

**TALKING POINTS FOR MEMBERS OF
THE ADVISORY COUNCIL ON VIOLENCE AGAINST WOMEN**

The Violence Against Women Act

- * The Violence Against Women Act (VAWA) was signed into law in September, 1994, by President Clinton as part of the 1994 Crime Control Act. It combines tough law enforcement provisions with new federal funding for states and communities to assist victims of domestic abuse and sexual assault.
- * The Violence Against Women Act is an historic effort to address the problem of violence against women, which often in the past was not treated as a serious criminal justice and public health problem.
- * The Violence Against Women Act reflects the unprecedented commitment of President Clinton and the Congress to heighten public awareness of the problem of violence against women and increase the capability of families, communities, health, law enforcement, and social service professionals to find solutions.

The Advisory Council on Violence Against Women

- * Attorney General Janet Reno and Secretary of Health and Human Services Donna E. Shalala created the Advisory Council on Violence Against Women to help devise the best strategies to implement the Violence Against Women Act. They recognize that the solutions to prevent domestic violence and sexual assault cannot be found by government alone.
- * The Advisory Council is composed of 41 members – leaders in law enforcement, public health, victims rights, social services, the business community, religious organizations, higher education, and other fields.
- * As opinion leaders in their respective communities, Advisory Council members will play a vital role in changing societal perceptions and in spreading the message that violence against women is unacceptable and detrimental to our entire society.
- * The Advisory Council will work to devise solutions in members' own professions.
- * The Advisory Council will work to coordinate among professions by building bridges between law enforcement and health care agencies, between the public and private sectors, and among federal and state and local governments, to create a seamless system that addresses the diverse needs of women and families in crisis.
- * The Advisory Council will bring to national attention successful, multi-faceted solutions to fighting domestic violence and sexual assault.
- * The Advisory Council is about results, not reports. It was not created to issue yet another government report. It will help the Attorney General and HHS Secretary devise and implement real solutions to reduce the problem of violence against women.

House Appropriations Subcommittees Slash Violence Against Women Funding

FACT: The 1994 Crime Bill, as passed, authorizes **\$170 million for 1996** for the Justice Department's portion of the Violence Against Women Act grants, and **\$97 million** for HHS's portion.

FACT: On June 28, the House Commerce, Justice, State Appropriations Subcommittee reneged on the commitment to assist local anti-violence programs by slashing nearly \$100 million of funding for the Justice Department's Violence Against Women Act program grants.

On July 11, the House Labor/HHS Education Appropriations Subcommittee reneged on the commitment to assist local anti-violence programs by slashing nearly \$62 million for HHS's Violence Against Women Act programs.

BACKGROUND:

Less than one year ago, the House of Representatives made a bipartisan commitment to the nation to address the crisis of domestic violence when it passed the Violence Against Women Act by a vote of 411 - 0. It was signed into law by President Clinton in September, 1994, as part of the 1994 Crime Control Act. The Act combines tough law enforcement provisions with new federal funding for states and localities to assist in prosecuting and protecting women who have been or are at risk of being abused or sexually assaulted, and critical prevention initiatives aimed at stopping violence against women before it occurs.

To combat domestic violence, over 55 states and territories have already received Department of Justice grants in FY 95, and 57 states and territories and 93 Tribes have received grants from the Department of Health and Human Services. For many of these grantees, the federal government is the major, if not the only source of support.

Under the Violence Against Women Act, the federal funds provided to states from the Department of Justice must be divided 25% to law enforcement, 25% to prosecution, and 25% to non-profit victim services. The remaining 25% may be allocated by the designated State agency within the parameters of the Act.

POTENTIAL EFFECTS:

- Cuts to Violence Against Women Program funds threaten the full enforcement of the Violence Against Women Act.
- The House Subcommittees' cuts means fewer shelters, volunteers, police, and prosecutors.



Washington, D.C. 20530

VIOLENCE AGAINST WOMEN OFFICE

- MISSION STATEMENT -

The Violence Against Women Office is dedicated to carrying out the bold new vision of the Violence Against Women Act -- a broad array of grant programs, laws, penalties, and initiatives designed to change the way the criminal justice system and we, as a nation, treat crimes of violence against women.

In the spirit of the Violence Against Women Act, the Office will promote a coordinated approach to dealing with crimes of violence against women by --

- encouraging cooperation between law enforcement, prosecutors, courts and victims' service providers;
- setting up programs to institutionalize collaborative efforts at the federal, state and local levels;
- directing consultation between the Department Of Justice and other federal agencies; and
- forging federal, state and local partnerships in interstate enforcement of new federal laws.

Through outreach, collaboration and public education initiatives, the Office will work to transform public attitudes toward these crimes and dispel the notion that acts of violence against women are private disputes not fit for public scrutiny or legal judgment.

June 1995



Washington, D.C. 20530

VIOLENCE AGAINST WOMEN OFFICE

- FACT SHEET -

The Violence Against Women Office was created in the Justice Department following the passage of the Violent Crime Control and Law Enforcement Act of 1994. In March of this year, President Clinton named Bonnie Campbell, former Attorney General of Iowa, to be Director of the Office. In making the appointment, the President noted "today, for the first time in history, the federal government becomes a full time partner in the fight to curb violence against women." The Violence Against Women Office leads a comprehensive national effort to combine tough new federal laws with assistance to states and localities to fight domestic violence and other crimes against women.

The 1994 Crime Bill was landmark legislation for all victims of crime and demonstrates the commitment of President Clinton and the Congress to make real progress in the areas of law enforcement, victim assistance, prosecutions and crime prevention. The Violence Against Women Act, enacted as part of the Crime Bill, makes it a crime to cross state lines to continue to abuse a spouse or partner, creates tough new penalties for sex offenders, and prohibits anyone facing a restraining order for domestic abuse from possessing a firearm.

In addition, the Violence Against Women Act provides a substantial commitment of federal resources -- more than \$1.6 billion during the next six years -- for police, prosecutors, prevention programs and victim service initiatives in cases involving sexual violence or domestic abuse. Also, the Act requires sexual offenders to pay restitution to their victims, requires states to pay for rape examinations, provides \$1.5 million for federal victim-witness counselors and extends rape shield laws to protect crime victims from abusive inquiries into their private conduct. Another section of the crime bill makes an important change in the law to protect women and children from released rapists and other sexual predators -- the Jacob Wetterling Act requires that released offenders must be reported to local law enforcement authorities.

Director Campbell is responsible for the overall coordination and focus of Department of Justice efforts and initiatives to combat violence against women, and she serves as the Department's primary point of contact for other federal agencies, state and local governments, outside organizations, and Congress. Within the Department of Justice, Director Campbell works closely with the President's COPS Director and with community police officers to help reduce domestic violence and other crimes against women in America's neighborhoods. She brings broader public attention to on-going programs through meetings throughout the country with law enforcement and advocacy groups, and through public appearances and media interviews.

THE VIOLENCE AGAINST WOMEN ACT

a part of the

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

AN ANALYSIS OF GRANT PROGRAMS TO IMPROVE RESPONSE TO DOMESTIC AND SEXUAL VIOLENCE AGAINST WOMEN

The Violence Against Women Act (VAWA) was signed into law by President Clinton on September 13, 1994 as part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA provides grants to improve response to violent crimes against women and children, encourages the development of coordinated prevention efforts, and creates new legal remedies for certain victims of violent crime motivated by gender.

This analysis describes the domestic violence-related grant programs for which states would be eligible under the Violence Against Women Act of 1994. Included is information on grant purposes, eligibility requirements/disbursement formulas, and the authorization and appropriation levels of each domestic violence-related grant program.

This information has been organized into three sections:

- I. Grants to Improve Criminal Justice System Response to Violent Crimes Against Women
- II. Grants to Enhance Services and Community Support for Domestic Violence Victims
- III. Other VAWA Grant Programs and Provisions Designed to Improve Response to Violent Crimes Against Women

This analysis was prepared to assist domestic violence advocates, state policy makers, and others initiate and guide state planning and implementation efforts. It summarizes the significant domestic violence-related grant funding provisions included in the final version of VAWA. It focuses on grants to states rather on those proposed for Indian Tribes and tribal agencies, which require a separate in-depth analysis.

I. GRANTS TO IMPROVE CRIMINAL JUSTICE SYSTEM RESPONSE TO VIOLENT CRIMES AGAINST WOMEN

A. LAW ENFORCEMENT AND PROSECUTION GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN (Title IV - Subtitle A, Chapter 2) Also known as T-Grants and STOP Grants

GENERAL PURPOSES: These grants were established to "assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women." Specifically, these grants are designed to 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."

The following seven purposes are included in the Act and Final Regulations developed for this program:

- training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;
- developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women;
- developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying and responding to violent crimes against women;
- developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts, or for the purpose of identifying and tracking arrests, protection orders, violations of protective orders, prosecutions, and convictions for the crimes of sexual assault and domestic violence;

- 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, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women;
- developing, enlarging, or strengthening programs addressing stalking; and
- developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian Tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

ELIGIBILITY REQUIREMENTS/DISBURSEMENT FORMULA:

The Act authorizes the Attorney General to make grants to States, "for use by States, units of local government, nonprofit, nongovernmental victim services programs, and Indian tribal governments."¹

TO BE QUALIFIED, applicants must certify that:

- funds will be used for the purposes described above;
- grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate "with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services program";
- at least 25% of the amount granted shall be allocated "without duplication to each of the following 3 areas: prosecution, law enforcement, and victim services"; and
- Federal funds received under this part shall be used to "supplement, not supplant, non-Federal funds that would otherwise be available to activities funded under this subtitle."

¹ The Attorney General has established a Violence Against Women Program Office to administer these grants (Violence Against Women Program Office, Office of Justice Programs, 4th Floor, 633 Indiana Ave, NW, Washington, DC 20531-0001)
PHONE (202) 307- 6026 FAX (202) 307-2019

APPLICATION REQUIREMENTS include:

- documentation from nonprofit, nongovernmental victim services programs describing their participation in developing the required plan;
- documentation from the prosecution, law enforcement, and victim services programs to be assisted, demonstrating the need for grant funds, the intended use of the grant funds, the expected results from the use of grant funds, and the demographic characteristics of the populations to be served (age, marital status, disability, race, ethnicity, and language background);
- proof of compliance with the requirements for payment of forensic medical exams in Section 2005 ²; and
- proof of compliance with the requirements for paying filing and services fees for domestic violence cases in Section 2006 ³.

² Sec. 2005. RAPE EXAM PAYMENTS.

A State, Indian tribal government, or unit of local government shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams for victims of sexual assault by:

1. providing such exams free of charge to the victims;
2. arranging for victims to obtain such exams free of charge to victims; or
3. reimbursing victims for the costs of such exams if the reimbursement covers the full cost of such exams without any deductible requirement or limit on the amount of reimbursement, the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam, the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expenses, and all victims, including victims with limited or no English proficiency, are provided information at the time of the exam regarding how to obtain reimbursement.

³ Sec. 2006. FILING COSTS FOR CRIMINAL CHARGES.

A State, Indian tribal government, or unit of local government shall not be entitled to funds under this part unless it:

- 1) certifies that "its 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 the costs associated with the issuance or service of a warrant, protection order, or witness subpoena"; or
- 2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of this section within the later of the following two time frames: the date on which the next session of the State legislature ends or two years.

FUNDING DISBURSEMENT CONSIDERATIONS:

The Attorney General issued regulations⁴ to ensure that States will:

- give priority to areas of varying geographic size with the greatest showing of need given the availability of existing domestic violence and sexual assault programs and the geographic area to be served;
- determine the amount of subgrants based on the population and geographic area to be served;
- equitably distribute monies on a geographic basis including non-urban and rural areas of various geographic sizes; and
- recognize and address the needs of underserved populations.

STATE MATCH REQUIREMENT:

The Federal share of a grant made under this subtitle may not exceed 75% of the total project cost.

FUNDING DISBURSEMENT FORMULA:

Of the amounts appropriated for the purpose of this part:

- 4% shall be available for grants for Indian tribal governments;
- \$500,000 shall be available for grants to applicants in each State;
- the remaining funds shall be available for grants to applicants in each state on the basis of a population-based formula.

FUNDING LEVELS AUTHORIZED/APPROPRIATED:

AUTHORIZATIONS (by fiscal year): APPROPRIATIONS (by fiscal year):

\$ 26,000,000 for FY 1995	\$ 26,000,000 for FY 1995* (10/1/94 -9/30/95)
\$ 130,000,000 for FY 1996	
\$ 145,000,000 for FY 1997	*approximately \$420,000
\$ 160,000,000 for FY 1998	per eligible State, and 15
\$ 165,000,000 for FY 1999	\$75,000 discretionary grants
\$ 174,000,000 for FY 2000	to Tribal agencies

⁴ The Violence Against Women Program Office issued Proposed Regulations on 12/28/94 for comment, issued Final Regulations on 4/18/95 as well as an Application Kit for States. Copies of these Final Regulations and Application Kit are available through the VAW Program Office (see footnote 1.)

B. GRANTS TO ENCOURAGE ARREST IN DOMESTIC VIOLENCE CASES (Title IV - Subtitle B, Chapter 3)

GENERAL PURPOSES: These grants were established to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law. The following specific purposes are enumerated:

- to implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations;
- to develop policies and training in police departments to improve tracking of cases involving domestic violence;
- to centralize and coordinate police enforcement, prosecution or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges;
- to coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts;
- to strengthen legal advocacy service programs for victims of domestic violence; and
- to educate judges in criminal and other courts about domestic violence and improve judicial handling of such cases.

ELIGIBILITY REQUIREMENTS/DISBURSEMENT FORMULA:

The Act authorizes the Attorney General to make grants to "eligible States, Indian tribal governments, and units of local government."⁵

TO BE QUALIFIED, applicants must:

- certify that their laws or official policies -
 - (A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and
 - (B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protective order;

⁵ If funded, these grants are expected to be administered by the Violence Against Women Program Office, Office of Justice Programs (see footnote 1)

- demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;
- certify that their laws, policies, or practices prohibit the issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and neither spouse acted primarily in self-defense; and
- certify that their laws, policies, or 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 of a warrant, protection order, or witness subpoena.

APPLICATION REQUIREMENTS include:

- certification from the chief executive officer of the State, Indian tribal government, or local government entity that all of the eligibility requirements listed above are met or will be met within the later of "the period ending on the date on which the next session of the State or Indian tribal legislature ends or 2 years of the date of the enactment of this part."
- a description of the plans to further the purposes of this part of the Act;
- identifies the agency or agencies responsible for carrying out the programs; and
- includes "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."

FUNDING DISBURSEMENT CONSIDERATIONS:

Within 120 days from the enactment of this part, the Attorney General is required to publish proposed regulations or guidelines implementing this part, with final regulations published within 180 days of enactment.

Priority will be given to applicants that " (1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; and (2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence."

FUNDING LEVELS AUTHORIZED/APPROPRIATED:

AUTHORIZATIONS (by fiscal year) APPROPRIATIONS (by fiscal year)

\$ 28,000,000 for FY 1996
\$ 33,000,000 for FY 1997
\$ 59,000,000 for FY 1998

No funds appropriated in FY 1995

* * * * *

**C. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE
ENFORCEMENT (Title IV - Subtitle B, Chapter 10)**

GENERAL PURPOSES: These grants were established to assist States, Indian tribal governments, and local governments of rural states, and to other public and private entities of rural states "to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse, to provide treatment and counseling to victims of domestic violence and child abuse, and to work in cooperation with the community to develop education and prevention strategies directed at such issues."

ELIGIBILITY REQUIREMENTS/DISBURSEMENT FORMULA:

The Act authorizes the Attorney General to make grants to:⁶

- Rural states, defined as a State "that has a population density of fifty-two or fewer persons per square mile or a State in which the largest county has fewer than one hundred and fifty thousand people";⁷
- Indian tribes, meaning "a tribe, band, pueblo, nation or other organized group or community of Indians, including an Alaska Native village that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians"; and
- local governments of rural states and to other public or private entities of rural states.

FUNDING LEVELS AUTHORIZED/APPROPRIATED:

AUTHORIZATIONS (by fiscal year) APPROPRIATIONS (by fiscal year)

\$ 7,000,000 for FY 1996
\$ 8,000,000 for FY 1997
\$ 15,000,000 for FY 1998

No funds appropriated in FY 1995

* * * * *

⁶ If funded, these grants are expected to be administered by the Violence Against Women Program Office, Office of Justice Programs (see footnote 1).

⁷ According to a report issued in October, 1994 by Senator Joseph Biden, Chair of the Senate Judiciary Committee, the following States meet this definition: Alaska, Arkansas, Arizona, Colorado, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, Wyoming.

