

AGK
7/8/94

1 **TITLE IV—VIOLENCE AGAINST**
2 **WOMEN**

3 **SEC. 40001. SHORT TITLE.**

4 This title may be cited as the “Violence Against
5 Women Act of 1994”.

6 **Subtitle A—Safe Streets for Women**

7 **SEC. 40101. SHORT TITLE.**

8 This subtitle may be cited as the “Safe Streets for
9 Women Act of 1994”.

10 **CHAPTER 1—FEDERAL PENALTIES FOR**
11 **SEX CRIMES**

12 **SEC. 40111. REPEAT OFFENDERS.**

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

16 **“§ 2247. Repeat offenders**

17 “Any person who violates a provision of this chapter,
18 after one or more prior convictions for an offense punish-
19 able under this chapter, or after one or more prior convic-
20 tions under the laws of any State relating to aggravated
21 sexual abuse, sexual abuse, or abusive sexual contact have
22 become final, is punishable by a term of imprisonment up
23 to twice that otherwise authorized.”.

24 (b) **AMENDMENT OF SENTENCING GUIDELINES.—**

25 The Sentencing Commission shall implement the amend-

1 ment made by subsection (a) by promulgating amend-
2 ments, if appropriate, in the sentencing guidelines applica-
3 ble to chapter 109A offenses.

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

“2247. Repeat offenders.”

7 **SEC. 40112. FEDERAL PENALTIES.**

8 (a) AMENDMENT OF SENTENCING GUIDELINES.—
9 Pursuant to its authority under section 994(p) of title 28,
10 United States Code, the United States Sentencing Com-
11 mission shall review and amend, where necessary, its sen-
12 tencing guidelines on aggravated sexual abuse under sec-
13 tion 2241 of title 18, United States Code, or sexual abuse
14 under section 2242 of title 18, United States Code, as fol-
15 lows:

16 (1) The Commission shall review and promul-
17 gate amendments to the guidelines, if appropriate, to
18 enhance penalties if more than 1 offender is involved
19 in the offense.

20 (2) The Commission shall review and promul-
21 gate amendments to the guidelines, if appropriate, to
22 reduce unwarranted disparities between the sen-
23 tences for sex offenders who are known to the victim
24 and sentences for sex offenders who are not known
25 to the victim.

1 (3) The Commission shall review and promul-
2 gate amendments to the guidelines to enhance pen-
3 alties, if appropriate, to render Federal penalties on
4 Federal territory commensurate with penalties for
5 similar offenses in the States.

6 (4) The Commission shall review and promul-
7 gate amendments to the guidelines, if appropriate, to
8 account for the general problem of recidivism in
9 cases of sex offenses, the severity of the offense, and
10 its devastating effects on survivors.

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

17 (1) comparative Federal sentences for cases in
18 which the rape victim is known to the defendant and
19 cases in which the rape victim is not known to the
20 defendant;

21 (2) comparative Federal sentences for cases on
22 Federal territory and sentences in surrounding
23 States; and

24 (3) an analysis of the effect of rape sentences
25 on populations residing primarily on Federal terri-

1 tory relative to the impact of other Federal offenses
2 in which the existence of Federal jurisdiction de-
3 pends upon the offense's being committed on Fed-
4 eral territory.

5 **SEC. 40113. MANDATORY RESTITUTION FOR SEX CRIMES.**

6 (a) **SEXUAL ABUSE.—**

7 (1) **IN GENERAL—**Chapter 109A of title 18,
8 United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 2248. Mandatory restitution**

11 **“(a) IN GENERAL.—**Notwithstanding section 3663,
12 and in addition to any other civil or criminal penalty au-
13 thorized by law, the court shall order restitution for any
14 offense under this chapter.

15 **“(b) SCOPE AND NATURE OF ORDER.—**

16 **“(1) DIRECTIONS.—**The order of restitution
17 under this section shall direct that—

18 **“(A)** the defendant pay to the victim
19 (through the appropriate court mechanism) the
20 full amount of the victim's losses as determined
21 by the court, pursuant to paragraph (3); and

22 **“(B)** the United States Attorney enforce
23 the restitution order by all available and reason-
24 able means.

1 “(2) ENFORCEMENT BY VICTIM.—An order of
2 restitution also may be enforced by a victim named
3 in the order to receive the restitution in the same
4 manner as a judgment in a civil action.

5 “(3) DEFINITION.—For purposes of this sub-
6 section, the term ‘full amount of the victim’s losses’
7 includes any costs incurred by the victim for—

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

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

12 “(C) necessary transportation, temporary
13 housing, and child care expenses;

14 “(D) lost income;

15 “(E) attorneys’ fees, plus any costs in-
16 curred in obtaining a civil protection order; and

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

19 “(4) ORDER MANDATORY.—(A) The issuance of
20 a restitution order under this section is mandatory.

21 “(B) A court may not decline to issue an order
22 under this section because of—

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

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

5 “(C)(i) Notwithstanding subparagraph (A), the
6 court may take into account the economic cir-
7 cumstances of the defendant in determining the
8 manner in which and the schedule according to
9 which the restitution is to be paid.

10 “(ii) For purposes of this subparagraph, the
11 term ‘economic circumstances’ includes—

12 “(I) the financial resources and other as-
13 sets of the defendant;

14 “(II) projected earnings, earning capacity,
15 and other income of the defendant; and

16 “(III) any financial obligations of the de-
17 fendant, including obligations to dependents.

18 “(D) Subparagraph (A) does not apply if—

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

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

4 “(5) MORE THAN 1 OFFENDER.—When the
5 court finds that more than 1 offender has contrib-
6 uted to the loss of a victim, the court may make
7 each offender liable for payment of the full amount
8 of restitution or may apportion liability among the
9 offenders to reflect the level of contribution and eco-
10 nomic circumstances of each offender.

11 “(6) MORE THAN 1 VICTIM.—When the court
12 finds that more than 1 victim has sustained a loss
13 requiring restitution by an offender, the court shall
14 order full restitution of each victim but may provide
15 for different payment schedules to reflect the eco-
16 nomic circumstances of each victim.

17 “(7) PAYMENT SCHEDULE.—An order under
18 this section may direct the defendant to make a sin-
19 gle lump-sum payment or partial payments at speci-
20 fied intervals.

21 “(8) SETOFF.—Any amount paid to a victim
22 under this section shall be set off against any
23 amount later recovered as compensatory damages by
24 the victim from the defendant in—

25 “(A) any Federal civil proceeding; and

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

3 “(9) EFFECT ON OTHER SOURCES OF COM-
4 PENSATION.—The issuance of a restitution order
5 shall not affect the entitlement of a victim to receive
6 compensation with respect to a loss from insurance
7 or any other source until the payments actually re-
8 ceived by the victim under the restitution order fully
9 compensate the victim for the loss.

10 “(10) CONDITION OF PROBATION OR SUPER-
11 VISED RELEASE.—Compliance with a restitution
12 order issued under this section shall be a condition
13 of any probation or supervised release of a defend-
14 ant. If an offender fails to comply with a restitution
15 order, the court may, after a hearing, revoke proba-
16 tion or a term of supervised release, modify the
17 terms or conditions of probation or a term of super-
18 vised release, or hold the defendant in contempt pur-
19 suant to section 3583(e). In determining whether to
20 revoke probation or a term of supervised release,
21 modify the terms or conditions of probation or su-
22 pervised release or hold a defendant serving a term
23 of supervised release in contempt, the court shall
24 consider the defendant’s employment status, earning
25 ability and financial resources, the willfulness of the

1 defendant's failure to comply, and any other cir-
2 cumstances that may have a bearing on the defend-
3 ant's ability to comply.

4 "(c) PROOF OF CLAIM.—

5 "(1) AFFIDAVIT.—Within 60 days after convic-
6 tion and, in any event, not later than 10 days prior
7 to sentencing, the United States Attorney (or the
8 United States Attorney's delegee), after consulting
9 with the victim, shall prepare and file an affidavit
10 with the court listing the amounts subject to restitu-
11 tion under this section. The affidavit shall be signed
12 by the United States Attorney (or the United States
13 Attorney's delegee) and the victim. Should the victim
14 object to any of the information included in the affi-
15 davit, the United States Attorney (or the United
16 States Attorney's delegee) shall advise the victim
17 that the victim may file a separate affidavit and
18 shall provide the victim with an affidavit form which
19 may be used to do so.

20 "(2) OBJECTION.—If, after the defendant has
21 been notified of the affidavit, no objection is raised
22 by the defendant, the amounts attested to in the af-
23 fidavit filed pursuant to paragraph (1) shall be en-
24 tered in the court's restitution order. If objection is
25 raised, the court may require the victim or the Unit-

1 ed States Attorney (or the United States Attorney's
2 delegee) to submit further affidavits or other sup-
3 porting documents, demonstrating the victim's
4 losses.

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

16 “(4) FINAL DETERMINATION OF LOSSES.—If
17 the victim's losses are not ascertainable by the date
18 that is 10 days prior to sentencing as provided in
19 paragraph (1), the United States Attorney (or the
20 United States Attorney's delegee) shall so inform the
21 court, and the court shall set a date for the final de-
22 termination of the victim's losses, not to exceed 90
23 days after sentencing. If the victim subsequently dis-
24 covers further losses, the victim shall have 60 days
25 after discovery of those losses in which to petition

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

5 “(d) MODIFICATION OF ORDER.—A victim or the of-
6 fender may petition the court at any time to modify a res-
7 titution order as appropriate in view of a change in the
8 economic circumstances of the offender.

9 “(e) REFERENCE TO MAGISTRATE OR SPECIAL MAS-
10 TER.—The court may refer any issue arising in connection
11 with a proposed order of restitution to a magistrate or
12 special master for proposed findings of fact and rec-
13 ommendations as to disposition, subject to a de novo de-
14 termination of the issue by the court.

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

24 (2) TECHNICAL AMENDMENT.—The chapter
25 analysis for chapter 109A of title 18, United States

1 Code, is amended by adding at the end the following
2 new item:

“2248. Mandatory restitution.”.

3 (b) SEXUAL EXPLOITATION AND OTHER ABUSE OF
4 CHILDREN.—

5 (1) IN GENERAL.—Chapter 110 of title 18,
6 United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 2259. Mandatory restitution**

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

13 “(b) SCOPE AND NATURE OF ORDER.—

14 “(1) DIRECTIONS.—The order of restitution
15 under this section shall direct that—

16 “(A) the defendant pay to the victim
17 (through the appropriate court mechanism) the
18 full amount of the victim’s losses as determined
19 by the court, pursuant to paragraph (3); and

20 “(B) the United States Attorney enforce
21 the restitution order by all available and reason-
22 able means.

23 “(2) ENFORCEMENT BY VICTIM.—An order of
24 restitution may also be enforced by a victim named

1 in the order to receive the restitution in the same
2 manner as a judgment in a civil action.

3 “(3) DEFINITION.—For purposes of this sub-
4 section, the term ‘full amount of the victim’s losses’
5 includes any costs incurred by the victim for—

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

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

10 “(C) necessary transportation, temporary
11 housing, and child care expenses;

12 “(D) lost income;

13 “(E) attorneys’ fees, as well as other costs
14 incurred; and

15 “(F) any other losses suffered by the vic-
16 tim as a proximate result of the offense.

17 “(4) ORDER MANDATORY.—(A) The issuance of
18 a restitution order under this section is mandatory.

19 “(B) A court may not decline to issue an order
20 under this section because of—

21 “(i) the economic circumstances of the de-
22 fendant; or

23 “(ii) the fact that a victim has, or is enti-
24 tled to, receive compensation for his or her inju-

1 ries from the proceeds of insurance or any other
2 source.

3 “(C)(i) Notwithstanding subparagraph (A), the
4 court may take into account the economic cir-
5 cumstances of the defendant in determining the
6 manner in which and the schedule according to
7 which the restitution is to be paid.

8 “(ii) For purposes of this subparagraph, the
9 term ‘economic circumstances’ includes—

10 “(I) the financial resources and other as-
11 sets of the defendant;

12 “(II) projected earnings, earning capacity,
13 and other income of the defendant; and

14 “(III) any financial obligations of the de-
15 fendant, including obligations to dependents.

16 “(D) Subparagraph (A) does not apply if—

17 “(i) the court finds on the record that the
18 economic circumstances of the defendant do not
19 allow for the payment of any amount of a res-
20 titution order, and do not allow for the payment
21 of any or some portion of the amount of a res-
22 titution order in the foreseeable future (under
23 any reasonable schedule of payments); and

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

4 “(5) MORE THAN 1 OFFENDER.—When the
5 court finds that more than 1 offender has contrib-
6 uted to the loss of a victim, the court may make
7 each offender liable for payment of the full amount
8 of restitution or may apportion liability among the
9 offenders to reflect the level of contribution and eco-
10 nomic circumstances of each offender.

11 “(6) MORE THAN 1 VICTIM.—When the court
12 finds that more than 1 victim has sustained a loss
13 requiring restitution by an offender, the court shall
14 order full restitution of each victim but may provide
15 for different payment schedules to reflect the eco-
16 nomic circumstances of each victim.

17 “(7) PAYMENT SCHEDULE.—An order under
18 this section may direct the defendant to make a sin-
19 gle lump-sum payment or partial payments at speci-
20 fied intervals.

21 “(8) SETOFF.—Any amount paid to a victim
22 under this section shall be set off against any
23 amount later recovered as compensatory damages by
24 the victim from the defendant in—

25 “(A) any Federal civil proceeding; and

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

3 “(9) EFFECT ON OTHER SOURCES OF COM-
4 PENSATION.—The issuance of a restitution order
5 shall not affect the entitlement of a victim to receive
6 compensation with respect to a loss from insurance
7 or any other source until the payments actually re-
8 ceived by the victim under the restitution order fully
9 compensate the victim for the loss.

10 “(10) CONDITION OF PROBATION OR SUPER-
11 VISED RELEASE.—Compliance with a restitution
12 order issued under this section shall be a condition
13 of any probation or supervised release of a defend-
14 ant. If an offender fails to comply with a restitution
15 order, the court may, after a hearing, revoke proba-
16 tion or a term of supervised release, modify the
17 terms or conditions of probation or a term of super-
18 vised release, or hold the defendant in contempt pur-
19 suant to section 3583(e). In determining whether to
20 revoke probation or a term of supervised release,
21 modify the terms or conditions of probation or su-
22 pervised release or hold a defendant serving a term
23 of supervised release in contempt, the court shall
24 consider the defendant’s employment status, earning
25 ability and financial resources, the willfulness of the

1 defendant's failure to comply, and any other cir-
2 cumstances that may have a bearing on the defend-
3 ant's ability to comply.

4 "(c) PROOF OF CLAIM.—

5 "(1) AFFIDAVIT.—Within 60 days after convic-
6 tion and, in any event, not later than 10 days prior
7 to sentencing, the United States Attorney (or the
8 United States Attorney's delegee), after consulting
9 with the victim, shall prepare and file an affidavit
10 with the court listing the amounts subject to restitu-
11 tion under this section. The affidavit shall be signed
12 by the United States Attorney (or the United States
13 Attorney's delegee) and the victim. Should the victim
14 object to any of the information included in the affi-
15 davit, the United States Attorney (or the United
16 States Attorney's delegee) shall advise the victim
17 that the victim may file a separate affidavit and
18 shall provide the victim with an affidavit form which
19 may be used to do so.

20 "(2) OBJECTION.—If, after the defendant has
21 been notified of the affidavit, no objection is raised
22 by the defendant, the amounts attested to in the af-
23 fidavit filed pursuant to paragraph (1) shall be en-
24 tered in the court's restitution order. If objection is
25 raised, the court may require the victim or the Unit-

1 ed States Attorney (or the United States Attorney's
2 delegee) to submit further affidavits or other sup-
3 porting documents, demonstrating the victim's
4 losses.

