs**

5 **CHAPTER 1—RAPE PREVENTION GRANTS**

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

8 The Director of the Bureau of Justice Assistance (re-
9 ferred to in this subtitle as the “Director”) is authorized
10 to make grants—

11 (1) to provide educational seminars, particularly
12 developed with emphasis on seminars for elementary
13 and secondary school age children, designed to
14 change attitudes regarding rape and develop an
15 awareness of what acts may meet the legal definition
16 of rape;

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

21 (3) to operate telephone hotlines for callers with
22 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) develop treatment programs for convicted
5 sex offenders and make such programs available in
6 the local community and in Federal and State pris-
7 ons.

8 (6) prepare and disseminate informational ma-
9 terials designed to educate the community regarding
10 sexual assault and prevention; and

11 (7) to develop other projects to increase aware-
12 ness and prevention of sexual assault, including ef-
13 forts to increase awareness of sexual assault preven-
14 tion among racial, ethnic, cultural and language mi-
15 norities.

16 **SEC. 122. APPLICATIONS.**

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

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

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

3 (c) **REQUIRED PLAN.**—Each application shall include
4 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 dem-
9 onstrated expertise in the field of rape prevention
10 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 appropriate
14 programs where necessary.

15 **SEC. 123. REPORTS.**

16 (a) **GRANTEE REPORTING.**—Upon completion of the
17 grant period under this part, each grantee shall file a per-
18 formance report with the Director explaining the activities
19 carried out together with an assessment of the effective-
20 ness of such activities in achieving the purposes of this
21 part. The Director shall suspend funding for an approved
22 application if an applicant fails to submit an annual per-
23 formance 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 part, the Director shall submit to the Congress
2 a report that includes, for each grantee—

3 (1) the amount of grants made under this part;

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

6 (3) a copy of each grantee report filed pursuant
7 to subsection (a).

8 **SEC. 124. DEFINITIONS.**

9 For purposes of this subtitle:

10 (1) the term “eligible entity” means a non-prof-
11 it, nongovernmental organization that directly serves
12 or provides advocacy on behalf of victims of rape or
13 sexual assault.

14 (2) the term “sexual assault prevention and
15 education” means education and prevention efforts
16 directed at reducing the number of sexual assaults.

17 **SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to carry out
19 the purposes of this subtitle, \$60,000,000 for fiscal year
20 1994, \$75,000,000 for fiscal year 1995, and
21 \$100,000,000 for fiscal year 1996.

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

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

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

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

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

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

1 **SEC. 127. INFORMATION PROGRAMS.**

2 The Attorney General shall compile information re-
3 garding sex offender treatment programs and ensure that
4 information regarding community treatment programs in
5 the community into which a convicted sex offender is re-
6 leased is made available to—

7 (1) each person serving a sentence of imprison-
8 ment in a penal or correctional institution for a com-
9 mission of an offense under chapter 109A of title 18
10 of the United States Code or for the commission of
11 a similar offense; and

12 (2) each person serving a sentence of imprison-
13 ment in an institution other than a penal or correc-
14 tional institution for a commission of an offense
15 under chapter 109A of title 18 of the United States
16 Code or for the commission for a similar offense.

17 **Subtitle C—Victim Compensation**

18 **SEC. 131. VICTIM COMPENSATION.**

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

22 **“§ 2248. Mandatory restitution for sex offenses**

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

1 “(b) SCOPE AND NATURE OF ORDER.—

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

4 “(A) the defendant pay to the victim the
5 full amount of the victim’s losses as determined
6 by the court, pursuant to paragraph (3); and

7 “(B) the United States Attorney enforce
8 the restitution order by all available and reason-
9 able means.

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

13 “(A) medical services relating to physical,
14 psychiatric, or psychological care;

15 “(B) physical and occupational therapy or
16 rehabilitation;

17 “(C) lost income; and

18 “(D) any other losses suffered by the vic-
19 tim as a proximate result of the offense.

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

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

1 “(B) 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 “(4) CONSIDERATION OF ECONOMIC CIR-
6 CUMSTANCES.—

7 “(A) IN GENERAL.—Notwithstanding the
8 terms of paragraph (3), the court may take into
9 account the economic circumstances of the de-
10 fendant in determining the manner in which
11 and the schedule according to which the restitue-
12 tion is to be paid.

13 “(B) DEFINITION.—For purposes of this
14 paragraph, the term ‘economic circumstances’
15 includes—

16 “(i) the financial resources and other
17 assets of the defendant;

18 “(ii) projected earnings, earning ca-
19 pacity, and other income of the defendant;
20 and

21 “(iii) any financial obligations of the
22 defendant, including obligations to depend-
23 ents.

24 “(C) LUMP-SUM OR PARTIAL PAYMENT.—

25 An order under this section may direct the de-

1 defendant to make a single lump-sum payment or
2 partial payments at specified intervals. The
3 order shall also provide that the defendant’s
4 restitutionary obligation takes priority over any
5 criminal fine ordered.

6 “(D) PAYMENT TO OTHER PROVIDER OF
7 COMPENSATION.—In the event that the victim
8 has recovered for any amount of loss through
9 the proceeds of insurance or any other source,
10 the order of restitution shall provide that res-
11 titution be paid to the person who provided the
12 compensation, but that restitution shall be paid
13 to the victim before any restitution is paid to
14 any other provider of compensation.

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

19 “(A) any Federal civil proceeding; and

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

22 “(c) PROOF OF CLAIM.—

23 “(1) IN GENERAL.—Within 60 days after con-
24 viction and, in any event, no later than 10 days
25 prior to sentencing, the United States Attorney (or

1 his delegee), after consulting with the victim, shall
2 prepare and file an affidavit with the court listing
3 the amounts subject to restitution under this sec-
4 tion. The affidavit shall be signed by the United
5 States Attorney (or his delegee) and the victim.
6 Should the victim object to any of the information
7 included in the affidavit, the United States Attorney
8 (or his delegee) shall advise the victim that the vic-
9 tim may file a separate affidavit.

10 “(2) OBJECTIONS.—If no objection is raised by
11 the defendant, the amounts attested to in the affida-
12 vit filed pursuant to subsection (1) shall be entered
13 in the court’s restitution order. If objection is raised,
14 the court may require the victim or the United
15 States Attorney (or his delegee) to submit further
16 affidavits or other supporting documents, dem-
17 onstrating the victim’s losses.

18 “(3) ADDITIONAL DOCUMENTATION AND TESTI-
19 MONY.—If the court concludes, after reviewing the
20 supporting documentation and considering the de-
21 fendant’s objections, that there is a substantial rea-
22 son for doubting the authenticity or veracity of the
23 records submitted, the court may require additional
24 documentation or hear testimony on those questions.

1 Any records filed, or testimony heard, pursuant to
2 this section, shall be in the judge's chambers.

3 “(4) FINAL DETERMINATION OF LOSSES.—In the
4 event that the victim's losses are not ascertainable
5 10 days prior to sentencing as provided in sub-
6 section (c)(1), the United States Attorney (or his
7 delegee) shall so inform the court, and the court
8 shall set a date for the final determination of the
9 victim's losses, not to exceed 90 days after sentenc-
10 ing. If the victim subsequently discovers further
11 losses, the victim shall have 60 days after discovery
12 of those losses in which to petition the court for an
13 amended restitution order. Such order may be grant-
14 ed only upon a showing of good cause for the failure
15 to include such losses in the initial claim for
16 restitutionary relief.

