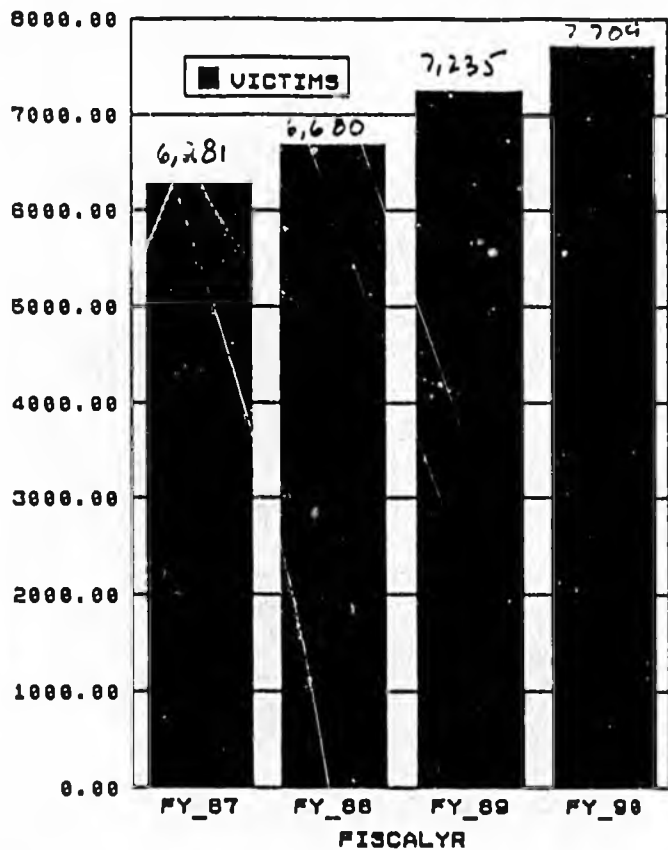
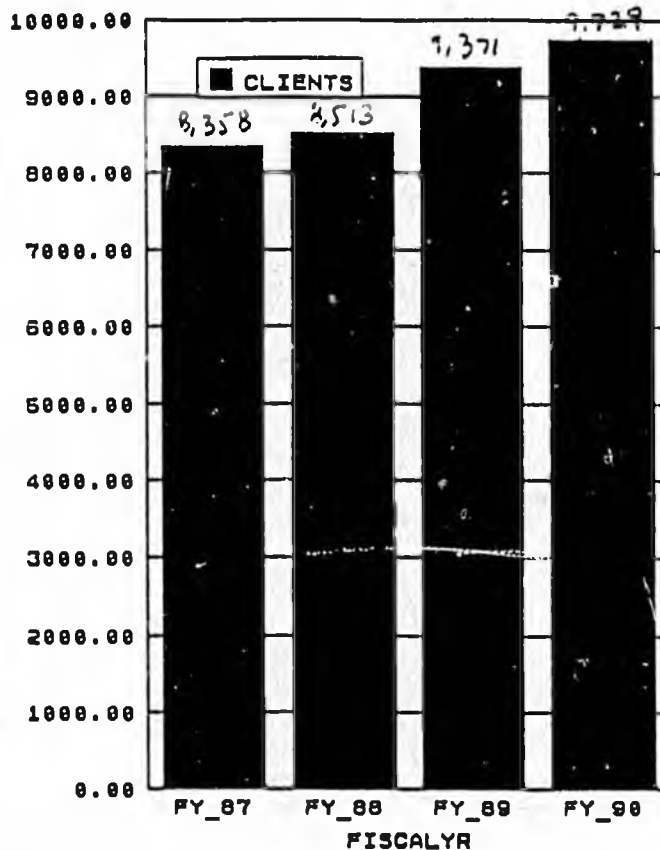


ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 86/2
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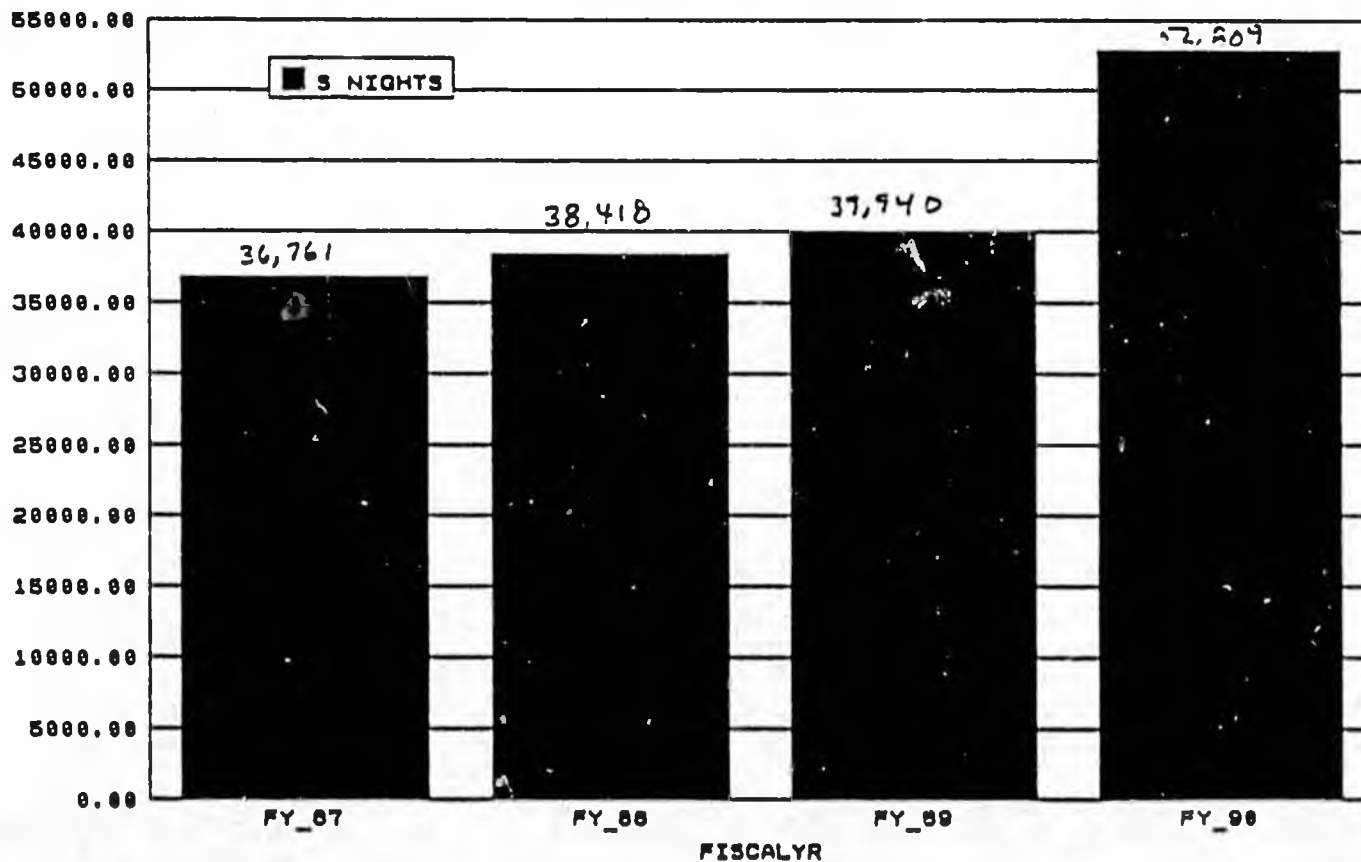
Comparison of Victims Served by Council-Funded Programs FY87 thru FY90



Comparison of Clients Served by Council-Funded Programs FY87 thru FY90



Comparison of Shelter Nights Provided by Council-Funded Programs FY87 thru FY90



TEN FACTS ABOUT
VIOLENCE AGAINST WOMEN

- o The most serious crimes against women are rising at a significantly faster rate than total crime: during the past 10 years, rape rates have risen nearly 4 times as fast as the total crime rate.
- o Every hour, 16 women confront rapists; a woman is raped every 6 minutes.
- o Every 18 seconds, a woman is beaten; 3-4 million women are battered each year.
- o Since 1974, the rate of assaults against young women (20-24) has jumped almost 50 percent. For young men, it has decreased.
- o Three out of four women will be victims of at least one violent crime during their lifetimes.
- o A woman is 10 times more likely to be raped than to die in a car crash.
- o Only 50 percent of rapes are ever reported; of those reported, less than 40 percent result in arrests.
- o One third of all domestic violence cases, if reported, would be charged as felony rape or felonious assault.
- o Each year, more than one million women seek medical assistance for injuries caused by battering.
- o The crime rate against women in the United States is significantly higher than in other countries -- the United States has a rape rate which is 13 times higher than England's, nearly 4 times higher than Germany's, and more than 20 times higher than Japan's.

6/18/90

TEN FACTS ABOUT VIOLENCE AGAINST WOMEN

- * Of the American women alive today, 25 million either have been, or will be, raped at least once during their lives.
- * Last year, the number of women abused by their husbands was greater than the number of women who got married.
- * In 1950, police caught 83% of all rapists; in 1988, police caught only 53% of them.
- * Nearly 50% of abusive husbands batter their wives when they are pregnant, making them 4 times more likely to bear infants of low birth weight.
- * Of all those arrested for major crimes -- murder, rape, robbery, assault, burglary, larceny theft, motor vehicle theft, and arson -- rapists are the most likely to escape conviction.
- * If every woman victimized by domestic violence last year were to join hands in a line, the string of people would span from New York to Los Angeles and back again.
- * More than half of all homeless women are on the street because they are fleeing domestic violence.
- * More than 40% of college women who have been raped say that they expect to be raped again.
- * There were more women "wounded" by rapists last year than marines wounded by the enemy in all of World War II.
- * There are nearly three times as many animal shelters in the United States as there are battered women's shelters.

Compiled by the majority staff of the Senate Judiciary Committee (August 29, 1990)

TEN FACTS ABOUT VIOLENCE AGAINST YOUNG WOMEN

- Although campus studies suggest that 1,275 women were raped at America's 3 largest universities in 1989, only 3 of those rapes were reported to police.
- 1 out of every 7 women currently attending college has been raped.
- 486,000 of the girls now attending high school will have been raped before they graduate.
- The average age of a rape victim is 18 1/2 years old.
- Young women aged 16 to 19 are the most likely to be raped.
- 57% of college rape victims are attacked by dates.
- Girls raped before age 18 are least likely to report to police about their victimization.
- Girls aged 12 to 15 are the most likely to be raped by strangers.
- Rape victims aged 12 to 19 are the least likely to receive hospital care.
- Since 1974, the rate of assaults against young women (20 to 24) has jumped 48%. For men of the same age group, it has decreased 12%.

Compiled by the majority staff of the Senate Judiciary Committee (August 29, 1990)

STATISTICS ON SEXUAL VIOLENCE AGAINST WOMEN

(Source: Koss, Woodruff, & Koss -- A Criminological Study)
(Released August 29, 1990)

Prevalence of Rape

1 in 5 adult women will be raped at some point in their lives.

1 in 3.5 adult women will be attacked by a rapist.

1 in 7 of the women now in college have been raped.

1 in 4 of the women now in college have been attacked by a rapist.

Prevalence of Acquaintance Rape

More than half of college rape victims are attacked by dates.

More than 4 out of 5 rape victims know their attackers.

Immediate Physical Consequences of Rape

1 in 15 rape victims contracts a sexually transmitted disease as a result of being raped.

1 in 15 rape victims becomes pregnant as a result of being raped.

Reporting of Rape

Rape remains the most under-reported of all major crimes: only 7% of all rapes are reported to police. (By comparison, the reporting rate for robbery is 53%; assault, 46%; and burglary, 52%.)

Less than 5% of college women report incidences of rape to the police.

More than half of raped college women tell no one of their victimization.

Incidence of Rape

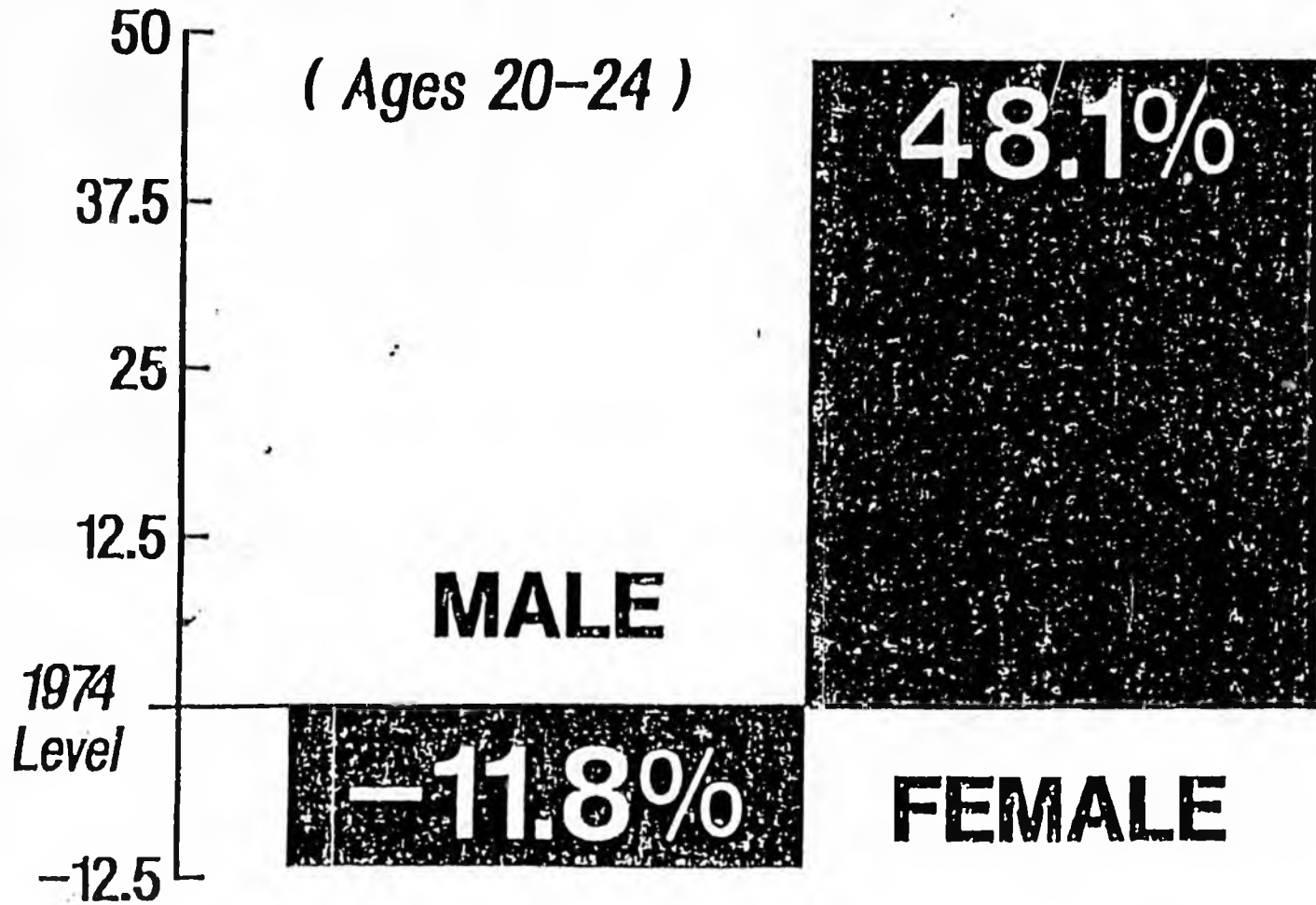
The number of women raped in 1986 is 15 times higher than officially reported in the National Crime Survey.

The number of college women raped in 1986 is 14 times higher than officially reported in the National Crime Survey.

