

103D CONGRESS
1ST SESSION

S. 11

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

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. BIDEN (for himself, Mrs. BOXER, Mr. COHEN, Mr. KENNEDY, Mr. KOHL, Mr. BOREN, Mr. AKAKA, Mr. GLENN, Mr. GRAHAM, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. SARBANES, Mr. SHELBY, Mr. ROCKEFELLER, Mr. ROBB, Mr. WARNER, Mr. PELL, Mr. SIMON, Mr. MOYNIHAN, Mr. BRADLEY, Mr. WELLSTONE, Mr. BREAUX, Mr. HARKIN, Mr. LEVIN, Mr. HATFIELD, Mr. DECONCINI, Mr. REID, Mr. CAMPBELL, Mr. RIEGLE, Mr. BRYAN, Mr. KERRY, Mr. DODD, Mr. CONRAD, Mr. BAUCUS, Mr. D'AMATO, Mr. DURENBERGER, Mr. LEAHY, Ms. MOSELEY-BRAUN, Ms. MURRAY, Mr. LAUTENBERG, Mr. INOUE, and Mr. KERREY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 SEC. 2. TABLE OF CONTENTS.

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

TITLE I—SAFE STREETS FOR WOMEN

- Sec. 101. Short title.

Subtitle A—Federal Penalties for Sex Crimes

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

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

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

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

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

Subtitle D—National Commission on Violence Against Women

- Sec. 141. Establishment.
- Sec. 142. Duties of Commission.
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- Sec. 148. Termination.

Subtitle E—New Evidentiary Rules

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

Subtitle F—Assistance to Victims of Sexual Assault

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

TITLE II—SAFE HOMES FOR WOMEN

- Sec. 201. Short title.

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Subtitle A—Family Violence Prevention and Services Act Amendments

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

Subtitle B—Interstate Enforcement

Sec. 221. Interstate enforcement.

Subtitle C—Arrest in Spousal Abuse Cases

Sec. 231. Encouraging arrest policies.

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Sec. 241. Authorization of appropriations.

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Sec. 251. Grantee reporting.

Subtitle F—Youth Education and Domestic Violence

Sec. 261. Educating youth about domestic violence.

Subtitle G—Confidentiality for Abused Persons

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

Subtitle H—Technical Amendments

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Subtitle I—Data and Research

Sec. 291. Report on recordkeeping.

Sec. 292. Research agenda.

Sec. 293. State databases.

Sec. 294. Number and cost of injuries.

TITLE III—CIVIL RIGHTS

Sec. 301. Short title.

Sec. 302. Civil rights.

Sec. 303. Attorney's fees.

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

TITLE IV—SAFE CAMPUSES FOR WOMEN

Sec. 401. Authorization of appropriations.

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT

Sec. 501. Short title.

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

Sec. 511. Grants authorized.

Sec. 512. Training provided by grants.

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

Sec. 514. Authorization of appropriations.

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

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

Sec. 522. Authorization of appropriations.

TITLE I—SAFE STREETS FOR WOMEN

SEC. 101. SHORT TITLE.

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

Subtitle A—Federal Penalties for Sex Crimes

SEC. 111. REPEAT OFFENDERS.

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

“§ 2247. Repeat offenders

“Any person who violates a provision of this chapter,
after one or more prior convictions for an offense punish-
able under this chapter, or after one or more prior convic-
tions under the laws of any State or foreign country relat-
ing to aggravated sexual abuse, sexual abuse, or abusive
sexual contact, is punishable by a term of imprisonment
up to twice that otherwise authorized.”.

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

“2247. Repeat offenders.”.

1 **SEC. 112. FEDERAL PENALTIES.**

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

23 (b) EFFECT OF AMENDMENT.—If the sentencing
 24 guidelines are amended after the effective date of this sec-
 25 tion, the Sentencing Commission shall implement the in-

1 instructions set forth in subsection (a) so as to achieve a
2 comparable result.

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

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

7 **“§ 2248. Mandatory restitution**

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

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

14 “(A) the defendant pay to the victim (through
15 the appropriate court mechanism) the full amount of
16 the victim’s losses as determined by the court, pur-
17 suant to paragraph (2); and

18 “(B) the United States Attorney enforce the
19 restitution order by all available and reasonable
20 means.

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

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

1 “(B) physical and occupational therapy or reha-
2 bilitation;

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

5 “(D) lost income;

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

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

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

14 “(A) the economic circumstances of the defend-
15 ant; or

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

19 “(4)(A) Notwithstanding the terms of paragraph (3),
20 the court may take into account the economic cir-
21 cumstances of the defendant in determining the manner
22 in which and the schedule according to which the restitu-
23 tion is to be paid.

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

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

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

5 “(iii) any financial obligations of the defendant,
6 including obligations to dependents.

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

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

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

22 “(A) any Federal civil proceeding; and

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

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

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

22 “(3) If the court concludes, after reviewing the sup-
23 porting documentation and considering the defendant’s
24 objections, that there is a substantial reason for doubting
25 the authenticity or veracity of the records submitted, the

1 court may require additional documentation or hear testi-
2 mony on those questions. Any records filed, or testimony
3 heard, pursuant to this section, shall be in camera in the
4 judge's chambers.

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

17 “(d) DEFINITIONS.—For purposes of this section, the
18 term ‘victim’ includes the individual harmed as a result
19 of a commission of a crime under this chapter, including,
20 in the case of a victim who is under 18 years of age, in-
21 competent, incapacitated, or deceased, the legal guardian
22 of the victim or representative of the victim's estate, an-
23 other family member, or any other person appointed as
24 suitable by the court: *Provided*, That in no event shall the
25 defendant be named as such representative or guardian.”.

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

“2248. Mandatory restitution.”.

