
VIOLENCE AGAINST WOMEN ACT OF 1993

NOVEMBER 20, 1993.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BROOKS, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1133]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1133) to combat violence and crimes against women, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women Act of 1993".

TITLE I—SAFE STREETS FOR WOMEN

SEC. 101. SHORT TITLE.

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

Subtitle A—Law Enforcement and Prosecution Grants To Reduce Violent Crimes Against Women

SEC. 111. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

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

- (1) redesignating part Q as part R;
- (2) redesignating section 1701 as section 1801; and
- (3) adding after part P the following new part:

“PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

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

“(a) **GENERAL PROGRAM PURPOSE.**—The purpose of this part is to assist States, Indian tribes, and other eligible entities to develop effective law enforcement and prosecution strategies to combat violent crimes against women.

“(b) **PURPOSES FOR WHICH GRANTS MAY BE USED.**—Grants under this part shall provide funds for personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women to reduce the rate of violent crime against women and specifically, for the purposes of—

“(1) training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;

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

“(3) developing and implementing more effective police and prosecution policies, protocols, orders, or services specifically devoted to the prevention of, identification of, and response to violent crimes against women, including the crimes of sexual assault and domestic violence;

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

“(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

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

“SEC. 1702. STATE GRANTS.

“(a) **GENERAL GRANTS.**—The Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the ‘Director’) is authorized to make grants to States, Indian tribes, units of local government, tribal organizations, and nonprofit nongovernmental victim services programs in the States or Indian country.

“(b) **APPLICATION REQUIREMENTS.**—Applications shall include—

“(1) documentation from prosecution, law enforcement, and victim services programs to be assisted that demonstrates—

“(A) the need for grant funds;

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

“(C) the expected results;

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

“(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases pursuant to section 113 of the Violence Against Women Act of 1993.

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

“(1) certifying that funds received under this part shall be used for the purposes outlined in section 1701(b); and

“(2) certifying that grantees shall develop a plan, implement such plan, and otherwise consult and coordinate with nonprofit nongovernmental domestic violence and sexual assault victim services programs, law enforcement officials, victim advocates, prosecutors, and defense attorneys;

“(3) providing documentation from the individuals and groups listed under paragraph (2) regarding their participation in development of a plan and involvement in the application process, as well as how such individuals and groups will be involved in implementation of the plan;

“(4) providing assurances that the plan developed under paragraph (2) shall meet the needs of racial, cultural, ethnic, and language minority populations;

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

"(6) providing assurances that any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(d) DISBURSEMENT OF FUNDS.—

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

"(2) RESPONSIBILITY OF DIRECTOR.—In disbursing funds under this part, the Director shall issue regulations—

"(A) to distribute funds equitably on a geographic basis, including non-urban and rural areas of varying geographic size; and

"(B) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas.

"(e) GRANTEE REPORTING.—(1) Not later than March 31 of each year during which funds are received under this part, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this part.

"(2) The grantee shall arrange for assessments of the grantee's program from all organizations and government entities that were involved in the design of the grant plan.

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

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

"(1) an applicant fails to submit an annual performance report;

"(2) funds provided under this part are expended for purposes other than those set forth under this part; or

"(3) grant reports or accompanying assessments demonstrate to the Director that the program is ineffective or financially unsound.

"SEC. 1703. GENERAL DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' means crimes of violence committed against a victim by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who is cohabiting with or has cohabited with the victim as a spouse, an individual similarly situated to a spouse, or any other individual who is protected under domestic or family violence laws of the jurisdiction that receives a grant under this part;

"(2) the term 'eligible entity' means a State, unit of local government, Indian tribe, and a nonprofit, nongovernmental victims services program;

"(3) the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians;

"(4) the term 'Indian country' has the meaning given to such term by section 1151 of title 18, United States Code;

"(5) the term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

"(6) the term 'victim services program' means a nongovernmental nonprofit program that assists domestic violence or sexual assault victims, including nongovernmental nonprofit organizations such as rape crisis centers, battered women's shelters, and other sexual assault and domestic violence programs, including nonprofit nongovernmental organizations assisting domestic violence and sexual assault victims through the legal process.

"SEC. 1704. GENERAL TERMS AND CONDITIONS.

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

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

- "(1) the amount of grants made under this part;
- "(2) a summary of the purposes for which grants were provided and an evaluation of progress; and
- "(3) an evaluation of the effectiveness of programs established with funds under this part."

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

"(11) There are authorized to be appropriated for each of the fiscal years 1994 and 1995, \$200,000,000 to carry out the purposes of part Q, with not less than 8 percent of such appropriation allotted specifically for Indian tribes."

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

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "or O" and inserting "O, or Q".

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

"PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

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

"Sec. 1702. State grants.

"Sec. 1703. General definitions.

"Sec. 1704. General terms and conditions.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings".

SEC. 112. RAPE EXAM PAYMENTS.

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

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

- (1) provides such exams to victims free of charge to the victim;
- (2) arranges for victims to obtain such exams free of charge to the victims;

or

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

- (A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;
- (B) the State permits victims to apply to the State for reimbursement for not less than one year from the date of the exam;
- (C) the State provides reimbursement not later than 90 days after written notification of the victim's expense; and
- (D) the State provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

SEC. 113. FILING COSTS FOR CRIMINAL CHARGES.

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

SEC. 114. EQUITABLE TREATMENT OF RAPE CASES.

No State is entitled to funds under this title unless the State can certify that its laws and policies treat sex offenses committed by offenders who are known to, co-

habitants of, social companions of, or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

Subtitle B—Rape Prevention Programs

CHAPTER 1—RAPE PREVENTION GRANTS

SEC. 121. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 111, is further amended by—

- (1) redesignating part R as part S;
 - (2) redesignating section 1801 as section 1901;
- and
- (3) adding after part Q the following new part:

“PART R—RAPE PREVENTION PROGRAMS

“SEC. 1801. GRANT AUTHORIZATION.

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

“(1) to provide educational seminars, particularly developed with emphasis on seminars for elementary and secondary school age children, designed to develop an awareness of what acts meet the legal definition of rape;

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

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

“(4) to design and disseminate training programs for professionals, including the development and dissemination of protocols for the routine identification, treatment, and appropriate referral of victims of sexual assault by hospital emergency personnel and other professionals;

“(5) to develop treatment programs for convicted sex offenders and make such programs available to the local community and to Federal and State prisons;

“(6) to prepare and disseminate informational materials designed to educate the community regarding sexual assault and prevention; and

“(7) to develop other projects to increase awareness and prevention of sexual assault, including efforts to increase awareness of sexual assault prevention among racial, ethnic, cultural and language minorities.

“SEC. 1802. APPLICATIONS.

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

“(b) ASSURANCES.—Each application must contain an assurance that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

“(c) REQUIRED PLAN.—Each application shall include a plan that contains—

“(1) a description of the projects to be developed;

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

“(3) a statement of staff qualifications and demonstrated expertise in the field of rape prevention and education; and

“(4) a statement regarding the ability to serve community needs and language minority populations in providing ethnically and culturally and linguistically appropriate programs where necessary.

“SEC. 1803. REPORTS.

“(a) GRANTEE REPORTING.—Upon completion of the grant period under this subpart, each grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this subpart. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"(b) BUREAU REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this subpart, the Director shall submit to the Congress a report that includes, for each grantee—

- "(1) the amount of grants made under this subpart;
- "(2) a summary of the purposes for which grants were provided and an evaluation of progress; and
- "(3) an evaluation of the effectiveness of programs established with funds under this part.

"SEC. 1804. DEFINITIONS.

"For purposes of this part—

"(1) the term 'eligible entity' means a nonprofit, nongovernmental organization that directly serves or provides advocacy on behalf of victims of rape or sexual assault; and

"(2) the term 'sexual assault prevention and education' means education and prevention efforts directed at reducing the number of sexual assaults."

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

"(12) There are authorized to be appropriated to carry out the purposes of part R, \$60,000,000 for fiscal year 1994, \$75,000,000 for fiscal year 1995, and \$100,000,000 for fiscal year 1996."

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

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 111 of this Act, is amended by striking "O, or Q" and inserting "O, Q, or R".

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

"PART R—RAPE PREVENTION PROGRAMS

"Sec. 1801. Grant authorization.

"Sec. 1802. Applications.

"Sec. 1803. Reports.

"Sec. 1804. Definitions.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings."

CHAPTER 2—OFFENDER TRAINING AND INFORMATION PROGRAMS

SEC. 126. NATIONAL INSTITUTE OF JUSTICE TRAINING PROGRAMS.

(a) IN GENERAL.—The National Institute of Justice, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officer and other personnel who work with released sex offenders in the areas of—

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

(b) TRAINING PROGRAMS.—The Director of the National Institute of Justice shall attempt, to the extent practicable, to make training programs developed under subsection (a) available in geographically diverse locations throughout the country.

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

SEC. 127. INFORMATION PROGRAMS.

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18 of the United States Code or for the commission of a similar offense, including halfway houses and psychiatric institutions.

Subtitle C—Victim Compensation

SEC. 131. VICTIM COMPENSATION.

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

“§ 2246. Mandatory restitution for sex offenses

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

“(b) SCOPE AND NATURE OF ORDER.—

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

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

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

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

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

“(B) physical and occupational therapy or rehabilitation;

“(C) lost income;

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

“(E) temporary housing;

“(F) transportation;

“(G) necessary child care;

“(H) language translation services; and

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

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

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

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

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

“(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

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

“(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

“(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

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

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

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

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

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

“(A) any Federal civil proceeding; and

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

“(c) PROOF OF CLAIM.—

"(1) IN GENERAL.—Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or delegate) shall advise the victim that the victim may file a separate affidavit.

"(2) OBJECTIONS.—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

"(4) FINAL DETERMINATION OF LOSSES.—In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1) of this section, the United States Attorney (or delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief."

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

"2246. Mandatory restitution for sex offenses."

Subtitle D—Safe Campuses for Women

SEC. 141. CAMPUS SEXUAL ASSAULT STUDY.

(a) STUDY.—The Attorney General shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required by subsection (a), the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of noncampus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

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

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

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

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

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits;

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

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) **SUBMISSION OF REPORT.**—The report required by subsection (b) shall be submitted to the Committees on Education and Labor and the Judiciary of the House of Representatives and the Committees on Labor and Human Resources and the Judiciary of the Senate not later than September 1, 1995.

(d) **DEFINITION.**—For purposes of this subtitle, "campus sexual assaults" means sexual assaults committed against or by students or employees of institutions of postsecondary education and occurring at such institutions or during activities connected with such institutions.

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

TITLE II—SAFE HOMES FOR WOMEN

SEC. 201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act".

Subtitle A—Interstate Enforcement

SEC. 211. INTERSTATE ENFORCEMENT.

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

"CHAPTER 110A—DOMESTIC VIOLENCE

*Sec. 2261. Interstate domestic violence.

*Sec. 2262. Violation of protection order.

*Sec. 2263. Pretrial release of defendant.

*Sec. 2264. Restitution.

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

*Sec. 2266. Definitions for chapter.

"§ 2261. Interstate domestic violence

"(a) Whoever travels across a State line or enters or leaves Indian country with the intent to contact that person's spouse or intimate partner, and in the course of that contact intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b) of this section.

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

"(1) for life or any term of years, if the offender murders the victim;

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

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

"(4) as provided for the applicable conduct under chapter 109A, if the offense constitutes sexual abuse, as described under chapter 109A (without regard to

whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case;

or both such fine and imprisonment.

§ 2262. Violation of protection order

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

"(1) violates a protection order; or

"(2) would violate such order if the conduct occurred in the jurisdiction in which such order was issued; and does engage in such conduct shall be punished as provided in subsection (b) of this section.