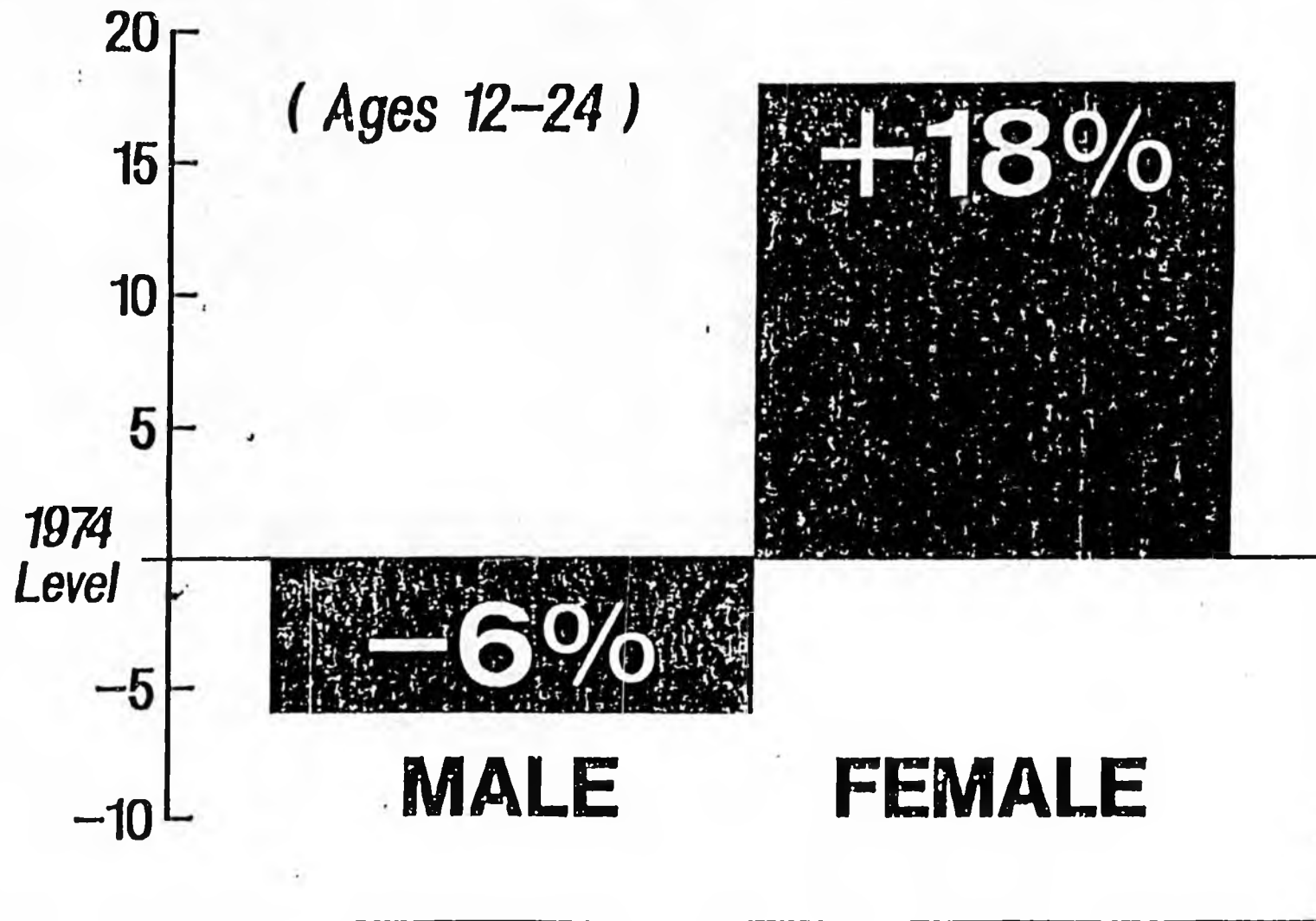
The definition of "rape" employed in these statistics is the one formulated by the FBI for its Uniform Crime Report, which is the narrowest, official definition.

% Change in Number of Assaults Since 1974

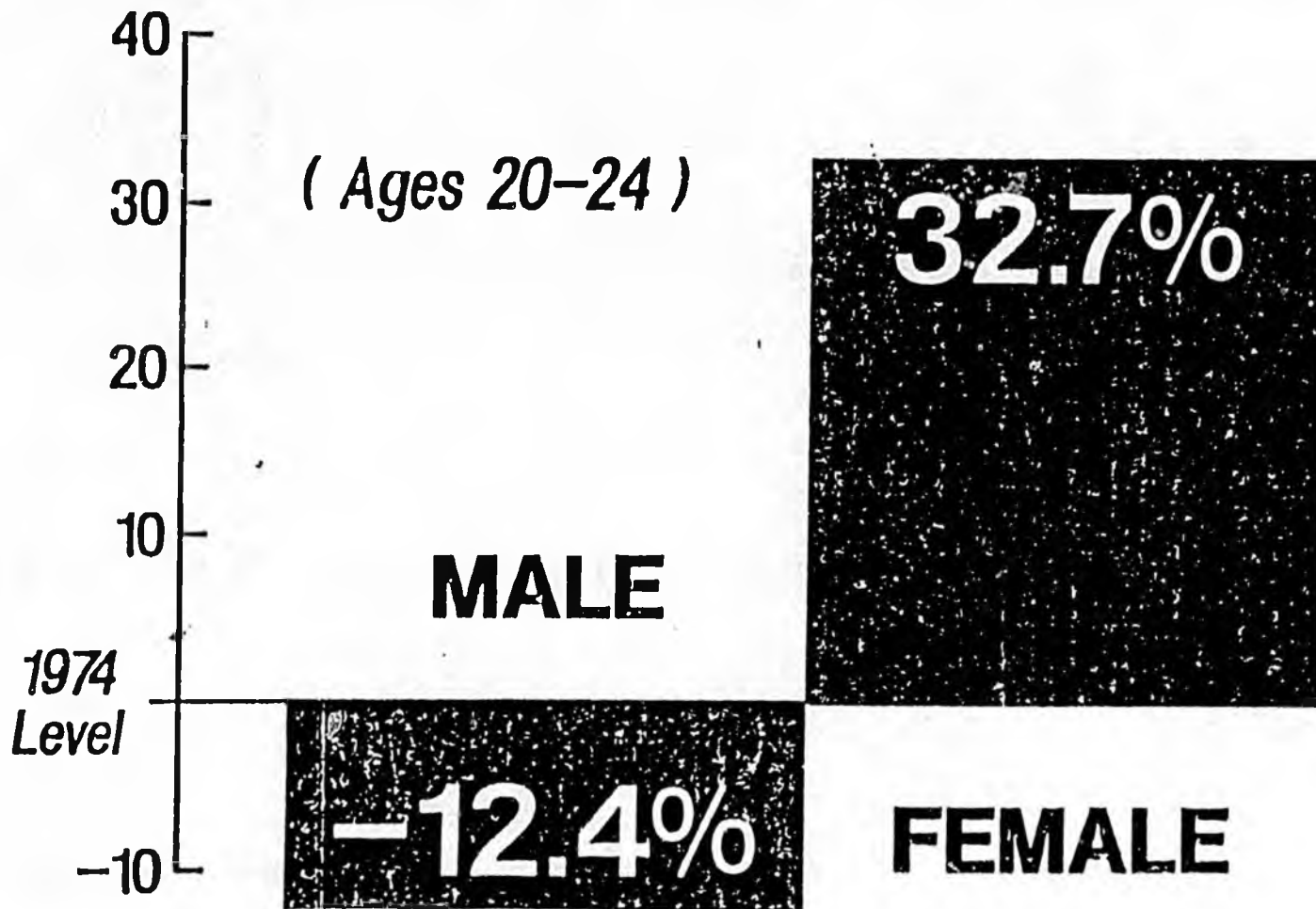
(Ages 20-24)



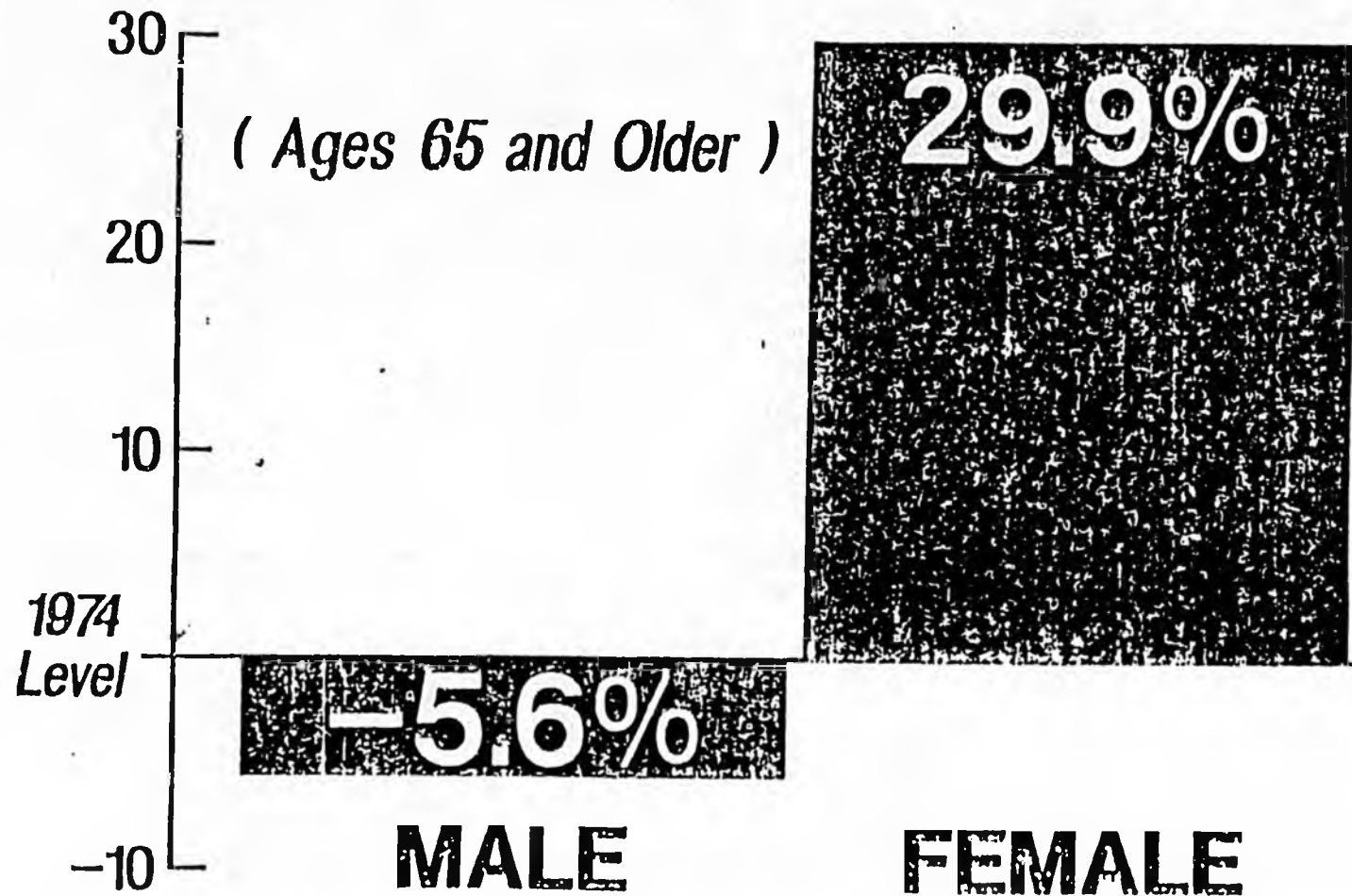
Change in Rate of Violent Crime Since 1974



Change in Rate of Violent Crime Since 1974



% Change in Number of Murders Since 1974



**What is a woman's chance of
being raped in her lifetime?**

Over All: 1 in 5

By an Acquaintance: 1 in 6

SOURCE: Koss, Woodruff, and Koss, 1990

**What is a woman's chance
of being raped in a year?**

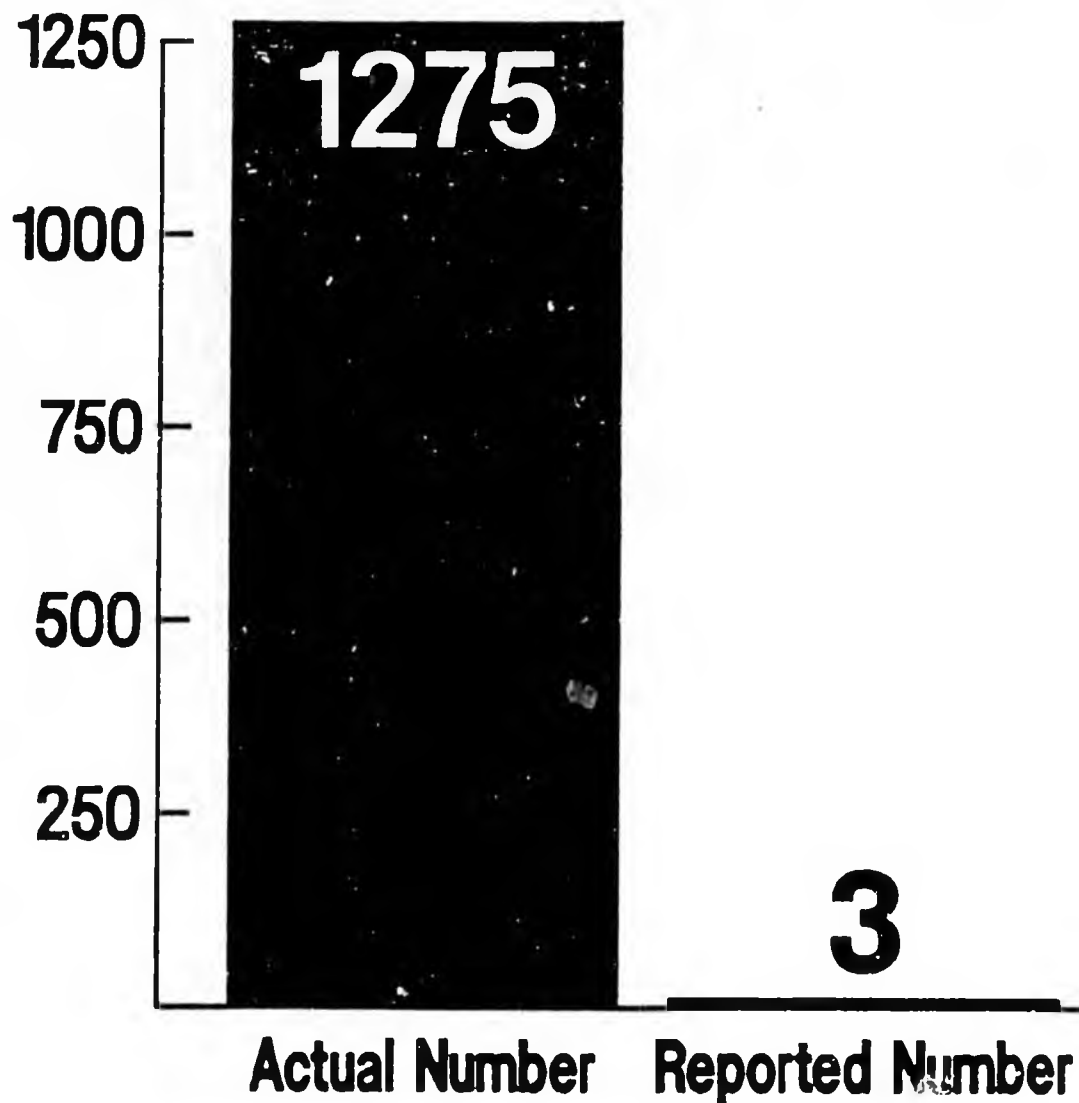
Uniform Crime Reports: 1 in 1100 *

National Crime Survey: 1 in 833 **

Koss, Woodruff, and Koss: 1 in 55

SOURCES: * Federal Bureau of Investigation. ** Bureau of Justice Statistics

Number of Rapes on America's Three Largest College Campuses in 1989*



****1 in 7 of the women now
in college have been raped***

Source: 1989 Uniform Crime Reports; Koss, Woodruff, and Koss, 1990

States that the purpose of the Act is to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

Section 4. Management of Chesapeake Bay Program:

Provides authority for EPA to continue to lead and coordinate Federal agency participation in the Chesapeake Bay Program, in cooperation with the Chesapeake Executive Council, and to maintain a Chesapeake Bay Liaison Office.

Directs the Chesapeake Bay Liaison Office to provide support and coordinate Federal, state and local efforts in developing strategies and action plans and conducting system-wide monitoring and assessment to improve the water quality and living resources of the Bay.

Section 5. Chesapeake Bay Program Science, Research, Monitoring, and Data Collection:

Directs the Administrators of EPA and NOAA to jointly implement a comprehensive, coordinated program for science, research, monitoring and data collection of the Bay and its watershed. Establishes a local office for coordinating NOAA activities in the Bay. Directs that appropriate peer review be undertaken to ensure scientific and technical merit of projects funded by this section. Authorizes \$3 million annually for the activities in this section.

Section 6. Basinwide Toxics Reduction:

Authorizes \$2 million annually for EPA to implement the Comprehensive Basinwide Toxics Reduction Strategy called for under the Bay Agreement, in cooperation with the Executive Council.

Section 7. Population Growth and Development:

Provides for development of a coordinated Chesapeake Bay watershed land use database, incorporating resource inventories and analyses in a digital format, to provide information necessary to plan for and manage growth and development and associated impacts on the Bay system. Authorizes \$250,000 in fiscal 1991 and \$300,000 annually in fiscal years 1992-4.

Section 8. Developed Lands Initiative.

