

HR 1502 SC  
102d CONGRESS  
1st Session  
H. R. 1502

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

#### IN THE HOUSE OF REPRESENTATIVES

March 20, 1991

Mrs. BOXER (for herself, Mrs. MORELLA, Mrs. COLLINS of Illinois, Mrs. KENNELLY, Mrs. MINK, Ms. NORTON, Ms. PELOSI, Mrs. SCHROEDER, Ms. SNOWE, Mr. BRYANT, Mr. CARPER, Mr. DYMALLY, Mr. FASCELL, Mr. FUSTER, Mr. KOPETSKI, Mr. LIPINSKI, Mr. OBERSTAR, Mr. OLIN, Mr. RAHALL, Mr. STAGGERS, Mr. WOLPE, Mr. WYDEN, and Mr. YATES) introduced the following bill; which was referred jointly to the Committees on the Judiciary, Public Works and Transportation, Interior and Insular Affairs, Energy and Commerce, and Education and Labor

July 31, 1991

Additional sponsors: Mr. NAGLE, Mr. BOUCHER, Mr. HOCHBRUECKNER, Mr. RAVENEL, Mr. STARK, Mr. BERMAN, Mr. SMITH of Florida, Mr. MCDERMOTT, Mr. UDALL, Ms. WATERS, Mr. LAFALCE, Mr. COSTELLO, Mr. PANETTA, Mr. LEHMAN of Florida, Mr. WASHINGTON, Mr. OWENS of Utah, Mr. LEVINE of California, Mr. OWENS of New York, Mr. FROST, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mr. FLAKE, Mr. JEFFERSON, Mr. STUDDS, Mr. NEAL of Massachusetts, Mr. DELLUMS, Ms. SLAUGHTER of New York, Mr. JOHNSON of South Dakota, Mr. SERRANO, Mr. BILBRAY, Mr. MARKEY, Mr. ANDREWS of Maine, Mr. TORRICELLI, Mrs. MEYERS of Kansas, Mr. DE LUGO, Mr. RICHARDSON, Mr. SLATTERY, Mr. AUCOIN, Mr. HERTEL, Mr. DEFAZIO, Mr. LEVIN of Michigan, Mr. FORD of Tennessee, Mr. SIKORSKI, Mr. HAMILTON, Mr. WISE, Mrs. LOWEY of New York, Mr. SANDERS, Mr. DWYER of New Jersey, Mr. POSHARD, Mr. ENGEL, Mrs. UNSOELD, Mr. DURBIN, Mr. HOAGLAND, Mr. FOGLIETTA, Mr. ATKINS, Mr. REED, Mr. MRAZEK, Mr. ECKART, Mr. MORAN, Mr. GALLO, Mr. GEJDENSON, Mr. GAYDOS, Mr. ABERCROMBIE, Mr. MOODY, Mr. RANGEL, Mr. BROWN, Mr. DIXON, Mr. WHEAT, Mr. WILSON, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. RAMSTAD, Mr. SWETT, Ms. DELAURO, Mr. MARTINEZ, Mr. GONZALEZ, Mr. ERDREICH, Mr. BUSTAMANTE, Mr. KILDEE, Mr. BONIOR, Mr. CONYERS, Mr. ESPY, Mr. MFUME, Mr. SHAYS, Mr. STOKES, Mr. HAYES of Illinois, Ms. OAKAR, Mr. WEISS, Mrs. PATTERSON, Mr. ANDERSON, Mr. MATSUI, Mr. PALLONE, Mr. BILIRAKIS, and Mr. Coyne

#### A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the `Violence Against Women Act of 1991'.

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TITLE I--SAFE STREETS FOR WOMEN

SEC. 101. SHORT TITLE.

This title may be cited as the 'Safe Streets for Women Act of 1991'.  
Subtitle A--Mandatory Restitution, Treatment, and Rehabilitation for Sex Offenses

SEC. 111. MANDATORY RESTITUTION FOR SEX OFFENSES.

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

'Sec. 2248. Mandatory restitution for sex offenses

'(a) IN GENERAL- Notwithstanding the terms of 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) IN GENERAL- The order of restitution under this section shall direct that--

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

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

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

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

'(B) physical and occupational therapy or rehabilitation;

'(C) lost income;

'(D) attorneys' fees; and

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

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

'(A) the economic circumstances of the defendant; or

'(B) 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.

'(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES-

'(A) IN GENERAL- Notwithstanding the terms of paragraph (3), 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.

'(B) DEFINITION- For purposes of this paragraph, 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.

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

'(D) PAYMENT TO OTHER PROVIDER OF COMPENSATION- In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim before any restitution is paid to any other provider of compensation.

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

'(A) any Federal civil proceeding; and

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

the State.

`(c) PROOF OF CLAIM-

`(1) IN GENERAL- Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or his 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 his delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or his delegee) shall advise the victim that the victim may file a separate affidavit.

`(2) OBJECTIONS- If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (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 his 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. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers. Notwithstanding any other provision of law, this section does not entitle the defendant to discovery of the contents of, or matters related to, any supporting documentation, including medical, psychological, or psychiatric records.

`(4) FINAL DETERMINATION OF LOSSES- In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c) (1), the United States Attorney (or his 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) DEFINITION- For purposes of this section, the term 'victim' includes any person who has suffered direct physical, emotional, or pecuniary harm 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, except that in no event shall the defendant be named as such representative or guardian.'

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

`2248. Mandatory restitution for sex offenses.'

SEC. 112. MANDATORY TREATMENT AND REHABILITATION FOR SEX OFFENSES.

(a) IN GENERAL- Chapter 301 of title 18, United States Code, is amended by adding at the end the following new section:

`Sec. 4014. Mandatory treatment and rehabilitation for sex offenses

`(a) IN GENERAL- Participation in a psychotherapeutic treatment program conducted by a licensed psychotherapist shall be required for--

`(1) each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A or for a commission before the effective date of such chapter of an offense under this title which is similar to an offense under such chapter;

`(2) each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission under the law of a State of an offense which is similar to an offense under chapter 109A; and

`(3) each person serving a sentence of imprisonment in an institution other than a Federal penal or correctional institution for a commission

of an offense under chapter 109A or for a commission before the effective date of such chapter of an offense under this title which is similar to an offense under such chapter.

`(b) PURPOSE-

`(1) IN GENERAL- The treatment program shall be designed to rehabilitate the affected person and to deter the affected person from committing a sexual offense after the affected person has been released from the applicable institution.

`(2) TREATMENT FOR SUBSTANCE-ABUSE RELATED CONDITIONS- Treatment for a substance-abuse related condition shall be made available to the affected person in addition to, but not as a substitute for, counseling under the treatment program.

`(c) PERIOD OF TREATMENT-

`(1) COMMENCEMENT OF TREATMENT- The treatment program shall begin by the later of--

`(A) 30 days after the date on which the affected person is admitted to the applicable institution; or

`(B) 30 days after the date on which the advisory committee established in subsection (f) has submitted the recommendations described in subsection (f) (2).

`(2) FORENSIC PSYCHOLOGICAL ASSESSMENT- A complete forensic psychological assessment of the affected person shall be conducted prior to the commencement of the treatment program.

`(3) TERMINATION OF TREATMENT- The treatment program shall terminate on the earlier of--

`(A) the date on which the affected person is released from the applicable institution; or

`(B) the date on which the affected person is determined to have obtained results from the treatment program that are sufficient to justify termination of the affected person's participation in the treatment program.

`(d) SUPPLEMENTARY CHEMICAL TREATMENT-

`(1) IN GENERAL- Chemical treatment of the affected person, including chemotherapy with psychopharmacological or other drug agents, may supplement, but not substitute for, the treatment program.

`(2) REFUSAL OF CHEMICAL TREATMENT- The affected person may refuse to participate, or to continue to participate, in supplementary chemical treatment.

