

# **VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011**

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**Amend 42 U.S.C. § 13925 (Definitions and grant conditions) to read as follows:**

(a) Definitions.— In this subchapter:

(1) Alaska Native village.—The term “Alaska Native village” has the same meaning given such term in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

~~(2)~~ Courts.— The term “courts” means any civil or criminal, tribal, and Alaska Native Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decision-making authority.

(3) Child. —The term “child” means a person who is under 11 years of age.

~~(2)~~ ~~4~~ Child abuse and neglect.—The term “child abuse and neglect” means any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm, to a legal minor. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.

~~(3)~~ ~~5~~ Community-based organization.— The term “community-based organization” means ~~an a nonprofit, nongovernmental, or tribal~~ organization that serves a specific geographic area that—

(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

(4) ~~6~~ Child maltreatment.— The term “child maltreatment” means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

~~(5)~~ ~~7~~ Court-based and court-related personnel.— The term “court-based” and “court-related personnel” mean persons working in the court, whether paid or volunteer, including—

(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

- (B) court security personnel;
- (C) personnel working in related, supplementary offices or programs (such as child support enforcement); and
- (D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

(8) Culturally specific services.— The term “culturally specific services” means community-based services that offer culturally relevant and linguistically specific services and resources to culturally specific communities.

(9) Culturally specific – The term “culturally specific” means primarily directed toward racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300-u-6(g)).

~~(6-10)~~ Domestic violence.— The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction

~~(7-11)~~ Dating partner.— The term “dating partner” refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

- (A) the length of the relationship;
- (B) the type of relationship; and
- (C) the frequency of interaction between the persons involved in the relationship.

~~(8-12)~~ Dating violence.— The term “dating violence” means violence committed by a person—

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (i) The length of the relationship.
  - (ii) The type of relationship.
  - (iii) The frequency of interaction between the persons involved in the relationship.

~~(9-13)~~ Elder abuse.— The term “elder abuse” means any action against a person who is 50 years of age or older that constitutes the willful—

(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

~~(14)~~ Homeless.— The term “homeless” has the meaning provided in 42 U.S.C. § 14043e-2(6).

~~(10-15)~~ Indian.— The term “Indian” means a member of an Indian tribe.

~~(11-16)~~ Indian country.— The term “Indian country” has the same meaning given such term in section 1151 of title 18.

~~(12-17)~~ Indian housing.— The term “Indian housing” means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq., as amended).

~~(13-18)~~ Indian tribe.— The term “Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

~~(14 19)~~ Indian law enforcement.— The term “Indian law enforcement” means the departments or individuals under the direction of the Indian tribe that maintain public order.

~~(15 20)~~ Law enforcement.— The term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 2802 of title 25.

~~(16 21)~~ Legal assistance.— The term “legal assistance” includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim’s safety and privacy.

(C) Intake or referral, by itself, does not constitute legal assistance.

~~(17) Linguistically and culturally specific services.— The term “linguistically and culturally specific services” means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward underserved communities.~~

~~(18 22)~~ Personally identifying information or personal information.— The term “personally identifying information” or “personal information” means individually

identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including—

- (A) a first and last name;
- (B) a home or other physical address;
- (C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- (D) a social security number, driver license number, passport number, or student identification number; and
- (E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, ~~in combination with any of subparagraphs (A) through (D)~~, would serve to identify any individual.

(23) Population specific organization.— The term “population specific organization” means a non-profit, non-governmental organization that primarily serves members of a specific underserved population and has demonstrated experience and expertise providing targeted services to members of that specific underserved population.

(24) Population specific services.— The term “population specific services” means victim-centered services that address the safety, health, economic, legal, housing, workplace, immigration, confidentiality, or other needs of victims of domestic violence, dating violence, sexual assault, or stalking, and that are designed primarily for and are targeted to a specific underserved population.

~~(19~~ 25) Prosecution.— The term “prosecution” means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus (such as governmental victim ~~services~~ assistance programs).

~~(20~~ 26) Protection order or restraining order.— The term “protection order” or “restraining order” includes—

- (A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and
- (B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

(27) Rape crisis center— The term ‘rape crisis center’ means a nonprofit, nongovernmental, or tribal organization, or governmental entity that provides intervention and related assistance, as specified in 42 U.S.C. § 14043g(b)(2)(C), to victims of sexual assault regardless of age. In the case of a governmental entity, the entity may not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services.

(21 28) Rural area and rural community.— The terms “rural area” and “rural community” mean—

(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

(B) any area or community, respectively, that is—

(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

(ii) located in a rural census tract; or

(C) any federally-recognized Indian tribe.

(22 29) Rural State.— The term “rural State” means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than ~~150,000~~ 250,000 people, based on the most recent decennial census.

(30) Sex trafficking — The term “sex trafficking” means any conduct proscribed by 18 U.S.C. 1591, whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

(23 31) Sexual assault.— The term “sexual assault” means ~~any conduct proscribed by chapter 109A of title 18, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim~~ any non-consensual sexual act proscribed by Federal, Tribal or State law, including when the victim lacks capacity to consent due to age, incapacity, or disability.

(24 32) Stalking.— The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

(25 33) State.— The term “State” means each of the several States and the District of Columbia, and except as otherwise provided, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(26 34) State domestic violence coalition.— The term “State domestic violence coalition” means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410 (b)).

~~(27-35)~~ State sexual assault coalition.— The term “State sexual assault coalition” means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

~~(28-36)~~ Territorial domestic violence or sexual assault coalition.— The term “territorial domestic violence or sexual assault coalition” means a program addressing domestic or sexual violence that is—

(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

~~(29-37)~~ Tribal coalition.— The term “tribal coalition” means—

(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian or Alaskan Native women; or

(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian or Alaska Native women.

~~(30-38)~~ Tribal government.— The term “tribal government” means—

(A) the governing body of an Indian tribe; or

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

~~(31-39)~~ Tribal nonprofit organization.— The term “tribal nonprofit organization” means—

(A) a victim services provider that has as its primary purpose to assist Native victims of domestic violence, dating violence, sexual assault, or stalking; and

(B) staff and leadership of the organization must include persons with a demonstrated history of assisting American Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, or stalking.

~~(32-40)~~ Tribal organization.— The term “tribal organization” means—

(A) the governing body of any Indian tribe;

(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community

to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

(C) any tribal nonprofit organization.

~~(33~~ 41) Underserved populations.— The term “underserved populations” means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

~~(42)~~ Unit of Local Government.— The term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

~~(34~~ 43) Victim advocate.— The term “victim advocate” means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

~~(35~~ 44) Victim assistant.— The term “victim assistant” means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

~~(36) Victim services or victim service provider.— The term “victim services” or “victim service provider” means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.~~

(45) Victim services or services — The terms “services” and “victim services” means services provided to victims of domestic violence, dating violence, sexual assault, or stalking, including telephonic or web-based hotlines, legal advocacy, economic advocacy, emergency and transitional shelter, accompaniment and advocacy through medical, civil or criminal justice, immigration, and social support systems, crisis intervention, short-term individual and group support services, information and referrals, culturally specific services, population specific services, and other related supportive services.

(46) Victim service provider— The term “victim service provider” means a nonprofit, nongovernmental or tribal organization or rape crisis center, including a State or tribal coalition, that assists domestic violence, dating violence, sexual assault, or stalking victims, including domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

(3747) Youth.— The term “youth” means ~~teen and young adult a person who is eleven to twenty-four years old victims of domestic violence, dating violence, sexual assault, or stalking.~~

(b) Grant conditions

(1) Match. No matching funds shall be required for any grant or subgrant made under this Act for —

(A) any tribe, territory, or victim service provider; or

(B) any other entity, including a State, that—

(i) petitions for a waiver of any match condition imposed by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development; and

(ii) whose petition for waiver is determined by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development to have adequately demonstrated the financial need of the petitioning entity.

(2) Nondisclosure of confidential or private information

(A) In general. In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

(B) Nondisclosure. Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

(i) disclose, ~~reveal, or release~~ any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, ~~regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected~~; or

(ii) ~~disclose, reveal, or release~~ individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of ~~persons with disabilities, the guardian legal incapacity, a court-appointed guardian~~) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, ~~person with disabilities-incapacitated person~~, or the abuser of the other parent of the minor. ~~If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.~~

(C) Release. If release of information described in subparagraph (B) is compelled by statutory or court mandate

(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(D) Information sharing.

(i) Grantees and subgrantees may share—

~~(I)~~ nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

~~(II)~~ court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

~~(III)~~ law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

(ii) In no circumstances may—

(I) an adult, youth or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee.