Establishes a demonstration program to address problems associated with urban and suburban runoff. Directs EPA to identify areas within subwatersheds for water quality monitoring, establish a monitoring network, identify all major sources of pollution, and develop management strategies to address the identified stormwater impacts. Authorizes \$500,000 for this section.

Section 9. Comprehensive Living Resources Program.

Authorizes \$1 million annually to implement the comprehensive, coordinated living resources plan called for under the Bay Agreement.

Section 10. Study of Chesapeake Bay Protection Program.

Directs EPA to undertake an assessment of the Chesapeake Bay Program and evaluate implementation of the Bay Agreement. Also directs EPA to assess priority needs for the Bay and make recommendations for improved management of the program. Authorizes \$250,000 for this study.

Section 11. Authorizations.

Continues the \$13 million annual authorization under Section 117 of the Federal Water Pollution Control Act.

Section 12. Definitions.

Mr. WARNER. Mr. President, I am pleased to join as an original cosponsor of the Chesapeake Bay Restoration Act of 1991. This important legislation, which, among other things would reauthorize the Chesapeake

Bay Program, is supported by a broad range of groups from States bordering the Chesapeake Bay.

Mr. President, as we introduce this legislation, my colleagues will recall the history of our efforts to save the bay. It is worth reviewing that history at this time. Early in the eighties, research revealed that an increasing oxygen shortage had caused a decline in bay resources, including oysters, clams, and submerged aquatic vegetation. This discovery led to the signing of the first Chesapeake Bay Agreement in 1983, which was designed to meet this threat to the environment.

In subsequent years Virginia, Maryland, Pennsylvania, the District of Columbia, and the Environmental Protection Agency [EPA] have forged an enviable partnership to restore and protect the Chesapeake Bay. The commitment exhibited by officials from these entities has helped to establish a firm foundation for achieving the goal of significantly improving the management of the bay's resources.

On December 15, 1987, the Chesapeake Bay Executive Council, comprised of representatives from Virginia, Maryland, Pennsylvania, the District of Columbia, and EPA, signed the 1987 Chesapeake Bay Agreement. This agreement, which set specific goals and timetables for the bay's restoration, was designed to reverse the decline that has imperiled the Chesapeake Bay's status as a major source of jobs, seafood, recreation, and regional culture.

The agreement set an important goal requiring a 40-percent reduction in nitrogen and phosphorous by the year 2000. According to reports, the nutrient reduction plan is being implemented and progress is being made in improving the bay's management.

Despite all of the progress that has been made to date, it is clear that more action is required. The Chesapeake Bay Restoration Act of 1991 represents a crucial step in that process.

In particular, the bill would provide much-needed authority for EPA to continue to lead and coordinate Federal agency participation in the Chesapeake Bay Program, in cooperation with the Chesapeake Executive Council. The bill also directs the Administrators of EPA and the National Oceanic and Atmospheric Administration [NOAA] together to implement a comprehensive, coordinated program for science research, monitoring and data collection of the bay and its watershed. In addition, the bill would authorize funds to implement the comprehensive basinwide toxics reduction strategy called for under the bay agreement, provide for development of a coordinated Chesapeake Bay watershed land use data base, and establish a demonstration program to address problems associated with urban and suburban runoff. Finally, EPA is directed to undertake an assessment of the Chesapeake Bay Program and evaluate

implementation of the bay agreement.

Mr. President, the legislation introduced today represents the consensus of many individuals who are knowledgeable about the methods of preserving the bay as a precious national resource: those in the bay community, Federal, State and local governments, and many others, including nongovernment organizations. As is the case with any consensus agreement, this bill serves to reflect the best judgment of all participants.

The Governor of the Commonwealth of Virginia has strongly endorsed the Chesapeake Bay Restoration Act. Virginia State officials were active participants in developing this proposal, and they tell me that they are pleased with the result.

Mr. President, I commend my Senate colleagues from Virginia, Maryland, and Pennsylvania for their work on this bill. In particular, I applaud the work of my colleague from Maryland, Senator SARBANES, for his leadership in working with officials from all of the bay States to bring this legislation to this point. I look forward to working with the members of these delegations to enact this legislation.

Thank you, Mr. President.

By Mr. BIDEN (for himself, Mr. COHEN, Mr. DECONCINI, Mr. DODD, Mr. INOUE, Mr. COATS, Mr. SIMON, Mr. LIEBERMAN, Mr. EXON, Mr. SARBANES, Mr. REID, Mr. HARKIN, Mr. BRYAN, Mr. AKAKA, Mr. RIEGLE, Mr. PELL, Mr. ADAMS, Mr. PACKWOOD, Mr. SHELBY, Mr. KERRY, Ms. MIKULSKI, Mr. LEVIN, Mr. CRANSTON, Mr. MCCONNELL, Mr. BOREN, and Mr. ROCKEFELLER):

S. 15. A bill to combat violence and crimes against women on the streets and in homes; to the Committee on the Judiciary.

VIOLENCE AGAINST WOMEN ACT OF 1991

Mr. BIDEN. Mr. President, I rise today to introduce Senate bill No. 15, the Violence Against Women Act of 1991, the first comprehensive legislation to address the growing problem of violent crime confronting American women. This bill was first introduced during the 101st Congress and was unanimously approved by the Senate Judiciary Committee. Today, 25 of my colleagues join me as original cosponsors of this important legislation.

Women are the victims of a growing crime epidemic in this country. The enormity of the problem is clear: During her lifetime, one in five women will be raped, and three out of four women will be the victim of some other violent crime. Last year, more women were battered by their spouses than were married.

The need for action is urgent:

From 1974 until 1987, the rate of assaults against young women skyrocketed by close to 50 percent.

In the first 6 months of 1990 alone, the rate of rapes reported to the FBI rose 10 percent—faster than any other increase in the decade.

That makes rape one of the fastest growing crimes in the country.

This is a national outrage. The Nation's criminal justice system is not only unwilling, but also unprepared, to deal with this spiraling gender gap in crime. If increasing violence against women amounts to a national outrage, then our efforts to date to solve that growing problem should count as a national shame.

Today, it is easier to convict a car thief than a rapist; authorities are more likely to arrest a man for parking tickets than for beating his wife; and lawyers still put victims of vicious assaults on the stand to ask what clothes they were wearing at the time of the attack.

There are still counties in this country where 200 rape complaints are ignored by prosecutors; courts where victims are blamed for their own attacks; and cities where authorities refuse to arrest attackers because the bleeding victim was beaten by her spouse.

The Violence Against Women Act is the first attempt by the Congress to address both the outrage and the shame—to make violence against women one of our top law enforcement priorities.

I first introduced this legislation shortly before the end of the last Congress. Frankly, I never anticipated, nor could I have imagined, the kind of overwhelming support and interest that it generated in the short 6 months since its original introduction in the 101st Congress.

Governors, attorneys general, mayors, and police chiefs have all offered their support;

A task force of over 150 groups has come together to offer suggestions and to focus attention on the issues;

People from every State across the country have called and written; letters of support have come from organizations, large and small, liberal and conservative; from women's groups and men's groups; from victims' advocates and professional associations; from battered women's shelters and rape crisis centers; and from far, far, too many survivors of crime.

Recently, one such survivor, who is now a prosecutor, told the Judiciary Committee that this legislation is a tremendous gift for the women of America. My response to her is this: It is not a gift—it is a necessity. And it is a necessity not only for the women of this country, but for our entire society.

Violence against women breeds violence and tragedy throughout this country:

A child is 1,500 times more likely to be abused if his mother is being abused;

Close to two-thirds of all juvenile boys who murder, murder their mother's attackers;

One out of every five rape victims attempts suicide;

And over half of all homeless women and children are on the street because they are fleeing violence in the home.

No American—male or female—can continue to tolerate the level of violence directed against the women of this country. Violence against women must be one of our Nation's highest priorities and it must be one of the Senate's highest priorities during the 102d Congress.

I have reason to hope that this will be one of the Senate's highest priorities. Indeed, I am pleased to note that today, the distinguished Republican leader, Senator DOLE, is also introducing new legislation that targets violence against women. While I may disagree with some of his proposed solutions—and believe that his proposal is lacking some important elements—I know that we share the same overall goal. Together, I know we can secure swift passage of a bill that will benefit the women of this country.

The bill I introduce today, with the support of 25 of my colleagues, attacks violence against women in all its forms.

It addresses all violent crime against women, not just rape and domestic violence. It attacks the problems at all levels—from our streets to our homes, from squad cars to courtrooms, from schoolrooms to hospitals.

And it attacks the problem by offering a comprehensive solution: It makes violent crime against women a major law enforcement priority and, at the same time, it takes aim at the kind of attitudes that nurture violence; it creates new offenses and raises penalties and, at the same time, it provides new legal protections and desperately needed help to crime survivors.

Let me explain a few of the bill's key provisions in detail. The bill is divided into four main parts, best summarized by their titles: Safe Streets for Women; Safe Homes for Women; Civil Rights for Women; and Safe Campuses for Women.

TITLE I: SAFE STREETS FOR WOMEN

First, title I of the bill doubles penalties for Federal cases of rape and aggravated rape; creates new penalties for repeat sex offenders; and mandates restitution for victims of sex crimes.

Second, title I would significantly boost the number of police officers on the streets and prosecutors in courts—police and prosecutors targeting violent crimes against women. Of the \$300 million authorized, \$100 million will go to the hardest hit areas—areas of high intensity violence against women.

In addition to these grants, title I provides funds for more lights in parks and subway stations, authorizes new protections and services for rape victims, and makes significant changes in

how Federal courts consider evidence so that irrelevant inquiries about clothing and past sexual history will be excluded.

TITLE II: SAFE HOMES FOR WOMEN

The second title of the bill addresses the crisis confronting the millions of women who are the victims of domestic violence.

Title II recognizes that we need national leadership on an issue that is indisputably of national proportion and seriousness: More than 1 million women a year need medical help because of injuries from battering.

Title II proposes that the Federal Government, for the first time, acknowledge its role in fighting crimes in the home. It creates the first Federal laws barring spouse abuse: For example, the bill declares that it is a Federal crime if an abuser follows his spouse across State lines and continues abuse or violates a stay-away order. And the bill protects women who flee their abusers by making protective court orders issued by one State valid in the 49 others. That way women won't lose protection if they happen to cross a State line.

Title II contains other provisions as well: It triples funding to shelter the abused; requires States to look at new legal protections; encourages States to increase arrest and prosecution rates; and, finally, incorporating provisions drafted by Senator COATS, it revamps existing laws and authorizes a national media campaign against spouse abuse.

TITLE III: CIVIL RIGHTS FOR WOMEN

The third title of the bill recognizes that violence against women is not only a question of criminal justice, but also of equal justice. It takes a dramatic step forward by defining gender-motivated crimes as bias or hate crimes and declaring, for the first time, that such crimes violate citizens' civil rights.

This society has long condemned, in the harshest of terms, hate beatings of blacks, Asians, or Hispanics. When the victim has been singled out because of his race or religion or the color of his skin, society condemns not only the crime but also the intentional deprivation of the survivor's civil rights.

This bill extends the same protection to the women of America. Crimes committed because of gender are not simply random acts of violence. Ninety-seven percent of all sex assaults in this country are committed against women. We all know this; indeed, we assume it; but we ignore the implications. Crimes committed because of gender should be condemned in the same terms as crimes committed because of race or religion—in terms as strong as this society can possibly muster—as violent deprivations of civil rights.

TITLE IV: SAFE CAMPUSES FOR WOMEN

The fourth title of this bill recognizes that young women are peculiarly at risk. Violence on our college cam-

poses poses a special and growing problem: More college-age women will be raped this school year than will be struck by any other major crime.

This title addresses that problem by creating the first Federal program for college rape education and prevention, encouraging campuses across the Nation to inform their students of their rights, provide peer-to-peer counseling, and generally increase campus awareness of the dangers of rape and, in particular, acquaintance rape.

Finally, a fifth title, authored by Senator SIMON, creates a new program for educating judges about domestic violence and sexual assault.

Last year, the Judiciary Committee unanimously approved all of the provisions I have just explained. However, because of the pressures of other legislation, the bill was not brought to the floor for a vote.

Since the end of last Congress, I have continued to work to improve the legislation and, in response to comments from other Senators and interested groups, I have added three new provisions:

A new program calling for the education of young persons about domestic violence;

New protections for victims fleeing from abuse that insure the confidentiality of their whereabouts; and

An expanded campus rape program that requires colleges to prohibit and report all forms of sexual assault on campus.

I will not take any further time to describe the contents of the bill. I ask unanimous consent that a summary and the complete text of the legislation appear in the Record following my remarks.

Let me close by urging my colleagues to join me in supporting this desperately needed legislation. Already, 25 Senators have indicated their support as original cosponsors. I hope that a significant number of others will be added so that we can ensure swift consideration of this legislation by the full Senate.

Let us not wait another year in silence, while rape rates skyrocket, while assault rates climb steadily for women but drop for men, and while more women are out on the streets because their only other choice is to suffer violence in their own homes.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 15

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".

SEC. 2. TABLE OF CONTENTS.

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—SAFE STREETS FOR WOMEN

Sec. 101. Short title

Subtitle A—Federal Penalties for Sex Crimes

- Sec. 111. Repeat offenders..
- Sec. 112. Federal penalties.
- Sec. 113. Mandatory restitution for sex crimes.

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

Sec. 121. Grants to combat violent crimes against women.

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

- Sec. 131. Grants for capital improvements to prevent crime in public transportation.
- Sec. 132. Grants for capital improvements to prevent crime in national parks.
- Sec. 133. Grants for capital improvements to prevent crime in public parks.

Subtitle D—National Commission on Violent Crime Against Women

- Sec. 141. Establishment.
- Sec. 142. Duties of commission.
- Sec. 143. Memberships.
- Sec. 144. Reports.
- Sec. 145. Executive Director and staff.
- Sec. 146. Powers of commission.
- Sec. 147. Authorization of appropriations.
- Sec. 148. Termination.

Subtitle E—New Evidentiary Rules

- Sec. 151. Sexual history in all criminal cases.
- Sec. 152. Sexual history in civil cases.
- Sec. 153. Amendments to rape shield law.
- Sec. 154. Evidence of clothing.

Subtitle F—Assistance to Victims of Sexual Assault

- Sec. 161. Education and prevention grants to reduce sexual assaults against women..
- Sec. 162. Rape exam payments.

TITLE II—SAFE HOMES FOR WOMEN

Sec. 201. Short title.

Subtitle A—Interstate Enforcement

Sec. 211. Interstate enforcement.

Subtitle B—Arrest in Spousal Abuse Cases

Sec. 221. Encouraging arrest policies.

Subtitle C—Funding for Shelters

Sec. 231. Authorization.

Subtitle D—Family Violence Prevention and Services Act Amendments

- Sec. 241. Expansion of purpose.
- Sec. 242. Expansion of State demonstration grant program.
- Sec. 243. Grant for public information campaigns.
- Sec. 244. State commission on domestic violence.

Sec. 245. Indian tribes.

Sec. 246. Funding limitations.

Sec. 247. Grants to entities other than States; local share.

Sec. 248. Shelter and related assistance.

Sec. 249. Law enforcement training and technical assistance grants.

Sec. 250. Report on recordkeeping.

Sec. 251. Model State leadership incentive grants for domestic violence intervention.

Sec. 252. Funding for technical assistance centers.

Subtitle E—Youth Education and Domestic Violence

Sec. 261. Educating youth about domestic violence.

Subtitle F—Confidentiality for Abused Persons

Sec. 271. Confidentiality for abused persons.

TITLE III—CIVIL RIGHTS

Sec. 301. Civil rights.

TITLE IV—SAFE CAMPUSES FOR WOMEN

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Grants for campus rape education.
- Sec. 404. Disclosure of disciplinary proceedings in sex assault cases on campus.

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1990

Sec. 501. Short title.

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

- Sec. 511. Grants authorized.
- Sec. 512. Training provided by grants.
- Sec. 513. Cooperation in developing programs in making grants under this title.

Sec. 514. Authorization of appropriations.

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

- Sec. 521. Education and training grants.
- Sec. 522. Cooperation in developing programs.
- Sec. 523. Authorization of appropriations.

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—Federal Penalties for Sex Crimes

SEC. 111. REPEAT OFFENDERS.

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

"§ 2247. Repeat offenders

"Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that any person who commits a violation of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State or foreign country relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact, is punishable by a term of imprisonment up to twice that otherwise provided in the guidelines, or up to twice the fine authorized in the guidelines, or both."

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

"2247. Repeat offenders."

SEC. 112. FEDERAL PENALTIES.