`(e) RESPONSIBILITY OF ATTORNEY GENERAL- The Attorney General--

`(1) may contract with any State, political subdivision of a State, public or private agency, or other person to provide the treatment program;

`(2) shall refer each affected person who is released from confinement to a community based psychotherapeutic treatment program and shall forward the affected person's treatment record to such program prior to the affected person's release;

`(3) after receipt of the recommendations described in subsection (f) (2) (E), shall document the level of subsequent criminal sexual abuse by affected persons; and

`(4) after receipt of the recommendations described in subsection (f) (2) (A), shall transmit to the applicable institutions for the use of the licensed psychotherapists administering the treatment program information on the minimum standards required for the psychometric instruments, interview procedures, and other evaluation methods to be used during the forensic psychological assessment of the affected persons, and the conditions under which a psychiatric medical examination of an affected person is required to be conducted in addition to the forensic psychological assessment.

`(f) ADVISORY COMMITTEE-

`(1) ESTABLISHMENT- The Attorney General shall establish an advisory committee on therapeutic treatment for sex offenders.

`(2) DUTIES- The advisory committee shall--

`(A) submit recommendations to the Attorney General specifying the minimum standards required for the psychometric instruments, interview procedures, and other evaluation methods to be used during the forensic psychological assessment of the affected persons, and the conditions under which a

psychiatric medical examination of an affected person is required to be conducted in addition to the forensic psychological assessment;

`(B) after review of relevant literature, submit recommendations to the Attorney General specifying the type and structure of therapeutic treatment for sex offenders based on diagnostic categories such as the diagnostic categories established in the Diagnostic and Statistical Manual of the American Psychiatric Association;

`(C) submit recommendations to the Attorney General specifying the criteria for determining whether an affected person participating in the treatment program has obtained results from the treatment program that are sufficient to justify termination of the affected person's participation in the treatment program;

`(D) submit recommendations to the Attorney General specifying the criteria for requiring continued participation in the treatment program by each affected person as a condition of supervised release from the applicable institution;

`(E) submit recommendations to the Attorney General specifying a systematic method for documenting the level of subsequent criminal sexual abuse by affected persons; and

`(F) submit recommendations to the Attorney General specifying the conditions under which, after the termination of the advisory committee, the reestablishment of the advisory committee to provide further technical advice may be necessary.

`(3) COMPOSITION- The advisory committee shall be composed of not fewer than 6 experts in the practice and evaluation of the psychotherapeutic treatment of sex offenders and shall include not less than 1 Native American.

`(4) COMPENSATION AND EXPENSES- The members of the advisory committee may not receive compensation for service on the advisory committee. Such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

`(5) ADMINISTRATIVE STAFF AND SUPPORT- The Attorney General shall provide any administrative support and shall detail on a nonreimbursable basis any personnel of the Department of Justice as the advisory committee may require to carry out its functions under this section.

`(6) REPORTS- Not later than the expiration of the 6-month period beginning on the date of the enactment of the Safe Streets for Women Act of 1991, the advisory committee shall submit to the Congress, the Attorney General, and the Director of the Federal Bureau of Prisons a report detailing the findings and recommendations made by the advisory committee under this section.

`(7) DURATION- The advisory committee shall terminate not later than the expiration of the 6-month period beginning on the date of the enactment of the Safe Streets for Women Act of 1991.

`(g) DEFINITIONS- For purposes of this section--

`(1) the term 'advisory committee' means the advisory committee on therapeutic treatment for sex offenders established by this section;

`(2) the term 'affected person' means any person required to participate in the treatment program established by this section;

`(3) the term 'applicable institution' means the correctional or penal institution in which the affected person is confined;

`(4) the term 'licensed psychotherapist' means a psychotherapist licensed or certified under the law of the State in which the applicable institution is located or certified by the Association for Treatment of Sexual Abusers;

`(5) the term 'relevant literature' means information documenting the effectiveness of various types and structures of psychotherapeutic treatment that is accepted for presentation at a scientific or professional meeting or for publication in a scientific or professional journal after review by other licensed psychotherapists; and

`(5) the term 'treatment program' means the psychotherapeutic treatment program established by this section.

`(h) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out the provisions of this section \$2 million for each of the fiscal years 1992, 1993, 1994, 1995, and 1996. Of the amounts appropriated

under the preceding sentence for fiscal year 1992, 5 percent shall be used to carry out the provisions of subsection (f).'

(b) TABLE OF SECTIONS- The table of sections for chapter 301 of title 18, United States Code, is amended by adding at the end the following new item:  
`4014. Mandatory treatment and rehabilitation for sex offenses.'

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

SEC. 121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

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

(1) redesignating part N as part O;

(2) redesignating section 1401 as section 1501; and

(3) adding after part M the following new part:

`Part N--Grants To Combat Violent Crimes Against Women

`SEC. 1401. PURPOSE OF THE PROGRAM AND GRANTS.

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

`(b) PURPOSES FOR WHICH GRANTS MAY BE USED- Grants under this part shall provide additional 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 police and prosecution policies, protocols, or orders specifically devoted to identifying and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

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

`(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, to increase reporting and reduce attrition rates for cases involving violent crimes against women, including the crimes of sexual assault and domestic violence.

`Subpart 1--High Intensity Crime Area Grants

`SEC. 1411. HIGH INTENSITY GRANTS.

`(a) IN GENERAL- The Director of the Bureau of Justice Assistance (hereafter in this part referred to as the 'Director') shall make grants to each high intensity crime area.

`(b) DEFINITION- For purposes of this part, the term 'high intensity crime area' means an area with one of the 40 highest rates of violent crime against women, as determined by the Bureau of Justice Statistics pursuant to section 1412.

`SEC. 1412. HIGH INTENSITY GRANT APPLICATION.

`(a) COMPUTATION- Within 45 days after the date of enactment of this part, the Bureau of Justice Statistics shall compile a list of the 40 areas with the highest rates of violent crime against women based on the combined female victimization rate per population for assault, sexual assault (including, but not limited to, rape), murder, robbery, and kidnapping.

`(b) USE OF DATA- In calculating the combined female victimization rate required by subsection (a), the Bureau of Justice Statistics may rely on--

`(1) existing data collected by States, municipalities, Indian reservations or statistical metropolitan areas showing the number of police reports of the crimes listed in subsection (a); and

`(2) existing data collected by the Federal Bureau of Investigation, including data from those governmental entities already complying with the National Incident Based Reporting System, showing the number of police reports of crimes listed in subsection (a).

`(c) PUBLICATION- After compiling the list set forth in subsection (a), the Bureau of Justice Statistics shall convey it to the Director who shall publish it in the Federal Register.

`(d) QUALIFICATION- Upon satisfying the terms of subsection (e), any high intensity crime area shall be qualified for a grant under this subpart upon application by the chief executive officer of the governmental entities responsible for law enforcement and prosecution of criminal offenses within the area and certification that--

`(1) the funds shall be used to reduce the rate of violent crimes against women and for the purposes outlined in section 1401(b);

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

`(3) at least 25 percent of the amount granted shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

`(e) APPLICATION REQUIREMENTS- The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application must provide the certifications required by subsection (d) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (d)(2). Applications shall include--

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

`(A) need for the grant funds;

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

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

`(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 122 of this title.

`(f) DISBURSEMENT-

`(1) IN GENERAL- No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

`(2) RESPONSIBILITY OF DIRECTOR- In disbursing monies under this subpart, the Director shall ensure, to the extent practicable, that grantees--

`(A) equitably distribute funds on a geographic basis;

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

`(C) give priority to areas with the greatest showing of need.

`(g) GRANTEE REPORTING- Upon completion of the grant period under this subpart, the 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 part. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

`Subpart 2--Other Grants to States to Combat Violent Crimes Against Women

`SEC. 1421. GENERAL GRANTS TO STATES.

`(a) GENERAL GRANTS- The Director is authorized to make grants to States, for use by States, units of local government in the States, and nonprofit nongovernmental victim services programs in the States, for the purposes outlined in section 1401(b), and to reduce the rate of violent crimes against women.

`(b) AMOUNTS- From amounts appropriated, the amount of grants under subsection (a) shall be--

`(1) \$500,000 to each State; and

`(2) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.