"(b) The punishment for a violation of subsection (a) of this section is a fine under this title, or imprisonment for not less than 3 months and not more than 3 years, or both. Any term of imprisonment imposed under this section shall be consecutive to any term imposed under section 2261 of this title with respect to the same criminal episode.

§ 2263. Pretrial release of defendant

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

§ 2264. Restitution

"(a) IN GENERAL.—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding the terms of section 3663 of this title, the court shall order restitution to the victim of an offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

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

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) DEFINITION.—As used in this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

"(E) temporary housing;

"(F) transportation;

"(G) necessary child care;

"(H) language translation services; and

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

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

"(i) the economic circumstances of the defendant; or

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

"(B) Subparagraph (A) of this paragraph does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant

in determining the manner in which and the schedule according to which the restitution is to be paid, including—

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

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

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

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

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

“(A) any Federal civil proceeding; and

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

“(c) PROOF OF CLAIM.—

“(1) IN GENERAL.—Within 60 days after conviction and, in any event, no later than 10 days before sentencing, the United States Attorney (or such Attorney’s delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of that affidavit.

“(2) OBJECTIONS.—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court’s restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney’s delegate) to submit further affidavits or other supporting documents, demonstrating the victim’s losses.

“(3) ADDITIONAL DOCUMENTATION OR TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant’s objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

“(4) FINAL DETERMINATION OF LOSSES.—In the event that the victim’s losses are not ascertainable 10 days before sentencing as provided in paragraph (1) of this subsection, the United States Attorney (or such Attorney’s delegate) shall so inform the court, and the court shall set a date for the final determination of the victim’s losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 90 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

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

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

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

“(b) PROTECTION ORDER.—A protection order issued by a State or tribal court is consistent with this subsection if—

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

“(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person’s right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event

within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

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

“(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

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

“§ 2266. **Definitions for chapter**

“As used in this chapter—

“(1) the term ‘spouse or intimate partner’ includes—

“(A) a spouse, a former spouse, a person who shares a child in common with the abuser, a person who cohabits or has cohabited with the abuser as a spouse, and any other person similarly situated to a spouse; and

“(B) any other person, other than a minor child, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

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

“(3) the term ‘State’ includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States;

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

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

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

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

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

Subtitle B—Arrest in Domestic Violence Cases

SEC. 221. ENCOURAGING ARREST POLICIES.

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

- (1) redesignating part S as part T;
- (2) redesignating section 1901 as section 2001; and
- (3) adding after part R the following new part:

“PART S—GRANTS TO ENCOURAGE ARREST POLICIES

“SEC. 1901. ARREST POLICIES.

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

“(1) To implement mandatory arrest or proarrest programs, including mandatory arrest programs for protective order violations.

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

"(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

"(4) To strengthen legal advocacy service programs for victims of domestic violence.

"(5) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

"(b) **ELIGIBILITY.**—Eligible grantees are States, Indian tribes, or units of local government that—

"(1) certify that their laws or official policies—

"(A)(i) mandate arrest of domestic violence offenders based on probable cause that violence has been committed; or

"(ii) certify that all their law enforcement personnel have received domestic violence training conducted by a State Domestic Violence Coalition as defined in section 10410(b) of title 42, United States Code; or

"(iii) allow, as permitted by the Constitution, warrantless misdemeanor arrests based on probable cause that violence has been committed and encourage the use of such authority.

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

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

"(3) certify that their laws, policies, and practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed finding of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense;

"(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; and

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

"SEC. 1902. APPLICATIONS.

"(a) **APPLICATION.**—An eligible grantee shall submit an application to the Director that shall—

"(1) describe plans to implement policies described in subsection (b);

"(2) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(3) include documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

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

"(1) does not currently provide for centralized handling of cases involving domestic violence by policy, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

"SEC. 1903. REPORTS.

"Each grantee receiving funds under this part shall submit a report to the Director evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Director may prescribe.

"SEC. 1904. DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' means a crime of violence against a victim committed by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who cohabits with or has cohabited with the victim as a spouse, or any other individual similarly situated to a spouse, or any other person who is protected under the domestic or family violence laws of the eligible State, Indian tribe, municipality, or local government entity;

"(2) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence including temporary and final orders issued by civil and criminal courts (other than support or child custody provisions) whether obtained by filing an independent action or as a pendent lite order in another proceeding."

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

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

(c) **ADMINISTRATIVE PROVISIONS.**—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 121 of this Act, is amended by striking "O, Q, and R" and inserting "O, Q, R, and S"; and

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 121 of this Act, is amended by striking "O, Q, or R" and inserting "O, Q, R, or S".

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

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

"PART S—GRANTS TO ENCOURAGE ARREST POLICIES

"Sec. 1901. Arrest policies.

"Sec. 1902. Applications.

"Sec. 1903. Reports.

"Sec. 1904. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2001. Continuation of rules, authorities, and proceedings."

Subtitle C—Domestic Violence

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Domestic Violence Firearm Prevention Act".

SEC. 232. FINDINGS.

The Congress finds that—

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

(2) firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce; and

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

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

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

"(29) The term 'intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person."

(b) **PROHIBITION AGAINST DISPOSAL OF FIREARMS.**—Section 922(d) of such title is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following:

"(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury, except that this paragraph shall only apply to a court order that (A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate, and (B) includes a finding that such person represents a credible threat to the physical safety of such intimate partner."

(c) **PROHIBITION AGAINST RECEIPT OF FIREARMS.**—Section 922(g) of such title is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following:

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

"(A) was issued after a hearing of which such person received actual or constructive notice, and at which such person had an opportunity to participate;

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

"(C) includes a finding that such person represents a credible threat to the physical safety of such intimate partner,"

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

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by inserting after paragraph (2) the following:

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

(e) RETURN OF FIREARMS.—Section 924(d)(1) of such title is amended by striking "the seized" and inserting "or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished".

Subtitle D—Protection for Immigrant Women

SEC. 241. ALIEN SPOUSE PETITIONING RIGHTS FOR IMMEDIATE RELATIVE OR SECOND PREFERENCE STATUS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)",

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

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

"(iii) An alien who is the spouse of a citizen of the United States, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the alien's spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States, the marriage between the alien and the spouse was entered into in good faith by the alien, and during the marriage the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's spouse, or

"(II) the alien is residing in the United States with the alien's spouse, the alien has been married to and residing with the spouse for a period of not less than 3 years, and the alien's spouse has failed to file a petition under clause

(i) on behalf of the alien."; and

(2) in subparagraph (B)—

(A) by inserting "(i)" after "(B)", and

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

"(ii) An alien who is the spouse of an alien lawfully admitted for permanent residence, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's legal permanent resident spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that the conditions described in subclause (I) or (II) of subparagraph (A)(iii) are met with respect to the alien."

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

(A) in subparagraph (A), by striking "filed by an alien who," and inserting "for the classification of the spouse of an alien if the alien,"; and

(B) in subparagraph (B), by striking "by an alien whose prior marriage" and inserting "for the classification of the spouse of an alien if the prior marriage of the alien".

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

(c) **SURVIVAL RIGHTS TO PETITION.**—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

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

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

SEC. 242. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIVER APPLICATIONS.

(a) **IN GENERAL.**—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by inserting after the second sentence the following: “In acting on applications under this paragraph, the Attorney General shall consider any credible evidence submitted in support of the application (whether or not the evidence is supported by an evaluation of a licensed mental health professional). The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications made before, on, or after such date.

SEC. 243. SUSPENSION OF DEPORTATION.

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

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

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

(3) by inserting after paragraph (2) the following:

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

TITLE III—MISCELLANEOUS PROVISIONS

Subtitle A—Reports

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

(a) **REPORT.**—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

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

SEC. 302. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

Subtitle B—Justice Department Task Force on Violence Against Women

SEC. 311. ESTABLISHMENT.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall establish a task force to be known as the Attorney General's Task Force on Violence Against Women (referred to in this subtitle as the "Task Force").

SEC. 312. GENERAL PURPOSES OF TASK FORCE.

(a) **GENERAL PURPOSE OF THE TASK FORCE.**—The Task Force shall review Federal, State, and local strategies for preventing and punishing violent crimes against women, including the enhancement and protection of the rights of the victims of such crimes, and make recommendations to improve the response to such crimes.

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

(1) evaluating the adequacy of, and making recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women;

(2) evaluating the adequacy of, and making recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluating the adequacy of State and Federal rules of evidence, practice, and procedure to ensure the effective prosecution and conviction of violent offenders against women and to protect victims from abuse in legal proceedings, making recommendations, where necessary, to improve those rules;

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

(5) evaluating the adequacy of, and making recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim;

(6) evaluating the adequacy of, and making recommendations regarding, the adequacy of State and Federal laws on domestic violence and the need for a more uniform statutory response to domestic violence;

(7) evaluating the adequacy of, and making recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crimes;

(8) assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for their more effective use in domestic violence and stalking cases;

(9) assessing the problem of stalking and persistent menacing and recommending an effective Federal response to the problem;

(10) evaluating the adequacy of, and making recommendations regarding, the national public awareness and the public dissemination of information essential to the prevention of violent crimes against women;

(11) evaluating the treatment of women as victims of violent crime in the State and Federal criminal justice system, and making recommendations to improve such treatment; and

(12) assessing the problem of sexual exploitation of women and youths through prostitution and in the production of pornography, and recommending effective means of response to the problem.

SEC. 313. MEMBERSHIP.

(a) **CHAIR; NUMBER AND APPOINTMENT.**—The Task Force shall be chaired by the Attorney General (or designee). Not later than 60 days after the date of the enactment of this Act, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Housing and Urban Development, the Attorney General shall select up to 14 other members to serve on the Task Force.

(b) **PARTICIPATION.**—The Attorney General (or designee) shall select, without regard to political affiliation, members who are specially qualified to serve on the

Task Force based on their involvement in efforts to combat violence against women, assistance or service to victims of such violence, or other pertinent experience or expertise. The Attorney General shall ensure that the Task Force includes a broad base of participation by including members with backgrounds in such areas as law enforcement, victim services and advocacy, legal defense and prosecution, judicial administration, medical services, and counseling.

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

SEC. 314. TASK FORCE OPERATIONS.

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

(b) PAY.—Members of the Task Force who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Task Force.

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

SEC. 315. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date on which the Task Force is fully constituted under section 313, the Task Force shall prepare and submit a final report to the President and to congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) CONTENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Task Force and of the findings and conclusions of the Task Force, including such recommendations for legislation and administrative action as the Task Force considers appropriate.

SEC. 316. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

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

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

(b) STAFF.—With the approval of the Task Force, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Task Force.

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

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

SEC. 317. POWERS OF TASK FORCE.

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

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

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

(d) **MAILS.**—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 318. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 319. TERMINATION.

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

Subtitle C—STD Testing

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

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall authorize the Director of the Office of Victims of Crime to provide for the payment of the cost of up to two tests of the victim for sexually transmitted diseases, including, but not limited to gonorrhea, herpes, chlamydia, syphilis, and HIV, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault."

Subtitle D—Grant Programs

SEC. 331. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) **FINDINGS.**—Congress finds that—

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

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

(3) there is a need for a national domestic violence hotline to provide information and assistance to victims of domestic violence because a privately funded national domestic violence hotline which handled more than 65,000 crisis calls annually no longer exists.

(b) **IN GENERAL.**—The Attorney General, through the Bureau of Justice Assistance, shall provide a grant to a nonprofit private organization to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. A grant provided under this subsection may extend over a period of not more than 3 fiscal years and the provision of payments under such grant shall be subject to annual approval by the Attorney General and subject to the availability of appropriations for the fiscal year involved to make the payments.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—The Attorney General may not provide a grant under subsection (b) unless an application that meets the requirements of paragraph (2) has been approved by the Attorney General.

