

1 by the 30th day before the beginning of the first payment
2 period in which the variation applies. A variation shall—

3 “(1) provide for allocating the total amount al-
4 located under sections 6705 (a) and (b);

5 “(2) apply uniformly in the State; and

6 “(3) apply only to payment periods beginning
7 before October 1, 1995.

8 “(b) CERTIFICATION.—A variation by a State govern-
9 ment under this section may apply only if the Secretary
10 certifies that the variation complies with this section. The
11 Secretary may certify a variation only if the Secretary is
12 notified of the variation at least 30 days before the first
13 payment period in which the variation applies.

14 **“§ 6708. Adjustments of local government allocations**

15 “(a) MAXIMUM AMOUNT.—The amount allocated to
16 a unit of general local government for a payment period
17 may not exceed the adjusted taxes imposed by the unit
18 of general local government as determined under section
19 6705(b)(3). Amounts in excess of adjusted taxes shall be
20 paid to the Governor of the State in which the unit of
21 local government is located.

22 “(b) DE MINIMIS ALLOCATIONS.—If the amount al-
23 located to a unit of general local government (except an
24 Indian tribe or an Alaskan native village) for a payment
25 period would be less than \$5,000 but for this subsection

1 or is waived by the governing authority of the unit of gen-
2 eral local government, the Secretary shall pay the amount
3 to the Governor of the State in which the unit is located.

4 “(c) USE OF PAYMENTS TO STATES.—The Governor
5 of a State shall use all amounts paid to the Governor
6 under subsections (a) and (b) for programs described in
7 section 6701(a)(2) in areas of the State where are located
8 the units of general local government with respect to which
9 amounts are paid under subsection (b).

10 **“§ 6709. Information used in allocation formulas**

11 “(a) USE OF MOST RECENT INFORMATION.—Except
12 as provided in this section, the Secretary shall use the
13 most recent available information provided by the Sec-
14 retary of Commerce and the Secretary of Labor before the
15 beginning of the payment period to determine an alloca-
16 tion under this chapter. If the Secretary decides that the
17 information is not current or complete enough to provide
18 for a fair allocation, the Secretary may use additional in-
19 formation (including information based on estimates) as
20 provided under regulations of the Secretary.

21 “(b) POPULATION DATA.—(1) The Secretary shall
22 determine population on the same basis that the Secretary
23 of Commerce determines resident population for general
24 statistical purposes.

1 “(2) The Secretary shall request the Secretary of
2 Commerce to adjust the population information provided
3 to the Secretary as soon as practicable to include a reason-
4 able estimate of the number of resident individuals not
5 counted in the 1990 census or revisions of the census. The
6 Secretary shall use the estimates in determining alloca-
7 tions for the payment period beginning after the Secretary
8 receives the estimates. The Secretary shall adjust popu-
9 lation information to reflect adjustments made under sec-
10 tion 118 of the Act of October 1, 1980 (Public Law 96-
11 369, 94 Stat. 1357).

12 “(c) ADDITIONAL DATA LIMITATIONS.—The Sec-
13 retary may not—

14 “(1) in determining an allocation for a payment
15 period, use information on tax collections for years
16 more recent than the years used by the Secretary of
17 Commerce in the most recent Bureau of the Census
18 general determination of State and local taxes made
19 before the beginning of that period; or

20 “(2) consider a change in information used to
21 determine an allocation for a period of 60 months if
22 the change—

23 “(A) results from a major disaster declared
24 by the President under section 401 of The Rob-

1 ert T. Stafford Disaster Relief and Emergency
2 Assistance Act; and

3 “(B) reduces the amount of an allocation.

4 **“§ 6710. Public participation**

5 “(a) HEARINGS.—(1) A unit of general local govern-
6 ment expending payments under this chapter shall hold
7 at least one public hearing on the proposed use of the pay-
8 ment in relation to its entire budget. At the hearing, per-
9 sons shall be given an opportunity to provide written and
10 oral views to the governmental authority responsible for
11 enacting the budget and to ask questions about the entire
12 budget and the relation of the payment to the entire budg-
13 et. The government shall hold the hearing at a time and
14 a place that allows and encourages public attendance and
15 participation.

16 “(2) A unit of general local government holding a
17 hearing required under this subsection or by the budget
18 process of the government shall try to provide senior citi-
19 zens and senior citizen organizations with an opportunity
20 to present views at the hearing before the government
21 makes a final decision on the use of the payment.

22 “(b) DISCLOSURE OF INFORMATION.—(1) By the
23 10th day before a hearing required under subsection
24 (a)(1) is held, a unit of general local government shall—

1 “(A) make available for inspection by the public
2 at the principal office of the government a statement
3 of the proposed use of the payment and a summary
4 of the proposed budget of the government; and

5 “(B) publish in at least one newspaper of gen-
6 eral circulation the proposed use of the payment
7 with the summary of the proposed budget and a no-
8 tice of the time and place of the hearing.

9 “(2) By the 30th day after adoption of the budget
10 under State or local law, the government shall—

11 “(A) make available for inspection by the public
12 at the principal office of the government a summary
13 of the adopted budget, including the proposed use of
14 the payment; and

15 “(B) publish in at least one newspaper of gen-
16 eral circulation a notice that the information re-
17 ferred to in subparagraph (A) is available for inspec-
18 tion.

19 “(c) WAIVERS OF REQUIREMENTS.—Under regula-
20 tions of the Secretary, a requirement—

21 “(1) under subsection (a)(1) may be waived if
22 the budget process required under the applicable
23 State or local law or charter provisions—

1 “(A) ensures the opportunity for public at-
2 tendance and participation contemplated by
3 subsection (a); and

4 “(B) includes a hearing on the proposed
5 use of a payment received under this chapter in
6 relation to the entire budget of the government;
7 and

8 “(2) under subsection (b)(1)(B) and paragraph
9 (2)(B) may be waived if the cost of publishing the
10 information would be unreasonably burdensome in
11 relation to the amount allocated to the government
12 from amounts available for payment under this
13 chapter, or if publication is otherwise impracticable.

14 “(d) EXCEPTION TO 10-DAY LIMITATION.—If the
15 Secretary is satisfied that a unit of general local govern-
16 ment will provide adequate notice of the proposed use of
17 a payment received under this chapter, the 10-day period
18 under subsection (b)(1) may be changed to the extent nec-
19 essary to comply with applicable State or local law.

20 “(e) APPLICATION TO GOVERNMENTS WITHOUT
21 BUDGETS.—The Secretary shall prescribe regulations for
22 applying this section to units of general local government
23 that do not adopt budgets.

1 **“§ 6711. Prohibited discrimination**

2 “(a) GENERAL PROHIBITION.—No person in the
3 United States shall be excluded from participating in, be
4 denied the benefits of, or be subject to discrimination
5 under, a program or activity of a unit of general local gov-
6 ernment because of race, color, national origin, or sex if
7 the government receives a payment under this chapter.

8 “(b) ADDITIONAL PROHIBITIONS.—The following
9 prohibitions and exemptions also apply to a program or
10 activity of a unit of general local government if the govern-
11 ment receives a payment under this chapter:

12 “(1) A prohibition against discrimination be-
13 cause of age under the Age Discrimination Act of
14 1975.

15 “(2) A prohibition against discrimination
16 against an otherwise qualified handicapped individ-
17 ual under section 504 of the Rehabilitation Act of
18 1973.

19 “(3) A prohibition against discrimination be-
20 cause of religion, or an exemption from that prohibi-
21 tion, under the Civil Rights Act of 1964 or title VIII
22 of the Act of April 11, 1968 (popularly known as the
23 Civil Rights Act of 1968).

24 “(c) LIMITATIONS ON APPLICABILITY OF PROHIBI-
25 TIONS.—Subsections (a) and (b) do not apply if the gov-
26 ernment shows, by clear and convincing evidence, that a

1 payment received under this chapter is not used to pay
2 for any part of the program or activity with respect to
3 which the allegation of discrimination is made.

4 “(d) INVESTIGATION AGREEMENTS.—The Secretary
5 shall try to make agreements with heads of agencies of
6 the United States Government and State agencies to in-
7 vestigate noncompliance with this section. An agreement
8 shall—

9 “(1) describe the cooperative efforts to be taken
10 (including sharing civil rights enforcement personnel
11 and resources) to obtain compliance with this sec-
12 tion; and

13 “(2) provide for notifying immediately the Sec-
14 retary of actions brought by the United States Gov-
15 ernment or State agencies against a unit of general
16 local government alleging a violation of a civil rights
17 law or a regulation prescribed under a civil rights
18 law.

19 **“§ 6712. Discrimination proceedings**

20 “(a) NOTICE OF NONCOMPLIANCE.—By the 10th day
21 after the Secretary makes a finding of discrimination or
22 receives a holding of discrimination about a unit of general
23 local government, the Secretary shall submit a notice of
24 noncompliance to the government. The notice shall state
25 the basis of the finding or holding.

1 “(b) INFORMAL PRESENTATION OF EVIDENCE.—A
2 unit of general local government may present evidence in-
3 formally to the Secretary within 30 days after the govern-
4 ment receives a notice of noncompliance from the Sec-
5 retary. Except as provided in subsection (e), the govern-
6 ment may present evidence on whether—

7 “(1) a person in the United States has been ex-
8 cluded or denied benefits of, or discriminated against
9 under, the program or activity of the government, in
10 violation of section 6711(a);

11 “(2) the program or activity of the government
12 violated a prohibition described in section 6711(b);
13 and

14 “(3) any part of that program or activity has
15 been paid for with a payment received under this
16 chapter.

17 “(c) TEMPORARY SUSPENSION OF PAYMENTS.—By
18 the end of the 30-day period under subsection (b), the Sec-
19 retary shall decide whether the unit of general local gov-
20 ernment has not complied with section 6711 (a) or (b),
21 unless the government has entered into a compliance
22 agreement under section 6714. If the Secretary decides
23 that the government has not complied, the Secretary shall
24 notify the government of the decision and shall suspend
25 payments to the government under this chapter unless,

1 within 10 days after the government receives notice of the
2 decision, the government—

3 “(1) enters into a compliance agreement under
4 section 6714; or

5 “(2) requests a proceeding under subsection
6 (d)(1).

7 “(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—

8 (1) A proceeding requested under subsection (c)(2) shall
9 begin by the 30th day after the Secretary receives a re-
10 quest for the proceeding. The proceeding shall be before
11 an administrative law judge appointed under section 3105
12 of title 5, United States Code. By the 30th day after the
13 beginning of the proceeding, the judge shall issue a pre-
14 liminary decision based on the record at the time on
15 whether the unit of general local government is likely to
16 prevail in showing compliance with section 6711 (a) or (b).

17 “(2) If the administrative law judge decides at the
18 end of a proceeding under paragraph (1) that the unit
19 of general local government has—

20 “(A) not complied with section 6711 (a) or (b),
21 the judge may order payments to the government
22 under this chapter terminated; or

23 “(B) complied with section 6711 (a) or (b), a
24 suspension under section 6713(a)(1)(A) shall be dis-
25 continued promptly.

1 “(B) if the administrative law judge decides at
2 the end of the proceeding that the government has
3 not complied with section 6711 (a) or (b), unless the
4 government makes a compliance agreement under
5 section 6714 by the 30th day after the decision; or

6 “(C) if required under section 6712(c).

7 “(2) A suspension already ordered under paragraph
8 (1)(A) continues in effect if the administrative law judge
9 makes a decision under paragraph (1)(B).

10 “(b) LIFTING OF SUSPENSIONS AND TERMI-
11 NATIONS.—If a holding of discrimination is reversed by
12 an appellate court, a suspension or termination of pay-
13 ments in a proceeding based on the holding shall be dis-
14 continued.

15 “(c) RESUMPTION OF PAYMENTS UPON ATTAINING
16 COMPLIANCE.—The Secretary may resume payment to a
17 unit of general local government of payments suspended
18 by the Secretary only—

19 “(1) as of the time of, and under the conditions
20 stated in—

21 “(A) the approval by the Secretary of a
22 compliance agreement under section
23 6714(a)(1); or

24 “(B) a compliance agreement entered into
25 by the Secretary under section 6714(a)(2);

1 “(2) if the government complies completely with
2 an order of a United States court, a State court, or
3 administrative law judge that covers all matters
4 raised in a notice of noncompliance submitted by the
5 Secretary under section 6712(a);

6 “(3) if a United States court, a State court, or
7 an administrative law judge decides (including a
8 judge in a proceeding under section 6712(d)(1)),
9 that the government has complied with sections
10 6711 (a) and (b); or

11 “(4) if a suspension is discontinued under sub-
12 section (b).

13 “(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For
14 purposes of subsection (c)(2), compliance by a government
15 may consist of the payment of restitution to a person in-
16 jured because the government did not comply with section
17 6711 (a) or (b).

18 “(e) RESUMPTION OF PAYMENTS UPON REVERSAL
19 BY COURT.—The Secretary may resume payment to a unit
20 of general local government of payments terminated under
21 section 6712(d)(2)(A) only if the decision resulting in the
22 termination is reversed by an appellate court.

23 **“§ 6714. Compliance agreements**

24 “(a) TYPES OF COMPLIANCE AGREEMENTS.—A com-
25 pliance agreement is an agreement—

1 “(1) approved by the Secretary, between the
2 governmental authority responsible for prosecuting a
3 claim or complaint that is the basis of a holding of
4 discrimination and the chief executive officer of the
5 unit of general local government that has not com-
6 plied with section 6711 (a) or (b); or

7 “(2) between the Secretary and the chief execu-
8 tive officer.

9 “(b) CONTENTS OF AGREEMENTS.—A compliance
10 agreement—

11 “(1) shall state the conditions the unit of gen-
12 eral local government has agreed to comply with
13 that would satisfy the obligations of the government
14 under sections 6711 (a) and (b);

15 “(2) shall cover each matter that has been
16 found not to comply, or would not comply, with sec-
17 tion 6711 (a) or (b); and

18 “(3) may be a series of agreements that dispose
19 of those matters.

20 “(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—

21 The Secretary shall submit a copy of a compliance agree-
22 ment to each person who filed a complaint referred to in
23 section 6716(b), or, if an agreement under subsection
24 (a)(1), each person who filed a complaint with a govern-
25 mental authority, about a failure to comply with section

1 6711 (a) or (b). The Secretary shall submit the copy by
2 the 15th day after an agreement is made. However, if the
3 Secretary approves an agreement under subsection (a)(1)
4 after the agreement is made, the Secretary may submit
5 the copy by the 15th day after approval of the agreement.

6 **“§ 6715. Enforcement by the Attorney General of pro-**
7 **hibitions on discrimination.**

8 “The Attorney General may bring a civil action in
9 an appropriate district court of the United States against
10 a unit of general local government that the Attorney Gen-
11 eral has reason to believe has engaged or is engaging in
12 a pattern or practice in violation of section 6711 (a) or
13 (b). The court may grant—

14 “(1) a temporary restraining order;

15 “(2) an injunction; or

16 “(3) an appropriate order to ensure enjoyment
17 of rights under section 6711 (a) or (b), including an
18 order suspending, terminating, or requiring repay-
19 ment of, payments under this chapter or placing ad-
20 ditional payments under this chapter in escrow
21 pending the outcome of the action.

22 **“§ 6716. Civil action by a person adversely affected**

23 “(a) **AUTHORITY FOR PRIVATE SUITS IN FEDERAL**
24 **OR STATE COURT.**—If a unit of general local government,
25 or an officer or employee of a unit of general local govern-

1 ment acting in an official capacity, engages in a practice
2 prohibited by this chapter, a person adversely affected by
3 the practice may bring a civil action in an appropriate dis-
4 trict court of the United States or a State court of general
5 jurisdiction. Before bringing an action under this section,
6 the person must exhaust administrative remedies under
7 subsection (b).

8 “(b) ADMINISTRATIVE REMEDIES REQUIRED TO BE
9 EXHAUSTED.—A person adversely affected shall file an
10 administrative complaint with the Secretary or the head
11 of another agency of the United States Government or the
12 State agency with which the Secretary has an agreement
13 under section 6711(d). Administrative remedies are
14 deemed to be exhausted by the person after the 90th day
15 after the complaint was filed if the Secretary, the head
16 of the Government agency, or the State agency—

17 “(1) issues a decision that the government has
18 not failed to comply with this chapter; or

19 “(2) does not issue a decision on the complaint.

20 “(c) AUTHORITY OF COURT.—In an action under this
21 section, the court—

22 “(1) may grant—

23 “(A) a temporary restraining order;

24 “(B) an injunction; or

1 “(C) another order, including suspension,
2 termination, or repayment of, payments under
3 this chapter or placement of additional pay-
4 ments under this chapter in escrow pending the
5 outcome of the action; and

6 “(2) to enforce compliance with section 6711
7 (a) or (b), may allow a prevailing party (except the
8 United States Government) a reasonable attorney’s
9 fee.

10 “(d) INTERVENTION BY ATTORNEY GENERAL.—In
11 an action under this section to enforce compliance with
12 section 6711 (a) or (b), the Attorney General may inter-
13 vene in the action if the Attorney General certifies that
14 the action is of general public importance. The United
15 States Government is entitled to the same relief as if the
16 Government had brought the action and is liable for the
17 same fees and costs as a private person.

18 “§ 6717. **Judicial review**

19 “(a) APPEALS IN FEDERAL COURT OF APPEALS.—
20 A unit of general local government which receives notice
21 from the Secretary about withholding payments under sec-
22 tion 6703(c), suspending payments under section
23 6713(a)(1)(B), or terminating payments under section
24 6712(d)(2)(A), may apply for review of the action of the
25 Secretary by filing a petition for review with the court of

1 appeals of the United States for the circuit in which the
2 government is located. The petition shall be filed by the
3 60th day after the date the notice is received. The clerk
4 of the court shall immediately send a copy of the petition
5 to the Secretary.

6 “(b) FILING OF RECORD OF ADMINISTRATIVE PRO-
7 CEEDING.—The Secretary shall file with the court a
8 record of the proceeding on which the Secretary based the
9 action. The court may consider only objections to the ac-
10 tion of the Secretary that were presented before the
11 Secretary.

12 “(c) COURT ACTION.—The court may affirm, change,
13 or set aside any part of the action of the Secretary. The
14 findings of fact by the Secretary are conclusive if sup-
15 ported by substantial evidence in the record. If a finding
16 is not supported by substantial evidence in the record, the
17 court may remand the case to the Secretary to take addi-
18 tional evidence. Upon such a remand, the Secretary may
19 make new or modified findings and shall certify additional
20 proceedings to the court.

