

116TH CONGRESS
2D SESSION

S. 3723

To provide services to victims of sexual abuse who are incarcerated, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2020

Mr. SCHATZ (for himself and Mr. CORNYN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To provide services to victims of sexual abuse who are
incarcerated, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sexual Abuse Services
5 in Detention Act of 2020”.

6 **SEC. 2. ESTABLISHMENT OF NATIONAL HOTLINE FOR SEX-**
7 **UAL ABUSE SERVICES IN DETENTION.**

8 The Prison Rape Elimination Act of 2003 (34 U.S.C.
9 30301 et seq.) is amended by inserting after section 6 the
10 following:

1 **“SEC. 6A. NATIONAL HOTLINE FOR SEXUAL ABUSE SERV-**
2 **ICES IN DETENTION.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE ORGANIZATION.—The term ‘eli-
5 gible organization’ means a national nonprofit orga-
6 nization that has—

7 “(A) special expertise and broad, national-
8 level experience in providing sexual abuse and
9 rape crisis counseling services for survivors and
10 victims of sexual abuse in correctional settings;
11 and

12 “(B) experience providing technical assist-
13 ance and training to correctional officers and
14 administrators, including—

15 “(i) understanding the unique dynam-
16 ics of custodial sexual abuse; and

17 “(ii) understanding correctional prac-
18 tices and correctional security concerns.

19 “(2) NONPROFIT ORGANIZATION.—The term
20 ‘nonprofit organization’ means an organization that
21 is described in section 501(c)(3) of the Internal Rev-
22 enue Code of 1986 and that is exempt from taxation
23 under section 501(a) of such Code.

24 “(3) SEXUAL ABUSE.—The term ‘sexual abuse’
25 has the meaning given the term in section 115.6 of

1 title 28, Code of Federal Regulations, or any suc-
2 cessor thereto.

3 “(4) SEXUAL ABUSE AND RAPE CRISIS COUN-
4 SELING SERVICES.—The term ‘sexual abuse and
5 rape crisis counseling services’—

6 “(A) means emotional support services for
7 individuals who have experienced sexual abuse
8 at any time in their life; and

9 “(B) includes services such as—

10 “(i) crisis intervention;

11 “(ii) education about dynamics of sex-
12 ual abuse and sexual harassment;

13 “(iii) sharing resources;

14 “(iv) safety planning; and

15 “(v) assistance processing trauma re-
16 actions and building coping skills.

17 “(5) SEXUAL ABUSE AND RAPE CRISIS COUN-
18 SELING SERVICE PROVIDER.—The term ‘sexual
19 abuse and rape crisis counseling service provider’
20 means an organization that—

21 “(A) provides specialized services for sur-
22 vivors of sexual abuse; and

23 “(B) employees staff members who have—

1 “(i) training and expertise in trauma
2 and sexual abuse counseling for survivors
3 of sexual abuse; and

4 “(ii) training on avoiding the misuse
5 of telephone hotline and other counseling
6 services.

7 “(6) TELEPHONE SERVICE PROVIDER.—The
8 term ‘telephone service provider’ means an entity
9 that provides a corrections agency or prison with in-
10 mate communication services, such as telephone,
11 email, and video visitation.

12 “(b) ESTABLISHMENT OF NATIONAL HOTLINE FOR
13 SEXUAL ABUSE SERVICES IN DETENTION.—

14 “(1) AUTHORITY.—The Attorney General may
15 award grants to eligible organizations to provide for
16 the establishment of a National Hotline for Sexual
17 Abuse Services in Detention.