(II) any personally-identifying information be shared in order to comply with Federal, tribal, or state reporting, evaluation, or data collection requirements, whether for this program or any other Federal, tribal, or state grant program.

(E) Statutorily mandated reports of abuse or neglect. Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined by law, where specifically mandated by the State or tribe involved.

~~(E)~~ Oversight. Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

(G) Confidentiality assessment and assurances. Grantees and subgrantees must document their compliance with the confidentiality and privacy provisions required under this section.

(3) Approved activities. In carrying out the activities under this title, grantees and subgrantees may collaborate with ~~and~~, or provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies and to develop and promote State, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

(4) Non-supplantation. Any Federal funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this title.

(5) Use of funds. Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.

(6) Reports. An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

(7) Evaluation. Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

(A) evaluations of specific programs or projects funded by the disbursing agency under this title or related research; or

(B) evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.

Final reports of such evaluations shall be made available to the public via the agency's website.

(8) Nonexclusivity. Nothing in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.

(9) Prohibition on tort litigation. Funds appropriated for the grant program under this title may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph should not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

(10) Prohibition on lobbying. Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of Title 18, relating to lobbying with appropriated moneys.

(11) Technical assistance.— Of the total amounts appropriated under this subchapter, not less than 3 percent and up to 8 percent, unless otherwise noted, shall be available for providing training and technical assistance relating to the purposes of this subchapter to improve the capacity of the grantees, subgrantees, and other entities. If there is a demonstrated history that the Office on Violence Against Women has previously set aside amounts greater than 8 percent for technical assistance and training relating to grant programs authorized under this subchapter, the Office has the authority to continue setting aside amounts greater than 8 percent.

(12) Delivery of legal assistance.— Any grantee or subgrantee providing legal assistance with funds awarded under this Title shall comply with the eligibility requirements in subsection 3796gg-6(e) of title 42, United States Code, as amended by this Act.

(13) Innovation authority. —

(A) Of the total amount appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women, up to 2 percent shall be available for—

(i) pilot projects, demonstration projects, and special initiatives designed to improve Federal, State, local, tribal, and other community responses to domestic violence, dating violence, sexual assault, and stalking, and related offenses; and

(ii) training on and dissemination of best practices resulting from pilot projects, demonstration projects, surveys, research, and special initiatives related to domestic violence, dating violence, sexual assault, and stalking.

(B) Report to Congress.— Not later than 180 days after the end of each fiscal year, the Attorney General shall submit to Congress a report that includes—

(i) a detailed description of activities funded pursuant to clause (A)(i), and which includes—

(I) the amount allocated to each pilot project, demonstration project, or special initiative;

(II) the progress of pilot and demonstration programs or special initiatives that are not yet complete, including the performance measurements and objectives used to evaluate the efficacy of each; and

(III) the effectiveness of each pilot project, demonstration project, or special initiative that has been completed.

(ii) a description of any best practices disseminated pursuant to subsection (A)(ii);

(iii) the number of people who were trained pursuant to subsection (A)(ii); and

(iv) the funding allocated to training and to the dissemination of best practices pursuant to subsection (A)(ii), including a breakdown of entities receiving funding as applicable.

(14) Peer review. —Of the total amounts appropriated under this title, up to 1 percent shall be available for peer review.

(15) Civil Rights.—

(A) No person in any State shall on the ground of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of Title 18, United States Code), sexual orientation, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under

or denied employment in connection with any programs or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109-162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2011, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

(B) Reasonable accommodation.— Where gender segregation or gender-specific programming is necessary to the essential operation of a program, nothing in this subchapter shall prevent any such program or activity from consideration of an individual’s gender. In such circumstances, alternative reasonable accommodations are sufficient to meet the requirements of this subchapter.

(C) The provisions at paragraphs (c)(2) through (c)(4) of section 3789d of title 18, United States Code apply to violations of subparagraph (A).

(D) Nothing contained in this provision shall be construed, interpreted or applied to supplant, displace, preempt or otherwise diminish the responsibilities and liabilities under other State or Federal civil rights law, whether statutory or common.

(16) Compliance with Title VI of the Civil Rights Act of 1964.— An entity applying for funding under this title shall certify to the Office on Violence Against Women that the entity will comply with their obligations under Title VI of the Civil Rights Act of 1964, including taking reasonable steps to ensure meaningful access to its programs and activities by persons who are limited in their English proficiency, in order to avoid discrimination on the basis of national origin.

(17) Clarification of victim services and legal assistance.— Victim services and legal assistance provided under this title may include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of severe forms of trafficking in persons as defined by section 7102 of title 22, United States Code.

(18) Conferral.— The Office on Violence Against Women shall establish a biennial conferral process with State and tribal coalitions and technical assistance providers who receive funding through grants administered by the Office on Violence Against Women and authorized by this Act, and other key stakeholders. The areas of conferral shall include, but are not limited to—

- (A) the administration of grants;
- (B) unmet needs;
- (C) promising practices in the field; and
- (D) emerging trends.

The first conferral shall be initiated no later than six months after the enactment of this Act. Within 90 days after the conclusion of each conferral period, the Office on Violence

Against Women shall publish a comprehensive report that summarizes the issues presented during conferral and what, if any, policies it intends to implement to address those issues. This report shall be made available to the public on the Office on Violence Against Women's website and shall also be submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

## TITLE I

### ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

#### SEC. 101. STOP GRANTS.

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**Amend 42 U.S.C. § 3796gg (Purpose of program and grants) to read as follows:**

(a) General program purpose.— The purpose of this subchapter is to assist States, State and local courts (including juvenile courts), Indian tribal governments, tribal courts, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

(b) Purposes for which grants may be used.— Grants under this subchapter shall provide personnel, training, technical assistance, data collection and other ~~resources-equipment~~ for the protection and safety of victims, and specifically, for the purposes of—

(1) training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of ~~sexual assault, domestic violence, and dating violence~~ domestic violence, dating violence, sexual assault, and stalking, including the appropriate use of T and U visas;

(2) developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking ~~and domestic violence;~~

(3) developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems; linking police, prosecutors, and courts ~~or~~ for the purpose of identifying, classifying, and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking ~~and domestic violence;~~

(5) developing, enlarging, or strengthening victim ~~and legal~~ and legal assistance programs, including sexual assault, domestic violence ~~and,~~ and stalking programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and

reducing attrition rates for cases involving violent crimes against women, including crimes of domestic violence, dating violence, sexual assault, and stalking;

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

~~(7-6)~~ developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault and stalking;

~~(8-7)~~ supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, ~~and~~ dating violence, and stalking;

~~(9-8)~~ training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;

~~(10-9)~~ developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence, dating violence, ~~or~~ sexual assault, or stalking, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;

~~(11-10)~~ providing assistance to victims of domestic violence and sexual assault in immigration matters;

~~(12-11)~~ maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

~~(13-12)~~ supporting the placement of special victim assistants (to be known as “Jessica Gonzales Victim Assistants”) in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities--

(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including ~~triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized~~ the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases;

(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order; ~~and~~

~~(14-13)~~ to provide funding to law enforcement agencies, ~~nonprofit, nongovernmental~~ victim services providers, and State, tribal, territorial, and local governments, (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote--

(A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as “Crystal Judson Victim Advocates,” to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

(B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police (“Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project” July 2003));

(C) the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (14) shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol;

(14) developing and promoting State, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking;

(15) Developing, implementing, or enhancing Sexual Assault Response Teams (SARTs), or other similar coordinated community responses to sexual assault;

(16) Developing and strengthening policies, protocols, and training for law enforcement and prosecutors regarding the investigation and prosecution of sexual assault cases and the appropriate treatment of victims;

(17) Developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings;

(18) Identifying and inventorying backlogs of sexual assault evidence collection kits and developing protocols for responding to and addressing such backlogs including policies and protocols for notifying and involving victims;

(19) Developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking-whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in 18 U.S.C. 249(c).

(20) Developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking. No more than five percent of the amount allocated to a State may be used for this purpose.

**Amend 42 U.S.C. § 3796gg-1 (State grants) to read as follows:**

(a) General grants.— The Attorney General may make grants to States, for use by States, State and local courts (including juvenile courts), units of local government, ~~nonprofit nongovernmental victim services programs~~ victim service providers, and Indian tribal governments for the purposes described in section 3796gg(b) of this title.