`(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 to reduce the rate of violent crimes against women and for the purposes outlined in section 1401(b);

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

`(3) at least 25 percent of the amount granted shall be allocated to each of the following 3 areas: prosecution, law enforcement, and victim services.

`(d) APPLICATION REQUIREMENTS- The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application shall include the certifications of qualification required by subsection (c) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (c)(2). Applications shall include--

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

`(A) need for the grant funds;

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

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

`(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 122 of this title.

`(e) DISBURSEMENT-

`(1) IN GENERAL- No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

`(2) RESPONSIBILITY OF DIRECTOR- In disbursing monies under this subpart, the Director shall issue regulations to ensure that States will--

`(A) equitably distribute monies on a geographic basis, including nonurban and rural areas of any geographic size, and giving priority to areas of any geographic size with populations of not more than 100,000 individuals;

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

`(C) give priority to areas of any 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.

`(f) GRANTEE REPORTING- Upon completion of the grant period 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. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

`SEC. 1422. GENERAL GRANTS TO TRIBES.

`(a) GENERAL GRANTS- The Director is authorized to make grants to Indian tribes, for use by tribes, tribal organizations or nonprofit nongovernmental victim services programs on Indian reservations, for the purposes outlined in section 1401(b), and to reduce the rate of violent crimes against women in Indian country.

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

`(c) QUALIFICATION- Upon satisfying the terms of subsection (d), any tribe shall be qualified for funds provided under this part upon certification that--

`(1) the funds shall be used to reduce the rate of violent crimes against women and for the purposes outlined in section 1401(b); and

`(2) at least 25 percent of the grant funds shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

`(d) APPLICATION REQUIREMENTS-

`(1) IN GENERAL- Applications shall be made directly to the Director and shall contain a description of the tribes' law enforcement responsibilities for the Indian country described in the application and a description of the tribes' system of courts, including whether the tribal government operates courts of Indian offenses as defined in 25 U.S.C. 1301 or CFR courts under 25 CFR 11 et seq.

`(2) CONTENT- Applications shall be in such form as the Director may prescribe and shall specify the nature of the program proposed by the applicant tribe, the data and information on which the program is based, and the extent to which the program plans to use or incorporate existing services available in the Indian country where the grant will be used.

`(3) TERM OF GRANT- The term of any grant shall be for a minimum of 3 years.

`(e) GRANTEE REPORTING- At the end of the first 12 months of the grant period and at the end of each year thereafter, the Indian tribe 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. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

`(f) DEFINITIONS- For purposes of this section--

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

`(2) the term 'Indian country' has the meaning given to such term by section 1151 of title 18, United States Code.

`Subpart 3--General Terms and Conditions

`SEC. 1431. GENERAL DEFINITIONS.

`For purposes of this part--

`(1) the term 'victim services program' means any public or private, nonsectarian, nonprofit program that assists victims, including (A) nongovernmental nonprofit organizations such as rape crisis centers, battered women's shelters, and other domestic violence programs, including nonprofit nongovernmental organizations assisting victims through the legal process and (B) victim/witness programs within governmental entities;

`(2) the term 'sexual assault' includes not only assaults committed by offenders who are strangers to the victim but also assaults committed by offenders who are known or related by blood or marriage to the victim; and

`(3) the term 'domestic violence' includes felony and misdemeanor offenses committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse, or any other person similarly situated to a spouse who is protected under the domestic or family violence laws of the jurisdiction receiving grant monies.

`SEC. 1432. GENERAL TERMS AND CONDITIONS.

`(a) NONMONETARY ASSISTANCE- In addition to the assistance provided under subparts 1 or 2, the Director may direct any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts.

`(b) BUREAU REPORTING- No later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Judiciary Committees of the House and the Senate a report that includes, for each high intensity crime area (as provided in subpart 1) and for each State and for each grantee Indian tribe (as provided in subpart 2)--

`(1) the amount of grants made under this part;

`(2) a summary of the purposes for which those grants were provided and

an evaluation of their progress; and

`(3) a copy of each grantee report filed pursuant to sections 1412(g) and 1421(f).

`(c) REGULATIONS- No later than 45 days after the date of enactment of this part, the Director shall publish proposed regulations implementing this part. No later than 120 days after such date, the Director shall publish final regulations implementing this part.

`(d) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated for each of the fiscal years 1992, 1993, and 1994, \$100,000,000 to carry out the purposes of subpart 1, and \$190,000,000 to carry out the purposes of subpart 2, and \$10,000,000 to carry out the purposes of section 1422 of subpart 2.'.

#### SEC. 122. RAPE EXAM PAYMENTS.

No State or other grantee is entitled to funds under title I of the Violence Against Women Act of 1991 unless the State or other grantee incurs the full cost of forensic medical exams for victims of sexual assault when such exams are required under section 122 of such title. A State or other grantee does not incur the full medical cost of such exams if it chooses to reimburse the victim after the fact unless the reimbursement program waives any minimum loss or deductible requirement, provides victim reimbursement within a reasonable time (90 days), permits applications for reimbursement within one year from the date of the exam, and provides information to all subjects of such exams about how to obtain reimbursement.

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

#### SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION.

Section 24 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

##### `GRANTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION

`SEC. 24. (a) IN GENERAL- From funds authorized under section 21, and not to exceed \$10,000,000, the Secretary shall 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) IN GENERAL- 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) EXPENDITURE OF CERTAIN SUMS- 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 broken down by type of crime, sex, race, and relationship of victim to the offender.

`(d) INCREASED FEDERAL SHARE- Notwithstanding any other provision of this Act, the Federal share under this section for each capital improvement project which enhances the safety and security of public transportation

systems and which is not required by law (including any other provision of this chapter) shall be 90 percent of the net project cost of such 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 all the terms, conditions, requirements, and provisions applicable to grants and loans made under section 2(a).'

SEC. 132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.

The Act entitled 'An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes', approved August 18, 1970 (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) From the sums authorized pursuant to section 7 of the Land and Water Conservation Act of 1965, and not to exceed \$10,000,000, the Secretary of the Interior is authorized to provide Federal assistance to reduce the incidence of violent crime in the National Park System.

`(b) The Secretary shall direct the chief official responsible for law enforcement within the National Park Services 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) No later than 120 days after the date of enactment of this section, and based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute funds throughout the National Park Service. Priority shall be given to those areas with the highest rates of sexual assault.

`(d) Funds provided under this section may be used for the following--

`(1) to increase lighting within or adjacent to public parks and recreation areas;

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

`(3) to increase security or law enforcement personnel within or adjacent to public parks and recreation areas; and

`(4) any other project intended to increase the security and safety of public parks and recreation areas.'

SEC. 133. 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) IN GENERAL- In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated, the Secretary shall provide financial assistance to the States, not to exceed \$15,000,000 in total, for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds for the following types of projects or combinations thereof--

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

`(2) OTHER ELIGIBILITY REQUIREMENTS- In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection is dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to those 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) MATCHING REQUIREMENTS- Notwithstanding the terms of subsection (c), the Secretary is authorized to provide 70 percent improvement grants for projects undertaken by any State for the purposes outlined in this subsection. The remaining share of the cost shall be borne by the State.'.

Subtitle D--National Commission on Violent Crime Against Women

#### SEC. 141. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Violent Crime Against Women (in this subtitle referred to as the 'Commission').

#### SEC. 142. DUTIES OF COMMISSION.

(a) GENERAL PURPOSE OF THE COMMISSION- The Commission shall carry out activities for the purposes of promoting a national policy on violent crime against women, and for making recommendations for how to reduce violent crime against women.

(b) FUNCTIONS- The Commission shall perform the following functions--

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

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

(3) evaluate the adequacy of, and make recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crime;

(4) evaluate the adequacy of, and make recommendations regarding, the role of the Federal Government in reducing violent crimes against women;

(5) evaluate the adequacy of, and make recommendations regarding, national public awareness and the public dissemination of information essential to the prevention of violent crimes against women;

(6) evaluate the adequacy of, and make recommendations regarding, data collection and government statistics on the incidence and prevalence of violent crimes against women;

(7) evaluate the adequacy of, and make recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses;

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

(9) evaluate, and make recommendations regarding, the feasibility of enabling victims of domestic violence to register to vote and to vote in Federal, State, and local elections, while maintaining the confidentiality of their addresses.