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

16 “(4) FINAL DETERMINATION OF LOSSES.—If
17 the victim's losses are not ascertainable by the date
18 that is 10 days prior to sentencing as provided in
19 paragraph (1), the United States Attorney (or the
20 United States Attorney's delegee) shall so inform the
21 court, and the court shall set a date for the final de-
22 termination of the victim's losses, not to exceed 90
23 days after sentencing. If the victim subsequently dis-
24 covers further losses, the victim shall have 60 days
25 after discovery of those losses in which to petition

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

5 “(d) MODIFICATION OF ORDER.—A victim or the of-
6 fender may petition the court at any time to modify a res-
7 titution order as appropriate in view of a change in the
8 economic circumstances of the offender.

9 “(e) REFERENCE TO MAGISTRATE OR SPECIAL MAS-
10 TER.—The court may refer any issue arising in connection
11 with a proposed order of restitution to a magistrate or
12 special master for proposed findings of fact and rec-
13 ommendations as to disposition, subject to a de novo de-
14 termination of the issue by the court.

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

24 (2) TECHNICAL AMENDMENT.—The chapter
25 analysis for chapter 110 of title 18, United States

1 Code, is amended by adding at the end the following
2 new item:

"2259. Mandatory restitution."

3 **SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM'S COUN-**
4 **SELORS.**

5 There are authorized to be appropriated for the Unit-
6 ed States Attorneys for the purpose of appointing Victim/
7 Witness Counselors for the prosecution of sex crimes and
8 domestic violence crimes where applicable (such as the
9 District of Columbia)—

10 (1) \$ _____ for fiscal

11 year 1995;

12 (2) \$ _____ for fiscal

13 year 1996;

14 (3) \$ _____ for fiscal

15 year 1997;

16 (4) \$ _____ for fiscal

17 year 1998;

18 (5) \$ _____ for fiscal

19 year 1999; and

20 (6) \$ _____ for fiscal

21 year 2000.

1 **CHAPTER 2—LAW ENFORCEMENT AND**
2 **PROSECUTION GRANTS TO REDUCE**
3 **VIOLENT CRIMES AGAINST WOMEN**

4 **SEC. 40121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
5 **WOMEN.**

6 (a) **IN GENERAL.**—Title I of the Omnibus Crime
7 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
8 et seq.), as amended by section 32101(a), is amended—

9 (1) by redesignating part T as part U;

10 (2) by redesignating section 2001 as section
11 2101; and

12 (3) by inserting after part S the following new
13 part:

14 **“PART T—GRANTS TO COMBAT VIOLENT CRIMES**
15 **AGAINST WOMEN**

16 **“SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.**

17 **“(a) GENERAL PROGRAM PURPOSE.**—The purpose of
18 this part is to assist States, Indian tribal governments,
19 and units of local government to develop and strengthen
20 effective law enforcement and prosecution strategies to
21 combat violent crimes against women, and to develop and
22 strengthen victim services in cases involving violent crimes
23 against women.

24 **“(b) PURPOSES FOR WHICH GRANTS MAY BE**
25 **USED.**—Grants under this part shall provide personnel,

1 training, technical assistance, data collection and other
2 equipment for the more widespread apprehension, pros-
3 ecution, and adjudication of persons committing violent
4 crimes against women, and specifically, for the purposes
5 of—

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

10 “(2) developing, training, or expanding units of
11 law enforcement officers and prosecutors specifically
12 targeting violent crimes against women, including
13 the crimes of sexual assault and domestic violence;

14 “(3) developing and implementing more effec-
15 tive police and prosecution policies, protocols, orders,
16 and services specifically devoted to preventing, iden-
17 tifying, and responding to violent crimes against
18 women, including the crimes of sexual assault and
19 domestic violence;

20 “(4) developing, installing, or expanding data
21 collection and communication systems, including
22 computerized systems, linking police, prosecutors,
23 and courts or for the purpose of identifying and
24 tracking arrests, protection orders, violations of pro-
25 tection orders, prosecutions, and convictions for vio-

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

3 “(5) developing, enlarging, or strengthening vic-
4 tim services programs, including sexual assault and
5 domestic violence programs, developing or improving
6 delivery of victim services to racial, cultural, ethnic,
7 and language minorities, providing specialized do-
8 mestic violence court advocates in courts where a
9 significant number of protection orders are granted,
10 and increasing reporting and reducing attrition rates
11 for cases involving violent crimes against women, in-
12 cluding crimes of sexual assault and domestic vio-
13 lence;

14 “(6) developing, enlarging, or strengthening
15 programs addressing stalking; and

16 “(7) developing, enlarging, or strengthening
17 programs addressing the needs and circumstances of
18 Indian tribes in dealing with violent crimes against
19 women, including the crimes of sexual assault and
20 domestic violence.

21 “SEC. 2002. STATE GRANTS.

22 “(a) GENERAL GRANTS.—The Attorney General may
23 make grants to States, for use by States, units of local
24 government, nonprofit nongovernmental victim services

1 programs, and Indian tribal governments for the purposes
2 described in section 2001(b).

3 “(b) AMOUNTS.—Of the amounts appropriated for
4 the purposes of this part—

5 “(1) 4 percent shall be available for grants to
6 Indian tribal governments;

7 “(2) \$500,000 shall be available for grants to
8 applicants in each State; and

9 “(3) the remaining funds shall be available for
10 grants to applicants in each State in an amount that
11 bears the same ratio to the amount of remaining
12 funds as the population of the State bears to the
13 population of all of the States that results from a
14 distribution among the States on the basis of each
15 State’s population in relation to the population of all
16 States (not including populations of Indian tribes).

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

20 “(1) the funds shall be used for any of the pur-
21 poses described in section 2001(b);

22 “(2) grantees and subgrantees shall develop a
23 plan for implementation and shall consult and co-
24 ordinate with nonprofit, nongovernmental victim

1 services programs, including sexual assault and do-
2 mestic violence victim services programs;

3 “(3) at least 25 percent of the amount granted
4 shall be allocated, without duplication, to each of the
5 following 3 areas: prosecution, law enforcement, and
6 victim services; and

7 “(4) any Federal funds received under this part
8 shall be used to supplement, not supplant, non-Fed-
9 eral funds that would otherwise be available for ac-
10 tivities funded under this subtitle.

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

19 “(1) documentation from the prosecution, law
20 enforcement, and victim services programs to be as-
21 sisted, demonstrating—

22 “(A) need for the grant funds;

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

24 “(C) expected results from the use of grant
25 funds; and

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

5 “(2) proof of compliance with the requirements
6 for the payment of forensic medical exams provided
7 in section 2005; and

8 “(3) proof of compliance with the requirements
9 for paying filing and service fees for domestic vio-
10 lence cases provided in section 2006.

11 “(e) DISBURSEMENT.—

12 “(1) IN GENERAL.—Not later than 60 days
13 after the receipt of an application under this part,
14 the Attorney General shall—

15 “(A) disburse the appropriate sums pro-
16 vided for under this part; or

17 “(B) inform the applicant why the applica-
18 tion does not conform to the terms of section
19 513 or to the requirements of this section.

20 “(2) REGULATIONS.—In disbursing monies
21 under this part, the Attorney General shall issue
22 regulations to ensure that States will—

23 “(A) give priority to areas of varying geo-
24 graphic size with the greatest showing of need
25 based on the availability of existing domestic vi-

1 olence and sexual assault programs in the popu-
2 lation and geographic area to be served in rela-
3 tion to the availability of such programs in
4 other such populations and geographic areas;

5 “(B) determine the amount of subgrants
6 based on the population and geographic area to
7 be served;

8 “(C) equitably distribute monies on a geo-
9 graphic basis including nonurban and rural
10 areas of various geographic sizes; and

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

13 “(f) FEDERAL SHARE.—The Federal share of a
14 grant made under this subtitle may not exceed 75 percent
15 of the total costs of the projects described in the applica-
16 tion submitted.

17 “(g) INDIAN TRIBES.—Funds appropriated by the
18 Congress for the activities of any agency of an Indian trib-
19 al government or of the Bureau of Indian Affairs perform-
20 ing law enforcement functions on any Indian lands may
21 be used to provide the non-Federal share of the cost of
22 programs or projects funded under this part.

23 “(h) GRANTEE REPORTING.—

24 “(1) IN GENERAL.—Upon completion of the
25 grant period under this part, a State or Indian tribal

1 grantee shall file a performance report with the At-
2 torney General explaining the activities carried out,
3 which report shall include an assessment of the ef-
4 fectiveness of those activities in achieving the pur-
5 poses of this part.

6 “(2) CERTIFICATION BY GRANTEE AND
7 SUBGRANTEES.—A section of the performance re-
8 port shall be completed by each grantee and
9 subgrantee that performed the direct services con-
10 templated in the application, certifying performance
11 of direct services under the grant.

12 “(3) SUSPENSION OF FUNDING.—The Attorney
13 General shall suspend funding for an approved ap-
14 plication if—

15 “(A) an applicant fails to submit an an-
16 nual performance report;

17 “(B) funds are expended for purposes
18 other than those described in this part; or

19 “(C) a report under paragraph (1) or ac-
20 companying assessments demonstrate to the At-
21 torney General that the program is ineffective
22 or financially unsound.

23 “SEC. 2003. DEFINITIONS.

24 “In this part—

1 “(1) the term ‘domestic violence’ includes felony
2 or misdemeanor crimes of violence committed by a
3 current or former spouse of the victim, by a person
4 with whom the victim shares a child in common, by
5 a person who is cohabitating with or has cohabitated
6 with the victim as a spouse, by a person similarly
7 situated to a spouse of the victim under the domestic
8 or family violence laws of the jurisdiction receiving
9 grant monies, or by any other adult person against
10 a victim who is protected from that person’s acts
11 under the domestic or family violence laws of the ju-
12 risdiction receiving grant monies;

13 “(2) the term ‘Indian country’ has the meaning
14 stated in section 1151 of title 18, United States
15 Code;

16 “(3) the term ‘Indian tribe’ means a tribe,
17 band, pueblo, nation, or other organized group or
18 community of Indians, including any Alaska Native
19 village or regional or village corporation (as defined
20 in, or established pursuant to, the Alaska Native
21 Claims Settlement Act (43 U.S.C. 1601 et seq.)),
22 that is recognized as eligible for the special pro-
23 grams and services provided by the United States to
24 Indians because of their status as Indians;

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

5 “(5) the term ‘prosecution’ means any public
6 agency charged with direct responsibility for pros-
7 ecuting criminal offenders, including such agency’s
8 component bureaus (such as governmental victim
9 services programs);

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

19 “(7) the term ‘underserved populations’ in-
20 cludes populations underserved because of geo-
21 graphic location (such as rural isolation), under-
22 served racial or ethnic populations, and populations
23 underserved because of special needs, such as lan-
24 guage barriers or physical disabilities; and

1 “(8) the term ‘victim services’ means a non-
2 profit, nongovernmental organization that assists do-
3 mestic violence or sexual assault victims, including
4 rape crisis centers, battered women’s shelters, and
5 other sexual assault or domestic violence programs,
6 including nonprofit, nongovernmental organizations
7 assisting domestic violence or sexual assault victims
8 through the legal process.

9 **“SEC. 2004. GENERAL TERMS AND CONDITIONS.**

10 “(a) **NONMONETARY ASSISTANCE.**—In addition to
11 the assistance provided under this part, the Attorney Gen-
12 eral may request any Federal agency to use its authorities
13 and the resources granted to it under Federal law (includ-
14 ing personnel, equipment, supplies, facilities, and manage-
15 rial, technical, and advisory services) in support of State,
16 tribal, and local assistance efforts.

17 “(b) **REPORTING.**—Not later than 180 days after the
18 end of each fiscal year for which grants are made under
19 this part, the Attorney General shall submit to the Com-
20 mittee on the Judiciary of the House of Representatives
21 and the Committee on the Judiciary of the Senate a report
22 that includes, for each State and for each grantee Indian
23 tribe—

24 “(1) the number of grants made and funds dis-
25 tributed under this part;

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

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

9 “(4) an evaluation of the effectiveness of pro-
10 grams funded under this part.

11 “(c) REGULATIONS OR GUIDELINES.—Not later than
12 120 days after the date of enactment of this part, the At-
13 torney General shall publish proposed regulations or
14 guidelines implementing this part. Not later than 180 days
15 after the date of enactment, the Attorney General shall
16 publish final regulations or guidelines implementing this
17 part.

18 “SEC. 2005. RAPE EXAM PAYMENTS.

19 “(a) RESTRICTION OF FUNDS.—

20 “(1) IN GENERAL.—A State, Indian tribal gov-
21 ernment, or unit of local government, shall not be
22 entitled to funds under this part unless the State,
23 Indian tribal government, unit of local government,
24 or another governmental entity incurs the full out-

1 of-pocket cost of forensic medical exams described in
2 subsection (b) for victims of sexual assault.

3 “(2) REDISTRIBUTION.—Funds withheld from a
4 State or unit of local government under paragraph
5 (1) shall be distributed to other States or units of
6 local government pro rata. Funds withheld from an
7 Indian tribal government under paragraph (1) shall
8 be distributed to other Indian tribal governments
9 pro rata.

10 “(b) MEDICAL COSTS.—A State, Indian tribal gov-
11 ernment, or unit of local government shall be deemed to
12 incur the full out-of-pocket cost of forensic medical exams
13 for victims of sexual assault if any government entity—

14 “(1) provides such exams to victims free of
15 charge to the victim;

16 “(2) arranges for victims to obtain such exams
17 free of charge to the victims; or

18 “(3) reimburses victims for the cost of such
19 exams if—

20 “(A) the reimbursement covers the full
21 cost of such exams, without any deductible re-
22 quirement or limit on the amount of a reim-
23 bursement;

24 “(B) the reimbursing governmental entity
25 permits victims to apply for reimbursement for

1 not less than one year from the date of the
2 exam;

3 “(C) the reimbursing governmental entity
4 provides reimbursement not later than 90 days
5 after written notification of the victim’s ex-
6 pense; and

7 “(D) the State, Indian tribal government,
8 unit of local government, or reimbursing gov-
9 ernmental entity provides information at the
10 time of the exam to all victims, including vic-
11 tims with limited or no English proficiency, re-
12 garding how to obtain reimbursement.

13 **“SEC. 2006. FILING COSTS FOR CRIMINAL CHARGES.**

14 “(a) IN GENERAL.—A State, Indian tribal govern-
15 ment, or unit of local government, shall not be entitled
16 to funds under this part unless the State, Indian tribal
17 government, or unit of local government—

18 “(1) certifies that its laws, policies, and prac-
19 tices do not require, in connection with the prosecu-
20 tion of any misdemeanor or felony domestic violence
21 offense, that the abused bear the costs associated
22 with the filing of criminal charges against the do-
23 mestic violence offender, or the costs associated with
24 the issuance or service of a warrant, protection
25 order, or witness subpoena; or

1 “(2) gives the Attorney General assurances that
2 its laws, policies and practices will be in compliance
3 with the requirements of paragraph (1) within the
4 later of—

5 “(A) the period ending on the date on
6 which the next session of the State legislature
7 ends; or

8 “(B) 2 years.

9 “(b) REDISTRIBUTION.—Funds withheld from a
10 State, unit of local government, or Indian tribal govern-
11 ment under subsection (a) shall be distributed to other
12 States, units of local government, and Indian tribal gov-
13 ernment, respectively, pro rata.”.

14 (b) TECHNICAL AMENDMENT.—The table of contents
15 of title I of the Omnibus Crime Control and Safe Streets
16 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
17 tion 32101(b), is amended by striking the matter relating
18 to part S and inserting the following:

 “PART S—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

 “Sec. 2001. Purpose of the program and grants.

 “Sec. 2002. State grants.

 “Sec. 2003. General definitions.

 “Sec. 2004. General terms and conditions.

 “Sec. 2005. Rape exam payments.

 “Sec. 2006. Filing costs for criminal charges.

 “PART T—TRANSITION—EFFECTIVE DATE—REPEALER

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

19 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
20 1001(a) of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
2 tion 32101(d), is amended—

3 (1) in paragraph (3) by striking “and S” and
4 inserting “S, and T”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(18) There are authorized to be appropriated to
8 carry out part T—

9 “(A) \$ _____ for fiscal
10 year 1995;

11 “(B) \$ _____ for fiscal
12 year 1996;

13 “(C) \$ _____ for fiscal
14 year 1997;

15 “(D) \$ _____ for fiscal
16 year 1998;

17 “(E) \$ _____ for fiscal
18 year 1999; and

19 “(F) \$ _____ for fiscal
20 year 2000.”