(b) Amounts.— Of the amounts appropriated for the purposes of this subchapter—

(1) 10 percent shall be available for grants under the program authorized by section 3796gg–10 of this title, which shall not otherwise be subject to the requirements of this subchapter (other than section 3796gg–2 of this title);

(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 3796gg (c) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56 of the total amount made available under this paragraph for each fiscal year;

(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 3796gg (c) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56 of the total amount made available under this paragraph for each fiscal year;

(4) 1/56 shall be available for grants under section 3796gg(d) of this title;

(5) \$600,000 shall be available for grants to applicants in each State; and

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

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

(1) the funds shall be used for any of the purposes described in section 3796gg(b) of this title;

(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate ~~with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs and describe how the State will address the needs of underserved populations;~~ with all of the following entities:

- (A) the State sexual assault coalition;
- (B) the State domestic violence coalition;
- (C) law enforcement entities within the State;
- (D) prosecution offices;
- (E) State and local courts;
- (F) Tribal governments in those states with state or federally-recognized Indian tribes;
- (G) representatives from underserved populations;
- (H) victim service providers;
- (I) population specific organizations; and
- (J) other entities that the State or the Attorney General identifies as needed for the planning process.

(3) grantees shall coordinate the State implementation plan described in paragraph (2) with State plans required under section 307 of the Family Violence Prevention and Services Act (42 U.S.C. § 14007) and those developed under the Victims of Crime Act (42 U.S.C. § 10601 et seq.) and section 393A of part J of title II of the Public Health Service Act (42 U.S.C. § 280b-1b).”

~~(3 4)~~ of the amount granted--

- (A) not less than 25 percent shall be allocated for law enforcement;
- (B) not less than 25 percent shall be allocated for prosecutors;
- ~~(B-C)~~ not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to ~~culturally specific community-based~~ population specific organizations; ~~and~~
- ~~(C D)~~ not less than 5 percent shall be allocated ~~for to~~ State and local courts (including juvenile courts); ~~and~~
- (E) at least 25 percent of the money allocated for each of law enforcement, prosecution, victims services, and state and local courts shall be allocated for programs or projects that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.

~~(d) Application requirements.—The application requirements provided in section 3763<sup>(2)</sup> of this title shall apply to grants made under this subchapter. In addition, each application shall include the certifications of qualification required by subsection (c) of this section, including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2) of this section. An application shall include—~~

~~(1) documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, demonstrating—~~

- ~~(A) need for the grant funds;~~
- ~~(B) intended use of the grant funds;~~
- ~~(C) expected results from the use of grant funds; and~~
- ~~(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background;~~

~~(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 3796gg-4 of this title; and<sup>(3)</sup>~~

~~(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 3796gg-5 of this title; and~~

~~(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and courts have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.~~

(d) Application requirements.— Each application shall include the following:

(1) The certifications of qualification required by subsection (c) of this section;

(2) Proof of compliance with the requirements for the payment of forensic medical exams and judicial notification provided in section 3796gg-4 of this title;

(3) Proof of compliance with the requirements for paying fees and costs relating to domestic violence and protection order cases provided in 3796gg-5 of this title;

(4) Proof of compliance with the requirements prohibiting polygraph testing of victims of sexual assault provided in 3796gg-8;

(5) Implementation plan required by subsection (i); and

(6) Any other documentation that the Attorney General may require.

(e) Disbursement

(1) In general

Not later than 60 days after the receipt of an application under this subchapter, the Attorney General shall—

- (A) disburse the appropriate sums provided for under this subchapter; or
- (B) inform the applicant why the application does not conform to the terms of section 3763 of this title or to the requirements of this section.

(2) Regulations

In disbursing monies under this subchapter, the Attorney General shall issue regulations to ensure that States will—

- (A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence, dating violence, and

sexual assault, and stalking programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

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

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

(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally population specific services and activities for underserved populations are distributed equitably among those populations.

(3) Conditions.— In disbursing monies under this part, the Attorney General may impose reasonable conditions on grant awards to ensure that States meet statutory, regulatory, and other program requirements.

(f) Federal share.— The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the projects described in the application submitted, except the cost of projects for victim services or tribes for which there is an exemption under 42 U.S.C. 13925(b)(1) shall not count toward the total costs of the projects for purposes of this subsection.

\* \* \*

(i) Implementation plans.— States shall engage in a planning process for how they will spend the funds under this program and must submit to the Attorney General an implementation plan that has been developed in consultation with the entities listed in paragraph (c)(2) of this section. The implementation plan shall include the following:

(1) Documentation from the members of the planning committee as to their participation in the planning process;

(2) Documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, describing:

(A) need for the grant funds;

(B) intended use of the grant funds;

(C) expected results of the grant funds; and

(D) demographic characteristics of the population to be served, including age, disability, race, ethnicity, and language background.

(3) A description of how the State will ensure that subgrantees will consult with victim service providers during the course of developing their grant applications in order to ensure that the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims;

(4) A description of how the State plans to meet the requirements of paragraph (e)(2) of this section;

(5) Recent demographic data on the distribution of underserved populations within the State and a description of how the State will meet the needs of underserved populations.

as well as the minimum allocation for population specific services required by paragraph (c)(4)(C);

(6) Goals and objectives for reducing domestic violence-related homicides within the State; and

(7) Any other information requested by the Attorney General.

(j) Reallocation of Funds.— In the event that any subgranted funds are returned to the State rather than expended, the State may use the returned funds for any authorized purpose under this section without regard to the allocations in subparagraph (c)(3)(A), (B), (C) and (D) of this section. In addition, the Attorney General shall have discretion to permit a State to reallocate funds allocated under subparagraphs (c)(3)(A), (B) and (D) of this section for any authorized purpose under this section consistent with an approved State plan with sufficient justification by the State.

**Amend 42 U.S.C. § 3796gg–4 (Rape exam payments) to read as follows:**

(a) Restriction of funds

(1) In general.— A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, unit of local government, or another governmental entity—

(A) incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) of this section for victims of sexual assault; and

(B) coordinates with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.

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

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

(1) provides such exams to victims free of charge to the victim; or

(2) arranges for victims to obtain such exams free of charge to the victims; ~~or~~

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

~~(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;~~

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

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

~~(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.~~

(c) Use of funds.— A State or Indian tribal government may use Federal grant funds under this subchapter to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

~~(d) Rule of construction~~

~~(1) In general.— In this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.~~

(d) Noncooperation—

(1) In general— To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.

(2) Compliance period.— States, territories, and Indian tribal governments shall have 3 years from ~~January 5, 2006~~ the date of enactment of this Act, to come into compliance with this subsection.

**Amend 42 U.S.C. § 3796gg–5 (Costs for criminal charges and protection orders) to read as follows:**

(a) In general.— A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, or unit of local government—

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction

**Amend 42 U.S.C. § 3793 in paragraph (a)(18) to read as follows:**

(18) There is authorized to be appropriated to carry out subchapter XII–H of this chapter ~~\$225,000,000~~ \$220,000,000 for each of fiscal years ~~2007 through 2011~~ 2012 through 2016.

**SEC. 102. GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCE PROTECTION ORDERS.**

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**Amend 42 U.S.C. § 3796hh (Grants) to read as follows:**

(a) General program purpose. The purpose of this subchapter is to assist States, State and local courts (including juvenile courts), Indian tribal governments, tribal courts, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

(b) Grant authority.— The Attorney General may make grants to eligible ~~States, Indian tribal governments, State, tribal, territorial, and local courts (including juvenile courts), or units of local government, grantees~~ for the following purposes:

- (1) To implement proarrest programs and policies in police departments, including policies for protection order violations, including enforcement across State and tribal lines.
- (2) To develop policies, educational programs, protection order registries, data collection systems, and training in police departments to improve tracking of cases and classification of complaints involving domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.
- (3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence, dating violence, sexual assault, and stalking cases in teams or units of police officers, prosecutors, parole and probation officers, or judges.
- (4) To coordinate computer tracking systems and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking to ensure communication between police, prosecutors, parole and probation officers, and both criminal and family courts.
- (5) To strengthen legal advocacy service programs and other victim services for victims of domestic violence, dating violence, sexual assault, and stalking, including strengthening assistance to such victims in immigration matters.
- (6) To educate Federal, State, tribal, territorial, and local judges and courts and court-based and court-related personnel in criminal and civil courts (including juvenile courts) about domestic violence, dating violence, sexual assault, and stalking and to improve judicial handling of such cases.

(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.

(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, ~~and~~ sexual assault, and stalking against older individuals (as defined in section 3002 of this title) and individuals with disabilities (as defined in section 12102 (2) of this title).

(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from ~~non-profit, non-governmental victim services organizations~~ victim service providers, population specific organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

(11) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

(12) To develop, enhance, and maintain protection order registries.

(13) To develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification and counseling protocols.

(14) To develop and implement training programs for prosecutors and other prosecution-related personnel regarding best practices to ensure offender accountability, victim safety, and victim consultation in cases involving domestic violence, dating violence, sexual assault, and stalking.