17 “(d) DEFINITION.—For purposes of this section, the
18 term ‘victim’ includes any person who has suffered direct
19 physical harm as a result of a commission of a crime under
20 this chapter, including, in the case of a victim who is
21 under 18 years of age, incompetent, incapacitated, or de-
22 ceased, the legal guardian of the victim or representative
23 of the victim's estate, another family member, or any other
24 person appointed as suitable by the court, except that in

1 no event shall the defendant be named as such representa-
2 tive or guardian.”.

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

“2248. Mandatory restitution for sex offenses.”.

6 **Subtitle D—National Board on**
7 **Violent Crime Against Women**

8 **SEC. 141. ESTABLISHMENT.**

9 There is established an advisory board to be known
10 as the Interagency Advisory Board on Violent Crime
11 Against Women (in this Act referred to as the “Board”).

12 **SEC. 142. DUTIES OF BOARD.**

13 (a) GENERAL PURPOSE OF THE BOARD.—The Board
14 shall assess and review policies and practices of the Fed-
15 eral Government regarding violence against women and
16 make recommendations regarding such policies and prac-
17 tices.

18 (b) FUNCTIONS.—The Board shall perform the fol-
19 lowing functions—

20 (1) review and evaluate the programs and poli-
21 cies developed by Federal agencies for the prevention
22 of crimes against women and assistance to women
23 who are victims of sexual assault and domestic vio-
24 lence, including programs and policies at the De-

1 partments of Justice, Health and Human Services,
2 Housing and Urban Development, and Education;

3 (2) evaluate the adequacy of, and make rec-
4 ommendations regarding, the role of the Federal
5 Government in assisting States in addressing vio-
6 lence against women;

7 (3) review research regarding violence against
8 women and recommend additional topics for re-
9 search;

10 (4) evaluate the adequacy of, and make rec-
11 ommendations regarding, data collection and govern-
12 ment statistics on the incidence and prevalence of
13 violent crimes against women;

14 (5) promote coordination between Federal agen-
15 cies charged with addressing violence against
16 women; and

17 (6) assess on an annual basis the progress
18 made by the Federal Government to improve pro-
19 grams designed to prevent violence against women
20 or assist women who are victims of violent crime.

21 **SEC. 143. MEMBERSHIP.**

22 (a) NUMBER AND APPOINTMENT.—

23 (1) APPOINTMENT.—Not later than 90 days
24 after the enactment of this Act, and after consulta-
25 tion with the Secretaries of the Departments of

1 Health and Human Services, Housing and Urban
2 Development, and Education (referred to in this
3 subtitle as the “Secretaries”), the Attorney General
4 shall appoint a Board composed of 13 members as
5 follows:

6 (A) 5 members who shall have expertise in
7 providing services to victims of domestic vio-
8 lence or sexual assault—

9 (i) two of whom shall have expertise
10 in the area of domestic violence;

11 (ii) two of whom shall have expertise
12 in the area of sexual assault; and

13 (iii) one of whom shall have expertise
14 in the area of counseling (drawn from so-
15 cial workers, psychologists or professional
16 counselors;

17 (B) 4 members with expertise in law en-
18 forcement or judicial administration, including
19 a representative member from one of each of
20 the following groups—

21 (i) police;

22 (ii) prosecutors;

23 (iii) judges; and

24 (iv) victims civil legal advocates;

1 (C) one member with expertise in correc-
2 tions;

3 (D) one member representing medical serv-
4 ice providers;

5 (E) one member representing State gov-
6 ernments; and

7 (F) one member representing local govern-
8 ments.

9 (2) REPRESENTATION.—The Attorney General
10 shall select members who are specially qualified to
11 serve on the Board based on their level of expertise
12 in national or State efforts to combat violence
13 against women or who have experience in national or
14 State advocacy service organizations that specialize
15 in sexual assault or domestic violence.

16 (3) EX OFFICIO MEMBERS.—Representatives
17 from the following positions shall be appointed to
18 serve as ex officio members:

19 (A) Representatives from the Department
20 of Justice—

21 (i) Assistant Attorney General for the
22 Office of Justice Programs;

23 (ii) Director of the Bureau of Justice
24 Assistance;

1 (iii) Director of the Bureau of Justice
2 Statistics;

3 (iv) Director of the National Institute
4 of Justice; and

5 (v) Director of the Office of Victims
6 of Crime.

7 (B) Representatives from the Department
8 of Health and Human Services—

9 (i) Assistant Secretary for Health;

10 (ii) Deputy Assistant Secretary for
11 Health (Disease Prevention and Health
12 Promotion);

13 (iii) Administrator of Health Re-
14 sources and Services Administration;

15 (iv) Director for the Centers for Dis-
16 ease Control;

17 (v) Assistant Secretary for Human
18 Development Services; and

19 (vi) Commissioner of the Administra-
20 tion for Children, Youth, and Families.

21 (C) Representatives from the Department
22 of Housing and Human Development—

23 (i) Assistant Secretary for Housing;

24 (ii) Assistant Secretary for Commu-
25 nity Planning and Development; and

1 (iii) Assistant Secretary for Policy De-
2 velopment and Research.

3 (D) Representatives from the Department
4 of Education—

5 (i) Assistant Secretary for Post-sec-
6 ondary Education; and

7 (ii) Assistant Secretary for Elemen-
8 tary and Secondary Education.

9 (E) Additional Representatives—The At-
10 torney General shall appoint additional officers
11 or employees of the United States as deemed
12 necessary.

13 (4) SUBCOMMITTEES.—The Board may estab-
14 lish subcommittees composed of Board members
15 with expertise in a particular area, but if estab-
16 lished, shall include representation from a represent-
17 ative of services for victims.

18 (5) TERM OF MEMBERS.—Members of the
19 Board shall serve for the life of the Board.

20 (6) VACANCY.—A vacancy on the Board shall
21 be filled in the manner in which the original appoint-
22 ment was made.

23 (b) CHAIRPERSON.—Not later than 15 days after
24 the members of the Board are appointed, such members

1 shall select a Chairperson from among the members of the
2 Board.

3 (c) QUORUM.—7 members of the Board shall con-
4 stitute a quorum, but a lesser number may be authorized
5 by the Board to conduct hearings.

6 (d) MEETINGS.—The Board shall hold its first meet-
7 ing on a date specified by the Chairperson, but such date
8 shall not be later than 60 days after the date of the enact-
9 ment of this Act. After the initial meeting, the Board shall
10 meet at the call of the Chairperson, at the request of the
11 Attorney General or the Secretaries, or a majority of its
12 members, but shall meet not less than twice each year.

13 (e) PAY.—Members of the Board who are officers or
14 employees or elected officials of the Federal Government
15 shall receive no additional compensation by reason of their
16 service on the Board.

17 (f) PER DIEM.—Except as provided in subsection (e),
18 while away from their homes or regular places of business
19 in the performance of duties for the Board, members of
20 the Board shall be allowed travel expenses, including per
21 diem in lieu of subsistence, at rates authorized for employ-
22 ees of agencies under sections 5702 and 5703 of title 5,
23 United States Code.

1 **SEC. 144. REPORTS.**

2 (a) REPORT TO ATTORNEY GENERAL.—Not later
3 than 1 year after the date on which the Board is fully
4 constituted under section 143 and each subsequent year,
5 the Board shall prepare and submit a report to the Attor-
6 ney General and the Secretaries which includes the follow-
7 ing:

8 (1) ACTIVITIES.—A description of the activities
9 during such year.