1 **CHAPTER 3—SAFETY FOR WOMEN IN**
2 **PUBLIC TRANSIT AND PUBLIC PARKS**

3 **SEC. 40131. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
4 **VENT CRIME IN PUBLIC TRANSPORTATION.**

5 (a) **GENERAL PURPOSE.**—There is authorized to be
6 appropriated out of the general fund of the Treasury not
7 to exceed \$10,000,000, for the Secretary of Transpor-
8 tation (referred to in this section as the “Secretary”) to
9 make capital grants for the prevention of crime and to
10 increase security in existing and future public transpor-
11 tation systems. None of the provisions of this Act may
12 be construed to prohibit the financing of projects under
13 this section where law enforcement responsibilities are
14 vested in a local public body other than the grant appli-
15 cant.

16 (b) **GRANTS FOR LIGHTING, CAMERA SURVEIL-**
17 **LANCE, AND SECURITY PHONES.**—

18 (1) From the sums authorized for expenditure
19 under this section for crime prevention, the Sec-
20 retary is authorized to make grants and loans to
21 States and local public bodies or agencies for the
22 purpose of increasing the safety of public transpor-
23 tation by—

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

4 (B) increasing camera surveillance of areas
 5 within and adjacent to public transportation
 6 systems, including bus stops, subway stations,
 7 parking lots, or garages;

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

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

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

20 (c) REPORTING.—All grants under this section are
 21 contingent upon the filing of a report with the Secretary
 22 and the Department of Justice, Office of Victims of
 23 Crime, showing crime rates in or adjacent to public trans-
 24 portation before, and for a 1-year period after, the capital
 25 improvement. Statistics shall compiled on the basis of the

↑
 be

1 type of crime, sex, race, ethnicity, language, and relation-
2 ship of victim to the offender.

3 (d) INCREASED FEDERAL SHARE.—Notwithstanding
4 any other provision of law, the Federal share under this
5 section for each capital improvement project that enhances
6 the safety and security of public transportation systems
7 and that is not required by law (including any other provi-
8 sion of this Act) shall be 90 percent of the net project
9 cost of the project.

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

17 (f) GENERAL REQUIREMENTS.—All grants or loans
18 provided under this section shall be subject to the same
19 terms, conditions, requirements, and provisions applicable
20 to grants and loans as specified in section 5321 of title
21 49, United States Code.

22 **SEC. 40132. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
23 **VENT CRIME IN NATIONAL PARKS.**

24 Public Law 91-383 (commonly known as the “Na-
25 tional Park System Improvements in Administration

1 Act”) (16 U.S.C. 1a-1 et seq.) is amended by adding at
2 the end the following new section:

3 **“SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION AS-**
4 **SISTANCE.**

5 “(a) AVAILABILITY OF FUND.—From the sums au-
6 thorized pursuant to section 7 of the Land and Water
7 Conservation Act of 1965 (16 U.S.C. 4601-9) and appro-
8 priated out of the general fund of the Treasury, not to
9 exceed \$10,000,000, the Secretary of the Interior may
10 provide Federal assistance to reduce the incidence of vio-
11 lent crime in the National Park System.

12 “(b) RECOMMENDATIONS FOR IMPROVEMENT.—The
13 Secretary shall direct the chief official responsible for law
14 enforcement within the National Park Services to—

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

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

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

23 “(c) DISTRIBUTION OF FUNDS.—Not later than 180
24 days after the date of enactment of this section, and based
25 on the recommendations and list issued pursuant to sub-

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name of
this Act—
should
be same
as §40133.*

1 section (b), the Secretary shall distribute funds through-
2 out the National Park Service. Priority shall be given to
3 those areas with the highest rates of sexual assault.

4 “(d) USE OF FUNDS.—Funds provided under this
5 section may be used—

6 “(1) to increase lighting within or adjacent to
7 public parks and recreation areas;

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

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

15 “(4) for any other project intended to increase
16 the security and safety of public parks and recre-
17 ation areas.”

18 **SEC. 40133. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
19 **VENT CRIME IN PUBLIC PARKS.**

20 Section 6 of the Land and Water Conservation Fund
21 Act of 1965 (16 U.S.C. 460l-8) is amended by adding
22 at the end the following new subsection:

23 “(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS
24 TO REDUCE CRIME.—

1 “(1) AVAILABILITY OF FUNDING.—In addition
2 to assistance for planning projects, and in addition
3 to the projects identified in subsection (e), and from
4 amounts appropriated out of the general fund of the
5 Treasury, the Secretary shall provide financial as-
6 sistance to the States, not to exceed \$15,000,000,
7 for projects or combinations thereof for the purpose
8 of making capital improvements and other measures
9 to increase safety in urban parks and recreation
10 areas, including funds to—

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

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

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

20 “(D) fund any other project intended to in-
21 crease the security and safety of public parks
22 and recreation areas.

23 “(2) ELIGIBILITY.—In addition to the require-
24 ments for project approval imposed by this section,
25 eligibility for assistance under this subsection is de-

1 pendent upon a showing of need. In providing funds
2 under this subsection, the Secretary shall give prior-
3 ity to projects proposed for urban parks and recre-
4 ation areas with the highest rates of crime and, in
5 particular, to urban parks and recreation areas with
6 the highest rates of sexual assault.

7 “(3) FEDERAL SHARE.—Notwithstanding sub-
8 section (c), the Secretary may provide 70 percent
9 improvement grants for projects undertaken by any
10 State for the purposes described in this subsection,
11 and the remaining share of the cost shall be borne
12 by the State.”.

13 **CHAPTER 4—NEW EVIDENTIARY RULES**

14 **SEC. 40141. SEXUAL HISTORY IN CRIMINAL AND CIVIL** 15 **CASES.**

16 (a) MODIFICATION OF PROPOSED AMENDMENT.—

17 The proposed amendments to the Federal Rules of Evi-
18 dence that are embraced by an order entered by the Su-
19 preme Court of the United States on April 29, 1994, shall
20 take effect on December 1, 1994, as otherwise provided
21 by law, but with the amendment made by subsection (b).

22 (b) RULE.—Rule 412 of the Federal Rules of Evi-
23 dence is amended to read as follows:

1 **“Rule 412. Sex Offense Cases; Relevance of Alleged Victim’s**
2 **Past Sexual Behavior or Alleged Sexual Pre-**
3 **disposition**

4 **“(a) EVIDENCE GENERALLY INADMISSIBLE.—The**
5 **following evidence is not admissible in any civil or criminal**
6 **proceeding involving alleged sexual misconduct except as**
7 **provided in subdivisions (b) and (c):**

8 **“(1) Evidence offered to prove that any alleged**
9 **victim engaged in other sexual behavior.**

10 **“(2) Evidence offered to prove any alleged vic-**
11 **tim’s sexual predisposition.**

12 **“(b) EXCEPTIONS.—**

13 **“(1) In a criminal case, the following evidence**
14 **is admissible, if otherwise admissible under these**
15 **rules:**

16 **“(A) evidence of specific instances of sex-**
17 **ual behavior by the alleged victim offered to**
18 **prove that a person other than the accused was**
19 **the source of semen, injury or other physical**
20 **evidence;**

21 **“(B) evidence of specific instances of sex-**
22 **ual behavior by the alleged victim with respect**
23 **to the person accused of the sexual misconduct**
24 **offered by the accused to prove consent or by**
25 **the prosecution; and**

1 “(C) evidence the exclusion of which would
2 violate the constitutional rights of the defend-
3 ant.

4 “(2) In a civil case, evidence offered to prove
5 the sexual behavior or sexual predisposition of any
6 alleged victim is admissible if it is otherwise admissi-
7 ble under these rules and its probative value sub-
8 stantially outweighs the danger of harm to any vic-
9 tim and of unfair prejudice to any party. Evidence
10 of an alleged victim’s reputation is admissible only
11 if it has been placed in controversy by the alleged
12 victim.

13 “(c) PROCEDURE TO DETERMINE ADMISSIBILITY.—

14 “(1) A party intending to offer evidence under
15 subdivision (b) must—

16 “(A) file a written motion at least 14 days
17 before trial specifically describing the evidence
18 and stating the purpose for which it is offered
19 unless the court, for good cause requires a dif-
20 ferent time for filing or permits filing during
21 trial; and

22 “(B) serve the motion on all parties and
23 notify the alleged victim or, when appropriate,
24 the alleged victim’s guardian or representative.

- 1 “(1) educational seminars;
- 2 “(2) the operation of hotlines;
- 3 “(3) training programs for professionals;
- 4 “(4) the preparation of informational materials;
- 5 and
- 6 “(5) other efforts to increase awareness of the
- 7 facts about, or to help prevent, sexual assault, in-
- 8 cluding efforts to increase awareness in underserved
- 9 racial, ethnic, and language minority communities.

10 “(b) TARGETING OF EDUCATION PROGRAMS.—

11 States providing grant monies must ensure that at least

12 25 percent of the monies are devoted to education pro-

13 grams targeted for middle school, junior high school, and

14 high school students.

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—There

16 are authorized to be appropriated to carry out this

17 section—

18 “(1) \$ _____ for fiscal

19 year 1995;

20 “(2) \$ _____ for fiscal

21 year 1996;

22 “(3) \$ _____ for fiscal

23 year 1997;

24 “(4) \$ _____ for fiscal

25 year 1998;

1 “(5) \$ _____ for fiscal
2 year 1999; and

3 “(6) \$ _____ for fiscal
4 year 2000.

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

8 “(e) DEFINITION.—For purposes of this section, the
9 term ‘rape prevention and education’ includes education
10 and prevention efforts directed at offenses committed by
11 offenders who are not known to the victim as well as of-
12 fenders who are known to the victim.

13 “(f) TERMS.—The Secretary shall make allotments to
14 each State on the basis of the population of the State,
15 and subject to the conditions provided in this section and
16 sections 1904 through 1909.”

17 **SEC. 40152. TRAINING PROGRAMS.**

18 “(a) IN GENERAL.—The Attorney General, after con-
19 sultation with victim advocates and individuals who have
20 expertise in treating sex offenders, shall establish criteria
21 and develop training programs to assist probation and pa-
22 role officers and other personnel who work with released
23 sex offenders in the areas of—

- 24 (1) case management;
- 25 (2) supervision; and

1 (3) relapse prevention.

2 (b) TRAINING PROGRAMS.—The Attorney General
3 shall ensure, to the extent practicable, that training pro-
4 grams developed under subsection (a) are available in geo-
5 graphically diverse locations throughout the country.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this
8 section—

9 (1) \$ _____ for fiscal
10 year 1995;

11 (2) \$ _____ for fiscal
12 year 1996;

13 (3) \$ _____ for fiscal
14 year 1997;

15 (4) \$ _____ for fiscal
16 year 1998;

17 (5) \$ _____ for fiscal
18 year 1999; and

19 (6) \$ _____ for fiscal
20 year 2000.

21 **SEC. 40153. CONFIDENTIALITY OF COMMUNICATIONS BE-**
22 **TWEEN SEXUAL ASSAULT OR DOMESTIC VIO-**
23 **LENCE VICTIMS AND THEIR COUNSELORS.**

24 (a) STUDY AND DEVELOPMENT OF MODEL LEGISLA-
25 TION.—The Attorney General shall—

1 (1) study and evaluate the manner in which the
2 States have taken measures to protect the confiden-
3 tiality of communications between sexual assault or
4 domestic violence victims and their therapists or
5 trained counselors;

6 (2) develop model legislation that will provide
7 the maximum protection possible for the confiden-
8 tiality of such communications, within any applicable
9 constitutional limits, taking into account the follow-
10 ing factors:

11 (A) the danger that counseling programs
12 for victims of sexual assault and domestic vio-
13 lence will be unable to achieve their goal of
14 helping victims recover from the trauma associ-
15 ated with these crimes if there is no assurance
16 that the records of the counseling sessions will
17 be kept confidential;

18 (B) consideration of the appropriateness of
19 an absolute privilege for communications be-
20 tween victims of sexual assault or domestic vio-
21 lence and their therapists or trained counselors,
22 in light of the likelihood that such an absolute
23 privilege will provide the maximum guarantee of
24 confidentiality but also in light of the possibility
25 that such an absolute privilege may be held to

1 violate the rights of criminal defendants under
2 the Federal or State constitutions by denying
3 them the opportunity to obtain exculpatory evi-
4 dence and present it at trial; and

5 (C) consideration of what limitations on
6 the disclosure of confidential communications
7 between victims of these crimes and their coun-
8 selors, short of an absolute privilege, are most
9 likely to ensure that the counseling programs
10 will not be undermined, and specifically whether
11 no such disclosure should be allowed unless, at
12 a minimum, there has been a particularized
13 showing by a criminal defendant of a compel-
14 ling need for records of such communications,
15 and adequate procedural safeguards are in
16 place to prevent unnecessary or damaging dis-
17 closures; and

18 (3) prepare and disseminate to State authorities
19 the findings made and model legislation developed as
20 a result of the study and evaluation.

21 (b) REPORT AND RECOMMENDATIONS.—Not later
22 than the date that is 1 year after the date of enactment
23 of this Act, the Attorney General shall report to the
24 Congress—

1 (1) the findings of the study and the model leg-
2 islation required by this section; and

3 (2) recommendations based on the findings on
4 the need for and appropriateness of further action
5 by the Federal Government.

6 (c) REVIEW OF FEDERAL EVIDENTIARY RULES.—

7 The Judicial Conference of the United States shall evalu-
8 ate and report to Congress its views on whether the Fed-
9 eral Rules of Evidence should be amended, and if so, how
10 they should be amended, to guarantee that the confiden-
11 tiality of communications between sexual assault victims
12 and their therapists or trained counselors will be ade-
13 quately protected in Federal court proceedings.

14 **SEC. 40154. INFORMATION PROGRAMS.**

15 The Attorney General shall compile information re-
16 garding sex offender treatment programs and ensure that
17 information regarding community treatment programs in
18 the community into which a convicted sex offender is re-
19 leased is made available to each person serving a sentence
20 of imprisonment in a Federal penal or correctional institu-
21 tion for a commission of an offense under chapter 109A
22 of title 18, United States Code, or for the commission of
23 a similar offense, including halfway houses and psychiatric
24 institutions.

1 **SEC. 40155. EDUCATION AND PREVENTION GRANTS TO RE-**
2 **DUCE SEXUAL ABUSE OF RUNAWAY, HOME-**
3 **LESS, AND STREET YOUTH.**

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

6 (1) by redesignating sections 316 and 317 as
7 sections 317 and 318, respectively; and

8 (2) by inserting after section 315 the following
9 new section:

10 “GRANTS FOR PREVENTION OF SEXUAL ABUSE AND
11 EXPLOITATION

12 “SEC. 316. (a) IN GENERAL.—The Secretary shall
13 make grants under this section to private, nonprofit agen-
14 cies for street-based outreach and education, including
15 treatment, counseling, provision of information, and refer-
16 ral for runaway, homeless, and street youth who have been
17 subjected to or are at risk of being subjected to sexual
18 abuse.

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

23 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this
25 section—

- 1 “(1) \$ _____ for fiscal
- 2 year 1995;
- 3 “(2) \$ _____ for fiscal
- 4 year 1996;
- 5 “(3) \$ _____ for fiscal
- 6 year 1997;
- 7 “(4) \$ _____ for fiscal
- 8 year 1998;
- 9 “(5) \$ _____ for fiscal
- 10 year 1999; and
- 11 “(6) \$ _____ for fiscal
- 12 year 2000.

13 “(d) DEFINITIONS.—For the purposes of this
 14 section—

15 “(1) the term ‘street-based outreach and edu-
 16 cation’ includes education and prevention efforts di-
 17 rected at offenses committed by offenders who are
 18 not known to the victim as well as offenders who are
 19 known to the victim; and

20 “(2) the term ‘street youth’ means a juvenile
 21 who spends a significant amount of time on the
 22 street or in other areas of exposure to encounters
 23 that may lead to sexual abuse.”.