4 **SEC. 114. AUTHORIZATION FOR FEDERAL VICTIM’S COUN-**
 5 **SELORS.**

6 There is authorized to be appropriated for fiscal year
 7 1993 \$1,500,000 for the United States Attorneys for the
 8 purpose of appointing Victim/Witness Counselors for the
 9 prosecution of sex crimes and domestic violence crimes
 10 where applicable (such as the District of Columbia).

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

14 **SEC. 121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
 15 **WOMEN.**

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

- 19 (1) redesignating part P as part Q;
- 20 (2) redesignating section 1601 as section 1701;
- 21 and
- 22 (3) adding after part O the following new part:

“(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribes, cities, and other localities to develop effective law enforcement and prosecution strategies to combat violent crimes against women and, in particular, to focus efforts on those areas with the highest rates of violent crime against women.

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

•S 11 IS

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

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

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

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

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

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

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

1 highest rates of violent crime against women, as deter-
2 mined by the Bureau of Justice Statistics pursuant to sec-
3 tion 1612.

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

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

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

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

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

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

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

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

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

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

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

1 subsection (d) including documentation from nonprofit
2 nongovernmental victim services programs showing their
3 participation in developing the plan required by subsection
4 (d)(2). Applications shall—

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

8 “(A) need for the grant funds;

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

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

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

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

19 “(f) DISBURSEMENT.—

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

1 tion 513 of this title or to the requirements of this
2 section.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(1) \$500,000 to each State; and

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

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

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

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

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

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

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

24 “(A) need for the grant funds;

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

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

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

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

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

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

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

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

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

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

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

18 **“SEC. 1622. GENERAL GRANTS TO TRIBES.**

19 “(a) GENERAL GRANTS.—The Director is authorized
20 to make grants to Indian tribes, for use by tribes, tribal
21 organizations or nonprofit nongovernmental victim serv-
22 ices programs on Indian reservations, for the purposes
23 outlined in section 1401(b), and to reduce the rate of vio-
24 lent crimes against women in Indian country.

1 “(b) AMOUNTS.—From amounts appropriated, the
2 amount of grants under subsection (a) shall be awarded
3 on a competitive basis to tribes, with minimum grants of
4 \$35,000 and maximum grants of \$300,000.

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

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

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

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

17 “(d) APPLICATION REQUIREMENTS.—(1) Applica-
18 tions shall be made directly to the Director and shall con-
19 tain a description of the tribes’ law enforcement respon-
20 sibilities for the Indian country described in the applica-
21 tion and a description of the tribes’ system of courts, in-
22 cluding whether the tribal government operates courts of
23 Indian offenses under section 201 of Public Law 90–284
24 (25 U.S.C. 1301) or part 11 of title 25, Code of Federal
25 Regulations.

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

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

10 “(e) GRANTEE REPORTING.—At the end of the first
11 12 months of the grant period and at the end of each year
12 thereafter, the Indian tribal grantee shall file a perform-
13 ance report with the Director explaining the activities car-
14 ried out together with an assessment of the effectiveness
15 of those activities in achieving the purposes of this sub-
16 part. A section of this performance report shall be com-
17 pleted by each grantee or subgrantee that performed the
18 direct services contemplated in the application, certifying
19 performance of direct services under the grant. The Direc-
20 tor shall suspend funding for an approved application if
21 an applicant fails to submit an annual performance report
22 or if funds are expended for purposes other than those
23 set forth under this subpart. Federal funds may only be
24 used to supplement, not supplant, State funds.

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

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

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

12 **“SEC. 1631. GENERAL DEFINITIONS.**

13 “As used in this part—

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

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

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

5 “(4) the term ‘sexual assault’ includes not only
6 assaults committed by offenders who are strangers
7 to the victim but also assaults committed by offend-
8 ers who are known or related by blood or marriage
9 to the victim;

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

22 “(6) the term ‘underserved populations’ in-
23 cludes populations underserved because of geo-
24 graphic location (such as rural isolation), under-
25 served racial or ethnic populations, and populations

1 underserved because of special needs, such as lan-
2 guage barriers or physical disabilities.

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

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

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

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

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

24 “(3) a statistical summary of persons served,
25 detailing the nature of victimization, and providing

1 data on age, sex, relationship of victim to offender,
 2 geographic distribution, race, ethnicity, language,
 3 and disability; and

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

6 “(c) REGULATIONS.—No later than 90 days after the
 7 date of enactment of this part, the Director shall publish
 8 proposed regulations implementing this part. No later
 9 than 120 days after such date, the Director shall publish
 10 final regulations implementing this part.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated for each of fiscal years
 13 1993, 1994, and 1995, \$100,000,000 to carry out subpart
 14 1, and \$190,000,000 to carry out subpart 2, and
 15 \$10,000,000 to carry out section 1622 of subpart 2.”.

16 **Subtitle C—Safety for Women in** 17 **Public Transit and Public Parks**

18 **SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-** 19 **VENT CRIME IN PUBLIC TRANSPORTATION.**

20 Section 24 of the Urban Mass Transportation Act of
 21 1964 (49 U.S.C. App. 1620) is amended to read as fol-
 22 lows:

23 “GRANTS TO PREVENT CRIME IN PUBLIC
 24 TRANSPORTATION

25 “SEC. 24. (a) GENERAL PURPOSE.—From funds au-
 26 thorized under section 21, not to exceed \$10,000,000, the

1 Secretary shall make capital grants for the prevention of
2 crime and to increase security in existing and future public
3 transportation systems. None of the provisions of this Act
4 may be construed to prohibit the financing of projects
5 under this section where law enforcement responsibilities
6 are vested in a local public body other than the grant ap-
7 plicant.