#### SEC. 143. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT-

(1) APPOINTMENT- The Commission shall be composed of 21 members as follows:

(A) 5 members shall be appointed by the President--

(i) 3 of whom shall be--

(I) the Attorney General;

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

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

who shall be nonvoting members, except that in the case of a tie vote by the Commission, the Attorney General shall be a voting member;

(ii) 2 of whom shall be selected from the general public on the basis of such individuals being specially qualified to serve on the Commission by reason of their experience in advocacy or service organizations that specialize in sexual assault and domestic violence; and

(iii) at least 1 of whom shall be selected for their experience in providing services to women victims of violent crime.

(B) 8 members shall be appointed by the Speaker of the House of Representatives on the joint recommendation of the Majority and Minority Leaders of the House of Representatives, at least 1 of whom shall represent a State domestic violence or sexual assault coalition, and at least 2 of whom shall represent National or broad based domestic violence and sexual assault organizations.

(C) 8 members shall be appointed by the President pro tempore of the Senate on the joint recommendation of the Majority and Minority Leaders of the Senate, at least 1 of whom shall represent a State domestic violence or sexual assault coalition, and at least 2 of whom shall represent National or broad based domestic violence and sexual assault organizations.

(2) CONGRESSIONAL COMMITTEE RECOMMENDATIONS- In making appointments under subparagraphs (B) and (C) of paragraph (1), the Majority and Minority Leaders of the House of Representatives and the Senate shall duly consider the recommendations of the Chairmen and Ranking Minority Members of committees with jurisdiction over laws contained in title 18, United States Code.

(3) REQUIREMENTS OF APPOINTMENTS- The Majority and Minority Leaders of the Senate and the House of Representatives shall--

(A) select individuals who are specially qualified to serve on the Commission by reason of their experience in advocacy or service organizations specializing in sexual assault or domestic violence;

(B) engage in consultations for the purpose of ensuring that the expertise of the 16 members appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate shall provide as much of a balance as possible and, to the greatest extent possible, cover the fields of law enforcement, prosecution, judicial administration, legal expertise, victim compensation boards, and victim advocacy; and

(C) to the greatest extent possible, include Native Americans and other minorities as members of the Commission.

(4) TERM OF MEMBERS- Members of the Commission (other than members appointed under paragraph (1)(A)(i)) shall serve for the life of the Commission.

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

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

(c) QUORUM- 7 members of the Commission shall constitute a quorum, but a lesser number may be authorized by the Commission to conduct hearings.

(d) MEETINGS- The Commission shall hold its first meeting on a date specified by the Chairman, but such date shall not be later than 60 days after the date of the enactment of this Act. After the initial meeting, the Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least 6 times.

(e) PAY- Members of the Commission who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Commission.

(f) PER DIEM- Except as provided in subsection (e), while away from their homes or regular places of business in the performance of duties for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(g) DEADLINE FOR APPOINTMENT- Not later than 45 days after the date of the enactment of this Act, the members of the Commission shall be appointed.

#### SEC. 144. REPORTS.

(a) IN GENERAL- Not later than 1 year after the date on which the Commission is fully constituted under section 143, the Commission shall prepare and submit a final report to the President, congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault, and the chief executive officer of each State.

(b) CONTENTS- The final report submitted under subsection (a) shall

contain a detailed statement of the activities of the Commission and of the findings and conclusions of the Commission, including such recommendations for legislation and administrative action as the Commission considers appropriate.

SEC. 145. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR-

(1) APPOINTMENT- The Commission shall have an Executive Director who shall be appointed by the Chairman, with the approval of the Commission, not later than 30 days after the Chairman is selected.

(2) COMPENSATION- The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable under GS-18 of the General Schedule as contained in title 5, United States Code.

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

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

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

SEC. 146. POWERS OF COMMISSION.

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

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

(c) ACCESS TO INFORMATION- The Commission may secure directly from any executive department or agency such information as may be necessary to enable the Commission to carry out this subtitle, except to the extent that the department or agency is expressly prohibited by law from furnishing such information. On the request of the Chairman of the Commission, the head of such a department or agency shall furnish nonprohibited information to the Commission.

(d) MAILS- The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 147. AUTHORIZATIONS OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, \$500,000 to carry out the purposes of this subtitle.

SEC. 148. TERMINATION.

The Commission shall cease to exist 30 days after the date on which its final report is submitted under section 144. The President may extend the life of the Commission for a period of not to exceed 1 year.

Subtitle E--New Evidentiary Rules

SEC. 151. SEXUAL HISTORY IN ALL CRIMINAL CASES.

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

`Rule 412A. Evidence of victim's past behavior in other criminal cases

`(a) Notwithstanding any other provision of law, in a criminal case, other than a sex offense case governed by rule 412, reputation or opinion evidence of the past sexual behavior of an alleged victim is not admissible.

`(b) Notwithstanding any other provision of law, in a criminal case, other than a sex offense case governed by rule 412, evidence of an alleged victim's past sexual behavior (other than reputation and opinion evidence) may be admissible if--

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

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

`(c) (1) If the defendant intends to offer evidence of specific instances of the alleged victim's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the alleged victim.

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

`(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence that the defendant seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice such evidence shall be admissible in the trial to the extent an order made by the court specifies the evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined. In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance, and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.'.

#### SEC. 152. SEXUAL HISTORY IN CIVIL CASES.

The Federal Rules of Evidence, as amended by section 151 of this Act, are amended by adding after rule 412A the following new rule:

`Rule 412B. Evidence of past sexual behavior in civil cases

`(a) Notwithstanding any other provision of law, in a civil case in which a defendant is accused of actionable sexual misconduct, as defined in subdivision (d), reputation or opinion evidence of the plaintiff's past sexual behavior is not admissible.

`(b) Notwithstanding any other provision of law, in a civil case in which a defendant is accused of actionable sexual misconduct, as defined in subdivision (d), evidence of a plaintiff's past sexual behavior other than reputation or opinion evidence may be admissible if--

`(1) admitted in accordance with the procedures specified in subdivision (c); and

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

`(c) (1) If the defendant intends to offer evidence of specific instances of the plaintiff's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the plaintiff.

`(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in



chambers to determine if such evidence is admissible. At such hearing, the parties may call witnesses, including the plaintiff and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence which the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

`(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence that the defendant seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the court specifies evidence which may be offered and areas with respect to which the plaintiff may be examined or cross-examined. In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance, and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.

`(d) For purposes of this rule, a case involving a claim of actionable sexual misconduct, includes, but is not limited to, sex harassment or discrimination claims brought pursuant to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)) and gender bias claims brought pursuant to title III of the Violence Against Women Act of 1991.'.

#### SEC. 153. AMENDMENTS TO RAPE SHIELD LAW.

Rule 412 of the Federal Rules of Evidence is amended--

(1) by adding at the end the following:

`(e) Notwithstanding any other provision of law, any evidentiary rulings made pursuant to this rule are subject to interlocutory appeal by the government or by the alleged victim.

`(f) If the prosecution seeks to offer evidence of prior sexual history, the provisions of this rule may be waived by the alleged victim.'; and

(2) by adding at the end of subdivision (c)(3) the following: `In its order, the court should consider--

`(A) the chain of reasoning leading to its finding of relevance; and

`(B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.'.

#### SEC. 154. EVIDENCE OF CLOTHING.

The Federal Rules of Evidence, as amended by sections 151 and 152 of this Act, are amended by adding after rule 412B the following new rule:

`Rule 413. Evidence of victim's clothing as inciting violence

`Notwithstanding any other provision of law, in a criminal case in which a person is accused of an offense under chapter 109A of title 18, United States Code, evidence of an alleged victim's clothing is not admissible to show that the alleged victim incited or invited the offense charged.'.