10 (2) EVALUATION.—A description and evalua-
11 tion of the programs and practices of the Federal
12 Government regarding violence against women.

13 (3) IMPROVEMENT.—An evaluation of the
14 progress made by the Federal Government to im-
15 prove programs and practices regarding violence
16 against women.

17 (4) RECOMMENDATIONS.—Recommendations by
18 the Board for improvement in programs and prac-
19 tices by the Federal Government regarding violence
20 against women and the coordination between Fed-
21 eral agencies responsible for providing programs to
22 address violence against women.

23 (b) REPORT TO CONGRESS.—The Attorney General
24 shall submit a report each year to the appropriate commit-
25 tees of the House of Representatives and the Senate re-
26 garding the findings and recommendations of the Board.

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

2 (a) EXECUTIVE DIRECTOR.—

3 (1) APPOINTMENT.—The Board shall have an
4 Executive Director who shall be appointed by the
5 Chairperson, with the approval of the Board, not
6 later than 60 days after the Chairperson is selected.

7 (2) COMPENSATION.—The Executive Director
8 shall be compensated at a rate not to exceed the
9 maximum rate of the basic pay payable under GS–
10 15 of the General Schedule as contained in title 5,
11 United States Code.

12 (b) STAFF.—With the approval of the Board, the Ex-
13 ecutive Director may appoint and fix the compensation of
14 such additional personnel as the Executive Director con-
15 siders necessary to carry out the duties of the Board.

16 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The
17 Executive Director and the additional personnel of the
18 Board appointed under subsection (b) may be appointed
19 without regard to the provisions of title 5, United States
20 Code, governing appointments in the competitive service,
21 and may be paid without regard to the provisions of chap-
22 ter 51 and subchapter III of chapter 53 of such title relat-
23 ing to classification and General Schedule pay rates.

24 (d) CONSULTANTS.—Subject to such rules as may be
25 prescribed by the Board, the Executive Director may pro-
26 cure temporary or intermittent services under section

1 3109(b) of title 5, United States Code, at rates for individ-
2 uals not to exceed \$200 per day.

3 **SEC. 146. POWERS OF BOARD.**

4 (a) HEARINGS.—For the purpose of carrying out this
5 subtitle, the Board may conduct such hearings, set and
6 act at such times and places, take such testimony, and
7 receive such evidence, as the Board considers appropriate.
8 The Board may administer oaths before the Board.

9 (b) DELEGATION.—Any member or employee of the
10 Board may, if authorized by the Board, take any action
11 that the Board is authorized to take under this subtitle.

12 (c) ACCESS TO INFORMATION.—The Board may se-
13 cure directly from any executive department or agency
14 such information as may be necessary to enable the Board
15 to carry out this subtitle, except to the extent that the
16 department or agency is expressly prohibited by law from
17 furnishing such information. On the request of the Chair-
18 person of the Board, the head of such a department or
19 agency shall furnish nonprohibited information to the
20 Board.

21 (d) MAILS.—The Board may use the United States
22 mails in the same manner and under the same conditions
23 as other departments and agencies of the United States.

1 **SEC. 147. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated for fiscal year
3 1994, \$500,000 to carry out the purposes of this subtitle.

4 **SEC. 148. TERMINATION.**

5 The Board shall remain in existence until the Attor-
6 ney General and the Secretaries agree to terminate the
7 Board.

8 **Subtitle E—Safe Campuses for**
9 **Women**

10 **SEC. 151. CAMPUS SEXUAL ASSAULT STUDY.**

11 (a) STUDY.—The Attorney General shall provide for
12 a national baseline study to examine the scope of the prob-
13 lem of campus sexual assaults and the effectiveness of in-
14 stitutional and legal policies in addressing such crimes and
15 protecting victims. The Attorney General may utilize the
16 Bureau of Justice Statistics, the National Institute of Jus-
17 tice, and the Office for Victims of Crime in carrying out
18 this section.

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

22 (1) the number of reported allegations and esti-
23 mated number of unreported allegations of campus
24 sexual assaults, and to whom the allegations are re-
25 ported (including authorities of the educational insti-

1 tution, sexual assault victim service entities, and
2 local criminal authorities);

3 (2) the number of campus sexual assault allega-
4 tions reported to authorities of educational institu-
5 tions which are reported to criminal authorities;

6 (3) the number of campus sexual assault allega-
7 tions that result in criminal prosecution in compari-
8 son with the number of noncampus sexual assault
9 allegations that result in criminal prosecution;

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

12 (5) the adequacy of policies and practices of
13 educational institutions in addressing campus sexual
14 assaults and protecting victims, including consider-
15 ation of—

16 (A) the security measures in effect at edu-
17 cational institutions, such as utilization of cam-
18 pus police and security guards, control over ac-
19 cess to grounds and buildings, supervision of
20 student activities and student living arrange-
21 ments, control over the consumption of alcohol
22 by students, lighting, and the availability of es-
23 cort services;

1 (B) the articulation and communication to
2 students of the institution's policies concerning
3 sexual assaults;

4 (C) policies and practices that may prevent
5 or discourage the reporting of campus sexual
6 assaults to local criminal authorities, or that
7 may otherwise obstruct justice or interfere with
8 the prosecution of perpetrators of campus sex-
9 ual assaults;

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

12 (E) the ability of educational institutions'
13 disciplinary processes to address allegations of
14 sexual assault adequately and fairly;

15 (F) measures that are taken to ensure that
16 victims are free of unwanted contact with al-
17 leged assailants, and disciplinary sanctions that
18 are imposed when a sexual assault is deter-
19 mined to have occurred; and

20 (G) the grounds on which educational in-
21 stitutions are subject to lawsuits based on cam-
22 pus sexual assaults, the resolution of these
23 cases, and measures that can be taken to avoid
24 the likelihood of lawsuits and civil liability;

1 (6) an assessment of the policies and practices
2 of educational institutions that are of greatest effec-
3 tiveness in addressing campus sexual assaults and
4 protecting victims, including policies and practices
5 relating to the particular issues described in para-
6 graph (5); and

7 (7) any recommendations the Attorney General
8 may have for reforms to address campus sexual as-
9 saults and protect victims more effectively, and any
10 other matters that the Attorney General deems rel-
11 evant to the subject of the study and report required
12 by this section.

13 (c) SUBMISSION OF REPORT.—The report required
14 by subsection (b) shall be submitted to the Congress no
15 later than September 1, 1995.

16 (d) DEFINITION.—For purposes of this section,
17 “campus sexual assaults” includes sexual assaults occur-
18 ring at institutions of postsecondary education and sexual
19 assaults committed against or by students or employees
20 of such institutions.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated \$200,000 to carry out the
23 study required by this section.

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

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

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

6 **Subtitle A—Interstate Enforcement**

7 **SEC. 211 INTERSTATE ENFORCEMENT.**

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

11 “Chapter 110A—Domestic violence and stalking

 “Sec. 2261. Interstate domestic violence.

 “Sec. 2262. Violation of protection order.

 “Sec. 2263. Interim protections.

 “Sec. 2264. Restitution.

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

 “Sec. 2266. Definitions for chapter.