21 “(d) REVIEW ONLY BY SUPREME COURT.—A judg-
22 ment of a court under this section may be reviewed only
23 by the Supreme Court under section 1254 of title 28,
24 United States Code.

1 **“§ 6718. Audits, investigations, and reviews**

2 “(a) INDEPENDENT AUDIT.—(1) Except as provided
3 in this section, a unit of general local government that
4 receives a payment under this chapter shall have an inde-
5 pendent audit made of the financial statements of the gov-
6 ernment at least as often as is required by paragraph (2)
7 to determine compliance with this chapter. The audit shall
8 be carried out under generally accepted government audit-
9 ing standards issued by the Comptroller General of the
10 United States.

11 “(2) Paragraph (1) does not apply to a unit of gen-
12 eral local government for a fiscal year in which the govern-
13 ment receives less than \$25,000 under this chapter. A unit
14 of general local government which receives at least
15 \$25,000 but not more than \$100,000 under this chapter
16 for a fiscal year shall have an audit made in accordance
17 with paragraph (1) at least once every 3 years. A govern-
18 ment which receives more than \$100,000 under this chap-
19 ter for a fiscal year shall have an audit made in accord-
20 ance with paragraph (1) for such fiscal year, except that,
21 if the government operates on a biennial fiscal period, such
22 audit may be made biennially but shall cover the financial
23 statement or statements for, and compliance with the re-
24 quirements of the chapter during, both years within such
25 period.

1 “(3) An audit of financial statements of a unit of gen-
2 eral local government carried out under another law of the
3 United States for a fiscal year is deemed to be in compli-
4 ance with paragraph (1) for that year if the audit substan-
5 tially complies with the requirements of paragraph (1).

6 “(b) WAIVER BY LOCAL GOVERNMENT.—A unit of
7 general local government may waive application of sub-
8 section (a)(1) if—

9 “(1) the financial statements of the government
10 are audited by independent auditors under State or
11 local law at least as often as would be required by
12 subsection (a)(2);

13 “(2) the government certifies that the audit is
14 carried out under generally accepted auditing stand-
15 ards issued by the Comptroller General of the
16 United States;

17 “(3) the auditing provisions of the State or
18 local law are applicable to the payment period to
19 which the waiver applies; and

20 “(4) the government submits to the Secretary a
21 brief description of the auditing standards used
22 under the relevant State or local law and specifica-
23 tion of the payment period to which the waiver
24 applies.

1 “(c) WAIVER BY SECRETARY.—Under regulations of
2 the Secretary, the Secretary may waive any requirement
3 under subsection (a)(1) or (b) for a unit of general local
4 government for a fiscal year if the Secretary decides that
5 the financial statements of the government for the year—

6 “(1) cannot be audited, and the government
7 shows substantial progress in making the statements
8 auditable; or

9 “(2) have been audited by a State agency that
10 does not follow generally accepted auditing stand-
11 ards issued by the Comptroller General of the Unit-
12 ed States or that is not independent, and the State
13 agency shows progress in meeting those auditing
14 standards or in becoming independent.

15 “(d) SERIES OF AUDITS.—A series of audits carried
16 out over a period of not more than 3 years covering the
17 total amount in the financial accounts of a unit of general
18 local government is deemed to be a single audit under sub-
19 sections (a)(1) and (b) of this section.

20 “(e) AUDIT OPINION.—An opinion of an audit car-
21 ried out under this section shall be provided to the Sec-
22 retary in the form and at times required by the Secretary.
23 No later than 30 days following the completion of the
24 audit, the unit of general local government shall make the
25 audit report available for public inspection.

1 “(f) INVESTIGATIONS BY SECRETARY.—(1) The Sec-
2 retary shall maintain regulations providing reasonable and
3 specific time limits for the Secretary to—

4 “(A) carry out an investigation and make a
5 finding after receiving a complaint referred to in sec-
6 tion 6716(b), a determination by a State or local ad-
7 ministrative agency, or other information about a
8 possible violation of this chapter;

9 “(B) carry out audits and reviews (including in-
10 vestigations of allegations) about possible violations
11 of this chapter; and

12 “(C) advise a complainant of the status of an
13 audit, investigation, or review of an allegation by the
14 complainant of a violation of section 6711 (a) or (b)
15 or other provision of this chapter.

16 “(2) The maximum time limit under paragraph
17 (1)(A) is 90 days.

18 “(g) REVIEWS BY COMPTROLLER GENERAL.—The
19 Comptroller General of the United States shall carry out
20 reviews of the activities of the Secretary, State govern-
21 ments, and units of general local government necessary
22 for the Congress to evaluate compliance and operations
23 under this chapter.

1 **“§ 6719. Reports**

2 “(a) REPORTS BY SECRETARY OF TREASURY TO
3 CONGRESS.—Before June 2 of each year, the Secretary
4 personally shall report to the Congress on—

5 “(1) the status and operation of the Local Gov-
6 ernment Fiscal Assistance Fund during the prior fis-
7 cal year; and

8 “(2) the administration of this chapter, includ-
9 ing a complete and detailed analysis of—

10 “(A) actions taken to comply with sections
11 6711 through 6715, including a description of
12 the kind and extent of noncompliance and the
13 status of pending complaints;

14 “(B) the extent to which units of general
15 local government receiving payments under this
16 chapter have complied with sections 6702 and
17 6718 (a), (b), and (d), including a description
18 of the kind and extent of noncompliance and
19 actions taken to ensure the independence of au-
20 dits conducted under subsections (a), (b), and
21 (d) of section 6718;

22 “(C) the way in which payments under this
23 chapter have been distributed in the jurisdic-
24 tions receiving payments; and

1 “(D) significant problems in carrying out
2 this chapter and recommendations for legisla-
3 tion to remedy the problems.

4 “(b) REPORTS BY UNITS OF GENERAL LOCAL GOV-
5 ERNMENT TO SECRETARY OF TREASURY.—(1) At the end
6 of each fiscal year, each unit of general local government
7 which received a payment under this chapter for the fiscal
8 year shall submit a report to the Secretary. The report
9 shall be submitted in the form and at a time prescribed
10 by the Secretary and shall be available to the public for
11 inspection. The report shall state—

12 “(A) the amounts and purposes for which the
13 payment has been appropriated, expended, or obli-
14 gated in the fiscal year;

15 “(B) the relationship of the payment to the rel-
16 evant functional items in the budget of the govern-
17 ment; and

18 “(C) the differences between the actual and
19 proposed use of the payment.

20 “(2) The Secretary shall provide a copy of a report
21 submitted under paragraph (1) by a unit of general local
22 government to the chief executive officer of the State in
23 which the government is located. The Secretary shall pro-
24 vide the report in the manner and form prescribed by the
25 Secretary.

1 “(c) REGULATIONS.—The Secretary shall prescribe
2 regulations for applying this section to units of general
3 local government that do not adopt budgets.

4 **“§ 6720. Definitions and application**

5 “(a) DEFINITIONS.—In this chapter—

6 “(1) ‘unit of general local government’ means—

7 “(A) a county, township, city, or political
8 subdivision of a county, township, or city, that
9 is a unit of general local government as deter-
10 mined by the Secretary of Commerce for gen-
11 eral statistical purposes; and

12 “(B) the District of Columbia and the rec-
13 ognized governing body of an Indian tribe or
14 Alaskan Native village that carries out substan-
15 tial governmental duties and powers;

16 “(2) ‘payment period’ means each 1-year period
17 beginning on October 1 of 1994 and 1995;

18 “(3) ‘State and local taxes’ means taxes im-
19 posed by a State government or unit of general local
20 government or other political subdivision of a State
21 government for public purposes (except employee
22 and employer assessments and contributions to fi-
23 nance retirement and social insurance systems and
24 other special assessments for capital outlay) as de-

1 terminated by the Secretary of Commerce for general
2 statistical purposes;

3 “(4) ‘State’ means any of the several States
4 and the District of Columbia;

5 “(5) ‘income’ means the total money income re-
6 ceived from all sources as determined by the Sec-
7 retary of Commerce for general statistical purposes;

8 “(6) ‘per capita income’ means—

9 “(A) in the case of the United States, the
10 income of the United States divided by the pop-
11 ulation of the United States;

12 “(B) in the case of a State, the income of
13 that State, divided by the population of that
14 State; and

15 “(C) in the case of a unit of general local
16 government, the income of that unit of general
17 local government divided by the population of
18 the unit of general local government;

19 “(7) ‘finding of discrimination’ means a deci-
20 sion by the Secretary about a complaint described in
21 section 6716(b), a decision by a State or local ad-
22 ministrative agency, or other information (under
23 regulations prescribed by the Secretary) that it is
24 more likely than not that a unit of general local gov-

1 ernment has not complied with section 6711 (a) or
2 (b);

3 “(8) ‘holding of discrimination’ means a holding
4 by a United States court, a State court, or an ad-
5 ministrative law judge appointed under section 3105
6 of title 5, United States Code, that a unit of general
7 local government expending amounts received under
8 this chapter has—

9 “(A) excluded a person in the United
10 States from participating in, denied the person
11 the benefits of, or subjected the person to dis-
12 crimination under, a program or activity be-
13 cause of race, color, national origin, or sex; or

14 “(B) violated a prohibition against dis-
15 crimination described in section 6711(b); and

16 “(9) ‘Secretary’ means the Secretary of the
17 Treasury.

18 “(b) TREATMENT OF SUBSUMED AREAS.—If the en-
19 tire geographic area of a unit of general local government
20 is located in a larger entity, the unit of general local gov-
21 ernment is deemed to be located in the larger entity. If
22 only part of the geographic area of a unit is located in
23 a larger entity, each part is deemed to be located in the
24 larger entity and to be a separate unit of general local
25 government in determining allocations under this chapter.

1 Except as provided in regulations prescribed by the Sec-
2 retary, the Secretary shall make all data computations
3 based on the ratio of the estimated population of the part
4 to the population of the entire unit of general local govern-
5 ment.

6 “(c) BOUNDARY AND OTHER CHANGES.—If a bound-
7 ary line change, a State statutory or constitutional change,
8 annexation, a governmental reorganization, or other cir-
9 cumstance results in the application of sections 6704
10 through 6708 in a way that does not carry out the pur-
11 poses of sections 6701 through 6708, the Secretary shall
12 apply sections 6701 through 6708 under regulations of the
13 Secretary in a way that is consistent with those
14 purposes.”.

15 (b) DEFICIT NEUTRALITY.—Any appropriation to
16 carry out the amendment made by this subtitle to title
17 31, United States Code, for fiscal year 1995 or 1996 shall
18 be offset by cuts elsewhere in appropriations for that fiscal
19 year.

20 **SEC. 1076. TECHNICAL AMENDMENT.**

21 (c) TECHNICAL AMENDMENT.—The table of chapters
22 at the beginning of subtitle V of title 31, United States
23 Code, is amended by adding after the item relating to
24 chapter 65 the following new item:

“67. FEDERAL PAYMENTS 6701”.

1 **Subtitle K—NATIONAL COMMU-**
2 **NITY ECONOMIC PARTNER-**
3 **SHIP**

4 **SEC. 4901. SHORT TITLE.**

5 This subtitle may be cited as the “National Commu-
6 nity Economic Partnership Act of 1994”.

7 **CHAPTER 1—COMMUNITY ECONOMIC**
8 **PARTNERSHIP INVESTMENT FUNDS**

9 **SEC. 4911. PURPOSE.**

10 It is the purpose of this chapter to increase private
11 investment in distressed local communities and to build
12 and expand the capacity of local institutions to better
13 serve the economic needs of local residents through the
14 provision of financial and technical assistance to commu-
15 nity development corporations.

16 **SEC. 4912. PROVISION OF ASSISTANCE.**

17 (a) **AUTHORITY.**—The Secretary of Health and
18 Human Services (hereafter referred to in this title as the
19 “Secretary”) is authorized, in accordance with this chap-
20 ter, to provide nonrefundable lines of credit to community
21 development corporations for the establishment, mainte-
22 nance or expansion of revolving loan funds to be utilized
23 to finance projects intended to provide business and em-
24 ployment opportunities for low-income, unemployed, or

1 underemployed individuals and to improve the quality of
2 life in urban and rural areas.

3 (b) REVOLVING LOAN FUNDS.—

4 (1) COMPETITIVE ASSESSMENT OF APPLICA-
5 TIONS.—In providing assistance under subsection
6 (a), the Secretary shall establish and implement a
7 competitive process for the solicitation and consider-
8 ation of applications from eligible entities for lines of
9 credit for the capitalization of revolving funds.

10 (2) ELIGIBLE ENTITIES.—To be eligible to re-
11 ceive a line of credit under this chapter an applicant
12 shall—

13 (A) be a community development corpora-
14 tion;

15 (B) prepare and submit an application to
16 the Secretary that shall include a strategic in-
17 vestment plan that identifies and describes the
18 economic characteristics of the target area to be
19 served, the types of business to be assisted and
20 the impact of such assistance on low-income,
21 underemployed, and unemployed individuals in
22 the target area;

23 (C) demonstrate previous experience in the
24 development of low-income housing or commu-
25 nity or business development projects in a low-

1 income community and provide a record of
2 achievement with respect to such projects; and

3 (D) have secured one or more commit-
4 ments from local sources for contributions (ei-
5 ther in cash or in kind, letters of credit or let-
6 ters of commitment) in an amount that is at
7 least equal to the amount requested in the ap-
8 plication submitted under subparagraph (B).

9 (3) EXCEPTION.—Notwithstanding the provi-
10 sions of paragraph (2)(D), the Secretary may reduce
11 local contributions to not less than 25 percent of the
12 amount of the line of credit requested by the com-
13 munity development corporation if the Secretary de-
14 termines such to be appropriate in accordance with
15 section 4916.

16 **SEC. 4913. APPROVAL OF APPLICATIONS.**

17 (a) IN GENERAL.—In evaluating applications submit-
18 ted under section 4912(b)(2)(B), the Secretary shall en-
19 sure that—

20 (1) the residents of the target area to be served
21 (as identified under the strategic development plan)
22 would have an income that is less than the median
23 income for the area (as determined by the Sec-
24 retary);

1 (2) the applicant community development cor-
2 poration possesses the technical and managerial ca-
3 pability necessary to administer a revolving loan
4 fund and has past experience in the development
5 and management of housing, community and eco-
6 nomic development programs;

7 (3) the applicant community development cor-
8 poration has provided sufficient evidence of the ex-
9 istence of good working relationships with—

10 (A) local businesses and financial institu-
11 tions, as well as with the community the cor-
12 poration proposes to serve; and

13 (B) local and regional job training pro-
14 grams;

15 (4) the applicant community development cor-
16 poration will target job opportunities that arise from
17 revolving loan fund investments under this chapter
18 so that 75 percent of the jobs retained or created
19 under such investments are provided to—

20 (A) individuals with—

21 (i) incomes that do not exceed the
22 Federal poverty line; or

23 (ii) incomes that do not exceed 80
24 percent of the median income of the area;

1 (B) individuals who are unemployed or un-
2 deremployed;

3 (C) individuals who are participating or
4 have participated in job training programs au-
5 thorized under the Job Training Partnership
6 Act (29 U.S.C. 1501 et seq.) or the Family
7 Support Act of 1988 (Public Law 100-485);

8 (D) individuals whose jobs may be retained
9 as a result of the provision of financing avail-
10 able under this chapter; or

11 (E) individuals who have historically been
12 underrepresented in the local economy; and

13 (5) a representative cross section of applicants
14 are approved, including large and small community
15 development corporations, urban and rural commu-
16 nity development corporations and community devel-
17 opment corporations representing diverse popu-
18 lations.

19 (b) PRIORITY.—In determining which application to
20 approve under this chapter the Secretary shall give prior-
21 ity to those applicants proposing to serve a target area—

22 (1) with a median income that does not exceed
23 80 percent of the median for the area (as deter-
24 mined by the Secretary); and

1 (2) with a high rate of unemployment, as deter-
2 mined by the Secretary or in which the population
3 loss is at least 7 percent from April 1, 1980, to
4 April 1, 1990, as reported by the Bureau of the
5 Census.

6 **SEC. 4914. AVAILABILITY OF LINES OF CREDIT AND USE.**

7 (a) **APPROVAL OF APPLICATION.**—The Secretary
8 shall provide a community development corporation that
9 has an application approved under section 4913 with a
10 line of credit in an amount determined appropriate by the
11 Secretary, subject to the limitations contained in sub-
12 section (b).

13 (b) **LIMITATIONS ON AVAILABILITY OF AMOUNTS.**—

14 (1) **MAXIMUM AMOUNT.**—The Secretary shall
15 not provide in excess of \$2,000,000 in lines of credit
16 under this chapter to a single applicant.

17 (2) **PERIOD OF AVAILABILITY.**—A line of credit
18 provided under this chapter shall remain available
19 over a period of time established by the Secretary,
20 but in no event shall any such period of time be in
21 excess of 3 years from the date on which such line
22 of credit is made available.

23 (3) **EXCEPTION.**—Notwithstanding paragraphs
24 (1) and (2), if a recipient of a line of credit under
25 this chapter has made full and productive use of

1 such line of credit, can demonstrate the need and
2 demand for additional assistance, and can meet the
3 requirements of section 4912(b)(2), the amount of
4 such line of credit may be increased by not more
5 than \$1,500,000.

6 (c) AMOUNTS DRAWN FROM LINE OF CREDIT.—
7 Amounts drawn from each line of credit under this chapter
8 shall be used solely for the purposes described in section
9 4911 and shall only be drawn down as needed to provide
10 loans, investments, or to defray administrative costs relat-
11 ed to the establishment of a revolving loan fund.

12 (d) USE OF REVOLVING LOAN FUNDS.—Revolving
13 loan funds established with lines of credit provided under
14 this chapter may be used to provide technical assistance
15 to private business enterprises and to provide financial as-
16 sistance in the form of loans, loan guarantees, interest re-
17 duction assistance, equity shares, and other such forms
18 of assistance to business enterprises in target areas and
19 who are in compliance with section 4913(a)(4).

20 **SEC. 4915. LIMITATIONS ON USE OF FUNDS.**

21 (a) MATCHING REQUIREMENT.—Not to exceed 50
22 percent of the total amount to be invested by an entity
23 under this chapter may be derived from funds made avail-
24 able from a line of credit under this chapter.