8 “(b) GRANTS FOR LIGHTING, CAMERA SURVEIL-
9 LANCE, AND SECURITY PHONES.—

10 “(1) From the sums authorized for expenditure
11 under this section for crime prevention, the Sec-
12 retary is authorized to make grants and loans to
13 States and local public bodies or agencies for the
14 purpose of increasing the safety of public transpor-
15 tation by—

16 “(A) increasing lighting within or adjacent
17 to public transportation systems, including bus
18 stops, subway stations, parking lots, or garages;

19 “(B) increasing camera surveillance of
20 areas within and adjacent to public transpor-
21 tation systems, including bus stops, subway sta-
22 tions, parking lots, or garages;

23 “(C) providing emergency phone lines to
24 contact law enforcement or security personnel
25 in areas within or adjacent to public transpor-

1 tation systems, including bus stops, subway sta-
2 tions, parking lots, or garages; or

3 “(D) any other project intended to increase
4 the security and safety of existing or planned
5 public transportation systems.

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

10 “(c) REPORTING.—All grants under this section are
11 contingent upon the filing of a report with the Secretary
12 and the Department of Justice, Office of Victims of
13 Crime, showing crime rates in or adjacent to public trans-
14 portation before, and for a 1-year period after, the capital
15 improvement. Statistics shall be broken down by type of
16 crime, sex, race, ethnicity, language, and relationship of
17 victim to the offender.

18 “(d) INCREASED FEDERAL SHARE.—Notwithstand-
19 ing any other provision of this Act, the Federal share
20 under this section for each capital improvement project
21 which enhances the safety and security of public transpor-
22 tation systems and which is not required by law (including
23 any other provision of this chapter) shall be 90 percent
24 of the net project cost of such project.

1 “(e) SPECIAL GRANTS FOR PROJECTS TO STUDY IN-
 2 CREASING SECURITY FOR WOMEN.—From the sums au-
 3 thorized under this section, the Secretary shall provide
 4 grants and loans for the purpose of studying ways to re-
 5 duce violent crimes against women in public transit
 6 through better design or operation of public transit sys-
 7 tems.

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

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

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

18 **“SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION AS-**
 19 **SISTANCE.**

20 “(a) From the sums authorized pursuant to section
 21 7 of the Land and Water Conservation Act of 1965, not
 22 to exceed \$10,000,000, the Secretary of the Interior may
 23 provide Federal assistance to reduce the incidence of vio-
 24 lent crime in the National Park System.

1 “(b) The Secretary shall direct the chief official re-
2 sponsible for law enforcement within the National Park
3 Services to—

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

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

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

12 “(c) No later than 120 days after the date of enact-
13 ment of this section, and based on the recommendations
14 and list issued pursuant to subsection (b), the Secretary
15 shall distribute funds throughout the National Park Serv-
16 ice. Priority shall be given to those areas with the highest
17 rates of sexual assault.

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

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

22 “(2) To provide emergency phone lines to con-
23 tact law enforcement or security personnel in areas
24 within or adjacent to public parks and recreation
25 areas.

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

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

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

9 Section 6 of the Land and Water Conservation Fund
10 Act of 1965 (16 U.S.C. 460l–8) is amended by adding
11 at the end the following new subsection:

12 “(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS
13 TO REDUCE CRIME.—In addition to assistance for plan-
14 ning projects, and in addition to the projects identified
15 in subsection (e), and from amounts appropriated, the
16 Secretary shall provide financial assistance to the States,
17 not to exceed \$15,000,000 in total, for the following types
18 of projects or combinations thereof:

19 “(1) For the purpose of making capital im-
20 provements and other measures to increase safety in
21 urban parks and recreation areas, including funds
22 to—

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

1 “(B) provide emergency phone lines to con-
2 tact law enforcement or security personnel in
3 areas within or adjacent to public parks and
4 recreation areas;

5 “(C) increase security personnel within or
6 adjacent to public parks and recreation areas;
7 and

8 “(D) any other project intended to increase
9 the security and safety of public parks and
10 recreation areas.

11 “(2) In addition to the requirements for project
12 approval imposed by this section, eligibility for as-
13 sistance under this subsection is dependent upon a
14 showing of need. In providing funds under this sub-
15 section, the Secretary shall give priority to those
16 projects proposed for urban parks and recreation
17 areas with the highest rates of crime and, in particu-
18 lar, to urban parks and recreation areas with the
19 highest rates of sexual assault.

20 “(3) Notwithstanding subsection (c), the Sec-
21 retary may provide 70 percent improvement grants
22 for projects undertaken by any State for the pur-
23 poses outlined in this subsection. The remaining
24 share of the cost shall be borne by the State.”.

1 **Subtitle D—National Commission**
2 **on Violence Against Women**

3 **SEC. 141. ESTABLISHMENT.**

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

7 **SEC. 142. DUTIES OF COMMISSION.**

8 (a) GENERAL PURPOSE OF THE COMMISSION.—The
9 Commission shall carry out activities for the purposes of
10 promoting a national policy on violent crime against
11 women, and for making recommendations for how to re-
12 duce violent crime against women.

13 (b) FUNCTIONS.—The Commission shall—

14 (1) evaluate the adequacy of, and make rec-
15 ommendations regarding, current law enforcement
16 efforts at the Federal and State levels to reduce the
17 rate of violent crimes against women;

18 (2) evaluate the adequacy of, and make rec-
19 ommendations regarding, the responsiveness of State
20 prosecutors and State courts to violent crimes
21 against women;

22 (3) evaluate the adequacy of, and make rec-
23 ommendations regarding, the adequacy of current
24 education, prevention, and protection services for
25 women victims of violent crime;

1 (4) evaluate the adequacy of, and make rec-
2 ommendations regarding, the role of the Federal
3 Government in reducing violent crimes against
4 women;

5 (5) evaluate the adequacy of, and make rec-
6 ommendations regarding, national public awareness
7 and the public dissemination of information essential
8 to the prevention of violent crimes against women;

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

13 (7) evaluate the adequacy of, and make rec-
14 ommendations regarding, the adequacy of State and
15 Federal laws on sexual assault and the need for a
16 more uniform statutory response to sex offenses, in-
17 cluding sexual assaults and other sex offenses com-
18 mitted by offenders who are known or related by
19 blood or marriage to the victim;

20 (8) evaluate the adequacy of, and make rec-
21 ommendations regarding, the adequacy of State and
22 Federal laws on domestic violence and the need for
23 a more uniform statutory response to domestic vio-
24 lence; and

1 (9) evaluate and make recommendations re-
2 garding the feasibility of maintaining the confiden-
3 tiality of addresses of domestic violence victims in
4 voting, welfare, licensed public utilities, and other
5 public records.