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

(A) contains such agreements, assurances, and information, and is in such form and submitted in such manner as the Attorney General shall prescribe through notice in the Federal Register;

(B) demonstrates that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including support from advocacy groups, particularly State coalitions and recognized national domestic violence groups;

(C) demonstrates that the applicant has a commitment to diversity, including the hiring of and provision of services to ethnic, racial, cultural, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

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

(E) includes a complete description of the applicant's plan for the establishment and operation of the hotline, including a description of—

- (i) the hiring criteria and training program for hotline personnel;
- (ii) the methods for the creation, maintenance, and updating of a resource database for the hotline;
- (iii) a plan for providing service on a 24-hour-a-day basis to non-English speaking callers, including hotline personnel who speak Spanish;
- (iv) a plan for access to the hotline by individuals with hearing impairments; and
- (v) a plan for publicizing the availability of the hotline; and

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

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

(e) **USES.**—A grant made under subsection (b) shall be used to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, a nonprofit private organization shall—

- (1) contract with a carrier for the use of a toll-free telephone line;
- (2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;
- (3) establish, maintain, and update a database of information relating to services for victims of domestic violence, including information on the availability of shelters that serve battered women; and
- (4) publicize the hotline to potential users throughout the United States.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

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

(2) **AVAILABILITY.**—Funds authorized to be appropriated under paragraph (1) shall remain available until expended.

SEC. 332. GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

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

- (1) redesignating part T as part U;
 - (2) redesignating section 2001 as section 2101;
- and
- (3) adding after part S the following new part:

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

“SEC. 2001. GRANT AUTHORITY.

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

“SEC. 2002. APPLICATIONS.

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

“(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

“(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

“(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

“(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

“(B) the method for identification and selection of project staff and a project evaluator;

“(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

“(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

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

“(4) contains such other information, agreements, and assurances as the Director may require.

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

“(1) an assurance that the applicant is a nonprofit private organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and

“(2) an assurance that such nonprofit organization includes representation from pertinent sectors of the local community, including—

“(A) health care providers;

“(B) the education community;

“(C) the religious community;

“(D) the justice system;

“(E) domestic violence program advocates;

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

“(G) business and civic leaders.

“SEC. 2003. AWARD OF GRANTS.

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

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

“(1) annual approval by the Director; and

“(2) availability of appropriations.

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

“SEC. 2004. USES OF FUNDS.

“(a) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

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

“(1) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

“(2) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

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

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

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

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

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

(d) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 221 of this Act, is amended by striking the matter relating to part T and inserting the following:

“PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

*Sec. 2001. Grant authority.

*Sec. 2002. Applications.

"Sec. 2003. Award of grants.

"Sec. 2004. Uses of funds.

"PART U—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2101. Continuation of rules, authorities, and proceedings."

TITLE IV—EQUAL JUSTICE FOR WOMEN IN THE COURTS

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

SEC. 401. GRANTS AUTHORIZED.

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

SEC. 402. TRAINING PROVIDED BY GRANTS.

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

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

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

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

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

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

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

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

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

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

(10) the nature and incidence of domestic violence;

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

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

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

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

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant and should not be held in contempt;

(18) the need for orders of protection, and the negative implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases; and

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

SEC. 403. COOPERATION IN DEVELOPING PROGRAMS.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

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

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

SEC. 411. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) **STUDY.**—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances of gender bias in their respective circuits. The studies may include an examination of the effects of gender on—

- (1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;
- (2) the interpretation and application of the law, both civil and criminal;
- (3) treatment of defendants in criminal cases;
- (4) treatment of victims of violent crimes;
- (5) sentencing;
- (6) sentencing alternatives, facilities for incarceration, and the nature of supervision of probation, parole, and supervised release;
- (7) appointments to committees of the Judicial Conference and the courts;
- (8) case management and court sponsored alternative dispute resolution programs;
- (9) the selection, retention, promotion, and treatment of employees;
- (10) appointment of arbitrators, experts, and special masters;
- (11) the admissibility of past sexual history in civil and criminal cases; and
- (12) the aspects of the topics listed in section 402 that pertain to issues within the jurisdiction of the Federal courts.

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

(c) **MODEL PROGRAMS.**—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall—

- (1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;
- (2) prepare materials necessary to implement this subsection; and
- (3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated—

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

(2) \$100,000 to the Federal Judicial Center to carry out section 411(c) and any activities designated by the Judicial Conference under section 411(b); and

(3) such sums as are necessary to the Administrative Office of the United States Courts to carry out any activities designated by the Judicial Conference under section 411(b).

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

(A) undertake studies in their own circuits; or

(B) implement reforms recommended as a result of such studies in their own or other circuits, including education and training.

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

Subtitle C—Evidentiary Rules

SEC. 421. EXPERT TESTIMONY OF DOMESTIC VIOLENCE.

(a) FINDINGS.—The Congress finds that—

(1) State criminal courts often fail to admit expert testimony offered by a defendant concerning the nature and effect of physical, sexual, and mental abuse to assist the trier of fact in assessing the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) the average juror often has little understanding of the nature and effect of domestic violence on such a defendant's behavior, beliefs, or perceptions, and the lack of understanding can result in the juror blaming the woman for her victimization;

(3) the average juror is often unaware that victims of domestic violence are frequently in greater danger of violence after they terminate or attempt to terminate domestic relationships with their abuser;

(4) myths, misconceptions, and victim-blaming attitudes are often held not only by the average lay person but also by many in the criminal justice system, insofar as the criminal justice system traditionally has failed to protect women from violence at the hands of men;

(5) specialized knowledge of the nature and effect of domestic violence is sufficiently established to have gained the general acceptance which is required for the admissibility of expert testimony;

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

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

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

(1) that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a State court by a defendant in a criminal case to assist the trier of fact in understanding the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) that a witness be qualified to testify as an expert witness based upon her or his knowledge, skill, experience, training, or education, and be permitted to testify in the form of an opinion or otherwise; and

(3) that expert testimony about a domestic relationship be admissible to include testimony of relationships between spouses, former spouses, cohabitants, former cohabitants, partners or former partners, and between persons who are in, or have been in, a dating, courtship, or intimate relationship.

EXPLANATION OF AMENDMENT

Inasmuch as H.R. 1133 was ordered reported with a single amendment in the nature of a substitute, the contents of this report constitute an explanation of that amendment.

SUMMARY AND PURPOSE

The purpose of H.R. 1133 is to deter and punish violent crimes against women. The bill is based on a recognition that law enforcement efforts against domestic violence and rape have been insufficient. The bill seeks to supplement these efforts by providing assistance to State and local law enforcement agencies, by making interstate domestic violence and violations of certain protection orders crimes punishable by Federal prosecution, by encouraging arrest of domestic violence offenders, by funding rape education and prevention programs, by training judges to better handle cases involving violence against women, by providing that victims of sexual assault receive compensation from the offender, by preventing violators of certain restraining orders from obtaining firearms, and by permitting battered immigrant women to leave their batterers without fearing deportation. The bill also provides for reports on issues related to domestic violence and sexual assault, and for a national task force on violence against women.

BACKGROUND

In recent years, a rising tide of violence has targeted American women both in the streets and in their own homes. Police, hospital emergency rooms, rape crisis centers, and battered women's shelters have recorded an increasing incidence of rape, sexual assault and domestic violence against women in the United States. Violence is the leading cause of injury to women ages 15 to 44, more common than automobile accidents, muggings, and cancer deaths combined.¹ Three out of four American women will be victims of violent crimes sometime during their life.² This violence cuts across race, class, age, and ethnic boundaries. The only similarity that all of these victims share is their gender.

RAPE AND DOMESTIC VIOLENCE

Since 1988, the rate of incidence of rape has risen four and a half times as fast as the total crime rate.³ There were 109,062 reported rapes in the United States in 1992—one every five minutes.⁴ The actual number of rapes committed is approximately double that figure, according to studies showing the reporting rate for rape vic-

¹ Surgeon General Antonio Novello, "From the Surgeon General, U.S. Public Health Service," *Journal of the American Medical Association*, vol. 267, no. 23, at 3132 (June 17, 1992).

² United States Department of Justice, "Report to the Nation on Crime and Justice" 29 (2d ed. 1988).

³ U.S. Department of Justice, Federal Bureau of Investigation, "Uniform Crime Reports for the United States 1992" at 7, 25.

⁴ *Id.* at 23.

tims to be about 50%.⁵ Even when the rape is reported, barely half of all reports result in an arrest.⁶

In addition to the often serious physical injuries, the experience of rape carries with it long-term psychological wounds. One study found that victims of rape were 8.7 times as likely as non-victims to have attempted suicide and twice as likely to experience major depression.⁷

Sexual assault is also prevalent on college campuses. At least 119 campus gang rapes have been documented in the past decade.⁸

An estimated 4 million American women are battered each year by their husbands or partners.⁹ Approximately 95% of all domestic violence victims are women.¹⁰ About 35% of women visiting hospital emergency rooms are there due to injuries sustained as a result of domestic violence.¹¹ One study of battered women found that 63 percent of the victims had been beaten while they were pregnant.¹²

Domestic battery problems can become terribly exacerbated in marriages where one spouse is not a citizen, and the non-citizens legal status depends on his or her marriage to the abuser. Current law fosters domestic violence in such situations by placing full and complete control of the alien spouse's ability to gain permanent legal status in the hands of the citizen or lawful permanent resident spouse. Under the Immigration and Nationality Act, a U.S. citizen or lawful permanent resident can, but is not required to, file a relative visa petition requesting that his or her spouse be granted legal status based on a valid marriage. Also, the citizen or lawful permanent resident can revoke such a petition at any time prior to the issuance of permanent or conditional residency to the spouse. Consequently, a battered spouse may be deterred from taking action to protect himself or herself, such as filing for a civil protection order, filing criminal charges, or calling the police, because of the threat or fear of deportation.

Many immigrant women live trapped and isolated in violent homes, afraid to turn to anyone for help. They fear both continued abuse if they stay with their batterers and deportation if they attempt to leave. A survey conducted in the District of Columbia by AYUDA found the rate of domestic violence among alien Latina women married to U.S. citizens or lawful permanent residents to

⁵United States Department of Justice, Bureau of Justice Statistics, "Female Victims of Violent Crime" 8 (January 1991).

⁶*Id.* at 208.

⁷"Victims of Rape," Hearing Before the Select Committee on Children, Youth and Families, House of Representatives, 101st Cong., 2d Sess. 37 (1990) (statement of Dean Kilpatrick, Ph.D.).

⁸United States Student Association, "Campus Sexual Assault" (1992). See also Association of American Colleges, Project on the Status and Education of Women, "Campus Gang Rape: Party Games?"

⁹Council on Scientific Affairs, American Medical Association, "Violence Against Women: Relevance for Medical Practitioners," 267-23 J. of the American Medical Association 3184, 3185 (June 17, 1992); E. Stark, "Wife Abuse in the Medical Setting: An Introduction for Health Personnel," Monograph Series No. 7, National Clearing House on Domestic Violence, 1981.

¹⁰Bureau of Justice Statistics, Report to the Nation on Crime and Justice (1983). Of all spousal violence reported on the National Crime Survey, 91% were victimizations of women committed by husbands or ex-husbands. P.A. Klaus and M.R. Rand, "Family Violence, Bureau of Justice Statistics Special Report" (1984).

¹¹T. Randall, "Domestic Violence Intervention Calls for More Than Treating Injuries," 264:8 J. of the American Medical Association, 939-40, August 22/29, 1990.

¹²L. Walker, "The Battered Woman Syndrome" (1984).

be 77%; in 69% of these cases, the spouse had not filed a visa petition on the behalf of the abused alien.¹³

THE LAW ENFORCEMENT RESPONSE

The law enforcement response to the epidemic of violence against women has been inadequate. The legal system has historically failed to address violence against women with appropriate seriousness, and has even accepted it as legitimate. Under English common law, the "rule of thumb" stipulated that a man could only beat his wife with a 'rod not thicker than his thumb.'¹⁴ The attitude exemplified by this rule is found throughout the criminal justice system.