1 (b) TECHNICAL ASSISTANCE AND ADMINISTRA-
2 TION.—Not to exceed 10 percent of the amounts available
3 from a line of credit under this chapter shall be used for
4 the provision of training or technical assistance and for
5 the planning, development, and management of economic
6 development projects. Community development corpora-
7 tions shall be encouraged by the Secretary to seek tech-
8 nical assistance from other community development cor-
9 porations, with expertise in the planning, development and
10 management of economic development projects. The Sec-
11 retary shall assist in the identification and facilitation of
12 such technical assistance.

13 (c) LOCAL AND PRIVATE SECTOR CONTRIBUTIONS.—
14 To receive funds available under a line of credit provided
15 under this chapter, an entity, using procedures established
16 by the Secretary, shall demonstrate to the community de-
17 velopment corporation that such entity agrees to provide
18 local and private sector contributions in accordance with
19 section 4912(b)(2)(D), will participate with such commu-
20 nity development corporation in a loan, guarantee or in-
21 vestment program for a designated business enterprise,
22 and that the total financial commitment to be provided
23 by such entity is at least equal to the amount to be drawn
24 from the line of credit.

1 (d) USE OF PROCEEDS FROM INVESTMENTS.—Pro-
2 ceeds derived from investments made using funds made
3 available under this chapter may be used only for the pur-
4 poses described in section 4911 and shall be reinvested
5 in the community in which they were generated.

6 **SEC. 4916. PROGRAM PRIORITY FOR SPECIAL EMPHASIS**
7 **PROGRAMS.**

8 (a) IN GENERAL.—The Secretary shall give priority
9 in providing lines of credit under this chapter to commu-
10 nity development corporations that propose to undertake
11 economic development activities in distressed communities
12 that target women, Native Americans, at risk youth, farm-
13 workers, population-losing communities, very low-income
14 communities, single mothers, veterans, and refugees; or
15 that expand employee ownership of private enterprises and
16 small businesses, and to programs providing loans of not
17 more than \$35,000 to very small business enterprises.

18 (b) RESERVATION OF FUNDS.—Not less than 5 per-
19 cent of the amounts made available under section
20 4932(a)(2)(A) may be reserved to carry out the activities
21 described in subsection (a).

CHAPTER 2—Emerging Community**Development Corporations****3 SEC. 4921. COMMUNITY DEVELOPMENT CORPORATION IM-
4 PROVEMENT GRANTS.**

5 (a) PURPOSE.—It is the purpose of this section to
6 provide assistance to community development corporations
7 to upgrade the management and operating capacity of
8 such corporations and to enhance the resources available
9 to enable such corporations to increase their community
10 economic development activities.

11 (b) SKILL ENHANCEMENT GRANTS.—

12 (1) IN GENERAL.—The Secretary shall award
13 grants to community development corporations to
14 enable such corporations to attain or enhance the
15 business management and development skills of the
16 individuals that manage such corporations to enable
17 such corporations to seek the public and private re-
18 sources necessary to develop community economic
19 development projects.

20 (2) USE OF FUNDS.—A recipient of a grant
21 under paragraph (1) may use amounts received
22 under such grant—

23 (A) to acquire training and technical as-
24 sistance from agencies or institutions that have
25 extensive experience in the development and

1 management of low-income community eco-
2 nomic development projects; or

3 (B) to acquire such assistance from other
4 highly successful community development cor-
5 porations.

6 (c) OPERATING GRANTS.—

7 (1) IN GENERAL.—The Secretary shall award
8 grants to community development corporations to
9 enable such corporations to support an administra-
10 tive capacity for the planning, development, and
11 management of low-income community economic de-
12 velopment projects.

13 (2) USE OF FUNDS.—A recipient of a grant
14 under paragraph (1) may use amounts received
15 under such grant—

16 (A) to conduct evaluations of the feasibility
17 of potential low-income community economic de-
18 velopment projects that address identified needs
19 in the low-income community and that conform
20 to those projects and activities permitted under
21 subtitle A;

22 (B) to develop a business plan related to
23 such a potential project; or

1 (C) to mobilize resources to be contributed
2 to a planned low-income community economic
3 development project or strategy.

4 (d) APPLICATIONS.—A community development cor-
5 poration that desires to receive a grant under this section
6 shall prepare and submit to the Secretary an application
7 at such time, in such manner, and containing such infor-
8 mation as the Secretary may require.

9 (e) AMOUNT AVAILABLE FOR A COMMUNITY DEVEL-
10 OPMENT CORPORATION.—Amounts provided under this
11 section to a community development corporation shall not
12 exceed \$75,000 per year. Such corporations may apply for
13 grants under this section for up to 3 consecutive years,
14 except that such corporations shall be required to submit
15 a new application for each grant for which such corpora-
16 tion desires to receive and compete on the basis of such
17 applications in the selection process.

18 **SEC. 4922. EMERGING COMMUNITY DEVELOPMENT COR-**
19 **PORATION REVOLVING LOAN FUNDS.**

20 (a) AUTHORITY.—The Secretary is authorized to
21 award grants to emerging community development cor-
22 porations to enable such corporations to establish, main-
23 tain or expand revolving loan funds, to make or guarantee
24 loans, or to make capital investments in new or expanding
25 local businesses.

1 (b) ELIGIBILITY.—To be eligible to receive a grant
2 under subsection (a), an entity shall—

3 (1) be a community development corporation;

4 (2) have completed not less than one nor more
5 than two community economic development projects
6 or related projects that improve or provide job and
7 employment opportunities to low-income individuals;

8 (3) prepare and submit to the Secretary an ap-
9 plication at such time, in such manner, and contain-
10 ing such information as the Secretary may require,
11 including a strategic investment plan that identifies
12 and describes the economic characteristics of the
13 target area to be served, the types of business to be
14 assisted using amounts received under the grant and
15 the impact of such assistance on low-income individ-
16 uals; and

17 (4) have secured one or more commitments
18 from local sources for contributions (either in cash
19 or in kind, letters of credit, or letters of commit-
20 ment) in an amount that is equal to at least 10 per-
21 cent of the amounts requested in the application
22 submitted under paragraph (2).

23 (c) USE OF THE REVOLVING LOAN FUND.—

24 (1) IN GENERAL.—A revolving loan fund estab-
25 lished or maintained with amounts received under

1 this section may be utilized to provide financial and
2 technical assistance, loans, loan guarantees or in-
3 vestments to private business enterprises to—

4 (A) finance projects intended to provide
5 business and employment opportunities for low-
6 income individuals and to improve the quality of
7 life in urban and rural areas; and

8 (B) build and expand the capacity of
9 emerging community development corporations
10 and serve the economic needs of local residents.

11 (2) TECHNICAL ASSISTANCE.—The Secretary
12 shall encourage emerging community development
13 corporations that receive grants under this section to
14 seek technical assistance from established commu-
15 nity development corporations, with expertise in the
16 planning, development and management of economic
17 development projects and shall facilitate the receipt
18 of such assistance.

19 (3) LIMITATION.—Not to exceed 10 percent of
20 the amounts received under this section by a grantee
21 shall be used for training, technical assistance and
22 administrative purposes.

23 (d) USE OF PROCEEDS FROM INVESTMENTS.—Pro-
24 ceeds derived from investments made with amounts pro-
25 vided under this section may be utilized only for the pur-

1 poses described in this subtitle and shall be reinvested in
2 the community in which they were generated.

3 (e) AMOUNTS AVAILABLE.—Amounts provided under
4 this section to a community development corporation shall
5 not exceed \$500,000 per year.

6 **CHAPTER 3—MISCELLANEOUS**
7 **PROVISIONS**

8 **SEC. 4931. DEFINITIONS.**

9 As used in this subtitle:

10 (1) COMMUNITY DEVELOPMENT CORPORA-
11 TION.—The term “community development corpora-
12 tion” means a private, nonprofit corporation whose
13 board of directors is comprised of business, civic and
14 community leaders, and whose principal purpose in-
15 cludes the provision of low-income housing or com-
16 munity economic development projects that primarily
17 benefit low-income individuals and communities.

18 (2) LOCAL AND PRIVATE SECTOR CONTRIBU-
19 TION.—The term “local and private sector contribu-
20 tion” means the funds available at the local level (by
21 private financial institutions, State and local govern-
22 ments) or by any private philanthropic organization
23 and private, nonprofit organizations that will be
24 committed and used solely for the purpose of financ-

1 ing private business enterprises in conjunction with
2 amounts provided under this subtitle.

3 (3) POPULATION-LOSING COMMUNITY.—The
4 term “population-losing community” means any
5 county in which the net population loss is at least
6 7 percent from April 1, 1980 to April 1, 1990, as
7 reported by the Bureau of the Census.

8 (4) PRIVATE BUSINESS ENTERPRISE.—The
9 term “private business enterprise” means any busi-
10 ness enterprise that is engaged in the manufacture
11 of a product, provision of a service, construction or
12 development of a facility, or that is involved in some
13 other commercial, manufacturing or industrial activ-
14 ity, and that agrees to target job opportunities stem-
15 ming from investments authorized under this sub-
16 title to certain individuals.

17 (5) TARGET AREA.—The term “target area”
18 means any area defined in an application for assist-
19 ance under this subtitle that has a population whose
20 income does not exceed the median for the area
21 within which the target area is located.

22 (6) VERY LOW-INCOME COMMUNITY.—The term
23 “very low-income community” means a community
24 in which the median income of the residents of such

1 community does not exceed 50 percent of the median
2 income of the area.

3 **SEC. 4932. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated to carry out chapters 1 and 2 \$_____ for fiscal
6 years 1995, 1996, and 1997.

7 (b) EARMARKS.—Of the aggregate amount appro-
8 priated under subsection (a) for each fiscal year—

9 (1) 60 percent shall be available to carry out
10 chapter 1; and

11 (2) 40 percent shall be available to carry out
12 chapter 2.

13 (c) AMOUNTS.—Amounts appropriated under sub-
14 section (a) shall remain available for expenditure without
15 fiscal year limitation.

16 **SEC. 4933. PROHIBITION.**

17 None of the funds authorized under this subtitle shall
18 be used to finance the construction of housing.

19 **Subtitle L—Gang Prevention**
20 **Services for Boys and Girls**

21 **SEC. 1099H. PROGRAM AUTHORITY.**

22 (a) IN GENERAL.—The Attorney General, in con-
23 sultation with the Secretary of Education and Secretary
24 of Health and Human Services, may make grants to eligi-
25 ble service providers to carry out programs that prevent

1 young children from becoming gang involved. In making
2 such grants, the Attorney General shall give priority to
3 eligible service providers that have a proven track record
4 of serving young children and have an overall budget of
5 not more than \$750,000 per program per fiscal year, prior
6 to receiving a grant under this section.

7 (b) CONSULTATION WITH OUNCE OF PREVENTION
8 COUNCIL.—The Attorney General may consult with the
9 Ounce of Prevention Council in making grants under sub-
10 section (a).

11 **SEC. 1099I. PROGRAM REQUIREMENTS.**

12 The eligible service providers receiving a grant under
13 section 1099H shall—

14 (1) provide a comprehensive array of support
15 services to assist the participants to reach their full
16 potential as contributing law-abiding citizens (which
17 support services may include education and health
18 services; career development training; [music, art,
19 and drama activities]; physical fitness training; life
20 skills training; mental health counseling; and job
21 placement counseling);

22 (2) to the extent practicable, involve the parents
23 and other family members of participating children,
24 and the members of local organizations that support
25 the educational and law enforcement institutions of

1 the community, as is appropriate, in the administra-
2 tion and operation of the gang prevention program;

3 (3) utilize community resources and related
4 support services as needed in the operation of the
5 program;

6 (4) accept referrals from public institutions, as
7 is appropriate, such as law enforcement, mental
8 health, local school systems, and other entities of
9 local government; and

10 (5) utilize volunteer staff, including participants
11 in programs funded under the National and Commu-
12 nity Service Program, Public Law 103-62, to the
13 maximum extent practicable in the operation of the
14 program.

15 **SEC. 1099J. ELIGIBLE PROVIDERS.**

16 Community-based service providers, as defined in the
17 Juvenile Justice and Delinquency Prevention Act of 1974,
18 that have a proven track record of providing services to
19 children ages 5 to 18 shall be eligible to apply for funds
20 under this subtitle. A priority shall be given to service pro-
21 viders that have a history of providing services uniquely
22 designed to meet the needs of young children such as the
23 Boys and Girls Clubs of America or service providers that
24 display the potential for providing such targeted services.

1 **SEC. 1099K. ELIGIBLE PARTICIPANTS.**

2 Children that have the potential, because of commu-
3 nity composition and other factors, to come into contact
4 with gangs, or who have a family member that has come
5 into contact with a gang, and are not more than 18 years
6 old at the time of entry into the program, shall be eligible
7 to receive services provided by programs receiving assist-
8 ance under this subtitle.

9 **SEC. 1099L. APPLICATIONS PROCESS.**

10 Eligible service providers may submit to the Attorney
11 General, for approval, an application in such form at such
12 time as the Attorney General deems appropriate.

13 **SEC. 1099M. EVALUATION.**

14 The Attorney General shall conduct an evaluation of
15 the effectiveness of the program model grants authorized
16 under this subtitle, and the extent to which it can be rep-
17 licated by other local communities. The Attorney General
18 shall report to the Congress no later than January 1,
19 1999, on the details of such evaluations.

20 **SEC. 1099N. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated \$ _____
22 for fiscal year 1995, 1996, 1997, and 1998 to carry out
23 this subtitle.

1 **Subtitle M—Olympic Youth**
2 **Development Centers**

3 **SEC. 5143. OLYMPIC YOUTH DEVELOPMENT CENTERS.**

4 (a) **DEFINITIONS.**—In this section—

5 “child” means an individual who is not younger
6 than 8 and not older than 18.

7 “Committee” means the United States Olympic
8 Committee.

9 “Council” means the Ounce of Prevention
10 Council.

11 “State” means a State, the District of Colum-
12 bia, the Commonwealth of Puerto Rico, the United
13 States Virgin Islands, American Samoa, Guam, and
14 the Northern Mariana Islands.

15 (b) **GRANT.**—The Council may make a grant to Unit-
16 ed States Olympic Committee for the purpose of establish-
17 ing Olympic Youth Development Centers and carrying out
18 programs through such centers.

19 (c) **PROGRAM REQUIREMENTS.**—

20 (1) **LOCATION.**—The Committee, on receiving a
21 grant under this section to establish such a center
22 shall ensure that the center is established in an ap-
23 propriate facility in a State, such as a college or uni-
24 versity, a local or State park or recreation center,
25 church, or military base, that is—

1 (A) in a location that is easily accessible to
2 children in the community; and

3 (B) in compliance with all applicable local
4 ordinances.

5 (2) CENTERS.—The Committee shall, subject to
6 the availability of appropriations, not later than 1
7 year after the date of enactment of this Act, estab-
8 lish not fewer than 6 such centers, and shall, subject
9 to the availability of appropriations, to the extent
10 possible, establish not less than 1 such center in
11 each State by fiscal year 1997. In selecting locations
12 for such centers, the Committee shall consider the
13 need to maintain geographic diversity, and to main-
14 tain a balance of urban and rural locations for such
15 centers.

16 (3) USE OF FUNDS.—The Committee—

17 (A) may use funds made available through
18 the grant to provide supervised sports and
19 recreation programs that are offered—

20 (i) after school and on weekends and
21 holidays, during the school year; and

22 (ii) as daily (or weeklong) full-day
23 programs (to the extent available resources
24 permit) or as part-day programs, during
25 the summer months;

1 (B) may use—

2 (i) such funds for the minor renova-
3 tion of facilities that are in existence prior
4 to the operation of the program and nec-
5 essary for the operation of the program for
6 which the Committee receives the grant,
7 purchase of sporting and recreational
8 equipment and supplies, reasonable cost
9 for transportation of participants in the
10 program, hiring of staff, provision of meals
11 for such participants, provision of health
12 services consisting of an initial basic phys-
13 ical examination, and provision of first aid
14 and nutrition guidance; and

15 (ii) not more than 5 percent of such
16 funds to pay for the administrative costs of
17 the program; and

18 (C) may not use such funds to provide sec-
19 tarian worship or sectarian instruction.

20 (4) EXECUTIVE DIRECTOR.—The Committee
21 shall appoint an Executive Director to coordinate
22 the centers and programs described in subsection
23 (b), and shall appoint a Director for each such cen-
24 ter to carry out such programs at the center.

25 (d) APPLICATION.—

1 (1) IN GENERAL.—To be eligible to receive a
2 grant under this section, the Committee shall submit
3 an application to the Council at such time, in such
4 manner, and accompanied by such information, as
5 the Council may reasonably require, and obtain ap-
6 proval of such application.

7 (2) CONTENTS OF APPLICATION.—The applica-
8 tion submitted pursuant to paragraph (1) shall—

9 (A) contain an assurance that the program
10 to be carried out through the center for which
11 the grant is sought will maintain an average at-
12 tendance rate of not less than 75 percent of the
13 participants enrolled in the program, or will en-
14 roll additional participants in the program;

15 (B) contain an assurance that the Commit-
16 tee will comply with any evaluation under sub-
17 section (i), any research effort authorized under
18 Federal law, and any investigation by the Ad-
19 ministrator;

20 (C) contain an assurance that the Commit-
21 tee shall prepare and submit to the Adminis-
22 trator an annual report regarding any program
23 conducted under this section;

24 (D) contain an assurance that the program
25 for which the grant is sought will, to the maxi-

1 mum extent possible, incorporate services that
2 are provided solely through non-Federal private
3 or nonprofit sources;

4 (E) contain an assurance that the Commit-
5 tee will maintain separate accounting records
6 for the program; and

7 (F) contain an assurance that the program
8 will include outreach efforts in order to encour-
9 age participation in the program.

10 (e) ELIGIBILITY OF PARTICIPANTS.—

11 (1) IN GENERAL.—The Committee shall select
12 children to participate in programs that receive as-
13 sistance under this section without regard to the
14 athletic ability of the children. In selecting children
15 to participate in programs that receive assistance
16 under this section, the Committee shall give priority
17 to children from low-income communities and high-
18 crime areas with demonstrated gang activity as de-
19 termined by the Council.

20 (2) PARENTAL APPROVAL.—To be eligible to
21 participate in a program that receives assistance
22 under this section, a child shall provide the express
23 written approval of a parent or guardian, and shall
24 submit an official application and agree to the terms
25 and conditions of participation in the program.

1 (3) NONDISCRIMINATION.—In selecting children
2 to participate in a program that receives assistance
3 under this section, the Committee shall not discrimi-
4 nate on the basis of race, color, religion, sex, na-
5 tional origin, or disability.