6 **SEC. 143. MEMBERSHIP.**

7 (a) NUMBER AND APPOINTMENT.—

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

10 (A) Five members shall be appointed by
11 the President—

12 (i) 3 of whom shall be—

13 (I) the Attorney General;

14 (II) the Secretary of Health and
15 Human Services; and

16 (III) the Director of the Federal
17 Bureau of Investigation,

18 who shall be nonvoting members, except
19 that in the case of a tie vote by the Com-
20 mission, the Attorney General shall be a
21 voting member;

22 (ii) two of whom shall be selected
23 from the general public on the basis of
24 such individuals being specially qualified to

1 serve on the Commission by reason of their
2 education, training, or experience; and

3 (iii) at least one of whom shall be se-
4 lected for their experience in providing
5 services to women victims of sexual assault
6 or domestic violence.

7 (B) Five members shall be appointed by
8 the Speaker of the House of Representatives on
9 the joint recommendation of the Majority and
10 Minority Leaders of the House of Representa-
11 tives.

12 (C) Five members shall be appointed by
13 the President pro tempore of the Senate on the
14 joint recommendation of the Majority and Mi-
15 nority Leaders of the Senate.

16 (2) CONGRESSIONAL COMMITTEE REC-
17 OMMENDATIONS.—In making appointments under
18 subparagraphs (B) and (C) of paragraph (1), the
19 Majority and Minority Leaders of the House of Rep-
20 resentatives and the Senate shall duly consider the
21 recommendations of the Chairmen and Ranking Mi-
22 nority Members of committees with jurisdiction over
23 laws contained in title 18 of the United States Code.

1 (3) REQUIREMENTS OF APPOINTMENTS.—The
2 Majority and Minority Leaders of the Senate and
3 the House of Representatives shall—

4 (A) select persons who are specially quali-
5 fied to serve on the Commission by reason of
6 their experience in State or national efforts to
7 fight violence against women and demonstrate
8 experience in State or national advocacy or
9 service organizations specializing in sexual as-
10 sault and domestic violence; and

11 (B) engage in consultations for the pur-
12 pose of ensuring that the expertise of the ten
13 members appointed by the Speaker of the
14 House of Representatives and the President pro
15 tempore of the Senate shall provide as much of
16 a balance as possible and, to the greatest extent
17 possible, include representatives from law en-
18 forcement, prosecution, judicial administration,
19 legal expertise, public health, social work, victim
20 compensation boards, victim advocacy, and sur-
21 vivors of violence.

22 (4) TERM OF MEMBERS.—Members of the Com-
23 mission (other than members appointed under para-
24 graph (1)(A)(i)) shall serve for the life of the Com-
25 mission.

1 (5) VACANCY.—A vacancy on the Commission
2 shall be filled in the manner in which the original
3 appointment was made.

4 (b) CHAIRMAN.—Not later than 15 days after the
5 members of the Commission are appointed, such members
6 shall select a Chairman from among the members of the
7 Commission.

8 (c) QUORUM.—Seven members of the Commission
9 shall constitute a quorum, but a lesser number may be
10 authorized by the Commission to conduct hearings.

11 (d) MEETINGS.—The Commission shall hold its first
12 meeting on a date specified by the Chairman, but such
13 date shall not be later than 60 days after the date of the
14 enactment of this Act. After the initial meeting, the Com-
15 mission shall meet at the call of the Chairman or a major-
16 ity of its members, but shall meet at least 6 times.

17 (e) PAY.—Members of the Commission who are offi-
18 cers or employees or elected officials of a government en-
19 tity shall receive no additional compensation by reason of
20 their service on the Commission.

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

1 (g) DEADLINE FOR APPOINTMENT.—Not later than
2 45 days after the date of enactment of this Act, the mem-
3 bers of the Commission shall be appointed.

4 **SEC. 144. REPORTS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date on which the Commission is fully constituted under
7 section 143, the Commission shall prepare and submit a
8 final report to the President and to congressional commit-
9 tees that have jurisdiction over legislation addressing vio-
10 lent crimes against women, including the crimes of domes-
11 tic and sexual assault.

12 (b) CONTENTS.—The final report submitted under
13 paragraph (1) shall contain a detailed statement of the
14 activities of the Commission and of the findings and con-
15 clusions of the Commission, including such recommenda-
16 tions for legislation and administrative action as the Com-
17 mission considers appropriate.

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

19 (a) EXECUTIVE DIRECTOR.—

20 (1) APPOINTMENT.—The Commission shall
21 have an Executive Director who shall be appointed
22 by the Chairman, with the approval of the Commis-
23 sion, not later than 30 days after the Chairman is
24 selected.

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

6 (b) STAFF.—With the approval of the Commission,
7 the Executive Director may appoint and fix the compensa-
8 tion of such additional personnel as the Executive Director
9 considers necessary to carry out the duties of the Commis-
10 sion.