(15) To develop or strengthen policies, protocols and training for law enforcement, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking against immigrant victims, including the appropriate use of T and U visas.

(16) to develop and promote State, local, or tribal legislation and policies that enhance best practices for responding to the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate treatment of victims.

(17) To develop, implement, or enhance Sexual Assault Nurse Examiner programs (SANEs) or Sexual Assault Forensic Examiner programs (SAFEs), including the hiring and training of such examiners.

(18) To develop, implement, or enhance Sexual Assault Response Teams (SARTs) or similar coordinated community responses to sexual assault.

(19) To develop and strengthen policies, protocols, and training for law enforcement and prosecutors regarding the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.

(20) To provide HIV testing programs, counseling, and prophylaxis for victims of sexual assault.

(21) To identify and inventory backlogs of sexual assault evidence collection kits and to develop protocols for responding to and addressing such backlogs including policies and protocols for notifying and involving victims.

(22) To develop multidisciplinary high risk teams focusing on reducing domestic violence and dating violence homicides by:

(A) using evidence-based indicators to assess the risk of homicide and link high risk victims to immediate crisis intervention services;

(B) identifying and managing high risk offenders; and

(C) providing ongoing victim advocacy and referrals to comprehensive services including legal assistance, housing, health care, and economic assistance.

(c) Eligibility.— Eligible grantees are—

(1) States, Indian tribal governments, State and local courts (including juvenile courts), or units of local government that—

(1-A) with the exception of courts, certify that their laws or official policies—

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

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

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

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

(4-D) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, stalking, or sexual assault,

that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; and

~~(5 E)~~ certify that, ~~not later than 3 years after January 5, 2006~~, their laws, policies, or practices will ensure that—

~~(A i)~~ no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation, trial, or sentencing of such an offense; and

~~(B ii)~~ the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation, trial, or sentencing of the offense; and

(2) State, tribal or territorial domestic violence and sexual assault coalitions and victim service providers that partner with a state, tribal government, or unit of local government that has not previously received funding under this program and such governmental partner certifies to the requirements in subparagraphs (c)(1)(A) through (E) above.

(d) Speedy notice to victims.— A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this subchapter unless the State or unit of local government—

(1) certifies that it has a law, policy, or regulation that requires—

(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented and the offender is in custody or has been served with the information or indictment;

(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

(2) gives the Attorney General assurances that its laws and regulations will be in compliance with requirements of paragraph (1) within the later of—

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

(B) 2 years.

\* \* \*

(f) Allocation for sexual assault.— Not less than 25 percent of the total amount available under this section for each fiscal year shall be available for projects that address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.

**Amend 42 U.S.C. § 3796hh–1 (Applications) to read as follows:**

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

(1) contains a certification by the chief executive officer of the State, Indian tribal government, court, or local government entity that the conditions of section 3796hh(c) of this title are met or will be met within the later of—

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

(B) 2 years of September 13, 1994 or, in the case of the condition set forth in subsection 3796hh(c)(4) of this title, the expiration of the 2-year period beginning on October 28, 2000;

(2) describes plans to further the purposes stated in section 3796hh(a) of this title;

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

(4) includes documentation from ~~nonprofit, private sexual assault and domestic violence programs~~ victim service providers and, as appropriate, population specific organizations demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

**Amend 42 U.S.C. § 3793 in paragraph (a)(19) to read as follows:**

(19) There is authorized to be appropriated to carry out subchapter XII–I of this chapter ~~\$75,000,000~~ \$70,000,000 for each of fiscal years ~~2007 through 2011~~ 2012 through 2016. Funds appropriated under this paragraph shall remain available until expended.

**SEC. 103. LEGAL ASSISTANCE FOR VICTIMS.**

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**Amend 42 U.S.C. § 3796gg-6 (Legal assistance for victims) to read as follows:**

(a) In general.— The purpose of this section is to enable the Attorney General to award grants to increase the availability of civil and criminal legal assistance necessary to provide effective aid to adult and youth victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters relating to or arising ~~as a consequence out~~ of that abuse or violence, at minimal or no cost to the victims. Criminal legal assistance provided for under this section shall be limited to criminal matters relating to or arising out of domestic violence, sexual assault, dating violence, and stalking.

(b) Definitions and grant conditions.— In this section, the definitions and grant conditions provided in section 13925 of this title shall apply.

(c) Legal assistance for victims grants.— The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments and tribal organizations, territorial organizations, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence, dating violence, and sexual assault ~~victim services organizations~~ victim service providers and legal assistance providers to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

~~(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, dating violence, stalking, and sexual assault~~

(3) to implement, expand, and establish efforts and projects to provide competent, supervised pro bono legal assistance for victims of domestic violence, dating violence, sexual assault, or stalking. No more than 10 percent of the funds appropriated for this section may be used for this purpose.

(d) Eligibility. To be eligible for a grant under subsection (c) of this section, applicants shall certify in writing that—

(1) any person providing legal assistance through a program funded under subsection (c) of this section ~~has completed or will complete training in connection with domestic violence, dating violence, or sexual assault and related legal issues—~~

(A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or

(B)

(i) is partnered with such an entity or person; and

(ii) has completed or will complete training in connection with domestic violence, dating violence, stalking, or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide;

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking ~~organization~~ victim service provider or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

- (3) any person or organization providing legal assistance through a program funded under subsection (c) of this section has informed and will continue to inform State, local, or tribal domestic violence, dating violence, or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and
- (4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.
- (e) Evaluation. The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, dating violence, stalking, and sexual assault, and on evaluation research.
- (f) Authorization of appropriations
- (1) In general. There is authorized to be appropriated to carry out this section ~~\$65,000,000~~ \$55,000,000 for each of fiscal years ~~2007 through 2011~~ 2012 through 2016.
- (2) Allocation of funds
- (A) Tribal programs. Of the amount made available under this subsection in each fiscal year, not less than 3 percent shall be used for grants for programs that assist adult and youth victims of domestic violence, dating violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.
- (B) Tribal government program
- (i) In general. Not less than 7 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 3796gg-10 of this title.
- (ii) Applicability of part. The requirements of this section shall not apply to funds allocated for the program described in clause (i).
- (C) Victims of sexual assault. Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.
- (3) Nonsupplantation. Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

#### **SEC. 104. NATIONAL PRO BONO AND PRO SE RESOURCE CENTER.**

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**At the appropriate place, insert the following:**

§ XXXXX National Violence Against Women Pro Bono and Pro Se Resource Center

(a) In general.— The purpose of this section is to enable the Attorney General to award grants to increase the availability and accessibility of safe and effective volunteer legal assistance and legal information to adult and youth victims of domestic violence, dating violence, sexual assault

or stalking, who are seeking relief in legal matters relating to or arising as a consequence of that abuse or violence, at minimal or no cost to the victims, including those victims who must proceed pro se.

(b) Definitions and Grant Conditions.— In this section, the definitions and grant conditions provided in section 13925 of this title shall apply.

(c) National Violence Against Women Pro Bono and Pro Se Resource Center.— The Attorney General may award grants under this section to an eligible nonprofit organization to create and maintain a National Violence Against Women Pro Bono and Pro Se Resource Center. Funds allocated under this subsection may be used to—

(1) create and maintain a comprehensive database of programs with the capacity to coordinate, train and supervise volunteer lawyers seeking to represent and assist victims of domestic violence, dating violence, sexual assault or stalking;

(2) solicit and manage inquiries from pro bono programs, ~~or~~ volunteer attorneys, or pro se assistance programs seeking to assist victims of domestic violence, dating violence, sexual assault or stalking;

(3) conduct national outreach to victim service providers, domestic violence or sexual assault coalitions, legal assistance providers, law school clinics, and volunteer lawyers seeking to assist victims of domestic violence, dating violence, sexual assault or stalking, including recruiting new programs;

(4) develop legal education and training materials for volunteer attorneys and pro se assistance programs seeking to assist victims of domestic violence, dating violence, sexual assault, or stalking;

(5) provide training and other educational opportunities for volunteer attorneys seeking to assist victims of domestic violence, dating violence, sexual assault, or stalking;

(6) coordinate with appropriate state and bar association officials to develop and implement rules that facilitate and encourage pro bono engagement among attorneys living or working in that state;

(7) identify and disseminate best practices for pro bono engagement, pro se victim assistance, and volunteer legal assistance in cases of domestic violence, dating violence, sexual assault, and stalking;

(8) maintain a point of contact with experienced attorneys who are supervising or mentoring volunteer lawyers representing or pro se programs assisting victims of domestic violence, dating violence, sexual assault and stalking; and

(9) collaborate or subcontract with appropriate hotlines, referral systems and organizations with demonstrated expertise in providing legal assistance and information to victims of domestic violence, dating violence, sexual assault or stalking, which may include—

(i) national, Tribal, State, and local providers with legal, victim services and population specific expertise;

(ii) Tribal, State, and local legal assistance programs, including law school clinics;

(iii) Tribal, State, and local pro bono and pro se programs; or

(iv) Tribal or State domestic violence and sexual assault coalitions.