1 SEC. 40156. VICTIMS OF CHILD ABUSE PROGRAMS.

2 (a) COURT-APPOINTED SPECIAL ADVOCATE PRO-
3 GRAM.—

4 (1) REAUTHORIZATION.—Section 218(a) of the
5 Victims of Child Abuse Act of 1990 (42 U.S.C.
6 13014(a)) is amended to read as follows:

7 “(a) AUTHORIZATION.—There are authorized to be
8 appropriated to carry out this subtitle—

9 “(1) \$ _____ for fiscal
10 year 1995;

11 “(2) \$ _____ for fiscal
12 year 1996;

13 “(3) \$ _____ for fiscal
14 year 1997;

15 “(4) \$ _____ for fiscal
16 year 1998;

17 “(5) \$ _____ for fiscal
18 year 1999; and

19 “(6) \$ _____ for fiscal
20 year 2000.”.

21 (2) TECHNICAL AMENDMENT.—Section 216 of
22 the Victims of Child Abuse Act of 1990 (42 U.S.C.
23 13012) is amended by striking “this chapter” and
24 inserting “this subtitle”.

25 (b) CHILD ABUSE TRAINING PROGRAMS FOR JUDI-
26 CIAL PERSONNEL AND PRACTITIONERS.—

1 (1) REAUTHORIZATION.—Section 224(a) of the
2 Victims of Child Abuse Act of 1990 (42 U.S.C.
3 13024(a)) is amended to read as follows:

4 “(a) AUTHORIZATION.—There are authorized to be
5 appropriated to carry out this subtitle—

6 “(1) \$ _____ for fiscal
7 year 1995;

8 “(2) \$ _____ for fiscal
9 year 1996;

10 “(3) \$ _____ for fiscal
11 year 1997;

12 “(4) \$ _____ for fiscal
13 year 1998;

14 “(5) \$ _____ for fiscal
15 year 1999; and

16 “(6) \$ _____ for fiscal
17 year 2000.”.

18 (2) TECHNICAL AMENDMENT.—Section 221(b)
19 of the Victims of Child Abuse Act of 1990 (42
20 U.S.C. 13021(b)) is amended by striking “this chap-
21 ter” and inserting “this subtitle”.

22 (c) GRANTS FOR TELEVISED TESTIMONY.—Title I of
23 the Omnibus Crime Control and Safe Streets Act of 1968
24 is amended—

1 (1) by amending section 1001(a)(7) (42 U.S.C.
2 3793(a)(7)) to read as follows:

3 “(7) There are authorized to be appropriated to carry
4 out part N—

5 “(A) \$ _____ for fiscal
6 year 1995;

7 “(B) \$ _____ for fiscal
8 year 1996;

9 “(C) \$ _____ for fiscal
10 year 1997;

11 “(D) \$ _____ for fiscal
12 year 1998;

13 “(E) \$ _____ for fiscal
14 year 1999; and

15 “(F) \$ _____ for fiscal
16 year 2000.”;

17 (2) in section 1402 (42 U.S.C. 3796aa-1) by
18 striking “to States, for the use of States and units
19 of local government in the States”;

20 (3) in section 1403 (42 U.S.C. 3796aa-2)—

21 (A) by inserting “or unit of local govern-
22 ment” after “of a State”;

23 (B) by inserting “and” after paragraph
24 (1);

1 (C) in paragraph (2) by striking the semi-
2 colon at the end and inserting a period; and

3 (D) by striking paragraphs (3) and (4);

4 (4) in section 1404 (42 U.S.C. 3796aa-3)—

5 (A) in subsection (a)—

6 (i) by striking “The Bureau” and all
7 that follows through “determining that”
8 and inserting “An applicant is eligible to
9 receive a grant under this part if—”;

10 (ii) in paragraph (1) by striking
11 “there is in effect in such State” and in-
12 serting “the applicant certifies and the Di-
13 rector determines that there is in effect in
14 the State”;

15 (iii) in paragraph (2) by striking
16 “such State law shall meet” and inserting
17 “the applicant certifies and the Director
18 determines that State law meets”;

19 (iv) by inserting “and” after subpara-
20 graph (E);

21 (v) in paragraph (3)—

22 (I) by inserting “the Director de-
23 termines that” before “the applica-
24 tion”; and

- 1 (II) by striking “; and” and in-
2 serting a period;
3 (vi) by striking paragraph (4);
4 (vii) by striking “Each application”
5 and inserting the following:
6 “(b) Each application”; and
7 (viii) by striking “the Bureau” each
8 place it appears and inserting “the Direc-
9 tor”; and
10 (B) by redesignating subsection (b) as sub-
11 section (c) and by striking “The Bureau” and
12 inserting “The Director”;
13 (5) by striking section 1405 (42 U.S.C.
14 3796aa-4);
15 (6) in section 1406 (42 U.S.C. 3796aa-5)—
16 (A) in subsection (a)—
17 (i) by striking “State which” and in-
18 serting “State or unit of local government
19 that”;
20 (ii) by striking “title” and inserting
21 “part”; and
22 (iii) in paragraph (1) by striking
23 “State”; and

1 (B) in subsection (b)(1) by striking "such
2 State" and inserting "the State and units of
3 local government in the State";

4 (7) in section 1407 (42 U.S.C. 3796aa-6)—

5 (A) in subsection (c)—

6 (i) by striking "Each State" and all
7 that follows through "effective audit" and
8 inserting "Grant recipients (or private or-
9 ganizations with which grant recipients
10 have contracted to provide equipment or
11 training using grant funds) shall keep such
12 records as the Director may require by
13 rule to facilitate such an audit."; and

14 (ii) in paragraph (2) by striking
15 "States which receive grants, and of units
16 of local government which receive any part
17 of a grant made under this part" and in-
18 sserting "grant recipients (or private orga-
19 nizations with which grant recipients have
20 contracted to provide equipment or train-
21 ing using grant funds)"; and

22 (B) by adding at the end the following new
23 subsection:

24 "(d) UTILIZATION OF PRIVATE SECTOR.—Nothing in
25 this part shall prohibit the utilization of any grant funds

1 to contract with a private organization to provide equip-
2 ment or training for the televising of testimony as con-
3 templated by the application submitted by an applicant.”;

4 (8) by striking section 1408 (42 U.S.C.
5 3796aa-7); and

6 (9) in the table of contents—

7 (A) in the item relating to section 1405 by
8 striking “Allocation and distribution of funds
9 under formula grants” and inserting “(Re-
10 pealed)”; and

11 (B) in the item relating to section 1408 by
12 striking “State office” and inserting “(Re-
13 pealed)”.

14 **Subtitle B—Safe Homes for Women**

15 **SEC. 40201. SHORT TITLE.**

16 This title may be cited as the “Safe Homes for
17 Women Act of 1994”.

18 **CHAPTER 1—NATIONAL DOMESTIC**

19 **VIOLENCE HOTLINE**

20 **SEC. 40211. GRANT 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 GRANT.

3 "(a) IN GENERAL.—The Secretary may award a
4 grant to a private, nonprofit entity to provide for the oper-
5 ation of a national, toll-free telephone hotline to provide
6 information and assistance to victims of domestic violence.

7 "(b) DURATION.—A grant under this section may ex-
8 tend over a period of not more than 5 years.

9 "(c) ANNUAL APPROVAL.—The provision of pay-
10 ments under a grant under this section shall be subject
11 to annual approval by the Secretary and subject to the
12 availability of appropriations for each fiscal year to make
13 the payments.

14 "(d) ACTIVITIES.—Funds received by an entity under
15 this section shall be used to establish and operate a na-
16 tional, toll-free telephone hotline to provide information
17 and assistance to victims of domestic violence. In estab-
18 lishing and operating the hotline, a private, nonprofit en-
19 tity shall—

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

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

25 "(3) assemble and maintain a current database
26 of information relating to services for victims of do-

1 mestic violence to which callers may be referred
2 throughout the United States, including information
3 on the availability of shelters that serve battered
4 women; and

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

7 “(e) APPLICATION.—A grant may not be made under
8 this section unless an application for such grant has been
9 approved by the Secretary. To be approved by the Sec-
10 retary under this subsection an application shall—

11 “(1) contain such agreements, assurances, and
12 information, be in such form and be submitted in
13 such manner as the Secretary shall prescribe
14 through notice in the Federal Register;

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

18 “(A) the training program for hotline per-
19 sonnel;

20 “(B) the hiring criteria for hotline person-
21 nel;

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

24 “(D) a plan for publicizing the availability
25 of the hotline;

1 “(E) a plan for providing service to non-
2 English speaking callers, including hotline per-
3 sonnel who speak Spanish; and

4 “(F) a plan for facilitating access to the
5 hotline by persons with hearing impairments;

6 “(3) demonstrate that the applicant has nation-
7 ally recognized expertise in the area of domestic vio-
8 lence and a record of high quality service to victims
9 of domestic violence, including a demonstration of
10 support from advocacy groups, such as domestic vio-
11 lence State coalitions or recognized national domes-
12 tic violence groups;

13 “(4) demonstrates that the applicant has a
14 commitment to diversity, and to the provision of
15 services to ethnic, racial, and non-English speaking
16 minorities, in addition to older individuals and indi-
17 viduals with disabilities; and

18 “(5) contain such other information as the Sec-
19 retary may require.

20 “(f) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—There are authorized to be
22 appropriated to carry out this section—

23 “(A) \$ _____ for
24 fiscal year 1995;

1 “(B) \$ _____ for
 2 fiscal year 1996;
 3 “(C) \$ _____ for
 4 fiscal year 1997;
 5 “(D) \$ _____ for
 6 fiscal year 1998;
 7 “(E) \$ _____ for
 8 fiscal year 1999; and
 9 “(F) \$ _____ for
 10 fiscal year 2000.

11 “(2) AVAILABILITY.—Funds authorized to be
 12 appropriated under paragraph (1) shall remain
 13 available until expended.”

14 **CHAPTER 2—INTERSTATE ENFORCEMENT**

15 **SEC. 40221. INTERSTATE ENFORCEMENT.**

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

19 **“CHAPTER 110A—DOMESTIC VIOLENCE**

- “Sec. 2261. Interstate domestic violence.
- “Sec. 2262. Interstate violation of protection order.
- “Sec. 2263. Pretrial release of defendant.
- “Sec. 2264. Restitution.
- “Sec. 2265. Full faith and credit given to protection orders.
- “Sec. 2266. Definitions.

20 **“§ 2261. Interstate domestic violence**

21 “(a) OFFENSES.—

1 “(1) CROSSING A STATE LINE.—A person who
2 travels across a State line or enters or leaves Indian
3 country with the intent to injure, harass, or intimi-
4 date that person’s spouse or intimate partner, and
5 who, in the course of or as a result of such travel,
6 intentionally commits a crime of violence and there-
7 by causes bodily injury to such spouse or intimate
8 partner, shall be punished as provided in subsection
9 (b).

10 “(2) CAUSING THE CROSSING OF A STATE
11 LINE.—A person who causes a spouse or intimate
12 partner to cross a State line or to enter or leave In-
13 dian country by force, coercion, duress, or fraud
14 and, in the course or as a result of that conduct, in-
15 tentiously commits a crime of violence and thereby
16 causes bodily injury to the person’s spouse or inti-
17 mate partner, shall be punished as provided in sub-
18 section (b).

19 “(b) PENALTIES.—A person who violates this section
20 shall be fined under this title, imprisoned—

21 “(1) for life or any term of years, if death of
22 the offender’s spouse or intimate partner results;

23 “(2) for not more than 20 years if permanent
24 disfigurement or life threatening bodily injury to the
25 offender’s spouse or intimate partner results;

1 “(3) for not more than 10 years, if serious bodily
2 injury to the offender’s spouse or intimate partner
3 results or if the offender uses a dangerous weapon
4 during the offense;

5 “(4) as provided for the applicable conduct
6 under chapter 109A if the offense would constitute
7 an offense under chapter 109A (without regard to
8 whether the offense was committed in the special
9 maritime and territorial jurisdiction of the United
10 States or in a Federal prison); and

11 “(5) for not more than 5 years, in any other
12 case,

13 or both fined and imprisoned.

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

15 “(a) OFFENSES.—

16 “(1) CROSSING A STATE LINE.—A person who
17 travels across a State line or enters or leaves Indian
18 country with the intent to engage in conduct that—

19 “(A)(i) violates the portion of a protection
20 order that involves protection against credible
21 threats of violence, repeated harassment, or
22 bodily injury to the person or persons for whom
23 the protection order was issued; or

1 “(ii) would violate subparagraph (A) if the
2 conduct occurred in the jurisdiction in which
3 the order was issued; and

4 “(B) subsequently engages in such con-
5 duct,

6 shall be punished as provided in subsection (b).

7 “(2) CAUSING THE CROSSING OF A STATE
8 LINE.—A person who causes a spouse or intimate
9 partner to cross a State line or to enter or leave In-
10 dian country by force, coercion, duress, or fraud,
11 and, in the course or as a result of that conduct, in-
12 tentionally commits an act that injures the person’s
13 spouse or intimate partner in violation of a valid
14 protection order issued by a State shall be punished
15 as provided in subsection (b).

16 “(b) PENALTIES.—A person who violates this section
17 shall be fined under this title, imprisoned—

18 “(1) for life or any term of years, if death of
19 the offender’s spouse or intimate partner results;

20 “(2) for not more than 20 years if permanent
21 disfigurement or life threatening bodily injury to the
22 offender’s spouse or intimate partner results;

23 “(3) for not more than 10 years, if serious bod-
24 ily injury to the offender’s spouse or intimate part-

1 ner results or if the offender uses a dangerous weap-
2 on during the offense;

3 “(4) as provided for the applicable conduct
4 under chapter 109A if the offense would constitute
5 an offense under chapter 109A (without regard to
6 whether the offense was committed in the special
7 maritime and territorial jurisdiction of the United
8 States or in a Federal prison); and

9 “(5) for not more than 5 years, in any other
10 case,

11 or both fined and imprisoned.

12 **“§ 2263. Pretrial release of defendant**

13 “In any proceeding pursuant to section 3142 for the
14 purpose of determining whether a defendant charged
15 under this chapter shall be released pending trial, or for
16 the purpose of determining conditions of such release, the
17 alleged victim shall be given an opportunity to be heard
18 regarding the danger posed by the defendant.

19 **“§ 2264. Restitution**

20 “(a) IN GENERAL.—Notwithstanding section 3663,
21 and in addition to any other civil or criminal penalty au-
22 thorized by law, the court shall order restitution for any
23 offense under this chapter.

24 “(b) SCOPE AND NATURE OF ORDER.—

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

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

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

10 “(2) ENFORCEMENT BY VICTIM.—An order of
11 restitution also may be enforced by a victim named
12 in the order to receive the restitution in the same
13 manner as a judgment in a civil action.

14 “(3) DEFINITION.—For purposes of this sub-
15 section, the term ‘full amount of the victim’s losses’
16 includes any costs incurred by the victim for—

17 “(A) medical services relating to physical,
18 psychiatric, or psychological care;

19 “(B) physical and occupational therapy or
20 rehabilitation;

21 “(C) necessary transportation, temporary
22 housing, and child care expenses;

23 “(D) lost income;

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

1 “(F) any other losses suffered by the vic-
2 tim as a proximate result of the offense.

3 “(4) ORDER MANDATORY.—(A) The issuance of
4 a restitution order under this section is mandatory.

5 “(B) A court may not decline to issue an order
6 under this section because of—

7 “(i) the economic circumstances of the de-
8 fendant; or

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

13 “(C)(i) Notwithstanding subparagraph (A), the
14 court may take into account the economic cir-
15 cumstances of the defendant in determining the
16 manner in which and the schedule according to
17 which the restitution is to be paid.

18 “(ii) For purposes of this subparagraph, the
19 term ‘economic circumstances’ includes—

20 “(I) the financial resources and other as-
21 sets of the defendant;

22 “(II) projected earnings, earning capacity,
23 and other income of the defendant; and

24 “(III) any financial obligations of the de-
25 fendant, including obligations to dependents.