(a) **RAPE AND AGGRAVATED RAPE.**—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide that a defendant convicted of aggravated rape under section 2241 of title 18, United States Code, or rape under section 2242 of title 18, United States Code, shall be assigned a base offense level under chapter 2 of the sentencing guidelines that is at least 4 levels greater than the base offense level applicable to such offenses under the guidelines in effect on November 1, 1990, or otherwise shall amend the guidelines applicable to such offenses so as to achieve a comparable minimum guideline sentence. In amending such guidelines, the Sentencing Commission shall review the appropriateness of existing specific offense characteristics or other adjustments applicable to such offenses, and make such changes as it deems appropriate, taking into account the severity of rape of-

fenses, with or without aggravating factors; the unique nature and duration of the mental injuries inflicted on the victims of such offenses; and any other relevant factors.

(b) **EFFECT OF AMENDMENT.**—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instructions set forth in subsection (a) so as to achieve a comparable result.

(b) **STATUTORY RAPE.**—

(1) Section 2243(a) of title 18, United States Code, is amended by striking "5 years" and inserting "10 years".

(2) Section 2243(b) of title 18, United States Code, is amended by striking "one year," and inserting "two years."

(3) Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to incorporate the increase in maximum penalties provided by this section for sections 2243(a) and 2243(b) of title 18, United States Code.

SEC. 112. MANDATORY RESTITUTION FOR SEX CRIMES.

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

"§ 2248. Mandatory restitution

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

"(b) **SCOPE AND NATURE OF ORDER.**—(1) 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 enforces the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

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

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees; and

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

"(3) 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)(A) 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) 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) 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) 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) 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) 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) 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) 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) 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) **DEFINITIONS.**—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: Provided, 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 thereof the following:

"2248. Mandatory restitution."

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:

"PART N—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

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

"(a) **GENERAL PROGRAM PURPOSES.**—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 prosecutive 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.

"(c) **GRANTS FOR MULTIPLE USES.**—Grants under this part must be used for at least 3 of the 5 purposes listed in subsection (b).

"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 areas of 'high intensity crime' against women.

"(b) **DEFINITIONS.**—For purposes of this part, a '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 at least 3 of 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 non-governmental victim services programs showing their participation in developing the plan required by subsection (d)(2). Applications shall—

"(1) include 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 162 of this title.

"(f) **DISBURSEMENT.**—

"(1) 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) 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. 1411. 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 at least 3 of the purpose 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;

"(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.

"(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—

"(1) include 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 162 of this title.

"(e) **DISBURSEMENT.**—(1) 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) 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, and giving priority to localities with populations under 200,000;

"(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.

"(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 at least 3 of 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) 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) 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) 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 tribal granted 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.**—(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.

"(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.**

"As used in this part—

"(1) the term 'victim services program' means any public or private nonprofit program that assists victims, including (A) nongovernmental nonprofit organizations such as rape crisis centers or battered women's shelters, 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 fiscal year 1992, 1993, and 1994, \$100,000,000 to carry out the purposes of subpart 1, and \$100,000,000 to carry out the purposes of subpart 2, and \$10,000,000 to carry out the purposes of section 1422 subpart 2."

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

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

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

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

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

"(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

"(c) **REPORTING.**—All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be 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 of August 18, 1970, the National Park System Improvements in Administration Act (90 Stat. 1931; 16 U.S.C. 1a-1 et seq.) is amended by adding at the end thereof the following:

"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 purposes—

"(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 (78 Stat. 897; 16 U.S.C. 4601-8) is amended by adding at the end thereof the following new subsection:

"(h) **CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.**—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 following types of projects or combinations thereof:

"(1) For the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

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

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

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

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

"(2) 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) 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. 111. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Violent Crime Against Women (hereinafter referred to as "the Commission").

SEC. 112. DUTIES OF COMMISSION.

(a) **GENERAL PURPOSES 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; and

(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.

SEC. 113. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—

(1) **APPOINTMENT.**—The Commission shall be composed of 15 members as follows:

(A) Five members shall be appointed by the President—

(i) three 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) two 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 education, training, or experience; and

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

(B) Five 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.

(C) Five 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.

(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 of the 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 education, training, and experience, including experience in advocacy or service organizations specializing in sexual assault and domestic violence; and

(B) engage in consultations for the purpose of ensuring that the expertise of the ten 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.

(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.

(6) **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.

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

(8) **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 six times.

(9) **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.

(10) **PER DIEM.**—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.

(11) **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. 114. REPORTS.

(a) **IN GENERAL.**—Not later than 1 year after the date on which the Commission is fully constituted under section 113, the Commission shall prepare and submit a final report to the President and to congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) **CONTENTS.**—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Commission and of the findings and conclusions of

the Commission, including such recommendations for legislation and administrative action as the Commission considers appropriate.

SEC. 115. 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.

(3) **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.

(4) **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.

(5) **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. 116. 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 his 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. 117. AUTHORIZATIONS OF APPROPRIATIONS.

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

SEC. 118. TERMINATION.

The Commission shall cease to exist 30 days after the date on which its final report is submitted under section 114. The President may extend the life of the Commission for a period of not to exceed one year.

Subtitle E—New Evidentiary Rules

SEC. 119. SEXUAL HISTORY IN ALL CRIMINAL CASES.

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

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

"(a) REPUTATION AND OPINION EVIDENCE EXCLUDED.—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) ADMISSIBILITY.—Notwithstanding any other provision of law, in a criminal case, other than a sex offense case governed by rule 412, evidence of a 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) PROCEDURES.—(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:

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

"(a) REPUTATION AND OPINION EVIDENCE EXCLUDED.—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) ADMISSIBLE EVIDENCE.—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) PROCEDURES.—(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 with 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) DEFINITIONS.—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 thereof the following:

"(e) INTERLOCUTORY APPEAL.—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) RULE OF RELEVANCE AND PRIVILEGE.—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 are amended by adding after rule 412 the following:

"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 as follows:

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

"§ 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) States providing grant monies must assure that at least 15 percent of the monies are devoted to education programs targeted for junior high school and high school students.

"(c) There are authorized to be appropriated under this section for each fiscal year 1992, 1993, and 1994, \$65,000,000 to carry out the purposes of this section.

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

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

"(f) States 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;"

- (2) striking section 1901(b); and
- (3) striking section 1904(a)(1)(C).

SEC. 162. RAPE EXAM PAYMENTS.

No State or other grantee is entitled to funds under title I of the Violence Against Women Act of 1990 unless the State or other grantee incurs the full cost of forensic medical exams for victims of sexual assault. A State or other grantee does not incur the full medical cost of forensic medical 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 forensic medical exams about how to obtain reimbursement.

TITLE II—SAFE HOMES FOR WOMEN
SEC. 201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act of 1990".

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:

"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.

"§ 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, 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.

"(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.

"§ 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.

"(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.

"§ 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 order 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 abuse spouse or intimate partner.

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

"(2) 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 delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) 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) 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 2281 and 2282.

"(e) **DEFINITIONS.**—For purposes of this section, the terms '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: *Provided*, That in no event shall the defendant be named as such representative or guardian.

"§ 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.

"§ 2266. Definition for chapter

"As used in 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 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 pendent 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; and

"(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."

"(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:

"110A. Violence against spouses 2261."

Subtitle B—Arrest in Spousal Abuse Cases

SEC. 221. ENCOURAGING ARREST POLICIES.

The Family Violence Prevention and Services Act (42 U.S.C. 10400) is amended by adding after section 311 the following:

"SEC. 312. ENCOURAGING ARREST POLICIES.

"(a) **PURPOSE.**—To encourage States, Indian tribes and localities to treat spousal violence 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 purposes:

"(1) to implement pro-arrest programs and policies 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 educate judges in criminal and other courts about spousal abuse and to improve judicial handling of such cases.

"(b) **ELIGIBILITY.**—(1) 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; and

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

"(i) mandate arrest of spouse abusers based on probable cause that violence has been committed or mandate arrest of spouses violating the terms of a valid and outstanding protection order; or

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

"(C) demonstrate that their laws and policies 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.

"(2) For purposes of this section, 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 pendent lite order in another proceeding.

"(3) For purposes of this section, 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 person who cohabits with or has cohabited with the abuser as a spouse.

"(4) The eligibility requirements provided in this section shall take effect one 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 are 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) identify the nonprofit nongovernmental victim services programs 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. 10400) 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, \$85,000,000 for fiscal year 1992, \$100,000,000, for fiscal year 1993, and \$125,000,000 for fiscal year 1994.

"(b) Of the sums authorized to be appropriated under subsection (a) of this section for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 303.

"(c) Of the sums authorized to be appropriated under subsection (a) of this section for any fiscal year, not more than 5 percent shall be used by the Secretary for making grants under section 314."

Subtitle D—Family Violence Prevention and Services Act Amendments

SEC. 241. EXPANSION OF PURPOSE.

Section 302(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10401(1)) is amended by striking "to prevent" and inserting "to increase public awareness about and prevent".

SEC. 212. EXPANSION OF STATE DEMONSTRATION GRANT PROGRAM.

Section 303(a)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(1)) is amended by striking "to prevent" and inserting "to increase public awareness about and prevent".

SEC. 213. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

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

"GRANTS FOR PUBLIC INFORMATION CAMPAIGNS

"Sec. 314. (a) The Secretary may make grants to public or private nonprofit entities to provide public information 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 shall inform the public concerning domestic violence.

"(b) No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) An application submitted under subsection (b) shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

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

"(d) A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

"(e) The criteria for awarding grants shall ensure that an applicant—

"(1) will conduct activities that educate communities and groups at greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk."

SEC. 214. STATE COMMISSIONS ON DOMESTIC VIOLENCE.

Section 303(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)) is amended—

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

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) provides assurances that, not later than 1 year after receipt of funds, the State shall have established a Commission on Domestic Violence to examine issues including—

"(i) the use of mandatory arrest of accused offenders;

"(ii) the adoption of 'no-drop' or vertical prosecution policies;

"(iii) the use of mandatory requirements for presentencing investigations;

"(iv) the length of time taken to prosecute cases or reach plea agreements;

"(v) the use of plea agreements;

"(vi) the testifying by victims at post-conviction sentencing and release hearings;

"(vii) the consistency of sentencing practices;

"(viii) restitution of victims;

"(ix) the reporting practices of and significance to be accorded to prior convictions (both felonies and misdemeanors); and

"(x) such other matters as the Commission believes merit investigation.

In implementing this requirement, State grantees must certify to the Secretary that—

"(aa) no less than one-third of Commission members be victim advocates associated with non-profit shelters; and

"(bb) no more than 2 percent of the grant monies awarded shall be used to support the required Commission."

SEC. 215. 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 no less than 10 percent available for".

SEC. 216. FUNDING LIMITATIONS.

Section 303(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(c)) is amended by striking "and" and all that follows through "fiscal years".

SEC. 217. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.

The first 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 demonstration grant may be made under this section to an entity other than a State or Indian tribe unless the entity provides 50 percent of the funding of the program or project funded by the grant."

SEC. 218. SHELTER AND RELATED ASSISTANCE.

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

(1) striking "not less than 60 percent" and inserting "not less than 75 percent"; and

(2) striking "immediate shelter and related assistance to victims of family violence and their dependents" and inserting "shelter and related assistance to victims of family violence and their dependents, including any, but not requiring all of the following—

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

"(2) transportation, legal assistance, referrals, and technical assistance with respect to

obtaining financial assistance under Federal and State programs;

"(3) comprehensive counseling about parenting, preventive health (including nutrition, exercise, and prevention of substance abuse), educational services employment training, social skills (including communication skills), home management assertiveness training; and

"(4) day care services for children who are victims of family violence or the dependents of such victims."

SEC. 219. LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Section 311(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)) is amended by adding at the end thereof the following new subparagraph:

"(d) Training grants may be made under this section only to private nonprofit organizations that have experience in providing training and technical assistance to law enforcement personnel on a national or regional basis."

SEC. 240. REPORT ON RECORDKEEPING.

Not later than 120 days after the date of enactment of this Act, the General 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, 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. 251. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

The Family Violence Prevention Services Act, as amended by section 103 of this Act, is amended by adding at the end thereof 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 and in meeting the costs of improving State leadership concerning activities that will—

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

"(2) encourage the reporting of incidences of domestic violence; and

"(3) facilitate 'arrests and aggressive' prosecution policies.

"(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) 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; and

"(B) implement model projects that include either—

"(i) a 'no-drop' prosecution policy; or

"(ii) 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 protection order;

"(B) discourage custody or joint custody orders by spouse abusers; and

"(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute;

"(5) 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. 312. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.

The Family Violence Prevention and Services Act is amended by inserting after section 308 the following:

"SEC. 308A. 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 six national resource centers serving defined geographic areas. One national resource center shall offer resource, policy, and/or training assistance to Federal, State, Indian tribal, and local government agencies on issues pertaining to domestic violence and serve a coordinating and resource-sharing function among domestic violence service providers, and maintain a central resource library. The other national resource centers shall provide information, training and technical assistance to State, tribal and local domestic violence service providers. In addition, each national center shall specialize in one of the following areas of domestic violence service, prevention or law:

"(1) Public awareness and prevention education;

"(2) Criminal justice response to domestic violence, including court-mandated abuser treatment;

"(3) Child abuse and domestic violence, including domestic violence and child custody issues;

"(4) Domestic violence victim self-defense;

"(5) Medical personnel training; and

"(6) Enhancing victims' access to effective legal assistance.

"(b) ELIGIBILITY.—Eligible grantees are private nonprofit organizations that—

"(1) focus primarily on domestic violence;

"(2) provide documentation to the Secretary demonstrating 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

in the region who are geographically and culturally diverse; and

"(4) demonstrate strong support from domestic violence advocates in the region for their designation as the regional 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 sums appropriated under section 310 of this title, not in excess of \$2,000,000 for each fiscal year shall be used for the purpose of making grants under this section."

Subtitle E—Youth Education and Domestic Violence

SEC. 311. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

"(a) GENERAL PURPOSE.—For purposes of this section, the Secretary shall delegate his powers to the Secretary of Education, hereinafter referred to as the "Secretary". The Secretary shall develop model programs for education of young people about domestic violence and violence among intimate partners.

"(b) NATURE OF PROGRAM.—The Secretary shall develop three separate programs for three different audiences: primary and middle schools, secondary schools, and institutions of higher education. These model programs shall be developed with the input of educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters. The participation of each of these groups or individual consultants from such groups is essential to the development of a program that meets both the needs of educational institutions and the needs of the domestic violence problem.

"(c) REVIEW AND DISSEMINATION.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) AUTHORIZATION.—These are authorized to be appropriated under this section for fiscal year 1992, \$200,000 to carry out the purposes of this section.

Subtitle F—Confidentiality for Abused Persons

SEC. 311A. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

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 guidelines:

(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;

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

(3) compilation of address 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 is 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 State, 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 act that would come within the meaning of State or Federal offenses described in section 18 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. FURNISHING AMENDMENT.

The Right Attorney's Fees Awards Act of 1988 (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 "1984," the following: "or title III of the Violence Against Women Act of 1991."

TITLE IV—SAFE CAMPUSES FOR WOMEN

SEC. 401. SHORT TITLE.

This title may be cited as the "Safe Campuses for Women Act of 1990".

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. 103. GRANTS FOR CAMPUS RAPE EDUCATION.

Title X of the Higher Education Act of 1965 is amended to add at the end thereof 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: *Provided*, 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.

"(B) The term 'Secretary' means the Secretary of Education.

"(g) General Terms and Conditions.—(1) Regulations.—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulation 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 (e) 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. 104. REQUIRED CAMPUS REPORTING OF SEXUAL ASSAULT.

Section 204(f) of the Crime Awareness and Campus Security Act of 1990 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 ACT OF 1990

SECTION 501. SHORT TITLE.

This title may be cited as the "Equal Justice for Women in the Courts Act of 1991".

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 non-strangers, marital rape, and incest;

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

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

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

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

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

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

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

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

(10) the nature and incidence of domestic violence;

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

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

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

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

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

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

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

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

(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 of 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 of subtitle A; 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) of this subtitle.

BIDEN "VIOLENCE AGAINST WOMEN ACT"

TITLE I—SAFE STREETS FOR WOMEN

Creates New Penalties for Sex Crimes:

Doubles penalties for rape and aggravated rape.

Creates new penalties for repeat sex offenders.

Increases restitution for the victims of sex crimes.

Encourages Women to Prosecute Their Attackers:

Requires states to pay for women's medical examinations to determine if they have been raped.

Extends "rape shield law" protection to criminal and civil cases—other than sexual assault cases where it already applies—to bar embarrassing and irrelevant inquiries into a victim's sexual history at trial.

Authorizes \$65 million in funds for rape prevention and education.

Bans the use of a woman's clothing to show, at trial, that the victim invited or invited a sexual assault.

Targets Places Most Dangerous for Women:

Authorizes \$100 million for law enforcement efforts to combat sex crimes, with \$100 million targeted for the 40 metropolitan areas most dangerous for women.

Creates special units of police, prosecutors and victim advocates to fight crime against women.