Subtitle F--Assistance to Victims of Sexual Assault

#### SEC. 161. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Health Services Act (42 U.S.C. 300w et seq.) is amended--

(1) by adding at the end the following new section:

`Sec. 1910A. Use of allotments for rape prevention education

`(a) Notwithstanding the terms of section 1904(a)(1) of this title, 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, which programs may include--

`(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.

`(b) There are authorized to be appropriated to carry out the purposes of this section, \$60 million for fiscal year 1992, \$75 million for fiscal year 1993, and \$100 million for fiscal year 1994.

`(c) Funds authorized under this section may only be used for providing rape prevention and education programs.

`(d) 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.

`(e) States, Indian tribes, and tribal organizations shall be allotted funds under this section pursuant to the terms of sections 1902 and 1903, and subject to the conditions provided in this section and sections 1904 through 1909.'; and

(2) by striking section 1901(b).

#### SEC. 162. FUNDING FOR RAPE PREVENTION DEMONSTRATION PROJECTS.

(a) IN GENERAL- The Public Health Service Act (42 U.S.C. 201 et seq.) is amended--

(1) by redesignating title XXVII as title XXVIII;

(2) by redesignating sections 2701 through 2714 as sections 2801 through 2814, respectively; and

(3) by inserting after title XXVI the following new title:

#### `TITLE XXVII--RAPE PREVENTION

`SEC. 2701. (a) The Secretary may make grants for research and service demonstration projects to develop and evaluate techniques for lowering the overall incidence of rape by 20 percent by the year 2000 and for reducing the trauma and long-term impact of rape. Such grants may be used for--

`(1) changing relevant attitudes and sexually assaultive behaviors of boys and young men,

`(2) teaching non-violent conflict resolution, self defense classes, and other relevant skills in schools and other youth-oriented settings,

`(3) fostering recognition of acts meeting the legal definition of rape as rape, and

`(4) developing and disseminating protocols for routinely identifying, treating, and properly referring victims of sexual assault and spouse and child abuse by hospital emergency departments.

Grants under this subsection shall be made by the National Institute of Child Health and Human Development.

`(b) There is authorized to be appropriated for grants under subsection (a) \$5,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996.'.

(b) CONFORMING AMENDMENTS- The Public Health Service Act (42 U.S.C. 201 et seq.) is amended--

(1) in section 406(a)(2), by striking `2701' and inserting `2801';

(2) in section 465(f), by striking `2701' and inserting `2801';

(3) in section 480(a)(2), by striking `2701' and inserting `2801';

(4) in section 485(a)(2), by striking `2701' and inserting `2801';

(5) in section 497, by striking `2701' and inserting `2801';

(6) in section 505(a)(2), by striking `2701' and inserting `2801'; and

(7) in section 926(b), by striking `2711' each place such term appears and inserting `2811'.

#### TITLE II--SAFE HOMES FOR WOMEN

##### SEC. 201. SHORT TITLE.

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

##### Subtitle A--Interstate Enforcement

##### SEC. 211. INTERSTATE ENFORCEMENT.

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

##### `Chapter 110A--Violence Against Spouses

`Sec. 2261. Traveling to commit spousal abuse.

`Sec. 2262. Interstate violation of protection orders.

`Sec. 2263. Restitution.

`Sec. 2264. Full faith and credit given to protection orders.

`Sec. 2265. Definitions for chapter.

`Sec. 2261. Traveling to commit spousal abuse

`(a) IN GENERAL- Any person who travels or causes another (including the intended victim) to travel across State lines or in interstate commerce with the intent to injure a spouse or intimate partner and who, during the course of any such travel or thereafter, does an act that injures his or her spouse or intimate partner in violation of a criminal law of the State where the injury occurs (even if such violation does not result in the prosecution or conviction of such person under the law of such State) shall be fined not more than \$1,000 or imprisoned for not more than 5 years but not less than 3 months, or both, in addition to any fine or term of imprisonment provided under State law.

`(b) NO STATE LAW- If no fine or term of imprisonment is provided for under the law of the State where the injury occurs, a person violating this section shall be punished as follows--

`(1) if permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; where serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both; where bodily injury results, by fine under this title or imprisonment for not more than 5 years, or both;

`(2) if the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both;

`(3) if the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both; and

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

`(c) CRIMINAL INTENT- The criminal intent of the offender required to establish an offense under subsection (b) is the general intent to do the acts that result in injury to a spouse or intimate partner and not the specific intent to violate the law of a State.

`Sec. 2262. Interstate violation of protection orders

`(a) IN GENERAL- Any person against whom a valid protection order has been entered or any agent of that person who travels or causes another (including the intended victim) to travel across State lines or in interstate commerce with the intent to injure a spouse or intimate partner and who, during the course of such travel or thereafter, commits an act that injures his or her spouse or intimate partner in violation of a valid protection order issued by a State, with the intent to injure his or her spouse or intimate partner, shall be punished as follows--

`(1) if permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; where serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both; where bodily injury results, by fine under this title or imprisonment for not more than 5 years, or both;

`(2) if the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both;

`(3) if the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both;

`(4) if the offender has previously violated any prior protection order issued against that person for the protection of the same victim, by fine under this title or imprisonment for not more than 5 years and not less than six months, or both; and

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

`(b) CRIMINAL INTENT- The criminal intent required to establish the offense provided in subsection (a) is the general intent to do the acts which result in injury to a spouse or intimate partner and not the specific

intent to violate a protection order or State law.

`Sec. 2263. Interim protections

`In furtherance of the purposes of this chapter, and to protect against abuse of a spouse or intimate partner, any judge or magistrate before whom a criminal case under this chapter is brought, shall have the power to issue temporary orders of protection for the protection of an abused spouse or intimate partner pending final adjudication of the case, upon a showing of a likelihood of danger to the abused spouse or intimate partner.

`Sec. 2264. Restitution

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

`(b) SCOPE AND NATURE OF ORDER-

`(1) IN GENERAL- The order of restitution under this section shall direct that--

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

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

`(2) 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; and

`(C) lost income;

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

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

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

`(A) the economic circumstances of the defendant; or

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

`(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES-

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

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

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

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

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

`(C) PAYMENT TO OTHER PROVIDER OF COMPENSATION- In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim before any restitution is paid to any other provider of compensation.

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

`(A) any Federal civil proceeding; and

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

`(c) PROOF OF CLAIM-

`(1) IN GENERAL- Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or his 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 his delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or his delegee) shall advise the victim that the victim may file a separate affidavit.

`(2) OBJECTIONS- If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (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 his delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

`(3) ADDITIONAL DOCUMENTATION OR TESTIMONY- If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers. Notwithstanding any other provision of law, this section does not entitle the defendant to discovery of the contents of, or related to, any supporting documentation, including medical, psychological, or psychiatric records.

`(4) FINAL DETERMINATION OF LOSSES- In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or his 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) RESTITUTION AND CRIMINAL PENALTIES- An award of restitution to the victim of an offense under this chapter shall not be a substitute for imposition of punishment under sections 2261 and 2262.

`(e) DEFINITION- For purposes of this section, the term 'victim' includes any person who has suffered direct physical, emotional, or pecuniary harm 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, except that in no event shall the defendant be named as such representative or guardian.

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

`(a) FULL FAITH AND CREDIT- Any protection order issued consistent with the terms of subsection (b) by the court of one State (the issuing State) shall be accorded full faith and credit by the court of another State (the enforcing State) and enforced as if it were the order of the enforcing State.

`(b) PROTECTION ORDER- A protection order issued by a State court is consistent with the provisions of this section if--

`(1) such court has jurisdiction over the parties and matter under the law of such State; 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 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 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) if a cross or counter petition has been filed, if the court did not make specific findings that each party was entitled to such an order.

`Sec. 2266. Definitions

`For purposes of this chapter--

`(1) the term `spouse or intimate partner' includes--

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

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

`(3) the term `act that injures' includes any act, except those done in self-defense, that results in physical injury or sexual abuse;

`(4) the term `State' includes a State of the United States, the District of Columbia, and any Indian tribe, commonwealth, territory, or possession of the United States; and

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

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

2261.'.