18 “(2) USE OF GRANT FUNDS.—An organization
19 that receives a grant under this subsection shall use
20 the grant funds to establish and operate a National
21 Hotline for Sexual Abuse Services in Detention to—

22 “(A) provide sexual abuse and rape crisis
23 counseling services to inmates who have been
24 victims of sexual abuse or sexual harassment

1 during incarceration or prior to incarceration,
2 by—

3 “(i) in accordance with paragraph (3),
4 establishing and operating a telephone hot-
5 line for receiving calls from inmates that is
6 free of charge to both inmates and prisons;

7 “(ii) receiving and responding to con-
8 fidential email correspondence from in-
9 mates;

10 “(iii) receiving and responding to con-
11 fidential correspondence received through
12 the United States Postal Service from in-
13 mates; and

14 “(iv) facilitating other secure means
15 of single or group communications between
16 qualified sexual abuse or rape crisis service
17 providers and inmates, including holding
18 support groups using a telephone or other
19 electronic mechanism, in which a qualified
20 sexual abuse or rape crisis service provider
21 is directly involved in all communications;

22 “(B) provide education, training, and tech-
23 nical assistance to any corrections agency or
24 prison seeking to provide sexual abuse services
25 at the institution; and

1 “(C) on a biannual basis, collect and main-
2 tain data on the usage volume for each compo-
3 nent of the education, training, and technical
4 assistance described in subparagraph (B).

5 “(3) TELEPHONE HOTLINE.—

6 “(A) IN GENERAL.—Any telephone hotline
7 established under paragraph (2)(A)(i) shall be
8 confidential, unrecorded, unmonitored by any
9 prison or any agent of a prison or by any tele-
10 phone service provider or agent of any tele-
11 phone service provider.

12 “(B) SUPERVISION.—A sexual abuse and
13 rape crisis counseling service provider may en-
14 gage in live supervision of calls made to the
15 telephone hotline established under paragraph
16 (2)(A)(i), as needed, for quality control of serv-
17 ices provided.

18 “(C) REQUIREMENT.—Any telephone hot-
19 line established under paragraph (2)(A)(i) shall
20 be—

21 “(i) available to receive calls not less
22 than 16 hours per day, every day of the
23 year; and

24 “(ii) staffed by sexual abuse and rape
25 crisis counselors employed by a sexual

1 abuse and rape crisis counseling service
2 provider, including counselors who are—

3 “(I) employed by a sexual abuse
4 and rape crisis counseling service pro-
5 vider; and

6 “(II) trained to provide sexual
7 abuse and rape crisis counseling serv-
8 ices to juveniles.

9 “(4) FUNDING.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), the Attorney General shall
12 carry out this section using amounts otherwise
13 made available to the Attorney General.

14 “(B) LIMITATION ON USE OF FUNDS.—
15 The Attorney General may not carry out this
16 section using funds appropriated to carry out
17 section 6.

18 “(c) ACCOUNTABILITY REQUIREMENTS.—For fiscal
19 year 2021, and each fiscal year thereafter, all grants
20 awarded by the Attorney General under this section shall
21 be subject to the following accountability provisions:

22 “(1) AUDIT REQUIREMENT.—

23 “(A) DEFINITION.—In this paragraph, the
24 term ‘unresolved audit finding’ means an audit
25 report finding in the final audit report of the

1 Inspector General of the Department of Justice
2 that a grantee has used grant funds for an un-
3 authorized expenditure or otherwise unallowable
4 cost that is not closed or resolved during the
5 12-month period beginning on the date on
6 which the final audit report is issued.

7 “(B) REQUIREMENT.—Beginning in fiscal
8 year 2020, and in each fiscal year thereafter,
9 the Inspector General of the Department of
10 Justice shall conduct audits of recipients of
11 grants under this section to prevent waste,
12 fraud, and abuse of funds by grantees. The In-
13 spector General shall determine the appropriate
14 number of grantees to be audited each year.

15 “(C) MANDATORY EXCLUSION.—A recipi-
16 ent of grant funds under this section that is
17 found to have an unresolved audit finding shall
18 not be eligible to receive grant funds under this
19 section during the first 2 fiscal years beginning
20 after the end of the 12-month period described
21 in subparagraph (A).