1 “(D) Subparagraph (A) does not apply if—

2 “ (i) the court finds on the record that the
3 economic circumstances of the defendant do not
4 allow for the payment of any amount of a res-
5 titution order, and do not allow for the payment
6 of any or some portion of the amount of a res-
7 titution order in the foreseeable future (under
8 any reasonable schedule of payments); and

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

12 “(5) MORE THAN 1 OFFENDER.—When the
13 court finds that more than 1 offender has contrib-
14 uted to the loss of a victim, the court may make
15 each offender liable for payment of the full amount
16 of restitution or may apportion liability among the
17 offenders to reflect the level of contribution and eco-
18 nomic circumstances of each offender.

19 “(6) MORE THAN 1 VICTIM.—When the court
20 finds that more than 1 victim has sustained a loss
21 requiring restitution by an offender, the court shall
22 order full restitution of each victim but may provide
23 for different payment schedules to reflect the eco-
24 nomic circumstances of each victim.

1 “(7) PAYMENT SCHEDULE.—An order under
2 this section may direct the defendant to make a sin-
3 gle lump-sum payment or partial payments at speci-
4 fied intervals.

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

9 “(A) any Federal civil proceeding; and

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

12 “(9) EFFECT ON OTHER SOURCES OF COM-
13 PENSATION.—The issuance of a restitution order
14 shall not affect the entitlement of a victim to receive
15 compensation with respect to a loss from insurance
16 or any other source until the payments actually re-
17 ceived by the victim under the restitution order fully
18 compensate the victim for the loss.

19 “(10) CONDITION OF PROBATION OR SUPER-
20 VISED RELEASE.—Compliance with a restitution
21 order issued under this section shall be a condition
22 of any probation or supervised release of a defend-
23 ant. If an offender fails to comply with a restitution
24 order, the court may, after a hearing, révoke proba-
25 tion or a term of supervised release, modify the

1 terms or conditions of probation or a term of super-
2 vised release, or hold the defendant in contempt pur-
3 suant to section 3583(e). In determining whether to
4 revoke probation or a term of supervised release,
5 modify the terms or conditions of probation or su-
6 pervised release or hold a defendant serving a term
7 of supervised release in contempt, the court shall
8 consider the defendant's employment status, earning
9 ability and financial resources, the willfulness of the
10 defendant's failure to comply, and any other cir-
11 cumstances that may have a bearing on the defend-
12 ant's ability to comply.

13 "(c) AFFIDAVIT.—Within 60 days after conviction
14 and, in any event, not later than 10 days before sentenc-
15 ing, the United States Attorney (or such Attorney's dele-
16 gate), after consulting with the victim, shall prepare and
17 file an affidavit with the court listing the amounts subject
18 to restitution under this section. The affidavit shall be
19 signed by the United States Attorney (or the delegate) and
20 the victim. Should the victim object to any of the informa-
21 tion included in the affidavit, the United States Attorney
22 (or the delegate) shall advise the victim that the victim
23 may file a separate affidavit and assist the victim in the
24 preparation of the affidavit.

1 “(d) OBJECTION.—If, after the defendant has been
2 notified of the affidavit, no objection is raised by the de-
3 fendant, the amounts attested to in the affidavit filed pur-
4 suant to subsection (a) shall be entered in the court’s res-
5 titution order. If objection is raised, the court may require
6 the victim or the United States Attorney (or the United
7 States Attorney’s delegate) to submit further affidavits or
8 other supporting documents, demonstrating the victim’s
9 losses.

10 “(e) ADDITIONAL DOCUMENTATION AND TESTI-
11 MONY.—If the court concludes, after reviewing the sup-
12 porting documentation and considering the defendant’s
13 objections, that there is a substantial reason for doubting
14 the authenticity or veracity of the records submitted, the
15 court may require additional documentation or hear testi-
16 mony on those questions. The privacy of any records filed,
17 or testimony heard, pursuant to this section, shall be
18 maintained to the greatest extent possible, and such
19 records may be filed or testimony heard in camera.

20 “(f) FINAL DETERMINATION OF LOSSES.—If the vic-
21 tim’s losses are not ascertainable 10 days before sentenc-
22 ing as provided in subsection (c), the United States Attor-
23 ney (or the United States Attorney’s delegate) shall so in-
24 form the court, and the court shall set a date for the final
25 determination of the victim’s losses, not to exceed 90 days

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

7 “(g) RESTITUTION IN ADDITION TO PUNISHMENT.—
8 An award of restitution to the victim of an offense under
9 this chapter is not a substitute for imposition of punish-
10 ment under this chapter.

11 **“§ 2265. Full faith and credit given to protection or-
12 ders**

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

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

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

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

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

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

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

21 **“§ 2266. Definitions**

22 “In this chapter—

23 “‘bodily injury’ means any act, except one done
24 in self-defense, that results in physical injury or sex-
25 ual abuse.

1 “‘Indian country’ has the meaning stated in
2 section 1151.

3 “‘protection order’ includes any injunction or
4 other order issued for the purpose of preventing vio-
5 lent or threatening acts or harassment against, or
6 contact or communication with or physical proximity
7 to, another person, including temporary and final or-
8 ders issued by civil and criminal courts (other than
9 support or child custody orders) whether obtained by
10 filing an independent action or as a pendente lite
11 order in another proceeding so long as any civil
12 order was issued in response to a complaint, petition
13 or motion filed by or on behalf of a person seeking
14 protection.

15 “‘spouse or intimate partner’ includes—

16 “(A) a spouse, a former spouse, a person
17 who shares a child in common with the abuser,
18 and a person who cohabits or has cohabited
19 with the abuser as a spouse; and

20 “(B) any other person similarly situated to
21 a spouse who is protected by the domestic or
22 family violence laws of the State in which the
23 injury occurred or where the victim resides.

1 “‘State’ includes a State of the United States,
 2 the District of Columbia, a commonwealth, territory,
 3 or possession of the United States.

4 “‘travel across State lines’ does not include
 5 travel across State lines by an individual who is a
 6 member of an Indian tribe when such individual re-
 7 mains at all times in the territory of the Indian tribe
 8 of which the individual is a member.”

9 (b) TECHNICAL AMENDMENT.—The part analysis for
 10 part I of title 18, United States Code, is amended by in-
 11 serting after the item for chapter 110 the following new
 12 item:

 “110A. Domestic violence 2261.”

13 **CHAPTER 3—ARREST POLICIES IN**
 14 **DOMESTIC VIOLENCE CASES**

15 **SEC. 40231. ENCOURAGING ARREST POLICIES.**

16 (a) IN GENERAL.—Title I of the Omnibus Crime
 17 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
 18 et seq.), as amended by section 40121(a), is amended—

- 19 (1) by redesignating part U as part V;
- 20 (2) by redesignating section 2101 as section
- 21 2201; and
- 22 (3) by inserting after part T the following new
- 23 part:

1 “(5) To strengthen legal advocacy service pro-
2 grams for victims of domestic violence.

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

6 “(c) ELIGIBILITY.—Eligible grantees are States, In-
7 dian tribal governments, or units of local government
8 that—

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

10 “(A) encourage or mandate arrests of do-
11 mestic violence offenders based on probable
12 cause that an offense has been committed; and

13 “(B) encourage or mandate arrest of do-
14 mestic violence offenders who violate the terms
15 of a valid and outstanding protection order;

16 “(2) demonstrate that their laws, policies, or
17 practices and their training programs discourage
18 dual arrests of offender and victim;

19 “(3) certify that their laws, policies, or prac-
20 tices prohibit issuance of mutual restraining orders
21 of protection except in cases where both spouses file
22 a claim and the court makes detailed findings of fact
23 indicating that both spouses acted primarily as ag-
24 gressors and that neither spouse acted primarily in
25 self-defense; and

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

9 **“SEC. 2102. APPLICATIONS.**

10 “(a) APPLICATION.—An eligible grantee shall submit
11 an application to the Attorney General that—

12 “(1) contains a certification by the chief execu-
13 tive officer of the State, Indian tribal government, or
14 local government entity that the conditions of section
15 2101(c) are met or will be met within the later of—

16 “(A) the period ending on the date on
17 which the next session of the State or Indian
18 tribal legislature ends; or

19 “(B) 2 years of the date of enactment of
20 this part;

21 “(2) describes plans to further the purposes
22 stated in section 2101(a);

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

1 “(4) includes documentation from nonprofit,
2 private sexual assault and domestic violence pro-
3 grams demonstrating their participation in develop-
4 ing the application, and identifying such programs
5 in which such groups will be consulted for develop-
6 ment and implementation.

7 “(b) PRIORITY.—In awarding grants under this part,
8 the Attorney General shall give priority to applicants
9 that—

10 “(1) do not currently provide for centralized
11 handling of cases involving domestic violence by po-
12 lice, prosecutors, and courts; and

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

16 **“SEC. 2103. REPORTS.**

17 “Each grantee receiving funds under this part shall
18 submit a report to the Attorney General evaluating the
19 effectiveness of projects developed with funds provided
20 under this part and containing such additional informa-
21 tion as the Attorney General may prescribe.

22 **“SEC. 2104. REGULATIONS OR GUIDELINES.**

23 “Not later than 120 days after the date of enactment
24 of this part, the Attorney General shall publish proposed
25 regulations or guidelines implementing this part. Not later

1 than 180 days after the date of enactment of this part,
2 the Attorney General shall publish final regulations or
3 guidelines implementing this part.

4 **"SEC. 2105. DEFINITIONS.**

5 "For purposes of this part—

6 "(1) the term 'domestic violence' includes felony
7 or misdemeanor crimes of violence committed by a
8 current or former spouse of the victim, by a person
9 with whom the victim shares a child in common, by
10 a person who is cohabitating with or has cohabitated
11 with the victim as a spouse, by a person similarly
12 situated to a spouse of the victim under the domestic
13 or family violence laws of the jurisdiction receiving
14 grant monies, or by any other adult person against
15 a victim who is protected from that person's acts
16 under the domestic or family violence laws of the eli-
17 gible State, Indian tribal government, or unit of
18 local government that receives a grant under this
19 part; and

20 "(2) the term 'protection order' includes any in-
21 junction issued for the purpose of preventing violent
22 or threatening acts of domestic violence, including
23 temporary and final orders issued by civil or crimi-
24 nal courts (other than support or child custody or-
25 ders or provisions) whether obtained by filing an

1 independent action or as a pendente lite order in an-
2 other proceeding.”

3 (b) TECHNICAL AMENDMENT.—The table of contents
4 of title I of the Omnibus Crime Control and Safe Streets
5 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
6 tion 40121(b), is amended by striking the matter relating
7 to part U and inserting the following:

“PART U—GRANTS TO ENCOURAGE ARREST POLICIES

“Sec. 2101. Grants.

“Sec. 2102. Applications.

“Sec. 2103. Reports.

“Sec. 2104. Regulations or guidelines.

“Sec. 2105. Definitions.

“PART V—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 2201. Continuation of rules, authorities, and proceedings.”

8 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
9 1001(a) of title I of the Omnibus Crime Control and Safe
10 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
11 tion 40121(c), is amended—

12 (1) in paragraph (3) by striking “and T” and
13 inserting “T, and U”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(19) There are authorized to be appropriated to
17 carry out part U—

18 (A) \$ _____ for fiscal
19 year 1995;

1 “(B) \$ _____ for fiscal
2 year 1996;
3 “(C) \$ _____ for fiscal
4 year 1997;
5 “(D) \$ _____ for fiscal
6 year 1998;
7 “(E) \$ _____ for fiscal
8 year 1999; and
9 “(F) \$ _____ for fiscal
10 year 2000.”.

11 (d) ADMINISTRATIVE PROVISIONS.—

12 (1) REGULATIONS.—Section 801(b) of title I of
13 the Omnibus Crime Control and Safe Streets Act of
14 1968 (42 U.S.C. 3782(b)), is amended by striking
15 “and O” and inserting “O, and U”.

16 (2) DENIAL OF APPLICATION.—Section 802(b)
17 of title I of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3783 (b)) is amend-
19 ed in the first sentence by striking “or O” and in-
20 serting “O, or U”.

21 **CHAPTER 4—SHELTER GRANTS**

22 **SEC. 40241. GRANTS FOR BATTERED WOMEN'S SHELTERS.**

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

1 “(a) IN GENERAL.—There are authorized to be ap-
2 propriated to carry out this title—

3 “(1) \$ _____ for fiscal
4 year 1995;

5 “(2) \$ _____ for fiscal
6 year 1996;

7 “(3) \$ _____ for fiscal
8 year 1997;

9 “(4) \$ _____ for fiscal
10 year 1998;

11 “(5) \$ _____ for fiscal
12 year 1999; and

13 “(6) \$ _____ for fiscal
14 year 2000.”.

15 **CHAPTER 5—YOUTH EDUCATION**

16 **SEC. 40251. YOUTH EDUCATION AND DOMESTIC VIOLENCE.**

17 The Family Violence Prevention and Services Act (42
18 U.S.C. 10401 et seq.), as amended by section 40211, is
19 amended by adding at the end the following new section:

20 **“SEC. 317. YOUTH EDUCATION AND DOMESTIC VIOLENCE.**

21 “(a) GENERAL PURPOSE.—For purposes of this sec-
22 tion, the Secretary may, in consultation with the Secretary
23 of Education, select, implement and evaluate 4 model pro-
24 grams for education of young people about domestic vio-
25 lence and violence 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 consultation with educational experts, legal and

7 psychological experts on battering, and victim advocate or-

8 ganizations such as battered women’s shelters, State coali-

9 tions and resource centers.

10 “(c) REVIEW AND DISSEMINATION.—Not later than

11 2 years after the date of enactment of this section, the

12 Secretary shall transmit the design and evaluation of the

13 model programs, along with a plan and cost estimate for

14 nationwide distribution, to the relevant committees of

15 Congress for review.

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—There

17 are authorized to be appropriated to carry out this

18 section—

19 “(1) \$ _____ for fiscal

20 year 1995;

21 “(2) \$ _____ for fiscal

22 year 1996;

23 “(3) \$ _____ for fiscal

24 year 1997;

1 “(4) \$ _____ for fiscal
2 year 1998;
3 “(5) \$ _____ for fiscal
4 year 1999; and
5 “(6) \$ _____ for fiscal
6 year 2000.”.

7 **CHAPTER 6—COMMUNITY PROGRAMS ON**
8 **DOMESTIC VIOLENCE**

9 **SEC. 40261. ESTABLISHMENT OF COMMUNITY PROGRAMS**
10 **ON DOMESTIC VIOLENCE.**

11 The Family Violence Prevention and Services Act (42
12 U.S.C. 10401 et seq.), as amended by section 40251, is
13 amended by adding at the end the following new section:

14 **“SEC. 318. DEMONSTRATION GRANTS FOR COMMUNITY INI-**
15 **TIATIVES.**

16 “(a) **IN GENERAL.**—The Secretary shall provide
17 grants to nonprofit private organizations to establish
18 projects in local communities involving many sectors of
19 each community to coordinate intervention and prevention
20 of domestic violence.

21 “(b) **ELIGIBILITY.**—To be eligible for a grant under
22 this section, an entity—

23 “(1) shall be a nonprofit organization organized
24 for the purpose of coordinating community projects

1 for the intervention in and prevention of domestic vi-
2 olence; and

3 “(2) shall include representatives of pertinent
4 sectors of the local community, which may include—

5 “(A) health care providers;

6 “(B) the education community;

7 “(C) the religious community;

8 “(D) the justice system;

9 “(E) domestic violence program advocates;

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

12 “(G) business and civic leaders; and

13 “(H) other pertinent sectors.