11 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The
12 Executive Director and the additional personnel of the
13 Commission appointed under subsection (b) may be ap-
14 pointed without regard to the provisions of title 5, United
15 States Code, governing appointments in the competitive
16 service, and may be paid without regard to the provisions
17 of chapter 51 and subchapter III of chapter 53 of such
18 title relating to classification and General Schedule pay
19 rates.

20 (d) CONSULTANTS.—Subject to such rules as may be
21 prescribed by the Commission, the Executive Director may
22 procure temporary or intermittent services under section
23 3109(b) of title 5, United States Code, at rates for individ-
24 uals not to exceed \$200 per day.

1 **SEC. 146. POWERS OF COMMISSION.**

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

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

12 (c) ACCESS TO INFORMATION.—The Commission
13 may request directly from any executive department or
14 agency such information as may be necessary to enable
15 the Commission to carry out this subtitle, on the request
16 of the Chairman of the Commission.

17 (d) MAILS.—The Commission may use the United
18 States mails in the same manner and under the same con-
19 ditions as other departments and agencies of the United
20 States.

21 **SEC. 147. AUTHORIZATION OF APPROPRIATIONS.**

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

24 **SEC. 148. TERMINATION.**

25 The Commission shall cease to exist 30 days after
26 the date on which its final report is submitted under sec-

tion 144. The President may extend the life of the Commission for a period of not to exceed 1 year.

Subtitle E—New Evidentiary Rules

SEC. 151. SEXUAL HISTORY IN ALL CRIMINAL CASES.

The Federal Rules of Evidence are amended by inserting after rule 412 the following new rule:

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

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

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

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

“(2) the probative value of the evidence outweighs the danger of unfair prejudice.

“(c) PROCEDURES.—(1) If the defendant intends to offer evidence of specific instances of the alleged victim’s past sexual behavior, the defendant shall make a written

1 motion to offer such evidence not later than 15 days before
2 the date on which the trial in which such evidence is to
3 be offered is scheduled to begin, except that the court may
4 allow the motion to be made at a later date, including dur-
5 ing trial, if the court determines either that the evidence
6 is newly discovered and could not have been obtained ear-
7 lier through the exercise of due diligence or that the issue
8 to which such evidence relates has newly arisen in the
9 case. Any motion made under this paragraph shall be
10 served on all other parties and on the alleged victim.

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

23 “(3) If the court determines on the basis of the hear-
24 ing described in paragraph (2), that the evidence the de-
25 fendant seeks to offer is relevant, not excluded by any

1 other evidentiary rule, and that the probative value of such
 2 evidence outweighs the danger of unfair prejudice, such
 3 evidence shall be admissible in the trial to the extent an
 4 order made by the court specifies the evidence which may
 5 be offered and areas with respect to which the alleged vic-
 6 tim may be examined or cross-examined. In its order, the
 7 court should consider (A) the chain of reasoning leading
 8 to its finding of relevance, and (B) why the probative value
 9 of the evidence outweighs the danger of unfair prejudice
 10 given the potential of the evidence to humiliate and embar-
 11 rass the alleged victim and to result in unfair or biased
 12 jury inferences.”.

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

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

17 **“Rule 412B. Evidence of past sexual behavior in civil**
 18 **cases**

19 “(a) REPUTATION AND OPINION EVIDENCE EX-
 20 CLUDED.—Notwithstanding any other law, in a civil case
 21 in which a defendant is accused of actionable sexual mis-
 22 conduct, reputation or opinion evidence of the plaintiff’s
 23 past sexual behavior is not admissible.

24 “(b) ADMISSIBLE EVIDENCE.—Notwithstanding any
 25 other law, in a civil case in which a defendant is accused

1 of actionable sexual misconduct, evidence of a plaintiff's
2 past sexual behavior other than reputation or opinion evi-
3 dence may be admissible if—

4 “(1) it is admitted in accordance with the pro-
5 cedures specified in subdivision (c); and

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

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

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

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

8 “(3) If the court determines on the basis of the hear-
9 ing described in paragraph (2) that the evidence the de-
10 fendant seeks to offer is relevant and not excluded by any
11 other evidentiary rule, and that the probative value of the
12 evidence outweighs the danger of unfair prejudice, the evi-
13 dence shall be admissible in the trial to the extent an order
14 made by the court specifies evidence that may be offered
15 and areas with respect to which the plaintiff may be exam-
16 ined or cross-examined. In its order, the court should con-
17 sider—

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

20 “(B) why the probative value of the evidence
21 outweighs the danger of unfair prejudice given the
22 potential of the evidence to humiliate and embarrass
23 the alleged victim and to result in unfair or biased
24 jury inferences.

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

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

8 Rule 412 of the Federal Rules of Evidence is
 9 amended—

10 (1) by adding at the end the following new sub-
 11 divisions:

12 “(e) INTERLOCUTORY APPEAL.—Notwithstanding
 13 any other law, any evidentiary rulings made pursuant to
 14 this rule are subject to interlocutory appeal by the govern-
 15 ment or by the alleged victim.

16 “(f) RULE OF RELEVANCE AND PRIVILEGE.— If the
 17 prosecution seeks to offer evidence of prior sexual history,
 18 the provisions of this rule may be waived by the alleged
 19 victim.”; and

20 (2) by adding at the end of subdivision (c)(3)
 21 the following: “In its order, the court should con-
 22 sider (A) the chain of reasoning leading to its find-
 23 ing of relevance; and (B) why the probative value of
 24 the evidence outweighs the danger of unfair preju-
 25 dice given the potential of the evidence to humiliate

1 and embarrass the alleged victim and to result in
 2 unfair or biased jury inferences.”.