II. GRANTS TO ENHANCE SERVICES AND COMMUNITY SUPPORT FOR DOMESTIC VIOLENCE VICTIMS

A. FAMILY VIOLENCE PREVENTION AND SERVICES ACT GRANTS (Title IV - Subtitle B, Chapter 4)

GENERAL PURPOSES: The Act provides for an overall increase in Family Violence Prevention and Services Act (42 U.S.C. Chapter 110) funds currently being distributed to States, Indian Tribes, state domestic violence coalitions, and other nonprofit, nongovernmental organizations to "assist in establishing, maintaining, and expanding programs and projects to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents." (HHS FVPSA Program Announcement, 1994.)

ELIGIBILITY REQUIREMENTS/DISBURSEMENT FORMULA:

Family Violence Prevention and Services Act (FVPSA) funds are administered by the Secretary of Health and Human Services (HHS)⁸. Distribution of FY 1995 FVPSA funds will be based on the following *general* formula:

- \$2,500,000 of the available funds will be allocated to state domestic violence coalitions to support training, planning and program development activities;
- 80% of the available funds will be distributed to States to support the activities described under "General Purposes" above;
- 10% of the available funds will be allocated to Indian Tribes or Tribal organizations;
- 5% of the available funds will be used to support the establishment and operation of a National Resource Center on Domestic Violence and three special issue domestic violence resource centers;
- the remaining funds are used to support various technical assistance, research, public education projects and other grants.

⁸ These funds are administered by the Family Violence Prevention and Services Program (Office of Community Services, Administration for Children and Families, 370 L'Enfant Promenade, SW, Washington, DC 20447)
PHONE (202) 307-5529 FAX (202) 401-5718

FUNDING LEVELS AUTHORIZED/APPROPRIATED:

AUTHORIZATIONS (by fiscal year) APPROPRIATIONS (by fiscal year)

	\$ 32,648,000 for FY 1995 (10/1/94 - 9/30/95)
\$ 50,000,000 for FY 1996	
\$ 60,000,000 for FY 1997	
\$ 70,000,000 for FY 1998	
\$ 72,500,000 for FY 1999	
\$ 72,500,000 for FY 2000	

* * * * *

B. GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE (Title IV - Subtitle B, Chapter 6)

GENERAL PURPOSES: The stated purpose of these grants is to "establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence."

Projects funded under this part shall:

- establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;
- develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and
- provide for periodic evaluation of the project with a written report and analysis to assist application of this concept to other communities.

ELIGIBILITY REQUIREMENTS/DISBURSEMENT FORMULA:

The Act authorizes the Secretary of Health and Human Services to make grants under this part.⁹ The Secretary is required to publish proposed regulations implementing this section no later than 60 days after the date of enactment, with final regulations published no later than 120 days after enactment.

TO BE QUALIFIED, applicants must be:

- "nonprofit organizations organized for the purpose of coordinating community projects for the intervention and prevention of domestic violence" with representation from "pertinent sectors from the local community, which may include health care providers, the education community, the religious community, the justice system, domestic violence program advocates, human service entities such as State child services divisions, and business and civic leaders, and other pertinent sectors."

⁹ If funded, it is expected that these grants will be administered by the National Center on Injury Prevention and Control, Centers for Disease Control (NCIPC/CDC) as part of their Family and Intimate Violence program. (NCIPC, 4770 Buford Highway, NE, Atlanta, GA, 30341) PHONE (404) 488-4410 FAX (404) 488-1667

APPLICATION REQUIREMENTS include:

- documentation that the applicant "will serve in a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;"
- documentation of "a community action component to improve and expand current intervention and coordination among all affected sectors;"
- a complete description of the applicant's plan for the establishment and operation of the community project, including a description of the method for identification and selection of an administrative committee, project staff and a project evaluator, a project council which is representative of the community, and a steering committee, as well as an outreach and community education plan.

FUNDING DISBURSEMENT CONSIDERATIONS:

Grants of up to three years may be provided, with a requirement that they be approved annually and that they be distributed to organizations in communities geographically dispersed throughout the country.

FUNDING LEVELS AUTHORIZED BY FISCAL YEAR:

AUTHORIZATIONS (by fiscal year) **APPROPRIATIONS** (by fiscal year)

\$ 4,000,000 for FY 1996
\$ 6,000,000 for FY 1997

No funds appropriated in FY 1995

* * * * *

III. OTHER GRANT PROGRAMS AND PROVISIONS TO IMPROVE RESPONSE TO VIOLENT CRIMES AGAINST WOMEN

- A. SAFETY FOR WOMEN IN PUBLIC TRANSIT AND PUBLIC PARKS (Title IV - Subtitle A, Chapter 3) -** Authorizes \$10,000,000 to be provided as capital grants/loans to States and local public bodies to increase security, including lighting, camera surveillance, and security phones, in existing and future public transportation systems, and grants/loans for the purpose of studying ways to reduce violent crimes against women through better design or operation of public transportation systems. A second section authorizes \$10,000,000 for the Secretary of the Interior to "take all necessary actions to seek to reduce the incidence of violent crime in the National Park System," and \$15,000,000 for financial assistance to States "for capital improvements and other measures to increase safety in urban parks and recreation areas."
- B. ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT (Title IV - Subtitle A, Chapter 5) -**
- Authorizes \$35,000,000 each year for fiscal years 1996 and 1997, and \$45,000,000 each year for fiscal years 1998, 1999, and 2000 for rape prevention and education programs. The Secretary of Health and Human Services, in providing grants to States, "must ensure that at least 25% of the monies are devoted to education programs targeted for middle school, junior high school, and high school students."
 - Authorized \$1,000,000 for fiscal years 1996 and 1997 for grants through the Attorney General's office to "establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders."
 - Authorizes \$7,000,000 in FY 1996, \$8,000,000 in FY 1997, and \$15,000,000 in FY 1998 for grants from Health and Human Services to private, nonprofit agencies for "street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse."

- C. GRANT FOR A NATIONAL DOMESTIC VIOLENCE HOTLINE**
(Title IV - Subtitle B, Chapter 1) - Authorizes \$1,000,000 in FY 1995 and \$400,000 each year for FY 1996 through FY 2000 for a grant from the Secretary of Health and Human Services to a nonprofit, private organization to establish and operate a national, toll-free telephone hotline providing information and assistance to victims of domestic violence. **APPROPRIATION FOR FY 1995 was \$1,000,000, to remain available until expended.**¹⁰
- D. GRANTS TO EDUCATE YOUTH ABOUT DOMESTIC VIOLENCE**
(Title IV - Subtitle B, Chapter 5) - \$400,000 authorized for FY 1996 to the Secretary of Health and Human Services to, in consultation with the Secretary of Education, "select, implement and evaluate four model programs for the education of young people about domestic violence and violence among intimate partners." The model programs must address four different audiences: primary schools, middle schools, secondary schools, and institutions of higher education, and shall be selected, implemented, and evaluated in consultation with "educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions, and resource centers."
- E. DATA AND RESEARCH GRANTS** (Title IV - Subtitle B, Chapter 9) - in addition to provisions related to the development of a national research agenda "to increase the understanding and control of violence against women, including rape and domestic violence," \$100,000 is authorized for FY 1996 to the Centers for Disease Control Injury Control Division to conduct a study to obtain " a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries."

¹⁰ A Request for Proposals for the National Hotline was released by HHS in the 3/6/95 Federal Register. Applications are due to the Office of Community Services, Administration for Children and Families, HHS (see footnote 7) on or before June 5, 1995, with a grant award expected no later than September 30, 1995.

F. GRANTS FOR THE TRAINING OF JUDGES AND COURT PERSONNEL (Title IV - Subtitle D, Chapter 1) - \$600,000 authorized for grants to develop, test, present, and disseminate model program 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." The State Justice Institute must ensure that model programs carried out 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." Of the amounts appropriated, the State Justice Institute "shall expend not less than 40% on model programs regarding domestic violence, and not less than 40% on model programs regarding rape and sexual assault."

G. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION (Title IV - Subtitle F) - authorizes \$1,500,000 in FY 1996, \$1,750,000 for FY 1997, and \$2,750,000 for FY 1998 to the Attorney General to provide grants to States and units of local government to "improve processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases."

* * * * *

Breaking the silence on domestic violence

By BONNIE CAMPBELL



It started with an argument.

Last Nov. 26, Christopher Bailey of St. Albans, W. Va., finished the argument by beating his wife Sonya until she collapsed. Then he put her in the trunk of their compact car and drove for five days through West

Virginia and Kentucky before taking her to an emergency room. Sonya Bailey suffered irreversible brain damage and remains in a permanent vegetative state — becoming another domestic-violence statistic.

Christopher Bailey was arrested in Kentucky, but local police dropped the charges, saying they couldn't document what had occurred in their jurisdiction. And, under West Virginia law, he might have received less than a two-year sentence for his brutal assault. But federal prosecutors had a new tool, the Violence Against Women Act, signed by President Clinton last year as part of the crime bill. Because of the act, Christopher Bailey will go to prison, perhaps for the rest of his life.

The act provides tough penalties for anyone convicted of crossing state lines to assault a spouse or domestic partner. Tough new laws are one way to reduce domestic violence and sexual assaults. Nothing sends a clearer message to a wife-beater — and Department of Justice statistics confirm that women are battered far more than men — than prosecuting and jailing other wife-beaters. New laws, however, are not the only answer.

Too many people involved in law enforcement continue to believe that domestic violence is a private matter between a couple, rather than a criminal offense that merits a strong and swift response. Even today, the victim of a domestic assault runs the risk of being asked, "What did you do to make your husband angry?" People in our criminal-justice system — police, prosecutors, judges, and, yes, even jurors — need to be educated about the role they can play in curbing acts of domestic violence.

The crime bill is helping to do that. In addition to enforcing tough new penalties, the Justice Department is providing substantial federal resources to help states create a seamless response system to aid victims and deal with perpetrators of domestic crime and sexual assault. In June, 49 of the 50 states, including Iowa, have received initial grants to train police officers, hire additional prosecutors, develop more effective strategies to prevent violent crimes against women and apply state-of-the-art technology to improve their data collection and tracking systems.

These grants are a down payment on a major, historic federal commitment to assist states and communities in the fight against domestic violence and sexual assaults. Over the next five years, a total of \$800 million in federal funds is scheduled to help states restructure their law-enforcement response to address violent crimes that target women.

Congress understood the great challenge of developing intervention strategies that will

work. It authorized studies to provide the basic research we need to move forward. In the months since President Clinton appointed me to direct the Justice Department's Violence Against Women Office, I've traveled and worked with Joe Brann, the head of the president's police-hiring program, to meet with local officials who are creating integrated approaches to combat domestic violence.

Our trips act as a catalyst to bring together men and women who serve on the front lines in this battle — police and prosecutors, community policing advocates, domestic-violence experts, public-health professionals and community leaders. Only by working together in a cooperative effort can we ensure that victims of violence don't fall through the cracks and guarantee that perpetrators receive swift and sure punishment.

Even when cases are brought, domestic crimes are difficult to prosecute. All too often, the victims are so terrorized that they fear for their lives if they call the police. More than once during my tenure as Iowa's attorney general I spoke with women who refused to press charges against abusers because they were fearful of being killed before the criminal-justice system could act to save them. Their terror forced them to remain silent. Silence is the batterer's best friend.

That is why all of us have a responsibility to end the silence in our communities and change our attitudes toward domestic crime. Medical professionals who see the victims of violence need to report these crimes. Too often, doctors or emergency-room personnel accept the statement of fearful victims that their bruises or cuts are the result of household accidents or falls. When a woman with a black eye says that she fell and hit the door-knob, doctors and nurses must ask: "Did someone hit you?"

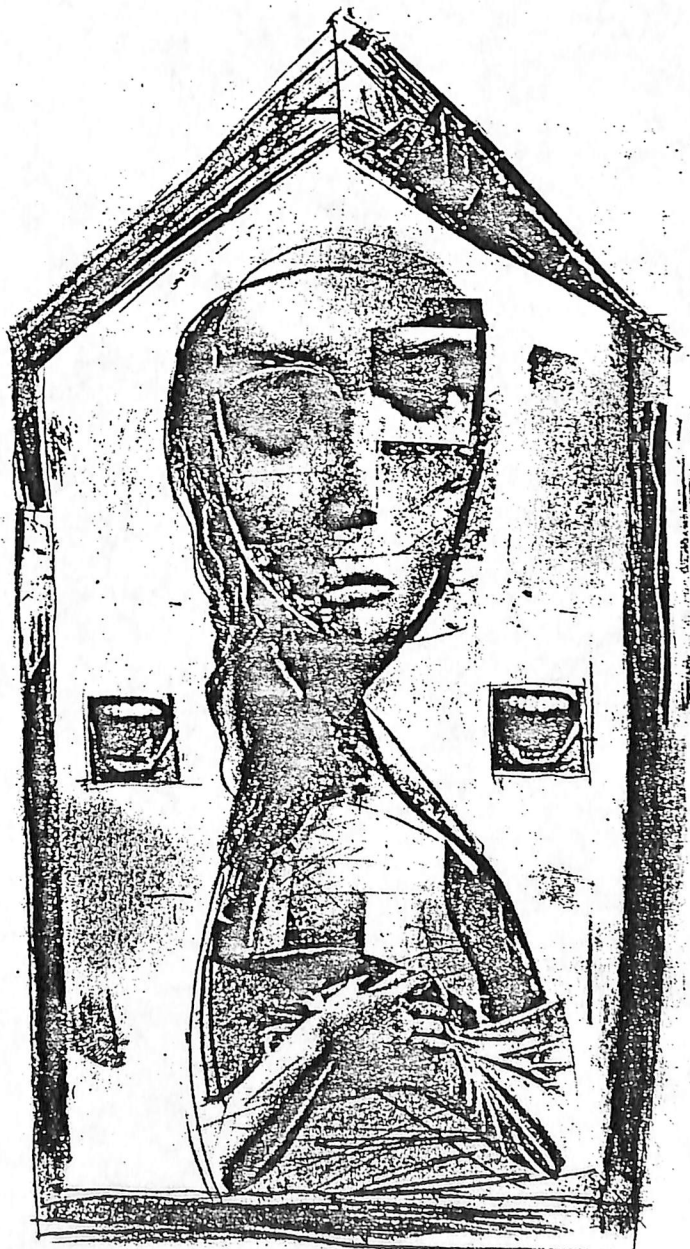
We can't make our streets safe if we can't make our homes safe. Neighbors must contact the police when they hear violent fights in their neighborhoods. Don't turn up the television to block out the sounds of the drunken argument next door. Call the police. Teachers should be alert to signs that students have witnessed violence at home. Children who grow up in violent homes are more likely to become violent themselves.

Pastors and clergy need to become more involved as well. We just can't tell a battered spouse to "go home and make it work," as was done in the past. Sending a woman back to a battering husband often places her life at risk. Of course, we can't tell a woman who lives in a violent relationship what to do, but we can make a greater effort to let her know that other options are available for her and her children. Early intervention is crucial.

These crimes are serious. Tough laws and effective prosecutions, combined with education and a cooperative approach among law-enforcement and social-service agencies, will take time to be effective. Until then, we all must take a greater role in reporting domestic abuse. It is too late for Sonya Bailey, but for millions of other women who live in abusive homes our efforts to break the silence can make a difference.

BONNIE CAMPBELL, former Iowa attorney general, is director of the Violence Against Women Office in the U.S. Department of Justice.

All too often, victims are so terrorized that they fear for their lives if they call the police. . . Their terror forces them to remain silent. Silence is the batterer's best friend.



MARK MARTURELLO/THE REGISTER

Still failing women?

The justice system hasn't improved much in fighting domestic violence

Many assumed that all the attention on domestic violence after the murder a year ago of Nicole Brown Simpson would compel reforms in the way America deals with women who are beaten by intimates—well over 1 million a year by new official estimates. It hasn't happened.

Women have become more likely to report abuse since the world focused on the stormy relationship between O.J. and Nicole. "Women are no longer embarrassed to say they need help," says Lynn Moriarty of the Jewish Family Service of Los Angeles. But government action has been erratic.

Often, the problem begins with the police. Twenty-seven states require arrests in domestic cases with clear evidence of a crime. That means police should leave beating scenes with someone

in custody, and some places have had positive results. In Colorado Springs, Colo., where almost every suspect is charged, arrests have jumped 70 percent in three years and accused batterers are ordered to leave the home immediately.

Breakdown. But in many areas, either the law is not enforced or the system breaks down. If jails are full and treatment is lacking, batterers freed quickly may strike again. Critics complain that cops have gone overboard, arresting both men and women when the evidence is the least bit ambiguous. This can mean charging people who struck blows only in self-defense. (Women are the victims in 90 percent of cases.) Some suggest a middle-ground policy that gives cops more flexibility. "It's crazy to arrest a spouse who has custody of the kids," says Dallas officer Bill Walsh, a member of a National Research Council study panel.

Awareness of violence dynamics can be as vital as tough laws. In Duluth, Minn., Barb Skoglund credits a sheriff's



An assist. Bonnie Campbell encourages Seattle's war against domestic violence.

deputy with persuading her to report an abusive boyfriend, later convicted. "Women are starting to trust the system," she says.