6 (4) BEHAVIOR PROBLEMS.—The Committee
7 may find a child ineligible to participate in such a
8 program if the Committee determines that the child
9 has behavior problems that pose an unacceptable
10 risk of injury or illness to other participants or has
11 a physical or mental disability so serious that the
12 child would be unable to participate in the program
13 with reasonable accommodation.

14 (f) INVESTIGATIONS AND INSPECTIONS.—The Coun-
15 cil may conduct such investigations and inspections as
16 may be necessary to ensure compliance with the provisions
17 of this section.

18 (g) FEDERAL SHARE.—

19 (1) PAYMENTS; FEDERAL SHARE; NON-FED-
20 ERAL SHARE.—

21 (A) PAYMENTS.—On approval of an appli-
22 cation under subsection (d), the Council shall,
23 subject to the availability of appropriations pay
24 to the Committee the Federal share of the costs

1 of establishing the centers and carrying out the
2 programs described in subsection (b).

3 (B) FEDERAL SHARE.—The Federal share
4 of such costs shall be not more than—

5 (i) 75 percent for fiscal years 1995
6 and 1996;

7 (ii) 70 percent for fiscal year 1997;
8 and

9 (iii) 60 percent for fiscal year 1998.

10 (2) NON-FEDERAL SHARE.—

11 (A) IN GENERAL.—The non-Federal share
12 of such costs may be in cash or in kind, fairly
13 evaluated, including plant, equipment, and serv-
14 ices (including the services described in sub-
15 section (d)(2)(D)).

16 (B) SPECIAL RULE.—The Committee may
17 not charge fees for the participation of children
18 in programs carried out under this section.

19 (h) REPORTS.—At the end of each fiscal year, the
20 Council shall submit to Congress a report on the activities
21 conducted under this section, including a summary of the
22 information in the report submitted under subsection
23 (d)(2)(C).

1 (i) EVALUATION.—The Council shall conduct a thor-
2 ough evaluation of the programs assisted under this sec-
3 tion, which shall include an assessment of—

4 (1) the number of children participating in each
5 program assisted under this section;

6 (2) the academic achievement of such children;

7 (3) school attendance and graduation rates of
8 such children; and

9 (4) the number of such children being processed
10 by the juvenile justice system.

11 (j) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated to carry out this section, \$ _____
14 for fiscal year 1995 and \$ _____ for each of fis-
15 cal years 1996, 1997, and 1998.

16 (2) AVAILABILITY.—Amounts appropriated to
17 carry out this section shall remain available until ex-
18 pended.

19 **Subtitle N—Anticrime Youth** 20 **Councils**

21 **SEC. 10990. PURPOSE.**

22 The purpose of this subtitle is to provide for the es-
23 tablishment of youth anticrime councils to give intermedi-
24 ate and secondary school students a structured forum
25 through which to work with community organizations, law

1 enforcement officials, government and media representa-
2 tives, and school administrators and faculty to address is-
3 sues regarding youth and violence. The purpose of such
4 councils is to empower local youth and ensure that their
5 recommendations for preventing youth involvement in
6 crime and violence will be heard and possibly incorporated
7 into community anticrime strategies.

8 **SEC. 1099P. AUTHORITY TO MAKE GRANTS.**

9 (a) IN GENERAL.—The Attorney General may make
10 grants to public and nonprofit community-based organiza-
11 tions to establish regional anticrime youth councils each
12 of which is composed of intermediate and secondary school
13 students who represent all the schools in a separate con-
14 gressional district.

15 (b) CONSULTATION.—The Attorney General may
16 consult with the Ounce of Prevention Council in making
17 grants under subsection (a).

18 **SEC. 1099Q. APPLICATIONS FOR GRANTS.**

19 To request a grant under section 1099P, a public and
20 nonprofit community-based organization shall submit to
21 the Attorney General an application in such form and con-
22 taining such information as the Attorney General may re-
23 quire by rule, including assurances that—

24 (1) the anticrime youth council with respect to
25 which such grant is requested will be—

1 (A) selected by a teacher or administrator
2 of an intermediate or secondary school in the
3 congressional district involved, in consultation
4 with teachers and administrators of other inter-
5 mediate and secondary schools in such district,

6 (B) composed of not more than 5 students
7 from each of the intermediate and secondary
8 schools in such district, selected as described in
9 subparagraph (A) from among individuals who
10 have first-hand knowledge of issues and prob-
11 lems relating to students who attend schools in
12 such district,

13 (C) supervised by an individual who—

14 (i) is familiar with issues regarding
15 youth violence,

16 (ii) has strong ties to the communities
17 in such district and to the organizations
18 with which such council will interact, and

19 (iii) will be responsible for coordinat-
20 ing the dissemination of information to
21 such council, supervising council meetings,
22 and acting as a liaison between such coun-
23 cil and communities in such district, and

24 (D) meet not less frequently than
25 monthly—

1 (i) to discuss issues of concern, in-
2 cluding youth crime, school violence, job
3 creation, and recreation, and

4 (ii) to develop creative solutions for
5 assisting community organizations, law en-
6 forcement officials, school officials, govern-
7 ment officials, and others to address such
8 issues, and

9 (2) the applicant will submit to the Attorney
10 General a report, not later than 180 days after the
11 first year for which such applicant receives a grant
12 under section 1099P, that—

13 (A) specifies the number of students and
14 schools involved and represented on such coun-
15 cil,

16 (B) specifies the number of organizations
17 and individuals that council and its subcommit-
18 tees met with,

19 (C) specifies the number of grants, poli-
20 cies, and programs submitted to the youth
21 council for review and recommendation,

22 (D) contains evidence that—

23 (i) the community has consulted such
24 council and adopted its recommendations,
25 and

1 (ii) a grant review process has been
2 established within a school system or police
3 department that includes an evaluation by
4 the youth council,

5 (E) describes the effect that participation
6 on such council has had on the student rep-
7 resentatives, (such as improved school attend-
8 ance and academic performance, and decreased
9 criminal involvement),

10 (F) describes the effect that participation
11 on such council has had on the participating
12 schools (such as decrease in incidence of school
13 violence),

14 (G) describes the extent to which other
15 students attended council and subcommittee
16 meetings, and participated as members of the
17 audience in such council's activities,

18 (H) describes the extent to which family
19 service, youth service, and the education, police,
20 health, and judicial departments within such
21 district coordinate anticrime efforts as a result
22 of the recommendations and programs of such
23 council, and

24 (I) describes the extent to which such
25 council raises public awareness and knowledge,

1 via the media, about youth violence and such
2 council's efforts to help prevent it.

3 **SEC. 1099R. SELECTION OF GRANT RECIPIENTS.**

4 For the purpose of selecting eligible applicants to re-
5 ceive grants under section 1099P, the Attorney General
6 shall take into consideration—

7 (1) the extent to which all schools in a congres-
8 sional district are represented on the proposed youth
9 anticrime council,

10 (2) the extent to which youth crime and vio-
11 lence are an issue of concern in such district,

12 (3) the extent to which the community is com-
13 mitted to coordinating and meeting with the youth
14 councils, and

15 (4) the extent to which the students selected to
16 serve on such council are representative of the geo-
17 graphical area and knowledgeable about the issues
18 that such council will consider.

19 **SEC. 1099S. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated \$_____

21 for fiscal year 1995, and such sums as may be necessary

22 for fiscal years 1996, 1997, and 1998, to carry out this

23 subtitle.

1 **Subtitle O—Urban Recreation and**
2 **At-Risk Youth**

3 **SEC. 1099T. PURPOSE OF ASSISTANCE.**

4 Section 1003 of the Urban Park and Recreation Re-
5 covery Act of 1978 is amended by adding the following
6 at the end: "It is further the purpose of this title to im-
7 prove recreation facilities and expand recreation services
8 in urban areas with a high incidence of crime and to help
9 deter crime through the expansion of recreation opportuni-
10 ties for at-risk youth. It is the further purpose of this sec-
11 tion to increase the security of urban parks and to pro-
12 mote collaboration between local agencies involved in
13 parks and recreation, law enforcement, youth social serv-
14 ices, and juvenile justice system."

15 **SEC. 1099U. DEFINITIONS.**

16 Section 1004 of the Urban Park and Recreation Re-
17 covery Act of 1978 is amended by inserting the following
18 new subsection after subsection (c) and by redesignating
19 subsections (d) through (j) as (e) through (k) respectively:

20 "(d) 'at-risk youth recreation grants' means—

21 "(1) rehabilitation grants,

22 "(2) innovation grants, or

23 "(3) matching grants for continuing program
24 support for programs of demonstrated value or suc-
25 cess in providing constructive alternatives to youth

1 at risk for engaging in criminal behavior, including
2 grants for operating, or coordinating recreation pro-
3 grams and services;
4 in neighborhoods and communities with a high prevalence
5 of crime, particularly violent crime or crime committed by
6 youthful offenders; in addition to the purposes specified
7 in subsection (b), rehabilitation grants referred to in para-
8 graph (1) of this subsection may be used for the provision
9 of lighting, emergency phones or other capital improve-
10 ments which will improve the security of urban parks;”.

11 **SEC. 1099V. CRITERIA FOR SELECTION.**

12 Section 1005 of the Urban Park and Recreation Re-
13 covery Act of 1978 is amended by striking “and” at the
14 end of paragraph (6), by striking the period at the end
15 of paragraph (7) and inserting “; and” and by adding the
16 following at the end thereof:

17 “(8) in the case of at-risk youth recreation
18 grants, the Secretary shall give a priority to each of
19 the following criteria:

20 “(A) Programs which are targeted to
21 youth who are at the greatest risk of becoming
22 involved in violence and crime,

23 “(B) Programs which teach important val-
24 ues and life skills, including teamwork, respect,
25 leadership, and self-esteem.

1 “(C) Programs which offer tutoring, reme-
2 dial education, mentoring, and counseling in ad-
3 dition to recreation opportunities.

4 “(D) Programs which offer services during
5 late night or other nonschool hours.

6 “(E) Programs which demonstrate collabo-
7 ration between local park and recreation, juve-
8 nile justice, law enforcement, and youth social
9 service agencies and nongovernmental entities,
10 including the private sector and community and
11 nonprofit organizations.

12 “(F) Programs which leverage public or
13 private recreation investments in the form of
14 services, materials, or cash.

15 “(G) Programs which show the greatest
16 potential of being continued with non-Federal
17 funds or which can serve as models for other
18 communities.”.

19 **SEC. 1099W. PARK AND RECREATION ACTION RECOVERY**
20 **PROGRAMS.**

21 Section 1007(b) of the Urban Park and Recreation
22 Recovery Act of 1978 is amended by adding the following
23 at the end thereof: “In order to be eligible to receive ‘at-
24 risk youth recreation grants’ a local government shall
25 amend its 5-year action program to incorporate the goal

1 of reducing crime and juvenile delinquency and to provide
2 a description of the implementation strategies to achieve
3 this goal. The plan shall also address how the local govern-
4 ment is coordinating its recreation programs with crime
5 prevention efforts of law enforcement, juvenile corrections,
6 and youth social service agencies.”.

7 **SEC. 1099X. MISCELLANEOUS AND TECHNICAL AMEND-**
8 **MENTS.**

9 (a) PROGRAM SUPPORT.—Section 1013 of the Urban
10 Park and Recreation Recovery Act of 1978 is amended
11 by inserting “(a) IN GENERAL.—” after “1013” and by
12 adding the following new subsection at the end thereof:

13 “(b) PROGRAM SUPPORT.—Not more than 25 per-
14 cent of the amounts made available under this title to any
15 local government may be used for program support.”.

16 (b) EXTENSION.—Section 1003 of the Urban Park
17 and Recreation Recovery Act of 1978 is amended by strik-
18 ing “for a period of five years” and by striking “short-
19 term”.

20 **Subtitle P—Boys and Girls Clubs in**
21 **Public Housing**

22 **SEC. 1099AA. ESTABLISHMENT.**

23 (a) IN GENERAL.—The Secretary of Housing and
24 Urban Development, in consultation with the Attorney
25 General, shall enter into contracts with the Boys and Girls

1 Clubs of America, a national nonprofit youth organization
2 to establish Boys and Girls Clubs in public housing.

3 (b) CONSULTATION.—The Secretary of Housing and
4 Urban Development may consult with the Ounce of Pre-
5 vention Council in making grants under subsection (a).

6 **SEC. 1099BB. REPORT.**

7 By May 1 of each fiscal year for which funds for this
8 section are provided, the Secretary of Housing and Urban
9 Development shall submit a report to the Committee on
10 Banking, Housing, and Urban Affairs of the Senate and
11 the Committee on Banking, Finance and Urban Affairs
12 of the House of Representatives that details the progress
13 of establishing boys and girls clubs in public housing and
14 the effectiveness of the programs in reducing drug abuse
15 and gang violence.

16 **SEC. 1099CC. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated the following
18 sums to carry out this subtitle—

- 19 (1) \$_____ for fiscal year 1995;
20 (2) \$_____ for fiscal year 1996; and
21 (3) \$_____ for fiscal year 1997,

1 **Subtitle Q—Community-Based**
2 **Justice Grants for Prosecutors**

3 **SEC. 1099DD. GRANT AUTHORIZATION.**

4 (a) IN GENERAL.—The Attorney General may make
5 grants to State or local prosecutors for the purpose of sup-
6 porting the creation or expansion of community-based jus-
7 tice programs.

8 (b) CONSULTATION.—The Attorney General may
9 consult with the Ounce of Prevention Council in making
10 grants under subsection (a).

11 **SEC. 1099EE. USE OF FUNDS.**

12 Grants made by the Attorney General under this sec-
13 tion shall be used—

14 (1) to fund programs that require the coopera-
15 tion and coordination of prosecutors, school officials,
16 police, probation officers, youth and social service
17 professionals, and community members in the effort
18 to reduce the incidence of, and increase the success-
19 ful identification and speed of prosecution of, young
20 violent offenders;

21 (2) to fund programs in which prosecutors
22 focus on the offender, not simply the specific of-
23 fense, and impose individualized sanctions, designed
24 to deter that offender from further antisocial con-

1 duct, and impose increasingly serious sanctions on a
2 young offender who continues to commit offenses;

3 (3) to fund programs that coordinate criminal
4 justice resources with educational, social service, and
5 community resources to develop and deliver violence
6 prevention programs, including mediation and other
7 conflict resolution methods, treatment, counselling,
8 educational, and recreational programs that create
9 alternatives to criminal activity; and

10 (4) in rural States (as defined in section
11 1501(b) of title I of the Omnibus Crime Control and
12 Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)), to
13 fund cooperative efforts between State and local
14 prosecutors, victim advocacy and assistance groups,
15 social and community service providers, and law en-
16 forcement agencies to investigate and prosecute child
17 abuse cases, treat youthful victims of child abuse,
18 and work in cooperation with the community to de-
19 velop education and prevention strategies directed
20 toward the issues with which such entities are con-
21 cerned.

22 **SEC. 1099FF. APPLICATIONS.**

23 (a) **ELIGIBILITY.**—In order to be eligible to receive
24 a grant under this part for any fiscal year, a State or
25 local prosecutor, in conjunction with the chief executive

1 officer of the jurisdiction in which the program will be
2 placed, shall submit an application to the Attorney Gen-
3 eral in such form and containing such information as the
4 Attorney General may reasonably require.

5 (b) REQUIREMENTS.—Each applicant shall include—

6 (1) a request for funds for the purposes de-
7 scribed in section 1099EE;

8 (2) a description of the communities to be
9 served by the grant, including the nature of the
10 youth crime, youth violence, and child abuse prob-
11 lems within such communities;

12 (3) assurances that Federal funds received
13 under this part shall be used to supplement, not
14 supplant, non-Federal funds that would otherwise be
15 available for activities funded under this section; and

16 (4) statistical information in such form and
17 containing such information that the Attorney Gen-
18 eral may require.

19 (c) COMPREHENSIVE PLAN.—Each applicant shall
20 include a comprehensive plan that shall contain—

21 (1) a description of the youth violence or child
22 abuse crime problem;

23 (2) an action plan outlining how the applicant
24 will achieve the purposes as described in section
25 1099EE;

1 (3) a description of the resources available in
2 the community to implement the plan together with
3 a description of the gaps in the plan that cannot be
4 filled with existing resources; and

5 (4) a description of how the requested grant
6 will be used to fill gaps.

7 **SEC. 1099GG. ALLOCATION OF FUNDS; LIMITATIONS ON**
8 **GRANTS.**

9 (a) **ADMINISTRATIVE COST LIMITATION.**—The Attor-
10 ney General shall use not more than 5 percent of the funds
11 available under this program for the purposes of adminis-
12 tration and technical assistance.

13 (b) **RENEWAL OF GRANTS.**—A grant under this part
14 may be renewed for up to 2 additional years after the first
15 fiscal year during which the recipient receives its initial
16 grant under this part, subject to the availability of funds,
17 if—

18 (1) the Attorney General determines that the
19 funds made available to the recipient during the pre-
20 vious years were used in a manner required under
21 the approved application; and

22 (2) the Attorney General determines that an
23 additional grant is necessary to implement the com-
24 munity prosecution program described in the com-
25 prehensive plan required by section 1099FF.

1 **SEC. 1099HH. AWARD OF GRANTS.**

2 The Attorney General shall consider the following
3 facts in awarding grants:

4 (1) Demonstrated need and evidence of the abil-
5 ity to provide the services described in the plan re-
6 quired under section 1099FF.

7 (2) The Attorney General shall attempt, to the
8 extent practicable, to achieve an equitable geo-
9 graphic distribution of grant awards.

10 **SEC. 1099II. REPORTS.**

11 (a) **REPORT TO ATTORNEY GENERAL.**—State and
12 local prosecutors that receive funds under this subtitle
13 shall submit to the Attorney General a report not later
14 than March 1 of each year that describes progress
15 achieved in carrying out the plan described under section
16 2(c).

17 (b) **REPORT TO CONGRESS.**—The Attorney General
18 shall submit to the Congress a report by October 1 of each
19 year in which grants are made available under this subtitle
20 which shall contain a detailed statement regarding grant
21 awards, activities of grant recipients, a compilation of sta-
22 tistical information submitted by applicants, and an eval-
23 uation of programs established under this subtitle.

1 **SEC. 1099JJ. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated \$_____

3 for each of fiscal years 1995, 1996, 1997, 1998, and 1999

4 to carry out this subtitle.

5 **SEC. 1099KK. DEFINITIONS.**

6 The term "young violent offender" means individuals,

7 ages 7-22, who have committed crimes of violence, weap-

8 ons offenses, drug distribution, hate crimes and civil rights

9 violations, and offenses against personal property of an-

10 other.