(d) Eligibility.— To be eligible to receive a grant under this section, a nonprofit organization must demonstrate expertise in providing national training and technical assistance to pro bono legal projects, pro se victim assistance programs, or legal assistance projects serving victims of domestic violence, dating violence, sexual assault and stalking.

(e) Authorization.— There is authorized to be appropriated \$2,000,000 for each of the fiscal years 2012 through 2016 to carry out the purposes of this section. Funds appropriated under this section shall remain available until expended and may only be used for the activities described in this section.

## **SEC. 105. CONSOLIDATION OF GRANTS TO SUPPORT FAMILIES IN THE JUSTICE SYSTEM.**

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**REPEAL 42 U.S.C. § 13701 note and §§14043-14043a-3.**

**STRIKE existing 42 U.S.C. § 10420 (Supervised visitation) and replace it to read as follows:**

42 U.S.C. § 10420. Grants to support families in the justice system.

(a) In general. The Attorney General may award grants to States, units of local government, courts (including juvenile courts), Indian tribal governments, nonprofit organizations, legal services providers, and victim services providers for the purpose of improving the response of all aspects of the civil and criminal justice systems to families with a history of domestic violence, dating violence, ~~or~~ sexual assault, or stalking, or in cases involving allegations of child sexual abuse. Specifically, grants may be provided for the following purposes:

(1) to provide supervised visitation and safe visitation exchange of children and youth by and between parents in situations involving domestic violence, dating violence, child sexual abuse, sexual assault, or stalking;

(2) to develop and promote State, local, or tribal legislation, policies, and best practices for improving civil and criminal court functions, responses, practices, and procedures in cases involving a history of domestic violence or sexual assault, or in cases involving allegations of child sexual abuse, including cases where such victims must proceed pro se;

(3) to educate court-based and court-related personnel, including custody evaluators and guardians ad litem, and child protective services workers on the dynamics of domestic violence, dating violence, ~~and~~ sexual assault, and stalking, including information on perpetrator behavior, evidence-based risk factors for domestic and dating violence homicide, and on issues relating to victims' needs, including safety, security, privacy, and confidentiality, including cases where such victims must proceed pro se;

(4) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, including child sexual abuse, and stalking

and ensure necessary services dealing with the health and mental health of victims are available;

(5) enabling courts or court-based or court-related programs to develop new or enhance current—

(A) court infrastructure (such as specialized courts, consolidated courts, dockets, intake centers, or interpreter services);

(B) community-based initiatives within the court system (such as court watch programs, victim assistants, pro se victim assistance programs, or community-based supplementary services);

(C) offender management, monitoring, and accountability programs;

(D) safe and confidential information-storage and -sharing databases within and between court systems;

(E) education and outreach programs to improve community access, including enhanced access for underserved populations; and

(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking.

(6) to provide civil legal assistance and advocacy services, including legal information and resources in cases where victims must proceed pro se, to victims of domestic violence and to non-offending parents, when the other parent is represented by counsel, in cases involving allegations of child sexual abuse in the context of civil court proceedings related to family matters, including civil protection orders, custody, and divorce;

(7) to provide data collection, training, and technical assistance, including the development of State, local, or tribal model codes and policies, to improve the capacity of grantees and communities to address the civil justice needs of victims of domestic violence, dating violence, sexual assault, and stalking, who proceed with representation or who must proceed pro se or with the assistance of a legal advocate; and

(8) to improve training and education to assist judges, judicial personnel, attorneys, child welfare personnel, and legal advocates in the civil justice system.

(b) Considerations.—

(1) In awarding grants under paragraph (a)(1) through (a)(7), the Attorney General shall take into account—

(1 A) the number of families to be served by the proposed programs and services;

(2 B) the extent to which the proposed programs and services serve underserved populations (as defined in section 13925);

(3 C) the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community with demonstrated histories of effective work on domestic violence, dating violence, sexual assault or stalking, including State or tribal domestic violence

coalitions, State or tribal sexual assault coalitions, local shelters, and programs for domestic violence and sexual assault victims; and

(4 D) the extent to which the applicant demonstrates coordination and collaboration with State, tribal, and local court systems, including mechanisms for communication and referral.

(2) in awarding grants under subsection (a)(8) the Attorney General shall take into account the extent to which the grantee has expertise addressing the judicial system's handling of family violence, child custody, child abuse and neglect, adoption, foster care, supervised visitation, divorce and parentage.

(c) Applicant requirements. The Attorney General shall award grants to applicants that—

(1) demonstrate expertise in the areas of domestic violence, dating violence, sexual assault, stalking, or child sexual abuse, as appropriate;

(2) ensure that any fees charged to individuals for use of supervised visitation programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) certify, in the case of court-based programs, that victims of domestic violence, dating violence, sexual assault, or stalking are not charged fees or any other costs related to the filing, petitioning, modifying, issuance, registration enforcement, withdrawal or dismissal of cases related to their victimization.

(4) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, and adequate standards are or will be in place (including the development of protocols or policies to ensure that confidential information is not shared with courts, law enforcement or child welfare agencies unless necessary to ensure the safety of any child or adult utilizing the services of a program funded under this section), if the applicant proposes to operate supervised visitation programs and services or safe visitation exchange;

(5) certify that the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where domestic violence, dating violence, sexual assault, or stalking is an issue;

(6) certify that any person providing legal assistance through a program funded under this section has completed or will complete training on domestic violence, dating violence, sexual assault, or stalking, including child sexual abuse, and related legal issues;

(7) certify that any person providing custody evaluation or guardian ad litem services through a program under this section has completed or will complete training developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition on the dynamics of domestic violence and sexual assault, including child sexual abuse, that includes training on how to review evidence of past abuse and the use of evidenced-based theories to make recommendations on custody and visitation; and

(8) certify that, when appropriate, grantees have internal organization policies in place that encourage judges to distribute information about immigration relief, and related

privacy protections, that may be available to victims of domestic violence, dating violence, sexual assault, and stalking.

(d) Authorization of appropriations. There is authorized to be appropriated to carry out this section \$22,000,000 for each of fiscal years 2012 through 2016. Funds appropriated under this section shall remain available until expended.

(e) Allotment for Indian tribes

(1) In general. Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 3796gg-10 of this title.

(2) Applicability of part. The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).

## **SEC. 106. SEX OFFENDER MANAGEMENT.**

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**Amend 42 U.S.C. § 13941(c) (Training programs) to read as follows:**

(c) Authorization of appropriations.— There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years ~~2007 through 2011~~ 2012 through 2016.

## **SEC. 107. COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.**

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**Amend 42 U.S.C. § 13012 (Purpose) to read as follows:**

The purpose of this subchapter is to ensure that by January 1, ~~2010~~ 2015, a court-appointed special advocate shall be available to every victim of child abuse or neglect in the United States that needs such an advocate.

**Amend 42 U.S.C. § 13013 (Strengthening of court-appointed special advocate program) to read as follows:**

(a) In general. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall make grants to initiate, sustain, and expand the court-appointed special advocate program.

(b) Grantee organizations

(1) An organization to which a grant is made pursuant to subsection (a) of this section—

(A) shall be a national organization that has broad membership among court-appointed special advocates and has demonstrated experience in grant administration of court-appointed special advocate programs and in providing training and technical assistance to court-appointed special advocate program; or

(B) may be a local public or not-for-profit agency that has demonstrated the willingness to initiate, sustain, and expand a court-appointed special advocate program.

(2) An organization described in paragraph (1)(A) that receives a grant may be authorized to make subgrants and enter into contracts with public and not-for-profit agencies to initiate, sustain, and expand the court-appointed special advocate program. Should a grant be made to a national organization for this purpose, the Administrator shall specify an amount not exceeding 5 percent that can be used for administrative purposes by the national organization.

(c) Grant criteria

(1) The Administrator shall establish criteria to be used in evaluating applications for grants under this section, consistent with sections 5673 and 5676 of this title.