12 **“§ 2261. Interstate domestic violence**

13 “(a) Whoever travels across a State line with the in-
14 tent to contact that person’s spouse or intimate partner,
15 and in the course of that contact intentionally commits
16 a crime of violence and thereby causes bodily injury to
17 such spouse or intimate partner, shall be punished as pro-
18 vided in subsection (b) of this section.

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

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

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

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

5 “(4) for not more than 5 years, in any other
6 case;

7 or both such fine and imprisonment; and

8 “(5) if the offense constitutes sexual abuse, as
9 that conduct is described under chapter 109A (with-
10 out regard to whether the offense was committed in
11 the maritime, territorial or prison jurisdiction of the
12 United States) by fine or term of imprisonment as
13 provided for the applicable conduct under chapter
14 109A.

15 **“§ 2262. Violation of protection order**

16 “(a) Whoever travels across a State line with the in-
17 tent to engage in conduct that—

18 “(1) violates a protection order; or

19 “(2) would violate such order if the conduct oc-
20 curred in the jurisdiction in which such order was is-
21 sued;

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

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

1 for not less than 3 months and not more than 3 years,
2 or both. Any term or imprisonment imposed under this
3 section shall be consecutive to any term imposed under
4 section 2261 with respect to the same criminal episode.

5 **“§ 2263. Pretrial release of defendant**

6 “In any proceeding pursuant to section 3142 of this
7 title for the purpose of determining whether a defendant
8 charged under this section shall be released pending trial,
9 or for the purpose of determining conditions of such re-
10 lease, the alleged victim shall be given an opportunity to
11 be heard regarding the danger posed by the defendant.

12 **“§ 2264. Restitution**

13 “(a) IN GENERAL.—In addition to any fine or term
14 of imprisonment provided under this chapter, and notwith-
15 standing the terms of section 3663 of this title, the court
16 shall order restitution to the victim of an offense under
17 this chapter.

18 “(b) SCOPE AND NATURE OF ORDER.—

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

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

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

4 “(2) DEFINITION.—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 “(H) necessary child care;

17 “(I) language translation services; and

18 “(J) any other losses suffered by the vic-
19 tim as a proximate result of the offense.

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

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

1 “(B) the fact that victim has, or is entitled
2 to receive compensation for his or her injuries
3 from the proceeds of insurance.

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

6 “(A) IN GENERAL.—Notwithstanding the
7 terms of paragraph (3), the court may take into
8 account the economic circumstances of the de-
9 fendant 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 “(C) PAYMENT TO OTHER PROVIDER OF
4 COMPENSATION.—In the event that the victim
5 has recovered for any amount of loss through
6 the proceeds of insurance or any other source,
7 the order of restitution shall provide that res-
8 titution be paid to the person who provided the
9 compensation, but that restitution shall be paid
10 to the victim before any restitution is paid to
11 any other provider of compensation.

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

16 “(A) any Federal civil proceeding; and

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

19 “(c) PROOF OF CLAIM.—

20 “(1) IN GENERAL.—Within 60 days after con-
21 viction and, in any event, no later than 10 days be-
22 fore sentencing, the United States Attorney (or such
23 Attorney’s delegee), after consulting with the victim,
24 shall prepare and file an affidavit with the court list-
25 ing the amounts subject to restitution under this

1 section. The affidavit shall be signed by the United
2 States Attorney (or the delegee) and the victim.
3 Should the victim object to any of the information
4 included in the affidavit, the United States Attorney
5 (or the delegee) shall advise the victim that the vic-
6 tim may file a separate affidavit and assist the vic-
7 tim in the preparation of that affidavit.

8 “(2) OBJECTIONS.—If no objection is raised by
9 the defendant, the amounts attested to in the affida-
10 vit filed pursuant to subsection (1) shall be entered
11 in the court’s restitution order. If objection is raised,
12 the court may require the victim or the United
13 States Attorney (or such Attorney’s delegee) to sub-
14 mit further affidavits or other supporting docu-
15 ments, demonstrating the victim’s losses.

16 “(3) ADDITIONAL DOCUMENTATION OR TESTI-
17 MONY.—If the court concludes, after reviewing the
18 supporting documentation and considering the de-
19 fendant’s objections, that there is a substantial rea-
20 son for doubting the authenticity or veracity of the
21 records submitted, the court may require additional
22 documentation or hear testimony on those questions.
23 Any records filed, or testimony heard, pursuant to
24 this section, shall be in camera in the judge’s cham-
25 bers.

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

15 “(d) RESTITUTION AND CRIMINAL PENALTIES.—An
16 award of restitution to the victim of an offense under this
17 chapter shall not be a substitute for imposition of punish-
18 ment under sections 2261.

19 “(e) DEFINITIONS.—As used in this section, the term
20 ‘victim’ includes any person who has suffered direct phys-
21 ical, emotional, or pecuniary harm as a result of a commis-
22 sion of a crime under this chapter, including, in the case
23 of a victim who is under 18 years of age, incompetent,
24 incapacitated, or deceased, the legal guardian of the victim
25 or representative of the victim’s estate, another family

1 member, or any other person appointed as suitable by the
2 court, except that in no event shall the defendant be
3 named as such representative or guardian.

4 **“§ 2265. Full faith and credit given to protection or-**
5 **ders**

6 “(a) FULL FAITH AND CREDIT.—Any protection
7 order issued consistent with the terms of subsection (b)
8 by the court of one State (the issuing State) shall be ac-
9 corded full faith and credit by the court of another State
10 (the enforcing State) and enforced as if it were the order
11 of the enforcing State.

12 “(b) PROTECTION ORDER.—A protection order is-
13 sued by a State court is consistent with the provisions of
14 this section if—

15 “(1) such court has jurisdiction over the parties
16 and matter under the law of such State; and

17 “(2) reasonable notice and opportunity to be
18 heard is given to the person against whom the order
19 is sought sufficient to protect that person’s right to
20 due process. In the case of ex parte orders, notice
21 and opportunity to be heard must be provided within
22 the time required by State law, and in any event
23 within a reasonable time after the order is issued,
24 sufficient to protect the respondent’s due process
25 rights.

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

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

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

12 **“§ 2266. Definitions for chapter**

13 “As used in this chapter—

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

16 “(A) a spouse, a former spouse, a person
17 who shares a child in common with the abuser,
18 a person who cohabits or has cohabited with the
19 abuser as a spouse, and any other person simi-
20 larly submitted to a spouse; and

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

1 “(2) the term ‘protection order’ includes any in-
 2 junction or other order issued for the purpose of
 3 preventing violent or threatening acts by one spouse
 4 against his or her spouse, former spouse, or intimate
 5 partner, including temporary and final orders issued
 6 by civil and criminal courts (other than support or
 7 child custody orders) whether obtained by filing an
 8 independent action or as a pendente lite order in an-
 9 other proceeding so long as any civil order was is-
 10 sued in response to a complaint, petition or motion
 11 filed by or on behalf of an abused spouse or intimate
 12 partner;

13 “(3) the term ‘State’ includes a State of the
 14 United States, the District of Columbia, and any In-
 15 dian tribe, commonwealth, territory, or possession of
 16 the United States; and

17 “(4) the term ‘travel across State lines’ does
 18 not include travel across State lines by an individual
 19 who is a member of an Indian tribe when such indi-
 20 vidual remains at all times in the territory of the In-
 21 dian tribe of which the individual is a member.”.