11 **Subtitle R—Child Safety**

12 **SEC. 4001. SHORT TITLE.**

13 This subtitle may be cited as the "Child Safety Act".

14 **SEC. 4002. PURPOSE.**

15 The purpose of this subtitle is to authorize funding

16 to enable supervised visitation centers and programs to

17 provide the following:

18 (1) Supervised visitation for children whose par-

19 ents are separated or divorced and the children are

20 at risk because—

21 (A) there is documented sexual, physical,

22 or emotional abuse as determined by the a

23 court of competent jurisdiction;

24 (B) there is suspected or elevated risk of

25 sexual, physical, or emotional abuse, or there

1 have been threats of parental abduction of the
2 child;

3 (C) due to domestic violence, there is an
4 ongoing risk of harm to a parent or child;

5 (D) a parent is impaired because of sub-
6 stance abuse or mental illness;

7 (E) the custodial parent has stopped or
8 interfered with the child's access to the
9 noncustodial parent;

10 (F) there are allegations that a child is at
11 risk for any of the reasons stated in subpara-
12 graphs (A), (B), (C), (D), and (E), pending an
13 investigation of the allegations; or

14 (G) other circumstances, as determined by
15 a court of competent jurisdiction, point to the
16 existence of such a risk.

17 (2) Supervised visitation for children who have
18 been removed from their natural parents and placed
19 outside the family as a result of abuse or neglect or
20 other risk of harm to them.

21 (3) An evaluation of visitation within the center
22 or program, or contracted out to appropriately
23 trained professionals, to assist in making determina-
24 tions of future placement of children or access to the
25 parents. ✓

1 (4) A safe location for custodial parents to tem-
 2 porarily transfer custody of their children to
 3 noncustodial parents, when the visit does not occur
 4 at the visitation center—

5 (A) when a parent or child is at risk for
 6 any of the reasons stated in paragraph (1); or

7 (B) when high parental conflict makes
 8 transfers difficult for the parents or children.

9 (5) An environment for families to have positive
 10 interaction activities, quality time, non-violent mem-
 11 ory building experiences during visitation to help
 12 build the parent/child relationship.

}
?

13 (6) Parent and child education and support
 14 groups to help parents heal and learn new skills, and
 15 to help children heal from past abuse or family con-
 16 flict.

17 (7) Documentation of visitation for use by child
 18 protective services, persons charged with making
 19 court-ordered evaluations, persons or entities treat-
 20 ing a family member, or a court of competent juris-
 21 diction.

22 **SEC. 4003. DEMONSTRATION GRANTS FOR SUPERVISED VIS-**
 23 **ITATION CENTERS.**

24 (a) IN GENERAL.—The Secretary of Health and
 25 Human Services (hereafter referred to in this subtitle as

1 the "Secretary") is authorized to award grants to and
2 enter into contracts and cooperative agreements with new
3 or existing public or nonprofit private entities to assist
4 such entities in the establishment or operation of super-
5 vised visitation centers.

6 (b) CONSIDERATIONS.—In awarding grants, con-
7 tracts and agreements under subsection (a), the Secretary
8 shall take into account—

9 (1) the number of families to be served by the *existing or*
10 proposed visitation center to be funded under the
11 grant, contract, or agreement;

12 (2) the extent to which supervised visitation
13 centers are needed locally;

14 (3) the relative need of the applicant;

15 (4) the capacity of the applicant to make rapid
16 and effective use of assistance provided under the
17 grant, contract, or agreement; and

18 (5) the capacity of the applicant to work with
19 custodial and noncustodial parents.

20 (c) USE OF FUNDS.—

21 (1) IN GENERAL.—Amounts provided under a
22 grant, contract or cooperative agreement awarded
23 under this section shall be used to support existing
24 programs or establish new supervised visitation cen-
25 ters and for the purposes described in section 4002.

1 In using such amounts, grantees shall target the
2 economically disadvantaged and those individuals
3 who could not otherwise afford such visitation serv-
4 ices. Other individuals may be permitted to utilize
5 the services provided by the center on a fee basis.

6 (2) COSTS.—The Secretary shall ensure that,
7 with respect to recipients of grants, contracts, or
8 agreements under this section, the perpetrators of
9 the family violence, abuse, or neglect will, to the ex-
10 tent practicable, be responsible for all costs associ-
11 ated with the supervised visitation undertaken at the
12 center.

13 **SEC. 4004. DEMONSTRATION GRANT APPLICATION.**

14 (a) IN GENERAL.—A grant, contract, or cooperative
15 agreement may not be made or entered into under this
16 Act unless an application for such grant, contract or coop-
17 erative agreement has been submitted to and approved by
18 the Secretary.

19 (b) APPROVAL.—Grants, contracts, and cooperative
20 agreements under this Act shall be awarded in accordance
21 with such regulations as the Secretary may promulgate.
22 At a minimum, to be approved by the Secretary under this
23 section an application shall—

24 (1) demonstrate that the applicant has recog-
25 nized expertise in the area of family violence, a plan

✓

1 for appropriate staff training in this area, or an affil-
2 iate agreement with a local domestic violence pro-
3 gram, and

4 (2) include specific procedures to minimize risk
5 of harm to any client during services at the center
6 or program.

7 **SEC. 4005. EVALUATION OF DEMONSTRATION PROJECTS.**

8 (a) IN GENERAL.—Not later than 30 days after the
9 end of each fiscal year, a recipient of a grant, contract
10 or cooperative agreement under this Act shall prepare and
11 submit to the Secretary a report that contains information
12 concerning—

13 (1) the number of families served per year;

14 (2) the number of families and the number of
15 visits per family served per year categorized by—

16 (A) origin of referral, if any;

17 (B) all reasons for use of center or pro-
18 gram, including—

19 (i) child abuse or neglect;

20 (ii) child sexual abuse;

21 (iii) domestic violence;

22 (iv) substance abuse;

23 (v) mental illness;

24 (vi) risk of parental abduction;

25 (vii) interference with visitation;

1 (viii) foster care arrangement; and

2 (ix) order of protection;

(c) length of visits in hours.

3 (3) the number of supervised visitation arrange-
4 ments terminated because of violations of visitation
5 terms, including violence;

6 (4) the number of protective temporary trans-
7 fers of custody during the report year;

8 (5) the number of parental abduction cases in
9 a judicial district using supervised visitation services,
10 both as identified in criminal prosecution and cus-
11 tody violations;

12 (6) the number of safety and security problems
13 that occur during the report year;

14 (7) the number of families who are turned away
15 because the center cannot accommodate the demand
16 for services;

17 (8) the process by which children or abused
18 partners will be protected during visitations, tem-
19 porary custody transfers and other activities for
20 which the supervised visitation centers are created;

21 and

22 (9) ^{the} type of service provided, including—

23 (A) supervision of exchange only;

24 (B) supervision of visits occurring on site;

25 and

1 (C) supervision of visits occurring off site;

2 (10) other services provided, such as parent and
3 child education and support groups; and

4 (11) any other information determined appro-
5 priate in regulations promulgated by the Secretary.

6 (b) EVALUATION.—The Secretary shall designate an
7 appropriate agency to conduct or coordinate an evaluation
8 of the supervised visitation center or program operated
9 under the grant, contract, or agreement. The selected
10 agency shall make agreements with the court and the child
11 protection social services division of the State to partici-
12 pate in the evaluation of the center or program, and shall
13 ensure that the opinions of local domestic violence agen-
14 cies or State and local domestic violence coalitions are so-
15 licited in the evaluation process. The entities conducting
16 such evaluations, separately or in combination, shall sub-
17 mit a narrative evaluation of the center or program to the
18 center or program, the coordinating State agency, and the
19 Secretary.

20 (c) DEMONSTRATION OF NEED.—The recipient of a
21 grant, contract or cooperative agreement under this Act
22 shall demonstrate, during the first 3 years of the project
23 operated under the grant, contract or agreement, the need
24 for continued funding.

1 **SEC. 4006. SPECIAL GRANTS TO STUDY THE EFFECT OF SU-**
2 **PERVISED VISITATION ON SEXUALLY ABUSED**
3 **OR SEVERELY PHYSICALLY ABUSED CHIL-**
4 **DREN.**

5 (a) **AUTHORIZATION.**—The Secretary may award spe-
6 cial grants to public or nonprofit private entities to assist
7 such entities designing and implementing research on su-
8 pervised visitation centers or programs established under
9 this Act to determine—

10 (1) the performances of the supervised visita-
11 tion centers and programs receiving grants, making
12 use of the data reported under section 4005;

13 (2) the effect of supervised visitation on chil-
14 dren, including in particular—

15 (A) the effect on children who have been
16 sexually abused or severely physically abused by
17 a parent;

18 (B) whether the effect on such children is
19 different if contact is allowed only when the
20 abusive parent has completed a certified course
21 for such abusers; or

22 (C) whether the effect on such children is
23 different if contract is allowed only where the
24 child expresses a positive wish for contract;

25 (3) the effect of the families' use of supervised
26 visitation services on their use of the court system,

1 including in particular, the number and nature of
2 subsequent returns to court;

3 (4) in cases of spouse or partner abuse only,
4 the extent to which supervised visitation should be
5 predicated on participation by the abusive spouse in
6 a specialized treatment program; and

7 (5) such other issues as determined by the Sec-
8 retary.

9 (b) APPLICATION.—To be eligible to receive a grant
10 under this section an entity shall prepare and submit to
11 the Secretary an application at such time, in such manner
12 and containing such information as the Secretary may re-
13 quire, including documentary evidence to demonstrate that
14 the entity possesses significant experience in social science
15 research and, preferably, particular experience in research
16 concerning clinical issues involving children, abuse, and
17 visitation. The level of clinical expertise and experience re-
18 quired will be determined by the Secretary.

19 (c) REPORT.—For the duration of the grant, the
20 grantee shall prepare and submit to the Secretary a report
21 of the research and data collected, at such times as the
22 Secretary may require.

23 **SEC. 4007. REPORTING.**

24 Not later than 18 months after the date of enactment
25 of this Act, and annually thereafter, the Secretary shall

1 prepare and submit to the appropriate committees of Con-
2 gress a report containing the information collected under
3 the reports received under sections 4005 and 4006, includ-
4 ing recommendations made by the Secretary concerning
5 whether or not the supervised visitation center demonstra-
6 tion and research programs should be reauthorized.

7 **SEC. 4008. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) **IN GENERAL.**—For the purpose of awarding
9 grants, contracts and cooperative agreements under this
10 Act, there are authorized to be appropriated \$ _____
11 for fiscal year 1995, \$ _____ for fiscal year 1996, and
12 \$ _____ for fiscal year 1997.

13 (b) **DISTRIBUTION.**—Of the amounts appropriated
14 under subsection (a) for each fiscal year—

15 (1) not less than 90 percent shall be used to
16 award grants, contracts, or cooperative agreements
17 under section 4004; and

18 (2) not more than 10 percent shall be used to
19 award grants under section 4006.

20 **Subtitle S—Family Unity**
21 **Demonstration Project**

22 **SEC. 4101. SHORT TITLE.**

23 This subtitle may be cited as the “Family Unity
24 Demonstration Project Act”.

1 **SEC. 4102. PURPOSE.**

2 The purpose of this subtitle is to evaluate the effec-
3 tiveness of certain demonstration projects in helping to—

4 (1) alleviate the harm to children and primary
5 caretaker parents caused by separation due to the
6 incarceration of the parents;

7 (2) reduce recidivism rates of prisoners by en-
8 couraging strong and supportive family relation-
9 ships; and

10 (3) explore the cost effectiveness of community
11 correctional facilities.

12 **SEC. 4103. DEFINITIONS.**

13 In this subtitle—

14 “child” means a person who is less than 7 years
15 of age.

16 “community correctional facility” means a resi-
17 dential facility that—

18 (A) is used only for eligible offenders and
19 their children under 7 years of age;

20 (B) is not within the confines of a jail or
21 prison;

22 (C) has a maximum capacity of 50 pris-
23 oners in addition to their children; and

24 (D) provides to inmates and their
25 children—

1 (i) a safe, stable, environment for chil-
2 dren;

3 (ii) pediatric and adult medical care
4 consistent with medical standards for cor-
5 rectional facilities;

6 (iii) programs to improve the stability
7 of the parent-child relationship, including
8 educating parents regarding—

9 (I) child development; and

10 (II) household management;

11 (iv) alcoholism and drug addiction
12 treatment for prisoners; and

13 (v) programs and support services to
14 help inmates—

15 (I) to improve and maintain men-
16 tal and physical health, including ac-
17 cess to counseling;

18 (II) to obtain adequate housing
19 upon release from State incarceration;

20 (III) to obtain suitable education,
21 employment, or training for employ-
22 ment; and

23 (IV) to obtain suitable child care.

24 “eligible offender” means a primary caretaker
25 parent who—

1 (A) has been sentenced to a term of im-
2 prisonment of not more than 7 years or is
3 awaiting sentencing for a conviction punishable
4 by such a term of imprisonment; and

5 (B) has not engaged in conduct that—

6 (i) knowingly resulted in death or se-
7 rious bodily injury;

8 (ii) is a felony for a crime of violence
9 against a person; or

10 (iii) constitutes child neglect or men-
11 tal, physical, or sexual abuse of a child.

12 “primary caretaker parent” means—

13 (A) a parent who has consistently assumed
14 responsibility for the housing, health, and safe-
15 ty of a child prior to incarceration; or

16 (B) a woman who has given birth to a
17 child after or while awaiting her sentencing
18 hearing and who expresses a willingness to as-
19 sume responsibility for the housing, health, and
20 safety of that child,

21 a parent who, in the best interest of a child, has ar-
22 ranged for the temporary care of the child in the
23 home of a relative or other responsible adult shall
24 not for that reason be excluded from the category
25 “primary caretaker”.

1 “State” means a State, the District of Colum-
2 bia, the Commonwealth of Puerto Rico, the United
3 States Virgin Islands, American Samoa, Guam, and
4 the Northern Mariana Islands.

5 **SEC. 4104. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) AUTHORIZATION.—There is authorized to be ap-
7 propriated to carry out this subtitle \$_____ for each
8 of fiscal years 1995, 1996, 1997, 1998 and 1999.

9 (b) AVAILABILITY OF APPROPRIATIONS.—Of the
10 amount appropriated under subsection (a) for any fiscal
11 year—

12 (1) 90 percent shall be available to carry out
13 chapter 1; and

14 (2) 10 percent shall be available to carry out
15 chapter 2.

16 **CHAPTER 1—GRANTS TO STATES**

17 **SEC. 4111. AUTHORITY TO MAKE GRANTS.**

18 (a) GENERAL AUTHORITY.—The Attorney General
19 may make grants, on a competitive basis, to States to
20 carry out in accordance with this subtitle family unity
21 demonstration projects that enable eligible offenders to
22 live in community correctional facilities with their chil-
23 dren.

24 (b) PREFERENCES.—For the purpose of making
25 grants under subsection (a), the Attorney General shall

1 give preference to a State that includes in the application
2 required by section 4112 assurances that if the State re-
3 ceives a grant—

4 (1) both the State corrections agency and the
5 State health and human services agency will partici-
6 pate substantially in, and cooperate closely in all as-
7 pects of, the development and operation of the fam-
8 ily unity demonstration project for which such a
9 grant is requested;

10 (2) boards made up of community members, in-
11 cluding residents, local businesses, corrections offi-
12 cials, former prisoners, child development profes-
13 sionals, educators, and maternal and child health
14 professionals will be established to advise the State
15 regarding the operation of such project;

16 (3) the State has in effect a policy that provides
17 for the placement of all prisoners, whenever possible,
18 in correctional facilities for which they qualify that
19 are located closest to their respective family homes;

20 (4) unless the Attorney General determines that
21 a longer timeline is appropriate in a particular case,
22 the State will implement the project not later than
23 180 days after receiving a grant under subsection
24 (a) and will expend all of the grant during a 1-year
25 period;

1 (5) the State has the capacity to continue im-
2 plementing a community correctional facility beyond
3 the funding period to ensure the continuity of the
4 work;

5 (6) unless the Attorney General determines that
6 a different process for selecting participants in a
7 project is desirable, the State will—

8 (A) give written notice to a prisoner, not
9 later than 30 days after the State first receives
10 a grant under subsection (a) or 30 days after
11 the prisoner is sentenced to a term of imprison-
12 ment of not more than 7 years (whichever is
13 later), of the proposed or current operation of
14 the project;

15 (B) accept at any time at which the project
16 is in operation an application by a prisoner to
17 participate in the project if, at the time of ap-
18 plication, the remainder of the prisoner's sen-
19 tence exceeds 180 days;

20 (C) review applications by prisoners in the
21 sequence in which the State receives such appli-
22 cations; and

23 (D) not more than 50 days after reviewing
24 such applications approve or disapprove the ap-
25 plication; and

1 (7) for the purposes of selecting eligible offend-
2 ers to participate in such project, the State has au-
3 thorized State courts to sentence an eligible offender
4 directly to a community correctional facility, pro-
5 vided that the court gives assurances that the of-
6 fender would have otherwise served a term of impris-
7 onment.

8 (c) **SELECTION OF GRANTEES.**—The Attorney Gen-
9 eral shall make grants under subsection (a) on a competi-
10 tive basis, based on such criteria as the Attorney General
11 shall issue by rule and taking into account the preferences
12 described in subsection (b).

13 **SEC. 4112. ELIGIBILITY TO RECEIVE GRANTS.**

14 To be eligible to receive a grant under section 4111,
15 a State shall submit to the Attorney General an applica-
16 tion at such time, in such form, and containing such infor-
17 mation as the Attorney General reasonably may require
18 by rule.

19 **SEC. 4113. REPORT.**

20 (a) **IN GENERAL.**—A State that receives a grant
21 under this title shall, not later than 90 days after the 1-
22 year period in which the grant is required to be expended,
23 submit a report to the Attorney General regarding the
24 family unity demonstration project for which the grant
25 was expended.

1 (b) CONTENTS.—A report under subsection (a)
2 shall—

3 (1) state the number of prisoners who submit-
4 ted applications to participate in the project and the
5 number of prisoners who were placed in community
6 correctional facilities;

7 (2) state, with respect to prisoners placed in the
8 project, the number of prisoners who are returned to
9 that jurisdiction and custody and the reasons for
10 such return;

11 (3) describe the nature and scope of educational
12 and training activities provided to prisoners partici-
13 pating in the project;

14 (4) state the number, and describe the scope of,
15 contracts made with public and nonprofit private
16 community-based organizations to carry out such
17 project; and

18 (5) evaluate the effectiveness of the project in
19 accomplishing the purposes described in section
20 4102.