Creates Safer Public Transit and Public Parks:

Funds increased lighting and camera surveillance at bus stops, bus stations, subways, and parking lots adjacent to public transit facilities.

Targets \$25 million in existing park funds for increased lighting, emergency telephones, and police.

Establishes the "National Commission on Violent Crime Against Women":

Creates a commission to develop a national strategy for combating violence against women.

TITLE II—SAFE HOMES FOR WOMEN

Protects Women from Abusive Spouses:

Deters abusers from learning the whereabouts of a fleeing victim.

Creates federal penalties for spouse abusers who cross state lines to continue their abuse.

Requires all states to enforce any "stay away" order, regardless of which state issues it.

Promotes Arrests of Abusive Spouses:

Authorizes \$25 million for prosecutors and courts to develop special spouse abuse units.

Provides additional grants to "model states" that promote the arrest and prosecution of abusive spouses.

Provides More Money for Shelters:

Tripled funding for battered women's shelters.

Teaches Children about Domestic Violence:

Creates school-based programs designed to stop the cycle of family violence.

Educates Women about Their Rights:

Requires States to establish commissions to study domestic violence and authorizes a national media campaign against such violence. (Senator Coats)

TITLE III—CIVIL RIGHTS FOR WOMEN

Labels Sex Crimes as "Bias" or "Hate" Crimes:

Defines gender-motivated crimes as "bias" crimes that deprive victims of their civil rights.

Extends "Civil Rights" Protections to All Gender-Motivated Crimes:

Makes gender-based assaults a violation of federal civil rights laws.

Allows victims of all felonies "motivated by gender" to bring civil rights suits against their assailants.

TITLE IV—SAFE CAMPUSES FOR WOMEN

Funds Rape Prevention Programs:

Creates a \$20 million grant program for the neediest colleges to fund campus rape education and prevention programs and services.

Guarantees Victims' Right to Know:

Requires grantee colleges to disclose to rape victims the outcome of college disciplinary proceedings against their attackers.

Strengthens Campus Security:

Closes loophole in existing campus crime reporting law by requiring that campuses report not only "rape" but also any form of sexual assault.

Requires grantee colleges to expressly bar sexual assault as a violation of student disciplinary codes.

TITLE V—JUDICIAL EDUCATION ON VIOLENCE AGAINST WOMEN

Educates state and federal judges about domestic violence, sexual assault and gender bias.

● Mr. BOREN. Mr. President, I am very pleased to join my colleague, Senator BIDEN of Delaware, in introducing the Violence Against Women Act. This bill is the first piece of comprehensive legislation that directly addresses and alleviates the serious problem of violent crime against women in this country.

Violent crimes against women are rising at an alarming and unacceptable

rate. During the last decade, the rate of rape rose four times as fast as the total crime rate. Today, with every minute that passes, over 4 women are beaten; and with every hour that passes, 10 women are raped.

While the statistics are alarming, they pale in comparison to the true numbers of female victims. It is estimated that less than half of all rapes, and even fewer domestic assaults, are ever reported. Violent crimes against women are not limited to the streets of the inner cities, but also occur in homes in the urban and rural areas across the country.

Violence against women affects not only those who are actually beaten and brutalized, but indirectly affects all women. Today, our wives, mothers, daughters, sisters, and colleagues are held captive by the fear generated from these violent crimes—held captive not for what they do or who they are, but solely because of their gender.

Mr. President, the Violence Against Women Act is not a panacea for this pervasive problem, but is a necessary first step in freeing all females from unnecessary risk and fear. The bill designates sex crimes as a violation of civil rights, allowing women to seek remedies under the Federal civil rights laws.

Additionally, the bill increases penalties for sex related crimes being tried in Federal court, and makes court restraining orders for women enforceable across State lines. The bill also provides \$300 million in grants to State and local law-enforcement agencies to tailor programs to combat this problem at the local level.

Mr. President we can and must put an end to the spiraling escalation of violent crimes against women in this country. We must protect the rights of women in this country to feel safe on the street and in their homes. I strongly urge my colleagues to recognize the urgent need for this legislation and to join me in supporting the Violence Against Women Act. ●

Mr. COHEN. Mr. President, today I am pleased to join Senator BIDEN in reintroducing the Violence Against Women Act. The first comprehensive legislation designed specifically to combat violent crime against women, this legislation was first introduced by Senator BIDEN last year and, subsequently, was favorably reported by the Judiciary Committee. Regrettably, the full Senate did not have the opportunity to consider the measure before adjournment.

Violence against women in this country has been rising at an alarming rate. Increases in the rate of rape, assaults, and murder of women are significantly higher than increases in the national crime rate or the rate of assaults and murder of men. Nationally, a woman is raped every 6 minutes and, every 18 seconds, a woman is beaten. In my own State of Maine, a woman is raped every 36 hours and a domestic assault occurs every 3 hours.

While the statistics are shocking, the reality is even worse. It is estimated that less than half of all rapes and even fewer domestic assaults are ever reported. These crimes are not limited to the streets of our inner cities or to those few highly publicized cases that we read about in the newspapers or see on the evening news.

Women throughout the country, in our Nation's urban areas and rural communities, are being beaten and brutalized in the streets and in their homes. It is our mothers, wives, daughters, sisters, friends, neighbors, and coworkers who are being victimized; and, in many cases, they are being victimized by family members, friends, and acquaintances.

The physical and emotional toll on women who are the victims of violent crime is devastating. Compounding this tragedy is the fact that the law enforcement and judicial systems in this country, and society in general, often contribute to the victimization of women by their insensitivity, reliance on outmoded stereotypes, and failure to adequately protect victims.

Even those women who have not been touched directly by violent crime are not unaffected. How many women can walk home at night from the bus or subway without some thought of what is the safest route to take, or without pausing when they hear footsteps behind them. How many women have thought better of taking an evening stroll in their neighborhood or perhaps a local park because of a concern about crime. Regrettably, all women are victims of fear—the fear generated by the pervasiveness of violence directed against women not because of who they are or what they are doing or where they live but simply because they are women.

The Federal Government has an important role to play in reversing the trend of increasing violence against women. In addition to setting an example for the States to emulate by strengthening its own laws and enforcement efforts, the Federal Government can promote programs at the State and local level to prevent violence against women, and to more effectively prosecute and appropriately punish those individuals who commit violent crimes against women.

The Violence Against Women Act is not a cure to the growing incidence of violence but it is an important step in the right direction. The bill has five major titles: Safe Streets for Women; Safe Homes for Women; Civil Rights for Women; Safe Campuses for Women; and Equal Justice for Women in the Courts. A summary of the bill has been placed in the Record.

I want to take this opportunity to commend Senator BIDEN for his leadership in this area and his commitment to addressing the very difficult problem of violence against women, and I look forward to working with him to move this measure forward. I

urge my colleagues to join in supporting this important legislation.

By Mr. BIDEN (for himself, Mr. KENNEDY, Mr. SPECTER, Mr. ADAMS, Mr. D'AMATO, Mr. DECONCINI, Mr. SIMON, Mr. BRADLEY, Mr. PRYOR, Mr. METZENBAUM, Mr. HEINZ, Mr. HEFLIN, Mr. BAUCUS, Mr. GORTON, Mr. MOYNIHAN, Mr. CRANSTON, and Mr. AKAKA):

S. 16. A bill to provide emergency Federal assistance to drug emergency areas; to the Committee on the Judiciary.

DRUG EMERGENCY AREAS ACT

● Mr. BIDEN. Mr. President, today I am introducing the Drug Emergency Areas Act of 1991 to fight the spiraling problems of drug trafficking and violent crime in our Nation's cities and communities.

The drug and violent crime epidemics are taking their toll on U.S. cities unlike any natural disaster in modern history. Each year, thousands die in drug-related violence and overdoses. Tens of billions of dollars are lost in health costs and lowered productivity. The drug crisis has—literally—destroyed neighborhoods in every major city in this country.

Congress and the President recognized the need to provide emergency Federal aid to the hardest hit cities as far back as 1988, when the Anti-Drug Abuse Act was enacted. This law directed the President to designate certain areas of the country as "high intensity drug trafficking areas" and to provide immediate Federal aid to these areas. And to ensure that emergency aid was provided immediately, Congress appropriated \$25 million in October 1989 for the areas to be designated by the President.

Unfortunately, the White House response has been plagued by bureaucratic delays and inefficiency.

More than 2 years after the high-intensity drug trafficking area legislation was signed into law, not a single Federal dollar—not a single extra police officer or treatment bed—had been delivered to these hard-hit areas.

That's why 16 of my colleagues and I are introducing the Drug Emergency Areas Act of 1991 as an alternative to the President's plan. Our legislation is simple and direct. It would:

Provide \$300 million—six times the amount in the President's antidrug plan—in emergency Federal assistance to those areas of the Nation hardest hit by drug trafficking, abuse and related violence;

Direct that emergency Federal aid be available not only for big cities, but also to rural and suburban areas, where the drug crisis has overwhelmed the ability of State and local law enforcement agencies to respond; and

Allow funding for both law enforcement and prevention and treatment initiatives—to attack the problem at every possible level.

Wow, we have just gotten our computer
connected to Legis in D.C. - I was able to
get Sen. Dole's bill printed but I do have some
things in it you don't need! We'll get
better as we practice!

rm
report

Which style of report do you desire?

- 1: Standard report
- 2: Custom-tailored report
- 3: None--no report

Lucy

Choose ONE number.....1

LEGI-SLATE Report for the 102nd Congress
2:22pm (EST)

Mon, March 11, 1991

Search of 2,547 Bills and Resolutions to Find 1...

Limited to S.472

Bill, Sponsor and Short Title:

S.472 by DOLE (R-KS) -- Women's Equal Opportunity Act of 1991;
Pornography

Victims' Compensation Act of 1991; Domestic Violence
Prevention

Act of 1991; Glass Ceiling Act of 1991; Opportunities in
Apprenticeship Act of 1991

Official Title (caption):

A bill to secure the right of women to be free of sexual harassment
and
violence, to promote equal opportunity for women, and for other
purposes.

Introduced on Thursday, February 21, 1991

Pending Committee Schedules:

Currently, none

Most Recent Action:

02/21/91 -- In The SENATE

Introduced by DOLE (R-KS)

Referred to SENATE COMMITTEE ON THE JUDICIARY

Remarks by DOLE (R-KS) in "Congressional Record" (CR Page S-2189)

Full text of measure printed in "Congressional Record" (CR Page S-2192)

Remarks by SEYMOUR (R-CA) in "Congressional Record" (CR Page S-2210)

Remarks by MURKOWSKI (R-AK) in "Congressional Record" (CR Page S-2211)

Remarks by MCCAIN (R-AZ) in "Congressional Record" (CR Page S-2211)

Remarks by ROTH, WILLIAM (R-DE) in "Congressional Record" (CR Page S-2212)

Remarks by BURNS (R-MT) in "Congressional Record" (CR Page S-2213)

Remarks by D'AMATO (R-NY) in "Congressional Record" (CR Page S-2213)

Remarks by WARNER (R-VA) in "Congressional Record" (CR Page S-2213)

02/27/91 -- In The HOUSE

Extensions to Remarks by MOLINARI, SUSAN (R-NY) in "Congressional Record"

(CR Page E-650)

Extensions to Remarks by MOLINARI, SUSAN (R-NY) in "Congressional Record"

(CR Page E-657)

~~Do you wish to store these bills in a LEGI-SLATE FILE for tracking or future reference? ('Y' or 'N')....n~~

Please type desired COMMAND.....report

*** Sorry, 'REPORT' won't work here, please try again...

~~Please type desired COMMAND.....bill text~~

~~Type a bill numbers 472~~

S.472 by DOLE (R-KS) -- Women's Equal Opportunity Act of 1991;
Pornography Victims' Compensation Act of 1991; Domestic
Violence Prevention Act of 1991; Glass Ceiling Act of 1991;
Opportunities in Apprenticeship Act of 1991

- Which do you desire?
- 1: Search for any word or phrase in the text
 - 2: Preview a list of items found thus far
 - 3: Preview the outline -- from which you may select items
 - 4: Display the outline as a report (114 lines)
 - 5: Display the full text (2,069 lines)

Choose ONE number.....5

 LEGI-SLATE Report for the 102nd Congress Mon, March 11, 1991
 2:28pm (EST)

 BILL TEXT Report for S.472
 As introduced in the Senate, February 21, 1991

II

102d CONGRESS
1st Session

S. 472

To secure the right of women to be free of sexual harassment and violence, to

promote equal opportunity for women, and for other purposes.

IN THE SENATE OF THE UNITED STATES

February 21 (legislative day, February 6), 1991

Mr. Dole (for himself, Mr. Simpson, Mr. Thurmond, Mr. Cochran, Mr. Kasten,

Mr. Burns, Mr. D'Amato, Mr. Lugar, Mr. McCain, Mr. Murkowski, Mr. Roth,

Mr. Seymour, Mr. Stevens, and Mr. Warner) introduced the following bill;

which was read twice and referred to the Committee on the Judiciary

A BILL

To secure the right of women to be free of sexual harassment and violence, to

promote equal opportunity for women, and for other purposes.

=====

Be it enacted by the Senate and House of Representatives of the United

States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.--This Act may be cited as the "Women's Equal Opportunity Act of 1991".

(b) Table of Contents.--The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I--FEDERAL CIVIL RIGHTS REMEDIES

Subtitle A--Federal Remedies for Sexual Harassment in the Workplace

Sec. 101. Findings.

Sec. 102. Enhanced remedies for sexual harassment.

Sec. 103. Expedited injunctive relief for sexual harassment.

Sec. 104. Technical assistance.

Subtitle B--Expansion of Other Federal Civil Rights

Sec. 111. Expansion of protections against all racial discrimination in the performance of contracts.

Sec. 112. Expansion of right to challenge discriminatory seniority systems.

Sec. 113. Congressional coverage.

Sec. 114. Effective date.

TITLE II--DOMESTIC AND STREET CRIME VIOLENCE AGAINST WOMEN

Subtitle A--Safety on College and University Campuses

Sec. 201. Required campus reporting of sexual assault.

Subtitle B--Stronger Penalties for Federal Sex Offenses

Sec. 211. Capital punishment for murders in connection with sexual assaults and child molestations.

Sec. 212. Increased penalties for recidivist sex offenders.

Sec. 213. Definition of sexual act for victims below 16 years of age.

Sec. 214. Drug distribution to pregnant women.

Subtitle C--Enhanced Compensation and Restitution for Victims of Sex Crimes

Sec. 221. Short title.

Sec. 222. Findings, purpose, and construction.

Sec. 223. Cause of action.

Sec. 224. Definitions.

Sec. 225. Restitution in sex offense cases.

Subtitle D--Reform of Procedure and Evidentiary Requirements in Sex Offense

and Other Cases

Sec. 231. Admissibility of evidence of similar crimes in sexual assault and child molestation cases.

Sec. 232. Right of the victim to an impartial jury.

Sec. 233. Rules of professional conduct for lawyers in Federal practice.

Sec. 234. Statutory presumption against child custody.

Sec. 235. Full faith and credit for protective orders.

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Sec. 236. HIV testing and penalty enhancement in sexual abuse cases.

Sec. 237. Payment of cost of HIV testing for victim.

Subtitle E--National Task Force on Violence Against Women

Sec. 241. Establishment.

Sec. 242. Duties of task force.

Sec. 243. Membership.

Sec. 244. Pay.

Sec. 245. Executive director and staff.

Sec. 246. Powers of task force.

Sec. 247. Report.

Sec. 248. Authorization of appropriations.

Sec. 249. Termination.

Subtitle F--Prevention of Sexual Assault

Sec. 251. Education and prevention grants to reduce sexual assaults against women.

Subtitle G--Domestic Violence Prevention Act of 1991

Sec. 261. Short title.

Sec. 262. Expansion of purpose.

Sec. 263. Expansion of State demonstration grant program.

Sec. 264. Grants for public information campaigns.

Sec. 265. State commissions on domestic violence.

Sec. 266. Indian tribes.

Sec. 267. Funding limitations.

Sec. 268. Grants to entities other than States; local share.

Sec. 269. Shelter and related assistance; rural areas.

Sec. 270. Law enforcement training and technical assistance grants.

Sec. 271. Authorization of appropriations.

Sec. 272. Report on recordkeeping.

TITLE III--EMPLOYMENT OPPORTUNITIES

Subtitle A--Glass Ceiling Commission

Sec. 301. Short title.

Sec. 302. Findings and purpose.

Sec. 303. Establishment of Glass Ceiling Commission.

Sec. 304. Research on advancement of women and minorities to executive

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management and senior decisionmaking positions in business.

Sec. 305. Establishment of the National Award for Diversity and Excellence in

American Executive Management.

Sec. 306. Powers of the Commission.

Sec. 307. Confidentiality of information.

Sec. 308. Staff and consultants.