22 (b) TABLE OF CHAPTERS.—The table of chapters at
 23 the beginning part 1 of title 18, United States Code, is
 24 amended by inserting after the item for chapter 110 the
 25 following:

“110A. Violence against spouses 2261.”.

1 **Subtitle B—Arrest in Domestic**
2 **Violence Cases**

3 **SEC. 221. ENCOURAGING ARREST POLICES.**

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

7 (1) redesignating part R as part S;

8 (2) redesignating section 1801 as section 1901;

9 and

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

11 **“PART R—GRANTS TO ENCOURAGE ARREST**
12 **POLICIES**

13 **“SEC. 1801. ARREST POLICIES.**

14 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
15 this part is to encourage States, Indian tribes, cities, and
16 other localities to treat domestic violence as a serious vio-
17 lation of criminal law. The Director of the Bureau of Jus-
18 tice Assistance may make grants to eligible States, Indian
19 tribes, municipalities, or local government entities for the
20 following:

21 “(1) to implement mandatory arrest or pro-ar-
22 rest programs, including mandatory arrest programs
23 for protective order violations;

1 “(2) to develop policies, and training in police
2 departments to improve tracking of cases involving
3 domestic violence;

4 “(3) to centralize and coordinate police enforce-
5 ment, prosecution, or judicial responsibility for do-
6 mestic violence cases in groups or units of police of-
7 ficers, prosecutors, or judges;

8 “(4) to strengthen legal advocacy service pro-
9 grams for victims of domestic violence; and

10 “(5) to educate judges in criminal and other
11 courts about domestic violence and to improve judi-
12 cial handling of such cases.

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

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

16 “(A)(i) mandate arrest of spouse abusers
17 based on probable cause that violence has been
18 committed; or

19 “(ii) permit warrantless misdemeanor ar-
20 rests of spouse abusers and encourage the use
21 of that authority; and

22 “(B) mandate arrest of spouse abusers
23 who violate the terms of a valid and outstand-
24 ing protection order;

1 “(2) demonstrate that their laws, policies, or
2 practices, and training programs discourage dual ar-
3 rests of abused and abuser and the increase in ar-
4 rest rates demonstrated pursuant to paragraph
5 (1)(A) is not the result of increased dual arrests;
6 and

7 “(3) certify that their laws, policies, and prac-
8 tices prohibit issuance of mutual restraining orders
9 of protection except in cases where both spouses file
10 a claim and the court makes detailed finding of fact
11 indicating that both spouses acted primarily as ag-
12 gressors and that neither spouse acted primarily in
13 self-defense.

14 **“SEC. 1802. APPLICATIONS.**

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

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

19 “(2) identify the agency or office or groups of
20 agencies or offices responsible for carrying out the
21 program; and

22 “(3) include documentation from nonprofit,
23 nongovernmental sexual assault and domestic vio-
24 lence programs demonstrating their participation in
25 developing the application, and identifying such pro-

1 grams in which such groups will be consulted for de-
2 velopment and implementation.

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

5 “(1) does not currently provide for centralized
6 handling of cases involving spousal or family violence
7 by policy, prosecutors, and courts; and

8 “(2) demonstrates a commitment to strong en-
9 forcement of laws, and prosecution of cases, involv-
10 ing spousal or family violence.

11 **“SEC. 1803. REPORTS.**

12 “Each grantee receiving funds under this part shall
13 submit a report to the Director evaluating the effective-
14 ness of projects developed with funds provided under this
15 part and containing such additional information as the
16 Secretary may prescribe.

17 **“SEC. 1804. DEFINITIONS.**

18 “For purposes of this part—

19 “(1) the term ‘domestic violence’ means a crime
20 of violence committed by a current or former spouse
21 of the victim, an individual with whom the victim
22 shares a child in common, an individual who cohab-
23 its with or has cohabited with the victim as a
24 spouse, or any other individual similarly situated to
25 a spouse, or any other person who is protected under

1 the domestic or family violence laws of the eligible
2 State, Indian tribe, municipality, or local govern-
3 ment entity.

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

12 **“SEC. 1805. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated
14 \$25,000,000 for each of the fiscal years 1994, 1995, and
15 1996 to carry out the purposes of this part.”.

16 (b) EFFECTIVE DATE.—The eligibility requirements
17 provided in this section shall take effect 1 year after the
18 date of enactment of this section.

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

“PART R—GRANTS TO ENCOURAGE ARREST POLICIES

“Sec. 1801. Arrest Policies.

“Sec. 1802. Applications.

“Sec. 1803. Reports.

“Sec. 1804. Authorization of Appropriations.

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

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

1 **Subtitle C—Safe Homes for**
2 **Immigrant Women**

3 **SEC. 231. SAFE HOMES FOR IMMIGRANT WOMEN.**

4 (a) ABUSED ALIEN FAMILY MEMBER DEFINED.—

5 Section 101(a) of the Immigration and Nationality Act (8
6 U.S.C. 1101(a)) is amended by adding at the end the fol-
7 lowing new paragraph:

8 “(47)(A) The term ‘abused’ means having been bat-
9 tered or subjected to extreme cruelty, including intima-
10 tion and including, additionally in the case of a child, hav-
11 ing been abandoned.

12 “(B) The term ‘abused alien family member’ means
13 an alien who—

14 “(i) is the spouse or child of a citizen of the
15 United States or an alien lawfully admitted for per-
16 manent residence and has been abused by such citi-
17 zen or permanent resident;

18 “(ii) is the spouse of a citizen of the United
19 States or of an alien lawfully admitted for perma-
20 nent residence whose child has been abused by such
21 citizen or permanent resident parent.

22 “(C) The term ‘citizen or resident abuser’ means a
23 citizen of the United States or an alien lawfully admitted

1 for permanent residence who abuses an abused alien fam-
2 ily member (as defined in subparagraph (B)).”.

3 (b) RIGHT TO SELF-PETITION.—Section 204(a)(1) of
4 such Act (8 U.S.C. 1154(a)(1)) is amended—

5 (1) in subparagraph (A)—

6 (A) by striking “citizen of the United
7 States claiming that an alien” and inserting
8 “alien (or in the case of an alien under 21
9 years of age, a parent or custodian of the alien)
10 claiming that the alien”,

11 (B) by inserting “(2),” after “(1),”, and

12 (C) by striking the second sentence and in-
13 serting the following: “A petition filed under
14 this subparagraph may only be withdrawn by
15 the beneficiary or self-petitioner.”;

16 (2) by striking subparagraph (B); and

17 (3) by redesignating subparagraphs (C) through
18 (G) as subparagraphs (B) through (F), respectively.

19 (c) SURVIVAL RIGHTS TO PETITION FOR ABUSED
20 ALIEN FAMILY MEMBERS.—Section 204 of such Act (8
21 U.S.C. 1154) is amended by adding at the end the follow-
22 ing new subsection:

23 “(h) SURVIVAL RIGHTS FOR ABUSED ALIEN FAMILY
24 MEMBERS.—An abused alien family member shall be con-
25 sidered, for the purpose of section 201(b)(2)(A)(i) or

1 203(a)(2), as the case may be, to remain the spouse or
2 child of a citizen or resident abuser after the legal termi-
3 nation of the marriage through which the member seeks
4 immigrant status, but only if the member files a petition
5 under section 204(a)(1)(A) within two years after the date
6 of such legal termination (or, in the case of a child and
7 if later, within 2 years after the date the child reaches
8 the age of 21) and only, in the case of a former spouse,
9 until the date the former spouse remarries. Such legal ter-
10 mination shall not be a basis for revocation of a petition
11 under section 205.”.