1 **CHAPTER 2—FAMILY UNITY DEMONSTRA-**
2 **TION PROJECT FOR FEDERAL PRIS-**
3 **ONERS**

4 **SEC. 4121. AUTHORITY OF THE ATTORNEY GENERAL.**

5 (a) **IN GENERAL.**—With the funds available to carry
6 out this subtitle for the benefit of Federal prisoners, the
7 Attorney General, acting through the Director of the Bu-
8 reau of Prisons, shall select eligible prisoners to live in
9 community corrections facilities with their children.

10 (b) **GENERAL CONTRACTING AUTHORITY.**—In imple-
11 menting this title, the Attorney General may enter into
12 contracts with appropriate public or private agencies to
13 provide housing, sustenance, services, and supervision of
14 inmates eligible for placement in community correctional
15 facilities under this title.

16 (c) **USE OF STATE FACILITIES.**—At the discretion of
17 the Attorney General, Federal participants may be placed
18 in State projects as defined in chapter 1. For such partici-
19 pants, the Attorney General shall, with funds available
20 under section 4104(b)(2), reimburse the State for all
21 project costs related to the Federal participant's place-
22 ment, including administrative costs.

23 **SEC. 4122. REQUIREMENTS.**

24 For the purpose of placing Federal participants in
25 a family unity demonstration project under section 4121,

1 the Attorney General shall consult with the Secretary of
2 Health and Human Services regarding the development
3 and operation of the project.

4 **Subtitle T—Substance Abuse**
5 **Treatment in Federal Prisons**

6 **SEC. 2001. SUBSTANCE ABUSE TREATMENT IN FEDERAL**
7 **PRISONS.**

8 Section 3621 of title 18, United States Code, is
9 amended—

10 (1) in the last sentence of subsection (b), by
11 striking “, to the extent practicable,”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(e) SUBSTANCE ABUSE TREATMENT.—

15 “(1) PHASE-IN.—In order to carry out the re-
16 quirement of the last sentence of subsection (b) of
17 this section, that every prisoner with a substance
18 abuse problem have the opportunity to participate in
19 appropriate substance abuse treatment, the Bureau
20 of Prisons shall, subject to the availability of appro-
21 priations, provide residential substance abuse
22 treatment—

23 “(A) for not less than 50 percent of eligi-
24 ble prisoners by the end of fiscal year 1995,
25 with priority for such treatment accorded based

1 on an eligible prisoner's proximity to release
2 date;

3 "(B) for not less than 75 percent of eligi-
4 ble prisoners by the end of fiscal year 1996,
5 with priority for such treatment accorded based
6 on an eligible prisoner's proximity to release
7 date; and

8 "(C) for all eligible prisoners by the end of
9 fiscal year 1997 and thereafter, with priority
10 for such treatment accorded based on an eligi-
11 ble prisoner's proximity to release date.

12 "(2) INCENTIVE FOR PRISONERS' SUCCESSFUL
13 COMPLETION OF TREATMENT PROGRAM.—

14 "(A) GENERALLY.—Any prisoner who, in
15 the judgment of the Director of the Bureau of
16 Prisons, has successfully completed a program
17 of residential substance abuse treatment pro-
18 vided under paragraph (1) of this subsection,
19 shall remain in the custody of the Bureau for
20 such time (as limited by subparagraph (B) of
21 this paragraph) and under such conditions, as
22 the Bureau deems appropriate. If the conditions
23 of confinement are different from those the
24 prisoner would have experienced absent the suc-
25 cessful completion of the treatment, the Bureau

1 shall periodically test the prisoner for substance
2 abuse and discontinue such conditions on deter-
3 mining that substance abuse has recurred.

4 “(B) PERIOD OF CUSTODY.—The period
5 the prisoner remains in custody after success-
6 fully completing a treatment program shall not
7 exceed the prison term the law would otherwise
8 require such prisoner to serve, but may not be
9 less than such term minus one year.

10 “(3) REPORT.—The Bureau of Prisons shall
11 transmit to the Committees on the Judiciary of the
12 Senate and the House of Representatives on Janu-
13 ary 1, 1995, and on January 1 of each year there-
14 after, a report. Such report shall contain—

15 “(A) a detailed quantitative and qualitative
16 description of each substance abuse treatment
17 program, residential or not, operated by the
18 Bureau;

19 “(B) a full explanation of how eligibility
20 for such programs is determined, with complete
21 information on what proportion of prisoners
22 with substance abuse problems are eligible; and

23 “(C) a complete statement of to what ex-
24 tent the Bureau has achieved compliance with
25 the requirements of this title.

1 “(4) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this subsection \$_____.

4 “(5) DEFINITIONS.—As used in this
5 subsection—

6 “(A) the term ‘residential substance abuse
7 treatment’ means a course of individual and
8 group activities, lasting between 6 and 12
9 months, in residential treatment facilities set
10 apart from the general prison population—

11 “(i) directed at the substance abuse
12 problems of the prisoner; and

13 “(ii) intended to develop the pris-
14 oner’s cognitive, behavioral, social, voca-
15 tional, and other skills so as to solve the
16 prisoner’s substance abuse and related
17 problems; and

18 “(B) the term ‘eligible prisoner’ means a
19 prisoner who is—

20 “(i) determined by the Bureau of
21 Prisons to have a substance abuse prob-
22 lem; and

23 “(ii) willing to participate in a resi-
24 dential substance abuse treatment pro-
25 gram.”.

1 **Subtitle U—Residential Substance**
2 **Abuse Treatment for State Pris-**
3 **oners**

4 **SEC. 2301. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**
5 **FOR STATE PRISONERS.**

6 (a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT
7 FOR PRISONERS.—Title I of the Omnibus Crime Control
8 and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
9 is amended by inserting after part V (as added by section
10 2201(a)) the following new part:

11 **“PART W—RESIDENTIAL SUBSTANCE ABUSE**
12 **TREATMENT FOR STATE PRISONERS**

13 **“SEC. 2301. GRANT AUTHORIZATION.**

14 “The Attorney General may make grants under this
15 part to States, for the use by States and units of local
16 government for the purpose of developing and implement-
17 ing residential substance abuse treatment programs within
18 State correctional facilities as well as within local correc-
19 tions and detention facilities, as well as within local correc-
20 tional facilities in which inmates are incarcerated for a pe-
21 riod of time sufficient to permit substance abuse treat-
22 ment.

23 **“SEC. 2302. STATE APPLICATIONS.**

24 “(a) IN GENERAL.—(1) To request a grant under
25 this part the chief executive of a State shall submit an

1 application to the Attorney General in such form and con-
2 taining such information as the Attorney General may rea-
3 sonably require.

4 “(2) Such application shall include assurances that
5 Federal funds received under this part shall be used to
6 supplement, not supplant, non-Federal funds that would
7 otherwise be available for activities funded under this part.

8 “(3) Such application shall coordinate the design and
9 implementation of treatment programs between State cor-
10 rectional representatives and the State Alcohol and Drug
11 Abuse agency (and, if appropriate, between representa-
12 tives of local correctional agencies and representatives of
13 either the State alcohol and drug abuse agency or any ap-
14 propriate local alcohol and drug abuse agency).

15 “(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—
16 To be eligible to receive funds under this part, a State
17 must agree to implement or continue to require urinalysis
18 or similar testing of individuals in correctional residential
19 substance abuse treatment programs. Such testing shall
20 include individuals released from residential substance
21 abuse treatment programs who remain in the custody of
22 the State.

23 “(c) ELIGIBILITY FOR PREFERENCE WITH AFTER
24 CARE COMPONENT.—

1 “(1) To be eligible for a preference under this
2 part, a State must ensure that individuals who par-
3 ticipate in the substance abuse treatment program
4 established or implemented with assistance provided
5 under this part will be provided with aftercare
6 services.

7 “(2) State aftercare services must involve the
8 coordination of the correctional facility treatment
9 program with other human service and rehabilitation
10 programs, such as educational and job training pro-
11 grams, parole supervision programs, half-way house
12 programs, and participation in self-help and peer
13 group programs, that may aid in the rehabilitation
14 of individuals in the substance abuse treatment
15 program.

16 “(3) To qualify as an aftercare program, the
17 head of the substance abuse treatment program, in
18 conjunction with State and local authorities and or-
19 ganizations involved in substance abuse treatment,
20 shall assist in placement of substance abuse treat-
21 ment program participants with appropriate commu-
22 nity substance abuse treatment facilities when such
23 individuals leave the correctional facility at the end
24 of a sentence or on parole.

1 “(d) STATE OFFICE.—The Office designated under
2 section 507—

3 “(1) shall prepare the application as required
4 under this section; and

5 “(2) shall administer grant funds received
6 under this part, including review of spending, proc-
7 essing, progress, financial reporting, technical assist-
8 ance, grant adjustments, accounting, auditing, and
9 fund disbursement.

10 **“SEC. 2303. REVIEW OF STATE APPLICATIONS.**

11 “(a) IN GENERAL.—The Attorney General shall
12 make a grant under section 2301 to carry out the projects
13 described in the application submitted under section 2302
14 upon determining that—

15 “(1) the application is consistent with the re-
16 quirements of this part; and

17 “(2) before the approval of the application the
18 Attorney General has made an affirmative finding in
19 writing that the proposed project has been reviewed
20 in accordance with this part.

21 “(b) APPROVAL.—Each application submitted under
22 section 2302 shall be considered approved, in whole or in
23 part, by the Attorney General not later than 90 days after
24 first received unless the Attorney General informs the ap-
25 plicant of specific reasons for disapproval.

1 “(c) RESTRICTION.—Grant funds received under this
2 part shall not be used for land acquisition or construction
3 projects.

4 “(d) DISAPPROVAL NOTICE AND RECONSIDER-
5 ATION.—The Attorney General shall not disapprove any
6 application without first affording the applicant reason-
7 able notice and an opportunity for reconsideration.

8 **“SEC. 2304. ALLOCATION AND DISTRIBUTION OF FUNDS.**

9 “(a) ALLOCATION.—Of the total amount appro-
10 priated under this part in any fiscal year—

11 “(1) 0.4 percent shall be allocated to each of
12 the participating States; and

13 “(2) of the total funds remaining after the allo-
14 cation under paragraph (1), there shall be allocated
15 to each of the participating States an amount which
16 bears the same ratio to the amount of remaining
17 funds described in this paragraph as the State pris-
18 on population of such State bears to the total prison
19 population of all the participating States.

20 “(b) FEDERAL SHARE.—The Federal share of a
21 grant made under this part may not exceed 75 percent
22 of the total costs of the projects described in the applica-
23 tion submitted under section 2302 for the fiscal year for
24 which the projects receive assistance under this part.

1 **"SEC. 2305. EVALUATION.**

2 "Each State that receives a grant under this part
3 shall submit to the Attorney General an evaluation not
4 later than March 1 of each year in such form and contain-
5 ing such information as the Attorney General may reason-
6 ably require."

7 (b) **TECHNICAL AMENDMENT.**—The table of contents
8 of title I of the Omnibus Crime Control and Safe Streets
9 Act of 1968 (42 U.S.C. 3711 et seq.), is amended by in-
10 serting after the matter relating to part V (as added by
11 section 2201(b)) the following:

"PART W—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE
PRISONERS

"Sec. 2301. Grant authorization.

"Sec. 2302. State applications.

"Sec. 2303. Review of State applications.

"Sec. 2304. Allocation and distribution of funds.

"Sec. 2305. Evaluation."

12 (c) **DEFINITIONS.**—Section 901(a) of the Omnibus
13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
14 3791(a)) is amended by adding after paragraph (24) (as
15 added by section 2101(c)) the following:

16 "(25) the term 'residential substance abuse
17 treatment program' means a course of individual
18 and group activities, lasting between 6 and 12
19 months, in residential treatment facilities set apart
20 from the general prison population—

21 "(A) directed at the substance abuse prob-
22 lems of the prisoner; and

1 and persons held in holding facilities operated by or under
2 contract with the Immigration and Naturalization Service.

3 (b) COMPLIANCE.—The Attorney General shall en-
4 sure that prisons in the Federal prison system and holding
5 facilities operated by or under contract with the Immigra-
6 tion and Naturalization Service comply with the guidelines
7 described in subsection (a).

8 (c) GRANTS.—

9 (1) IN GENERAL.—The Attorney General shall
10 make grants to State and local correction authorities
11 and public health authorities to assist in establishing
12 and operation programs for the prevention, diag-
13 nosis, treatment, and followup care of tuberculosis
14 among inmates of correctional institutions.

15 (2) FEDERAL SHARE.—The Federal share of
16 funding of a program funded with a grant under
17 paragraph (1) shall not exceed 50 percent.

18 (3) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated \$_____ to
20 carry out this section.

1 **Subtitle Y—Hope in Youth**
2 **Program**

3 **SEC. 1099A. PROGRAM AUTHORITY.**

4 (a) **IN GENERAL.**—The Secretary of Health and
5 Human Services (in this subtitle referred to as the “Sec-
6 retary”) may make grants to eligible service providers in
7 one or more political subdivisions of a State containing
8 an area designated as an empowerment zone or enterprise
9 community, as authorized under the Omnibus Budget
10 Reconciliation Act of 1993 (Public Law 103–66), that
11 have submitted an approved plan to establish advisory or-
12 ganizations in low-income communities within the political
13 subdivision containing an empowerment zone which will
14 serve as umbrella agencies for strategic planning and eval-
15 uation of service programs serving the low-income commu-
16 nities in which the advisory organization operates.

17 (b) **COORDINATION WITH THE OUNCE OF PREVEN-**
18 **TION COUNCIL.**—The Secretary may coordinate with the
19 Ounce of Prevention Council in making grants under sub-
20 section (a).

21 **SEC. 1099B. PROGRAM REQUIREMENTS.**

22 Each advisory organization established as described
23 in section 1099B shall—

24 (1) provide a permanent multi-issue forum for
25 public policy discussion which will serve as part of

1 a stable infrastructure of community outreach and
2 support,

3 (2) develop a mechanism by which local support
4 service providers may be evaluated and assessed in
5 the level of service they provide to the community,
6 and which establishes a method for advisory organi-
7 zation participants to review and participate in ef-
8 forts to maintain or increase the quality of services
9 provided by such providers,

10 (3) create a Family Outreach Team approach
11 which provides a youth worker, a parent worker, and
12 a school-parent organizer to provide training in out-
13 reach, mentoring, community organizing and peer
14 counseling and mentoring to locally recruited volun-
15 teers in a particular area. The Family Outreach
16 Team assists such volunteers in outreach, develop-
17 ment and coordination of service delivery from
18 among the service providers in the area, including
19 the schools,

20 (4) establish processes by which local public
21 agencies can effectively involve the private sector in
22 the provision of services that meet the needs of local
23 communities,

24 (5) establish processes of coalition building in
25 which diverse groups within low-income communities

1 attempt to work cooperatively to meet the collective
2 needs of low-income communities, and

3 (6) create a training program to foster commu-
4 nity-based leadership in low-income communities.

5 **SEC. 1099C. ELIGIBLE PROVIDERS.**

6 Consortia of public and private nonprofit local social
7 service organizations that have a proven ability to involve
8 disparate populations of low-income citizens and compet-
9 ing service providers are eligible to receive grants under
10 section 1099A.

11 **SEC. 1099D. APPLICATIONS.**

12 Applications may be submitted, for approval by the
13 Secretary, by eligible service providers at such time and
14 in such manner as the Secretary may reasonably require.
15 Such applications shall contain—

16 (1) assurances that selection of participants, or-
17 ganizations, and citizens will not be on the basis of
18 religious preference or affiliation,

19 (2) assurances that participating organizations
20 and citizens will not offer services based on any reli-
21 gious preference or affiliation, and

22 (3) assurances that such service providers will,
23 to the extent practicable, involve participation by
24 citizens not traditionally involved in such activities,
25 including homeless individuals, alcohol- and drug-ad-

1 dicted individuals, and gang involved or violent
2 youth.

3 **SEC. 1099E. EVALUATION.**

4 The Secretary shall commence a program to evaluate
5 the success and effectiveness of this program 2 years after
6 the program has received an appropriation, and such eval-
7 uation shall be completed no later than 1 year after the
8 second program year has been completed. A report thereon
9 shall be submitted to the Congress within 60 days of the
10 completion of the evaluation.

11 **SEC. 1099F. DEFINITION.**

12 As used in this subtitle, the term "State" means a
13 State, the District of Columbia, the Commonwealth of
14 Puerto Rico, the United States Virgin Islands, American
15 Samoa, Guam, and the Northern Mariana Islands.

16 **SEC. 1099G. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated \$ _____
18 for fiscal year 1995, and such sums as are necessary for
19 each of fiscal years 1996, 1997, and 1998 to carry out
20 this subtitle.

21 **Subtitle Z—Miscellaneous**

22 **SEC. 1098A. EXTENSION OF BYRNE GRANT FUNDING.**

23 There are authorized to be appropriated such sums
24 as may be necessary for each of fiscal years 1995, 1996,
25 1997, 1998, and 1999, to carry out the programs under

1 parts D and E of title I of the Omnibus Crime Control
2 and Safe Streets Act of 1968, of which \$_____

3 shall be available, subject to the availability of appropria-
4 tions, from the Violent Crime Reduction Trust Fund es-
5 tablished in section 1115 of title 31, United States Code.

6 **TITLE IV—VIOLENCE AGAINST**
7 **WOMEN**

8 **SEC. 3200. SHORT TITLE.**

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

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

12 **SEC. 3201. SHORT TITLE.**

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

15 **CHAPTER 1—FEDERAL PENALTIES FOR**
16 **SEX CRIMES**

17 **SEC. 3205. REPEAT OFFENDERS.**

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

21 **“§ 2247. Repeat offenders**

22 “Any person who violates a provision of this chapter,
23 after one or more prior convictions for an offense punish-
24 able under this chapter, or after one or more prior convic-
25 tions under the laws of any State relating to aggravated

1 sexual abuse, sexual abuse, or abusive sexual contact have
2 become final, is punishable by a term of imprisonment up
3 to twice that otherwise authorized.”.

4 (b) RECOMMENDATION BY THE SENTENCING COM-
5 MISSION.—The Sentencing Commission shall implement
6 the amendment made by subsection (a) by recommending
7 to the Congress amendments, if appropriate, in the sen-
8 tencing guidelines applicable to chapter 109A offenses.