Critics complain, though, about cases scuttled after victims withdraw charges under pressure from assailants. In response, about two thirds of big-city prosecutors now follow "no drop" policies that maintain cases if victims demur, says the National District Attorneys Association. But that's no guarantee of vigorous prosecution. Maria St. John of Los

Angeles says overworked prosecutors "laughed me off" when she asked that a case against her husband be filed as a felony carrying a higher penalty. Still, felony abuse cases in Los Angeles rose to 2,154 last year from 970 in 1991.

Insisting on prosecution can be counterproductive at times. In Philadelphia, a district attorney's unit takes family cases seriously but also pays heed to the plight of victims. "The woman knows her assailant better than anyone," says prosecutor Mimi Rose. "Sometimes she is bet-



Nicole. In court

ter off relocating; the justice system is not designed to solve all problems."

When cases reach court, many judges are accused of not taking them seriously. After a California judge hinted that Nicole Azzalina should drop charges against an estranged boyfriend who had beaten her repeatedly, Azzalina withdrew the case. Three weeks later, she was killed. The Family Violence Prevention Fund cited the case in issuing a training course for judges on CD-ROM.

However a case is handled, reformers say speed is essential. Courts should aim to "offer protection to victims within 24 hours," says David Ford, head of a mayor's panel on family violence in Indianapolis, which makes it easy for women to file suit seeking orders that abusers stay away. Other cities are focusing on routine cases that too often languish amid crowded dockets. Last fall, Milwaukee set up a court to hear family misdemeanor cases. The court has been so well used—with up to 50 new cases each day—that two more are being added. Cases that used to lag for a year are being handled within three months.

Even if it is not spurring wide reform, the Simpson case is encouraging women to seek civil orders against batterers. The National Center for State Courts estimates that 30 percent who file suit have been influenced by the case, probably because it established that beatings are common. The survey is finding that 70 percent of women feel safer as a result.

Plugging the gaps. Help is in the offing to fill holes in the system. The new federal Violence Against Women Act may provide \$200 million in the year starting October 1 to help local agencies and shelters. The law also restores a national hot line for victims, requires states to respect other states' court orders and permits federal prosecutions when batterers cross state lines. West Virginian Christopher Bailey will be sentenced soon for putting his bloodied wife in the trunk of his car and driving to Kentucky. She remains in a coma. "Nothing sends a message more quickly than someone being convicted of domestic violence," says Bonnie Campbell, the ex-Iowa attorney general heading the federal program.

Campbell says that after President Clinton appointed her in March, she was "stunned" when she was swamped with calls and letters from victims of domestic violence complaining that "the criminal justice system isn't working." It's clear that many women will have to keep depending on friends, relatives and their own wits to remain safe from attack. ■

BY TED GEST WITH BETSY STREISAND
IN LOS ANGELES

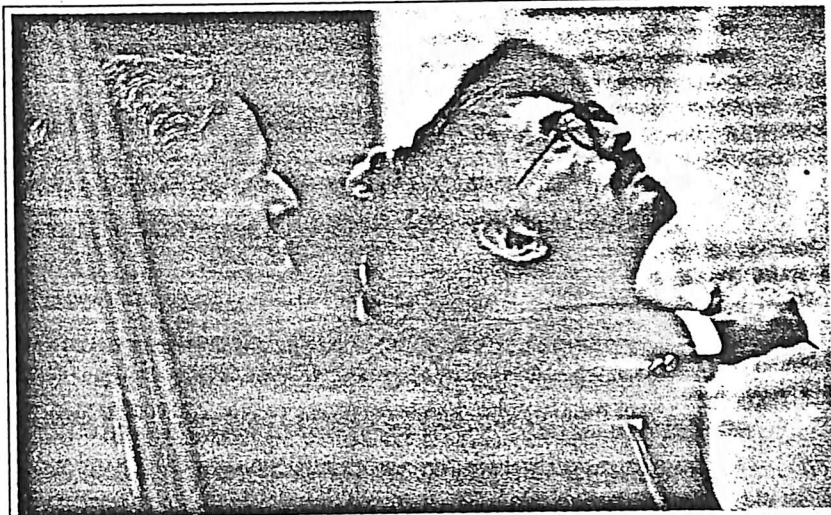
COURTROOM STRATEGIES

What's next in the O.J. trial

Prosecutors plan to end their double-murder case against O. J. Simpson where they began—portraying him as a classic batterer who retained the ultimate control over ex-wife Nicole Brown Simpson by killing her. The defense will counter with the testimony of Lenore Walker, arguably the nation's foremost advocate for abused women. She spent more than 50 hours interviewing Simpson last year and is expected to testify that he does not suffer from

Coroner Dr. Lakshmanan Sathyavagiswaran. He used gruesome autopsy photos and other exhibits to describe how, first, Nicole was stabbed in the neck and knocked out. The killer then turned to Ronald Goldman, torturing him by sliding the knife slowly across his throat, then stabbing him ferociously. The murderer then returned to virtually decapitate an unconscious Nicole—evidence prosecutors say makes their case the murders were premeditated.

HAYWOOD GALBRAITH—POOL VIA AP



Fatal slash. A Los Angeles coroner simulates the knife attack on Nicole.

antisocial personality disorder and, therefore, does not fit the classic description of abusers who kill.

More important, she will say, there is no scientific way to predict which batterers will cross the line to murder. "Thousands of women are killed by their batterers each year," says Walker, "but millions are battered. The odds are too small to predict who will kill."

Mistrial? Her testimony could come as early as next month, provided there are enough jurors left to hear it. Two more were dismissed by Judge Lance Ito last week, raising some fears that a mistrial is likely. But other observers believe the remaining jurors have invested so much in the case that they are committed to seeing it through.

The jury's travails were eclipsed later in the week by the most shocking testimony of Los Angeles County

It was the first time jurors heard how Goldman, 25, was killed. Some jurors and family members were so overcome, Ito cut short Thursday's session. Interspersed with the gory details of the murders was Lakshmanan's admission that Deputy Coroner Irwin Golden had made many mistakes when he performed the autopsies on the victims—something the defense will make much of during cross-examination this week.

Though his attorneys asked for permission for Simpson to leave the courtroom during the coroner's testimony, he stayed, protected from observation from the camera and the jury by a series of "human shields." His lawyers hoped that if he were out of sight, he would be out of the jurors' minds.

BY BETSY STREISAND IN LOS ANGELES

VIOLENCE AGAINST WOMEN: THE PROBLEM

Violent crime against women is one of the most serious criminal justice challenges facing the nation. The country is only beginning to recognize the prevalence of the problem. Silence surrounds the crimes. Many incidents are hidden and unreported, making it more difficult to create effective strategies to combat the crimes.

Until recently, violence against women has not been seen as a serious criminal problem. There has been a tendency to consider family violence a private dispute and not a crime for public scrutiny or judgement. Even when the violence comes at the hands of a stranger, as in many cases of sexual assault, the incident has been blamed on the victim rather than the perpetrator.

The traditional response of the justice system to crimes of violence against women has been to ignore the victims of domestic and sexual violence. Furthermore, the lack of resources and coordination has hindered existing criminal justice and victims services efforts to alleviate the problem.

THE FEDERAL GOVERNMENT'S COMMITMENT TO THE SOLUTION

The Violence Against Women Act is the first effort by the federal government to address violence against women. The Act reflects the unprecedented commitment of President Clinton and Congress to fight violence against women by combining tough law enforcement provisions with new federal funding for states and communities to assist victims of domestic violence and sexual assault. By committing significant Federal resources and attention to restructuring and strengthening the societal and criminal justice response to this serious problem, we can move more effectively towards the goals of intervention and prevention of violent crimes against women and greater safety for all women.

The Departments of Justice (DOJ) and Health and Human Services (HHS) have joined together in a coordinated effort to confront violence against women. This effort includes the formation of the Violence Against Women Advisory Council. The goal of the Advisory Council is to coordinate among professions by building bridges between the public and private sectors, and among federal and state and local governments, to create a seamless system that addresses the diverse needs of women and families in crisis.

Beyond the Advisory Council, HHS is moving to establish a national hotline, and DOJ has already approved \$26 million in federal grants to assist states and localities in their efforts to create effective programs to combat violence against women. This coordination between HHS and DOJ is just a sample of the many programs currently in effect throughout the federal government.



Washington, D.C. 20530

THE ADVISORY COUNCIL ON VIOLENCE AGAINST WOMEN FACT SHEET

The Advisory Council

On Thursday, July 13, 1995, Attorney General Janet Reno and Health and Human Services Secretary Donna E. Shalala will announce the creation of an Advisory Council on Violence Against Women to help coordinate efforts to fight violence against women across America, assist victims, and advise the federal government on implementing the 1994 Violence Against Women Act. The Act, part of President Clinton's crime bill, combines tough law enforcement provisions with new federal funding for states and communities to assist victims of domestic abuse and sexual assault.

The Members

From police officers to clergy, the Advisory Council's 41 members draw on the many different professions that can help fight violence against women and assist victims. The council also includes leaders in public health, victims rights, social services, the business community, higher education, and other fields. Members were selected based on their experience and commitment to fighting violence against women, particularly domestic violence and sexual assault. They come from every region of the country.

The Mission

The Advisory Council has been established to promote greater awareness of the problem of violence against women and its victims, to help devise solutions, and to advise the federal government as it implements the Violence Against Women Act.

As opinion leaders in their respective communities, Advisory Council members will play a vital role in changing societal perceptions and in spreading the message that violence against women is unacceptable and detrimental to our entire society. They will also bring national attention to successful state and local solutions to domestic violence and sexual assault.

Council members will also promote coordination between law enforcement and health care agencies, between the public and private sectors, and among federal and state and local governments, to create a seamless system that addresses the diverse needs of women and families in crisis.

Finally, members will help the Attorney General and the Secretary of Health and Human Services devise and implement real solutions to the problem of violence against women.

- EMBARGOED FOR RELEASE UNTIL 10:00 AM, JULY 13, 1995 -

**Advisory Council on
Violence Against Women**

Hon. Janet Reno, The Attorney General

Hon. Donna E. Shalala, The Secretary of Health and Human Services

Larry A. Bedard, M.D., Chairman, Advisory Committee for the American Medical Association Campaign Against Family Violence (Sausalito, CA)

Carl C. Bell, M.D., Clinical Professor of Psychiatry, the University of Illinois School of Medicine (Chicago, IL)

Alana Bowman, Supervising Deputy, Domestic Violence Prosecution Unit of the Los Angeles City Attorney (Los Angeles, CA)

Reginald K. Brack, Jr., Chairman, Time, Inc.; Chairman, Advertising Council (New York, NY)

Sarah M. Buel, Assistant District Attorney, Norfolk County District Attorney's Office (Quincy, MA)

Lem Burnham, PhD, Director, NFL Player Programs, National Football League (New York, NY)

Hon. Karen Burstein, Former New York State Family Court Judge (New York, NY)

Hon. Jane Campbell (D-OH), President, National Council of State Legislators (NCSL) (Cleveland, OH)

Carol A. Cartwright, PhD, President, Kent State University (Kent, OH)

Jerome A. Chazen, Chairman of the Board, Liz Claiborne Inc. (New York, NY)

Vickii Coffey, Executive Director, Chicago Abused Women Coalition (CAWC) (Chicago, IL)

Ellen R. Cohen, Executive Director, Houston Area Women's Center (Houston, TX)

Catherine O'Reilly Collette, Director, Women's Rights Department of the American Federation of State, County, and Municipal Employees (AFSCME) (Washington, DC)

- EMBARGOED FOR RELEASE UNTIL 10:00 AM, JULY 13, 1995 -

Susan Dey, Actress/Advocate (Los Angeles, CA)

Linda A. Fairstein, Chief, Sex Crimes Unit, New York County District Attorney's Office (New York, NY)

Rev. Marie M. Fortune, PhD, United Church of Christ, Executive Director of the Center for the Prevention of Sexual and Domestic Violence (Seattle, WA)

Linda Gordon, PhD, Florence Kelley and Vilas Research Professor of History, University of Wisconsin (Madison, WI)

Kathryn Walt Hall, Executive Vice President, Hall Financial Group, Inc. (Dallas, TX)

Hon. Scott Harshbarger, Attorney General of the Commonwealth of Massachusetts (Boston, MA)

Hon. Paul Helmke, Mayor, City of Fort Wayne, Indiana (Fort Wayne, IN)

Joan A. Kuriansky, Founder, My Sister's Place; Former Executive Director, Older Woman's League (Washington, DC)

Joyce Ladner, PhD, Interim President, Howard University (Washington, DC)

Ann Landers, Nationally Syndicated Columnist (Chicago, IL)

Hon. Cindy Lederman, President-Elect, National Association of Women Judges; Circuit Court Judge, Eleventh Judicial Circuit, Juvenile Division, Dade County, Florida (Miami, FL)

Wilma P. Mankiller, Former Principal Chief, Cherokee Nation (Tallequah, OK)

Robert E. McAfee, MD, President, American Medical Association (Portland, ME)

Brian Kenji Ogawa, PhD, Director, Victim/Witness Assistance Division, Department of the Prosecuting Attorney (Maui, HI)

Ruben B. Ortega, Chief of Police, Salt Lake City Police Department (Salt Lake City, UT)

Hon. Vincent James Poppiti, Chief Judge, Delaware Family Court; Chairman of the Domestic Violence Coordinating Counsel (Wilmington, DE)

Roberta Cooper Ramo, President-elect, American Bar Association (Albuquerque, NM)

- EMBARGOED FOR RELEASE UNTIL 10:00 AM, JULY 13, 1995 -

Rebecca W. Rimel, RN, President and Chief Executive Officer, The Pew Charitable Trusts (Philadelphia, PA)

Jerome R. Rossi, President and Chief Operating Officer, Marshalls, Inc. (Andover, MA)

Susan Schechter, Clinical Professor, University of Iowa School of Social Work (Iowa City, IA)

Esta Soler, Executive Director, Family Violence Prevention Fund (San Francisco, CA)

Norman H. Stamper, PhD, Chief of Police, Seattle Police Department (Seattle, WA)

Louis W. Sullivan, MD, President, Morehouse School of Medicine (Atlanta, GA)

Susan L. Taylor, Editor-in-Chief, Essence Magazine (New York, NY)

Sara Torres, RN, PhD, Associate Professor and Chair, Department of Community Health, Psychiatric/Mental Health, and Nursing Systems, University of North Carolina at Charlotte (Charlotte, NC)

Marvin L. Van Haaften, Sheriff, Marion County (Knoxville, IA)

Rosalyn Weinman, PhD, Senior Vice President, Broadcast Standards and Practices, National Broadcasting Company (New York, NY)

Sheila Wellstone, Advocate (St. Paul, MN)

Ex-Officio Members

Susan J. Blumenthal, MD Deputy Assistant Secretary for Health (Women's Health); Assistant Surgeon General, U.S. Department of Health and Human Services

Joseph E. Brann, Director, Community Oriented Policing Services Office (COPS), U.S. Department of Justice

Hon. Bonnie J. Campbell, Director, Violence Against Women Office, U.S. Department of Justice

Peter B. Edelman, Counselor to the Secretary, U.S. Department of Health & Human Services



Washington, D.C. 20530

MEMORANDUM

TO: Advisory Council Members

FROM: Bonnie J. Campbell
Director, Violence Against Women Office

DATE: July 7, 1995

SUBJECT: U.S. Department of Justice Implementation of the Violence Against Women Act

The U.S. Department of Justice plays a lead role in the implementation of the Violence Against Women Act. Within the Department there are several offices that work together to assure the Department's compliance with the Act. The attached document provides a brief synopsis of these offices and their activities.

VIOLENCE AGAINST WOMEN OFFICE

The Violence Against Women Office was created in the Justice Department following the passage of the Violent Crime Control and Law Enforcement Act of 1994. In March of this year, President Clinton named Bonnie Campbell, former Attorney General of Iowa, to be Director of the Office. In making the appointment, the President noted "today, for the first time in history, the federal government becomes a full time partner in the fight to curb violence against women." The Violence Against Women Office leads a comprehensive national effort to combine tough new federal laws with assistance to states and localities to fight domestic violence and other crimes against women.

As Director, Ms. Campbell is responsible for the overall coordination and focus of Department of Justice efforts and initiatives to combat violence against women, and she serves as the Department's primary point of contact for other federal agencies, state and local governments, outside organizations, and Congress. Within the Department of Justice, Director Campbell works closely with the President's COPS Director and with community police officers to help reduce domestic violence and other crimes against women in America's neighborhoods. She brings broader public attention to on-going programs through meetings throughout the country with law enforcement and advocacy groups, and through public appearances and media interviews.

THE COPS PROGRAM (COMMUNITY ORIENTED POLICING SERVICES)

The Violent Crime Control Act of 1994 expressly approved an increase in the number of "cops on the beat," who will engage in the activities, tactics, and strategies that constitute community policing. As a direct result, under the leadership of Director Joseph E. Brann, the U.S. Department of Justice COPS Program will provide competitive grants to states and localities to put 100,000 law enforcement officers on the street. Grants may be used to hire and train new officers, or to rehire officers that have been laid off due to budgetary reductions. In addition, some grants will be available to procure equipment, technology or support systems, or to pay overtime, so long as the applicant can demonstrate that expenditures for such purposes will result in an increase in the number of officers deployed in community-oriented policing. Funds will also be available for other related community policing activities.