A study of the response of District of Columbia police officers to domestic violence incidents found that in 1986, 19,000 calls from victims complaining of domestic violence resulted in fewer than 40 arrests.¹⁵

Some jurisdictions have adopted mandatory arrest policies to combat the tendency to dismiss domestic violence incidents as unworthy of law enforcement response.¹⁶ These policies have been highly effective.¹⁷ A joint study conducted by the Minneapolis Police Department and the National Police Foundation found that the rate of recurrence of domestic violence within six months of a police visit was 19% when the batterer was arrested, and 37% when the police simply "advised" the batterer.¹⁸

The underenforcement problem continues at the prosecutorial and judicial levels. A judicial commission in Maryland found that prosecutors often refuse to pursue rape and domestic violence complaints,¹⁹ and the "cases involving domestic violence are regarded [by judges] as trivial or unimportant."²⁰ A panel of California judges found that "victims of domestic violence are often denied access to the protection of the justice system."²¹ In Connecticut, a review commission found that "victim of sexual assault suffer not only because of the crime, but frequently suffer psychological trauma from what they experience within the justice system."²² A committee of judges in Georgia found that "police, prosecutors and judges often have gender-biased attitudes about domestic vio-

¹³San Francisco Neighborhood Legal Assistance Foundation, Family Violence Prevention Fund, Asian Law Caucus, AYUDA, "Untold Stories: Cases Documenting Abuse by U.S. Citizens and Lawful Residents on Immigrant Spouses" (1993).

¹⁴United States Commission on Civil Rights, "Under the Rule of Thumb: Battered Women and the Administration of Justice" 2 (January 1982) (quoting Blackstone, "Commentaries on the Laws of England" (1765)).

¹⁵"Violence Against Women," Hearing Before the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary, House of Representatives, 102d Cong., 2d Sess. 98 (1992) (testimony of Sandra Sands) (citing District of Columbia Coalition Against Domestic Violence, "Report on District of Columbia Police Response to Domestic Violence" (1992)).

¹⁶See L. Lerman, "Expansion of Arrest Power: A Key to Effective Intervention," 7 VT. L. Rev. 59 (1982).

¹⁷Id.

¹⁸Sherman and Berk, The Minneapolis Domestic Violence Experiment, Police Foundation Reports (1984).

¹⁹Maryland Special Joint Committee, "Gender Bias in the Courts" 18 (1991).

²⁰Id. at 4.

²¹Administrative Office of the Courts of California "Achieving Equal Justice for Women and Men in the Courts: Report of the Judicial Council Advisory Committee on Gender Bias in the Courts" at 2 (1991).

²²Connecticut Judicial Task Force on Gender Bias, "Gender, Justice and the Courts" 17 (1991).

lence”²³ and that rape “victims receive treatment from police, prosecutors and judges which is adversely affected by gender bias.”²⁴

HISTORY OF THE LEGISLATION

101ST CONGRESS

The Violence Against Women Act was first introduced in the 101st Congress in the Senate as S. 2754 and in the House as H.R. 5168. The Senate Committee on the Judiciary held a series of hearings on S. 2754 on June 20, 1990, August 29, 1990, and December 11, 1990.²⁵ Victims, law enforcement officials, university professors, and operators of battered women’s shelters and rape crisis centers testified about the prevalence of violence against women and the need for Federal legislation addressing the problem. On October 19, 1990, the Senate Committee on the Judiciary reported the bill favorably.²⁶

102D CONGRESS

The Violence Against Women Act was introduced in the 102d Congress as S. 15 and H.R. 1502. In the Senate, the Committee on the Judiciary held a hearing on the bill on April 9, 1991.²⁷ The Senate Committee on the Judiciary reported S. 15 favorably on October 29, 1991.²⁸

In the House of Representatives, the Subcommittee on Crime and Criminal Justice held a hearing on H.R. 1502 on February 6, 1992.²⁹ On September 22, 1992, the Subcommittee reported H.R. 1502 favorably to the Committee on the Judiciary.

103D CONGRESS

Subcommittee action

H.R. 1133 was introduced on February 24, 1993, by Rep. Pat Schroeder, Rep. Louise Slaughter, Rep. Charles Schumer, and Rep. Connie Morella. H.R. 1133 was substantially similar to the earlier versions of the Violence Against Women Act, which had been the subject of numerous hearings in both the House of Representatives and the Senate.³⁰

On November 16, 1993, the Subcommittee on Crime and Criminal Justice met to consider H.R. 1133. The Subcommittee adopted an amendment in the nature of a substitute which omitted Titles III and IV of the bill as introduced. These provisions were not within the jurisdiction of the Subcommittee on Crime and Criminal Jus-

²³Supreme Court of Georgia, “Gender and Justice in the Courts: A Report to the Supreme Court of Georgia by the Commission on Gender Bias in the Judicial System” at 34 (August 1991).

²⁴*Id.* at 93.

²⁵“Women and Violence: Legislation to Reduce the Growing Problem of Violent Crime Against Women,” Hearing Before the Senate Committee on the Judiciary, United States Senate, 101st Cong., 2d Sess. (1990); “Women and Violence: Legislation to Reduce the Growing Problem of Violent Crime Against Women,” Hearings Before the Senate Committee on the Judiciary, United States Senate, 101st Cong., 2d Sess. (1990).

²⁶S. Rep. No. 101-545, 101st Cong., 2d Sess. (1990).

²⁷“Violence Against Women: Victims of the System,” Hearing Before the Senate Committee on the Judiciary, United States Senate, 102d Cong., 1st Sess. (1991).

²⁸S. Rep. No. 102-197, 102d Cong., 1st Sess. (1991).

²⁹“Violence Against Women,” Hearing Before the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary, House of Representatives, 102d Cong., 2d Sess. (1992).

³⁰See *supra* notes 25, 27, 29.

tice. The amendment in the nature of a substitute also narrowed substantially the provisions of H.R. 1133 dealing with the treatment of battered women under immigration laws. The amendment in the nature of a substitute also deleted the provision of H.R. 1133 relating to a National Board on Violent Crime Against Women, instead creating a National Task Force on Violence Against Women. The amendment in the nature of a substitute also deleted the provision of H.R. 1133 relating to Post Office regulations maintaining the confidentiality of addresses of abused persons, replacing it with a provision providing for a study of the confidentiality issue.

The amendment in the nature of a substitute also added provisions: prohibiting persons who have been convicted of domestic violence offenses or who are subject to protection orders related to domestic violence from receiving firearms, and prohibiting the transfer of firearms to such persons; directing the Attorney General to report to the Congress on domestic violence statistics; authorizing the Office for Victims of Crime to provide payments to the victims of sexual assaults of the costs of two tests for sexually transmitted diseases; authorizing the Bureau of Justice Assistance to make grants to establish projects in local communities to coordinate intervention and prevention of domestic violence; and authorizing the Bureau of Justice Assistance to make a grant to a nonprofit organization for the purpose of establishing a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

A reporting quorum being present, the Subcommittee then reported H.R. 1133, as amended, favorably reported by voice vote.

Committee action

On November 17, 1993, the Committee on the Judiciary met to consider H.R. 1133. The Committee adopted by voice vote an amendment providing for the education and training of, and study by, Federal and State judges on issues relating to violence against women and women in the courts, and expressing the sense of the Congress relating to the admissibility of expert testimony on domestic violence; an amendment limiting the scope of the provisions prohibiting persons with histories of domestic violence from receiving firearms; and an amendment clarifying the extent to which aliens may obtain relief from deportation when abuse has occurred.

A reporting quorum being present, the Committee then ordered the bill, as amended, favorably reported by a roll call vote of 34-1.

SECTION-BY-SECTION ANALYSIS

TITLE I—SAFE STREETS FOR WOMEN

Section 101. This section provides a short title, "Safe Streets for Women Act of 1993," for Title I.

Subtitle A—Law enforcement and prosecution grants to reduce violent crimes against women

This subtitle establishes the criteria for providing federal grants designed to decrease violence against women.

Section 111. This section amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 by redesignating part Q as part R and creating a new part Q: Grants to Combat Violent Crimes Against Women. The new part Q will have the following sections:

Section 1701. This section authorizes grants to States, Indian tribes, and other eligible entities to reduce violent crimes against women. The grant funds may be used to provide personnel, training, technical assistance, data collection and other equipment for the apprehension, prosecution, and adjudication of perpetrators of violent crimes against women.

Section 1702. This section authorizes the Director of the Bureau of Justice Assistance (hereinafter, the Director) to make grants to States, Indian tribes, units of local government, tribal organizations, and nonprofit nongovernmental victim service programs. This section establishes procedures for the distribution of grant funds. Applications must include: (1) documentation which justifies the need, use, and expected results of funds; (2) proof of compliance with section 112 of the Violence Against Women Act (i.e., payment of forensic medical exams) unless the applicant is an Indian tribe; and (3) proof of compliance with section 113 of the Violence Against Women Act (i.e., payment of filing and service fees for domestic violence cases).

This section provides that an entity is eligible to receive grant funds if it: (1) certifies that it will use the funds for the purposes specified in the bill; (2) certifies that it shall develop and implement a plan and otherwise consult and coordinate with appropriate law enforcement and nongovernmental organizations; (3) provides documentation from such organizations regarding their participation in developing and implementing the plan; (4) provides assurances that the plan will meet the needs of racial, cultural, ethnic, and language minority populations; (5) ensures that prosecution, law enforcement, and nonprofit nongovernmental victim services programs will receive an equitable percentage of any funds; and (6) provides assurances that grant funds will supplement, not supplant, non-Federal funds.

This section provides that the Director shall issue regulations to distribute funds equitably on a geographic basis and give priority to areas with the greatest showing of need. This section also requires grantees to file annual performance reports.

Section 1703. This section provides definitions for the new Part Q.

Section 1704. This section authorizes the Attorney General to provide nonmonetary assistance to support State and local efforts to reduce violence against women. This section also requires the Director to submit annual reports to Congress about the amount of grants provided under this part, the purposes of the grants, and evaluations of the grants.

Section 111 authorizes to be appropriated \$200 million in each of fiscal years 1994 and 1995 for grants under the new part Q. At least 8% of any amount appropriated is allotted specifically for Indian tribes.

This section in no way limits the discretion of the Bureau of Justice Assistance under Sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 to deny, suspend, or terminate funding pursuant to the provisions contained therein.

Section 112. This section provides that no State is entitled to grants under title I of the Violence Against Women Act unless the State incurs the full out of pocket cost of forensic medical exams for victims of sexual assault. A State may meet this requirement by: (1) providing such exams free of charge to victims; (2) arranging for victims to get such exams free of charge; or (3) reimbursing victims for such exams, provided that the reimbursement covers the full cost of the exam without any deductible or limit, the State permits victims to apply for reimbursement for at least one year from the date of the exam, the State provides reimbursement within 90 days after notice of the victim's expense, and the State provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

Section 113. This section provides that no State is entitled to grants under title I of the Violence Against Women Act unless the State certifies that its laws do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, the abused person to bear any of the costs associated with the filing of charges or the issuing of a warrant, protection order, or witness subpoena.

Section 114. This section provides that no State is entitled to grants under title I of the Violence Against Women Act unless the State can certify that its laws and policies treat sex offenses committed by offenders who are known to, cohabitants of, social companions of, or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

Subtitle B: Rape prevention programs

Chapter 1—Rape prevention grants

Section 121. This section amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 by redesignating part R as part S and creating a new part R: Rape Prevention Programs. The new part R will have the following sections:

Section 1801. This section authorizes the Director to make grants for the following purposes: (1) educational seminars to teach elementary and secondary school children about rape, (2) teaching such children about self-defense and other relevant skills, (3) installing rape hotlines, (4) designing and disseminating information to professionals about rape, (5) developing treatment programs for convicted sex offenders and making such programs available to the local community and to Federal and State prisons, (6) disseminating informational materials, and (7) developing other projects to increase the awareness and prevention of sexual assault.