3 **SEC. 154. EVIDENCE OF CLOTHING.**

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

7 **“Rule 413. Evidence of victim’s clothing as inciting**
 8 **violence**

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

14 **Subtitle F—Assistance to Victims of**
 15 **Sexual Assault**

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

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

21 **“SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION**
 22 **EDUCATION.**

23 “(a) PERMITTED USE.—Notwithstanding section
 24 1904(a)(1), amounts transferred by the State for use
 25 under this part may be used for rape prevention and edu-

1 cation programs conducted by rape crisis centers or simi-
2 lar nongovernmental nonprofit entities, which programs
3 may include—

4 “(1) educational seminars;

5 “(2) the operation of hotlines;

6 “(3) training programs for professionals;

7 “(4) the preparation of informational materials;

8 and

9 “(5) other efforts to increase awareness of the
10 facts about, or to help prevent, sexual assault, in-
11 cluding efforts to increase awareness in underserved
12 racial, ethnic, and language minority communities.

13 “(b) TARGETING OF EDUCATION PROGRAMS.—
14 States providing grant monies must ensure that at least
15 25 percent of the monies are devoted to education pro-
16 grams targeted for middle school, junior high school, and
17 high school students.

18 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 \$65,000,000 for each of fiscal years 1993, 1994, and
21 1995.

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

1 “(e) DEFINITION.—For purposes of this section, the
2 term ‘rape prevention and education’ includes education
3 and prevention efforts directed at offenses committed by
4 offenders who are not known to the victim as well as of-
5 fenders who are known to the victim.

6 “(f) TERMS.—States shall be allotted funds under
7 this section pursuant to the terms of sections 1902 and
8 1903, and subject to the conditions provided in this sec-
9 tion and sections 1904 through 1909.’”.

10 **SEC. 162. RAPE EXAM PAYMENTS.**

11 (a) No State or other grantee is entitled to funds
12 under title I of the Violence Against Women Act of 1993
13 unless the State or other grantee incurs the full cost of
14 forensic medical exams for victims of sexual assault. A
15 State or other grantee does not incur the full medical cost
16 of forensic medical exams if it chooses to reimburse the
17 victim after the fact unless the reimbursement program
18 waives any minimum loss or deductible requirement, pro-
19 vides victim reimbursement within a reasonable time (90
20 days), permits applications for reimbursement within one
21 year from the date of the exam, and provides information
22 to all subjects of forensic medical exams about how to ob-
23 tain reimbursement.

24 (b) Within 90 days after the enactment of this Act,
25 the Director of the Office of Victims of Crime shall pro-

1 pose regulations to implement this section, detailing quali-
 2 fied programs. Such regulations shall specify the type and
 3 form of information to be provided victims, including pro-
 4 visions for multilingual information, where appropriate.

5 **SEC. 163. EDUCATION AND PREVENTION GRANTS TO RE-**
 6 **DUCE SEXUAL ABUSE OF FEMALE RUNAWAY,**
 7 **HOMELESS, AND STREET YOUTH.**

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

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

12 (2) inserting after section 315 the following
 13 new section:

14 “GRANTS FOR PREVENTION OF SEXUAL ABUSE AND
 15 EXPLOITATION

16 “SEC. 315. (a) IN GENERAL.—The Secretary shall
 17 make grants under this section to private, nonprofit agen-
 18 cies for street-based outreach and education, including
 19 treatment, counseling, and information and referral, for
 20 female runaway, homeless, and street youth who have been
 21 subjected to or are at risk of being subjected to sexual
 22 abuse.

23 “(b) PRIORITY.—In selecting among applicants for
 24 grants under subsection (a), the Secretary shall give prior-
 25 ity to agencies that have experience in providing services
 26 to female runaway, homeless, and street youth.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$10,000,000 for each of fiscal years 1993, 1994, and
 4 1995.

5 “(d) DEFINITIONS.—For the purposes of this sec-
 6 tion—

7 “(1) the term ‘street-based outreach and edu-
 8 cation’ includes education and prevention efforts di-
 9 rected at offenses committed by offenders who are
 10 not known to the victim as well as offenders who are
 11 known to the victim; and

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

16 **SEC. 164. VICTIM’S RIGHT OF ALLOCUTION IN SENTENCING.**

17 Rule 32 of the Federal Rules of Criminal Procedure
 18 is amended—

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

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

23 (3) by inserting after subdivision (a)(1)(C) the
 24 following new subdivision:

1 “(D) if sentence is to be imposed for a crime
2 of violence or sexual abuse, address the victim per-
3 sonally if the victim is present at the sentencing
4 hearing and determine if the victim wishes to make
5 a statement and to present any information in rela-
6 tion to the sentence.”;

7 (4) in the penultimate sentence of subdivision
8 (a)(1), by striking “equivalent opportunity” and in-
9 serting “opportunity equivalent to that of the de-
10 fendant’s counsel”;

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

14 (6) by adding at the end the following new sub-
15 division:

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

17 “(1) the term ‘victim’ means any person against
18 whom an offense for which a sentence is to be im-
19 posed has been committed, but the right of allocu-
20 tion under subdivision (a)(1)(D) may be exercised
21 instead by—

22 “(A) a parent or legal guardian in case the
23 victim is below the age of 18 years or incom-
24 petent; or

1 “(B) 1 or more family members or rel-
 2 atives designated by the court in case the victim
 3 is deceased or incapacitated,
 4 if such person or persons are present at the sentenc-
 5 ing hearing, regardless of whether the victim is
 6 present; and

7 “(2) the term ‘crime of violence or sexual
 8 abuse’ means a crime that involved the use or at-
 9 tempted or threatened use of physical force against
 10 the person or property of another, or a crime under
 11 chapter 109A of title 18, United States Code.”.