22 “(D) PRIORITY.—In awarding grants
23 under this section, the Attorney General shall
24 give priority to eligible applicants that did not
25 have an unresolved audit finding during the 3

1 fiscal years before submitting an application for
2 a grant under this section.

3 “(E) REIMBURSEMENT.—If an entity is
4 awarded grant funds under this section during
5 the 2-fiscal-year period during which the entity
6 is barred from receiving grants under subpara-
7 graph (C), the Attorney General shall—

8 “(i) deposit an amount equal to the
9 amount of the grant funds that were im-
10 properly awarded to the grantee into the
11 General Fund of the Treasury; and

12 “(ii) seek to recoup the costs of the
13 repayment to the fund from the grant re-
14 cipient that was erroneously awarded grant
15 funds.

16 “(2) NONPROFIT ORGANIZATION REQUIRE-
17 MENTS.—

18 “(A) PROHIBITION.—The Attorney Gen-
19 eral may not award a grant under this section
20 to a nonprofit organization that holds money in
21 offshore accounts for the purpose of avoiding
22 paying the tax described in section 511(a) of
23 the Internal Revenue Code of 1986.

24 “(B) DISCLOSURE.—Each nonprofit orga-
25 nization that is awarded a grant under this sec-

1 tion and uses the procedures prescribed in regu-
2 lations to create a rebuttable presumption of
3 reasonableness for the compensation of its offi-
4 cers, directors, trustees and key employees,
5 shall disclose to the Attorney General, in the
6 application for the grant, the process for deter-
7 mining such compensation, including the inde-
8 pendent persons involved in reviewing and ap-
9 proving such compensation, the comparability
10 data used, and contemporaneous substantiation
11 of the deliberation and decision. Upon request,
12 the Attorney General shall make the informa-
13 tion disclosed under this subparagraph available
14 for public inspection.

15 “(3) CONFERENCE EXPENDITURES.—

16 “(A) LIMITATION.—No amounts author-
17 ized to be appropriated to the Department of
18 Justice under this section may be used by the
19 Attorney General, or by any individual or entity
20 awarded discretionary funds through a coopera-
21 tive agreement under this section, to host or
22 support any expenditure for conferences that
23 uses more than \$20,000 in funds made avail-
24 able to the Department of Justice, unless the
25 Deputy Attorney General or the appropriate As-

1 sistant Attorney General, Director, or principal
2 deputy (as designated by the Deputy Attorney
3 General) provides prior written authorization
4 that the funds may be expended to host the
5 conference.

6 “(B) WRITTEN APPROVAL.—Written ap-
7 proval under subparagraph (A) shall include a
8 written estimate of all costs associated with the
9 conference, including the cost of all food, bev-
10 erages, audio-visual equipment, honoraria for
11 speakers, and entertainment.

12 “(C) REPORT.—The Deputy Attorney Gen-
13 eral shall submit an annual report to the Com-
14 mittee on the Judiciary of the Senate and the
15 Committee on the Judiciary of the House of
16 Representatives on all conference expenditures
17 approved under this paragraph.

18 “(4) ANNUAL CERTIFICATION.—Beginning in
19 fiscal year 2021, the Attorney General shall submit,
20 to the Committee on the Judiciary and the Com-
21 mittee on Appropriations of the Senate and the
22 Committee on the Judiciary and the Committee on
23 Appropriations of the House of Representatives, an
24 annual certification indicating whether—

1 “(A) all audits issued by the Office of the
2 Inspector General under paragraph (1) have
3 been completed and reviewed by the appropriate
4 Assistant Attorney General or Director;
5 “(B) all mandatory exclusions required
6 under paragraph (1)(C) have been issued;
7 “(C) all reimbursements required under
8 paragraph (1)(E) have been made; and
9 “(D) includes a list of any grant recipients
10 excluded under paragraph (1) from the previous
11 year.”.

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