Section 1802. This section provides that to receive a grant an eligible party must submit an application to the Director. It provides that grant funds must supplement, not supplant,

funds already used for rape prevention activities. This section provides that each application must include a plan describing the projects to be developed and how the funds will be spent, a statement of both staff qualifications and demonstrated expertise in rape prevention, and a statement explaining the ability of the plan to address the ethnic, cultural, and linguistic needs of the community.

Section 1803. This section requires each grantee to submit to the Director a performance report after completion of the grant period. This performance report must explain and evaluate the activities funded by the grant. Continued funding of Federal monies under this subpart are contingent on the submission of this performance report. This section also provides that within 180 days after the end of the fiscal year, the Director shall inform Congress of the following: (1) the amount of grants made under this subsection, (2) a summary of the purposes for which the grants were provided, and (3) an evaluation of the progress of the grants.

Section 1804. This section provides definitions for the new part R.

Section 121 authorizes an appropriation for grants under the new part R of \$60 million for fiscal year 1994, \$75 million for fiscal year 1995, and \$100 million for fiscal year 1996.

This section in no way limits the discretion of the Bureau of Justice Assistance under Sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 to deny, suspend, or terminate funding pursuant to the provisions contained therein.

Chapter 2—Offender training and information programs

Section 126. This section directs the National Institute of Justice to establish criteria and develop training programs to assist probation officers, parole officers, and other personnel who work with released sex offenders. These criteria and programs shall relate to case management, supervision, and relapse prevention. This section directs the Director of the National Institute of Justice to attempt to make such programs available to diverse geographic locations. This section authorizes the appropriation of \$1 million in each of fiscal year 1994 and fiscal year 1995 for the implementation of these provisions.

Section 127. This section directs the Attorney General to compile information regarding sex offender treatment programs and to ensure that information regarding such programs is made available to each person serving a sentence in a Federal penal institution for commission of a sexual assault offense.

Subtitle C—Victim compensation

Section 131. This section mandates that the court shall order restitution for any offense under chapter 109A of title 18 of the United States Code. The court's order must direct that the defendant pay to the victim's losses as determined by the court and that the United States Attorney enforce the restitution order by all available and reasonable means. This section defines the "full amount of the victim's losses" to include any costs incurred by the victim for: (1) medical services relating to physical, psychiatric, or psychological

care, (2) physical and occupational therapy or rehabilitation, (3) lost income, (4) attorney's fees, including costs incurred in obtaining a protection order, (5) temporary housing (6) transportation, (7) necessary child care, (8) language translation services, and (9) any other losses suffered by the victim as a proximate loss of the offense. The restitution order is mandatory. A court may not decline to issue an order because of the defendant's economic circumstances or because the victim will be otherwise compensated. A court may decline to issue a restitution order if the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future, and if the court enters in an order the amount of the victim's losses and provides a nominal restitution award.

This section provides that the court may consider the defendant's economic circumstances in determining a payment schedule. The court may order a lump-sum payment or partial payments. This section provides that the defendants restitutionary obligation has priority over any criminal fines. Any amount received by the victim will be set off against any amount later received as compensation from the defendant through Federal or State civil proceedings.

This section provides that within 60 days after the conviction, but no later than 10 days prior to sentencing, the United States Attorney shall, after consultation with the victim, file an affidavit with the court listing the amounts subject to restitution. Should the victim object to the affidavit, the victim may file a separate affidavit.

If, after notice, the defendant does not object to the affidavit, the amount of the losses in the affidavit shall be entered in the court's restitution order. If the defendant does object, the victim may be required to submit documents justifying the claimed losses. The court may require additional testimony and documentation.

Subtitle D—Safe campuses for women

Section 141. This section directs the Attorney General to provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General is further directed to prepare, on the basis of this study, a report analyzing: (1) the number of reported and unreported allegations of campus sexual assaults; (2) the number of allegations reported to authorities of educational institutions which are reported to criminal authorities; (3) the number of campus sexual assault allegations which are prosecuted with the number of noncampus sexual allegations that are prosecuted; (4) Federal and State laws pertaining to campus sexual assaults; and the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including the effectiveness of security measures, the communication of the institutions' sexual assault policies to the student body, any policies or practices that obstruct the reduction of campus sexual assault, the nature and availability of victim services, the effectiveness of the institutions' disciplinary process for sexual assault, the measures

taken to protect the victim from the alleged assailant and enforce the disciplinary sanctions, and the degree to which institutions are liable for campus sexual assault.

This section requires the Attorney General to submit the Report by September 1, 1995 to the Committees on Education and Labor and the Judiciary of the House of Representatives and to the Committees on Labor and Human Resources and the Judiciary of the Senate. This section defines "campus sexual assaults" as sexual assaults committed against or by students or employees of institutions of postsecondary education and occurring at such institutions or during activities connected with such institutions. This section authorizes to be appropriated \$200,000 to carry out the study required by this section.

The study under this section is intended to complement and not duplicate the reports required by the Crime Awareness and Campus Security Act of 1990.

TITLE II—SAFE HOMES FOR WOMEN

Section 201. This section provides a short title, the "Safe Homes for Women Act," for Title II.

Subtitle A—Interstate enforcement

Section 211. This section adds a new chapter 110A to title 18 of the United States Code. Chapter 110A, Domestic Violence, has six sections: Section 2261—Interstate domestic violence; Section 2262—Violation of protection order; Section 2263—Full faith and credit given to protection orders; and Section 2266—Definitions for chapter.

Section 2261. This section makes interstate domestic violence a Federal offense. It provides that whoever crosses a State line or enters or leaves Indian country with the intent to contact that persons's spouse or intimate partner, and in the course of that contact intentionally commits a violent crime and thereby causes bodily injury to such spouse or intimate partner, shall be fined under title 18 and/or imprisoned as follows: for life or for any term or years if the offender murders the victim; for not more than 20 years if the offender causes serious bodily injury to the victim; for not more than 10 years if the offender uses a dangerous weapon; as provided under chapter 109A if the offense constitutes sexual assault; and for not more than 5 years in any other case.

Section 2262. This section makes interstate violation of a protection order a Federal offense. It provides that whoever crosses a State line or enters or leaves Indian country with the intent to engage in conduct that violates a protection order or would violate such order if the conduct occurred in the jurisdiction in which such order was issued, and does engage in such conduct, shall be fined under title 18, or imprisoned for not less than 3 months and not more than 3 years, or both. The Committee intends to ensure that an individual who violates this section will receive an appropriate punishment for that violation. Of particular concern to the Committee are violations resulting in repeated harassing behavior, serious bodily injury, or credible threat thereof.

Section 2263. This section provides that in any proceeding pursuant to section 3142 of title 18 for the purpose of determining whether a defendant charged under Chapter 110A shall be released pending trial, the alleged victim will be given an opportunity to testify with respect to the danger posed by the defendant.

Section 2264. This section provides that in addition to any fine or imprisonment provided under Chapter 110A, the court shall order restitution to the victim of an offense under such chapter. The court's order must direct that the defendant pay to the victim the full amount of the victim's losses as determined by the court and that the United States Attorney enforce the restitution order by all available and reasonable means. This section defines the "full amount of the victim's losses" to include any costs incurred by the victim for: (1) medical services relating to physical, psychiatric, or psychological care, (2) physical and occupational therapy or rehabilitation, (3) lost income, (4) attorney's fees, including costs incurred in obtaining a protection order, (5) temporary housing, (6) transportation, (7) necessary child care, (8) language translation services and (9) any other losses suffered by the victim as a proximate loss of the offense. The restitution order is mandatory. A court may not decline to issue an order because of the defendant's economic circumstances or because the victim will be otherwise compensated. A court may decline to issue a restitution order if the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future, and if the court enters in an order the amount of the victim's losses and provides a nominal restitution award.

This section provides that the court may consider the defendant's economic circumstances in determining a payment schedule. The court may order a lump-sum payment or partial payments. This section also provides that the defendant's restitutionary obligation pre-exempts any criminal fines. Any amount received by the victim will be set off against any amount later received as compensation from the defendant through Federal or State civil proceedings.

This section provides that within 60 days after the conviction, but no later than 10 days prior to sentencing, the United States Attorney shall, after consultation with the victim, file an affidavit with the court listing the amounts subject to restitution. Should the victim object to the affidavit, the victim may file a separate affidavit.

If, after notice, the defendant does not object to the affidavit, the amount of the losses in the affidavit shall be entered in the court's restitution order. If the defendant does object, the victim may be required to submit documents justifying the claimed losses. The court may require additional testimony and documentation.

Section 2265. This section provides that a protection order issued by one State or Indian tribe shall be accorded full faith and credit by the courts of another State or Indian tribe and

enforced as if it were the order of the enforcing State or tribe. Protection orders will be covered by this section only if issued by a court having the jurisdiction to do so and if the person against whom the order was sought was given sufficient notice. This section provides that a protection order issued by a court against a person who has filed a written pleading for protection shall not receive full faith and credit if the order was issued *sua sponte* by the court or if it was not based on specific findings that each party was entitled to an order.

Section 2266. This section provides definitions for this Chapter.

Subtitle B—Arrest in domestic violence cases

Section 221. This section amends Title I of the Omnibus Crime Control and Safe Street Act of 1968 by redesignating part S as part T and adding a new part S: Grants to Encourage Arrest Policies. The new part S will have the following sections:

Section 1901. This section authorizes the Director of the Bureau of Justice Assistance to make grants to eligible parties for implementing mandatory arrest or pro-arrest programs, improving the tracking of domestic violence cases, centralizing the handling of domestic violence cases, strengthening legal advocacy service programs, and educating judges about domestic violence.

Eligible grantees include States, Indian tribes, or local governments which: (1) encourage or mandate arrest of domestic violence offenders based on probable cause that violence has been committed, or certify that all their law enforcement officers have received domestic violence training conducted by a State Domestic Violence Coalition; (2) demonstrate that their laws and policies discourage dual arrests of offender and victim in domestic violence cases; (3) certify that their laws and policies prohibit the issuance of mutual restraining orders unless the need for such orders is shown; and (4) certify that their laws and policies do not require a victim of domestic violence to pay for warrants, protection orders, or witness subpoenas in connection with the prosecution of any misdemeanors or felony domestic violence offenses: and (5) certify that their laws and policies treat sex offenses committed by offenders who are known to, cohabitants of, social companions of, or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

Section 1902. This section provides that an eligible grantee must submit an application to the Director that describes plans to implement the aforementioned policies, identifies the agencies which will carry out the programs, and includes the input of nonprofit, private sexual assault and domestic violence programs. Priority will be given to an applicant that does not have a centralized control of sexual assault cases and still demonstrates a strong commitment to the reduction of sexual assault.

Section 1903. This section provides that each grantee must submit an evaluation to the Director about its program.

Section 1904. This section provides definitions for the new Part S.

Section 221 also authorizes to be appropriated \$25 million in each of fiscal years 1994, 1995, and 1996 for grants under the new part S.

This section in no way limits the discretion of the Bureau of Justice Assistance under Sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 to deny, suspend, or terminate funding pursuant to the provisions contained therein.

Subtitle C—Domestic violence

Section 231. This section provides a short title, the “Domestic Violence Firearm Protection Act,” for this subtitle.

Section 232. This section makes findings with respect to the use of firearms in domestic violence.