12 (d) STAY OF DEPORTATION AND WORK AUTHORIZA-
13 TION FOR ABUSED ALIEN FAMILY MEMBERS.—

14 (1) IN GENERAL.—The Immigration and Na-
15 tionality Act is amended by inserting after section
16 244A the following new section:

17 “STAY OF DEPORTATION AND WORK AUTHORIZATION FOR
18 ABUSED ALIEN FAMILY MEMBERS

19 “SEC. 244B. (a) IN GENERAL.—An abused alien
20 family member in the United States who has not been law-
21 fully admitted for permanent residence and who dem-
22 onstrates that there are reasonable grounds to believe that
23 the alien or the alien’s child is being abused by a citizen
24 or resident abuser—

25 “(1) may not be deported or otherwise required
26 to depart from the United States on a ground speci-

1 fied in paragraph (1)(A), (1)(B), (1)(C), or (3)(A)
2 of section 241(a) (other than so much of section
3 241(a)(12)(A) as relates to a ground of exclusion de-
4 scribed in paragraph (2) or (3) of section 212(a)),
5 and

6 “(2) shall be granted authorization to engage in
7 employment in the United States,
8 until such time as an immigrant visa is available and the
9 alien’s application for adjustment of status under section
10 245 has been finally adjudicated by the Attorney General.

11 “(b) FRAUDULENT CLAIMS.—The Attorney General
12 may revoke the work authorization of, and initiate depor-
13 tation proceedings against, any alien who has fraudulently
14 made a claim to be an abused alien family member, if the
15 alien has received notice of intent to revoke and has a rea-
16 sonable opportunity to rebut evidence supporting the rev-
17 ocation.”.

18 (2) CLERICAL AMENDMENT.—The table of con-
19 tents of such Act is amended by inserting after the
20 item relating to section 244 the following new item:

 “Sec. 244B. Stay of deportation and work authorization for abused alien family
 members.”.

21 (e) RULES FOR ADJUSTMENT OF STATUS FOR
22 ABUSED ALIEN FAMILY MEMBERS.—Section 245 of such
23 Act (8 U.S.C. 1255) is amended by adding at the end the
24 following new subsection:

1 “(i) In applying this section to an abused alien family
2 member (as defined in section 101(a)(47)(B)) who has
3 filed a petition under section 204(a)(1)(A)—

4 “(1) the alien shall be deemed (if not otherwise
5 inspected and admitted or paroled into the United
6 States) for purposes of subsection (a) to have been
7 inspected and admitted into the United States,

8 “(2) clauses (2) through (4) of subsection (c)
9 shall not apply, and

10 “(3) subsection (d) shall not apply.”.

11 (f) EVIDENCE.—

12 (1) BATTERED SPOUSAL WAIVER APPLICA-
13 TIONS.—Section 216(c)(4) of such Act (8 U.S.C.
14 1186a(c)(4)) is amended by adding at the end the
15 following: “In acting on an application under this
16 paragraph, the Attorney General may not require
17 that the application be supported by an evaluation of
18 a licensed mental health professional, but must con-
19 sider and evaluate all evidence submitted. Once it
20 has been determined that an applicant is an abused
21 alien family member, the Attorney General shall
22 grant the member’s application.”.

23 (2) APPLICATIONS FOR STAY OF DEPORTATION
24 AND WORK AUTHORIZATION.—Section 244B of such

1 Act, as inserted by subsection (d)(1), is amended by
2 adding at the end the following new subsection:

3 “(c) The last two sentences of section 216(c)(4) shall
4 apply to applications for relief under this section in the
5 same manner as it applies to relief under section
6 216(c)(4).”.

7 (g) DUE PROCESS RIGHTS RELATING TO DENIALS
8 OF APPLICATIONS BY ABUSED ALIEN FAMILY MEM-
9 BERS.—

10 (1) BATTERED SPOUSAL WAIVER APPLI-
11 CANTS.—Section 216(d) of such Act (8 U.S.C.
12 1186a(d)) is amended by adding at the end the fol-
13 lowing new paragraph:

14 “(4) DUE PROCESS RIGHTS FOR BATTERED
15 SPOUSE WAIVER APPLICANTS.—The Attorney Gen-
16 eral shall not deny an application under subpara-
17 graph (B) or (C) of subsection (c)(4) unless the ap-
18 plicant has had an opportunity to present any evi-
19 dence and witnesses in support of the application
20 and to confront any adverse evidence at a hearing
21 convened solely for the purpose of establishing the
22 facts described in the respective subparagraph.”.

23 (2) RIGHT OF REVIEW FOR ABUSED ALIEN
24 FAMILY MEMBERS IN DEPORTATION AND EXCLUSION
25 PROCEEDINGS.—(A) Section 242 of such Act (8

1 U.S.C. 1252) is amended by adding at the end the
2 following new subsection:

3 “(j) Any abused alien family member whose petition
4 or application was denied or revoked under section 204,
5 205, 244B, or 245 may request a review of such deter-
6 mination in a proceeding to exclude the alien under section
7 236 or to deport the alien under this section. Any such
8 review shall be in addition to any other review provided
9 by regulation or statute.”.

10 (h) EFFECTIVE DATES.—

11 (1) IN GENERAL.—Except as otherwise pro-
12 vided in this subsection, the amendments made by
13 this section shall take effect on the date of the en-
14 actment of this Act.

15 (2) CONVERSION OF CURRENT PETITIONS.—

16 Any petition for classification under subparagraph
17 (A) or (B) of section 204(a)(1) of the Immigration
18 and Nationality Act filed on a date before the date
19 of the enactment of this Act for the benefit of an
20 alien shall be deemed to be a petition filed by such
21 alien on such date under section 204(a)(1)(A) of
22 such Act (as amended by this section).

23 (3) SURVIVAL RIGHTS.—The amendments made
24 by subsection (c) shall apply to legal terminations of

1 marriages that occur before, on, or after the date of
2 the enactment of this Act.

3 (4) EVIDENCE AND DUE PROCESS.—The
4 amendments made by subsections (f) and (g)(1)
5 shall apply to applications made before, on, or after
6 the date of the enactment of this Act.

7 (5) RIGHT TO REVIEW IN DEPORTATION AND
8 EXCLUSIONS.—The amendment made by subsection
9 (g)(2) shall apply to deportation proceedings in
10 which a final order has not been entered before the
11 date of the enactment of this Act.

12 **Subtitle D—Confidentiality for** 13 **Abused Persons**

14 **SEC. 261. CONFIDENTIALITY FOR ABUSED PERSONS.**

15 No later than 90 days after the enactment of this
16 Act, the Postmaster General shall promulgate regulations
17 to secure the confidentiality of abused persons' addresses
18 or otherwise prohibit the disclosure of an abused person's
19 address consistent with the following:

20 (1) Confidentiality shall be provided upon the
21 presentation to an appropriate postal official of an
22 existing and valid court order for the protection of
23 an abused spouse, or upon an affidavit containing a
24 statement that an address or organization is a do-
25 mestic violence shelter or service provider and a let-

1 ter from the State coalition for domestic violence in
2 that State confirming such statement.

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

6 (3) Compilations of addresses existing at the
7 time the order is presented to an appropriate postal
8 official shall be excluded from the scope of the pro-
9 posed regulations.