Subtitle B--Arrest in Spousal Abuse Cases

SEC. 221. ENCOURAGING ARREST POLICIES.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended to read as follows:

`SEC. 311. ENCOURAGING ARREST POLICIES.

`(a) PURPOSE- To encourage States, Indian tribes and localities to treat spousal abuse as a serious violation of criminal law, the Secretary is authorized to make grants to eligible States, Indian tribes, municipalities, or local government entities for the following:

`(1) to implement pro-arrest programs, policies, and training in police departments and to improve tracking of cases involving spousal abuse;

`(2) to centralize and coordinate police enforcement, prosecution, or judicial responsibility for, spousal abuse cases in one group or unit of police officers, prosecutors, or judges;

`(3) to strengthen legal advocacy services programs for victims of spousal abuse; and

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

`(b) ELIGIBILITY-

`(1) IN GENERAL- Eligible grantees are those States, Indian tribes, municipalities or other local government entities that--

`(A) demonstrate, through arrest and conviction statistics, that their laws or policies have been effective in significantly increasing the number of arrests made of spouse abusers;

`(B) certify that their laws or official policies--

`(i) (I) mandate arrest of spouse abusers based on probable cause that violence has been committed; or

`(II) permit warrantless misdemeanor arrests of spouse abusers and encourage the use of that authority; and

`(ii) mandate arrest of spouse abusers who violate the terms of a valid and outstanding protection order;

`(C) demonstrate that their laws, policies, or practices, and training programs discourage dual arrests of abused and abuser and the increase in arrest rates demonstrated pursuant to paragraph (1)(A) is not the result of increased dual arrests; and

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

`(2) DEFINITIONS- For purposes of this section--

`(A) the term `protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of spouse abuse, 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; and

`(B) the term `spousal or spouse abuse' includes abuse of a current or former spouse, a person who shares a child in common with the abuser, and a person who cohabits with or has cohabited with the abuser as a spouse, or any other person similarly situated to the abuser who is protected under the domestic or family violence laws of the eligible State, Indian tribe, municipality, or local government entity.

`(3) EFFECTIVE DATE- The eligibility requirements provided in this section shall take effect 1 year after the date of enactment of this section.

`(c) DELEGATION AND AUTHORIZATION- The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section to the Attorney General. There is authorized to be appropriated not in excess of \$25,000,000 for each fiscal year to be used for the purpose of making grants under this section.

`(d) APPLICATION- An eligible grantee shall submit an application to the Secretary. Such application shall--

`(1) contain a certification by the chief executive officer of the State, Indian tribes, municipality, or local government entity that the conditions of subsection (b) are met;

`(2) describe the entity's plans to further the purposes listed in subsection (a);

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

`(4) include documentation from nonprofit, nongovernmental domestic violence programs showing their participation in developing the application, and identifying such programs that will be consulted in developing and implementing the program.

`(e) PRIORITY- In awarding grants under this section, the Secretary shall give priority to a grantee that--

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

`(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving spousal or family violence.

`(f) REPORTING- Each grantee receiving funds under this section shall submit a report to the Secretary evaluating the effectiveness of the plan described in subsection (d)(2) and containing such additional information as the Secretary may prescribe.

`(g) REGULATIONS- No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. No later than 120 days after such date, the Secretary shall publish final regulations implementing this section.'.

Subtitle C--Funding for Shelters

SEC. 231. AUTHORIZATION.

Section 310 of the Family Violence Prevention and Services Act (42

U.S.C. 10409) is amended to read as follows:

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated to carry out the provisions of this title, \$150,000,000 for fiscal year 1992, \$175,000,000 for fiscal year 1993, and \$200,000,000 for fiscal year 1994.

(b) Of the amounts appropriated pursuant to the authorization in subsection (a) for any fiscal year, not less than 80 percent shall be used by the Secretary for making grants under section 303(a), and not less than 10 percent shall be used by the Secretary for the purposes under 303(b).

(c) Of the amounts appropriated pursuant to the authorization in subsection (a) for any fiscal year, not more than 5 percent shall be used by the Secretary for making grants under section 308.'

Subtitle D--Family Violence Prevention and Services Act Amendments

SEC. 241. EXPANSION OF PURPOSE.

(a) IN GENERAL- The Family Violence Prevention and Services Act is amended by striking the term 'demonstration' each place it appears in the Act.

(b) CONFORMING AMENDMENTS- Section 302 of the Family Violence Prevention and Services Act (42 U.S.C. 10401) is amended--

(1) by striking 'demonstrate the effectiveness of assisting' and inserting 'assist';

(2) by striking 'to prevent' and inserting 'to increase public awareness about and prevent'; and

(3) by adding ', courts, and legal, social service, and health care professionals' after '(including law enforcement agencies' .

SEC. 242. EXPANSION OF STATE GRANT PROGRAM.

Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402) is amended--

(1) by striking 'to prevent' in paragraph (1) and inserting 'to increase public awareness about and prevent'; and

(2) by striking ', alcohol and drug abuse treatment,' and 'abusers and' in paragraph (2)(B)(ii) and inserting at the end of the paragraph 'and their children'.

SEC. 243. STATE DOMESTIC VIOLENCE COALITIONS.

The Family Violence Prevention and Services Act is amended by adding at the end the following new section:

GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS

SEC. 314. (a) The Secretary shall provide for the funding of State domestic violence coalitions, that shall further the purposes of domestic violence intervention and prevention through activities including but not limited to--

(1) work with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues, including--

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation when there is domestic violence;

(C) the use of mandatory arrest of accused offenders;

(D) the discouragement of dual arrests;

(E) the adoption of aggressive and vertical prosecution policies and procedures;

(F) the use of mandatory requirements for presentence investigations;

(G) the length of time to prosecute cases or reach plea agreements;

(H) the use of plea agreements;

(I) the testifying of victims at post-conviction sentencing and release hearings;

(J) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

(K) the restitution of victims;

(L) the use of training and technical assistance to law enforcement, court officials, and other professionals;

(M) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

(N) the use of interstate extradition in cases of domestic violence crimes;

(O) the use of Statewide and regional planning; and

(P) any other matters that the Secretary and the State domestic violence coalitions believe merit investigation;



`(2) work with family law judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including--

`(A) the inappropriateness of mutual protection orders;

`(B) the prohibition of mediation when there is domestic violence;

`(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

`(D) the use of training and technical assistance to family law judges and court personnel;

`(E) the presumption of custody to domestic violence victims;

`(F) the use of comprehensive protection orders to grant the greatest level of protection possible to victims of domestic violence, including temporary support and maintenance;

`(G) the development by Child Protective Services agencies of supportive responses to enable victims to protect their children;

`(H) the implementation of supervised visitations that do not endanger abused victims and their children; and

`(I) the possibility of permitting domestic violence victims to remove their children from a State when the safety of the children or the victim is at risk; and

`(3) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that inform the public concerning domestic violence.

`(b) ELIGIBILITY- For purposes of this section, eligible grantees are Statewide, nonprofit State domestic violence coalitions whose--

`(1) membership includes a majority of the programs for victims of domestic violence in the State;

`(2) membership of the board of directors is representative of such programs; and

`(3) purpose is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

`(c) AUTHORIZATION- There is authorized to be appropriated \$10,000,000 for each fiscal year to be used for the purpose of making grants under this section.

`(d) ALLOTMENT OF FUNDS- From the amounts appropriated pursuant to the authorization in subsection (c), the Secretary shall divide the funds equally among the 50 States, the District of Columbia, and the combined United States territories. The combined United States territories shall be considered to be the equivalent of 1 State and shall receive not less than 1.5 percent of the total amount of the funds distributed.

`(e) STANDING- Any State domestic violence coalition shall have standing to challenge whether a grantee is in compliance with the eligibility requirements, or to seek enforcement, of section 312.

`(f) REPORTING- Each State domestic violence coalition receiving funds under this section shall submit a report to the Secretary detailing the coordination, training, and technical assistance, and public education services performed, and evaluating the effectiveness of such services.