Section 233. This section makes it unlawful for any person knowingly to transfer or dispose of a firearm to a person who is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury. This section also makes it unlawful for a person to receive or possess a firearm if the person either (1) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury, or (2) has been convicted in a court of an offense that involves the use, attempted use, or threatened use of physical force against an intimate partner or child of such person. This section also directs the Secretary of the Treasury to issue regulations providing for the receipt and storage of seized firearms. This section also enables an individual to seek the return of a firearm seized from that individual after the lapse or termination of a court order which made it illegal for the individual to possess the firearm.

Subtitle D—Protection for immigrant women

Section 241. This section amends sections 204(a)(1) (A) and (B) of the Immigration and Nationality Act to allow limited categories of alien spouses to self-petition for immediate relative status or second preference status. Under current law only the United States citizen or lawful permanent resident spouse is authorized to file a relative petition, and this spouse maintains full control over the petitioning process. He or she may withdraw the petition at any time for any reason. The purpose of permitting self-petitioning is to prevent the citizen or resident from using the petitioning process as a means to control or abuse an alien spouse.

Under this section, alien spouses may self-petition for themselves and their children in two situations. First, if the alien spouse or the alien spouse’s child has been battered or subject to extreme cruelty perpetrated by the citizen or resident spouse during the marriage, the alien spouse may self-petition if: (1) he or she entered into the marriage in good faith, (2) he or she currently resides in the United States, (3) he or she at one time resided in the United States with the citizen or resident spouse, and (4) he or she

is still married to the citizen or resident spouse on the date that the self-petition is filed. Offering self-petitioning to alien spouses who are parents of abused children encourages alien spouses to report child abuse and to take steps to remove their children from abusive homes. This section allows these alien spouses to act to protect their children without risking deportation. Second, if the alien spouse has been married to and residing with the citizen or resident spouse in the United States for at least three years, he or she may file a petition, if (1) she is currently residing in the United States with the alien spouse and (2) the citizen or resident spouse has failed to file a petition on behalf of the alien spouse.

This section further amends Section 205 of the Immigration and Nationality Act to prevent abusive citizen and resident spouses from undermining an alien spouse's self-petition by divorce. Under current law and regulations divorce results in the automatic revocation of an immediate relative petition and a second preference petition. This section closes a loophole in the statute and ensures that in the case of abused spouses and abused children who are self-petitioning divorce may not be the basis for revocation of the petition.

This section also provides that all changes made by the section will take effect on January 1, 1994.

Section 242 sets forth the evidence standards to be applied in determining whether an alien or an alien's child had been battered or subject to extreme cruelty. This section allows an alien who makes an application for a battered spouse waiver under Section 216(c)(4) of the Immigration and Nationality Act to support that application with any credible evidence.

Under current law, certain spouses of a United States citizen or legal permanent resident and their children who qualify as permanent residents based on their good faith marriage are admitted for permanent residence on a conditional basis. The alien spouse and the citizen or resident spouse must jointly petition to remove the conditional basis before the second anniversary of the alien's obtaining permanent residence. If the joint petition is not filed the alien spouse's permanent resident status is terminated.

Section 701 of the Immigration Act of 1990 amended the law to provide that one of the hardship waivers to this requirement is available to an alien who demonstrates that she was battered or was the subject of extreme cruelty perpetrated by the citizen or resident spouse. Current Immigration and Naturalization Service regulations require an application for a hardship waiver to be supported by an affidavit from a licensed mental health professional. This regulation focuses the inquiry on the effect of the cruelty on the victim rather than on the violent behavior of the abuser, and it may be discriminatory against non-English-speaking individuals who have limited access to bilingual mental health professionals. This section overrides this regulation by directing the Attorney General to consider any credible evidence submitted in support of hardship waivers based on battering or extreme cruelty whether or not the evidence is supported by an evaluation by a licensed mental health professional.

Section 243 creates a new ground for suspension of deportation for abused spouses, abused children and an alien spouse whose

child is being abused. This section waives the current seven year residence requirement to apply for suspension of deportation. Suspension of deportation will be available to alien spouses and children who have been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a citizen or lawful permanent resident, provided that the alien spouse or child proves that he or she is a person of good moral character and that deportation would result in extreme hardship.

TITLE III—MISCELLANEOUS PROVISIONS

Subtitle A—Reports

Section 301. This Section directs the Attorney General to conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, and to transmit a report to the Congress based on the study.

Section 302. This Section directs the Attorney General to submit to the Congress within one year after enactment of the Violence Against Women Act a report and recommendations on problems of recordkeeping of criminal complaints involving domestic violence.

Subtitle B—Justice Department Task Force on Violence Against Women

Section 311. This section directs the Attorney General to establish within 30 days after enactment of the Violence Against Women Act a task force to be known as the Attorney General's Task Force on Violence Against Women.

Section 312. This section provides that the general purpose of the task force shall be to review Federal, State, and local strategies for preventing and punishing violent crimes against women and to make recommendations to improve the response to such crimes.

Section 313. This section provides that the task force shall be chaired by the Attorney General or the Attorney General's designee, and that not later than 60 days after enactment of the Violence Against Women Act the Attorney General shall, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Housing and Urban Development, select up to 14 additional members to serve on the task force. The members are to be selected without regard to political affiliation, and they are to include members with backgrounds in such areas as law enforcement, victim services and advocacy, legal defense and prosecution, judicial administration, medical services, and counseling.

Section 314. This section provides that the task force shall hold its first meeting not later than 60 days after enactment of the Violence Against Women Act, and that the task force shall meet at least 6 times. Members of the task force who are government officials shall receive no additional compensation for service on the task force, and other members of the task force shall be allowed travel and other expenses including per diem in lieu of subsistence.

Section 315. This section provides that not later than 1 year after the task force is fully constituted, the task force shall prepare and

submit a final report to the President and to appropriate congressional committees.

Section 316. This section provides that the task force shall have an executive director, compensated at a rate not to exceed the maximum salary for a position above GS-15 and staff compensated as necessary, and shall be able to hire consultants at rates for individuals no higher than \$200 per day.

Section 317. This section provides that the task force may conduct hearings, take testimony, and receive evidence.

Section 318. This section authorizes the appropriation of \$500,000 for fiscal year 1994 to fund the task force.

Section 319. This section provides that the task force shall cease to exist 30 days after submission of its final report.

Subtitle C—STD testing

Section 321. This section authorizes the Office of Victims of Crime to provide for the payment of the cost to a victim of sexual assault of up to two tests for sexually transmitted diseases during the 12 months following the sexual assault.

Subtitle D—Grant programs

Section 331. This section directs the Attorney General, through the Bureau of Justice Assistance, to provide a grant to a nonprofit private organization to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. This section authorizes the appropriation for such a grant of \$1 million for each of fiscal years 1994, 1995, and 1996.

Section 332. This section amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 by redesignating part T as part U and adding a new part T: Grants for Community Programs on Domestic Violence. The new part T will have the following sections:

Section 2001. This section authorizes the Director of the Bureau of Justice Assistance to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

Section 2002. This section provides that applications for grants must demonstrate that the applicant will serve a community leadership function, demonstrate a community action component, and include a complete description of the applicant's plan for the establishment and operation of the community project. This section also provides that grantees must be nonprofit private community organizations organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence, and that they must include representation from pertinent sectors of the local community.

Section 2003. This section provides that grants may extend for no more than 3 fiscal years, and that payments under a grant are subject to annual approval by the Director and to the availability of appropriations. This section also directs the Director to award to organizations in geographically diverse communities.

Section 2004. This section provides that grants shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence. This section provides that grantees shall establish protocols to improve and expand domestic violence intervention and prevention strategies, develop action plans, and provide for periodic evaluation.

This section authorizes the appropriation of \$20 million for fiscal year 1994 and such sums as are necessary for fiscal years 1995, 1996, and 1997 for grants under the new title T.

This section in no way limits the discretion of the Bureau of Justice Assistance under Sections 801 and 802 of the Omnibus Crime Control and Safe Streets act of 1968 to deny, suspend, or terminate funding pursuant to the provisions contained therein.

TITLE IV—EQUAL JUSTICE FOR WOMEN IN THE COURTS

Subtitle A—Education and training for judges and court personnel in State courts

Section 401. This section authorizes the State Justice Institute to award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on sexual assault, domestic violence, and other crimes of violence motivated by gender.

Section 402. This section describes the issues to be addressed by the model training program.

Section 403. This section directs the State Justice Institute to ensure that model programs are developed with the participation of law enforcement officials, victim advocates, prosecutors, defense attorneys, other legal experts, and experts on gender bias in the courts.

Section 404. This section authorizes the appropriation of \$600,000 for fiscal year 1994 to carry out this subtitle. This section also provides that no less than 40% of any appropriation shall be spent on model programs addressing sexual assault, and that no less than 40% of any appropriation shall be spent on model programs addressing domestic violence.

Subtitle B—Education and training for judges and court personnel in Federal courts

Section 411. This section encourages the circuit judicial councils to conduct studies of gender bias in their respective circuits. This section also directs the Judicial Conference of the United States to designate an entity within the Judicial Branch to act as a clearinghouse to disseminate any reports and materials issued by gender bias task forces. This section also directs the Federal Judicial Center to disseminate information on issues relating to gender bias in the courts.

Section 412. This section authorizes for purposes of this subtitle the appropriation of \$600,000 to the Salaries and Expenses Account of the Courts of Appeals, District Courts and other Judicial Services to be available until expended through fiscal year 1996. This section also authorizes \$100,000 to the Federal Judicial Center and such sums as are necessary to the Administrative Office of

the United States Courts for purposes of this subtitle. This section also provides that the Judicial Conference of the United States Courts shall allocate funds to Federal circuit courts that undertake their own studies of gender bias or implement reforms recommended as a result of such studies in their own or other circuits.

Subtitle C—Evidentiary rules

Section 421. This section expresses the sense of the Congress that the executive branch, working through the State Justice Institute, should examine programs which would allow the States to consider whether expert testimony regarding battered women's syndrome should be admissible by the defendant in criminal trials.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT OPERATIONS OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Operations were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditure.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 1133 will have no significant inflationary impact on prices and costs in the national economy.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

* * * * *

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[Sec. 1701. Continuation of rules, authorities, and proceedings.]

PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

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PART U—TRANSITION; EFFECTIVE DATE; REPEALER

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

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PART H—ADMINISTRATIVE PROVISIONS

CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

SEC. 801. (a) * * *

(b) The Bureau of Justice Assistance shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to parts D, E, M, N, [and O] O, Q, R, S, and T in order to determine—

* * * * *

NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

SEC. 802. (a) * * *

(b) If any grant application submitted under part D, M, N, [or O] O, Q, R, S, or T of this title has been denied, or any grant

under this title has been terminated, then the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, as appropriate, shall notify the applicant of its action and set forth the reason for the action taken. Whenever such an applicant requests a hearing, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics is authorized to take final action without a hearing if, after an administrative review of the denial of such application or termination of such grant, it is determined that the basis for the appeal, if substantiated, would not establish a basis for awarding or continuing of the grant involved. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the applicant.

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SEC. 1001. (a)(1) * * *

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(10) There are authorized to be appropriated \$10,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out projects under part P.

(11) *There are authorized to be appropriated for each of the fiscal years 1994 and 1995, \$200,000,000 to carry out the purposes of part Q, with not less than 8 percent of such appropriation allotted specifically for Indian tribes.*

(12) *There are authorized to be appropriated to carry out the purposes of part R, \$60,000,000 for fiscal year 1994, \$75,000,000 for fiscal year 1995, and \$100,000,000 for fiscal year 1996.*

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

(14) *There are authorized to be appropriated to carry out part T \$20,000,000 for fiscal year 1994 and such sums as are necessary for each of the fiscal years 1995, 1996, and 1997, to remain available until expended.*

* * * * *

PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.