(2) In general, the grant criteria established pursuant to paragraph (1) shall require that a court-appointed special advocate program provide screening, training, and supervision of court-appointed special advocates in accordance with standards developed by the National Court-Appointed Special Advocate Association. Such criteria may include the requirements that—

(A) a court-appointed special advocate association program have a mission and purpose in keeping with the mission and purpose of the National Court-Appointed Special Advocate Association and that it abide by the National Court-Appointed Special Advocate Association Code of Ethics;

(B) a court-appointed special advocate association program operate with access to legal counsel;

(C) the management and operation of a court-appointed special advocate program assure adequate supervision of court-appointed special advocate volunteers;

(D) a court-appointed special advocate program keep written records on the operation of the program in general and on each applicant, volunteer, and case;

(E) a court-appointed special advocate program have written management and personnel policies and procedures, screening requirements, and training curriculum;

(F) a court-appointed special advocate program not accept volunteers who have been convicted of, have charges pending for, or have in the past been charged with, a felony or misdemeanor involving a sex offense, violent act, child abuse or neglect, or related acts that would pose risks to children or to the court-appointed special advocate program's credibility;

(G) a court-appointed special advocate program have an established procedure to allow the immediate reporting to a court or appropriate agency of a situation in which a court-appointed special advocate volunteer has reason to believe that a child is in imminent danger;

(H) a court-appointed special advocate volunteer be an individual who has been screened and trained by a recognized court-appointed special advocate program

and appointed by the court to advocate for children who come into the court system primarily as a result of abuse or neglect; and

(I) a court-appointed special advocate volunteer serve the function of reviewing records, facilitating prompt, thorough review of cases, and interviewing appropriate parties in order to make recommendations on what would be in the best interests of the child.

(3) In awarding grants under this section, the Administrator shall ensure that grants are distributed to localities that have no existing court-appointed special advocate program and to programs in need of expansion.

(d) Background checks. State and local Court Appointed Special Advocate programs are authorized to request fingerprint-based criminal background checks from the Federal Bureau of Investigation's criminal history database for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.

(e) Programs that receive funds under this section shall report annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) on outcome performance measures established by OJJDP to determine the effectiveness of the programs in meeting the needs of children in the child welfare system.

**Amend 42 U.S.C. § 13014 (Authorization of appropriations) to read as follows:**

(a) Authorization. There is authorized to be appropriated to carry out this subchapter \$12,000,000 for each of fiscal years ~~2007 through 2011~~ 2012 through 2016.

## **SEC. 108. CRIMINAL PROVISION RELATING TO STALKING, INCLUDING CYBER-STALKING.**

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**Amend 18 U.S.C. § 2261A (Stalking) to read as follows:**

Whoever—

(1) travels in interstate or foreign commerce or is present within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel or presence engages in conduct that —

(A) places ~~that a~~ a person in reasonable fear of the death ~~of~~, or serious bodily injury to that person or any person; or

(B) causes ~~substantial emotional distress to that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person~~ or attempts to cause or would be reasonably expected to cause substantial emotional distress to any person; or

(2) with the intent ~~(A)~~ to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, ~~or cause substantial emotional distress to a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or~~

~~(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—~~

~~(i) that person;~~

~~(ii) a member of the immediate family (as defined in section 115 of that person; or~~

~~(iii) a spouse or intimate partner of that person;~~

uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that ~~causes substantial emotional distress to that person or —~~

~~(A) places that a person in reasonable fear of the death of, or serious bodily injury to that person or any person, any of the persons described in clauses (i) through (iii) of subparagraph (B); or~~

~~(B) causes or attempts to cause or would be reasonably expected to cause substantial emotional distress to any person;~~

shall be punished as provided in section 2261(b) of this title.

## **SEC. 109. OUTREACH AND SERVICES TO UNDERSERVED POPULATIONS GRANT.**

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**STRIKE existing 42 U.S.C. § 14045 (Grants for outreach and services to underserved populations) and replace it to read as follows:**

42 U.S.C. § 14045. Grants for outreach and services to underserved populations.

### (a) Grants authorized

(1) In general.— Of the amounts appropriated under the grant programs identified in paragraph (2), the Attorney General shall take 2 percent of such appropriated amounts and combine them to award grants to eligible entities described in subsection (b) of this section to develop and implement outreach strategies targeted at adult, or youth, victims of domestic violence, dating violence, sexual assault, or stalking in underserved populations and to provide victim services to meet the needs of adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in underserved populations. The requirements of the grant programs identified in paragraph (3) shall not apply to this grant program.

(2) Programs covered.— The programs covered by paragraph (2) are the programs carried out under the following provisions:

(A) Section \* \* \* of this title (STOP Grants) as amended by this Act; and

(B) Section \* \* \* of this title (Grants to Encourage Arrest Policies) as amended by this Act.

(b) Eligible entities.— Eligible entities under this section are—

(1) population specific organizations that have demonstrated experience and expertise in providing population specific services in the relevant underserved communities or population specific organizations working in partnership with a victim service provider or domestic violence or sexual assault coalition;

(2) victim service providers offering population specific services for a specific underserved population; or

(3) victim service providers working in partnership with a national, State, or local organization that has demonstrated experience and expertise in providing population specific services in the relevant underserved population.

(c) Planning Grants.— The Attorney General may use up to 30 percent of funds available under this section to make one-time planning grants to eligible entities to support the planning and development of specially designed and targeted programs for adult and youth victims in one or more underserved populations, including:

(1) identifying, building and strengthening partnerships with potential collaborators within underserved populations, Federal, State, tribal, territorial or local government entities, and public and private organizations;

(2) conducting a needs assessment of the community and the targeted underserved population or populations to determine what the barriers are to service access and what factors contribute to those barriers, using input from the targeted underserved population or populations;

(3) identifying promising prevention, outreach and intervention strategies for victims from a targeted underserved population or populations; and

(4) developing a plan, with the input of the targeted underserved population or populations, for implementing prevention, outreach and intervention strategies to address the barriers to accessing services, promoting community engagement in the prevention of domestic violence, dating violence, sexual assault, and stalking within the targeted underserved populations, and evaluating the program.

(d) Implementation Grants.— The Attorney General shall make grants to eligible entities for the purpose of providing or enhancing population specific outreach and services to adult and youth victims in one or more underserved populations, including:

(1) working with Federal, State, tribal, territorial and local governments, agencies, and organizations to develop or enhance population specific victim services;

(2) strengthening the capacity of underserved populations to provide population specific victim services;

(3) strengthening the capacity of traditional victim service providers to provide population specific services;

(4) strengthening the effectiveness of criminal and civil justice interventions by providing training for law enforcement, prosecutors, judges and other court personnel on domestic violence, dating violence, sexual assault, or stalking in underserved populations; or

(5) working in cooperation with an underserved population to develop and implement outreach, education, prevention, and intervention strategies that highlight available resources and the specific issues faced by victims of domestic violence, dating violence, sexual assault, or stalking from underserved populations.

(e) Application.— An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) Reports.— Each eligible entity receiving a grant under this section shall submit to the Director of the Office on Violence Against Women a report that describes the activities carried out with grant funds.

(g) Authorization of appropriations.— In addition to the funds identified in subsection (a)(1), there are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2012 through 2016.

(h) Definitions and grant conditions.— In this section the definitions and grant conditions in section 13925 of this title shall apply.

## **SEC. 110. CULTURALLY SPECIFIC SERVICES GRANT.**

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**Amend 42 U.S.C. § 14045a (Enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking) to read as follows:**

§ 14045a. Enhancing culturally ~~and linguistically~~ specific services for victims of domestic violence, dating violence, sexual assault, and stalking.

(a) Establishment

(1) In general.— Of the amounts appropriated under certain grant programs identified in paragraph (a)(2) of this Section, the Attorney General, through the Director of the Violence Against Women Office (referred to in this section as the “Director”), shall take 5 percent of such appropriated amounts and combine them to establish a new grant program to enhance culturally ~~and linguistically~~ specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants made under this new program shall be administered by the Director. The requirements of the grant programs identified in paragraph (2) shall not apply to this new grant program.

(2) Programs covered.— The programs covered by paragraph (1) are the programs carried out under the following provisions:

- (A) Section 3796hh of this title, Grants to Encourage Arrest Policies and Enforcement of Protection Orders.
- (B) Section 3796gg–6 of this title, Legal Assistance for Victims.
- (C) Section 13971 of this title, Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse~~r~~ Enforcement Assistance.
- (D) Section ~~XXX of the Violence Against Women Act of 1994 (42 U.S.C. XXX), Older Battered Women 14041b~~ of this title, Enhanced Training and Services to End Violence Against Women Later in Life.
- (E) Section ~~XXX of the Violence Against Women Act of 2000 (42 U.S.C. XXX), Disabled Women Program 3796gg-7~~ of this title, Education, Training, and Enhanced Services to End Violence Against and Abuse of Women with Disabilities.