10 **TITLE III—CIVIL RIGHTS**

11 **SEC. 301. CIVIL RIGHTS.**

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

13 (1) crimes motivated by the victim’s gender
14 constitute bias crimes in violation of the victim’s
15 right to be free from discrimination on the basis of
16 gender;

17 (2) current law provides a civil rights remedy
18 for gender crimes committed in the workplace, but
19 not for gender crimes committed on the street or in
20 the home; and

21 (3) State and Federal criminal laws do not ade-
22 quately protect against the bias element of gender
23 crimes, which separates these crimes from acts of
24 random violence, nor do they adequately provide vic-
25 tims the opportunity to vindicate their interests.

1 (b) RIGHTS.—All individuals within the United
2 States, and the special maritime and territorial jurisdic-
3 tion of the United States, shall have the right to be free
4 from crimes of violence motivated by the victim's gender.

5 (c) CLAIM.—Any person, including a person who acts
6 under color of any statute, ordinance, regulation, custom,
7 or usage of any State, who deprives an individual of the
8 right secured by subsection (b) shall be liable to the indi-
9 vidual injured, in a civil action, for compensatory dam-
10 ages, punitive damages, injunctive relief, declaratory re-
11 lief, or any combination thereof.

12 (d) LIMITATION, PROCEDURE, AND RULE OF CON-
13 STRUCTION.—

14 (1) LIMITATION.—Nothing in this section enti-
15 tles an individual to a claim under subsection (c) for
16 random acts of violence unrelated to gender or for
17 acts that cannot be demonstrated, by a preponder-
18 ance of the evidence, to be motivated by gender.

19 (2) NO PRIOR CRIMINAL ACTION.—Nothing in
20 this section requires a prior criminal complaint,
21 prosecution, or conviction to establish the necessary
22 elements of a claim under subsection (c).

23 (3) RULE OF CONSTRUCTION.—Neither section
24 1367 of title 28 of the United States Code nor sub-
25 section (c) of this section shall be construed, by rea-

1 son of a claim arising under such subsection, to con-
2 fer on the courts of the United States jurisdiction of
3 any State law claim seeking the establishment of a
4 divorce, alimony, or child custody decree.

5 (e) DEFINITIONS.—For purposes of this section—

6 (1) the term “crime of violence motivated by
7 the victim’s gender” means—

8 (A) a crime of violence that is rape (ex-
9 cluding conduct that is characterized as rape
10 solely by virtue of the ages of the participants),
11 sexual assault, sexual abuse, or abusive sexual
12 contact; or

13 (B) any other crime of violence committed
14 because of the gender, or on the basis of gen-
15 der, of the victim;

16 (2) the term “crime of violence” means—

17 (A) a State or Federal offense that—

18 (i) is of a kind described in section 16
19 of title 18, United States Code; and

20 (ii) may be punished by a maximum
21 term of imprisonment exceeding one year;

22 or

23 (B) any action taken that would constitute
24 such offense but for the relationship between

1 **SEC. 402. SEXUAL HISTORY IN ALL CRIMINAL CASES.**

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

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

6 “(a) Notwithstanding any other provision of law, in
7 a criminal case, other than a sex offense case governed
8 by rule 412, reputation or opinion evidence of the past
9 sexual behavior of an alleged victim is not admissible.

10 “(b) Notwithstanding any other provision of law, in
11 a criminal case, other than a sex offense case governed
12 by rule 412, evidence of an alleged victim’s past sexual
13 behavior (other than reputation and opinion evidence) may
14 be admissible if—

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

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

19 “(c)(1) If the defendant intends to offer evidence of
20 specific instances of the alleged victim’s past sexual behav-
21 ior, the defendant shall make a written motion to offer
22 such evidence not later than 15 days before the date on
23 which the trial in which such evidence is to be offered is
24 scheduled to begin, except that the court may allow the
25 motion to be made at a later date, including during trial,
26 if the court determines either that the evidence is newly

1 discovered and could not have been obtained earlier
2 through the exercise of due diligence or that the issue to
3 which such evidence relates has newly arisen in the case.
4 Any motion made under this paragraph shall be served
5 on all other parties and on the alleged victim.

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

18 “(3) If the court determines on the basis of the hear-
19 ing described in paragraph (2) that the evidence that the
20 defendant seeks to offer is relevant and that the probative
21 value of such evidence outweighs the danger of unfair prej-
22 udice such evidence shall be admissible in the trial to the
23 extent an order made by the court specifies the evidence
24 which may be offered and areas with respect to which the
25 alleged victim may be examined or cross-examined. In its

1 order, the court should consider (A) the chain of reasoning
2 leading to its finding of relevance, and (B) why the pro-
3 bative value of the evidence outweighs the danger of unfair
4 prejudice given the potential of the evidence to humiliate
5 and embarrass the alleged victim and to result in unfair
6 or biased jury inferences.”.

7 **SEC. 403. SEXUAL HISTORY IN CIVIL CASES.**

8 The Federal Rules of Evidence, as amended by sec-
9 tion 402 of this Act, are amended by adding after rule
10 412A the following new rule:

11 **“Rule 412B. Evidence of past sexual behavior in civil**
12 **cases**

13 “(a) Notwithstanding any other provision of law, in
14 a civil case in which a defendant is accused of actionable
15 sexual misconduct, as defined in subdivision (d), reputa-
16 tion or opinion evidence of the plaintiff’s past sexual be-
17 havior is not admissible.

18 “(b) Notwithstanding any other provision of law, in
19 a civil case in which a defendant is accused of actionable
20 sexual misconduct, as defined in subdivision (d), evidence
21 of a plaintiff’s past sexual behavior other than reputation
22 or opinion evidence may be admissible if—

23 “(1) admitted in accordance with the proce-
24 dures specified in subdivision (c); and

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

3 “(c)(1) If the defendant intends to offer evidence of
4 specific instances of the plaintiff’s past sexual behavior,
5 the defendant shall make a written motion to offer such
6 evidence not later than 15 days before the date on which
7 the trial in which such evidence is to be offered is sched-
8 uled to begin, except that the court may allow the motion
9 to be made at a later date, including during trial, if the
10 court determines either that the evidence is newly discov-
11 ered and could not have been obtained earlier through the
12 exercise of due diligence or that the issue to which such
13 evidence relates has newly arisen in the case. Any motion
14 made under this paragraph shall be served on all other
15 parties and on the plaintiff.

16 “(2) The motion described in paragraph (1) shall be
17 accompanied by a written offer of proof. If necessary, the
18 court shall order a hearing in chambers to determine if
19 such evidence is admissible. At such hearing, the parties
20 may call witnesses, including the plaintiff and offer rel-
21 evant evidence. Notwithstanding subdivision (b) of rule
22 104, if the relevancy of the evidence which the defendant
23 seeks to offer in the trial depends upon the fulfillment of
24 a condition of fact, the court, at the hearing in chambers
25 or at a subsequent hearing in chambers scheduled for such

1 purpose, shall accept evidence on the issue of whether such
2 condition of fact is fulfilled and shall determine such issue.