(a) **GENERAL PROGRAM PURPOSE.**—*The purpose of this part is to assist States, Indian tribes, and other eligible entities to develop effective law enforcement and prosecution strategies to combat violent crimes against women.*

(b) **PURPOSES FOR WHICH GRANTS MAY BE USED.**—Grants under this part shall provide funds for personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women to reduce the rate of violent crime against women and specifically, for the purposes of—

(1) training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;

(2) developing, training, or expanding units of law enforcement officers and prosecutors that specifically target violent crimes against women, including the crimes of sexual assault and domestic violence;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, or services specifically devoted to the prevention of, identification of, and response to violent crimes against women, including the crimes of sexual assault and domestic violence;

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

(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

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

SEC. 1702. STATE GRANTS.

(a) **GENERAL GRANTS.**—The Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the “Director”) is authorized to make grants to States, Indian tribes, units of local government, tribal organizations, and nonprofit nongovernmental victim services programs in the States or Indian country.

(b) **APPLICATION REQUIREMENTS.**—Applications shall include—

(1) documentation from prosecution, law enforcement, and victim services programs to be assisted that demonstrates—

(A) the need for grant funds;

(B) the intended use of grant funds; and

(C) the expected results;

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

(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases pursuant to section 113 of the Violence Against Women Act of 1993.

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

(1) certifying that funds received under this part shall be used for the purposes outlined in section 1701(b); and

(2) certifying that grantees shall develop a plan, implement such plan, and otherwise consult and coordinate with nonprofit nongovernmental domestic violence and sexual assault victim services programs, law enforcement officials, victim advocates, prosecutors, and defense attorneys;

(3) providing documentation from the individuals and groups listed under paragraph (2) regarding their participation in development of a plan and involvement in the application process, as well as how such individuals and groups will be involved in implementation of the plan;

(4) providing assurances that the plan developed under paragraph (2) shall meet the needs of racial, cultural, ethnic, and language minority populations;

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

(6) providing assurances that any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

(d) **DISBURSEMENT OF FUNDS.**—

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

(2) **RESPONSIBILITY OF DIRECTOR.**—In disbursing funds under this part, the Director shall issue regulations—

(A) to distribute funds equitably on a geographic basis, including nonurban and rural areas of varying geographic size; and

(B) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas.

(e) **GRANTEE REPORTING.**—(1) Not later than March 31 of each year during which funds are received under this part, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this part.

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

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

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

- (1) an applicant fails to submit an annual performance report;
- (2) funds provided under this part are expended for purposes other than those set forth under this part; or
- (3) grant reports or accompanying assessments demonstrate to the Director that the program is ineffective or financially unsound.

SEC. 1703. GENERAL DEFINITIONS.

For purposes of this part—

(1) the term “domestic violence” means crimes of violence committed against a victim by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who is cohabiting with or has cohabited with the victim as a spouse, an individual similarly situated to a spouse, or any other individual who is protected under domestic or family violence laws of the jurisdiction that receives a grant under this part;

(2) the term “eligible entity” means a State, unit of local government, Indian tribe, and a nonprofit, nongovernmental victims services program;

(3) the term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians;

(4) the term “Indian country” has the meaning given to such term by section 1151 of title 18, United States Code;

(5) the term “sexual assault” means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

(6) the term “victim services program” means a nongovernmental nonprofit program that assists domestic violence or sexual assault victims, including nongovernmental nonprofit organizations such as rape crisis centers, battered women’s shelters, and other sexual assault and domestic violence programs, including nonprofit nongovernmental organizations assisting domestic violence and sexual assault victims through the legal process.

SEC. 1704. GENERAL TERMS AND CONDITIONS.

(a) *NONMONETARY ASSISTANCE.*—In addition to the assistance provided under sections 1702, the Attorney General may request any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical,

and advisory services) to support State, tribal, and local assistance efforts under this part.

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

- (1) the amount of grants made under this part;
- (2) a summary of the purposes for which grants were provided and an evaluation of progress; and
- (3) an evaluation of the effectiveness of programs established with funds under this part.

PART R—RAPE PREVENTION PROGRAMS

SEC. 1801. GRANT AUTHORIZATION.

The Director of the Bureau of Justice Assistance (referred to in this part as the "Director") is authorized to make grants—

- (1) to provide educational seminars, particularly developed with emphasis on seminars for elementary and secondary school age children, designed to develop an awareness of what acts meet the legal definition of rape;
- (2) to provide programs for elementary and secondary school age children that teach nonviolent conflict resolution, self defense, or other relevant skills;
- (3) to operate telephone hotlines for callers with questions regarding sexual assault and rape;
- (4) to design and disseminate training programs for professionals, including the development and dissemination of protocols for the routine identification, treatment, and appropriate referral of victims of sexual assault by hospital emergency personnel and other professionals;
- (5) to develop treatment programs for convicted sex offenders and make such programs available to the local community and to Federal and State prisons;
- (6) to prepare and disseminate informational materials designed to educate the community regarding sexual assault and prevention; and
- (7) to develop other projects to increase awareness and prevention of sexual assault, including efforts to increase awareness of sexual assault prevention among racial, ethnic, cultural and language minorities.

SEC. 1802. APPLICATIONS.

(a) **IN GENERAL.**—To be eligible to receive a grant under this part, a duly authorized representative of an eligible entity shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

(b) **ASSURANCES.**—Each application must contain an assurance that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

(c) **REQUIRED PLAN.**—Each application shall include a plan that contains—

- (1) a description of the projects to be developed;

- (2) a description of how funds would be spent;
- (3) a statement of staff qualifications and demonstrated expertise in the field of rape prevention and education; and
- (4) a statement regarding the ability to serve community needs and language minority populations in providing ethnically and culturally and linguistically appropriate programs where necessary.

SEC. 1803. REPORTS.

(a) **GRANTEE REPORTING.**—Upon completion of the grant period under this subpart, each grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this subpart. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

(b) **BUREAU REPORTING.**—Not later than 180 days after the end of each fiscal year for which grants are made under this subpart, the Director shall submit to the Congress a report that includes, for each grantee—

- (1) the amount of grants made under this subpart;
- (2) a summary of the purposes for which grants were provided and an evaluation of progress; and
- (3) an evaluation of the effectiveness of programs established with funds under this part.

SEC. 1804. DEFINITIONS.

For purposes of this part—

- (1) the term “eligible entity” means a nonprofit, nongovernmental organization that directly serves or provides advocacy on behalf of victims of rape or sexual assault; and
- (2) the term “sexual assault prevention and education” means education and prevention efforts directed at reducing the number of sexual assaults.

PART S—GRANTS TO ENCOURAGE ARREST POLICIES

SEC. 1901. ARREST POLICIES.

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

- (1) To implement mandatory arrest or proarrest programs, including mandatory arrest programs for protective order violations.
- (2) To develop policies, and training in police departments to improve tracking of cases involving domestic violence.
- (3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.
- (4) To strengthen legal advocacy service programs for victims of domestic violence.

(5) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

(b) **ELIGIBILITY.**—Eligible grantees are States, Indian tribes, or units of local government that—

(1) certify that their laws or official policies—

(A)(i) mandate arrest of domestic violence offenders based on probable cause that violence has been committed; or

(ii) certify that all their law enforcement personnel have received domestic violence training conducted by a State Domestic Violence Coalition as defined in section 10410(b) of title 42, United States Code; or

(iii) allow, as permitted by the Constitution, warrantless misdemeanor arrests based on probable cause that violence has been committed and encourage the use of such authority.

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

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

(3) certify that their laws, policies, and practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed finding of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense;

(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; and

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

SEC. 1902. APPLICATIONS.

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

(1) describe plans to implement policies described in subsection (b);

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

(3) include documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

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

(1) does not currently provide for centralized handling of cases involving domestic violence by policy, prosecutors, and courts; and

(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

SEC. 1903. REPORTS.

Each grantee receiving funds under this part shall submit a report to the Director evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Director may prescribe.

SEC. 1904. DEFINITIONS.

For purposes of this part—

(1) the term “domestic violence” means a crime of violence against a victim committed by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who cohabits with or has cohabited with the victim as a spouse, or any other individual similarly situated to a spouse, or any other person who is protected under the domestic or family violence laws of the eligible State, Indian tribe, municipality, or local government entity.

(2) the term “protection order” includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence including temporary and final orders issued by civil and criminal courts (other than support or child custody provisions) whether obtained by filing an independent action or as a *pendente lite* order in another proceeding.

PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

SEC. 2001. GRANT AUTHORITY.

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

SEC. 2002. APPLICATIONS.

(a) *IN GENERAL.*—An organization that desires to receive a grant under this section shall submit to the Director an application, in such form and in such manner as the Director may reasonably require that—

(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

(3) includes a complete description of the applicant’s plan for the establishment and operation of the community project, including a description of—

(A) the method for identification and selection of an administrative committee made up of persons knowledgeable

in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

(B) the method for identification and selection of project staff and a project evaluator;

(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

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

(4) contains such other information, agreements, and assurances as the Director may require.

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

(1) an assurance that the applicant is a nonprofit private organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and

(2) an assurance that such nonprofit organization includes representation from pertinent sectors of the local community, including—

(A) health care providers;

(B) the education community;

(C) the religious community;

(D) the justice system;

(E) domestic violence program advocates;

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

(G) business and civic leaders.

SEC. 2003. AWARD OF GRANTS.

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

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

(1) annual approval by the Director; and

(2) availability of appropriations.

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

SEC. 2004. USES OF FUNDS.

(a) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

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

(1) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

(2) *develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and*

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

PART [Q] U—TRANSITION—EFFECTIVE DATE—REPEALER

CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

SEC. [1701.] 2101. (a)(1) All orders, determinations, rules, regulations, and instructions of the Law Enforcement Assistance Administration which are in effect on the date of the enactment of the Justice System Improvement Act of 1979 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, the Office of Justice Assistance, Research, and Statistics or the Director of the Bureau of Justice Statistics, the National Institute of Justice, or the Administrator of the Law Enforcement Assistance Administration with respect to their functions under this title or by operation of law.

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TITLE 18, UNITED STATES CODE

PART I—CRIMES

Chap.	Sec.
1. General provisions	1
2. Air craft and motor vehicles	31
3. Animals, birds, fish, and plants	41
* * * * *	
110A. <i>Violence against spouses</i>	2261.
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CHAPTER 44—FIREARMS

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§ 921. Definitions

(a) As used in this chapter—

(1) * * *

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(29) *The term “intimate partner” means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.*

* * * * *

§ 922. Unlawful acts

(a) * * *

* * * * *

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

(1) * * *

* * * * *

(5) who, being an alien, is illegally or unlawfully in the United States;

(6) who has been discharged from the Armed Forces under dishonorable conditions; [or]

(7) who, having been a citizen of the United States, has renounced his citizenship[.]; or

(8) *is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury, except that this paragraph shall only apply to a court order that (A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate, and (B) includes a finding that such person represents a credible threat to the physical safety of such intimate partner.*

* * * * *

(g) It shall be unlawful for any person—

(1) * * *

* * * * *

(6) who has been discharged from the Armed Forces under dishonorable conditions; [or]

(7) who, having been a citizen of the United States, has renounced his citizenship; or

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

(A) was issued after a hearing of which such person received actual or constructive notice, and at which such person had an opportunity to participate;

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

(C) includes a finding that such person represents a credible threat to the physical safety of such intimate partner,

* * * * *

§ 924. Penalties

(a) * * *

* * * * *

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922, or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of section 922(l), or knowing violation of section 924, or willful violation of any other provision of this chapter or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, or any firearm or ammuni-

tion intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1986 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter: Provided, that upon acquittal of the owner or possessor, or dismissal of the charges against him other than upon motion of the Government prior to trial, [the seized] or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished firearms or ammunition shall be returned forth-with to the owner or possessor or to a person delegated by the owner or possessor unless the return of the firearms or ammunition would place the owner or possessor or his delegate in violation of law. Any action or proceeding for the forfeiture of firearms or ammunition shall be commenced within one hundred and twenty days of such seizure.