12 **TITLE II—SAFE HOMES FOR** 13 **WOMEN**

14 **SEC. 201. SHORT TITLE.**

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

17 **Subtitle A—Family Violence Pre-** 18 **vention and Services Act** 19 **Amendments**

20 **SEC. 211. GRANTS FOR A NATIONAL DOMESTIC VIOLENCE** 21 **HOTLINE.**

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

1 **“SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE**
2 **GRANTS.**

3 “(a) IN GENERAL.—The Secretary may award grants
4 to 1 or more private, nonprofit entities to provide for the
5 operation of a national, toll-free telephone hotline to pro-
6 vide information and assistance to victims of domestic vio-
7 lence.

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

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

14 “(2) employing, training and supervising per-
15 sonnel to answer incoming calls and provide counsel-
16 ing and referral services to callers on a 24-hour-a-
17 day basis;

18 “(3) assembling, maintaining, and continually
19 updating a database of information and resources to
20 which callers may be referred throughout the United
21 States; and

22 “(4) publicizing the hotline to potential users
23 throughout the United States.

24 “(c) APPLICATION.—A grant, contract or cooperative
25 agreement may not be made or entered into under this
26 section unless an application for such grant, contract or

1 cooperative agreement has been approved by the Sec-
2 retary. To be approved by the Secretary under this sub-
3 section an application shall—

4 “(1) provide such agreements, assurances, and
5 information, be in such form and be submitted in
6 such manner as the Secretary shall prescribe
7 through notice in the Federal Register;

8 “(2) include a complete description of the appli-
9 cant’s plan for the operation of a national domestic
10 violence hotline, including descriptions of—

11 “(A) the training program for hotline per-
12 sonnel;

13 “(B) the hiring criteria for hotline person-
14 nel;

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

17 “(D) a plan for publicizing the availability
18 of the hotline;

19 “(3) demonstrate that the applicant has nation-
20 ally recognized expertise in the area of domestic vio-
21 lence and a record of high quality service to victims
22 of domestic violence; and

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

8 Subtitle B—Interstate Enforcement

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

13 **“CHAPTER 110A—VIOLENCE AGAINST**
14 **SPOUSES**

“Sec. 2266. Definitions.

16 “(a) IN GENERAL.—Any person who travels across
17 State lines—

21 “(2) for the purpose of harassing, intimidating,
22 or injuring a spouse or intimate partner and who, in

1 furtherance of that purpose, commits an act that in-
2 jures his or her spouse or intimate partner,
3 shall be fined not more than \$1,000 or imprisoned for not
4 more than 10 years but not less than 3 months, or both,
5 in addition to any fine or term of imprisonment provided
6 under State law.

7 “(b) CAUSING THE CROSSING OF STATE LINES.—
8 Any person who causes a spouse or intimate partner to
9 cross State lines by force, coercion, duress or fraud and,
10 in the course or as a result of that conduct, commits an
11 act that injures his or her spouse or intimate partner shall
12 be punished as provided in subsection (c).

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

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

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

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

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

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

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

21 **“§ 2262. Interstate violation of protection orders**

22 “(a) IN GENERAL.—Any person against whom a valid
23 protection order has been entered who travels across State
24 lines—

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

5 “(2) for the purpose of harassing, injuring,
6 finding, contacting, or locating a spouse or intimate
7 partner and who, in furtherance of that purpose,
8 commits an act that injures his or her spouse or in-
9 timate partner in violation of a valid protection
10 order issued by a State, shall be punished as pro-
11 vided in subsection (c).

12 “(b) CAUSING THE CROSSING OF STATE LINES.—
13 Any person who causes a spouse or intimate partner to
14 cross State lines by force, coercion, duress, or fraud, and,
15 in the course or as a result of that conduct, commits an
16 act that injures his or her spouse or intimate partner in
17 violation of a valid protection order issued by a State shall
18 be punished as provided in subsection (c).

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

21 “(1) If permanent disfigurement or life-threat-
22 ening bodily injury results, by imprisonment for not
23 more than 20 years; if serious bodily injury results,
24 by fine under this title or imprisonment for not more
25 than 10 years, or both; if bodily injury results, by

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

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

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

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

15 “(5) If the offense constitutes sexual abuse, as
16 that conduct is described under chapter 109A of
17 title 18, United States Code (without regard to
18 whether the conduct was committed in the special
19 maritime, territorial or prison jurisdiction of the
20 United States) by fine or term of imprisonment as
21 provided for the applicable offense under chapter
22 109A.

23 “(d) CRIMINAL INTENT.—The criminal intent re-
24 quired to establish the offense provided in subsection (a)
25 is the general intent to do the acts which result in injury

1 to a spouse or intimate partner and not the specific intent
 2 to violate a protection order or State law.

3 “(e) NO PRIOR STATE ACTION NECESSARY.—Noth-
 4 ing in this section requires a prior criminal prosecution
 5 or conviction under State law to initiate Federal prosecu-
 6 tion.

7 **“§ 2263. Interim protections**

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

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

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

22 “(2) includes the interstate nexus required
 23 under section 2261 or 2262.

24 “(c) APPLICATION OF STATE LAW.—In issuing a
 25 temporary order of protection pursuant to subsection (a),

1 the judge or magistrate shall look to the law of the State
2 where the injury occurred to determine the types of relief
3 that are appropriate.

4 **“§ 2264. Restitution**

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

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

11 “(A) the defendant pay to the victim (through
12 the appropriate court mechanism) the full amount of
13 the victim’s losses as determined by the court, pur-
14 suant to paragraph (2); and

15 “(B) the United States Attorney enforce the
16 restitution order by all available and reasonable
17 means.

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

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

23 “(B) physical and occupational therapy or reha-
24 bilitation;

25 “(C) lost income;

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

3 “(E) any other losses suffered by the victim as
4 a proximate result of the offense.