14 “(c) APPLICATIONS.—An organization that desires to
15 receive a grant under this section shall submit to the Sec-
16 retary an application, in such form and in such manner
17 as the Secretary shall prescribe through notice in the Fed-
18 eral Register, that—

19 “(1) demonstrates that the applicant will serve
20 a community leadership function, bringing together
21 opinion leaders from each sector of the community
22 to develop a coordinated community consensus op-
23 posing domestic violence;

24 “(2) demonstrates a community action compo-
25 nent to improve and expand current intervention and

1 prevention strategies through increased communica-
2 tion and coordination among all affected sectors;

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

6 “(A) the method for identification and se-
7 lection of an administrative committee made up
8 of persons knowledgeable in domestic violence
9 to oversee the project, hire staff, assure compli-
10 ance with the project outline, and secure annual
11 evaluation of the project;

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

14 “(C) the method for identification and se-
15 lection of a project council consisting of rep-
16 resentatives of the community sectors listed in
17 subsection (b)(2);

18 “(D) the method for identification and se-
19 lection of a steering committee consisting of
20 representatives of the various community sec-
21 tors who will chair subcommittees of the project
22 council focusing on each of the sectors; and

23 “(E) a plan for developing outreach and
24 public education campaigns regarding domestic
25 violence; and

1 “(4) contains such other information, agree-
2 ments, and assurances as the Secretary may require.

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

5 “(e) CONDITIONS ON PAYMENT.—Payments under a
6 grant under this section shall be subject to—

7 “(1) annual approval by the Secretary; and

8 “(2) availability of appropriations.

9 “(f) GEOGRAPHICAL DISPERSION.—The Secretary
10 shall award grants under this section to organizations in
11 communities geographically dispersed throughout the
12 country.

13 “(g) USE OF GRANT MONIES.—

14 “(1) IN GENERAL.—A grant made under sub-
15 section (a) shall be used to establish and operate a
16 community project to coordinate intervention and
17 prevention of domestic violence.

18 “(2) REQUIREMENTS.—In establishing and op-
19 erating a project, a nonprofit private organization
20 shall—

21 “(A) establish protocols to improve and ex-
22 pand domestic violence intervention and preven-
23 tion strategies among all affected sectors;

24 “(B) develop action plans to direct re-
25 sponses within each community sector that are

1 in conjunction with development in all other
2 sectors; and

3 “(C) provide for periodic evaluation of the
4 project with a written report and analysis to as-
5 sist application of this concept in other commu-
6 nities.

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this
9 section—

10 “(1) \$ _____ for fiscal
11 year 1995;

12 “(2) \$ _____ for fiscal
13 year 1996;

14 “(3) \$ _____ for fiscal
15 year 1997;

16 “(4) \$ _____ for fiscal
17 year 1998;

18 “(5) \$ _____ for fiscal
19 year 1999; and

20 “(6) \$ _____ for fiscal
21 year 2000.

22 “(i) REGULATIONS.—Not later than 60 days after the
23 date of enactment of this section, the Secretary shall pub-
24 lish proposed regulations implementing this section. Not
25 later than 120 days after the date of enactment, the Sec-

1 retary shall publish final regulations implementing this
2 section.”.

3 **CHAPTER 7—FAMILY VIOLENCE PREVEN-**
4 **TION AND SERVICES ACT AMEND-**
5 **MENTS**

6 **SEC. 40271. 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 **SEC. 40272. TECHNICAL AMENDMENTS.**

11 (a) **DEFINITIONS.**—Section 309(5)(B) of the Family
12 Violence Prevention and Services Act (42 U.S.C.
13 10408(5)(B)) is amended by inserting “or other support-
14 ive services” before “by peers individually or in groups.”

15 (b) **SPECIAL ISSUE RESOURCE CENTERS.**—

16 (1) **GRANTS.**—Section 308(a)(2) of the Family
17 Violence Prevention and Services Act (42 U.S.C.
18 10407(a)(2)) is amended by striking “six” and in-
19 serting “seven”.

20 (2) **FUNCTIONS.**—Section 308(c) of the Family
21 Violence Prevention and Services Act (42 U.S.C.
22 10407(c)) is amended—

23 (A) by striking the period at the end of
24 paragraph (6) and inserting “, including the is-

1 suance and enforcement of protection orders.”;
2 and

3 (B) by adding at the end the following new
4 paragraph:

5 “(7) Providing technical assistance and training
6 to State domestic violence coalitions.”.

7 (c) STATE DOMESTIC VIOLENCE COALITIONS.—Sec-
8 tion 311(a) of the Family Violence Prevention and Serv-
9 ices Act (42 U.S.C. 10410(a)) is amended—

10 (1) by redesignating paragraphs (1), (2), (3),
11 and (4) as paragraphs (2), (3), (4), and (5);

12 (2) by inserting before paragraph (2), as redес-
13 igned by paragraph (1), the following new para-
14 graph:

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

19 “(A) training and technical assistance for
20 local programs and professionals working with
21 victims of domestic violence;

22 “(B) planning and conducting State needs
23 assessments and planning for comprehensive
24 services;

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

3 “(D) collaborating with other governmental
4 systems which affect battered women;”;

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

9 (4) in paragraph (3), as redesignated by para-
10 graph (1)—

11 (A) by inserting “, criminal court judges,”
12 after “family law judges,” each place it ap-
13 pears;

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

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

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

1 **CHAPTER 8—CONFIDENTIALITY FOR**
2 **ABUSED PERSONS**

3 **SEC. 40281. CONFIDENTIALITY OF ABUSED PERSON'S AD-**
4 **DRESS.**

5 (a) **REGULATIONS.**—Not later than 90 days after the
6 date of enactment of this Act, the United States Postal
7 Service shall promulgate regulations to secure the con-
8 fidentiality of domestic violence shelters and abused per-
9 sons' addresses.

10 (b) **REQUIREMENTS.**—The regulations under sub-
11 section (a) shall require—

12 (1) in the case of an individual, the presen-
13 tation to an appropriate postal official of a valid,
14 outstanding protection order; and

15 (2) in the case of a domestic violence shelter,
16 the presentation to an appropriate postal authority
17 of proof from a State domestic violence coalition
18 that meets the requirements of section 311 of the
19 Family Violence Prevention and Services Act (42
20 U.S.C. 10410)), verifying that the organization is a
21 domestic violence shelter.

22 (c) **DISCLOSURE FOR CERTAIN PURPOSES.**—The reg-
23 ulations under subsection (a) shall not prohibit the disclo-
24 sure of addresses to State or Federal agencies for legiti-
25 mate law enforcement or other governmental purposes.

1 (d) EXISTING COMPILATIONS.—Compilations of ad-
2 dresses existing at the time at which order is presented
3 to an appropriate postal official shall be excluded from the
4 scope of the regulations under subsection (a).

5 CHAPTER 9—DATA AND RESEARCH

6 SEC. 40291. RESEARCH AGENDA.

7 (a) REQUEST FOR CONTRACT.—The Attorney Gen-
8 eral shall request the National Academy of Sciences,
9 through its National Research Council, to enter into a con-
10 tract to develop a research agenda to increase the under-
11 standing and control of violence against women, including
12 rape and domestic violence. In furtherance of the contract,
13 the National Academy shall convene a panel of nationally
14 recognized experts on violence against women, in the fields
15 of law, medicine, criminal justice, and direct services to
16 victims and experts on domestic violence in diverse, ethnic,
17 social, and language minority communities and the social
18 sciences. In setting the agenda, the Academy shall focus
19 primarily on preventive, educative, social, and legal strate-
20 gies, including addressing the needs of underserved popu-
21 lations.

22 (b) DECLINATION OF REQUEST.—If the National
23 Academy of Sciences declines to conduct the study and
24 develop a research agenda, it shall recommend a nonprofit
25 private entity that is qualified to conduct such a study.

1 In that case, the Attorney General shall carry out sub-
2 section (a) through the nonprofit private entity rec-
3 ommended by the Academy. In either case, whether the
4 study is conducted by the National Academy of Sciences
5 or by the nonprofit group it recommends, the funds for
6 the contract shall be made available from sums appro-
7 priated for the conduct of research by the National Insti-
8 tute of Justice.

9 (c) REPORT.—The Attorney General shall ensure
10 that no later than 1 year after the date of enactment of
11 this Act, the study required under subsection (a) is com-
12 pleted and a report describing the findings made is sub-
13 mitted to the Committee on the Judiciary of the Senate
14 and the Committee on the Judiciary of the House of Rep-
15 resentatives.

16 **SEC. 40292. STATE DATABASES.**

17 (a) IN GENERAL.—The Attorney General shall study
18 and report to the States and to Congress on how the
19 States may collect centralized databases on the incidence
20 of sexual and domestic violence offenses within a State.

21 (b) CONSULTATION.—In conducting its study, the At-
22 torney General shall consult persons expert in the collec-
23 tion of criminal justice data, State statistical administra-
24 tors, law enforcement personnel, and nonprofit nongovern-
25 mental agencies that provide direct services to victims of

1 domestic violence. The final report shall set forth the views
2 of the persons consulted on the recommendations.

3 (c) REPORT.—The Attorney General shall ensure
4 that no later than 1 year after the date of enactment of
5 this Act, the study required under subsection (a) is com-
6 pleted and a report describing the findings made is sub-
7 mitted to the Committees on the Judiciary of the Senate
8 and the House of Representatives.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this
11 section—

12 (1) \$ _____ for fiscal
13 year 1995;

14 (2) \$ _____ for fiscal
15 year 1996;

16 (3) \$ _____ for fiscal
17 year 1997;

18 (4) \$ _____ for fiscal
19 year 1998;

20 (5) \$ _____ for fiscal
21 year 1999; and

22 (6) \$ _____ for fiscal
23 year 2000.

1 SEC. 40293. 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
10 are authorized to be appropriated to carry out this
11 section—

12 (1) \$ _____ for fiscal
13 year 1995;

14 (2) \$ _____ for fiscal
15 year 1996;

16 (3) \$ _____ for fiscal
17 year 1997;

18 (4) \$ _____ for fiscal
19 year 1998;

20 (5) \$ _____ for fiscal
21 year 1999; and

22 (6) \$ _____ for fiscal
23 year 2000.

1 **CHAPTER 10—RURAL DOMESTIC VIO-**
2 **LENCE AND CHILD ABUSE ENFORCE-**
3 **MENT**

4 **SEC. 40295. RURAL DOMESTIC VIOLENCE AND CHILD**
5 **ABUSE ENFORCEMENT ASSISTANCE.**

6 (a) **GRANTS.**—The Attorney General may make
7 grants to States, Indian tribal governments, and local gov-
8 ernments of rural States, and to other public or private
9 entities of rural States—

10 (1) to implement, expand, and establish cooper-
11 ative efforts and projects between law enforcement
12 officers, prosecutors, victim advocacy groups, and
13 other related parties to investigate and prosecute in-
14 cidents of domestic violence and child abuse;

15 (2) to provide treatment and counseling to vic-
16 tims of domestic violence and child abuse; and

17 (3) to work in cooperation with the community
18 to develop education and prevention strategies di-
19 rected toward such issues.

20 (b) **DEFINITIONS.**—In this section—

21 “Indian tribe” means a tribe, band, pueblo, na-
22 tion, or other organized group or community of Indi-
23 ans, including an Alaska Native village (as defined
24 in or established under the Alaska Native Claims
25 Settlement Act (43 U.S.C. 1601 et seq.), that is rec-

1 ognized as eligible for the special programs and serv-
2 ices provided by the United States to Indians be-
3 cause of their status as Indians.

4 “rural State” has the meaning stated in section
5 1501(b) of title I of the Omnibus Crime Control and
6 Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

7 (c) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There are authorized to be
9 appropriated to carry out this section—

10 (A) \$ _____ for fis-
11 cal year 1995;

12 (B) \$ _____ for fis-
13 cal year 1996;

14 (C) \$ _____ for fis-
15 cal year 1997;

16 (D) \$ _____ for fis-
17 cal year 1998;

18 (E) \$ _____ for fis-
19 cal year 1999; and

20 (F) \$ _____ for fis-
21 cal year 2000.

22 (2) ADDITIONAL FUNDING.—In addition to
23 funds received under a grant under subsection (a),
24 a law enforcement agency may use funds received

1 under a grant under section 103 to accomplish the
2 objectives of this section.

3 **Subtitle C—Civil Rights for Women**

4 **SEC. 40301. SHORT TITLE.**

5 This subtitle may be cited as the “Civil Rights Rem-
6 edies for Gender-Motivated Violence Act”.

7 **SEC. 40302. CIVIL RIGHTS.**

8 (a) **PURPOSE.**—Pursuant to the affirmative power of
9 Congress to enact this subtitle under section 5 of the
10 Fourteenth Amendment to the Constitution, as well as
11 under section 8 of Article I of the Constitution, it is the
12 purpose of this subtitle to protect the civil rights of victims
13 of gender motivated violence and to promote public safety,
14 health, and activities affecting interstate commerce by es-
15 tablishing a Federal civil rights cause of action for victims
16 of crimes of violence motivated by gender.

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

21 (c) **CAUSE OF ACTION.**—A person (including a person
22 who acts under color of any statute, ordinance, regulation,
23 custom, or usage of any State) who commits a crime of
24 violence motivated by gender and thus deprives another
25 of the right declared in subsection (b) shall be liable to

1 the party injured, in an action for the recovery of compen-
2 satory and punitive damages, injunctive and declaratory
3 relief, and such other relief as a court may deem appro-
4 priate.

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

6 (1) the term “crime of violence motivated by
7 gender” means a crime of violence committed be-
8 cause of gender or on the basis of gender, and due,
9 at least in part, to an animus based on the victim’s
10 gender; and

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

12 (A) an act or series of acts that would con-
13 stitute a felony against the person or that
14 would constitute a felony against property if the
15 conduct presents a serious risk of physical in-
16 jury to another, and that would come within the
17 meaning of State or Federal offenses described
18 in section 16 of title 18, United States Code,
19 whether or not those acts have actually resulted
20 in criminal charges, prosecution, or conviction
21 and whether or not those acts were committed
22 in the special maritime, territorial, or prison ju-
23 risdiction of the United States; and

24 (B) includes an act or series of acts that
25 would constitute a felony described in subpara-

1 graph (A) but for the relationship between the
2 person who takes such action and the individual
3 against whom such action is taken.

4 (e) LIMITATION AND PROCEDURES.—

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

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

15 (3) CONCURRENT JURISDICTION.—The Federal
16 and State courts shall have concurrent jurisdiction
17 over actions brought pursuant to this subtitle.

18 (4) SUPPLEMENTAL JURISDICTION.—Neither
19 section 1367 of title 28, United States Code, nor
20 subsection (c) of this section shall be construed, by
21 reason of a claim arising under such subsection, to
22 confer on the courts of the United States jurisdic-
23 tion over any State law claim seeking the establish-
24 ment of a divorce, alimony, equitable distribution of
25 marital property, or child custody decree.

1 (5) LIMITATION ON REMOVAL.—Section 1445
 2 of title 28, United States Code, is amended by add-
 3 ing at the end the following new subsection:

4 “(d) A civil action in any State court arising under
 5 section ~~3402~~ of the Violence Against Women Act of 1994
 6 may not be removed to any district court of the United
 7 States.”.

40302

8 **SEC. 40303. ATTORNEY'S FEES.**

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

11 (1) by striking “or” after “Public Law 92-
 12 318,”; and

13 (2) by inserting “, or section ~~3402~~ of the Vio-
 14 lence Against Women Act of 1994,” after “1964”.

40302

15 **SEC. 40304. SENSE OF THE SENATE CONCERNING PROTEC-**
 16 **TION OF THE PRIVACY OF RAPE VICTIMS.**

17 It is the sense of the Senate that news media, law
 18 enforcement officers, and other persons should exercise re-
 19 straint and respect a rape victim’s privacy by not disclos-
 20 ing the victim’s identity to the general public or facilitat-
 21 ing such disclosure without the consent of the victim.