* * * * *

§ 926. Rules and Regulations

(a) The Secretary may prescribe only such rules and regulations as are necessary to carry out the provisions of this chapter, including

(1) regulations providing that a person licensed under this chapter, when dealing with other person so licensed, shall provide such other licensed person or certified copy of this license; [and]

(2) regulations providing for the issuance, at a reasonable cost, to a person licensed under this chapter, of certified copies of his license for use as provided under regulations used under paragraph (1) of this subsection[.]; and

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

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Chapter 109A—Sexual Abuse

- Sec.
 2241. Aggravated sexual abuse.
 2242. Sexual abuse.
 2243. Sexual abuse of a minor or ward.
 2244. Abusive sexual contact.
 2245. Definitions for chapter.
 2246. Mandatory restitution for sex offenses.

* * * * *

§ 2246. Mandatory restitution for sex offenses

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

(b) *SCOPE AND NATURE OF ORDER.*—

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

(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

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

(2) DEFINITIONS.—As used in this subsection, the term "full amount of the victim's losses" includes any costs incurred by the victim for—

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

(B) physical and occupational therapy or rehabilitation;

(C) lost income;

(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

(E) temporary housing;

(F) transportation;

(G) necessary child care;

(H) language translation services; and

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

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

(i) the economic circumstances of the defendant; or

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

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

(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

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

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

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

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

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

(A) any Federal civil proceeding; and

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

(c) **PROOF OF CLAIM.**—

(1) **IN GENERAL.**—Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or delegate) shall advise the victim that the victim may file a separate affidavit.

(2) **OBJECTIONS.**—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

(3) **ADDITIONAL DOCUMENTATION AND TESTIMONY.**—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

(4) **FINAL DETERMINATION OF LOSSES.**—In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1) of this section, the United States Attorney (or delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

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CHAPTER 110A—DOMESTIC VIOLENCE

Sec. 2261. Interstate domestic violence.

Sec. 2262. Violation of protection order.

Sec. 2263. Pretrial release of defendant.

Sec. 2264. Restitution.

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

Sec. 2266. Definitions for chapter.

§ 2261. Interstate domestic violence

(a) *Whoever travels across a State line or enters or leaves Indian country with the intent to contact that person's spouse or intimate partner, and in the course of that contact intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b) of this section.*

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

(1) *for life or any term of years, if the offender murders the victim;*

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

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

(4) *as provided for the applicable conduct under chapter 109A, if the offense constitutes sexual abuse, as described under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and*

(5) *for not more than 5 years, in any other case;*

or both such fine and imprisonment.

§ 2262. Violation of protection order

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

(1) *violates a protection order; or*

(2) *would violate such order if the conduct occurred in the jurisdiction in which such order was issued;*

and does engage in such conduct shall be punished as provided in subsection (b) of this section.

(b) *The punishment for a violation of subsection (a) of this section is a fine under this title, or imprisonment for not less than 3 months and not more than 3 years, or both. Any term of imprisonment imposed under this section shall be consecutive to any term imposed under section 2261 of this title with respect to the same criminal episode.*

§ 2263. Pretrial release of defendant

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

§ 2264. Restitution

(a) *IN GENERAL.—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding the terms of section 3663 of this title, the court shall order restitution to the victim of an offense under this chapter.*

(b) *SCOPE AND NATURE OF ORDER.—*

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

(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

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

(2) DEFINITION.—As used in this subsection, the term “full amount of the victim's losses” includes any costs incurred by the victim for—

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

(B) physical and occupational therapy or rehabilitation;

(C) lost income;

(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

(E) temporary housing;

(F) transportation;

(G) necessary child care;

(H) language translation services; and

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

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

(i) the economic circumstances of the defendant; or

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

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

(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

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

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

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

(B) LUMP-SUM OR PARTIAL PAYMENT.—An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

(5) **SETOFF.**—Any amount paid to a victim under this section shall be setoff against any amount later recovered as compensatory damages by the victim from the defendant in—

(A) any Federal civil proceeding; and

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

(c) **PROOF OF CLAIM.**—

(1) **IN GENERAL.**—Within 60 days after conviction and, in any event, no later than 10 days before sentencing, the United States Attorney (or such Attorney's delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of that affidavit.

(2) **OBJECTIONS.**—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

(3) **ADDITIONAL DOCUMENTATION OR TESTIMONY.**—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

(4) **FINAL DETERMINATION OF LOSSES.**—In the event that the victim's losses are not ascertainable 10 days before sentencing as provided in paragraph (1) of this subsection, the United States Attorney (or such Attorney's delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 90 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

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

§ 2265. Full faith and credit given to protection orders

(a) **FULL FAITH AND CREDIT.**—Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian

tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

(b) **PROTECTION ORDER.**—A protection order issued by a State or tribal court is consistent with this subsection if—

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

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

(c) **CROSS OR COUNTER PETITION.**—A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

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

§2266. Definitions for chapter

As used in this chapter—

(1) the term "spouse or intimate partner" includes—

(A) a spouse, a former spouse, a person who shares a child in common with the abuser, a person who cohabits or has cohabited with the abuser as a spouse, and any other person similarly situated to a spouse; and

(B) any other person, other than a minor child, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

(2) the term "protection order" includes any injunction or other order issued for the purpose of preventing violent or threatening acts by one spouse against his or her spouse, former spouse, or intimate partner, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of an abused spouse or intimate partner;

(3) the term "State" includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States;

(4) the term "travel across State lines" does not include travel across State lines by an individual who is a member of an Indian tribe when such individual remains at all times in the territory of the Indian tribe of which the individual is a member;

(5) the term "bodily harm" means any act, except one done in self-defense, that results in physical injury or sexual abuse; and

(6) the term "Indian country" has the meaning given to such term by section 1151 of this title.

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IMMIGRATION AND NATIONALITY ACT

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TITLE II—IMMIGRATION

CHAPTER 1—SELECTION SYSTEM

* * * * *

WORLDWIDE LEVEL OF IMMIGRATION

SEC. 201. (a) * * *

(b) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a), are as follows:

(1) * * *

(2)(A)(i) IMMEDIATE RELATIVES.—For purposes of this subsection, the term "immediate relatives" means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age. In the case of an alien who was the spouse of a citizen of the United States for at least 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, the alien shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death but only if the spouse files a petition under section [204(a)(1)(A)] 204(a)(1)(A)(ii) within 2 years after such date and only until the date the spouse remarries.

* * * * *

PROCEDURE FOR GRANTING IMMIGRANT STATUS

SEC. 204. (a)(1)(A)(i) Any citizen of the United States claiming that an alien is entitled to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or to an immediate relative status under section 201(b)(2)(A)(i) may file a petition with the Attorney General for such classification.

(ii) An alien described in the second sentence of section 201(b)(2)(A)(i) also may file a petition with the Attorney General under this subparagraph for classification under such section.

(iii) An alien who is the spouse of a citizen of the United States, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the alien's spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that—

(I) *the alien is residing in the United States, the marriage between the alien and the spouse was entered into in good faith by the alien, and during the marriage the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's spouse, or*

(II) *the alien is residing in the United States with the alien's spouse, the alien has been married to and residing with the spouse for a period of not less than 3 years, and the alien's spouse has failed to file a petition under clause (i) on behalf of the alien.*

(B)(i) Any alien lawfully admitted for permanent residence claiming that an alien is entitled to a classification by reason of the relationship described in section 203(a)(2) may file a petition with the Attorney General for such classification.

(ii) *An alien who is the spouse of an alien lawfully admitted for permanent residence, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's legal permanent resident spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that the conditions described in subclause (I) or (II) of subparagraph (A)(iii) are met with respect to the alien.*

* * * * *

(2)(A) The Attorney General may not approve a spousal second preference petition [filed by an alien who,] *for the classification of the spouse of an alien if the alien, by virtue of a prior marriage, has been accorded the status of an alien lawfully admitted for permanent residence as the spouse of a citizen of the United States or as the spouse of an alien lawfully admitted for permanent residence, unless—*

(i) * * *

* * * * *

(B) Subparagraph (A) shall not apply to a petition filed [by an alien whose prior marriage] *for the classification of the spouse of an alien if the prior marriage of the alien was terminated by the death of his or her spouse.*

* * * * *

(h) *The legal termination of a marriage may not be the basis for revocation under section 205 of a petition filed under subsection (a)(1)(A)(iii)(I) or a petition filed under subsection (a)(1)(B)(ii) pursuant to conditions described in subsection (a)(1)(A)(iii)(I).*

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CHAPTER 2—QUALIFICATIONS FOR ADMISSION OF ALIENS; TRAVEL CONTROL OF CITIZENS AND ALIENS

* * * * *

CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN
SPOUSES AND SONS AND DAUGHTERS

SEC. 216. (a) * * *

* * * * *

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR
REMOVAL OF CONDITION.—

(1) * * *

* * * * *

(4) HARDSHIP WAIVER.—The Attorney General, in the Attorney General's discretion, may remove the conditional basis of the permanent resident status for an alien who fails to meet the requirements of paragraph (1) if the alien demonstrates that—

(A) extreme hardship would result if such alien is deported,

(B) the qualifying marriage was entered into in good faith by the alien spouse, but the qualifying marriage has been terminated (other than through the death of the spouse) and the alien was not at fault in failing to meet the requirements of paragraph (1), or

(C) the qualifying marriage was entered into in good faith by the alien spouse and during the marriage the alien spouse or child was battered by or was the subject of extreme cruelty perpetrated by his or her spouse or citizen or permanent resident parent and the alien was not at fault in failing to meet the requirements of paragraph (1).

In determining extreme hardship, the Attorney General shall consider circumstances occurring only during the period that the alien was admitted for permanent residence on a conditional basis. *In acting on applications under this paragraph, the Attorney General shall consider any credible evidence submitted in support of the application (whether or not the evidence is supported by an evaluation of a licensed mental health professional). The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.* The Attorney General shall, by regulation, establish measures to protect the confidentiality of information concerning any abused alien spouse or child, including information regarding the whereabouts of such spouse or child.

* * * * *

CHAPTER 5—DEPORTATION; ADJUSTMENT OF STATUS

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SUSPENSION OF DEPORTATION; VOLUNTARY DEPARTURE

SEC. 244. (a) As hereinafter prescribed in this section, the Attorney General may, in his discretion, suspend deportation and adjust the status to that of an alien lawfully admitted for permanent residence, in the case of an alien (other than an alien described in

section 241(a)(4)(D)) who applies to the Attorney General for suspension of deportation and—

(1) is deportable under any law of the United States except the provisions specified in paragraph (2) of this subsection; has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; [or]

(2) is deportable under paragraph (2), (3), or (4) of section 241(a); has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence[.]; or

(3) is deportable under any law of the United States except section 241(a)(1)(G) and the provisions specified in paragraph (2); is physically present in the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident; and proves that during all of such time in the United States the alien was and is a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in extreme hardship to the alien or the alien's parent or child.

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SECTION 503 OF THE VICTIMS' RIGHTS AND RESTITUTION ACT OF 1990

SEC. 503. SERVICES TO VICTIMS.

(a) * * *

* * * * *

(c) DESCRIPTION OF SERVICES.—(1) * * *

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(7) The Attorney General or the head of another department or agency that conducts an investigation of a sexual assault shall pay, either directly or by reimbursement of payment by the victim, the cost of a physical examination of the victim which an investigating officer determines was necessary or useful for evidentiary purposes. *The Attorney General shall authorize the Director of the Office of Victims of Crime to provide for the payment of the cost of up to two tests of the victim for sexually transmitted diseases, including, but not limited to gonorrhoea, herpes, chlamydia, syphilis, and HIV, dur-*

ing the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault.