`(g) REGULATIONS- Not later than 45 days after the date of the enactment of this section, the Secretary shall publish proposed regulations to implement this section. Not later than 120 days after such date, the Secretary shall publish final regulations to implement this section.

`(h) DEFINITION- For purposes of this section, the term 'combined United States territories' means Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.'.

#### SEC. 244. INDIAN TRIBES.

Section 303(b)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(b)(1)) is amended by striking 'is authorized' and inserting 'from sums appropriated shall make not less than 10 percent available for'.

SEC. 245. FUNDING LIMITATIONS.

Section 303(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(c)) is amended to read as follows:

`(c) No grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of \$75,000.'.

SEC. 246. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.

The 1st sentence of section 303(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(f)) is amended to read as follows:

`No grant may be made under this section to an entity other than a State or Indian tribe unless the entity provides for the following local share as a proportion of the total amount of funds provided under this chapter to the project involved: 35 percent for new programs for the 1st year of the program, and 20 percent for each year after the 1st year for existing programs.'.

SEC. 247. SHELTER AND RELATED ASSISTANCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended--

(1) by striking section 303(g) of the Act (42 U.S.C. 10402(g)); and

(2) by striking section 309(5) of the Act (42 U.S.C. 10408(5)) and inserting the following:

`(5) The term `related assistance'--

`(A) includes any, but not requiring all, of the following--

`(1) food, shelter, medical services, counseling with respect to family violence, and counseling by peers individually and in groups; and

`(2) transportation, legal assistance, referrals for appropriate health-care services (including alcohol and drug abuse treatment), but not reimbursement for any health-care services and technical assistance with respect to obtaining financial assistance under Federal and State programs; and

`(B) may include counseling, and self-help services to abusers, employment training, educational services, preventive health services (including nutrition, exercise, and prevention of substance abuse), and child care services for children who are victims of family violence or the dependents of such victims.'.

SEC. 248. ALLOTMENT OF FUNDS.

Section 304(a)(1) of the Family Violence Prevention and Services Act is amended by striking `\$50,000' and inserting `\$500,000'.

SEC. 249. REPORT ON RECORDKEEPING.

Not later than 120 days after the date of enactment of this Act, the Government Accounting Office 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 efforts to date of the FBI and Justice Department to collect statistics on domestic violence and the feasibility of, cost estimates for, and including a suggested timetable for, requiring that the relationship between an offender and victim be reported in Federal and State records of crimes of assault, aggravated assault, rape, and other violent crimes.

SEC. 250. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

The Family Violence Prevention Services Act, as amended by section 243 of this Act, is amended by adding at the end the following new section:

`MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION

`SEC. 315. (a) The Secretary, in cooperation with the Attorney General, shall award grants to not less than 10 States to assist in becoming model demonstration States by helping States to meet the costs of implementing a comprehensive civil and criminal justice response to domestic violence. State leadership grants will encourage activities that will--

`(1) increase the number of prosecutions for domestic violence crimes;

`(2) encourage the reporting of incidences of domestic violence;

`(3) facilitate arrests and aggressive prosecution policies; and

`(4) provide legal advocacy services for victims of domestic violence.

`(b) To be designated as a model State under subsection (a), a State shall have in effect--

`(1) a law that requires mandatory arrest of a person that police have

probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

- `(2) a law or policy that discourages dual arrests;
- `(3) laws or statewide prosecution policies that--
- `(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary;
- `(B) implement model projects that include a vertical prosecution policy; and
- `(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;
- `(4) statewide guidelines for judges that--
- `(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;
- `(B) require any history of abuse against the child or against the other parent to be considered when making child custody determinations; and
- `(C) require judicial training on domestic violence and related civil and criminal court issues;
- `(5) Statewide policies that provide for the coordination of court and legal victim advocacy services; and
- `(6) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

`(c)(1) In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section \$25,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994.

`(2) Funds shall be distributed under this section so that no State shall receive more than \$2,500,000 in each fiscal year under this section.

`(3) The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section.'

SEC. 251. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act is amended to read as follows:

`SEC. 308. TECHNICAL ASSISTANCE CENTERS.

`(a) PURPOSE- The purpose of this section is to provide training and technical assistance to State, Indian tribal, and local domestic violence programs and to other professionals who provide services to victims of domestic violence. From the sums authorized under this title, the Secretary shall provide grants or contracts with public or private nonprofit organizations, for the establishment and maintenance of 1 national resource center and 6 specialty resource centers focusing on 1 or more issues of concern to domestic violence victims. The specialty resource centers shall provide information, training and technical assistance to State, tribal and local domestic violence service providers, and shall specialize in at least 1 of the following areas of domestic violence service, prevention or law--

- `(1) criminal justice response to domestic violence, including court-mandated abuser treatment;
- `(2) improving the response of Child Protection Service agencies to battered mothers of abused children;
- `(3) child custody issues in domestic violence cases;
- `(4) the use of the self-defense plea by a domestic violence victim;
- `(5) improving interdisciplinary health care responses and access to health care resources for victims of domestic violence; and
- `(6) improving access to and the quality of legal representation for victims of domestic violence in civil litigation.

`(b) ELIGIBILITY- Eligible grantees are private non-profit organizations that--

- `(1) focus primarily on domestic violence;
- `(2) provide documentation to the Secretary demonstrating a minimum of 3 years experience with issues of domestic violence, particularly in the

specific area for which it is applying;

`(3) include on its advisory boards representatives from domestic violence programs who are geographically and culturally diverse; and

`(4) demonstrate strong support from domestic violence advocates for their designation as a specialty resource center.

`(c) REPORTING- Each grantee receiving funds under this section shall submit a report to the Secretary evaluating the effectiveness of the plan described and containing such additional information as the Secretary may prescribe.

`(d) REGULATIONS- No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section.

`(e) FUNDING- From the amounts appropriated pursuant to the authorization in section 310, not less than 5 percent for each fiscal year shall be used for the purpose of making grants under this section.'.

#### Subtitle E--Confidentiality for Abused Persons

##### SEC. 261. CONFIDENTIALITY FOR ABUSED PERSONS.

No later than 90 days after the enactment of this Act, the Postmaster General shall promulgate regulations to secure the confidentiality of abused persons' addresses or otherwise prohibit the disclosure of an abused person's address consistent with the following:

(1) Confidentiality shall be provided upon the presentation to an appropriate postal official of an existing and valid court order for the protection of an abused spouse, or upon an affidavit containing a statement that an address or organization is a domestic violence shelter or service provider and a letter from the State coalition for domestic violence in that State confirming such statement.

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

(3) Compilations of addresses existing at the time the order is presented to an appropriate postal official shall be excluded from the scope of the proposed regulations.

#### TITLE III--CIVIL RIGHTS

##### SEC. 301. CIVIL RIGHTS.

(a) FINDINGS- The Congress finds that--

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

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

(3) State and Federal criminal laws do not adequately protect against the bias element of gender crimes, which separates these crimes from acts of random violence, nor do they adequately provide victims the opportunity to vindicate their interests.

(b) RIGHTS, PRIVILEGES AND IMMUNITIES- All persons within the United States shall have the same rights, privileges and immunities in every State as are enjoyed by all other persons to be free from crimes of violence motivated by the victim's gender, as defined in subsection (d).

(c) CAUSE OF ACTION- Any person, including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State, who deprives another of the rights, privileges or immunities secured by the Constitution and laws as enumerated in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive or declaratory relief, or such other relief as the court may deem appropriate.

(d) DEFINITIONS- For purposes of this section--

(1) the term `crime of violence motivated by gender' means any crime of violence, as defined in this section, including rape, sexual assault, sexual abuse, abusive sexual contact, or any other crime of violence committed because of gender or on the basis of gender; and

(2) the term `crime of violence' means an act or series of acts 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.

(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' as defined in subsection (d).

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

SEC. 302. CONFORMING AMENDMENT.