(b) Purpose of program and grants

(1) General program purpose.— The purpose of the program required by this section is to promote:

- (A) The maintenance and replication of existing successful services in domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally ~~and linguistically~~ specific services and other resources.
- (B) The development of innovative culturally ~~and linguistically~~-specific strategies and projects to enhance access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) Purposes for which grants may be used.— The Director shall make grants to community-based programs for the purpose of enhancing culturally ~~and linguistically~~ specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive cultural ~~and linguistic~~ responses to domestic violence, dating violence, sexual assault, and stalking, including—

- (A) working with State and local governments and social service agencies to develop and enhance effective strategies to provide culturally ~~and linguistically~~ specific services to victims of domestic violence, dating violence, sexual assault, and stalking;
- (B) increasing communities' capacity to provide culturally ~~and linguistically~~ specific resources and support for victims of domestic violence, dating violence, sexual assault, and stalking crimes and their families;
- (C) strengthening criminal justice interventions, by providing training for law enforcement, prosecution, courts, probation, and correctional facilities on culturally ~~and linguistically~~ specific responses to domestic violence, dating violence, sexual assault, and stalking;
- (D) enhancing traditional services to victims of domestic violence, dating violence, sexual assault, and stalking through the leadership of culturally ~~and~~

~~linguistically~~ specific programs offering services to victims of domestic violence, dating violence, sexual assault, and stalking;

(E) working in cooperation with the community to develop education and prevention strategies highlighting culturally ~~and linguistically~~ specific issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;

(F) providing culturally ~~and linguistically~~ specific programs for children exposed to domestic violence, dating violence, sexual assault, and stalking;

(G) providing culturally ~~and linguistically~~ specific resources and services that address the safety, economic, housing, and workplace needs of victims of domestic violence, dating violence, sexual assault, or stalking, including emergency assistance; or

(H) examining the dynamics of culture and its impact on victimization and healing.

(3) Technical assistance and training.— The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective culturally ~~and linguistically~~ specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of culturally ~~and linguistically~~ specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

(c) Eligible entities.— Eligible entities for grants under this Section include—

(1) community-based programs whose primary purpose is providing culturally ~~and linguistically~~ specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based programs whose primary purpose is providing culturally ~~and linguistically~~ specific services who can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking.

(d) Reporting.— The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources, and the types of culturally ~~and linguistically~~ accessible programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) Grant period.— The Director shall award grants for a 2-year period, with a possible extension of another 2 years to implement projects under the grant.

(f) Evaluation.— The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural ~~and linguistic~~ access to services and resources for victims of

domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(g) Non-exclusivity.— Nothing in this Section shall be interpreted to exclude ~~linguistic and~~ culturally specific community-based programs from applying to other grant programs authorized under this Act.

(h) Definitions and grant conditions.— In this section the definitions and grant conditions in section 13925 of this title shall apply.

## TITLE II

### IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

#### SEC. 201. SEXUAL ASSAULT SERVICES PROGRAM.

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##### **Amend 42 U.S.C. § 14043g (Sexual Assault Services Program) to read as follows:**

- (a) Purposes.— The purposes of this section are—
- (1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—
    - (A) adult, youth, and child victims of sexual assault;
    - (B) family and household members of such victims; and
    - (C) those collaterally affected by the victimization, except for the perpetrator of such victimization; and
  - (2) to provide for technical assistance and training relating to sexual assault to—
    - (A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;
    - (B) professionals working in legal, social service, and health care settings;
    - (C) nonprofit organizations;
    - (D) faith-based organizations; and
    - (E) other individuals and organizations seeking such assistance.
- (b) Grants to States and territories
- (1) Grants authorized.— The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of ~~governmental and non-governmental~~ rape crisis centers and other ~~non-governmental or tribal~~ programs and projects to assist those victimized by sexual assault, ~~regardless of their age~~.
  - (2) Allocation and use of funds
    - (A) Administrative costs.— Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.
    - (B) Grant funds.— Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other ~~nonprofit, nongovernmental organizations~~ ~~non-governmental or tribal~~ ~~for~~ programs and activities within such State or territory that provide direct intervention and related assistance.
    - (C) Intervention and related assistance.— Intervention and related assistance under subparagraph (B) may include—

- (i) 24-hour hotline services providing crisis intervention services and referral;
- (ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;
- (iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;
- (iv) information and referral to assist the sexual assault victim and family or household members;
- (v) community-based, ~~linguistically and~~ culturally specific services and support mechanisms, including outreach activities for underserved communities; and
- (vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

(3) Application

(A) In general.— Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

(B) Contents.— Each application submitted under subparagraph (A) shall—

- (i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;
- (ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;
- (iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and
- (iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

(4) Minimum amount.— The Attorney General shall allocate to each State, the District of Columbia, and Puerto Rico not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, ~~the District of Columbia, Puerto Rico,~~ and the Commonwealth of the Northern Mariana Islands shall each be allocated ~~0.125~~ 0.25 percent of the total appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of all the States and the territories. ~~The~~

~~District of Columbia shall be treated as a territory for purposes of calculating its allocation under the preceding formula.~~

(c) Grants for culturally specific programs addressing sexual assault

(1) Grants authorized.— The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

(2) Eligible entities.— To be eligible to receive a grant under this section, an entity shall—

(A) be a private nonprofit organization that focuses primarily on culturally specific communities;

(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

(D) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

(3) Award basis.— The Attorney General shall award grants under this section on a competitive basis.

(4) Distribution.—

(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

(5) Term.— The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

(6) Reporting.— Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

(d) Grants to State, territorial, and tribal sexual assault coalitions

(1) Grants authorized

(A) In general.— The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

(B) Minimum amount.— Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

(C) Eligible applicants.— Each of the State, territorial, and tribal sexual assault coalitions.

(2) Use of funds.— Grant funds received under this subsection may be used to—

(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

(D) design and conduct public education campaigns;

(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

(3) Allocation and use of funds.— From amounts appropriated for grants under this subsection for each fiscal year—

(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions; and

(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of those State and territorial coalitions.

(4) Application.— Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

(5) First-time applicants.— No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

(e) Grants to tribes

(1) Grants authorized.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian tribal lands and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

(2) Allocation and use of funds—

(A) Administrative costs.— Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

(B) Grant funds.— Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

(f) Authorization of appropriations

(1) In general.— There are authorized to be appropriated ~~\$50,000,000~~ \$40,000,000 to remain available until expended for each of the fiscal years ~~2007 through 2011~~ 2012 through 2016 to carry out the provisions of this section.

(2) Allocations.— Of the total amounts appropriated for each fiscal year to carry out this section—

(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

(E) not less than 10 percent shall be used for grants to tribes under subsection (e);

(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).

**SEC. 202. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.**

---

**Amend 42 U.S.C. § 13971 (Rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance) to read as follows:**

(a) Purposes. The purposes of this section are—

(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

- (B) law enforcement agencies;
- (C) prosecutors;
- (D) courts;
- (E) other criminal justice service providers;
- (F) human and community service providers;
- (G) educational institutions; and
- (H) health care providers, including Sexual Assault Forensic Examiners;

(2) to establish and expand nonprofit, nongovernmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and

(3) to increase the safety and well-being of women and children in rural communities, by—

- (A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and
- (B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

(b) Grants authorized. The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the “Director”), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, ~~victim advocacy groups~~ victim service providers, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking, including developing multidisciplinary teams focusing on high risk cases with the goal of preventing domestic and dating violence homicides;

(2) providing treatment, counseling, advocacy, legal assistance, and other long- and short-term ~~assistance~~ victim and population specific services to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities, including assistance in immigration matters; ~~and~~

(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues; ~~and~~

(4) developing, enlarging, or strengthening programs addressing sexual assault, including Sexual Assault Forensic Examiner programs, Sexual Assault Response Teams, law enforcement training, and programs addressing rape kit backlogs.

(c) Use of funds. Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a) of this section.

(d) Allotments and priorities

(1) Allotment for Indian tribes

(A) In general. Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 3796gg-10 of this title.

(B) Applicability of part. The requirements of this section shall not apply to funds allocated for the program described in subparagraph (A).

(2) Allotment for sexual assault

(A) In general. Not less than 25 percent of the total amount appropriated in a fiscal year under this section shall fund services that meaningfully address sexual assault in rural communities, however at such time as the amounts appropriated reach the amount of \$45,000,000, the percentage allocated shall rise to 30 percent of the total amount appropriated, at such time as the amounts appropriated reach the amount of \$50,000,000, the percentage allocated shall rise to 35 percent of the total amount appropriated, and at such time as the amounts appropriated reach the amount of \$55,000,000, the percentage allocated shall rise to 40 percent of the amounts appropriated.

(B) Multiple purpose applications. Nothing in this section shall prohibit any applicant from applying for funding to address sexual assault, domestic violence, stalking, or dating violence in the same application.