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

8 “(A) the economic circumstances of the defend-
9 ant; or

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

13 “(4)(A) Notwithstanding paragraph (3), the court
14 may take into account the economic circumstances of the
15 defendant in determining the manner in which and the
16 schedule according to which the restitution is to be paid,
17 including—

18 “(i) the financial resources and other assets of
19 the defendant;

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

22 “(iii) any financial obligations of the offender,
23 including obligations to dependents.

24 “(B) An order under this section may direct the de-
25 fendant to make a single lump-sum payment, or partial

1 payments at specified intervals. The order shall provide
2 that the defendant's restitutionary obligation takes prior-
3 ity over any criminal fine ordered.

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

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

14 “(A) any Federal civil proceeding; and

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

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

1 included in the affidavit, the United States Attorney (or
2 the United States Attorney's delegee) shall advise the vic-
3 tim that the victim may file a separate affidavit and shall
4 provide the victim with an affidavit form which may be
5 used to do so.

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

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

21 “(4) If the victim's losses are not ascertainable 10
22 days prior to sentencing as provided in subsection (c)(1),
23 the United States Attorney (or the United States Attor-
24 ney's delegee) shall so inform the court, and the court
25 shall set a date for the final determination of the victim's

1 losses, not to exceed 90 days after sentencing. If the victim
 2 subsequently discovers further losses, the victim shall have
 3 60 days after discovery of those losses in which to petition
 4 the court for an amended restitution order. Such an order
 5 may be granted only upon a showing of good cause for
 6 the failure to include such losses in the initial claim for
 7 restitutionary relief.

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

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

21 **“§ 2265. Full faith and credit given to protection or-**
 22 **ders**

23 “(a) FULL FAITH AND CREDIT.—Any protection
 24 order issued consistent with subsection (b) by the court
 25 of 1 State (the issuing State) shall be accorded full faith

1 and credit by the court of another State (the enforcing
2 State) and enforced as if it were the order of the enforcing
3 State.

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

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

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

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

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

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

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

7 **“§ 2266. Definitions**

8 “As used in this chapter—

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

11 “(A) a present or former spouse, a person
12 who shares a child in common with an abuser,
13 and a person who cohabits or has cohabited
14 with an abuser as a spouse; and

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

23 “(2) the term ‘protection order’ includes an in-
24 junction or other order issued for the purpose of
25 preventing violent or threatening acts by 1 spouse

1 against his or her spouse or intimate partner, in-
 2 cluding a temporary or final order issued by a civil
 3 or criminal court (other than a support or child cus-
 4 tody order or provision) whether obtained by filing
 5 an independent action or as a pendente lite order in
 6 another proceeding, so long as, in the case of a civil
 7 order, the order was issued in response to a com-
 8 plaint, petition, or motion filed by or on behalf of an
 9 abused spouse or intimate partner;

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

13 “(4) 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 “(5) the term ‘travel across State lines’ includes
 18 any travel except travel across State lines by an In-
 19 dian tribal member when that member remained at
 20 all times on tribal lands.”.

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

“110A. Violence against spouses 2261.”.

Subtitle C—Arrest in Spousal Abuse Cases

SEC. 231. ENCOURAGING ARREST POLICIES.

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

“SEC. 317. ENCOURAGING ARREST POLICIES.

“(a) PURPOSE.—To encourage States, Indian tribes and localities to treat spousal violence as a serious violation of criminal law, the Secretary may make grants to eligible States, Indian tribes, municipalities, or local government entities for the following purposes:

“(1) To implement pro-arrest programs and policies in police departments and to improve tracking of cases involving spousal abuse.

“(2) To centralize police enforcement, prosecution, or judicial responsibility for, spousal abuse cases in one group or unit of police officers, prosecutors, or judges.

“(3) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

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

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

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

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

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

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

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

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

1 “(2) For purposes of this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **Subtitle D—Funding for Shelters**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle G—Confidentiality for Abused Persons

SEC. 271. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

Not later than 90 days after enactment of this Act, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses consistent with the following guidelines:

(1) Confidentiality shall be provided to a person upon the presentation to an appropriate postal official of a valid court order or a police report documenting abuse.

(2) Confidentiality shall be provided to any domestic violence shelter upon presentation to an appropriate postal authority of proof from a State domestic violence coalition (within the meaning of section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410)) verifying that the organization is a domestic violence shelter.

(3) Disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes shall not be prohibited.

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

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

3 **Subtitle H—Technical Amendments**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **Subtitle I—Data and Research**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **TITLE III—CIVIL RIGHTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (e) LIMITATION AND PROCEDURES.—

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

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

20 **SEC. 303. ATTORNEY’S FEES.**

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

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

1 (2) by inserting “, or title III of the Violence
2 Against Women Act of 1993,” after “1964”.

3 **SEC. 304. SENSE OF THE SENATE CONCERNING PROTEC-**
4 **TION OF THE PRIVACY OF RAPE VICTIMS.**

5 (a) FINDINGS AND DECLARATION.—The Congress
6 finds and declares that—

7 (1) there is a need for a strong and clear Fed-
8 eral response to violence against women, particularly
9 with respect to the crime of rape;

10 (2) rape is an abominable and repugnant crime,
11 and one that is severely underreported to law en-
12 forcement authorities because of its stigmatizing na-
13 ture;

14 (3) the victims of rape are often further victim-
15 ized by a criminal justice system that is insensitive
16 to the trauma caused by the crime and are increas-
17 ingly victimized by news media that are insensitive
18 to the victim’s emotional and psychological needs;

19 (4) rape victims’ need for privacy should be re-
20 spected;

21 (5) rape victims need to be encouraged to come
22 forward and report the crime of rape without fear of
23 being revictimized through involuntary public disclo-
24 sure of their identities;

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

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

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

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

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

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

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

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

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

13 **SECTION 501. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (3) treatment of defendants in criminal cases;

18 (4) treatment of victims of violent crimes;

19 (5) sentencing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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