The Civil Rights Attorney's Fees Awards Act of 1976 (42 U.S.C. 1988) is amended--

(1) in the last sentence, by striking 'or' after 'Public Law 92-318,'; and

(2) by adding after '1964,' the following: ', or title III of the Violence Against Women Act,'.

TITLE IV--SAFE CAMPUSES FOR WOMEN

SEC. 401. SHORT TITLE.

This title may be cited as the 'Safe Campuses for Women Act'.

SEC. 402. FINDINGS.

The Congress finds that--

(1) rape prevention and education programs are essential to an educational environment free of fear for students' personal safety;

(2) sexual assault on campus, whether by fellow students or not, is widespread among the Nation's higher education institutions, experts estimate that 1 in 7 of the women now in college have been raped and over half of college rape victims know their attackers;

(3) sexual assault poses a grave threat to the physical and mental well-being of students and may significantly impair the learning process; and

(4) action by schools to educate students may make substantial inroads on the incidence of rape, including the incidence of acquaintance rape on campus.

SEC. 403. GRANTS FOR CAMPUS RAPE EDUCATION.

Title X of the Higher Education Act of 1965 is amended to add at the end the following:

'PART D--GRANTS FOR CAMPUS RAPE EDUCATION

'SEC. 1071. GRANTS FOR CAMPUS RAPE EDUCATION.

'(a) IN GENERAL- (1) The Secretary of Education is authorized to make grants to or enter into contracts with institutions of higher education for rape education and prevention programs under this section.

'(2) The Secretary shall make financial assistance available on a competitive basis under this section. An institution of higher education or consortium of such institutions which desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require in accordance with regulations.

'(3) The Secretary shall make every effort to ensure the equitable participation of private and public institutions of higher education and to ensure the equitable geographic participation of such institutions. In the award of grants and contracts under this section, the Secretary shall give priority to institutions who show the greatest need for the sums requested.

'(4) Not less than 50 percent of sums available for the purposes of this section shall be used to make grants under subsection (c) of this section.

'(b) GENERAL RAPE PREVENTION AND EDUCATION GRANTS- Grants under this section shall be used to educate and provide support services to student victims of rape or sexual assault. Grants may be used for the following purposes:

'(1) to provide training for campus security and college personnel, including campus disciplinary or judicial boards, that address the issues of rape, sexual assault, and other gender-motivated crimes;

'(2) to develop, disseminate, or implement campus security and student disciplinary policies to prevent and discipline rape, sexual assault, and other gender-motivated crimes;

'(3) to develop, enlarge, or strengthen support services programs including

medical or psychological counseling to assist victims' recovery from rape, sexual assault, or other gender-motivated crimes;

`(4) to create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action; and

`(5) to implement, operate, or improve rape education and prevention programs, including programs making use of peer-to-peer education.

`(c) MODEL GRANTS- Not less than 25 percent of the funds authorized under this section shall be available for grants for model demonstration programs to be coordinated with local rape crisis centers for the development and implementation of quality rape prevention and education curricula and for local programs to provide services to student rape victims.

`(d) ELIGIBILITY- No institution of higher education or consortium of such institutions shall be eligible for a grant under this section unless--

`(1) its student code of conduct, or other written policy governing student behavior, explicitly prohibits not only rape but all forms of sexual assault; and

`(2) it has in effect and implements a written policy requiring the disclosure to the victim of any sexual assault the outcome of any investigation by campus police or campus disciplinary proceedings brought pursuant to the victim's complaint against the alleged perpetrator of the sexual assault, except that nothing in this section shall be interpreted to authorize disclosure to any person other than the victim.

`(e) APPLICATIONS- (1) In order to be eligible to receive a grant under this section for any fiscal year, an institution of higher education, or consortium of such institutions, shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

`(2) Each such application shall--

`(A) set forth the activities and programs to be carried out with funds granted under this part;

`(B) contain an estimate of the cost for the establishment and operation of such programs;

`(C) explain how the program intends to address the issue of acquaintance rape;

`(D) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purpose described in this part, and in no case to supplant such funds; and

`(E) include such other information and assurances as the Secretary reasonably determines to be necessary.

`(f) GRANTEE REPORTING- Upon completion of the grant period under this section, the grantee institution or consortium of institutions shall file a performance report with the Secretary explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this section. The Secretary shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

`(g) DEFINITIONS- (1) Except as otherwise provided, the terms used in this part shall have the meaning provided under section 2981 of this title.

`(2) For purposes of this subchapter, the following terms have the following meanings--

`(A) the term 'rape education and prevention' includes programs that provide educational seminars, peer-to-peer counseling, operation of hotlines, self-defense courses, the preparation of informational materials, and any other effort to increase campus awareness of the facts about, or to help prevent, sexual assault; and

`(B) the term 'Secretary' means the Secretary of Education.

`(h) GENERAL TERMS AND CONDITIONS- (1) REGULATIONS- No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. No later than 120 days after such date, the Secretary shall publish final regulations implementing this section.

`(2) No later than 180 days after the end of each fiscal year for which grants are made under this section, the Secretary shall submit to the committees of the House of Representatives and the Senate responsible for issues relating to higher education and to crime, a report that includes--

`(A) the amount of grants made under this section;

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

`(C) a copy of each grantee report filed pursuant to subsection (f) of this section.

`(3) For the purpose of carrying out this subchapter, there are authorized to be appropriated \$20,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.'.

#### SEC. 404. REQUIRED CAMPUS REPORTING OF SEXUAL ASSAULT.

Section 485(f)(1)(F) of the General Education Provisions Act (20 U.S.C. 1092) is amended to read as follows:

`(F) Statistics concerning the occurrence on campus, during the most recent school year, and during the 2 preceding school years for which data are available, of the following criminal offenses reported to campus security authorities or local police agencies--

`(i) murder;

`(ii) rape or sexual assault;

`(iii) robbery;

`(iv) aggravated assault;

`(v) burglary; and

`(vi) motor vehicle theft.'.

#### TITLE V--EQUAL JUSTICE FOR WOMEN IN THE COURTS

##### SECTION 501. SHORT TITLE.

This title may be cited as the `Equal Justice for Women in the Courts Act'. Subtitle A--Education and Training for Judges and Court Personnel in State Courts

##### SEC. 511. GRANTS AUTHORIZED.

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

##### SEC. 512. TRAINING PROVIDED BY GRANTS.

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

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

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

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

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

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

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

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

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

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

(10) the nature and incidence of domestic violence;

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

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

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

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

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

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

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

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

(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; and

(20) current information on the impact of pornography on crimes against women, or data on other activities that tend to degrade women.

#### SEC. 513. 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. 514. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, \$600,000 to carry out the purposes of this subtitle. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

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

#### SEC. 521. EDUCATION AND TRAINING GRANTS.

(a) STUDY- The Federal Judicial Center shall conduct a study of the nature and extent of gender bias in the Federal courts, including in proceedings involving rape, sexual assault, domestic violence, and other crimes of violence motivated by gender. The study shall be conducted by the use of data collection techniques such as reviews of trial and appellate opinions and transcripts, public hearings, and inquiries to attorneys practicing in the Federal courts. The Federal Judicial Center shall publicly issue a final report containing a detailed description of the findings and conclusions of the study, including such recommendations for legislative, administrative, and judicial action as it considers appropriate.

#### (b) MODEL PROGRAMS-

(1) The Federal Judicial Center shall develop, test, present, and disseminate model programs to be used in training Federal judges and court personnel in the laws on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

(2) The training programs developed under this subsection shall include--

(A) all of the topics listed in section 512; and



(B) all procedural and substantive aspects of the legal rights and remedies for violent crime motivated by gender including such areas as the Federal penalties for sex crimes, interstate enforcement of laws against domestic violence and civil rights remedies for violent crimes motivated by gender.

SEC. 522. COOPERATION IN DEVELOPING PROGRAMS.

In implementing this subtitle, the Federal Judicial Center shall ensure that the study and model programs 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. 523. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, \$400,000 to carry out the purposes of this subtitle. Of amounts appropriated under this section, no less than 25 percent and no more than 40 percent shall be expended by the Federal Judicial Center on the study required by section 521(a).