Sec. 309. Authorization of appropriations.

Sec. 310. Termination.

Subtitle B--Opportunities in Apprenticeship

Sec. 321. Short title.

Sec. 322. Findings and purpose.

Sec. 323. Outreach and education program.

Sec. 324. Preapprenticeship training grant program.

Sec. 325. Study of participation of women and minorities in apprenticeship.

Sec. 326. Authorization of appropriations.

Subtitle C--Opportunities for Alternative Work Arrangements

Sec. 331. Findings.

Sec. 332. Sense of the Congress.

TITLE I--FEDERAL CIVIL RIGHTS REMEDIES

Subtitle A--Federal Remedies for Sexual Harassment in the Workplace

SEC. 101. FINDINGS.

Congress finds that--

- (1) title VII of the Civil Rights Act of 1964 prohibits discrimination in the terms and conditions of employment, including sexual harassment in the workplace;
- (2) sexual harassment in the workplace can have very serious and lasting detrimental effects on the victim of the harassment;
- (3) under the current remedial scheme of title VII, often the only remedies that a victim of sexual harassment can obtain are declaratory and injunctive relief against the continuation of the harassment;
- (4) as the result of the lack of an effective remedy under title

VII

for sexual harassment, victims of sexual harassment may not receive

restitution for monetary losses relating to medical and psychological harm caused by the misconduct of an employer;

(5) as the result of the lack of an effective remedy under title

VII

for sexual harassment, victims of sexual harassment who are driven to

resign from jobs often fail to recover any relief under title VII; and

(6) additional equitable remedies for sexual harassment in the workplace are clearly appropriate and warranted.

SEC. 102. ENHANCED REMEDIES FOR SEXUAL HARASSMENT.

Section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(g)) is

amended--

(1) by inserting "(1)" after the subsection designation; and

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

"(2)(A) With respect to a complaint involving an alleged unlawful employment practice relating to harassment on the basis of sex, the court

may, if the plaintiff pleads and proves that the respondent intentionally

engaged in such practice, award to the aggrieved party an amount not to

exceed \$100,000 for the first such offense by the respondent, and not to

exceed \$150,000 for each subsequent offense. The court shall exercise the

equitable discretion of the court and determine whether an enhanced remedy is

appropriate under this paragraph based upon the criteria set forth in

subparagraph (C).

"(B)(i) In order to obtain an award under subparagraph (A), the plaintiff

shall demonstrate that--

"(I) the aggrieved party has submitted the grievance to any grievance

procedure established by the employer; and

"(II) the aggrieved party has obtained a determination from the

grievance procedure, the grievance procedure is inappropriate for

resolution of sexual harassment complaints, or use of the procedure has

resulted in an unreasonable delay in resolving the grievance.

"(ii) The participation by any party in the grievance procedure shall not

be considered an admission of liability for any purpose, and determinations

resulting from the grievance procedure shall not be entitled to deference in

any judicial or administrative proceeding, including a subsequent proceeding

under this paragraph.

"(C) In determining the appropriateness and magnitude of an award under

subparagraph (A), the court shall consider whether--

"(i) the aggrieved party has incurred any medical bills or suffered

any monetary or other out-of-pocket loss as a result of the unlawful

conduct of the employer;

"(ii) enhanced relief under subsection (a) is necessary to make injunctive relief ordered by the court meaningful, considering--

"(I) the financial resources and employment history of the respondent;

"(II) whether the respondent has initiated compliance programs

designed to ensure that the employment practices of the respondent

are lawful; and

"(III) whether the respondent has instituted programs or policies

designed to prevent, and resolve complaints of, harassment on the

basis of sex in the workplace.

"(D)(i) Except as provided in clause (ii), a judge shall hear and determine all issues in cases arising under this paragraph.

"(ii) If a plaintiff seeks a monetary award under paragraph (2)(A) of

this section and the court determines that such award cannot constitutionally

be granted unless a jury determines liability on one or more issues with respect to which the award is sought, the court may impanel a jury to hear and determine such liability issues and no others.

"(E) For purposes of this paragraph, each distinct, physically separate subdivision of a respondent shall be considered a separate respondent if--

"(i) the subdivision provides separately for the employment practices (including hiring and discharge) of the subdivision, without reference to

the practices of another subdivision; and

"(ii) the operations of the subdivision are not under the control of another subdivision, or under the common control of the subdivision with another subdivision.

"(F) As used in this paragraph, the terms 'aggrieved party', 'harassment

on the basis of sex', and 'plaintiff' have the meanings given the terms in section 706(f)(2)(B)(v)."

SEC. 103. EXPEDITED INJUNCTIVE RELIEF FOR SEXUAL HARASSMENT.

Section 706(f)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(f)(2)) is amended--

- (1) by inserting "(A)" after the paragraph designation; and
(2) by adding at the end thereof the following new

subparagraph:

"(B)(i) Notwithstanding any other provision of this title, and except as otherwise provided in this subparagraph, a plaintiff who files a charge of

discrimination alleging that an individual has been subject to harassment on

the basis of sex in violation of this title shall have the right to seek temporary or preliminary injunctive relief against a respondent in any court

having jurisdiction over such a claim, without regard to any period of time

following the filing of the charge and without obtaining a right-to-sue letter from the Commission.

"(ii)(I) Except as provided in subclause (II), any order granting the relief described in clause (i) shall be issued in accordance with Rule 65 of the Federal Rules of Civil Procedure.

"(II) If the plaintiff establishes a substantial probability of success on the merits of the harassment claim, the continued submission to unlawful harassment shall be deemed injury sufficiently irreparable to warrant the entry of temporary or preliminary relief.

"(iii)(I) In order to obtain permanent injunctive relief for a grievance under this subparagraph, the plaintiff shall demonstrate that--

"(aa) the aggrieved party has submitted the grievance to any grievance procedure established by the employer; and

"(bb) the aggrieved party has obtained a determination from the grievance procedure, the grievance procedure is inappropriate for resolution of sexual harassment complaints, or use of the procedure has

resulted in an unreasonable delay in resolving the grievance.

"(II) The participation by any party in the grievance procedure shall not

be considered an admission of liability for any purpose, and determinations

resulting from the grievance procedure shall not be entitled to deference in

any judicial or administrative proceeding, including a subsequent proceeding

under this subparagraph.

"(III) The court shall not grant permanent injunctive relief to a plaintiff under this section unless such relief is granted simultaneously

with or after the imposition of a monetary award under subsection (g)(2).

"(iv) It shall be the duty of a court having jurisdiction over

proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be expedited in every way practicable.

"(v) As used in this subparagraph:

"(I) The term 'aggrieved party' means a party suffering an alleged unlawful employment practice relating to harassment on the basis of sex in violation of this title.

"(II) The term 'harassment on the basis of sex' means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where--

"(aa) submission to such conduct is made explicitly or implicitly

a term or condition of employment of an individual;

"(bb) submission to or rejection of such conduct by an individual

is used as the basis for employment decisions affecting such individual; or

"(cc) such conduct has the purpose or effect of creating a working environment that a reasonable person would consider intimidating, hostile, or abusive.

"(III) The term 'plaintiff' means an aggrieved party, the Attorney

General, or the Commission who files the charge described in clause

(i)."

SEC. 104. TECHNICAL ASSISTANCE.

(a) In General.--Not later than 180 days after the date of enactment of this section, the Chairman of the Equal Employment Opportunity Commission,

acting through the Directors of the district offices of the Commission, shall

establish programs to provide technical assistance concerning sexual

harassment law to employers who have fewer than 50 employees.

(b) Subjects.--The programs shall provide assistance concerning--

(1) the requirements of sections 706 (f)(2)(B) and (g)(2) of the

Civil Rights Act of 1964 (42 U.S.C. 2000e-5 (f)(2)(B) and (g)(2));
and

(2) recommended practices and procedures for avoiding--
(A) practices that constitute harassment on the basis of sex;

and

(B) litigation related to harassment on the basis of sex.

(c) Definitions.--As used in this section, the terms "employer" and
"employee" have the meaning given the terms in section 701 (b)
and (f),

respectively, of the Civil Rights Act of 1964 (42 U.S.C. 2000e (b) and
(f)).

(d) Authorization of Appropriations.--There are authorized to be
appropriated to carry out this section \$500,000 for each of fiscal
years

1992, 1993, and 1994.

Subtitle B--Expansion of Other Federal Civil Rights

SEC. 111. EXPANSION OF PROTECTIONS AGAINST ALL RACIAL
DISCRIMINATION IN THE
PERFORMANCE OF CONTRACTS.

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended
by

adding at the end thereof the following new sentences: "The rights
protected

by this section are protected against impairment by
nongovernmental

discrimination as well as against impairment under color of State
law. This

section affords the same protection against discrimination in the
performance, breach, modification, or termination of a contract, or
in the

setting of the terms or conditions thereof, as it does in the making
or

enforcement of the contract."

SEC. 112. EXPANSION OF RIGHT TO CHALLENGE DISCRIMINATORY
SENIORITY SYSTEMS.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-
5(e)) is

amended--

(1) by inserting "(1)" after the subsection designation; and

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

"(2) For purposes of this section, an alleged unlawful employment
practice occurs--

"(A) when a seniority system is adopted, when an individual becomes subject to a seniority system, or when a person aggrieved is injured by the application of a seniority system or provision of the system; and

"(B) if the system is alleged to have been adopted for an intentionally discriminatory purpose, in violation of this title, whether or not that discriminatory purpose is apparent on the face of the seniority provision."

SEC. 113. CONGRESSIONAL COVERAGE.

Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new section:

"SEC. 719. CONGRESSIONAL COVERAGE.

"Notwithstanding any other provision of this title, the provisions of this title shall apply to the Congress, and the means for enforcing this title as such applies to the House of Representatives and the Senate shall be as determined by such House of Congress."

SEC. 114. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of enactment of this Act.

TITLE II--DOMESTIC AND STREET CRIME VIOLENCE AGAINST WOMEN

Subtitle A--Safety on College and University Campuses

SEC. 201. REQUIRED CAMPUS REPORTING OF SEXUAL ASSAULT.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)),

as added by section 204(a) of the Crime Awareness and Campus Security Act of

1990 (Public Law 101-542), is amended--

(1) in paragraph (1)(F), 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, sexual assault, or any other abusive sexual

conduct;

"(iii) robbery;

"(iv) aggravated assault;

"(v) burglary; and

"(vi) motor vehicle theft."; and

(2) in paragraph (3), to read as follows:

"(3) Each institution participating in any program under this section

shall make timely reports on criminal offenses described in paragraph (1)(F)

that the institution considers to be a threat to other students and employees. The institution shall provide the reports to students, parents or

guardians of students, and employees, at the institution, and to local police

agencies, in a manner that is timely and that will aid in the prevention of

similar occurrences."

Subtitle B--Stronger Penalties for Federal Sex Offenses

SEC. 211. CAPITAL PUNISHMENT FOR MURDERS IN CONNECTION WITH SEXUAL ASSAULTS

{ AND CHILD MOLESTATIONS.

Title 18 of the United States Code is amended--

(1) by adding at the end of chapter 51 the following new section:

"Sec. 1118. Capital Punishment for Murders in Connection with Sexual Assaults and Child Molestations

"(a) Offense.--It is an offense to cause the death of a person intentionally, knowingly, or through recklessness manifesting extreme

indifference to human life, or to cause the death of a person through the

intentional infliction of serious bodily injury.

"(b) Federal Jurisdiction.--There is Federal jurisdiction over an offense

described in this section if the conduct resulting in death occurs in the course of another offense against the United States.

"(c) Penalty.--An offense described in this section is a Class A felony.

A sentence of death may be imposed for an offense described in this section

as provided in subsections (d) through (l), except that a sentence of death

may not be imposed on a defendant who was below the age of eighteen at the

time of the commission of the crime.

"(d) Mitigating Factors.--In determining whether to recommend a sentence

of death, the jury shall consider whether any aspect of the defendant's

character or record or any circumstance of the offense that the defendant may

proffer as a mitigating factor exists, including the following factors:

"(1) Mental capacity.--The defendant's mental capacity to appreciate

the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

"(2) Duress.--The defendant was under unusual and substantial duress.

"(3) Participation in offense minor.--The defendant is punishable as

a principal (pursuant to section 2 of this title) in the offense, which

was committed by another, but the defendant's participation was relatively minor.

"(e) Aggravating Factors.--In determining whether to recommend a sentence

of death, the jury shall consider any aggravating factor for which notice has

been provided under subsection (f), including the following factors:

"(1) Killing in course of designated sex crimes.--The conduct resulting in death occurred in the course of an offense defined in chapter 109A, 110, or 117 of this title.

"(2) Killing in connection with sexual assault or child molestation.--The defendant committed a crime of sexual assault or crime

of child molestation, as defined in subsection (x), in the course of an offense on which Federal jurisdiction is based under subsection (b).

"(3) Prior conviction of sexual assault or child molestation.-- The defendant has previously been convicted of a crime of sexual assault or crime of child molestation as defined in subsection (x).

"(f) Notice of Intent to Seek Death Penalty.--If the Government intends to seek the death penalty for an offense under this section, the attorney for the Government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time as the court may permit for good cause. The notice shall set forth the aggravating factor or factors set forth in subsection (e) and any other aggravating factor or factors that the Government will seek to prove as the basis for the death penalty. The factors for which notice is provided may include factors concerning the effect of the offense on the victim and the family of the victim. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(g) Judge and Jury at Capital Sentencing Hearing.--A hearing to determine whether the death penalty will be imposed for an offense under this section shall be conducted by the judge who presided at trial or accepted a guilty plea, or by another judge if that judge is not available. The hearing shall be conducted before the jury that determined the defendant's guilt if that jury is available. A new jury shall be impaneled for the purpose of the

hearing if the defendant pleaded guilty, the trial of guilt was conducted without a jury, the jury that determined the defendant's guilt was discharged for good cause, or reconsideration of the sentence is necessary after the initial imposition of a sentence of death. A jury impaneled under this subsection shall have twelve members unless the parties stipulate to a lesser number at any time before the conclusion of the hearing with the approval of the judge. Upon motion of the defendant, with the approval of the attorney for the Government, the hearing shall be carried out before the judge without a jury. If there is no jury, references to 'the jury' in this section, where applicable, shall be understood as referring to the judge.

"(h) Proof of Mitigating and Aggravating Factors.--No presentence report shall be prepared if a capital sentencing hearing is held under this section.

Any information relevant to the existence of mitigating factors, or to the existence of aggravating factors for which notice has been provided under subsection (f), may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing the admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The information presented may include trial transcripts and exhibits. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the

adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument, the defendant shall be permitted to reply, and the Government shall then be permitted to reply in rebuttal.

"(i) Findings of Aggravating and Mitigating Factors.--The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (f) and which the jury unanimously determines have been established by the government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

"(j) Finding Concerning a Sentence of Death.--If the jury specially finds under subsection (i) that one or more aggravating factors set forth in subsection (e) exist, and the jury further finds unanimously that there are no mitigating factors or that the aggravating factor or factors specially found under subsection (i) outweigh any mitigating factors, then the jury shall recommend a sentence of death. In any other case, the jury shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as

the information warrants.

"(k) Special Precaution to Assure Against Discrimination.--In a hearing

held before a jury, the court, before the return of a finding under subsection (j), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not consider the race, color, religion, national origin, or sex of the defendant or any victim, and that

the jury is not to recommend a sentence of death unless it has concluded that

it would recommend a sentence of death for such a crime regardless of the

race, color, religion, national origin, or sex of the defendant or any victim. The jury, upon the return of a finding under subsection (j), shall

also return to the court a certificate, signed by each juror, that the race,

color, religion, national origin, or sex of the defendant or any victim did

not affect the juror's individual decision and that the individual juror

would have recommended the same sentence for such a crime regardless of the

race, color, religion, national origin, or sex of the defendant or any victim.

"(l) Imposition of a Sentence of Death.--Upon a recommendation under

subsection (j) that a sentence of death be imposed, the court shall sentence

the defendant to death. Otherwise the court shall impose a sentence, other

than death, authorized by law.

"(m) Review of a Sentence of Death.--The defendant may appeal a sentence

of death under this section by filing a notice of appeal of the sentence

within the time provided for filing a notice of appeal of the judgment of

conviction. An appeal of a sentence under this subsection may be consolidated

with an appeal of the judgment of conviction and shall have priority over all

non-capital matters in the court of appeals. The court of appeals shall review the entire record in the case including the evidence submitted at trial and information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (i). The court of appeals shall uphold the sentence if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, that the evidence and information support the special findings under subsection (i), and that the proceedings were otherwise free of prejudicial error requiring reversal of the sentence that was properly preserved for review and raised on appeal. In any other case, the court of appeals shall remand the case for reconsideration of the sentence or imposition of another authorized sentence as appropriate. The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(n) Implementation of Sentence of Death.--A person sentenced to death under this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed, or in the manner prescribed by the law of another State designated by the court if the law of the State in which the sentence was

imposed does not provide for implementation of a sentence of death. The

Marshal may use State or local facilities, may use the services of an appropriate State or local official or of a person such an official employs,

and shall pay the costs thereof in an amount approved by the Attorney General.