OFFICE OF JUSTICE PROGRAMS

The Office of Justice Programs (OJP) provides federal leadership and coordination to make the nation's criminal justice system more efficient and effective. OJP is headed by the Assistant Attorney General, who, by statute and delegation from the Attorney General, establishes and guides OJP policy and priorities, focuses efforts on the priorities established by the President, the Attorney General, and OJP, and promotes coordination among the five bureaus that comprise OJP.

OJP created a Violence Against Women Grants Office to administer the new grant programs created under VAWA. This office and the bureaus coordinate their efforts to ensure that past initiatives are continued and that the goals of VAWA are met.

NATIONAL INSTITUTE OF JUSTICE (NIJ)

NIJ is the U.S. Department of Justice's research and evaluation agency in the U.S. Department of Justice. Research on child abuse and spouse assault has long been a part of the NIJ agenda. More recently, research and evaluation projects on family violence vis-a-vis the criminal justice system have been given a heightened profile. In this respect, NIJ is concentrating on serious crime committed by strangers against women, as well as violence within the family and among intimates.

NIJ sponsors applied and basic research. The results of past projects have informed criminal justice practitioners across the nation. Noteworthy are the widely disseminated and practical handbook, "When the Victim is a Child," and the Prosecutors Perspective issue on spouse assault and child testimony. NIJ also publishes various Research-in-Briefs and is committed to providing more timely dissemination of its research findings. Information about NIJ publications is available through the National Criminal Justice Reference Service at 1-800/851-3420.

THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

OJJDP contributes to developing the full potential of America's most valuable resource: its youth. The mission of OJJDP is to provide national leadership, direction, coordination, and resources to

- prevent, treat, and control juvenile delinquency;
- improve the effectiveness and fairness of the juvenile justice system; and
- address the problem of missing and exploited children.

Prevention, intervention, treatment, and the study of family violence are common threads through many OJJDP endeavors. The Missing and Exploited Children's Program addresses family violence issues, while meeting its mandate to coordinate activities pertaining to missing and exploited children. The research on "Causes and Correlates" has clarified the relationship between the family and serious, violent, and chronic juvenile delinquency.

OJJDP-sponsored studies have shed new light on the relationship between domestic violence and subsequent violent behavior by children in violent families. The seminal guide, "The Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders" calls for early intervention in troubled families that produce such juvenile offenders. Support to the National Council of Juvenile and Family Court Judges has resulted in the development of model practices for juvenile and family courts in handling domestic violence case.

Additional information about the Office of Juvenile Justice and Delinquency

Prevention, its programs, and publications can be obtained from the **Juvenile Justice Clearinghouse** at 1-800/638-8736.

THE OFFICE OF VICTIMS OF CRIME (OVC)

OVC was established in 1984 as a result of the Victims of Crime Act (VOCA), which also authorized the Crime Victims Fund. Each year, millions of dollars are deposited into this fund from criminal fines, forfeited bail bonds, penalty fees, and special assessments collected by the U.S. Attorneys Offices and the U.S Courts. These dollars come from offenders convicted of federal crimes -- not from taxpayers! OVC administers and manages deposits into the Crime Victims Fund, which is the source of its grants.

OVC makes training and technical assistance available to eligible crime victims compensation programs, including programs compensating victims of domestic violence and eligible crime victims assistance programs. Priority is given to those programs that provide assistance to victims of sexual assault, spousal abuse, or child abuse.

As a condition of continued eligibility for federal funding, VOCA mandates that state compensation programs extend benefits to victims of domestic violence. Over half of all VOCA victims assistance grant funds are awarded to public and private nonprofit organizations providing services to victims of domestic violence, including victims of child abuse.

In setting priorities for the states, OVC recommends states use formula funds for programs serving victims of sexual assault, spousal abuse, and child abuse. OVC awards discretionary grants to crime victims assistance programs for technical assistance services and training for criminal justice system professionals and victim service providers. OVC supports the National Victims Resource Center, available at 1-800/627-6872.

THE BUREAU OF JUSTICE ASSISTANCE (BJA)

BJA administers the Edward Byrne Memorial State and Local Assistance Program, which was established by the Anti-Drug Abuse Act of 1986, reauthorized by the Anti-Drug Abuse Act of 1988, and amended by the 1994 Crime Law. The Byrne Discretionary Program is designed to determine effective criminal justice and drug control practices, disseminate that information to state and local agencies, and assist in their replication.

Byrne Formula Grant funds are provided to the designated state agency to be redistributed to state, local and nongovernmental criminal justice agencies to implement each state's drug control and violent crime strategy. There are 26 legislatively authorized purpose areas; family violence is one of the state and local assistance program purpose areas (#18).

The Attorney General's 1984 Task Force on Family Violence in 1984 advocated criminal intervention and prosecution in appropriate cases. Consequently, BJA funded a series of local demonstration programs between 1986 and 1990, primarily in prosecutors offices. These demonstration programs involved 11 spouse abuse intervention projects and 7

child abuse criminal prosecution efforts, for a total investment of over \$3.5 million. These projects tested and evaluated improved justice system practices for handling family violence cases. The program resulted in a comprehensive document, "Family Violence: Intervention for the Justice Systems."

The Bureau of Justice Assistance Clearinghouse can be reached at 1-800/688-4252.

THE BUREAU OF JUSTICE STATISTICS (BJS)

BJS collects, analyzes, publishes, and disseminates statistical information on crime, including criminal victimization, criminal offenders, and the operations of justice systems at all levels of government within the United States and, in some cases, internationally. BJS also provides technical and financial support to state statistical and operating agencies responsible for the collection and analysis of state criminal justice data and statistics.

The primary source of information on family violence sponsored by BJS comes from the National Crime Victimization Survey (NCVS). This survey, which began in 1973, collects data on personal and household victimizations. Specifically, the survey provides measures for the following types of crimes, including attempts: rape, sexual assault, robbery, assault, larceny, burglary, and motor vehicle theft. Detailed information about each victimization incident and its consequences is recorded, as are the offender's characteristics insofar as the victim can report them.

Estimating violence against women that occurs "behind closed doors" at the hands of an intimate remains a difficult task for the NCVS. Many factors inhibit women from reporting their victimizations to researchers, including the private nature of the event, the perceived stigma associated with this victimization, the belief that no purpose will be served in reporting it, as well as fear of retaliation from the offender. After an extensive 10-year redesign project, the NCVS now utilizes a new survey instrument that more directly queries respondents about rape and other acts of violence perpetrated by intimates.

Estimates of violence against women from the redesigned NCVS instrument reveal that of the nearly 5 million violent victimizations against women that occur annually, 29 percent were perpetrated by intimates, including husbands, ex-husbands, boyfriends, and ex-boyfriends. Over three-quarters of all violent incidents against women were perpetrated by offenders known to the victim.

BJS administers a major program (funded by BJA), to assist state and local governments improve their criminal history records and information systems. This year, BJS will begin administering the National Criminal History Improvement Program (NCHIP), which was authorized under the Brady Handgun Violence Prevention Act. NCHIP is an \$88 million grant program to the states that will enable them to meet the provisions of the National Child Protection Act of 1993 and to allow officials to identify individuals who have a criminal history of domestic violence or stalking.

The BJS Clearinghouse, which provides data and reports, can be reached at 1-800/732-3277.

CRIME ACT ACTIVITIES

VIOLENCE AGAINST WOMEN GRANTS

The Violence Against Women Grants Office was established within OJP to administer the grant programs created under VAWA. For FY 95, Congress appropriated \$26 million for Violence Against Women Grants to support efforts by states and tribal governments to create and bolster services addressing violence against women. The S.T.O.P. (Services, Training, Officers, and Prosecutors) formula awards of \$426,000 have been made to 55 states and territories.

Additionally, four percent of the \$26 million (\$1.04 million) is available for Indian tribal governments through a discretionary program that will fund up to 13 programs. Those applications are due in mid-July 1995 and will be awarded as soon as possible thereafter.

The Violence Against Women Grants Office is drafting regulations for two other programs that are authorized for FY 96: Grants to Encourage Arrest Policies, which will provide new federal resources to states, Indian tribal governments, and units of local government to promote mandatory arrest or pro-arrest programs in domestic violence cases, and the Rural Domestic Violence and Child Abuse Enforcement Program, which will provide grants to combat family violence in rural areas.

CRIME ACT STUDIES

The Violent Crime Control and Law Enforcement Act of 1994 mandates five studies to enhance criminal justice practitioners' understanding of violence against women and to suggest methods by which the criminal justice system can restructure its response to such violence. NIJ has primary responsibility for a number of these studies and is currently developing a research agenda that will focus on prevention, education, social, and legal strategies to increase the understanding and control of violence against women. NIJ is designing studies on:

- the use of battered women's syndrome as evidence in criminal trials;
- the feasibility of creating effective means of protecting the confidentiality of addresses and locations of abused spouses to protect them from exposure to further abuse, while preserving access to such information for legitimate purposes; and
- the feasibility of creating centralized state databases on the incidence of sexual and domestic violence.

NIJ will also report on the incidence of stalking and domestic violence.

BJS is designing a study to collect baseline data on the incidence of campus sexual

assaults and the effectiveness of institutional and legal policies to respond to such crimes and protect victims. Also, BJS is developing a study to examine the problems associated with keeping records of domestic violence criminal complaints and statistics.

RESEARCH AND EVALUATION

NIJ is currently soliciting applications for a national evaluation of the S.T.O.P. grants, individual project evaluations, and other research and evaluation projects relating to the Violence Against Women Act and family violence issues.

RESPONSE CENTER

The Department of Justice Response Center is a resource available to the general public. Trained information specialists are able to respond to questions regarding the 1994 Crime Act and the various grant programs of OJP and its bureaus. The Response Center is staffed Monday-Friday from 9 am - 5 pm. Messages can be left after hours. Callers can use the "fax on demand" feature to obtain fact sheets on various programs. The Response Center can be reached at 1-800/421-6770.

TALKING POINTS FOR MERRICK GARLAND (Violence Against Women Act)

July 14, 1995

National Association of District Attorneys

CONTACT: Nicholas M. Gess
514-7779 or 800-SKY-PAGE PIN 1900786

The Statute

- The Violence Against Women Act (VAWA) is contained in the Violent Crime Control Act of 1994 (VCCA) which was signed into law by President Clinton on September 13, 1995.
- The Senate sponsors of VAWA were sponsored Sens. Biden (D-DE), Boxer (D-CA) and Feinstein (D-CA). The House sponsors were Reps. Schumer (D-NY) and Shroeder (D-CO).

Background

- VAWA contains four major sections:
 - A criminal provision which penalize interstate acts of domestic violence.
 - Block grants to the states.
 - A civil cause of action which permits an abused individual to file a Federal civil rights action against an individual who commits an act of domestic violence.
 - A provision requiring states to give "full faith and credit" to the domestic violence restraining orders of other states.

Department of Justice Role

- This issue is personally important to both the President and the Attorney General.
- The Attorney General has demonstrated the priority which she places on crime issues by assigning the responsibility for implementing the VCCA to the Department's #3 official -- Associate Attorney General John Schmidt.
- The priority of the VAWA program is demonstrated by the President's

selection of Bonnie Campbell to head it. She reports directly to the Associate Attorney General and is an experienced prosecutor, having served as Iowa's Attorney General where she focused on domestic violence issues.

- Criminal

- The statute requires proof that an individual traveled interstate with the intent to commit an act of domestic violence.
- The Department does not anticipate that there will be significant numbers of these cases as this is an area in which local police and prosecutors have been particularly effective.
- On the other hand, there are limited situations -- such as those involving interstate stalking -- which can benefit from Federal intervention.
- There has been one case prosecuted under VAWA. Christopher Bailey was convicted after a jury trial in Federal court in West Virginia of a violation of VAWA and of kidnapping. Bailey beat his victim, stuffed her into the trunk of his car and drove to Kentucky where he dropped her off unconscious. She remains in a coma. Bailey will be sentenced during August. He faces a maximum penalty of imprisonment for life without possibility of parole.

- Grants

- VAWA provides block grants to the states. The first three grants were made to Rhode Island, Maine and Vermont. The remaining states have or will receive grants of \$450,000 each for the remainder of the fiscal year within the next week or two. These grants will grow substantially over the next five years and are intended to fund state and local prosecutorial, victims' service and treatment programs.

- The Attorney General herself served as a local prosecutor for 15 years. This is an issue in which she has pioneered new programs and she understands that you cannot do the same without funds. VAWA will accomplish this for you.

- Local prosecutors are prime beneficiaries under VAWA and should be in contact with their state's criminal justice council to seek funds.

- Civil Action

- Federal civil rights statutes permit individuals to bring civil suits in

Federal court for violations of their civil rights.

- VAWA establishes domestic violence as an express violation of civil rights and thus creates a private right of action for the victim.
- The cause of action is particularly significant because a prevailing party in a civil rights action may collect reasonable attorney's fees.

- Full Faith and Credit

- Under existing law, an abused individual must generally obtain a new court order if s/he moves to another state. This is not only time-consuming and bewildering, but at some level, reveals the whereabouts of the abused individual to his/her abuser.
- VAWA requires the courts of one state to give "full faith and credit", that is, honor, the domestic violence restraining orders of courts of other states. This provision simply implements Article IV of the Constitution.
- This is a complex area and we are working towards assisting states in the implementation process. Kentucky has volunteered to serve as a "laboratory" for such a program and we are working closely with state and local authorities in Kentucky to implement a "full faith and credit" program on an experimental basis. We hope it succeeds and that we can assist you in implementing similar programs nationwide.

- Bad News

- All of this is on the line.
- Republican crime bills passed in the House and offered in the Senate, will gut this important program.
- The repeal of any of the VAWA programs is a slap in the face of America's women and a disservice to the public.
- The repeal of VAWA programs will hurt America's state and local prosecutors because it will deprive them of an important funding source.

FIGHTING VIOLENCE AGAINST WOMEN

THE PROBLEM

Violence Against Women Is One of America's Most Serious Crime Problems.

During the past twelve years, crimes against women were on the rise: from 1983 to 1993, rape rates increased nearly three times as fast as the total crime rate. In 1993, 4.2 million women over age 12 were victims of violent crime (rape, sexual assault, assault). Every year, nearly 500,000 rapes are committed or attempted, and millions of American women are victims of domestic violence or sexual abuse. And less than half of all violent crimes against women are reported.

Violence Against Women Often Means Violence in the Home or at the Hands of Intimates.

An estimated three to four million women are victims of family violence every year, and over two-thirds of violent crimes against women are committed by husbands, boyfriends or someone known to the victim.

The Justice System Hasn't Responded.

Frequently, victims are left without immediate assistance or protection from perpetrators because of law enforcement's inadequate training and scarce resources. Almost half of all convicted rapists serve an average of only one year or less behind bars: almost 25 percent of convicted rapists never go to prison, and another 25 percent receive sentences in local jails where the average sentence is 11 months.

THE VIOLENCE AGAINST WOMEN ACT

President Clinton has made the fight against violent crime a pillar of his domestic agenda. He fought to break six years of gridlock and pass a crime bill that stood up for the victims of crime, especially women who face domestic abuse and sexual assault. Working with Congressional leaders including Senators Joe Biden, Orrin Hatch, Dianne Feinstein, Barbara Boxer and Ted Kennedy, as well as Representatives Pat Schroeder, Nancy Pelosi, Connie Morella, Louise Slaughter, Jim Ramstad, and Chuck Schumer, the President made the Violence Against Women Act an essential component of his crime bill. With the President's leadership and support, the Violence Against Women Act is finally law.

The Violence Against Women Act (VAWA) is the first comprehensive federal effort to fight violence against women and to protect the rights of victims. VAWA combines tough federal criminal laws with assistance to states and localities to fight violence against women.

VAWA's new enforcement provisions include a new federal offense for crossing state lines to continue to abuse a fleeing spouse or partner, and tougher penalties for

perpetrators of sex crimes.

VAWA also provides a substantial new commitment of federal resources – more than \$1.6 billion during the next six years – for police, prosecution, prevention, and victim service initiatives in cases involving sexual violence or domestic abuse.

PROTECTING VICTIMS OF CRIME

The 1994 Crime Bill was landmark legislation for all victims of crime.

The 1994 Crime Control Act gives victims of violent crime or sexual abuse the right to speak at the sentencing of their assailants, and it improves the Federal Crime Victim's Fund and the victim-related programs it supports. The Act also prohibits anyone facing a restraining order for domestic abuse from possessing a firearm.

In addition, the Violence Against Women Act requires sexual offenders to pay restitution to their victims, requires states to pay for rape examinations, provides \$1.5 million for federal victim-witness counselors, and extends the "rape shield law" to protect victims from abusive inquiries concerning their private sexual conduct.