1 **Subtitle D—Equal Justice for**
2 **Women in the Courts Act**

3 **SEC. 40401. SHORT TITLE.**

4 This subtitle may be cited as the “Equal Justice for
5 Women in the Courts Act of 1994”.

6 **CHAPTER 1—EDUCATION AND TRAINING**
7 **FOR JUDGES AND COURT PERSONNEL**
8 **IN STATE COURTS**

9 **SEC. 40411. GRANTS AUTHORIZED.**

10 The State Justice Institute may award grants for the
11 purpose of developing, testing, presenting, and disseminat-
12 ing model programs to be used by States (as defined in
13 section 202 of the State Justice Institute Act of 1984 (42
14 U.S.C. 10701)) in training judges and court personnel in
15 the laws of the States and by Indian tribes in training
16 tribal judges and court personnel in the laws of the tribes
17 on rape, sexual assault, domestic violence, and other
18 crimes of violence motivated by the victim’s gender.

19 **SEC. 40412. TRAINING PROVIDED BY GRANTS.**

20 Training provided pursuant to grants made under
21 this subtitle may include current information, existing
22 studies, or current data on—

23 (1) the nature and incidence of rape and sexual
24 assault by strangers and nonstrangers, marital rape,
25 and incest;

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

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

6 (4) the psychology of sex offenders, their high
7 rate of recidivism, and the implications for sentenc-
8 ing;

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

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

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

22 (8) the use of expert witness testimony on rape
23 trauma syndrome, child sexual abuse accommodation
24 syndrome, post-traumatic stress syndrome, and simi-
25 lar issues;

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

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

6 (11) the physical, psychological, and economic
7 impact of domestic violence on the victim, the costs
8 to society, and the implications for court procedures
9 and sentencing;

10 (12) the psychology and self-presentation of
11 batterers and victims and the implications for court
12 proceedings and credibility of witnesses;

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

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

20 (15) proper and improper interpretations of the
21 defenses of self-defense and provocation, and the use
22 of expert witness testimony on battered woman syn-
23 drome;

24 (16) the likelihood of retaliation, recidivism,
25 and escalation of violence by batterers, and the po-

1 tential impact of incarceration and other meaningful
2 sanctions for acts of domestic violence including vio-
3 lations of orders of protection;

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

12 (18) the need for orders of protection, and the
13 implications of mutual orders of protection, dual ar-
14 rest policies, and mediation in domestic violence
15 cases; and

16 (19) recognition of and response to gender-mo-
17 tivated crimes of violence other than rape, sexual as-
18 sault and domestic violence, such as mass or serial
19 murder motivated by the gender of the victims.

20 **SEC. 40413. COOPERATION IN DEVELOPING PROGRAMS IN**
21 **MAKING GRANTS UNDER THIS TITLE.**

22 The State Justice Institute shall ensure that model
23 programs carried out pursuant to grants made under this
24 subtitle are developed with the participation of law en-
25 forcement officials, public and private nonprofit victim ad-

1 vocates, legal experts, prosecutors, defense attorneys, and
2 recognized experts on gender bias in the courts.

3 **SEC. 40414. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) **IN GENERAL.**—There are authorized to be appro-
5 priated to carry out this chapter—

6 (1) \$ _____ for fiscal
7 year 1995;

8 (2) \$ _____ for fiscal
9 year 1996;

10 (3) \$ _____ for fiscal
11 year 1997;

12 (4) \$ _____ for fiscal
13 year 1998;

14 (5) \$ _____ for fiscal
15 year 1999; and

16 (6) \$ _____ for fiscal
17 year 2000.

18 (b) **MODEL PROGRAMS.**—Of amounts appropriated
19 under this section, the State Justice Institute shall expend
20 not less than 40 percent on model programs regarding do-
21 mestic violence and not less than 40 percent on model pro-
22 grams regarding rape and sexual assault.

1 **CHAPTER 2—EDUCATION AND TRAINING**
2 **FOR JUDGES AND COURT PERSONNEL**
3 **IN FEDERAL COURTS**

4 **SEC. 40421. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**
5 **CATION AND TRAINING GRANTS.**

6 (a) **STUDIES.**—In order to gain a better understand-
7 ing of the nature and the extent of gender bias in the Fed-
8 eral courts, the circuit judicial councils are encouraged to
9 conduct studies of the instances, if any, of gender bias
10 in their respective circuits and to implement recommended
11 reforms.

12 (b) **MATTERS FOR EXAMINATION.**—The studies
13 under subsection (a) may include an examination of the
14 effects of gender on—

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

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

20 (3) treatment of defendants in criminal cases;

21 (4) treatment of victims of violent crimes in ju-
22 dicial proceedings;

23 (5) sentencing;

24 (6) sentencing alternatives and the nature of
25 supervision of probation and parole;

1 (7) appointments to committees of the Judicial
2 Conference and the courts;

3 (8) case management and court sponsored al-
4 ternative dispute resolution programs;

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

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

9 (11) the admissibility of the victim's past sexual
10 history in civil and criminal cases; and

11 (12) the aspects of the topics listed in section
12 40412 that pertain to issues within the jurisdiction
13 of the Federal courts.

14 (c) CLEARINGHOUSE.—The Administrative Office of
15 the United States Courts shall act as a clearinghouse to
16 disseminate any reports and materials issued by the gen-
17 der bias task forces under subsection (a) and to respond
18 to requests for such reports and materials. The gender
19 bias task forces shall provide the Administrative Office of
20 the Courts of the United States with their reports and
21 related material.

22 (d) MODEL PROGRAMS.—The Federal Judicial Cen-
23 ter, in carrying out section 620(b)(3) of title 28, United
24 States Code, may—

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

8 (2) prepare materials necessary to implement
9 this subsection; and

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

15 **SEC. 40422. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated—

17 (1) to the Salaries and Expenses Account of the
18 Courts of Appeals, District Courts, and other Judi-
19 cial Services to carry out section 40421(a)—

20 (A) \$ _____ for fis-
21 cal year 1995;

22 (B) \$ _____ for fis-
23 cal year 1996;

24 (C) \$ _____ for fis-
25 cal year 1997;

1 (D) \$ _____ for fis-
2 cal year 1998;

3 (E) \$ _____ for fis-
4 cal year 1999; and

5 (F) \$ _____ for fis-
6 cal year 2000;

7 (2) to the Federal Judicial Center to carry out
8 section 40421(e)—

(d)

9 (A) \$ _____ for fis-
10 cal year 1995;

11 (B) \$ _____ for fis-
12 cal year 1996;

13 (C) \$ _____ for fis-
14 cal year 1997;

15 (D) \$ _____ for fis-
16 cal year 1998;

17 (E) \$ _____ for fis-
18 cal year 1999; and

19 (F) \$ _____ for fis-
20 cal year 2000; and

21 (3) to the Administrative Office of the United
22 States Courts to carry out section 40421(c)—

23 (A) \$ _____ for fis-
24 cal year 1995;

1 (B) \$ _____ for fis-
2 cal year 1996;

3 (C) \$ _____ for fis-
4 cal year 1997;

5 (D) \$ _____ for fis-
6 cal year 1998;

7 (E) \$ _____ for fis-
8 cal year 1999; and

9 (F) \$ _____ for fis-
10 cal year 2000.

11 **Subtitle E—Violence Against**
12 **Women Act Improvements**

13 **SEC. 40501. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.**

14 Section 3156(a)(4) of title 18, United States Code,
15 is amended—

16 (1) by striking “or” at the end of subparagraph
17 (A);

18 (2) by striking the period at the end of sub-
19 paragraph (B) and inserting “; or”; and

20 (3) by adding after subparagraph (B) the fol-
21 lowing new subparagraph:

22 “(C) any felony under chapter 109A or chapter
23 110.”.

1 **SEC. 40502. INCREASED PENALTIES FOR SEX OFFENSES**
2 **AGAINST VICTIMS BELOW THE AGE OF 16.**

3 Section 2245(2) of title 18, United States Code, is
4 amended—

5 (1) by striking “or” at the end of subparagraph
6 (B);

7 (2) by striking “; and” at the end of subpara-
8 graph (C) and inserting “; or”; and

9 (3) by inserting after subparagraph (C) the fol-
10 lowing new subparagraph:

11 “(D) the intentional touching, not through the
12 clothing, of the genitalia of another person who has
13 not attained the age of 16 years with an intent to
14 abuse, humiliate, harass, degrade, or arouse or grat-
15 ify the sexual desire of any person;”

16 **SEC. 40503. PAYMENT OF COST OF TESTING FOR SEXUALLY**
17 **TRANSMITTED DISEASES.**

18 (a) **FOR VICTIMS IN SEX OFFENSE CASES.**—Section
19 503(c)(7) of the Victims’ Rights and Restitution Act of
20 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at
21 the end the following: “The Attorney General shall provide
22 for the payment of the cost of up to 2 anonymous and
23 confidential tests of the victim for sexually transmitted
24 diseases, including HIV, gonorrhea, herpes, chlamydia,
25 and syphilis, during the 12 months following sexual as-
26 saults that pose a risk of transmission, and the cost of

1 a counseling session by a medically trained professional
2 on the accuracy of such tests and the risk of transmission
3 of sexually transmitted diseases to the victim as the result
4 of the assault. A victim may waive anonymity and con-
5 fidentiality of any tests paid for under this section.”.

6 (b) PENALTIES FOR INTENTIONAL TRANSMISSION OF
7 HIV.—Not later than 6 months after the date of enact-
8 ment of this Act, the United States Sentencing Commis-
9 sion shall conduct a study and prepare and submit to the
10 committees on the Judiciary of the Senate and the House
11 of Representatives a report concerning recommendations
12 for the revision of sentencing guidelines that relate to of-
13 fenses in which an HIV infected individual engages in sex-
14 ual activity if the individual knows that he or she is in-
15 fected with HIV and intends, through such sexual activity,
16 to expose another to HIV.

17 **SEC. 40504. EXTENSION AND STRENGTHENING OF RESTITU-**
18 **TION.**

19 Section 3663(b) of title 18, United States Code, is
20 amended—

21 (1) in paragraph (2) by inserting “including an
22 offense under chapter 109A or chapter 110” after
23 “an offense resulting in bodily injury to a victim”;
24 (2) by striking “and” at the end of paragraph
25 (3);

1 (3) by redesignating paragraph (4) as para-
2 graph (5); and

3 (4) by inserting after paragraph (3) the follow-
4 ing new paragraph:

5 “(4) in any case, reimburse the victim for lost
6 income and necessary child care, transportation, and
7 other expenses related to participation in the inves-
8 tigation or prosecution of the offense or attendance
9 at proceedings related to the offense; and”.

10 **SEC. 40505. ENFORCEMENT OF RESTITUTION ORDERS**
11 **THROUGH SUSPENSION OF FEDERAL BENE-**
12 **FITS.**

13 Section 3663 of title 18, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(i)(1) A Federal agency shall immediately suspend
17 all Federal benefits provided by the agency to the defend-
18 ant, and shall terminate the defendant’s eligibility for Fed-
19 eral benefits administered by that agency, upon receipt of
20 a certified copy of a written judicial finding that the de-
21 fendant is delinquent in making restitution in accordance
22 with any schedule of payments or any requirement of im-
23 mediate payment imposed under this section.

24 “(2) Any written finding of delinquency described in
25 paragraph (1) shall be made by a court, after a hearing,

1 upon motion of the victim named in the order to receive
2 the restitution or upon motion of the United States.

3 “(3) A defendant found to be delinquent may subse-
4 quently seek a written finding from the court that the de-
5 fendant has rectified the delinquency or that the defendant
6 has made and will make good faith efforts to rectify the
7 delinquency. The defendant’s eligibility for Federal bene-
8 fits shall be reinstated upon receipt by the agency of a
9 certified copy of such a finding.

10 “(4) In this subsection, “Federal benefit” means a
11 grant, contract, loan, professional license, or commercial
12 license provided by an agency of the United States.”

13 **SEC. 40506. NATIONAL BASELINE STUDY ON CAMPUS SEX-**
14 **UAL ASSAULT.**

15 (a) **STUDY.**—The Attorney General, in consultation
16 with the Secretary of Education, shall provide for a na-
17 tional baseline study to examine the scope of the problem
18 of campus sexual assaults and the effectiveness of institu-
19 tional and legal policies in addressing such crimes and pro-
20 tecting victims. The Attorney General may utilize the Bu-
21 reau of Justice Statistics, the National Institute of Jus-
22 tice, and the Office for Victims of Crime in carrying out
23 this section.

24 (b) **REPORT.**—Based on the study required by sub-
25 section (a) and data collected under the Student Right-

1 To-Know and Campus Security Act (20 U.S.C. 1001 note;
2 Public Law 101-542) and amendments made by that Act,
3 the Attorney General shall prepare a report including an
4 analysis of—

5 (1) the number of reported allegations and esti-
6 mated number of unreported allegations of campus
7 sexual assaults, and to whom the allegations are re-
8 ported (including authorities of the educational insti-
9 tution, sexual assault victim service entities, and
10 local criminal authorities);

11 (2) the number of campus sexual assault allega-
12 tions reported to authorities of educational institu-
13 tions which are reported to criminal authorities;

14 (3) the number of campus sexual assault allega-
15 tions that result in criminal prosecution in compari-
16 son with the number of non-campus sexual assault
17 allegations that result in criminal prosecution;

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

20 (5) the adequacy of policies and practices of
21 educational institutions in addressing campus sexual
22 assaults and protecting victims, including consider-
23 ation of—

24 (A) the security measures in effect at edu-
25 cational institutions, such as utilization of cam-

1 pus police and security guards, control over ac-
2 cess to grounds and buildings, supervision of
3 student activities and student living arrange-
4 ments, control over the consumption of alcohol
5 by students, lighting, and the availability of es-
6 cort services;

7 (B) the articulation and communication to
8 students of the institution's policies concerning
9 sexual assaults;

10 (C) policies and practices that may prevent
11 or discourage the reporting of campus sexual
12 assaults to local criminal authorities, or that
13 may otherwise obstruct justice or interfere with
14 the prosecution of perpetrators of campus sex-
15 ual assaults;

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

18 (E) the ability of educational institutions'
19 disciplinary processes to address allegations of
20 sexual assault adequately and fairly;

21 (F) measures that are taken to ensure that
22 victims are free of unwanted contact with al-
23 leged assailants, and disciplinary sanctions that
24 are imposed when a sexual assault is deter-
25 mined to have occurred; and

1 (G) the grounds on which educational in-
2 stitutions are subject to lawsuits based on cam-
3 pus sexual assaults, the resolution of these
4 cases, and measures that can be taken to avoid
5 the likelihood of lawsuits and civil liability;

6 (6) in conjunction with the report produced by
7 the Department of Education in coordination with
8 institutions of education under the Student Right-
9 To-Know and Campus Security Act (20 U.S.C. 1001
10 note; Public Law 101-542) and amendments made
11 by that Act, an assessment of the policies and prac-
12 tices of educational institutions that are of greatest
13 effectiveness in addressing campus sexual assaults
14 and protecting victims, including policies and prac-
15 tices relating to the particular issues described in
16 paragraph (5); and

17 (7) any recommendations the Attorney General
18 may have for reforms to address campus sexual as-
19 saults and protect victims more effectively, and any
20 other matters that the Attorney General deems rel-
21 evant to the subject of the study and report required
22 by this section.

23 (c) SUBMISSION OF REPORT.—The report required
24 by subsection (b) shall be submitted to the Congress no
25 later than September 1, 1996.

1 (d) DEFINITION.—For purposes of this section,
 2 “campus sexual assaults” includes sexual assaults occur-
 3 ring at institutions of postsecondary education and sexual
 4 assaults committed against or by students or employees
 5 of such institutions.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to carry out the study
 8 required by this section—

- 9 (1) \$ _____ for fiscal
 10 year 1995;
- 11 (2) \$ _____ for fiscal
 12 year 1996;
- 13 (3) \$ _____ for fiscal
 14 year 1997;
- 15 (4) \$ _____ for fiscal
 16 year 1998;
- 17 (5) \$ _____ for fiscal
 18 year 1999; and
- 19 (6) \$ _____ for fiscal
 20 year 2000.

21 **SEC. 40507. REPORT ON BATTERED WOMEN'S SYNDROME.**

22 (a) REPORT.—Not less than 1 year after the date of
 23 enactment of this Act, the Attorney General and the Sec-
 24 retary of Health and Human Services shall transmit to
 25 the House Committee on Energy and Commerce, the Sen-

1 ate Committee on Labor and Human Resources, and the
2 Committees on the Judiciary of the Senate and the House
3 of Representatives a report on the medical and psycho-
4 logical basis of "battered women's syndrome" and on the
5 extent to which evidence of the syndrome has been consid-
6 ered in criminal trials.