3 “(3) If the court determines on the basis of the hear-
4 ing described in paragraph (2) that the evidence that the
5 defendant seeks to offer is relevant and that the probative
6 value of such evidence outweighs the danger of unfair prej-
7 udice, such evidence shall be admissible in the trial to the
8 extent an order made by the court specifies evidence which
9 may be offered and areas with respect to which the plain-
10 tiff may be examined or cross-examined. In its order, the
11 court should consider (A) the chain of reasoning leading
12 to its finding of relevance, and (B) why the probative value
13 of the evidence outweighs the danger of unfair prejudice
14 given the potential of the evidence to humiliate and embar-
15 rass the alleged victim and to result in unfair or biased
16 jury inferences.

17 “(d) For purposes of this rule, a case involving a
18 claim of actionable sexual misconduct, includes, but is not
19 limited to, sex harassment or discrimination claims
20 brought under title VII of the Civil Rights Act of 1964
21 (42 U.S.C. 2000(e)) and claims under section 301 of the
22 Violence Against Women Act of 1993.”.

1 **SEC. 404. EVIDENCE OF CLOTHING.**

2 The Federal Rules of Evidence, as amended by sec-
3 tions 402 and 403 of this Act, are amended by adding
4 after rule 412B the following new rule:

5 **“Rule 413. Evidence of victim’s clothing as inciting**
6 **violence**

7 “Notwithstanding any other provision of law, in a
8 criminal case in which a person is accused of an offense
9 under chapter 109A of title 18, United States Code, evi-
10 dence of an alleged victim’s clothing is not admissible to
11 show that the alleged victim incited or invited the offense
12 charged.”.

13 **Subtitle B—Education and Train-**
14 **ing for Judges and Court Per-**
15 **sonnel in State Courts**

16 **SEC. 411. GRANTS AUTHORIZED**

17 The State Justice Institute is authorized to award
18 grants for the purpose of developing, testing presenting,
19 and disseminating model programs to be used by States
20 in training judges and court personnel in the laws of the
21 States on rape, sexual assault, domestic violence, and
22 other crimes of violence motivated by the victim’s gender.

23 **SEC. 412. TRAINING PROVIDED BY GRANTS.**

24 Training provided pursuant to grants made under
25 this subtitle may include current information, existing
26 studies, or current data on—

1 (1) the nature and incidence of rape and sexual
2 assault by strangers and nonstrangers, marital rape,
3 and incest;

4 (2) the underreporting of rape, sexual assault,
5 and child sexual abuse;

6 (3) the physical, psychological, and economic
7 impact of rape and sexual assault on the victim, the
8 costs to society, and the implications for sentencing;

9 (4) the psychology of sex offenders, their high
10 rate of recidivism, and the implications for sentenc-
11 ing;

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

14 (6) sex stereotyping of female and male victims
15 of rape and sexual assault, racial stereotyping of
16 rape victims and defendants, and the impact of such
17 stereotypes on credibility of witnesses, sentencing,
18 and other aspects of the administration of justice;

19 (7) application of rape shield laws and other
20 limits on introduction of evidence that may subject
21 victims to improper sex stereotyping and harassment
22 in both rape and nonrape cases, including the need
23 for sua sponte judicial intervention in inappropriate
24 cross-examination;

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

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

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

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

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

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

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

24 (15) proper and improper interpretations of the
25 defenses of self-defense and provocation, and the use

1 of expert witness testimony on battered woman syn-
2 drome;

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

8 (17) economic, psychological, social and institu-
9 tional reasons for victims' inability to leave the
10 batterer, to report domestic violence or to follow
11 through on complaints, including the influence of
12 lack of support from police, judges, and court per-
13 sonnel, and the legitimate reasons why victims of do-
14 mestic violence may refuse to testify against a de-
15 fendant and should not be held in contempt;

16 (18) the need for orders of protection, and the
17 negative implications of mutual orders of protection,
18 dual arrest policies, and mediation in domestic vio-
19 lence cases;

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

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

4 **SEC. 413. COOPERATION IN DEVELOPING PROGRAMS.**

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

11 **SEC. 414. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated for fiscal year
13 1994, \$600,000 to carry out the purposes of this subtitle.
14 Of amounts appropriated under this section, the State
15 Justice Institute shall expend no less than 40 percent on
16 model programs regarding domestic violence and no less
17 than 40 percent on model programs regarding rape and
18 sexual assault.

19 **Subtitle C—Education and Train-**
20 **ing for Judges and Court Per-**
21 **sonnel in Federal Courts**

22 **SEC. 421. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**
23 **CATION AND TRAINING GRANTS.**

24 (a) STUDY.—In order to gain a better understanding
25 of the nature and the extent of gender bias in the Federal

1 courts, the circuit judicial councils shall conduct studies
2 of the instances of gender bias in their respective circuits.
3 The studies may include an examination of the effects of
4 gender on—

5 (1) the treatment of litigants, witnesses, attor-
6 neys, jurors, and judges in the courts, including be-
7 fore magistrate and bankruptcy judges;

8 (2) the interpretation and application of the
9 law, both civil and criminal;

10 (3) treatment of defendants in criminal cases;

11 (4) treatment of victims of violent crimes;

12 (5) sentencing;

13 (6) sentencing alternatives, facilities for incar-
14 ceration, and the nature of supervision of probation
15 and parole;

16 (7) appointments to committees of the Judicial
17 Conference and the courts;

18 (8) case management and court sponsored al-
19 ternative dispute resolution programs;

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

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

1 (11) the aspects of the topics listed in section
2 403 that pertain to issues within the jurisdiction of
3 the Federal courts.

4 (b) CLEARINGHOUSE.—The Judicial Conference of
5 the United States shall designate an entity within the Ju-
6 dicial branch to act as a clearinghouse to disseminate any
7 reports and materials issued by the gender bias task forces
8 under subsection (a) and to respond to requests for such
9 reports and materials. The gender bias task forces shall
10 provide this entity with their reports and related material.

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

14 (1) include in the educational programs it pre-
15 sents and prepares, including the training programs
16 for newly appointed judges, information on issues re-
17 lated to gender bias in the courts including such
18 areas as are listed in subsection (a) along with such
19 other topics as the Federal Judicial Center deems
20 appropriate;

21 (2) prepare materials necessary to implement
22 this subsection; and

23 (3) take into consideration the findings and rec-
24 ommendations of the studies conducted pursuant to
25 subsection (a), and to consult with individuals and

1 groups with relevant expertise in gender bias issues
2 as it prepares or revises such materials.

3 **SEC. 422. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated—

6 (1) \$600,000 to the Salaries and Expenses Ac-
7 count of the Courts of Appeals, District Courts, and
8 other Judicial Services, to carry out section 421(a),
9 to be available until expended through fiscal year
10 1994;

11 (2) \$100,000 to the Federal Judicial Center to
12 carry out section 421(c) and any activities des-
13 igned by the Judicial Conference under section
14 421(b); and

15 (3) such sums as are necessary to the Adminis-
16 trative Office of the United States Courts to carry
17 out any activities designated by the Judicial Con-
18 ference under section 421(b).

19 (b) THE JUDICIAL CONFERENCE OF THE UNITED
20 STATES.—(1) The Judicial Conference of the United
21 States Courts shall allocate funds to Federal circuit courts
22 under this subtitle that—

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

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

4 (2) Funds shall be allocated to Federal circuits under
5 this subtitle on a first come first serve basis in an amount
6 not to exceed \$100,000 on the first application. If within
7 6 months after the date on which funds authorized under
8 this Act become available, funds are still available, circuits
9 that have received funds may reapply for additional funds,
10 with not more than \$200,000 going to any one circuit.

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