IMPLEMENTING THE VIOLENCE AGAINST WOMEN ACT

- **Announcement of a Violence Against Women Office and Director**

As the first President to lead a comprehensive federal effort against violence against women, President Clinton will create a special Violence Against Women Office at the Department of Justice. Its Director will spearhead the Administration's efforts to fight violence against women, along with the Department of Health and Human Services. Within the Justice Department, the Director will work closely with the President's COPS Director and community police officers to help make neighborhoods safe again for women.

- **Grants to STOP Violence Against Women**

The Administration will announce approximately \$26 million in STOP (Services, Training, Officers, and Prosecution) Grants. Each state can receive up to \$426,000 to bolster their law enforcement, prosecution, and victims services that address violence against women. At least 25 percent of these funds must be dedicated to enhance direct services for these victims of crime.

In real terms, \$26 million could provide 400 new prosecutors to specialized domestic violence or sexual assault units, 400 rape crisis therapists and victim advocates, nearly 600 volunteer coordinators to help run domestic violence hot-lines, or more than 100 crisis centers serving 40,000 victims a year.

- **The National Family Violence Hotline**

The Department of Health and Human Services will be establishing a toll-free National Family Violence Hotline to provide information and assistance to family violence victims.

The Justice Department's Violent Crime Control Act Response Center can answer questions regarding VAWA or any other Crime Act Provisions. The toll free number is 1-800-421-6770.

Req

3/10

170
97

267

162

**House Appropriations Subcommittees
Slash Violence Against Women Funding**

FACT: The 1994 Crime Bill, as passed, authorizes \$170 million for 1996 for the Justice Department's portion of the Violence Against Women Act grants, and \$97 million for HHS's portion.

FACT: On June 28, the House Commerce, Justice, State Appropriations Subcommittee reneged on the commitment to assist local anti-violence programs by slashing nearly \$100 million of funding for the Justice Department's Violence Against Women Act program grants.

On July 11, the House Labor/HHS Education Appropriations Subcommittee reneged on the commitment to assist local anti-violence programs by slashing nearly \$62 million for HHS's Violence Against Women Act programs.

BACKGROUND:

Less than one year ago, the House of Representatives made a bipartisan commitment to the nation to address the crisis of domestic violence when it passed the Violence Against Women Act by a vote of 411 - 0. It was signed into law by President Clinton in September, 1994, as part of the 1994 Crime Control Act. The Act combines tough law enforcement provisions with new federal funding for states and localities to assist in prosecuting and protecting women who have been or are at risk of being abused or sexually assaulted, and critical prevention initiatives aimed at stopping violence against women before it occurs.

To combat domestic violence, over 55 states and territories have already received Department of Justice grants in FY 95, and 57 states and territories and 93 Tribes have received grants from the Department of Health and Human Services. For many of these grantees, the federal government is the major, if not the only source of support.

Under the Violence Against Women Act, the federal funds provided to states must be divided 25% to law enforcement, 25% to prosecution, and 25% to non-profit victim services. The remaining 25% may be allocated by the designated State agency within the parameters of the Act.

POTENTIAL EFFECTS:

- Cuts to Violence Against Women Program funds threaten the full enforcement of the Violence Against Women Act.

**TALKING POINTS
VIOLENCE AGAINST WOMEN ACT**

I. THE PROBLEM

- o There is tremendous number of violent crimes perpetrated against women in the United States. However, many of these incidents are hidden or are under-reported.
- o It is only recently that society has begun to view violence against women as a serious criminal problem.
- o In domestic violence cases, where the victim knows the perpetrator, there has been a tendency to consider the matter a private dispute and not a crime for public scrutiny or judgement.
- o When the violence comes at the hands of a stranger, as in many cases of sexual assault, the incident has too often been blamed more on the victim than on the perpetrator.
- o Existing criminal justice and victim services efforts to alleviate the problem have been fragmented due to lack of resources and or coordination. Consequently, the criminal justice system has too often not been responsive to women in domestic violence or sexual assault cases.

II. THE VIOLENCE AGAINST WOMEN ACT MEETS THE PROBLEM

- o Title IV of the Violent Crime Control and Law Enforcement Act, The Violence Against Women Act (VAWA) reflects a firm commitment towards working to change the criminal justice system's response to violence that occurs when any women is threatened or assaulted by someone with whom she has or has had an intimate relationship, with whom she was previously acquainted, or who is a stranger.
- o By committing significant Federal resources and attention to issues of violence against women, VAWA can assist the nation's criminal justice system in responding to the needs and concerns of women who have been, or potentially could be, victimized by violence.
- o Perhaps the most significant change is one of strategy. VAWA promotes a coordinated approach to dealing with violent crimes against women -- by encouraging cooperation between law enforcement and victim advocates, setting up programs to institutionalize collaborative efforts at the state and local levels, directing consultation between DOJ and other federal agencies, forging federal, state and local partnerships in interstate enforcement of new federal laws.

- o VAWA provides a substantial new commitment of federal resources -- more than \$1.6 billion during the next six years -- for police, prosecution, prevention, and victim service initiatives in cases involving sexual violence or domestic abuse.

III. DEPARTMENT OF JUSTICE ACCOMPLISHMENTS TO DATE

- o The proposed regulations for the Law Enforcement and Prosecution Grants to Combat Crimes Against Women have been published in the Federal Register. It is anticipated that grants will be awarded in April 1995.
- o An Advisory Committee for Attorney General Reno and Secretary Shalala will soon be established. It will include representatives from health professionals; social work; law enforcement; prosecution; juvenile and family court judges; domestic violence experts; sexual assault experts; state and local officials; military; religious community; media/entertainment; sports world; Native American community; and the corporate/business community. A Committee will advise the Attorney General and the Secretary on broad policy matters concerning violence against women. It will also help to bring national attention to the problems of violence against women and mobilize nongovernmental support.
- o The Director for the Violence Against Women Office will soon be selected. The Director will be responsible for overall coordination and focus of the Department's efforts and initiatives to combat violent crimes against women including the implementation of the Violence Against Women Act. She will also serve as the Department's primary point of contact for other Federal agencies, state and local governments, outside organizations, and Congress.
- o The Department of Justice Response Center is prepared to answer any questions regarding VAWA or any other Crime Act Provisions. The toll free number is 1-800-421-6770.

IV. DOJ GRANT PROGRAMS

LAW ENFORCEMENT AND PROSECUTION GRANTS

- o For FY 95 Congress authorized and appropriated \$26 million for the Law Enforcement and Prosecution Grants Program as a down-payment to lay the foundation to support efforts by states and tribal governments to create and bolster services addressing violence against women. The grants will be administered out of the Office of Justice Programs, Office of Violence Against Women Programs Office. Each state is eligible to receive approximately \$450,000 in the form of a block grant.

- o Four percent of the \$26 million (\$1.04 million) is available for Indian tribal governments through a discretionary program which will fund up to 15 to 20 programs.
- o To qualify, states must certify that at least 25 percent of the funding will be allocated respectively to law enforcement, prosecution, and to nonprofit nongovernmental victims service programs. Additionally, states and Indian tribes must certify that they will incur the full out-of-pocket cost of the forensic medical examination for victims of sexual assault and, that within two years, domestic violence victims bear no costs associated with the filing of criminal charges or protection orders.
- o The proposed regulations for the FY 95 program were published in the *Federal Register* on December 28, 1994. After the 60-day comment period, we will issue final regulations and program guidelines in March.
- o It is anticipated that grants will be awarded in April 1995.
- o The Governors must appoint a state agency to administer the grants. The Attorney General is requesting each Governor to designate an agency as the recipient.
- o A small portion of the funds provided under this program have been set aside to provide specialized training and technical assistance to states and tribal governments.
- o States and Indian tribal governments will be allowed to use a small portion of the funding for administrative costs (exact amounts will be set out in the final regulations).
- o There is a 25 percent state match requirement.

GRANTS TO ENCOURAGE ARREST POLICIES

- o The Grant Program to Encourage Arrest Policies provides new federal resources to states, Indian tribal governments, and units of local government to promote mandatory arrest or pro-arrest programs; police policies and training in tracking domestic violence cases; centralization and coordination between police, prosecutors, and both criminal and family courts; judicial education about domestic violence and advocacy service programs for victims of domestic violence.
- o Although funding for this VAWA grant's program is not expected until 1996, the Department is working on drafting and issuing regulations so that states may begin planning in order to qualify to receive these funds.

RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE

- o The often overlooked needs of rural jurisdictions are give special attention in VAWA. The Rural Domestic Violence and Child Abuse Enforcement Program provides grants to combat family violence in rural areas. These efforts include cooperative projects between law enforcement officers, prosecutors, victim advocacy groups, and others in the investigation of domestic violence and child abuse; treatment and counseling services for domestic violence and child abuse victims; and education and prevention strategies in cooperation with the community.

- o Although funding for this VAWA grants program is not expected until 1996, the Department is working on drafting and issuing regulations in anticipation of this funding.

**ADMINISTRATION MOVES AHEAD ON VIOLENCE AGAINST WOMEN ACT
WHILE CONGRESS WANTS TO SLASH DOLLARS AND GO BACK ON
PROMISE TO BATTERED WOMEN AND FAMILIES**

July 13, 1995

- **Attorney General Reno and Secretary Shalala welcome the members of the Violence Against Women Advisory Committee to their first meeting.** The Committee is comprised of 41 distinguished advocates and leaders, from police officers to clergy, from across the country who are charged with helping the Administration to bring greater attention to the issue of domestic and sexual violence. The Committee will be asked to present concrete steps that their various professions, the Committee and the Federal government can look to take in the future.
- **As the Administration moves forward on implementing the Violence Against Women Act, Congress slashes their commitment to battered and abused women and families.** House appropriators seek to cut approximately 2/3 of the funds authorized for next year. Congress promised to support the landmark Violence Against Women Act with funds for millions of women and families that have suffered, for shelters, for counseling, and for the training for law enforcement that is so desperately needed. Now is not the time to turn back.
- **Attorney General Reno urges Congress to reconsider the proposed cuts and support the Violence Against Women Act.**

"This isn't just about money. Its about a solemn promise we made to the American people last year ... Some argue that we cannot afford to live by our commitments. I say that we cannot afford not to. We must move ahead."

-- Janet Reno

- **The Advisory Committee is yet another step forward in the fight against domestic and sexual abuse.** The Administration has been busy implementing the Violence Against Women Act.
 - * We created a Violence Against Women Office in the Department of Justice, which is directed by former Iowa Attorney General Bonnie Campbell, a nationally recognized leader in the area of domestic and sexual violence.
 - * Last May, we obtained the first conviction against a West Virginia man who had severely beaten his wife, put her in the trunk of their car, and drove for five days through West Virginia and Kentucky before bringing her to a hospital. Under West Virginia law, the maximum sentence that he would receive for his assault is two years. Because of the Act, and in tandem with a federal kidnapping charge, he may go to jail for life.
 - * The Department of Health and Human Services will fund a family violence hotline for battered women and families to call in to seek assistance.
 - * Just this month, the Department of Justice announced the first round of grants that will be used for police training programs, public education materials and improved communication and data-collection systems. Approximately \$26 million was distributed to 55 states and territories.

**\$26 MILLION IN VIOLENCE AGAINST WOMEN (VAWA) GRANTS AWARDED
AND PRESIDENT & ATTORNEY GENERAL ANNOUNCE VAWA DIRECTOR
March 21, 1995**

- 561 4
26,000,000
- ◆ **Violence Against Women Grants Announced.** President Clinton and Attorney General Reno announced today grants to all 50 states totaling \$26 million that will help communities fund women's shelters and crisis centers, hire prosecutors, and pay for rape crisis therapists, victim's advocates, and domestic violence hot-lines.

"The crime bill I signed last fall offered victims of crime a new beginning. Today, for the first time in history, the federal government becomes a full partner in the fight to curb violence against women. We can't turn back."

-- President Clinton

- ◆ **Former Iowa Attorney General Named Director of the Violence Against Women Office.** Former Iowa Attorney General Bonnie Campbell was officially named by Attorney General Reno today as Director of the Justice Department's Violence Against Women Office. Campbell will oversee efforts to combine tough new federal criminal laws with assistance to states and localities to fight violence against women.

* **Campbell uniquely qualified for the job.** As Iowa's first woman Attorney General from 1990-94, she authored one of the nation's first anti-stalking laws; led a statewide domestic violence prevention campaign; and was instrumental in getting the state legislature to strengthen Iowa's domestic abuse statute and increase funding for victim compensation programs and shelters.

- ◆ **VAWA Grants Mean Action to STOP Violence Against Women.** President Clinton announced that \$26 million in Crime Bill STOP Grants (Services, Training, Officers, and Prosecution) would be made available. Each state can receive up to \$426,000 to add law enforcement, prosecutors and victims services that address violence against women. Depending on how the grants are used, the \$26 million could provide:

- more than 100 crisis centers serving 40,000 victims a year,
- 400 new prosecutors to specialize in domestic violence or sexual assault units,
- 400 rape crisis therapists and victim advocates
- nearly 600 volunteer coordinators to help run domestic violence hot-lines, or
- States can also use STOP funds for important discretionary items like lighting for unsafe streets, parks and paths.

- ◆ **VAWA Moves Ahead while Congress Considers slashing the Violent Crime Control Trust Fund -- Going Back on Its promise to Law Enforcement and Victims of Domestic Violence.** While the Administration forges ahead to implement the 1994 Crime Act and to provide, in a non-partisan, non-bureaucratic fashion, relief to women and families trapped in a cycle of domestic violence -- the House Budget Committee proposed slashing \$5 billion dollars from the Crime Control Trust Fund. If enacted, this would mean a one-sixth reduction in critically needed programs.

"This year alone, crime bill grants could provide crisis assistance for 40,000 victims of rape, domestic violence and sexual abuse -- unless Congress slams the door. The crime control trust fund is our bank for funding the Violence Against Women Act, and we can't stand by as it is robbed."

-- Attorney General Janet Reno

- ◆ **The Assault on Victims Continue.** As part of the House Welfare Reform Bill, some law makers have now proposed to repeal the Crime Victims Assistance Program of the 1984 Victims of Crime Act. This would **eliminate** the funds available to provide services to victims of crime -- funds that go to nearly 3,000 local victim assistance organizations, such as rape crisis centers, domestic violence shelters, child advocacy centers, law enforcement agencies and more. This proposal has no effect on the deficit. These funds come from fines collected by the Government. It represents a further breach of trust with the American people.



Washington, D.C. 20530

MEMORANDUM

July 12, 1995

TO: Jamie Gorelick
Deputy Attorney General

FROM: Bonnie J. Campbell *bjc*
Director, Violence Against Women Office

RE: U.S. v. Christopher Bailey

I. FACTS

- Christopher Bailey beat his wife Sonya on Nov. 26, 1994 and then put her in the trunk of his car. He proceeded to drive for the next six days, crossing state lines with Sonya still in the trunk, thus committing a felony.
 - Sonya Bailey announced in the weeks preceding Thanksgiving her intention to leave her marriage. Sonya and Chris were seen arguing at a local bar in the early morning of Nov. 26, 1994.
 - Records show that sometime in the morning of Nov. 26 Sonya sustained a blow to her head. Chris apparently put her in the trunk of his car, drove into Ashland, KY Sunday night; returned to West Virginia Monday and then spent Monday, Tuesday and Wednesday nights in Kentucky.
 - Dec. 2, 1994 Chris Bailey delivered Sonya to the emergency room of the Baptist Regional Medical Center in Corbin, KY. She was near death, barely breathing, deeply comatose and severely dehydrated. She was badly beaten and bruised with rope burns around her ankles and wrists.

II. THE CRIMINAL CONVICTION

- On May 23, 1995 Christopher Bailey was convicted in the Southern District of West Virginia of two felony charges - kidnapping his wife, Sonya, and interstate domestic violence.
- Christopher Bailey faces up to 20 years in prison on the domestic violence charge and up to life on the kidnapping charge. His sentencing is scheduled for August 21.

III. CRIMINAL PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT

- The provisions of the Act are gender neutral.
- Section 2261 of Title 18 makes it a felony to cause a spouse to cross a State line by force, coercion, duress or fraud and, as a result of, or in the course of that conduct, commit a crime of violence and cause bodily injury to the spouse or partner.
- Section 2261 makes it a felony to travel across state lines with the intent to injure the spouse or intimate partner and then intentionally commit a crime of violence causing bodily injury to such person.
- Section 2262 makes it a felony to travel across state lines with the intent to violate any protection order that involves threats of violence, repeated harassment, or bodily injury and then violate that protection order. Also, it is a felony to cause a spouse or intimate partner to cross state lines for that purpose.
- Section 2263 provides that the victim of the alleged domestic violence has the right to be heard in court regarding the danger, posed by the pretrial release of defendant. The Act also provides for a right to a detention hearing for sexual abuse, exploitation and molestation offenses.
- Section 2264 provides for mandatory restitution to the victim for a domestic violence crime.
- Section 2265 calls on states to enforce protection orders issued by the courts of another state.
- Section 922 of title 18 now makes it unlawful for a person subject to a restraining order to possess or receive any firearms.
- With regard to significant provisions in the Act concerning federal sex crimes, including sexual exploitation and other abuse of children:
 - restitution is mandated
 - the victim's past sexual behavior or alleged sexual predisposition is not admissible in civil or criminal proceedings involving sexual misconduct.
 - the death penalty may now be imposed for causing the death of a person during the commission of a sexual abuse offense.
 - a prior conviction of sexual assault or child molestation is an aggravating factor in determining whether the death penalty is justified. It also results in punishment up to twice that otherwise authorized for sexual offenders.