7 (b) COMPONENTS.—The report under subsection (a)
8 shall include—

9 (1) medical and psychological testimony on the
10 validity of battered women's syndrome as a psycho-
11 logical condition;

12 (2) a compilation of State, tribal, and Federal
13 court cases in which evidence of battered women's
14 syndrome was offered in criminal trials; and

15 (3) an assessment by State, tribal, and Federal
16 judges, prosecutors, and defense attorneys of the ef-
17 fects that evidence of battered women's syndrome
18 may have in criminal trials.

19 **SEC. 40508. REPORT ON CONFIDENTIALITY OF ADDRESSES**
20 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

21 (a) REPORT.—The Attorney General shall conduct a
22 study of the means by which abusive spouses may obtain
23 information concerning the addresses or locations of es-
24 tranged or former spouses, notwithstanding the desire of
25 the victims to have such information withheld to avoid fur-

1 ther exposure to abuse. Based on the study, the Attorney
2 General shall transmit a report to Congress including—

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

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

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

16 **SEC. 40509. REPORT ON RECORDKEEPING RELATING TO**
17 **DOMESTIC VIOLENCE.**

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

24 (1) the efforts that have been made by the De-
25 partment of Justice, including the Federal Bureau

1 of Investigation, to collect statistics on domestic vio-
2 lence; and

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

7 **Subtitle F—National Stalker and**
8 **Domestic Violence Reduction**

9 **SEC. 40601. AUTHORIZING ACCESS TO FEDERAL CRIMINAL**
10 **INFORMATION DATABASES.**

11 (a) ACCESS AND ENTRY.—Section 534 of title 28,
12 United States Code, is amended by adding at the end the
13 following:

14 “(e)(1) Information from national crime information
15 databases consisting of identification records, criminal his-
16 tory records, protection orders, and wanted person records
17 may be disseminated to civil or criminal courts for use
18 in domestic violence or stalking cases. Nothing in this sub-
19 section shall be construed to permit access to such records
20 for any other purpose.

21 “(2) Federal and State criminal justice agencies au-
22 thorized to enter information into criminal information
23 databases may include—

24 “(A) arrests, convictions, and arrest warrants
25 for stalking or domestic violence or for violations of

1 protection orders for the protection of parties from
2 stalking or domestic violence; and

3 “(B) protection orders for the protection of per-
4 sons from stalking or domestic violence, provided
5 such orders are subject to periodic verification.

6 “(3) As used in this subsection—

7 “(A) the term ‘national crime information
8 databases’ means the National Crime Information
9 Center and its incorporated criminal history
10 databases, including the Interstate Identification
11 Index; and

12 “(B) the term ‘protection order’ includes an in-
13 junction or any other order issued for the purpose
14 of preventing violent or threatening acts or harass-
15 ment against, or contact or ~~contamination~~^{communication} with or
16 physical proximity to, another person, including tem-
17 porary and final orders issued by civil or criminal
18 courts (other than support or child custody orders)
19 whether obtained by filing an independent action or
20 as a pendente lite order in another proceeding so
21 long as any civil order was issued in response to a
22 complaint, petition, or motion filed by or on behalf
23 of a person seeking protection.”

24 (b) RULEMAKING.—The Attorney General may make
25 rules to carry out the subsection added to section 534 of

1 title 28, United States Code, by subsection (a), after con-
2 sultation with the officials charged with managing the Na-
3 tional Crime Information Center and the Criminal Justice
4 Information Services Advisory Policy Board.

5 **SEC. 40602. GRANT PROGRAM.**

6 (a) **IN GENERAL.**—The Attorney General is author-
7 ized to provide grants to States and units of local govern-
8 ment to improve processes for entering data regarding
9 stalking and domestic violence into local, State, and na-
10 tional crime information databases.

11 (b) **ELIGIBILITY.**—To be eligible to receive a grant
12 under subsection (a), a State or unit of local government
13 shall certify that it has or intends to establish a program
14 that enters into the National Crime Information Center
15 records of—

16 (1) warrants for the arrest of persons violating
17 protection orders intended to protect victims from
18 stalking or domestic violence;

19 (2) arrests or convictions of persons violating
20 protection or domestic violence; and

21 (3) protection orders for the protection of per-
22 sons from stalking or domestic violence.

23 **SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated to carry out
25 this subtitle—

- 1 (1) \$ _____ for fiscal
- 2 year 1995;
- 3 (2) \$ _____ for fiscal
- 4 year 1996;
- 5 (3) \$ _____ for fiscal
- 6 year 1997;
- 7 (4) \$ _____ for fiscal
- 8 year 1998;
- 9 (5) \$ _____ for fiscal
- 10 year 1999; and
- 11 (6) \$ _____ for fiscal
- 12 year 2000.

13 **SEC. 40604. APPLICATION REQUIREMENTS.**

14 An application for a grant under this subtitle shall
15 be submitted in such form and manner, and contain such
16 information, as the Attorney General may prescribe. In
17 addition, applications shall include documentation
18 showing—

19 (1) the need for grant funds and that State or
20 local funding, as the case may be, does not already
21 cover these operations;

22 (2) intended use of the grant funds, including
23 a plan of action to increase record input; and

24 (3) an estimate of expected results from the use
25 of the grant funds.

1 **SEC. 40605. DISBURSEMENT.**

2 Not later than 90 days after the receipt of an applica-
3 tion under this subtitle, the Attorney General shall either
4 provide grant funds or shall inform the applicant why
5 grant funds are not being provided.

6 **SEC. 40606. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
7 **UATIONS.**

8 The Attorney General may provide technical assist-
9 ance and training in furtherance of the purposes of this
10 subtitle, and may provide for the evaluation of programs
11 that receive funds under this subtitle, in addition to any
12 evaluation requirements that the Attorney General may
13 prescribe for grantees. The technical assistance, training,
14 and evaluations authorized by this section may be carried
15 out directly by the Attorney General, or through contracts
16 or other arrangements with other entities.

17 **SEC. 40607. TRAINING PROGRAMS FOR JUDGES.**

18 The State Justice Institute, after consultation with
19 nationally recognized nonprofit organizations with exper-
20 tise in stalking and domestic violence cases, shall conduct
21 training programs for State (as defined in section 202 of
22 the State Justice Institute Authorization Act of 1984 (42
23 U.S.C. 10701)) and Indian tribal judges to ensure that
24 a judge issuing an order in a stalking or domestic violence
25 case has all available criminal history and other informa-
26 tion, whether from State or Federal sources.

1 **SEC. 40608. RECOMMENDATIONS ON INTRASTATE COMMU-**
2 **NICATION.**

3 The State Justice Institute, after consultation with
4 nationally recognized nonprofit associations with expertise
5 in data sharing among criminal justice agencies and famil-
6 iarity with the issues raised in stalking and domestic vio-
7 lence cases, shall recommend proposals regarding how
8 State courts may increase intrastate communication be-
9 tween civil and criminal courts.

10 **SEC. 40609. INCLUSION IN NATIONAL INCIDENT-BASED RE-**
11 **PORTING SYSTEM.**

12 Not later than 2 years after the date of enactment
13 of this Act, the Attorney General, in accordance with the
14 States, shall compile data regarding domestic violence and
15 intimidation (including stalking) as part of the National
16 Incident-Based Reporting System (NIBRS).

17 **SEC. 40610. REPORT TO CONGRESS.**

18 The Attorney General shall submit to the Congress
19 an annual report, beginning one year after the date of the
20 enactment of this Act, that provides information concern-
21 ing the incidence of stalking and domestic violence, and
22 evaluates the effectiveness of State antistalking efforts
23 and legislation.

24 **SEC. 40611. DEFINITIONS.**

25 As used in this subtitle—

1 (1) the term “national crime information
2 databases” refers to the National Crime Information
3 Center and its incorporated criminal history
4 databases, including the Interstate Identification
5 Index; and

6 (2) the term “protection order” includes an in-
7 junction or any other order issued for the purpose
8 of preventing violent or threatening acts or harass-
9 ment against, or contact or communication with or
10 physical proximity to, another person, including tem-
11 porary and final orders issued by civil or criminal
12 courts (other than support or child custody orders)
13 whether obtained by filing an independent action or
14 as a pendente lite order in another proceeding so
15 long as any civil order was issued in response to a
16 complaint, petition, or motion filed by or on behalf
17 of a person seeking protection.

18 **Subtitle G—Protections for Bat-**
19 **tered Immigrant Women and**
20 **Children**

21 **SEC. 40701. ALIEN PETITIONING RIGHTS FOR IMMEDIATE**
22 **RELATIVE OR SECOND PREFERENCE STATUS.**

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

1 (1) in subparagraph (A)—

2 (A) by inserting “(i)” after “(A)”,

3 (B) by redesignating the second sentence
4 as clause (ii), and

5 (C) by adding at the end the following new
6 clauses:

7 “(iii) An alien who is the spouse of a citizen of the
8 United States, who is a person of good moral character,
9 who is eligible to be classified as an immediate relative
10 under section 201(b)(2)(A)(i), and who has resided in the
11 United States with the alien’s spouse may file a petition
12 with the Attorney General under this subparagraph for
13 classification of the alien (and any child of the alien if
14 such a child has not been classified under clause (iv))
15 under such section if the alien demonstrates to the Attor-
16 ney General that—

17 “(I) the alien is residing in the United States,
18 the marriage between the alien and the spouse was
19 entered into in good faith by the alien, and during
20 the marriage the alien or a child of the alien has
21 been battered by or has been the subject of extreme
22 cruelty perpetrated by the alien’s spouse; and

23 “(II) the alien is a person whose deportation, in
24 the opinion of the Attorney General, would result in
25 extreme hardship to the alien or a child of the alien.

1 “(iv) An alien who is the child of a citizen of the Unit-
2 ed States, who is a person of good moral character, who
3 is eligible to be classified as an immediate relative under
4 section 201(b)(2)(A)(i), and who has resided in the United
5 States with the citizen parent may file a petition with the
6 Attorney General under this subparagraph for classifica-
7 tion of the alien under such section if the alien dem-
8 onstrates to the Attorney General that—

9 “(I) the alien is residing in the United States
10 and during the period of residence with the citizen
11 parent the alien has been battered by or has been
12 the subject of extreme cruelty perpetrated by the
13 alien’s citizen parent; and

14 “(II) the alien is a person whose deportation, in
15 the opinion of the Attorney General, would result in
16 extreme hardship to the alien.”;

17 (2) in subparagraph (B)—

18 (A) by inserting “(i)” after “(B)”; and

19 (B) by adding at the end the following new
20 clauses:

21 “(ii) An alien who is the spouse of an alien lawfully
22 admitted for permanent residence, who is a person of good
23 moral character, who is eligible for classification under
24 section 203(a)(2)(A), and who has resided in the United
25 States with the alien’s legal permanent resident spouse

1 may file a petition with the Attorney General under this
2 subparagraph for classification of the alien (and any child
3 of the alien if such a child has not been classified under
4 clause (iii)) under such section if the alien demonstrates
5 to the Attorney General that the conditions described in
6 subclauses (I) and (II) of subparagraph (A)(iii) are met
7 with respect to the alien.

8 “(iii) An alien who is the child of an alien lawfully
9 admitted for permanent residence, who is a person of good
10 moral character, who is eligible for classification under
11 section 203(a)(2)(A), and who has resided in the United
12 States with the alien’s permanent resident alien parent
13 may file a petition with the Attorney General under this
14 subparagraph for classification of the alien under such
15 section if the alien demonstrates to the Attorney General
16 that—

17 “(I) the alien is residing in the United States
18 and during the period of residence with the perma-
19 nent resident parent the alien has been battered by
20 or has been the subject of extreme cruelty per-
21 petrated by the alien’s permanent resident parent;
22 and

23 “(II) the alien is a person whose deportation, in
24 the opinion of the Attorney General, would result in
25 extreme hardship to the alien.”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(H) In acting on petitions filed under clause (iii)
4 or (iv) of subparagraph (A) or clause (ii) or (iii) of sub-
5 paragraph (B), the Attorney General shall consider any
6 credible evidence relevant to the petition. The determina-
7 tion of what evidence is credible and the weight to be given
8 that evidence shall be within the sole discretion of the At-
9 torney General.”.

10 (b) CONFORMING AMENDMENTS.—(1) Section
11 204(a)(2) of the Immigration and Nationality Act (8
12 U.S.C. 1154(a)(2)) is amended—

13 (A) in subparagraph (A) by striking “filed by
14 an alien who,” and inserting “for the classification
15 of the spouse of an alien if the alien,”; and

16 (B) in subparagraph (B) by striking “by an
17 alien whose prior marriage” and inserting “for the
18 classification of the spouse of an alien if the prior
19 marriage of the alien”.

20 (2) Section 201(b)(2)(A)(i) of the Immigration and
21 Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended
22 by striking “204(a)(1)(A)” and inserting
23 “204(a)(1)(A)(ii)”.

24 (c) SURVIVAL RIGHTS TO PETITION.—Section 204 of
25 the Immigration and Nationality Act (8 U.S.C. 1154) is

1 amended by adding at the end the following new sub-
2 section:

3 “(h) The legal termination of a marriage may not be
4 the sole basis for revocation under section 205 of a peti-
5 tion filed under subsection (a)(1)(A)(iii) or a petition filed
6 under subsection (a)(1)(B)(ii) pursuant to conditions de-
7 scribed in subsection (a)(1)(A)(iii)(I).”

8 (d) **EFFECTIVE DATE.**—The amendments made by
9 this section shall take effect January 1, 1995.

10 **SEC. 40702. USE OF CREDIBLE EVIDENCE IN SPOUSAL**
11 **WAIVER APPLICATIONS.**

12 (a) **IN GENERAL.**—Section 216(c)(4) of the Immigra-
13 tion and nationality Act (8 U.S.c. 1186a(c)(4)) is amend-
14 ed by inserting after the second sentence the following:
15 “In acting on applications under this paragraph, the At-
16 torney General shall consider any credible evidence rel-
17 evant to the application. The determination of what evi-
18 dence is credible and the weight to be given that evidence
19 shall be within the sole discretion of the Attorney Gen-
20 eral.”

21 (b) **EFFECTIVE DATE.**—The amendment made by
22 subsection (a) shall take effect on the date of enactment
23 of this Act and shall apply to applications made before,
24 on, or after such date.

1 SEC. 40703. SUSPENSION OF DEPORTATION.

2 (a) BATTERED SPOUSE OR CHILD.—Section 244(a)
3 of the Immigration and Nationality Act (8 U.S.C.
4 1254(a)) is amended—

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

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

9 (3) by inserting after paragraph (2) the follow-
10 ing:

11 “(3) is deportable under any law of the United
12 States except section 241(a)(1)(G) and the provi-
13 sions specified in paragraph (2); has been physically
14 present in the United States for a continuous period
15 of not less than 3 years immediately preceding the
16 date of such application; has been battered or sub-
17 jected to extreme cruelty in the United States by a
18 spouse or parent who is a United States citizen or
19 lawful permanent resident (or is the parent of a
20 child of a United States citizen or lawful permanent
21 resident and the child has been battered or subjected
22 to extreme cruelty in the United States by such citi-
23 zen or permanent resident parent); and proves that
24 during all of such time in the United States the
25 alien was and is a person of good moral character;
26 and is a person whose deportation would, in the

1 opinion of the Attorney General, result in extreme
2 hardship to the alien or the alien's parent or child.”.

3 (b) CONSIDERATION OF EVIDENCE.—Section 244 of
4 the Immigration and Nationality Act (8 U.S.C. 1254) is
5 amended by adding at the end the following new sub-
6 section:

7 “(g) In acting on applications under subsection
8 (a)(3), the Attorney General shall consider any credible
9 evidence relevant to the application. The determination of
10 what evidence is credible and the weight to be given that
11 evidence shall be within the sole discretion of the Attorney
12 General.”.