"(o) Special Bar to Execution of Pregnant Women.--A sentence of death

shall not be carried out upon a woman while she is pregnant.

"(p) Conscientious Objection to Participation in Execution.--No employee

of any State department of corrections or the Federal Bureau of Prisons and

no person providing services to that department or bureau under contract

shall be required, as a condition of that employment or contractual obligation, to be in attendance at, or to participate in, any execution carried out under this section if such participation is contrary to the moral

or religious convictions of the employee. For purposes of this subsection,

the term 'participate in any execution' includes personal preparation of the

condemned individual and the apparatus used for the execution, and

supervision of the activities of other personnel in carrying out such activities.

"(q) Appointment of Counsel for Indigent Capital Defendants.--A defendant

against whom a sentence of death is sought, or on whom a sentence of death

has been imposed, under this section, shall be entitled to appointment of

counsel from the commencement of trial proceedings until one of the

conditions specified in subsection (v) has occurred, if the defendant is or

becomes financially unable to obtain adequate representation.

Counsel shall

be appointed for trial representation as provided in section 3005 of this

title, and at least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel. Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(r) Representation After Finality of Judgment.--When a judgment imposing a sentence of death under this section has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the court that imposed the sentence. The court, within 10 days of receipt of such notice, shall proceed to make a determination whether the defendant is eligible for appointment of counsel for subsequent proceedings. The court shall issue an order appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel. The court shall issue an order denying appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation or that the defendant rejected appointment of counsel with an understanding of the consequences of that decision. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial

and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(s) Standards for Competence of Counsel.--In relation to a defendant who is entitled to appointment of counsel under subsections (q) and (r), at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(t) Claims of Ineffectiveness of Counsel in Collateral Proceedings.--The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a case under this section shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(u) Time for Collateral Attack on Death Sentence.--A motion under section 2255 of title 28, United States Code, attacking a sentence of death under this section, or the conviction on which it is predicated, must be

filed within 90 days of the issuance of the order under subsection (r)

appointing or denying the appointment of counsel for such proceedings. The

court in which the motion is filed, for good cause shown, may extend the time

for filing for a period not exceeding 60 days. Such a motion shall have

priority over all non-capital matters in the district court, and in the court

of appeals on review of the district court's decision.

"(v) Stay of Execution.--The execution of a sentence of death under this

section shall be stayed in the course of direct review of the judgment and

during the litigation of an initial motion in the case under section 2255 of

title 28, United States Code. The stay shall run continuously following

imposition of the sentence and shall expire if--

"(1) the defendant fails to file a motion under section 2255 of title

28, United States Code, within the time specified in subsection (u), or

fails to make a timely application for court of appeals review following

the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review

under section 2255 of title 28, United States Code, the Supreme Court

disposes of a petition for certiorari in a manner that leaves the capital

sentence undisturbed, or the defendant fails to file a timely petition

for certiorari; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of such a decision, the defendant

waives the right to file a motion under section 2255 of title 28, United

States Code.

"(w) Finality of the Decision on Review.--If one of the conditions

specified in subsection (v) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless--

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim is the result of governmental action in violation of the Constitution or laws of the United States, the result of the Supreme Court's recognition of a new Federal right that is retroactively applicable, or the result of the fact that the factual predicate of the claim could not have been discovered through

the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"(x) Definitions.--For purposes of this section--

"(1) 'crime of sexual assault' means a crime under Federal or State law that involved--

"(A) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

"(B) contact, without consent, between the genitals or anus of the defendant and any part of the body of another person;

"(C) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(D) an attempt or conspiracy to engage in any conduct described in paragraphs (A) through (C);

"(2) 'crime of child molestation' means a crime under Federal or State law that involved--

"(A) contact between any part of the defendant's body or an

object and the genitals or anus of a child;

"(B) contact between the genitals or anus of the defendant

and

any part of the body of a child;

"(C) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

"(D) an attempt or conspiracy to engage in any conduct

described

in paragraphs (A) through (C); and

"(3) 'child' means a person below the age of 14."; and

(2) by adding the following at the end of the table of sections

for

chapter 51:

"1118. Capital punishment for murders in connection with sexual assaults and

child molestations."

SEC. 212. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.

(a) Redesignation.--Section 2245 of title 18, United States Code, is redesignated section 2246.

(b) New Section.--Chapter 109A of title 18, United States Code, is amended by inserting the following new section after section 2244:

"Sec. 2245. Penalties for subsequent offenses

"Any person who violates a provision of this chapter after a prior conviction under a provision of this chapter or the law of a State (as defined in section 513 of this title) for conduct proscribed by this chapter

has become final is punishable by a term of imprisonment up to twice that

otherwise authorized."

(c) Table of Sections.--The table of sections for chapter 109A of title

18, United States Code, is amended by--

(1) striking "2245" and inserting in lieu thereof "2246"; and

(2) inserting the following after the item relating to section

2244:

"2245. Penalties for subsequent offenses."

SEC. 213. DEFINITION OF SEXUAL ACT FOR VICTIMS BELOW 16 YEARS OF AGE.

Paragraph (2) of section 2246 of title 18, United States Code, as redesignated by section 212 of this Act, is amended--

(1) in subparagraph (B) by striking "or" after the semicolon;
 (2) in subparagraph (C) by striking "; and" and inserting "; or";
 and
 (3) by inserting a new subparagraph (D) as follows:
 "(D) the intentional touching, not through the clothing, of the
 genitalia of another person who has not attained the age of 16
 years
 with an intent to abuse, humiliate, harass, degrade, or arouse
 or
 gratify the sexual desire of any person;"

SEC. 214. DRUG DISTRIBUTION TO PREGNANT WOMEN.

Section 418 of the Controlled Substances Act (21 U.S.C. 845) is
 amended
 by inserting ", or to a woman while she is pregnant," after "to a
 person
 under twenty-one years of age" in subsection (a) and subsection (b).
 Subtitle C--Enhanced Compensation and Restitution for
 Victims of Sex Crimes

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Pornography Victims'
 Compensation Act
 of 1991".

SEC. 222. FINDINGS, PURPOSE, AND CONSTRUCTION.

(a) Findings.--The Congress finds and declares that--
 (1) protecting freedom of speech, within the bounds of safety
 to
 individuals and society, is essential to the preservation of a just
 and
 free society;
 (2) consistent with the constitutional protection of freedom of
 speech, the State has a legitimate interest in restricting sexually
 explicit material, if there is a danger of harm or actual harm to
 individuals, such as the sexual exploitation of children by child
 pornography or the promotion of rape and sexual homicide by
 violent
 sexual material;
 (3) the Attorney General's Commission on Pornography in
 1986 found
 clinical and experimental evidence of a causal relationship
 between
 exposure to sexually explicit materials and sexual aggression,
 including
 the commission of unlawful sexual acts;

(4) the Attorney General's Commission on Pornography also found evidence that sexually explicit material need not be legally obscene to stimulate anti-social and potentially unlawful sexual aggression, if the material presents violent acts in a clear sexual context, or the sexual abuse of children;

(5) behavioral studies of serial murderers conducted by the Federal Bureau of Investigation have revealed a strong correlation between heavy exposure to violent sexual material and violent serial criminality;

(6) investigations conducted by the Child Pornography and Protection Unit of the United States Customs Service have revealed a strong correlation between heavy consumption of child pornography and child sexual abuse, including the use of child pornography to entrap children into the performance of sexual acts;

(7) recent psychological studies indicate a correlation between the growing number of children and youths who commit rape and other violent sexual offenses, and the declining age of first exposure to sexually explicit materials;

(8) sexual crimes such as rape and child abuse usually leave life-long psychological scars that may prevent the victim and his or her family from leading normal, fulfilled lives;

(9) the State has a legitimate interest in protecting its citizens, including children, from sexual crimes and in preventing such crimes through reasonable, effective, and constitutional means; and

(10) the State has a legitimate interest in providing adequate compensation to the victims of sexual crimes for their physical injuries, complete medical and psychological treatment, and continuing pain and

suffering.

(b) Purpose.--It is the purpose of this subtitle to require the producers, distributors, exhibitors, and sellers of sexually explicit material to be jointly and severally liable for all damages resulting from any sexual offense that was caused, in substantial part, by the sexual offender's exposure to the sexually explicit material.

(c) Construction.--The cause of action created by this subtitle shall be available in addition to, and not exclusive of, any other civil or criminal cause of action against a sex offender for any sexual offense.

SEC. 223. CAUSE OF ACTION.

(a) Cause of Action.--Notwithstanding any other provision of law, a civil action may be instituted in an appropriate United States district court

against a producer, distributor, exhibitor, or seller of sexually explicit material, pursuant to the provisions of this subtitle, by--

- (1) a victim of a rape, sexual assault, act of sexual abuse, sexual murder, or other sexual crime as described under the relevant State or Federal law, whether or not such rape, assault, abuse, murder, or crime has been prosecuted or proven in a separate criminal proceeding,
- (2) the estate of such a victim, or
- (3) the guardian or survivors of any such victim.

(b) Burden of Proof.--To recover pursuant to the provisions of this subtitle, the individual bringing such action must prove, by a preponderance of the evidence, that--

- (1) the victim was a victim of a rape, sexual assault, act of sexual abuse, sexual murder, or other sexual crime, as defined under the relevant State or Federal law, whether or not such rape, assault, abuse, murder, or other crime has been prosecuted or proven in a separate criminal proceeding;

(2) the material--

(A) is obscene;

(B) constitutes child pornography; or

(C) in the case of rape, sexual assault, sexual abuse, sexual murder, or any other violent sexual crime, is both sexually

explicit

and violent;

(3) the material was a proximate cause of the offense, by inciting

the sexual offender to commit the offense perpetrated against the victim;

(4) the defendant is a producer or distributor of the material, or

exhibited or sold the material to the sexual offender;

(5) the producer, distributor, exhibitor, or seller of the material

knew or should have known that such material was sexually explicit; and

(6) the sale or transport of the material affects interstate or foreign commerce.

(c) Proximate Cause of the Offense.--For purposes of this subtitle, the

finder of fact may reasonably infer that the material was a proximate cause

of the offense, by inciting the offender to commit the offense if any of the

following are found--

(1) extraordinary similarities between the acts described in such

material and the actual offense;

(2) testimony of the offender to the effect that such material incited the commission of the offense; and

(3) testimony of experts that such material incited the offender to

commit the offense.

(d) Recovery.--Any person who has brought an action pursuant to the

provisions of this subtitle and has met the requirements of the provisions of

this subtitle shall be awarded economic damages and compensation for pain and

suffering as well as reasonable attorney's fees and costs of the suit.

(e) Action Barred After 6 Years.--Any action commenced under this section shall be forever barred unless the complaint is filed within 6 years after the right of action first accrued or, in the case of a person under a legal disability, not later than 3 years after the termination of such disability.

SEC. 224. DEFINITIONS.

For the purposes of this subtitle, the term--

(1) "child pornography" means a description of a minor engaging or participating in sexually explicit conduct as defined in section 2256(2) of title 18, United States Code;

(2) "minor" means a person under the age of 18 years;

(3) "sexual murder" means a murder that follows a rape, sexual assault, act of sexual abuse, or other sexual crime;

(4) "sexually explicit" means the depiction or description of actual or simulated--

(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) bestiality;

(C) masturbation;

(D) lascivious exhibition of the genitals of any person; or

(E) sadistic or masochistic abuse; and

(5) "violent" means an act, behavior, or material that depicts or describes such act or behavior, in which women, children, or men are--

(A) victims of sexual crimes such as rape, sexual homicide, or child sexual abuse;

(B) penetrated by animals or inanimate objects; or

(C) tortured, dismembered, confined, bound, beaten, or

injured, in a context that makes these experiences sexual or indicates

that the victims derive sexual pleasure from such experiences.

SEC. 225. RESTITUTION IN SEX OFFENSE CASES.

Section 3663(b) of title 18, United States Code, is amended--

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and

inserting

"; and";

(3) by striking "an offense resulting in bodily injury" in

paragraph

(3) and inserting "an offense described in paragraph (2) or (5)

that";

and

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

"(5) in the case of an offense under chapter 109A or chapter

110 of

this title--

"(A) pay an amount equal to the cost of necessary medical

and

related professional services relating to physical, psychiatric,

and

psychological care, including nonmedical care and treatment

rendered

in accordance with a method of healing recognized by the law

of the

place of treatment;

"(B) pay an amount equal to the cost of necessary physical

and

occupational therapy and rehabilitation;

"(C) reimburse the victim for income lost by such victim as a result of the offense;

"(D) make payment or reimbursement as provided in

subparagraphs

(A) through (C) for costs and losses related to any disease transmitted to the victim through the commission of the

offense; and

"(E) reimburse the victim for necessary child care, transportation, and other expenses related to participation in

the

investigation of the offense or attendance at proceedings

related to

the offense.".

Subtitle D--Reform of Procedure and Evidentiary Requirements in Sex Offense and Other Cases

SEC. 231. ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN SEXUAL ASSAULT AND CHILD MOLESTATION CASES.

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

"Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

"(a) In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and rule 415, 'offense of sexual assault' means a crime under Federal law or the law of a State that involved--

"(1) any conduct proscribed by chapter 109A of title 18, United States Code;

"(2) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

"(3) contact, without consent, between the genitals or anus of the defendant and any part of another person's body;

"(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(5) an attempt or conspiracy to engage in conduct described in paragraphs (1) through (4).

"Rule 414. Evidence of Similar Crimes in Child Molestation Cases

"(a) In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and rule 415, 'child' means a person below the age of fourteen, and 'offense of child molestation' means a crime under Federal law or the law of a State that involved--

"(1) any conduct proscribed by chapter 109A of title 18, United States Code, that was committed in relation to a child;

"(2) any conduct proscribed by chapter 110 of title 18, United States Code;

"(3) contact between any part of the defendant's body or an object and the genitals or anus of a child;

"(4) contact between the genitals or anus of the defendant and any part of the body of a child;

"(5) deriving sexual pleasure or gratification from the infliction of

death, bodily injury, or physical pain on a child; or
"(6) an attempt or conspiracy to engage in conduct described
in paragraphs (1) through (5).

"Rule 415. Evidence of Similar Acts in Civil Cases Concerning Sexual
Assault
or Child Molestation

"(a) In a civil case in which a claim for damages or other relief is
predicated on a party's alleged commission of conduct constituting
an offense
of sexual assault or child molestation, evidence of that party's
commission
of another offense or offenses of sexual assault or child molestation
is
admissible and may be considered as provided in rule 413 and rule
414.

"(b) A party who intends to offer evidence under this rule shall
disclose
the evidence to the party against whom it will be offered, including
statements of witnesses or a summary of the substance of any
testimony that
is expected to be offered, at least fifteen days before the scheduled
date of
trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or
consideration of evidence under any other rule."

SEC. 232. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.

(a) Federal Rules of Criminal Procedure.--Rule 24(b) of the
Federal Rules
of Criminal Procedure is amended by striking "the Government is
entitled to 6
peremptory challenges and the defendant or defendants jointly to
10
peremptory challenges" and inserting "each side is entitled to 6
peremptory
challenges".

(b) Prohibition of Discrimination in Selection of Jury.--Section
243 of
title 18, United States Code, is amended by designating the text of
the
section as subsection (a) and by adding a new subsection at the end
thereof
as follows:

"(b) In a proceeding in a court of the United States, an attorney representing a criminal defendant shall not exercise peremptory challenges to exclude any person from the jury on the basis of race or color, or on the basis of any other classification that could not lawfully be used by a prosecutor as the basis for exercising peremptory challenges. The prosecutor shall have the same right as the defense attorney to challenge the exercise of peremptory challenges on this ground. In determining whether a defense attorney has engaged in discrimination in violation of this subsection, a court shall apply the same standards that would apply in making a like determination concerning the exercise of peremptory challenges by a prosecutor, and shall have the authority to grant the same relief that would be available in case of unlawful discrimination by a prosecutor."

SEC. 233. RULES OF PROFESSIONAL CONDUCT FOR LAWYERS IN FEDERAL PRACTICE.

The following rules, to be known as the Rules of Professional Conduct for

Lawyers in Federal Practice, are enacted and shall be included as an appendix to title 28, United States Code:

"RULES FOR PROFESSIONAL CONDUCT FOR LAWYERS IN FEDERAL PRACTICE

- "Rule 1. Scope
- "Rule 2. Litigation Abuses Prohibited
- "Rule 3. Expediting Litigation
- "Rule 4. Duty to Prevent Commission of Crime
- "Rule 1. Scope

"(a) These rules apply to the conduct of lawyers in their representation of clients in relation to proceedings and potential proceedings before Federal tribunals.