- the victim of a sex abuse crime has the right to make a statement or present information at the sentencing hearing in relation to the offender's sentence.

TITLE IV-VIOLENCE AGAINST WOMEN

SEC. 40001. SHORT TITLE.

This title may be cited as the "Violence Against Women Act of 1994".

Subtitle A-Safe Streets for Women

SEC. 40101. SHORT TITLE.

This subtitle may be cited as the "Safe Streets for Women Act of 1994".

CHAPTER 1-FEDERAL PENALTIES FOR SEX CRIMES

SEC. 40111. REPEAT OFFENDERS.

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

" 2247. Repeat offenders

"Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact have become final, is punishable by a term of imprisonment up to twice that otherwise authorized."

(b) Amendment of Sentencing Guidelines .-The Sentencing Commission shall implement the amendment made by subsection (a) by promulgating amendments, if appropriate, in the sentencing guidelines applicable to chapter 109A offenses.

(c) Chapter Analysis .-The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2247. Repeat offenders."

SEC. 40112. FEDERAL PENALTIES.

(a) Amendment of Sentencing Guidelines .-Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend, where necessary, its sentencing guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, or sexual abuse under section 2242 of title 18, United States Code, as follows:

(1) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to enhance penalties if more than 1 offender is involved in the offense.

(2) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to reduce unwarranted disparities between the sentences for sex offenders who are known to the victim and sentences for sex offenders who are not known to the victim.

(3) The Commission shall review and promulgate amendments to the guidelines to enhance penalties, if appropriate, to render Federal penalties on Federal territory commensurate with penalties for similar offenses in the States.

(4) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to account for the general problem of recidivism in cases of sex offenses, the severity of the offense, and its devastating effects on survivors.

(b) Report .-Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission shall review and submit to Congress a report containing an analysis of Federal rape sentencing, accompanied by comment from independent experts in the field, describing-

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

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

(3) an analysis of the effect of rape sentences on populations residing primarily on Federal territory relative to the impact of other Federal offenses in which the existence of Federal jurisdiction [*H8802] depends upon the offense's being committed on Federal territory.

SEC. 40113. MANDATORY RESTITUTION FOR SEX CRIMES.

(a) Sexual Abuse .-

(1) In general .-Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

" 2248. Mandatory restitution

"(a) In General .-Notwithstanding section 3663, 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) Directions .-The order of restitution under this section shall direct that-

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

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

"(2) Enforcement by victim .-An order of restitution also may be enforced by a victim named in the order to receive the restitution in the same manner as a

judgment in a civil action.

"(3) Definition .-For purposes of 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) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

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

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

"(4) Order mandatory .-(A) The issuance of a restitution order under this section is mandatory.

"(B) 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 [*H8803] from the proceeds of insurance or any other source.

"(C)(i) Notwithstanding subparagraph (A), 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.

"(ii) For purposes of this subparagraph, the term 'economic circumstances' includes-

"(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.

"(D) Subparagraph (A) 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 or some portion of the 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.

"(5) More than 1 offender .-When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(6) More than 1 victim .-When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) Payment schedule .-An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) 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.

"(9) Effect on other sources of compensation .-The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) Condition of probation or supervised release .-Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release, modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

"(c) Proof of Claim .-

"(1) Affidavit .-Within 60 days after conviction and, in any event, not later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), 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 United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) Objection .-If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) 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 the United States Attorney's delegee) 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, and such records may be filed or testimony heard in camera.

"(4) Final determination of losses .-If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or the United States Attorney's delegee) 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.

"(d) Modification of Order .-A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

"(e) Reference to Magistrate or Special Master .-The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

"(f) Definition .-For purposes of this section, the term 'victim' means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian."

(2) Technical amendment .-The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2248. Mandatory restitution."

(b) Sexual Exploitation and Other Abuse of Children .-

(1) In general .-Chapter 110 of title 18, United States Code, is amended by adding at the end the following new section:

" 2259. Mandatory restitution

"(a) In General .-Notwithstanding section 3663, 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) Directions .-The order of restitution under this section shall direct that-

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

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

"(2) Enforcement by victim .-An order of restitution may also be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

"(3) Definition .-For purposes of 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) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, as well as other costs incurred; and

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

"(4) Order mandatory .-(A) The issuance of a restitution order under this section is mandatory.

"(B) 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.

"(C)(i) Notwithstanding subparagraph (A), 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.

"(ii) For purposes of this subparagraph, the term 'economic circumstances' includes-

"(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.

"(D) Subparagraph (A) 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 or some portion of the 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.

"(5) More than 1 offender .-When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(6) More than 1 victim .-When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) Payment schedule .-An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) 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.

"(9) Effect on other sources of compensation .-The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) Condition of probation or supervised release .-Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release, modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

"(c) Proof of Claim .-

"(1) Affidavit .-Within 60 days after conviction and, in any event, not later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), 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 United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) Objection .-If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) 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 the United States Attorney's delegee) 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, and such records may be filed or testimony heard in

camera.

"(4) Final determination of losses .-If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or the United States Attorney's delegee) 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.

"(d) Modification of Order .-A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

"(e) Reference to Magistrate or Special Master .-The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

"(f) Definition .-For purposes of this section, the term 'victim' means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian."

(2) Technical amendment .-The chapter analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

"2259. Mandatory restitution."

SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.

There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia)-

- (1) \$ 500,000 for fiscal year 1996;
- (2) \$ 500,000 for fiscal year 1997; and
- (3) \$ 500,000 for fiscal year 1998.

CHAPTER 2-LAW ENFORCEMENT AND PROSECUTION GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN

SEC. 40121. 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.), as amended by section 32101(a), is amended-

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

"Part T-Grants To Combat Violent Crimes Against Women

"SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) General Program Purpose .-The purpose of this part is to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

"(b) Purposes for Which Grants May Be Used .-Grants under this part shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of-

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

"(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting 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, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including 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, providing specialized domestic violence court advocates in courts

where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

"(6) developing, enlarging, or strengthening programs addressing stalking; and

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

"SEC. 2002. STATE GRANTS.

"(a) General Grants .-The Attorney General may make grants to States, for use by States, units of local government, nonprofit nongovernmental victim services programs, and Indian tribal governments for the purposes described in section 2001(b).

"(b) Amounts .-Of the amounts appropriated for the purposes of this part- [*H8804]

"(1) 4 percent shall be available for grants to Indian tribal governments;

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

"(3) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States (not including populations of Indian tribes).

"(c) Qualification .-Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that-

"(1) the funds shall be used for any of the purposes described in section 2001(b);

"(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

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

"(4) 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 subtitle.

"(d) Application Requirements .-The application requirements provided in

section 513 shall apply to grants made under this part. In addition, each application shall include the certifications of qualification required by subsection (c), including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2). An application shall include-

"(1) documentation from the prosecution, law enforcement, and victim services programs to be assisted, demonstrating-

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background;

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

"(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 2006.

"(e) Disbursement .-

"(1) In general .-Not later than 60 days after the receipt of an application under this part, the Attorney General shall-

"(A) disburse the appropriate sums provided for under this part; or

"(B) inform the applicant why the application does not conform to the terms of section 513 or to the requirements of this section.

"(2) Regulations .-In disbursing monies under this part, the Attorney General shall issue regulations to ensure that States will-

"(A) 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;

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

"(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

"(D) recognize and address the needs of underserved populations.

"(f) Federal Share .-The Federal share of a grant made under this subtitle

may not exceed 75 percent of the total costs of the projects described in the application submitted.

"(g) Indian Tribes .-Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

"(h) Grantee Reporting .-

"(1) In general .-Upon completion of the grant period under this part, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this part.

"(2) Certification by grantee and subgrantees .-A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

"(3) Suspension of funding .-The Attorney General shall suspend funding for an approved application if-

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

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

"(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

"SEC. 2003. DEFINITIONS.

"In this part-

"(1) the term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

"(2) the term 'Indian country' has the meaning stated in section 1151 of title 18, United States Code;

"(3) the term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, 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.)), that is

recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(4) the term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

"(5) the term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs);

"(6) 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;

"(7) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities; and

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

"SEC. 2004. GENERAL TERMS AND CONDITIONS.

"(a) Nonmonetary Assistance .-In addition to the assistance provided under this part, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

"(b) Reporting .-Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe-

"(1) the number of grants made and funds distributed under this part;

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

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

and

"(4) an evaluation of the effectiveness of programs funded under this part.

"(c) Regulations or Guidelines .-Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment, the Attorney General shall publish final regulations or guidelines implementing this part.

"SEC. 2005. RAPE EXAM PAYMENTS.

"(a) Restriction of Funds .-

"(1) In general .-A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

"(2) Redistribution .-Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

"(b) Medical Costs .-A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity-

"(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 reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

"(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

"(D) the State, Indian tribal government, unit of local government, or reimbursing [*H8805] governmental entity 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. 2006. FILING COSTS FOR CRIMINAL CHARGES.

"(a) In General .-A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State,

Indian tribal government, or unit of local government-

"(1) certifies that its 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 the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or

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

"(A) the period ending on the date on which the next session of the State legislature ends; or

"(B) 2 years.

"(b) Redistribution .-Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata."

(b) Technical 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 32101(b), is amended by striking the matter relating to part T and inserting the following:

"Part T-Grants To Combat Violent Crimes Against Women

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

"Sec. 2002. State grants.

"Sec. 2003. General definitions.

"Sec. 2004. General terms and conditions.

"Sec. 2005. Rape exam payments.

"Sec. 2006. Filing costs for criminal charges.

"Part U-Transition-Effective Date-Repealer

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

(c) 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), as amended by section 32101(d), is amended-

(1) in paragraph (3) by striking "and S" and inserting "S, and T"; and

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

"(18) There are authorized to be appropriated to carry out part T-

"(A) \$ 26,000,000 for fiscal year 1995;

"(B) \$ 130,000,000 for fiscal year 1996;

"(C) \$ 145,000,000 for fiscal year 1997;

"(D) \$ 160,000,000 for fiscal year 1998;

"(E) \$ 165,000,000 for fiscal year 1999; and

"(F) \$ 174,000,000 for fiscal year 2000."

CHAPTER 3-SAFETY FOR WOMEN IN PUBLIC TRANSIT AND PUBLIC PARKS

SEC. 40131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION.

(a) General Purpose .-There is authorized to be appropriated not to exceed \$ 10,000,000, for the Secretary of Transportation (referred to in this section as the "Secretary") to make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

(b) Grants for Lighting, Camera Surveillance, and Security Phones .-

(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by-

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

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

(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

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

(2) From the sums authorized under this section, at least 75 percent shall be

expended on projects of the type described in subsection (b)(1) (A) and (B).

(c) Reporting .-All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be compiled on the basis of the type of crime, sex, race, ethnicity, language, and relationship of victim to the offender.

(d) Increased Federal Share .-Notwithstanding any other provision of law, the Federal share under this section for each capital improvement project that enhances the safety and security of public transportation systems and that is not required by law (including any other provision of this Act) shall be 90 percent of the net project cost of the project.

(e) Special Grants for Projects To Study Increasing Security for Women .-From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

(f) General Requirements .-All grants or loans provided under this section shall be subject to the same terms, conditions, requirements, and provisions applicable to grants and loans as specified in section 5321 of title 49, United States Code.

SEC. 40132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.

Public Law 91-383 (16 U.S.C. 1a-1 et seq.) is amended by adding at the end the following new section:

"SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.

"(a) Availability of Funds .-There are authorized to be appropriated out of the Violent Crime Reduction Trust Fund, not to exceed \$ 10,000,000 for the Secretary of the Interior to take all necessary actions to seek to reduce the incidence of violent crime in the National Park System.

"(b) Recommendations for Improvement .-The Secretary shall direct the chief official responsible for law enforcement within the National Park Service to-

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

"(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and

"(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

"(c) Distribution of Funds .-Based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute the funds authorized by subsection (a) throughout the National Park System. Priority shall be given to those areas with the highest rates of sexual assault.

"(d) Use of Funds .-Funds provided under this section may be used-

"(1) to increase lighting within or adjacent to National Park System units;

"(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to National Park System units;

"(3) to increase security or law enforcement personnel within or adjacent to National Park System units; or

"(4) for any other project intended to increase the security and safety of National Park System units."

SEC. 40133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC PARKS.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601 -8) is amended by adding at the end the following new subsection:

"(h) Capital Improvement and Other Projects to Reduce Crime .-

"(1) Availability of funds .-In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed \$ 15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to-

"(A) increase lighting within or adjacent to public parks and recreation areas;

"(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(C) increase security personnel within or adjacent to public parks and recreation areas; and

"(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

"(2) Eligibility .-In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall be dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

"(3) Federal share .-Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes described in this subsection, and the remaining share of the cost shall be borne by the State."

CHAPTER 4-NEW EVIDENTIARY RULES

SEC. 40141. SEXUAL HISTORY IN CRIMINAL AND CIVIL CASES.

(a) Modification of Proposed Amendment .-The proposed amendments to the Federal Rules of Evidence that are embraced by an order entered by the Supreme Court of the United States on April 29, 1994, shall take effect on December 1, 1994, as otherwise provided by law, but with the amendment made by subsection (b).

(b) Rule .-Rule 412 of the Federal Rules of Evidence is amended to read as follows:

"Rule 412. Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition

"(a) Evidence Generally Inadmissible .-The following evidence is not admissible in any civil or criminal proceeding involving alleged sexual misconduct except as provided in subdivisions (b) and (c):

"(1) Evidence offered to prove that any alleged victim engaged in other sexual behavior.

"(2) Evidence offered to prove any alleged victim's sexual predisposition.
[*H8806]

"(b) Exceptions .-

"(1) In a criminal case, the following evidence is admissible, if otherwise admissible under these rules:

"(A) evidence of specific instances of sexual behavior by the alleged victim offered to prove that a person other than the accused was the source of semen, injury or other physical evidence;

"(B) evidence of specific instances of sexual behavior by the alleged victim with respect to the person accused of the sexual misconduct offered by the accused to prove consent or by the prosecution; and

"(C) evidence the exclusion of which would violate the constitutional rights of the defendant.

"(2) In a civil case, evidence offered to prove the sexual behavior or sexual predisposition of any alleged victim is admissible if it is otherwise admissible under these rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. Evidence of an alleged victim's reputation is admissible only if it has been placed in controversy by

the alleged victim.

"(c) Procedure To Determine Admissibility .-

"(1) A party intending to offer evidence under subdivision (b) must-

"(A) file a written motion at least 14 days before trial specifically describing the evidence and stating the purpose for which it is offered unless the court, for good cause requires a different time for filing or permits filing during trial; and

"(B) serve the motion on all parties and notify the alleged victim or, when appropriate, the alleged victim's guardian or representative.

"(2) Before admitting evidence under this rule the court must conduct a hearing in camera and afford the victim and parties a right to attend and be heard. The motion, related papers, and the record of the hearing must be sealed and remain under seal unless the court orders otherwise."

(c) Technical Amendment .-The table of contents for the Federal Rules of Evidence is amended by amending the item relating to rule 412 to read as follows:

"412. Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition:

"(a) Evidence generally inadmissible.

"(b) Exceptions.

"(c) Procedure to determine admissibility."

CHAPTER 5-ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

SEC. 40151. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Human Services Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new section:

"SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

"(a) Permitted Use .-Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities for-

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational materials; and

"(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved racial, ethnic, and language minority communities.

"(b) Targeting of Education Programs .-States providing grant monies must ensure that at least 25 percent of the monies are devoted to education programs targeted for middle school, junior high school, and high school students.

"(c) Authorization of Appropriations .-There are authorized to be appropriated to carry out this section-

"(1) \$ 35,000,000 for fiscal year 1996;

"(2) \$ 35,000,000 for fiscal year 1997;

"(3) \$ 45,000,000 for fiscal year 1998;

"(4) \$ 45,000,000 for fiscal year 1999; and

"(5) \$ 45,000,000 for fiscal year 2000.

"(d) Limitation .-Funds authorized under this section may only be used for providing rape prevention and education programs.

"(e) Definition .-For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(f) Terms .-The Secretary shall make allotments to each State on the basis of the population of the State, and subject to the conditions provided in this section and sections 1904 through 1909."

SEC. 40152. TRAINING PROGRAMS.

(a) In General .-The Attorney General, 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 officers 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 Attorney General shall ensure, to the extent practicable, that training programs developed under subsection (a) are available

in geographically diverse locations throughout the country.