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

“2247. Repeat offenders.”.

12 **SEC. 3206. FEDERAL PENALTIES.**

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

21 (1) The Commission shall review and rec-
22 ommend amendments to the guidelines, if appro-
23 priate, to enhance penalties if more than 1 offender
24 is involved in the offense.

1 (2) The Commission shall review and rec-
2 ommend amendments to the guidelines, if appro-
3 priate, to reduce unwarranted disparities between
4 the sentences for sex offenders who are known to the
5 victim and sentences for sex offenders who are not
6 known to the victim.

7 (3) The Commission shall review and rec-
8 ommend amendments to the guidelines to enhance
9 penalties, if appropriate, to render Federal penalties
10 on Federal territory commensurate with penalties
11 for similar offenses in the States.

12 (4) The Commission shall review and rec-
13 ommend amendments to the guidelines, if appro-
14 priate, to account for the general problem of recidi-
15 vism in cases of sex offenses, the severity of the of-
16 fense, and its devastating effects on survivors.

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

23 (1) comparative Federal sentences for cases in
24 which the rape victim is known to the defendant and

1 cases in which the rape victim is not known to the
2 defendant;

3 (2) comparative Federal sentences for cases on
4 Federal territory and sentences in surrounding
5 States; and

6 (3) an analysis of the effect of rape sentences
7 on populations residing primarily on Federal terri-
8 tory relative to the impact of other Federal offenses
9 in which the existence of Federal jurisdiction de-
10 pends upon the offense's being committed on Fed-
11 eral territory.

12 **SEC. 3207. MANDATORY RESTITUTION FOR SEX CRIMES.**

13 (a) **SEXUAL ABUSE.—**

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

17 **“§ 2248. Mandatory restitution**

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

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

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

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

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

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

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

15 “(A) medical services relating to physical,
 16 psychiatric, or psychological care;

17 “(B) physical and occupational therapy or
 18 rehabilitation;

19 “(C) necessary transportation, temporary
 20 housing, and child care expenses;

21 “(D) lost income;

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

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

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

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

5 “(i) the economic circumstances of the
6 defendant; or

7 “(ii) the fact that a victim has, or is
8 entitled to, receive compensation for his or
9 her injuries from the proceeds of insurance
10 or any other source.

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

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

18 “(I) the financial resources and other as-
19 sets of the defendant;

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

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

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

1 “(i) the court finds on the record that
2 the economic circumstances of the defend-
3 ant do not allow for the payment of any
4 amount of a restitution order, and do not
5 allow for the payment of any amount of a
6 restitution order in the foreseeable future
7 (under any reasonable schedule of pay-
8 ments); and

9 “(ii) the court enters in its order the
10 amount of the victim’s losses, and provides
11 a 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, revoke 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) PROOF OF CLAIM.—

14 "(1) AFFIDAVIT.—Within 60 days after convic-
15 tion and, in any event, not later than 10 days prior
16 to sentencing, the United States Attorney (or the
17 United States Attorney's delegee), after consulting
18 with the victim, shall prepare and file an affidavit
19 with the court listing the amounts subject to restitu-
20 tion under this section. The affidavit shall be signed
21 by the United States Attorney (or the United States
22 Attorney's delegee) and the victim. Should the victim
23 object to any of the information included in the affi-
24 davit, the United States Attorney (or the United
25 States Attorney's delegee) shall advise the victim

1 that the victim may file a separate affidavit and
2 shall provide the victim with an affidavit form which
3 may be used to do so.

4 “(2) OBJECTION.—If, after the defendant has
5 been notified of the affidavit, no objection is raised
6 by the defendant, the amounts attested to in the af-
7 fidavit filed pursuant to paragraph (1) shall be en-
8 tered in the court’s restitution order. If objection is
9 raised, the court may require the victim or the Unit-
10 ed States Attorney (or the United States Attorney’s
11 delegee) to submit further affidavits or other sup-
12 porting documents, demonstrating the victim’s
13 losses.

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

1 “(4) FINAL DETERMINATION OF LOSSES.—If
2 the victim’s losses are not ascertainable by the date
3 that is 10 days prior to sentencing as provided in
4 paragraph (1), the United States Attorney (or the
5 United States Attorney’s delegee) shall so inform the
6 court, and the court shall set a date for the final de-
7 termination of the victim’s losses, not to exceed 90
8 days after sentencing. If the victim subsequently dis-
9 covers further losses, the victim shall have 60 days
10 after discovery of those losses in which to petition
11 the court for an amended restitution order. Such
12 order may be granted only upon a showing of good
13 cause for the failure to include such losses in the ini-
14 tial claim for restitutionary relief.

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

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

1 “(f) DEFINITION.—For purposes of this section, the
2 term ‘victim’ means the individual harmed as a result of
3 a commission of a crime under this chapter, including, in
4 the case of a victim who is under 18 years of age, incom-
5 petent, incapacitated, or deceased, the legal guardian of
6 the victim or representative of the victim’s estate, another
7 family member, or any other person appointed as suitable
8 by the court, but in no event shall the defendant be named
9 as such representative or guardian.”.

10 (2) TECHNICAL AMENDMENT.—The chapter analysis
11 for chapter 109A of title 18, United States Code, is
12 amended by adding at the end the following new item:

“2248. Mandatory restitution.”.

13 (b) SEXUAL EXPLOITATION AND OTHER ABUSE OF
14 CHILDREN.—

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

18 “§ 2259. Mandatory restitution

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

23 “(b) SCOPE AND NATURE OF ORDER.—

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

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

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

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

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

15 “(A) medical services relating to physical,
16 psychiatric, or psychological care;

17 “(B) physical and occupational therapy or
18 rehabilitation;

19 “(C) necessary transportation, temporary
20 housing, and child care expenses;

21 “(D) lost income;

22 “(E) attorneys’ fees, as well as other costs
23 incurred; and

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

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

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

5 “(i) the economic circumstances of the
6 defendant; or

7 “(ii) the fact that a victim has, or is
8 entitled to, receive compensation for his or
9 her injuries from the proceeds of insurance
10 or any other source.

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

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

18 “(I) the financial resources and other as-
19 sets of the defendant;

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

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

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

1 “(i) the court finds on the record that
2 the economic circumstances of the defend-
3 ant do not allow for the payment of any
4 amount of a restitution order, and do not
5 allow for the payment of any amount of a
6 restitution order in the foreseeable future
7 (under any reasonable schedule of pay-
8 ments); and

9 “(ii) the court enters in its order the
10 amount of the victim’s losses, and provides
11 a 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, revoke 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) PROOF OF CLAIM.—

14 "(1) AFFIDAVIT.—Within 60 days after convic-
15 tion and, in any event, not later than 10 days prior
16 to sentencing, the United States Attorney (or the
17 United States Attorney's delegee), after consulting
18 with the victim, shall prepare and file an affidavit
19 with the court listing the amounts subject to restitu-
20 tion under this section. The affidavit shall be signed
21 by the United States Attorney (or the United States
22 Attorney's delegee) and the victim. Should the victim
23 object to any of the information included in the affi-
24 davit, the United States Attorney (or the United
25 States Attorney's delegee) shall advise the victim

1 that the victim may file a separate affidavit and
2 shall provide the victim with an affidavit form which
3 may be used to do so.

4 . “(2) OBJECTION.—If, after the defendant has
5 been notified of the affidavit, no objection is raised
6 by the defendant, the amounts attested to in the af-
7 fidavit filed pursuant to paragraph (1) shall be en-
8 tered in the court’s restitution order. If objection is
9 raised, the court may require the victim or the Unit-
10 ed States Attorney (or the United States Attorney’s
11 delegee) to submit further affidavits or other sup-
12 porting documents, demonstrating the victim’s
13 losses.

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

1 “(4) FINAL DETERMINATION OF LOSSES.—If
2 the victim’s losses are not ascertainable by the date
3 that is 10 days prior to sentencing as provided in
4 paragraph (1), the United States Attorney (or the
5 United States Attorney’s delegee) shall so inform the
6 court, and the court shall set a date for the final de-
7 termination of the victim’s losses, not to exceed 90
8 days after sentencing. If the victim subsequently dis-
9 covers further losses, the victim shall have 60 days
10 after discovery of those losses in which to petition
11 the court for an amended restitution order. Such
12 order may be granted only upon a showing of good
13 cause for the failure to include such losses in the ini-
14 tial claim for restitutionary relief.

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

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

1 “(f) DEFINITION.—For purposes of this section, the
2 term ‘victim’ means the individual harmed as a result of
3 a commission of a crime under this chapter, including, in
4 the case of a victim who is under 18 years of age, incom-
5 petent, incapacitated, or deceased, the legal guardian of
6 the victim or representative of the victim’s estate, another
7 family member, or any other person appointed as suitable
8 by the court, but in no event shall the defendant be named
9 as such representative or guardian.”.

10 (2) TECHNICAL AMENDMENT.—The chapter
11 analysis for chapter 110 of title 18, United States
12 Code, is amended by adding at the end the following
13 new item:

“2259. Mandatory restitution.”.

14 **SEC. 3208. AUTHORIZATION FOR FEDERAL VICTIM’S COUN-**
15 **SELORS.**

16 There is authorized to be appropriated for each of
17 fiscal years 1995, 1996, and 1997 \$_____ for
18 the United States Attorneys for the purpose of appointing
19 Victim/Witness Counselors for the prosecution of sex
20 crimes and domestic violence crimes where applicable
21 (such as the District of Columbia).

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

4 **SEC. 3211. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
5 **WOMEN.**

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

9 (1) by redesignating part Q as part R;

10 (2) by redesignating section 1701 as section
11 1801; and

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

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

16 **“SEC. 1701. 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 protective 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. 1702. 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 1701(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 1701(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 1705; 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 1706.

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 grantee shall

1 file a performance report with the Attorney General
2 explaining the activities carried out, which report
3 shall include an assessment of the effectiveness of
4 those activities in achieving the purposes of this
5 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. 1703. 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. 1704. 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. 1705. 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. 1706. 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.) is amended by strik-
17 ing the matter relating to part Q and inserting the follow-
18 ing:

“PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

- “Sec. 1701. Purpose of the program and grants.
- “Sec. 1702. State grants.
- “Sec. 1703. General definitions.
- “Sec. 1704. General terms and conditions.
- “Sec. 1705. Rape exam payments.
- “Sec. 1706. Filing costs for criminal charges.

“PART R—TRANSITION—EFFECTIVE DATE—REPEALER

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

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3793) is amended—

4 (1) in paragraph (3) by striking “and O” and
5 inserting “O, P, and Q”; and

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

8 “(11) There are authorized to be appropriated to
9 carry out part Q \$_____ for each of fiscal years
10 1995, 1996, and 1997.”

11 **CHAPTER 3—SAFETY FOR WOMEN IN**
12 **PUBLIC TRANSIT AND PUBLIC PARKS**

13 **SEC. 3215. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
14 **VENT CRIME IN PUBLIC TRANSPORTATION.**

15 Section 24 of the Urban Mass Transportation Act of
16 1964 (49 U.S.C. App. 1620) is amended to read as fol-
17 lows:

18 “GRANTS TO PREVENT CRIME IN PUBLIC
19 TRANSPORTATION

20 “SEC. 24. (a) GENERAL PURPOSE.—From funds au-
21 thorized under section 21 and appropriated out of the gen-
22 eral fund of the Treasury, not to exceed \$10,000,000, the
23 Secretary shall make capital grants for the prevention of
24 crime and to increase security in existing and future public
25 transportation systems. None of the provisions of title
26 XXXII of the Violent Crime Control and Law Enforce-

1 ment Act of 1994 may be construed to prohibit the financ-
2 ing of projects under this section where law enforcement
3 responsibilities are vested in a local public body other than
4 the grant applicant.

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

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

13 “(A) increasing lighting within or adjacent
14 to public transportation systems, including bus
15 stops, subway stations, parking lots, or garages;

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

20 “(C) providing emergency phone lines to
21 contact law enforcement or security personnel
22 in areas within or adjacent to public transpor-
23 tation systems, including bus stops, subway sta-
24 tions, parking lots, or garages; or

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

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

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

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

23 “(e) SPECIAL GRANTS FOR PROJECTS TO STUDY IN-
24 CREASING SECURITY FOR WOMEN.—From the sums au-
25 thorized under this section, the Secretary shall provide

1 grants and loans for the purpose of studying ways to re-
2 duce violent crimes against women in public transit
3 through better design or operation of public transit sys-
4 tems.

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

9 **SEC. 3216. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
10 **VENT CRIME IN NATIONAL PARKS.**

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

15 **“SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION AS-**
16 **SISTANCE.**

17 “(a) AVAILABILITY OF FUND.—From the sums au-
18 thorized pursuant to section 7 of the Land and Water
19 Conservation Act of 1965 (16 U.S.C. 460l-9) and appro-
20 priated out of the general fund of the Treasury, not to
21 exceed \$10,000,000, the Secretary of the Interior may
22 provide Federal assistance to reduce the incidence of vio-
23 lent crime in the National Park System.

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

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

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

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

12 “(c) DISTRIBUTION OF FUNDS.—Not later than 180
13 days after the date of enactment of this section, and based
14 on the recommendations and list issued pursuant to sub-
15 section (b), the Secretary shall distribute funds through-
16 out the National Park Service. Priority shall be given to
17 those areas with the highest rates of sexual assault.

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

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

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

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

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

7 **SEC. 3217. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
8 **VENT CRIME IN PUBLIC PARKS.**

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

12 “(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS
13 TO REDUCE CRIME.—

14 “(1) AVAILABILITY OF FUNDING.—In addition
15 to assistance for planning projects, and in addition
16 to the projects identified in subsection (e), and from
17 amounts appropriated out of the general fund of the
18 Treasury, the Secretary shall provide financial as-
19 sistance to the States, not to exceed \$15,000,000,
20 for projects or combinations thereof for the purpose
21 of making capital improvements and other measures
22 to increase safety in urban parks and recreation
23 areas, including funds to—

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

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

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

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

11 “(2) ELIGIBILITY.—In addition to the require-
12 ments for project approval imposed by this section,
13 eligibility for assistance under this subsection is de-
14 pendent upon a showing of need. In providing funds
15 under this subsection, the Secretary shall give prior-
16 ity to projects proposed for urban parks and recre-
17 ation areas with the highest rates of crime and, in
18 particular, to urban parks and recreation areas with
19 the highest rates of sexual assault.

20 “(3) FEDERAL SHARE.—Notwithstanding sub-
21 section (c), the Secretary may provide 70 percent
22 improvement grants for projects undertaken by any
23 State for the purposes described in this subsection,
24 and the remaining share of the cost shall be borne
25 by the State.”.

1 **CHAPTER 4—NEW EVIDENTIARY RULES**

2 **SEC. 3220. SEXUAL HISTORY IN CRIMINAL AND CIVIL**
3 **CASES.**

4 (a) **MODIFICATION OF PROPOSED AMENDMENT.—**

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

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

12 **“Rule 412. Sex Offense Cases; Relevance Of Alleged Victim’s**
13 **Past Sexual Behavior Or Alleged Sexual Pre-**
14 **disposition**

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

19 “(1) evidence offered to prove that any alleged
20 victim engaged in other sexual behavior; and

21 “(2) evidence offered to prove any alleged vic-
22 tim’s sexual predisposition.

23 “(b) **EXCEPTIONS.—**

1 “(1) In a criminal case, the following evidence
2 is admissible, if otherwise admissible under these
3 rules:

4 “(A) evidence of specific instances of sex-
5 ual behavior by the alleged victim offered to
6 prove that a person other than the accused was
7 the source of semen, injury or other physical
8 evidence;

9 “(B) evidence of specific instances of sex-
10 ual behavior by the alleged victim with respect
11 to the person accused of the sexual misconduct
12 offered by the accused to prove consent or by
13 the prosecution; and

14 “(C) evidence the exclusion of which would
15 violate the constitutional rights of the defend-
16 ant.

17 “(2) In a civil case, evidence offered to prove
18 the sexual behavior or sexual predisposition of any
19 alleged victim is admissible if it is otherwise admissi-
20 ble under these rules and its probative value sub-
21 stantially outweighs the danger of harm to any vic-
22 tim and of unfair prejudice to any party. Evidence
23 of an alleged victim’s reputation is admissible only
24 if it has been placed in controversy by the alleged
25 victim.

1 “(c) PROCEDURE TO DETERMINE ADMISSIBILITY.—

2 “(1) A party intending to offer evidence under
3 subdivision (b) must:

4 “(A) file a written motion at least 14 days
5 before trial specifically describing the evidence
6 and stating the purpose for which it is offered
7 unless the court, for good cause requires a dif-
8 ferent time for filing or permits filing during
9 trial; and

10 “(B) serve the motion on all parties and
11 notify the alleged victim or, when appropriate,
12 the alleged victim’s guardian or representative.

13 “(2) Before admitting evidence under this rule
14 the court must conduct a hearing in camera and af-
15 ford the victim and parties a right to attend and be
16 heard. The motion, related papers, and the record of
17 the hearing must be sealed and remain under seal
18 unless the court orders otherwise.”.

19 (c) TECHNICAL AMENDMENT.—The table of contents
20 for the Federal Rules of Evidence is amended by amend-
21 ing the item relating to rule 412 to read as follows:

“412. Sex Offense Cases; Relevance Of Alleged Victim’s Past Sexual Behavior
Or Alleged Sexual Predisposition:

“(a) Evidence generally inadmissible.

“(b) Exceptions.

“(c) Procedure to determine admissibility.”.

1 **CHAPTER 5—ASSISTANCE TO VICTIMS OF**
2 **SEXUAL ASSAULT**

3 **SEC. 3225. EDUCATION AND PREVENTION GRANTS TO RE-**
4 **DUCE SEXUAL ASSAULTS AGAINST WOMEN.**

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

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

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

15 “(1) educational seminars;

16 “(2) the operation of hotlines;

17 “(3) training programs for professionals;

18 “(4) the preparation of informational materials;

19 and

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

24 “(b) **TARGETING OF EDUCATION PROGRAMS.**—

25 States providing grant monies must ensure that at least

1 25 percent of the monies are devoted to education pro-
2 grams targeted for middle school, junior high school, and
3 high school students.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$_____ for each of fiscal years 1995, 1996, and
7 1997.

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

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

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

20 **SEC. 3226. TRAINING PROGRAMS.**

21 (a) IN GENERAL.—The Attorney General, after con-
22 sultation with victim advocates and individuals who have
23 expertise in treating sex offenders, shall establish criteria
24 and develop training programs to assist probation and pa-

1 role officers and other personnel who work with released
2 sex offenders in the areas of—

- 3 (1) case management;
- 4 (2) supervision; and
- 5 (3) relapse prevention.