"(b) For purposes of these rules, 'Federal tribunal' and 'tribunal' mean

a court of the United States or an agency of the Federal Government that

carries out adjudicatory or quasi-adjudicatory functions.

"Rule 2. Litigation Abuses Prohibited

"(a) A lawyer shall not engage in any action or course of conduct for the

purpose of increasing the expense of litigation for any person, other than a

liability under an order or judgment of a tribunal.

"(b) A lawyer shall not engage in any action or course of conduct that

has no substantial purpose other than to distress, harass, embarrass, burden,

or inconvenience another person.

"(c) A lawyer shall not offer evidence that the lawyers knows to be false

or attempt to discredit evidence that the lawyer knows to be true.

"Rule 3. Expediting Litigation

"(a) A lawyer shall seek to bring about the expeditious conduct and

conclusion of litigation.

"(b) A lawyer shall not seek a continuance or otherwise attempt to delay

or prolong proceedings in the hope or expectation that--

"(1) evidence will become unavailable;

"(2) evidence will become more subject to impeachment or otherwise

less useful to another party because of the passage of time; or

"(3) an advantage will be obtained in relation to another party because of the expense, frustration, distress, or other hardship resulting from prolonged or delayed proceedings.

"Rule 4. Duty to Prevent Commission of Crime

"(a) A lawyer may disclose information relating to the representation of

a client to the extent necessary to prevent the commission of a crime or

other unlawful act.

"(b) A lawyer shall disclose information relating to the representation

of a client where disclosure is required by law. A lawyer shall also disclose

such information to the extent necessary to prevent--

"(1) the commission of a crime involving the use or threatened use of force against another, or a substantial risk of death or serious injury to another; or

to another; or

"(2) the commission of a crime of sexual assault or child molestation.

"(c) For purposes of this rule, the term 'crime' means a crime under

Federal law or the law of a State, and the term 'unlawful act' means an act

in violation of the law of the United States or the law of a State."

SEC. 234. STATUTORY PRESUMPTION AGAINST CHILD CUSTODY.

(a) Findings.--The Congress finds that--

(1) State courts have often failed to recognize the detrimental effects of having as a custodial parent an individual who physically

abuses his or her spouse, insofar as the courts do not hear or weigh

evidence of domestic violence in child custody litigation;

(2) joint custody forced upon hostile parents can create a dangerous

psychological environment for a child;

(3) physical abuse of a spouse is relevant to child abuse in child

custody disputes;

(4) the effects of physical abuse of a spouse on children include

actual and potential emotional and physical harm, the negative effects of

exposure to an inappropriate role model, and the potential for future

harm where contact with the batterer continues;

(5) children are emotionally traumatized by witnessing physical abuse

of a parent;

(6) children often become targets of physical abuse themselves or are

injured when they attempt to intervene on behalf of a parent;

(7) even children who do not directly witness spousal abuse are

affected by the climate of violence in their homes and experience shock,

fear, guilt, long lasting impairment of self-esteem, and impairment of developmental and socialization skills;

(8) research into the intergenerational aspects of domestic violence

reveals that violent tendencies may be passed on from one generation to the next;

(9) witnessing an aggressive parent as a role model may communicate

to children that violence is an acceptable tool for resolving marital conflict; and

(10) few States have recognized the interrelated nature of child

custody and battering and have enacted legislation that allows or requires courts to consider evidence of physical abuse of a spouse in child custody cases.

(b) Sense of the Congress.--(1) It is the sense of the Congress that, for

purposes of determining child custody, credible evidence of physical abuse of

a spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse.

(2) This section is not intended to encourage States to prohibit supervised visitation.

SEC. 235. FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS.

(a) Enforcement.--A protective order issued by a court of a State shall

have the same full faith and credit in a court in another State that the

order would have in a court of the State in which issued, and shall be

enforced by the courts of any State as if it were issued in the State.

(b) Definitions.--As used in this section:

(1) The term "protective order" means an order prohibiting or limiting violence against, harassment of, contact or communication with,

or physical proximity to another person.

(2) The term "State" has the meaning given the term in section 513(c)(5) of title 18, United States Code.

SEC. 236. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL ABUSE CASES.

(a) In General.--Chapter 109A of title 18, United States Code, is amended

by inserting at the end thereof the following new section:

"Sec. 2247. Testing for human immunodeficiency virus; disclosure of test

results to victim; effect on penalty

"(a) Testing at Time of Pre-Trial Release Determination.--In a case in

which a person is charged with an offense under this chapter, a judicial

officer issuing an order pursuant to section 3142(a) of this title shall

include in the order a requirement that a test for the human immunodeficiency

virus be performed upon the person, and that follow-up tests for the virus be

performed six months and twelve months following the date of the initial

test, unless the judicial officer determines that the conduct of the person

created no risk of transmission of the virus to the victim, and so states in

the order. The order shall direct that the initial test be performed within

24 hours, or as soon thereafter as feasible. The person shall not be released

from custody until the test is performed.

"(b) Testing at Later Time.--If a person charged with an offense under

this chapter was not tested for the human immunodeficiency virus pursuant to

subsection (a), the court may at a later time direct that such a test be

performed upon the person, and that follow-up tests be performed six months

and twelve months following the date of the initial test, if it appears to

the court that the conduct of the person may have risked transmission of the

virus to the victim. A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the person's completion of service of the sentence.

"(c) Termination of Testing Requirement.--A requirement of follow-up testing imposed under this section shall be cancelled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

"(d) Disclosure of Test Results.--The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court. The judicial officer or court shall ensure that the results are disclosed only to the victim (or to the victim's parent or legal guardian, as appropriate), the attorney for the Government, and the person tested.

"(e) Effect on Penalty.--The United States Sentencing Commission shall amend existing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that he was infected with the human immunodeficiency virus, except where the offender did not engage or attempt to engage in conduct creating a risk of transmission of the virus to the victim."

(b) Clerical Amendment.--The chapter heading for chapter 109A of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty."

SEC. 237. PAYMENT OF COST OF HIV TESTING FOR VICTIM.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 is

amended by inserting before the period at the end thereof the following: ",

the cost of up to two tests of the victim for the human immunodeficiency

virus during the twelve months following the assault, and the cost of a

counseling session by a medically trained professional on the accuracy of

such tests and the risk of transmission of the human immunodeficiency virus

to the victim as the result of the assault".

Subtitle E--National Task Force on Violence Against Women

SEC. 241. ESTABLISHMENT.

Not later than 30 days after the date of enactment of this subtitle, the

Attorney General shall establish a task force to be known as the "National

Task Force on Violence against Women" (referred to in this subtitle as the

"task force").

SEC. 242. DUTIES OF TASK FORCE.

(a) General Purpose of Task Force.--The task force shall develop a uniform Federal, State, and local law enforcement strategy aimed at protecting women against violent crime, punishing persons who commit such

crimes, and enhancing the rights of victims of such crimes.

(b) Duties of Task Force.--The task force shall perform such functions as

the Attorney General deems appropriate to carry out the purposes of the task

force, including--

(1) considering the reports of past Federal and State task forces or

commissions on violent crime, family violence, and crime victims, including the President's Task Force on Victims of Crime (1982),

the

Attorney General's Task Force on Family Violence (1984), and the task

forces and commissions established by the States of Alabama, Alaska,

Arkansas, Hawaii, Idaho, Indiana, Kansas, Louisiana, Michigan, Minnesota, Nebraska, New Mexico, New York, North Carolina, Rhode Island, Virginia, Texas, and Wyoming;

(2) developing strategies for Federal, State, and local law enforcement designated to protect women against violent crime, and to

prosecute and punish those responsible for such crime;

(3) evaluating the adequacy of sentencing, incarceration, and release

of violent offenders against women, and making recommendations designated

to ensure that such offenders receive appropriate punishment;

and

(4) evaluating the adequacy of the treatment of victims of violent

crime against women within the criminal justice system, and making

recommendations designed to improve such treatment.

SEC. 243. MEMBERSHIP.

(a) In General.--The task force shall consist of up to 10 members, who

shall be appointed by the Attorney General not later than 60 days after the

date of enactment of this subtitle. The Attorney General shall ensure that

the task force includes representatives of State and local law enforcement,

the State and local judiciary, and groups dedicated to protecting the rights

of victims.

(b) Chairman.--The Attorney General or his designee shall serve as the

chairman of the task force.

SEC. 244. PAY.

(a) No Additional Compensation.--Members of the task force who are

officers or employees of a governmental agency shall receive no additional

compensation by reason of their service on the task force.

(b) Per Diem.--While away from their homes or regular places of business

in the performance of duties for the task force, members of the task force

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.

SEC. 245. EXECUTIVE DIRECTOR AND STAFF.

(a) Executive Director.--

(1) Appointment.--The task force shall have an Executive Director who

shall be appointed by the Attorney General not later than 30 days after

the task force is fully constituted under section 243.

(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 task force, the Executive Director

may appoint and fix the compensation of such additional personnel as the

Executive Director considers necessary to carry out the duties of the task

force.

(c) Applicability of Civil Service Laws.--The Executive Director and the

additional personnel of the task force appointed under subsection (b) may be

appointed without regard to the provisions of title 5, United States Code,

governing appointments in the competitive service, and may be paid without

regard to the provisions of chapter 51 and subchapter III of chapter 53 of

such title relating to classification and General Schedule pay rates.

(d) Consultants.--Subject to such rules as may be prescribed by the task

force, the Executive Director may procure temporary or intermittent services

under section 3109(b) of title 5, United States Code, at rates for

individuals not to exceed \$200 per day.

SEC. 246. POWERS OF TASK FORCE.

(a) Hearings.--For the purpose of carrying out this subtitle, the task

force may conduct such hearings, sit and act at such times and places, take

such testimony, and receive such evidence, as the task force considers

appropriate. The task force may administer oaths before the task force.

(b) Delegation.--Any member or employee of the task force may, if

authorized by the task force, take any action that the task force is authorized to take under this subtitle.

(c) Access to Information.--The task force may secure directly from any

executive department or agency such information as may be necessary to enable

the task force to carry out this subtitle, to the extent access to such information is permitted by law. On request of the Attorney General, the head

of such a department or agency shall furnish such permitted information to the task force.

(d) Mail.--The task force may use the United States mails in the same

manner and under the same conditions as other departments and agencies of the

United States.

SEC. 247. REPORT.

Not later than 1 year after the date on which the task force is fully

constituted under section 243, the Attorney General shall submit a detailed

report to the Congress on the findings and recommendations of the task force.

SEC. 248. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, \$500,000 to

carry out the purposes of this subtitle.

SEC. 249. TERMINATION.

The task force shall cease to exist 30 days after the date on which the

Attorney General's report is submitted under section 247. The Attorney General may extend the life of the task force for a period of not to exceed one year.

Subtitle F--Prevention of Sexual Assault
SEC. 251. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

The Victims of Crime Act of 1984 is amended by inserting after section 1404 (42 U.S.C. 10603) the following new section:

"SEC. 1405. RAPE PREVENTION AND EDUCATION PROGRAMS.

"(a) Definition.--As used in this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses

committed by--

"(1) offenders who are not known to the victim; and

"(2) offenders known to the victim.

"(b) Establishment.--The Attorney General shall establish a program of grants to assist States in supporting rape prevention and education programs.

"(c) Use of Funds.--A State may use a grant awarded under subsection (b) to support rape prevention and education programs conducted by rape crisis

centers or similar nongovernmental nonprofit entities, including programs that--

"(1) conduct educational seminars;

"(2) operate hotlines;

"(3) conduct training programs for professionals;

"(4) prepare informational materials; and

"(5) undertake other efforts to increase awareness of the facts about, or help prevent, sexual assault.

"(d) Application.--To be eligible to receive a grant under subsection

(b), a State shall submit an application at such time, in such manner, and

containing such agreements, assurances, and information as the Attorney

General determines to be necessary to carry out this section. At a minimum,

the application shall include--

"(1) an assurance that the State will use at least 15 percent of the

grant money made available under this section to support education

programs targeted for junior high school and high school students; and

"(2) an assurance that the State will pay for the full cost of forensic medical examinations for victims of sexual assault, and will, if

the State receives funds under section 1403, pay for the cost of the

examinations with such funds.

"(e) Authorization of Appropriations.--There are authorized to be appropriated to carry out this section \$25,000,000 for each of the 1992

through 1994 fiscal years."

Subtitle G--Domestic Violence Prevention Act of 1991

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Domestic Violence Prevention Act of 1991".

SEC. 262. EXPANSION OF PURPOSE.

Section 302(1) of the Family Violence Prevention and Services Act (42

U.S.C. 10401(1)) is amended by striking "to prevent" and inserting "to increase public awareness about and prevent".

SEC. 263. EXPANSION OF STATE DEMONSTRATION GRANT PROGRAM.

Section 303(a)(1) of the Family Violence Prevention and Services Act (42

U.S.C. 10402(a)(1)) is amended by striking "to prevent" and inserting "to increase public awareness about and prevent".

SEC. 264. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

The Family Violence Prevention and Services Act is amended by adding at

the end thereof the following new section:

"GRANTS FOR PUBLIC INFORMATION CAMPAIGNS

"Sec. 314. (a) The Secretary may make grants to public or private nonprofit entities to provide public information 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 shall inform the public concerning domestic violence.

"(b) No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) An application submitted under subsection (b) shall--

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe

through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance

that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure

the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may

require, with assurances that media organizations and other groups with

which such messages are placed will not lower the current frequency of

public service announcements; and

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

"(d) A grant, contract, or agreement made or entered into under this

section shall be used for the development of a public information campaign

that may include public service announcements, paid educational messages for

print media, public transit advertising, electronic broadcast media, and any

other mode of conveying information that the Secretary determines to be

appropriate.

"(e) The criteria for awarding grants shall ensure that an applicant--

"(1) will conduct activities that educate communities and groups at

greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk."

SEC. 265. STATE COMMISSIONS ON DOMESTIC VIOLENCE.

Section 303(a)(2) of the Family Violence Prevention and Services Act (42

U.S.C. 10402(a)(2)) is amended--

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

(2) by redesignating subparagraph (G) as subparagraph (H);

and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) provides assurances that, not later than 1 year after receipt of funds, the State shall have established a Commission

on

Domestic Violence, which will include as members
 representatives of
 antidomestic violence organizations and whose expenses will
 be paid
 out of funds other than those dedicated to providing services
 in
 domestic violence cases, to examine issues including--
 "(i) the use of mandatory arrest of accused offenders;
 "(ii) the adoption of 'no-drop' prosecution policies;
 "(iii) the use of mandatory requirements for
 presentencing
 investigations;
 "(iv) the length of time taken to prosecute cases or reach
 plea agreements;
 "(v) the use of plea agreements;
 "(vi) the testifying by victims at post-conviction
 sentencing
 and release hearings;
 "(vii) the consistency of sentencing practices;
 "(viii) restitution of victims;
 "(ix) the reporting practices of and significance to be
 accorded to prior convictions (both felonies and
 misdemeanors);
 and
 "(x) such other matters as the Commission believes merit
 investigation.

SEC. 266. 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

"shall make no less than \$1,000,000 available for".

SEC. 267. FUNDING LIMITATIONS.

Section 303(c) of the Family Violence Prevention and Services
 Act (42

U.S.C. 10402(c)) is amended by striking ", and" and all that follows
 through

"fiscal years".

SEC. 268. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.

The first 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

demonstration grant may be made under this section to an entity other than a

State unless the entity provides 50 percent of the funding of the program or project funded by the grant."

SEC. 269. SHELTER AND RELATED ASSISTANCE; RURAL AREAS.

Section 303(g) of the Family Violence Prevention and Services Act (42

U.S.C. 10402(g)) is amended to read as follows:

"(g)(1) The Secretary shall ensure that, of the funds distributed under

subsection (a) or (b)--

"(A) not less than 60 percent of the funds shall be distributed to

entities for the purpose of providing shelter and related assistance to

victims of family violence and their dependents, such as--

"(i) food, shelter, medical services, and counseling with respect

to family violence, including counseling by peers individually or in

groups;

"(ii) transportation, legal assistance, referrals, and technical assistance with respect to obtaining financial assistance under Federal and State programs;

"(iii) comprehensive counseling about parenting, preventive health (including nutrition, exercise, and prevention of substance

abuse), educational services, employment training, social skills (including communication skills), home management, and assertiveness

training; and

"(iv) day care services for children who are victims of family

violence or the dependents of such victims; and

"(B) not less than 20 percent of the funds (which may include funds

distributed under subparagraph (A)) shall be distributed to entities in

rural areas.

"(2) As used in this subsection, the term 'rural area' means a territory