(c) Authorization of Appropriations .-There are authorized to be appropriated to carry out this section-

(1) \$ 1,000,000 for fiscal year 1996; and

(2) \$ 1,000,000 for fiscal year 1997.

SEC. 40153. CONFIDENTIALITY OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT OR DOMESTIC VIOLENCE VICTIMS AND THEIR COUNSELORS.

(a) Study and Development of Model Legislation .-The Attorney General shall-

(1) study and evaluate the manner in which the States have taken measures to protect the confidentiality of communications between sexual assault or domestic violence victims and their therapists or trained counselors;

(2) develop model legislation that will provide the maximum protection possible for the confidentiality of such communications, within any applicable constitutional limits, taking into account the following factors:

(A) the danger that counseling programs for victims of sexual assault and domestic violence will be unable to achieve their goal of helping victims recover from the trauma associated with these crimes if there is no assurance that the records of the counseling sessions will be kept confidential;

(B) consideration of the appropriateness of an absolute privilege for communications between victims of sexual assault or domestic violence and their therapists or trained counselors, in light of the likelihood that such an absolute privilege will provide the maximum guarantee of confidentiality but also in light of the possibility that such an absolute privilege may be held to violate the rights of criminal defendants under the Federal or State constitutions by denying them the opportunity to obtain exculpatory evidence and present it at trial; and

(C) consideration of what limitations on the disclosure of confidential communications between victims of these crimes and their counselors, short of an absolute privilege, are most likely to ensure that the counseling programs will not be undermined, and specifically whether no such disclosure should be allowed unless, at a minimum, there has been a particularized showing by a criminal defendant of a compelling need for records of such communications, and adequate procedural safeguards are in place to prevent unnecessary or damaging disclosures; and

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

(b) Report and Recommendations .-Not later than the date that is 1 year after the date of enactment of this Act, the Attorney General shall report to the Congress-

(1) the findings of the study and the model legislation required by this section; and

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

(c) Review of Federal Evidentiary Rules .-The Judicial Conference of the United States shall evaluate and report to Congress its views on whether the Federal Rules of Evidence should be amended, and if so, how they should be amended, to guarantee that the confidentiality of communications between sexual assault victims and their therapists or trained counselors will be adequately protected in Federal court proceedings.

SEC. 40154. 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, United States Code, or for the commission of a similar offense, including halfway houses and psychiatric institutions.

SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

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

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

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

"GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

" Sec. 316. (a) In General .-The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

"(b) Priority .-In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to runaway, homeless, and street youth.

"(c) Authorization of Appropriations .-There are authorized to be appropriated to carry out this section-

"(1) \$ 7,000,000 for fiscal year 1996;

"(2) \$ 8,000,000 for fiscal year 1997; and

"(3) \$ 15,000,000 for fiscal year 1998.

"(d) Definitions .-For the purposes of this section-

"(1) the term 'street-based outreach and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

"(2) the term 'street youth' means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse."

SEC. 40156. VICTIMS OF CHILD ABUSE PROGRAMS.

(a) Court-Appointed Special Advocate Program .-

(1) Reauthorization .-Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended to read as follows:

"(a) Authorization .-There are authorized to be appropriated to carry out this subtitle- [*H8807]

"(1) \$ 6,000,000 for fiscal year 1996;

"(2) \$ 6,000,000 for fiscal year 1997;

"(3) \$ 7,000,000 for fiscal year 1998;

"(4) \$ 9,000,000 for fiscal year 1999; and

"(5) \$ 10,000,000 for fiscal year 2000."

(2) Technical amendment .-Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking "this chapter" and inserting "this subtitle".

(b) Child Abuse Training Programs for Judicial Personnel and Practitioners .-

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

"(a) Authorization .-There are authorized to be appropriated to carry out this subtitle-

"(1) \$ 750,000 for fiscal year 1996;

"(2) \$ 1,000,000 for fiscal year 1997;

"(3) \$ 2,000,000 for fiscal year 1998;

"(4) \$ 2,000,000 for fiscal year 1999; and

"(5) \$ 2,300,000 for fiscal year 2000."

(2) Technical amendment .-Section 221(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13021(b)) is amended by striking "this chapter" and inserting "this subtitle".

(c) Grants for Televised Testimony .-Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended-

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

"(7) There are authorized to be appropriated to carry out part N-

"(A) \$ 250,000 for fiscal year 1996;

"(B) \$ 1,000,000 for fiscal year 1997;

"(C) \$ 1,000,000 for fiscal year 1998;

"(D) \$ 1,000,000 for fiscal year 1999; and

"(E) \$ 1,000,000 for fiscal year 2000.";

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

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

(A) by inserting "or unit of local government" after "of a State";

(B) by inserting "and" after paragraph (1);

(C) in paragraph (2) by striking the semicolon at the end and inserting a period; and

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

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

(A) in subsection (a)-

(i) by striking "The Bureau" and all that follows through "determining that" and inserting "An applicant is eligible to receive a grant under this part if-";

(ii) in paragraph (1) by striking "there is in effect in such State" and inserting "the applicant certifies and the Director determines that there is in effect in the State";

(iii) in paragraph (2) by striking "such State law shall meet" and inserting "the applicant certifies and the Director determines that State law meets";

(iv) by inserting "and" after subparagraph (E);

(v) in paragraph (3)-

(I) by inserting "the Director determines that" before "the application"; and

(II) by striking "; and" and inserting a period;

(vi) by striking paragraph (4);

(vii) by striking "Each application" and inserting the following:

"(b) Each application"; and

(viii) by striking "the Bureau" each place it appears and inserting "the Director"; and

(B) by redesignating subsection (b) as subsection (c) and by striking "The Bureau" and inserting "The Director";

(5) by striking section 1405 (42 U.S.C. 3796aa-4);

(6) in section 1406 (42 U.S.C. 3796aa-5)-

(A) in subsection (a)-

(i) by striking "State which" and inserting "State or unit of local government that";

(ii) by striking "title" and inserting "part"; and

(iii) in paragraph (1) by striking "State"; and

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

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

(A) in subsection (c)-

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

(ii) in paragraph (2) by striking "States which receive grants, and of units of local government which receive any part of a grant made under this part" and inserting "grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds)"; and

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

"(d) Utilization of Private Sector .-Nothing in this part shall prohibit the utilization of any grant funds to contract with a private organization to provide equipment or training for the televising of testimony as contemplated by the application submitted by an applicant.";

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

(9) in the table of contents-

(A) in the item relating to section 1405 by striking "Allocation and distribution of funds under formula grants" and inserting "(Repealed)"; and

(B) in the item relating to section 1408 by striking "State office" and inserting "(Repealed)".

Subtitle B-Safe Homes for Women

SEC. 40201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act of 1994".

CHAPTER 1-NATIONAL DOMESTIC VIOLENCE HOTLINE

SEC. 40211. GRANT FOR A NATIONAL DOMESTIC VIOLENCE HOTLINE.

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

"SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

"(a) In General .-The Secretary may award a grant to a private, nonprofit entity to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

"(b) Duration .-A grant under this section may extend over a period of not more than 5 years.

"(c) Annual Approval .-The provision of payments under a grant under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

"(d) Activities .-Funds received by an entity under this section 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 private, nonprofit entity 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) assemble and maintain a current database of information relating to services for victims of domestic violence to which callers may be referred throughout the United States, including information on the availability of shelters that serve battered women; and

"(4) publicize the hotline to potential users throughout the United States.

"(e) Application .-A grant may not be made under this section unless an application for such grant has been approved by the Secretary. To be approved by the Secretary under this subsection an application shall-

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

"(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of-

"(A) the training program for hotline personnel;

"(B) the hiring criteria for hotline personnel;

"(C) the methods for the creation, maintenance and updating of a resource database;

"(D) a plan for publicizing the availability of the hotline;

"(E) a plan for providing service to non-English speaking callers, including hotline personnel who speak Spanish; and

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

"(3) demonstrate 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 a demonstration of support from advocacy groups, such as domestic violence State coalitions or recognized national domestic violence groups;

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

"(5) contain such other information as the Secretary may require.

"(f) Authorization of Appropriations .-

"(1) In general .-There are authorized to be appropriated to carry out this section-

"(A) \$ 1,000,000 for fiscal year 1995;

"(B) \$ 400,000 for fiscal year 1996;

"(C) \$ 400,000 for fiscal year 1997;

"(D) \$ 400,000 for fiscal year 1998;

"(E) \$ 400,000 for fiscal year 1999; and

"(F) \$ 400,000 for fiscal year 2000.

"(2) Availability .-Funds authorized to be appropriated under paragraph (1) shall remain available until expended."

CHAPTER 2-INTERSTATE ENFORCEMENT

SEC. 40221. INTERSTATE ENFORCEMENT.

(a) In General .-Part 1 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. Interstate violation of protection order.

"Sec. 2263. Pretrial release of defendant.

"Sec. 2264. Restitution.

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

"Sec. 2266. Definitions.

" 2261. Interstate domestic violence

"(a) Offenses .-

"(1) Crossing a state line .-A person who travels across a State line or enters or leaves Indian country with the intent to injure, harass, or intimidate that person's spouse or intimate partner, and who, in the course of or as a result of such travel, 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).

"(2) Causing the crossing of a state line .-A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud and, in the course or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person's spouse or intimate partner, shall be punished as provided in subsection (b).

"(b) Penalties .-A person who violates this section shall be fined under this title, imprisoned-

"(1) for life or any term of years, if death of the offender's spouse or intimate partner results;

"(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury [*H8808] to the offender's spouse or intimate partner results;

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

"(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense 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 fined and imprisoned.

" 2262. Interstate violation of protection order

"(a) Offenses .-

"(1) Crossing a state line .-A person who travels across a State line or enters or leaves Indian country with the intent to engage in conduct that-

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

"(ii) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the order was issued; and

"(B) subsequently engages in such conduct,

shall be punished as provided in subsection (b).

"(2) Causing the crossing of a state line .-A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, intentionally commits an act that injures the person's spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (b).

"(b) Penalties .-A person who violates this section shall be fined under this title, imprisoned-

"(1) for life or any term of years, if death of the offender's spouse or intimate partner results;

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

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

"(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense 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 fined and imprisoned.

" 2263. Pretrial release of defendant

"In any proceeding pursuant to section 3142 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 .-Notwithstanding section 3663, 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) Directions .-The order of restitution under this section shall direct that-

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

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

"(2) Enforcement by victim .-An order of restitution also may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

"(3) Definition .-For purposes of 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) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

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

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

"(4) Order mandatory .-(A) The issuance of a restitution order under this section is mandatory.

"(B) 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.

"(C)(i) Notwithstanding subparagraph (A), 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.

"(ii) For purposes of this subparagraph, the term 'economic circumstances' includes-

"(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.

"(D) Subparagraph (A) 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 or some portion of the 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.

"(5) More than 1 offender .-When the court finds that more than 1 offender

has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(6) More than 1 victim .-When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) Payment schedule .-An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) 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.

"(9) Effect on other sources of compensation .-The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) Condition of probation or supervised release .-Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release, modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

"(c) Affidavit .-Within 60 days after conviction and, in any event, not 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 the affidavit.

"(d) Objection .-If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (a) 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 the United States Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(e) 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, and such records may be filed or testimony heard in camera.

"(f) Final Determination of Losses .-If the victim's losses are not ascertainable 10 days before sentencing as provided in subsection (c), the United States Attorney (or the United States 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.

"(g) Restitution in Addition to Punishment .-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- [*H8809]

"(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

"In this chapter-

" 'bodily injury' means any act, except one done in self-defense, that results in physical injury or sexual abuse.

" 'Indian country' has the meaning stated in section 1151.

" 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, 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 a person seeking protection.

" 'spouse or intimate partner' includes-

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

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

" 'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

" '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."

(b) Technical Amendment .-The part analysis for part I of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item: "

110A. Domestic violence

2261. "

CHAPTER 3-ARREST POLICIES IN DOMESTIC VIOLENCE CASES

SEC. 40231. 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 40121(a), is amended-

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

"PART U-GRANTS TO ENCOURAGE ARREST POLICIES

"SEC. 2101. GRANTS.

"(a) Purpose .-The purpose of this part is to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law.

"(b) Grant Authority .-The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

"(1) To implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection 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 coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

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

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

"(c) Eligibility .-Eligible grantees are States, Indian tribal governments, or units of local government that-

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

"(A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

"(B) encourage or 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 their training programs discourage dual arrests of offender and victim;

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

"(4) certify that their laws, policies, or 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.

"SEC. 2102. APPLICATIONS.

"(a) Application .-An eligible grantee shall submit an application to the Attorney General that-

"(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 2101(c) are met or will be met within the later of-

"(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

"(B) 2 years of the date of enactment of this part;

"(2) describes plans to further the purposes stated in section 2101(a);

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

"(4) includes 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 Attorney General shall give priority to applicants that-

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

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

"SEC. 2103. REPORTS.

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

"SEC. 2104. REGULATIONS OR GUIDELINES.

"Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment of this part, the Attorney General shall publish final regulations or guidelines implementing this part.

"SEC. 2105. DEFINITIONS.

"For purposes of this part-

"(1) the term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the eligible State, Indian tribal government, or unit of local government that receives a grant under this part; and

"(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 or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding."

(b) Technical 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 40121(b), is amended by striking the matter relating to part U and inserting the following:

"Part U-Grants to Encourage Arrest Policies

"Sec. 2101. Grants.

"Sec. 2102. Applications.

"Sec. 2103. Reports.

"Sec. 2104. Regulations or guidelines.

"Sec. 2105. Definitions.

"Part V-Transition-Effective Date-Repealer

"Sec. 2201. Continuation of rules, authorities, and proceedings."

(c) 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), as amended by section 40121(c), is amended-

(1) in paragraph (3) by striking "and T" and inserting "T, and U"; and

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

"(19) There are authorized to be appropriated to carry out part U-

"(A) \$ 28,000,000 for fiscal year 1996;

"(B) \$ 33,000,000 for fiscal year 1997; and

"(C) \$ 59,000,000 for fiscal year 1998.

(d) Administrative Provisions .-

(1) Regulations .-Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782(b)), is amended by striking "and O" and inserting "O, and U".

(2) Denial of application .-Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended in the first sentence by striking "or O" and inserting "O, or U". [*H8810]

CHAPTER 4-SHELTER GRANTS

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

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

"(a) In General .-There are authorized to be appropriated to carry out this title-

"(1) \$ 50,000,000 for fiscal year 1996;

"(2) \$ 60,000,000 for fiscal year 1997;

"(3) \$ 70,000,000 for fiscal year 1998;

"(4) \$ 72,500,000 for fiscal year 1999; and

"(5) \$ 72,500,000 for fiscal year 2000."

CHAPTER 5-YOUTH EDUCATION

SEC. 40251. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

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

"SEC. 317. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

"(a) General Purpose .-For purposes of this section, the Secretary may, in consultation with the Secretary of Education, select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

"(b) Nature of Program .-The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in consultation with educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers.

"(c) Review and Dissemination .-Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) Authorization of Appropriations .-There are authorized to be appropriated to carry out this section

\$ 400,000 for fiscal year 1996.

CHAPTER 6-COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

SEC. 40261. ESTABLISHMENT OF COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

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

"SEC. 318. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

"(a) In General .-The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"(b) Eligibility .-To be eligible for a grant under this section, an entity-

"(1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and

"(2) shall include representatives of pertinent sectors of the local community, which may include-

"(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;

"(G) business and civic leaders; and

"(H) other pertinent sectors.

"(c) Applications .-An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, 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 Secretary may require.

"(d) Term .-A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(e) Conditions on Payment .-Payments under a grant under this section shall be subject to-

"(1) annual approval by the Secretary; and

"(2) availability of appropriations.

"(f) Geographical Dispersion .-The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"(g) Use of Grant Monies .-

"(1) 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.

"(2) Requirements .-In establishing and operating a project, a nonprofit private organization shall-

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

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

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

"(h) Authorization of Appropriations .-There are authorized to be appropriated to carry out this section-

"(1) \$ 4,000,000 for fiscal year 1996; and

"(2) \$ 6,000,000 for fiscal year 1997.

"(i) Regulations .-Not later than 60 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after the date of enactment, the Secretary shall publish final regulations implementing this section."

CHAPTER 7-FAMILY VIOLENCE PREVENTION AND SERVICES ACT AMENDMENTS

SEC. 40271. GRANTEE REPORTING.

(a) Submission of Application .-Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" after "such State".

(b) Approval of Application .-Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following new paragraph:

"(4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds."

SEC. 40272. TECHNICAL AMENDMENTS.

(a) Definitions .-Section 309(5)(B) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(5)(B)) is amended by inserting "or other supportive services" before "by peers individually or in groups,".

(b) Special Issue Resource Centers .-

(1) Grants .-Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by striking "six" and inserting "seven".

(2) Functions .-Section 308(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(c)) is amended-

(A) by striking the period at the end of paragraph (6) and inserting ", including the issuance and enforcement of protection orders."; and

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

"(7) Providing technical assistance and training to State domestic violence coalitions."