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

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated \$_____ for each of
12 fiscal years 1994 and 1995 to carry out the provisions
13 of this section.

14 **SEC. 3227. 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. 3228. 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 section
 25 \$_____ for each of fiscal years 1995, 1996,
 26 and 1997.

1 “(d) DEFINITIONS.—For the purposes of this
2 section—

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

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

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

13 **SEC. 3230. SHORT TITLE.**

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

16 **CHAPTER 1—NATIONAL DOMESTIC** 17 **VIOLENCE HOTLINE**

18 **SEC. 3231. GRANT FOR A NATIONAL DOMESTIC VIOLENCE** 19 **HOTLINE.**

20 The Family Violence Prevention and Services Act (42
21 U.S.C. 10401 et seq.) is amended by adding at the end
22 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 \$_____ for
23 each of fiscal years 1995, 1996, 1997, 1998, and
24 1999.

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

4 **CHAPTER 2—INTERSTATE ENFORCEMENT**

5 **SEC. 3233. INTERSTATE ENFORCEMENT.**

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

9 **“CHAPTER 28—VIOLENCE AGAINST**
10 **SPOUSES**

“Sec. 2261. Interstate domestic violence.

“Sec. 2262. Interstate violation of protection order.

“Sec. 2263. Pretrial release of defendants.

“Sec. 2264. Restitution.

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

“Sec. 2266. Definitions.

11 **“§ 2261. Interstate domestic violence**

12 “(a) OFFENSES.—

13 “(1) CROSSING A STATE LINE.—A person who
14 travels across a State line or enters or leaves Indian
15 country with the intent to injure, harass, or intimi-
16 date that person’s spouse or intimate partner, and
17 who in the course of or as a result of such travel,
18 intentionally commits a crime of violence and there-
19 by causes bodily injury to such spouse or intimate
20 partner, shall be punished as provided in subsection

21 (b).

1 “(2) CAUSING THE CROSSING OF A STATE
2 LINE.—A person who causes a spouse or intimate
3 partner to cross a State line or to enter or leave In-
4 dian country by force, coercion, duress, or fraud
5 and, in the course or as a result of that conduct, in-
6 tentionally commits a crime of violence and thereby
7 causes bodily injury to the person’s spouse or inti-
8 mate partner, shall be punished as provided in sub-
9 section (b).

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

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

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

17 “(3) for not more than 10 years, if serious bod-
18 ily injury to the offender’s spouse or intimate part-
19 ner results or if the offender uses a dangerous weap-
20 on during the offense;

21 “(4) as provided for the applicable conduct
22 under chapter 109A if the offense would constitute
23 an offense under chapter 109A (without regard to
24 whether the offense was committed in the special

1 maritime and territorial jurisdiction of the United
2 States or in a Federal prison); and

3 “(5) for not more than 5 years, in any other
4 case,
5 or both fined and imprisoned.

6 “(c) CRIMINAL INTENT.—The criminal intent of the
7 offender required to establish an offense under subsection
8 (a) does not require a showing of the specific intent to
9 violate the law of the State or Indian country to which
10 the offender has traveled or has caused the spouse or inti-
11 mate partner to travel.

12 **“§ 2262. Interstate violation of protection order**

13 “(a) OFFENSES.—

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

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

22 “(ii) would violate subparagraph (A) if the
23 conduct occurred in the jurisdiction in which
24 the order was issued; and

1 “(B) subsequently engages in such con-
2 duct,
3 shall be punished as provided in subsection (b).

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

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

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

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

20 “(3) for not more than 10 years, if serious bod-
21 ily injury to the offender’s spouse or intimate part-
22 ner results or if the offender uses a dangerous weap-
23 on during the offense;

24 “(4) as provided for the applicable conduct
25 under chapter 109A if the offense would constitute

1 an offense under chapter 109A (without regard to
2 whether the offense was committed in the special
3 maritime and territorial jurisdiction of the United
4 States or in a Federal prison); and

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

7 or both fined and imprisoned.

8 “(c) CRIMINAL INTENT.—The criminal intent re-
9 quired to establish an offense under subsection (a) does
10 not require a showing of the specific intent to violate a
11 protection order or the law of a State or Indian country
12 to which the offender has traveled or caused the spouse
13 or intimate partner to travel.

14 **“§ 2263. Pretrial release of defendant**

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

21 **“§ 2264. Restitution**

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

1 “(b) SCOPE AND NATURE OF ORDER.—

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

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

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

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

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

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

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

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

24 “(D) lost income;

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

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

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

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

9 “(i) the economic circumstances of the
10 defendant; or

11 “(ii) the fact that a victim has, or is
12 entitled to, receive compensation for his or
13 her injuries from the proceeds of insurance
14 or any other source.

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

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

22 “(I) the financial resources and other as-
23 sets of the defendant;

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

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

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

4 “(i) the court finds on the record that
5 the economic circumstances of the defend-
6 ant do not allow for the payment of any
7 amount of a restitution order, and do not
8 allow for the payment of any amount of a
9 restitution order in the foreseeable future
10 (under any reasonable schedule of pay-
11 ments); and

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

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

22 “(6) MORE THAN 1 VICTIM.—When the court
23 finds that more than 1 victim has sustained a loss
24 requiring restitution by an offender, the court shall
25 order full restitution of each victim but may provide

1 for different payment schedules to reflect the eco-
2 nomic circumstances of each victim.

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

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

11 “(A) any Federal civil proceeding; and

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

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

21 “(10) CONDITION OF PROBATION OR SUPER-
22 VISED RELEASE.—Compliance with a restitution
23 order issued under this section shall be a condition
24 of any probation or supervised release of a defend-
25 ant. If an offender fails to comply with a restitution

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

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

1 may file a separate affidavit and assist the victim in the
2 preparation of the affidavit.

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

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

22 “(f) FINAL DETERMINATION OF LOSSES.—If the vic-
23 tim’s losses are not ascertainable 10 days before sentenc-
24 ing as provided in subsection (c), the United States Attor-
25 ney (or the United States Attorney’s delegate) shall so in-

1 form the court, and the court shall set a date for the final
2 determination of the victim's losses, not to exceed 90 days
3 after sentencing. If the victim subsequently discovers fur-
4 ther losses, the victim shall have 90 days after discovery
5 of those losses in which to petition the court for an amend-
6 ed restitution order. Such order may be granted only upon
7 a showing of good cause for the failure to include such
8 losses in the initial claim for restitutionary relief.

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

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

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

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

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

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

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

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

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

24 “§ 2266. Definitions

25 “In this chapter—

1 “‘bodily injury’ means any act, except one done
2 in self-defense, that results in physical injury or sex-
3 ual abuse;

4 “‘Indian country’ has the meaning stated in
5 section 1151.

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

18 “‘spouse or intimate partner’ includes—

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

23 “(B) any other person similarly situated to
24 a spouse who is protected by the domestic or

1 (3) by adding after part R the following new
2 part:

3 **"PART S—GRANTS TO ENCOURAGE ARREST**
4 **POLICIES**

5 **"SEC. 1901. GRANTS.**

6 "(a) PURPOSE.—The purpose of this part is to en-
7 courage States, Indian tribal governments, and units of
8 local government to treat domestic violence as a serious
9 violation of criminal law.

10 "(b) GRANT AUTHORITY.—The Attorney General
11 may make grants to eligible States, Indian tribal govern-
12 ments, or units of local government for the following pur-
13 poses:

14 "(1) To implement mandatory arrest or
15 proarrest programs and policies in police depart-
16 ments, including mandatory arrest programs and
17 policies for protection order violations.

18 "(2) To develop policies and training in police
19 departments to improve tracking of cases involving
20 domestic violence.

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

1 family violence laws of the State in which the
2 injury occurred or where the victim resides;

3 "State' includes a State of the United States,
4 the District of Columbia, a commonwealth, territory,
5 or possession of the United States; and

6 "travel across State lines' does not include
7 travel across State lines by an individual who is a
8 member of an Indian tribe when such individual re-
9 mains at all times in the territory of the Indian tribe
10 of which the individual is a member."

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

"110A. Domestic violence 2261."

15 **CHAPTER 3—ARREST POLICIES IN**
16 **DOMESTIC VIOLENCE CASES**

17 **SEC. 3235. ENCOURAGING ARREST POLICIES.**

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

- 22 (1) by redesignating part S as part T;
- 23 (2) by redesignating section 1901 as section
- 24 2001; and

1 “(4) To coordinate computer tracking systems
2 to ensure communication between police, prosecu-
3 tors, and both criminal and family courts.

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

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

9 “(c) ELIGIBILITY.—Eligible grantees are States, In-
10 dian tribal governments, or units of local government
11 that—

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

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

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

19 “(2) demonstrate that their laws, policies, or
20 practices and their training programs discourage
21 dual arrests of offender and victim;

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

1 indicating that both spouses acted primarily as ag-
2 gressors and that neither spouse acted primarily in
3 self-defense; and

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

12 **“SEC. 1902. APPLICATIONS.**

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

15 “(1) contains a certification by the chief execu-
16 tive officer of the State, Indian tribal government, or
17 local government entity that the conditions of section
18 1901(c) are met or will be met within the later of—

19 “(A) the period ending on the date on
20 which the next session of the State or Indian
21 tribal legislature ends; or

22 “(B) 2 years of the date of enactment of
23 this part;

24 “(2) describes plans to further the purposes
25 stated in section 1901(a);

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

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

10 “(b) **PRIORITY.**—In awarding grants under this part,
11 the Attorney General shall give priority to applicants
12 that—

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

16 “(2) demonstrate a commitment to strong en-
17 forcement of laws, and prosecution of cases, involv-
18 ing domestic violence.

19 **“SEC. 1903. REPORTS.**

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

1 **“SEC. 1904. REGULATIONS OR GUIDELINES.**

2 “Not later than 120 days after the date of enactment
3 of this part, the Attorney General shall publish proposed
4 regulations or guidelines implementing this part. Not later
5 than 180 days after the date of enactment of this part,
6 the Attorney General shall publish final regulations or
7 guidelines implementing this part.

8 **“SEC. 1905. DEFINITIONS.**

9 “For purposes of this part—

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

24 “(2) the term ‘protection order’ includes any in-
25 junction issued for the purpose of preventing violent
26 or threatening acts of domestic violence, including

1 temporary and final orders issued by civil or crimi-
2 nal courts (other than support or child custody or-
3 ders or provisions) whether obtained by filing an
4 independent action or as a pendente lite order in an-
5 other proceeding.”.

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

“PART S—GRANTS TO ENCOURAGE ARREST POLICIES

- “Sec. 1901. Grants.
- “Sec. 1902. Applications.
- “Sec. 1903. Reports.
- “Sec. 1904. Regulations or guidelines.
- “Sec. 1905. Definitions.

“PART T—TRANSITION; EFFECTIVE DATE; REPEALER

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

11 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
12 1001(a) of title I of the Omnibus Crime Control and Safe
13 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
14 tion ____, is amended—

15 (1) in paragraph (3) by striking “and ____”
16 and inserting “, ____, and S”; and

17 (2) by adding at the end the following new
18 paragraph:

1 “(14) There are authorized to be appropriated to
2 carry out part S \$_____ for each of fiscal years
3 1995, 1996, and 1997.”.

4 (d) ADMINISTRATIVE PROVISIONS.—

5 (1) REGULATIONS.—Section 801(b) of title I of
6 the Omnibus Crime Control and Safe Streets Act of
7 1968, as amended by section ____, is amended by
8 striking “O, Q, and R” and inserting “O, Q, R, and
9 S”.

10 (2) DENIAL OF APPLICATION.—Section 802(b)
11 of title I of the Omnibus Crime Control and Safe
12 Streets Act of 1968, as amended by section ____, is
13 amended by striking “O, Q, or R” and inserting “O,
14 Q, R, or S”.

15 **CHAPTER 4—SHELTER GRANTS**

16 **SEC. 3236. GRANTS FOR BATTERED WOMEN'S SHELTERS.**

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

20 “(a) IN GENERAL.—There are authorized to be ap-
21 propriated to carry out this title \$_____ for
22 each of fiscal years 1995, 1996, 1997, 1998, and 1999.”.

1 **CHAPTER 5—YOUTH EDUCATION**

2 **SEC. 3237. YOUTH EDUCATION AND DOMESTIC VIOLENCE.**

3 The Family Violence Prevention and Services Act (42
4 U.S.C. 10401 et seq.), as amended by section 3231, is
5 amended by adding at the end the following new section:

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

7 “(a) **GENERAL PURPOSE.**—For purposes of this sec-
8 tion, the Secretary may, in consultation with the Secretary
9 of Education, select, implement and evaluate 4 model pro-
10 grams for education of young people about domestic vio-
11 lence and violence among intimate partners.

12 “(b) **NATURE OF PROGRAM.**—The Secretary shall se-
13 lect, implement and evaluate separate model programs for
14 4 different audiences: primary schools, middle schools, sec-
15 ondary schools, and institutions of higher education. The
16 model programs shall be selected, implemented, and evalu-
17 ated in consultation with educational experts, legal and
18 psychological experts on battering, and victim advocate or-
19 ganizations such as battered women’s shelters, State coal-
20 tions and resource centers.

21 “(c) **REVIEW AND DISSEMINATION.**—Not later than
22 2 years after the date of enactment of this section, the
23 Secretary shall transmit the design and evaluation of the
24 model programs, along with a plan and cost estimate for

1 nationwide distribution, to the relevant committees of
2 Congress for review.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section
5 \$_____ for fiscal year 1995.”.

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

8 **SEC. 5140. ESTABLISHMENT OF COMMUNITY PROGRAMS ON**
9 **DOMESTIC VIOLENCE.**

10 The Family Violence Prevention and Services Act (42
11 U.S.C. 10401 et seq.), as amended by section 3237, is
12 amended by adding at the end the following new section:

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

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

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

22 “(1) shall be a nonprofit organization organized
23 for the purpose of coordinating community projects
24 for the intervention in and prevention of domestic vi-
25 olence;

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

4 “(A) health care providers;

5 “(B) the education community;

6 “(C) the religious community;

7 “(D) the justice system;

8 “(E) domestic violence program advocates;

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

11 “(G) business and civic leaders; and

12 “(H) other pertinent sectors.

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

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

23 “(2) demonstrates a community action compo-
24 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 is authorized to be appropriated to carry out this section
9 \$_____.

10 “(i) REGULATIONS.—Not later than 60 days after the
11 date of enactment of this section, the Secretary shall pub-
12 lish proposed regulations implementing this section. Not
13 later than 120 days after the date of enactment, the Sec-
14 retary shall publish final regulations implementing this
15 section.”.

16 **CHAPTER 7—OTHER FAMILY VIOLENCE**
17 **PREVENTION AND SERVICES ACT**
18 **AMENDMENTS**

19 **SEC. 3238. GRANTEE REPORTING.**

20 (a) SUBMISSION OF APPLICATION.—Section
21 303(a)(2)(C) of the Family Violence Prevention and Serv-
22 ices Act (42 U.S.C. 10402(a)(2)(C)) is amended by insert-
23 ing “and a plan to address the needs of underserved popu-
24 lations, including populations underserved because of eth-

1 nic, racial, cultural, language diversity or geographic isola-
2 tion” after “such State”.

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

7 “(4) Upon completion of the activities funded
8 by a grant under this subpart, the State grantee
9 shall file a performance report with the Director ex-
10 plaining the activities carried out together with an
11 assessment of the effectiveness of those activities in
12 achieving the purposes of this subpart. A section of
13 this performance report shall be completed by each
14 grantee or subgrantee that performed the direct
15 services contemplated in the application certifying
16 performance of direct services under the grant. The
17 Director shall suspend funding for an approved ap-
18 plication if an applicant fails to submit an annual
19 performance report or if the funds are expended for
20 purposes other than those set forth under this sub-
21 part, after following the procedures set forth in
22 paragraph (3). Federal funds may be used only to
23 supplement, not supplant, State funds.”

1 **SEC. 3239. TECHNICAL AMENDMENTS.**

2 (a) **DEFINITIONS.**—Section 309(5)(B) of the Family
3 Violence Prevention and Services Act (42 U.S.C.
4 10408(5)(B)) is amended by inserting “or other support-
5 ive services” before “by peers individually or in groups,”.

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

7 (1) **GRANTS.**—Section 308(a)(2) of the Family
8 Violence Prevention and Services Act (42 U.S.C.
9 10407(a)(2)) is amended by striking “six” and in-
10 sserting “seven”.

11 (2) **FUNCTIONS.**—Section 308(c) of the Family
12 Violence Prevention and Services Act (42 U.S.C.
13 10407(c)) is amended—

14 (A) by striking the period at the end of
15 paragraph (6) and inserting “, including the is-
16 suance and enforcement of protection orders.”;
17 and

18 (B) by adding at the end the following new
19 paragraph:

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

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

25 (1) by redesignating paragraphs (1), (2), (3),
26 and (4) as paragraphs (2), (3), (4), and (5);

1 (2) by inserting before paragraph (2), as redesi-
2 gnated by paragraph (1), the following new para-
3 graph:

4 “(1) working with local domestic violence pro-
5 grams and providers of direct services to encourage
6 appropriate responses to domestic violence within
7 the State, including—

8 “(A) training and technical assistance for
9 local programs and professionals working with
10 victims of domestic violence;

11 “(B) planning and conducting State needs
12 assessments and planning for comprehensive
13 services;

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

16 “(D) collaborating with other governmental
17 systems which affect battered women;”;

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

22 (4) in paragraph (3), as redesignated by para-
23 graph (1)—

1 (A) by inserting “, criminal court judges,”
2 after “family law judges,” each place it ap-
3 pears;

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

6 (C) in subparagraph (H), by striking “su-
7 pervised visitations that do not endanger vic-
8 tims and their children,” and inserting “super-
9 vised visitations or denial of visitation to pro-
10 tect against danger to victims or their chil-
11 dren”; and

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

16 **CHAPTER 8—CONFIDENTIALITY FOR**
17 **ABUSED PERSONS**

18 **SEC. 3241. CONFIDENTIALITY OF ABUSED PERSON'S AD-**
19 **DRESS.**

20 (a) REGULATIONS.—Not later than 90 days after the
21 date of enactment of this Act, the United States Postal
22 Service shall promulgate regulations to secure the con-
23 fidentiality of domestic violence shelters and abused per-
24 sons' addresses.