(c) State Domestic Violence Coalitions .-Section 311(a) of the Family

Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended-

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

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph:

"(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including-

"(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

"(B) planning and conducting State needs assessments and planning for comprehensive services;

"(C) serving as an information clearinghouse and resource center for the State; and

"(D) collaborating with other governmental systems which affect battered women;"

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

(4) in paragraph (3), as redesignated by paragraph (1)-

(A) by inserting ", criminal court judges," after "family law judges," each place it appears;

(B) in subparagraph (F), by inserting "custody" after "temporary"; and

(C) in subparagraph (H), by striking "supervised visitations that do not endanger [*H8811] victims and their children," and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children"; and

(5) in paragraph (4), as redesignated by paragraph (1), by inserting ", including information aimed at underserved racial, ethnic or language-minority populations" before the semicolon.

CHAPTER 8-CONFIDENTIALITY FOR ABUSED PERSONS

SEC. 40281. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

(a) Regulations .-Not later than 90 days after the date of enactment of this Act, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses.

(b) Requirements .-The regulations under subsection (a) shall require-

(1) in the case of an individual, the presentation to an appropriate postal official of a valid, outstanding protection order; and

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

(c) Disclosure for Certain Purposes .-The regulations under subsection (a) shall not prohibit the disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes.

(d) Existing Compilations .-Compilations of addresses existing at the time at which order is presented to an appropriate postal official shall be excluded from the scope of the regulations under subsection (a).

CHAPTER 9-DATA AND RESEARCH

SEC. 40291. RESEARCH AGENDA.

(a) Request for Contract .-The Attorney General shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice, and direct services to victims and experts on domestic violence in diverse, ethnic, social, and language minority communities and the social sciences. In setting the agenda, the Academy shall focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations.

(b) Declination of Request .-If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Attorney General shall carry out subsection (a) through the nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) Report .-The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 40292. STATE DATABASES.

(a) **In General** .-The Attorney General shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of sexual and domestic violence offenses within a State.

(b) **Consultation** .-In conducting its study, the Attorney General shall consult persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services to victims of domestic violence. The final report shall set forth the views of the persons consulted on the recommendations.

(c) **Report** .-The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committees on the Judiciary of the Senate and the House of Representatives.

(d) **Authorization of Appropriations** .-There are authorized to be appropriated to carry out this section-

\$ 200,000 for fiscal year 1996.

SEC. 40293. NUMBER AND COST OF INJURIES.

(a) **Study** .-The Secretary of Health and Human Services, acting through the Centers for Disease Control Injury Control Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) **Authorization of Appropriations** .-There are authorized to be appropriated to carry out this section-

\$ 100,000 for fiscal year 1996.

CHAPTER 10-RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

SEC. 40295. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) **Grants** .-The Attorney General may make grants to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States-

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and

prevention strategies directed toward such issues.

(b) Definitions .-In this section-

"Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

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

(c) Authorization of Appropriations .-

(1) In general .-There are authorized to be appropriated to carry out this section-

(A) \$ 7,000,000 for fiscal year 1996;

(B) \$ 8,000,000 for fiscal year 1997; and

(C) \$ 15,000,000 for fiscal year 1998.

(2) Additional funding .-In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

Subtitle C-Civil Rights for Women

SEC. 40301. SHORT TITLE.

This subtitle may be cited as the "Civil Rights Remedies for Gender-Motivated Violence Act".

SEC. 40302. CIVIL RIGHTS.

(a) Purpose .-Pursuant to the affirmative power of Congress to enact this subtitle under section 5 of the Fourteenth Amendment to the Constitution, as well as under section 8 of Article I of the Constitution, it is the purpose of this subtitle to protect the civil rights of victims of gender motivated violence and to promote public safety, health, and activities affecting interstate commerce by establishing a Federal civil rights cause of action for victims of crimes of violence motivated by gender.

(b) Right To Be Free From Crimes of Violence .-All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d)).

(c) Cause of Action .-A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) shall be liable to the party injured, in an action

for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) Definitions .-For purposes of this section-

(1) the term "crime of violence motivated by gender" means a crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim's gender; and

(2) the term "crime of violence" means-

(A) an act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of title 18, United States Code, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.

(e) Limitation and Procedures.-

(1) Limitation .-Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d)).

(2) No prior criminal action .-Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

(3) Concurrent jurisdiction .-The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this subtitle.

(4) Supplemental jurisdiction .-Neither section 1367 of title 28, United States Code, nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

(5) Limitation on removal .-Section 1445 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d) A civil action in any State court arising under section 40302 of the Violence Against Women Act of 1994 may not be removed to any district court of the United States."

SEC. 40303. ATTORNEY'S FEES.

Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended in the last sentence- [*H8812]

(1) by striking "or" after "Public Law 92-318,"; and

(2) by inserting ", or section 40302 of the Violence Against Women Act of 1994," after "1964".

SEC. 40304. SENSE OF THE SENATE CONCERNING PROTECTION OF THE PRIVACY OF RAPE VICTIMS.

It is the sense of the Senate that news media, law enforcement officers, and other persons should exercise restraint and respect a rape victim's privacy by not disclosing the victim's identity to the general public or facilitating such disclosure without the consent of the victim.

Subtitle D-Equal Justice for Women in the Courts Act

SEC. 40401. SHORT TITLE.

This subtitle may be cited as the "Equal Justice for Women in the Courts Act of 1994".

CHAPTER 1-EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

SEC. 40411. GRANTS AUTHORIZED.

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States (as defined in section 202 of the State Justice Institute Act of 1984 (42 U.S.C. 10701)) in training judges and court personnel in the laws of the States and by Indian tribes in training tribal judges and court personnel in the laws of the tribes on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

SEC. 40412. 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, 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 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;

(18) the need for orders of protection, and the 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. 40413. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

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. 40414. AUTHORIZATION OF APPROPRIATIONS.

(a) In General .-There are authorized to be appropriated to carry out this chapter-

\$ 600,000 for fiscal year 1996.

(b) Model Programs .-Of amounts appropriated under this section, the State Justice Institute shall expend not less than 40 percent on model programs regarding domestic violence and not less than 40 percent on model programs regarding rape and sexual assault.

CHAPTER 2-EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

SEC. 40421. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) Studies .-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, if any, of gender bias in their respective circuits and to implement recommended reforms.

(b) Matters for Examination .-The studies under subsection (a) 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 in judicial proceedings;
- (5) sentencing;
- (6) sentencing alternatives and the nature of supervision of probation and parole;
- (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 the victim's past sexual history in civil and criminal cases; and
- (12) the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts.

(c) Clearinghouse .-The Administrative Office of the United States Courts shall 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 the Administrative Office of the Courts of the United States with their reports and related material.

(d) Model Programs .-The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, may-

(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. 40422. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated-

(1) to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services to carry out section 40421(a)-

\$ 500,000 for fiscal year 1996;

(2) to the Federal Judicial Center to carry out section 40421(d)-

\$ 100,000 for fiscal year 1996; and

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

\$ 100,000 for fiscal year 1996.

Subtitle E-Violence Against Women Act Improvements

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

Section 3156(a)(4) of title 18, United States Code, is amended-

(1) by striking "or" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) any felony under chapter 109A or chapter 110."

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

Section 2245(2) of title 18, United States Code, is amended-

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "; and" at the end of subparagraph (C) and inserting "; or"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;"

SEC. 40503. PAYMENT OF COST OF TESTING FOR SEXUALLY TRANSMITTED DISEASES.

(a) 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 provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually

transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, 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. A victim may waive anonymity and confidentiality of any tests paid for under this section."

[*H8813]

(b) Limited Testing of Defendants .-

(1) Court order. -The victim of an offense of the type referred to in subsection (a) may obtain an order in the district court of the United States for the district in which charges are brought against the defendant charged with the offense, after notice to the defendant and an opportunity to be heard, requiring that the defendant be tested for the presence of the etiologic agent for acquired immune deficiency syndrome, and that the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

(2) Showing required .-To obtain an order under paragraph (1), the victim must demonstrate that-

(A) the defendant has been charged with the offense in a State or Federal court, and if the defendant has been arrested without a warrant, a probable cause determination has been made;

(B) the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and

(C) the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease Control, of the etiologic agent for acquired immune deficiency syndrome to the victim.

(3) Follow-up testing .-The court may order follow-up tests and counseling under paragraph (b)(1) if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

(4) Termination of testing requirements .-An order for follow-up testing under paragraph (3) shall be terminated if the person obtains an acquittal on, or dismissal of, all charges of the type referred to in subsection (a).

(5) Confidentiality of test .-The results of any test ordered under this subsection shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results only to any medical professional, counselor, family member or sexual partner(s) the victim may have had since the attack. Any such individual to whom the test results are disclosed by the victim shall maintain the confidentiality of such information.

(6) Disclosure of test results .-The court shall issue an order to prohibit the disclosure by the victim of the results of any test performed under this subsection to anyone other than those mentioned in paragraph (5). The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

(7) Contempt for disclosure .-Any person who discloses the results of a test in violation of this subsection may be held in contempt of court.

(c) Penalties for Intentional Transmission of HIV .-Not later than 6 months after the date of enactment of this Act, the United States Sentencing Commission shall conduct a study and prepare and submit to the committees on the Judiciary of the Senate and the House of Representatives a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

SEC. 40504. EXTENSION AND STRENGTHENING OF RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended-

(1) in paragraph (2) by inserting "including an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim";

(2) by striking "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

SEC. 40505. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.

Section 3663 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) A Federal agency shall immediately suspend all Federal benefits provided by the agency to the defendant, and shall terminate the defendant's eligibility for Federal benefits administered by that agency, upon receipt of a certified copy of a written judicial finding that the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section.

"(2) Any written finding of delinquency described in paragraph (1) shall be

made by a court, after a hearing, upon motion of the victim named in the order to receive the restitution or upon motion of the United States.

"(3) A defendant found to be delinquent may subsequently seek a written finding from the court that the defendant has rectified the delinquency or that the defendant has made and will make good faith efforts to rectify the delinquency. The defendant's eligibility for Federal benefits shall be reinstated upon receipt by the agency of a certified copy of such a finding.

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

SEC. 40506. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) Study .-The Attorney General, in consultation with the Secretary of Education, 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) and data collected under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, 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 non-campus 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 and civil liability;

(6) in conjunction with the report produced by the Department of Education in coordination with institutions of education under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, an assessment of the policies and practices of educational institutions that are of greatest effectiveness 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 Congress no later than September 1, 1996.

(d) Definition .-For purposes of this section, "campus sexual assaults" includes sexual assaults occurring at institutions of postsecondary education and sexual assaults committed against or by students or employees of such institutions.

(e) Authorization of Appropriations .-There are authorized to be appropriated to carry out the study required by this section-\$ 200,000 for fiscal year 1996.

SEC. 40507. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) Report .-Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the House Committee on Energy and Commerce, the Senate Committee on

Labor and Human Resources, and the Committees on the Judiciary of the Senate and the House of Representatives a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been considered in criminal trials.

(b) Components .-The report under subsection (a) shall include-

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition; [*H8814]

(2) a compilation of State, tribal, and Federal court cases in which evidence of battered women's syndrome was offered in criminal trials; and

(3) an assessment by State, tribal, and Federal judges, prosecutors, and defense attorneys of the effects that evidence of battered women's syndrome may have in criminal trials.

SEC. 40508. 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. 40509. 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 F-National Stalker and Domestic Violence Reduction

SEC. 40601. AUTHORIZING ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.

(a) Access and Entry .-Section 534 of title 28, United States Code, is amended by adding at the end the following:

"(e)(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

"(2) Federal and State criminal justice agencies authorized to enter information into criminal information databases may include-

"(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

"(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

"(3) As used in this subsection-

"(A) the term 'national crime information databases' means the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

"(B) the term 'protection order' includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or 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 a person seeking protection."

(b) Rulemaking .-The Attorney General may make rules to carry out the subsection added to section 534 of title 28, United States Code, by subsection (a), after consultation with the officials charged with managing the National Crime Information Center and the Criminal Justice Information Services Advisory Policy Board.

SEC. 40602. GRANT PROGRAM.

(a) In General .-The Attorney General is authorized to provide grants to States and units of local government to improve processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

(b) Eligibility .-To be eligible to receive a grant under subsection (a), a

State or unit of local government shall certify that it has or intends to establish a program that enters into the National Crime Information Center records of-

(1) warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence;

(2) arrests or convictions of persons violating protection or domestic violence; and

(3) protection orders for the protection of persons from stalking or domestic violence.

SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle-

(1) \$ 1,500,000 for fiscal year 1996;

(2) \$ 1,750,000 for fiscal year 1997; and

(3) \$ 2,750,000 for fiscal year 1998.

SEC. 40604. APPLICATION REQUIREMENTS.

An application for a grant under this subtitle shall be submitted in such form and manner, and contain such information, as the Attorney General may prescribe. In addition, applications shall include documentation showing-

(1) the need for grant funds and that State or local funding, as the case may be, does not already cover these operations;

(2) intended use of the grant funds, including a plan of action to increase record input; and

(3) an estimate of expected results from the use of the grant funds.

SEC. 40605. DISBURSEMENT.

Not later than 90 days after the receipt of an application under this subtitle, the Attorney General shall either provide grant funds or shall inform the applicant why grant funds are not being provided.

SEC. 40606. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATIONS.

The Attorney General may provide technical assistance and training in furtherance of the purposes of this subtitle, and may provide for the evaluation of programs that receive funds under this subtitle, in addition to any evaluation requirements that the Attorney General may prescribe for grantees. The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, or through contracts or other arrangements with other entities.

SEC. 40607. TRAINING PROGRAMS FOR JUDGES.

The State Justice Institute, after consultation with nationally recognized nonprofit organizations with expertise in stalking and domestic violence cases, shall conduct training programs for State (as defined in section 202 of the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701)) and Indian tribal judges to ensure that a judge issuing an order in a stalking or domestic violence case has all available criminal history and other information, whether from State or Federal sources.

SEC. 40608. RECOMMENDATIONS ON INTRASTATE COMMUNICATION.

The State Justice Institute, after consultation with nationally recognized nonprofit associations with expertise in data sharing among criminal justice agencies and familiarity with the issues raised in stalking and domestic violence cases, shall recommend proposals regarding how State courts may increase intrastate communication between civil and criminal courts.

SEC. 40609. INCLUSION IN NATIONAL INCIDENT-BASED REPORTING SYSTEM.

Not later than 2 years after the date of enactment of this Act, the Attorney General, in accordance with the States, shall compile data regarding domestic violence and intimidation (including stalking) as part of the National Incident-Based Reporting System (NIBRS).

SEC. 40610. REPORT TO CONGRESS.

The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of State antistalking efforts and legislation.

SEC. 40611. DEFINITIONS.

As used in this subtitle-

(1) the term "national crime information databases" refers to the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(2) the term "protection order" includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or 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 a person seeking protection.

Subtitle G-Protections for Battered Immigrant Women and Children

SEC. 40701. ALIEN 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 clauses:

"(iii) An alien who is the spouse of a citizen of the United States, who is a person of good moral character, 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 any child of the alien if such a child has not been classified under clause (iv)) 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; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien or a child of the alien.

"(iv) An alien who is the child of a citizen of the United States, who is a person of good moral [*H8815] character, 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 citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien under such section if the alien demonstrates to the Attorney General that-

"(I) the alien is residing in the United States and during the period of residence with the citizen parent the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien.";

(2) in subparagraph (B)-

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

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

"(ii) An alien who is the spouse of an alien lawfully admitted for permanent residence, who is a person of good moral character, 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 any child of the alien if such a child has not been classified under clause (iii)) under such section if the alien demonstrates to the Attorney General that the conditions described in subclauses (I) and (II) of subparagraph (A)(iii) are met with respect to the alien.

"(iii) An alien who is the child of an alien lawfully admitted for permanent residence, who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien under such section if the alien demonstrates to the Attorney General that-

"(I) the alien is residing in the United States and during the period of residence with the permanent resident parent the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien."; and

(3) by adding at the end the following new subparagraph:

"(H) In acting on petitions filed under clause (iii) or (iv) of subparagraph (A) or clause (ii) or (iii) of subparagraph (B), the Attorney General shall consider any credible evidence relevant to the petition. 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) Conforming Amendments .-(1) Section 204(a)(2) of the Immigration and Nationality 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 the Immigration and Nationality 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 sole basis for revocation under section 205 of a petition filed under subsection (a)(1)(A)(iii) 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, 1995.

SEC. 40702. 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 relevant to the application. 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 enactment of this Act and shall apply to applications made before, on, or after such date.

SEC. 40703. SUSPENSION OF DEPORTATION.

(a) Battered Spouse or Child .-Section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)) is amended-

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

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

(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); has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application; 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 (or is the parent of a child of a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); 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."

(b) Consideration of Evidence .-Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(g) In acting on applications under subsection (a)(3), the Attorney General shall consider any credible evidence relevant to the application. 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."