(3) Allotment for technical assistance. Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs. Of the amounts appropriated in this subsection, no less than 25 percent of such amounts shall be available to a nonprofit, nongovernmental organization or organizations whose focus and expertise is in addressing sexual assault to provide technical assistance to sexual assault grantees.

(4) Underserved populations. In awarding grants under this section, the Director shall give priority to the needs of underserved populations.

(5) Allocation of funds for rural States. Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

(e) Authorization of appropriations

(1) In general. There are authorized to be appropriated ~~\$55,000,000~~ ~~\$50,000,000~~ for each of the fiscal years ~~2007 through 2011~~ 2012 through 2016 to carry out this section.

(2) Additional funding. In addition to funds received through a grant under subsection (b) of this section, a law enforcement agency may use funds received through a grant under subchapter XII-E of chapter 46 of this title to accomplish the objectives of this section.

**SEC. 203. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES GRANT.**

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**Amend 42 U.S.C. § 3796gg-7 (Education, training, and enhanced services to end violence against and abuse of women with disabilities) to read as follows:**

(a) In general.— The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

(2) to enhance direct services to such individuals.

(b) Use of funds.— Grants awarded under this section shall be used—

(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction (including using evidence-based indicators to assess the risk of domestic and dating violence homicide) and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

(2) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of ~~victim service organizations~~ victim service providers for disabled individuals;

(5) to provide training and technical assistance on the requirements of shelters and ~~victim services organizations~~ victim service providers under Federal antidiscrimination laws, including—

(A) the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.]; and

(B) section 794 of title 29;

(6) to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

(7) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault; or

(8) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

(c) Eligible entities

(1) In general.— An entity shall be eligible to receive a grant under this section if the entity is—

(A) a State;

(B) a unit of local government;

(C) an Indian tribal government or tribal organization; or

(D) a ~~nonprofit and nongovernmental victim services organization~~ victim service provider, such as a State or tribal domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

(2) Limitation.— A grant awarded for the purpose described in subsection (b)(8) of this section shall only be awarded to an eligible agency (as defined in section 796f–5 of title 29).

(d) Underserved populations.— In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

(e) Authorization of appropriations.— There are authorized to be appropriated ~~\$10,000,000~~ \$9,000,000 for each of the fiscal years ~~2007 through 2011~~ 2012 through 2016 to carry out this section.

**SEC. 204. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE GRANT.**

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**STRIKE existing 42 U.S.C. § 14041a (Enhanced training and services to end violence against and abuse of women in later life) and replace it to read as follows:**

(a) Definitions.— In this section —

(1) the term “exploitation” has the meaning given the term in the section 2011 of the Social Security Act (42 U.S.C. 1397j);

(2) the term “later life”, relating to an individual, means the individual is 50 years of age or older; and

(3) the term “neglect” means the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an individual in later life.

(b) Grant Program.—

(1) Grants authorized.—The Attorney General may make grants to eligible entities to carry out the activities described in paragraph (2).

(2) Mandatory and permissible activities.—

(A) Mandatory activities.—An eligible entity receiving a grant under this section shall use the funds received under the grant to—

(i) provide training programs to assist law enforcement agencies,

prosecutors, agencies of States or units of local government, population specific organizations, victim service providers, victim advocates, and relevant officers in Federal, Tribal, State, Territorial, and local courts in recognizing and addressing instances of elder abuse, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect;

(ii) provide or enhance services for victims of elder abuse, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect;

(iii) establish or support multidisciplinary collaborative community responses to victims of elder abuse, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; and

(iv) conduct cross-training for law enforcement agencies, prosecutors, agencies of States or units of local government, attorneys, health care providers, population specific organizations, faith-based advocates, victim service providers, and courts to better serve victims of elder abuse, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect.

(B) Permissible activities.—An eligible entity receiving a grant under this section may use not more than 10 percent the funds received under the grant to—

(i) provide training programs to assist attorneys, health care providers, faith-based leaders, or other community-based organizations in recognizing and addressing instances of elder abuse, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; or

(ii) conduct outreach activities and awareness campaigns to ensure that victims of elder abuse, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect, receive appropriate assistance.

(3) Eligible entities.—An entity shall be eligible to receive a grant under this section if—

(A) the entity is—

(i) a State;

(ii) a unit of local government;

(iii) a tribal government or tribal organization;

(iv) a population specific organization with demonstrated experience in assisting individuals in later life;

(v) a victim service provider; or

(vi) a State, tribal, or Territorial domestic violence or sexual assault coalition; and

(B) the entity is partnered with at least one of the following—

(i) a law enforcement agency;

(ii) a prosecutor's office;

(iii) a victim service provider; or

(iv) a nonprofit program or government agency with demonstrated experience in assisting individuals in later life.

(4) Underserved populations.—In making grants under this section, the Attorney General shall give priority to proposals providing culturally specific or population specific services.

(5) Authorization of appropriations.— In general.—There are authorized to be appropriated to carry out this subsection \$6,000,000 for each of fiscal years 2012 through 2016.

## TITLE III

### SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

#### SEC. 301. RAPE PREVENTION EDUCATION GRANT.

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**Amend 42 U.S.C. § 280b–1b (Use of allotments for rape prevention education) to read as follows:**

(a) Permitted use.— The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State, Territorial, or Tribal sexual assault coalitions, and other public and private nonprofit entities for—

- (1) educational seminars;
- (2) the operation of hotlines;
- (3) training programs for professionals;
- (4) the preparation of informational material;
- (5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;
- (6) education to increase awareness about drugs and alcohol used to facilitate rapes or sexual assaults; and
- (7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 12102 of this title).

(b) Collection and dissemination of information on sexual assault.— The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

(c) Authorization of appropriations

- (1) In general.— There is authorized to be appropriated to carry out this section ~~\$80,000,000~~ \$50,000,000 for each of fiscal years ~~2007 through 2011~~ 2012 through 2016.
- (2) National sexual violence resource center allotment.— Of the total amount made available under this subsection in each fiscal year, not less than \$1,500,000 shall be available for allotment under subsection (b) of this section.

(3) Baseline funding for States, the District of Columbia and Puerto Rico.— A minimum allocation of \$150,000 shall be awarded in each fiscal year for each of the States, the District of Columbia and Puerto Rico. If any State, the District of Columbia, or Puerto Rico does not utilize its \$150,000, it shall be redistributed on the basis of population.

(d) Limitations

(1) Supplement not supplant.—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a) of this section.

(2) Studies.— A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

(3) Administration.— A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.

**SEC. 302. CREATING HOPE THROUGH OUTREACH, OPTIONS, SERVICES, AND EDUCATION FOR CHILDREN AND YOUTH.**

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**REPEAL 42 U.S.C. § 14043c-1 (Access to justice for youth).**

**REPEAL 42 U.S.C. § 14043c-2 (Grants for the training and collaboration on the intersection between domestic violence and child maltreatment).**

**REPEAL 42 U.S.C. § 14043c-3 (Grants to combat domestic violence, dating violence, sexual assault, and stalking in middle and high schools).**

**STRIKE 42 U.S.C. § 14043c (Services to advocate for and respond to youth) and replace it to read as follows:**

42 U.S.C. § 41303c. Creating Hope through Outreach, Options, Services, and Education for Children and Youth (“CHOOSE Children & Youth”).

(a) Grants authorized.— The Attorney General, working in collaboration with the Secretary of the Department of Health and Human Services and the Secretary of Education, shall award grants to enhance the safety of youth and children who are victims of or exposed to domestic violence, dating violence, sexual assault, or stalking and prevent future violence.

(b) Program purposes.—Funds may be used for the following program purpose areas—

(1) Services to Advocate for and Respond to Youth— To develop, expand, and strengthen victim-centered interventions and services that target youth who are victims of domestic violence, dating violence, sexual assault, and stalking. Services may include victim services, counseling, advocacy, mentoring, educational support, transportation, legal assistance in civil, criminal and administrative matters, such as family law cases, housing cases, child welfare proceedings, campus administrative proceedings, and civil protection order proceedings, services to address the co-occurrence of sex trafficking, population-specific services, and other activities that support youth in finding safety,

stability and justice and in addressing the emotional, cognitive, and physical effects of trauma. Funds also may be used to—

(A) assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, and stalking, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

(B) develop and implement policies, practices, and procedures to effectively respond to domestic violence, dating violence, sexual assault or stalking against youth; or

(C) provide technical assistance and training to enhance the ability of school personnel, victim service providers, child protective service workers, staff of law enforcement agencies, prosecutors, court personnel, people who work in after school programs, medical personnel, social workers, mental health personnel, and workers in other programs that serve children and youth to improve their ability to appropriately respond to the needs of children and youth who are victims of domestic violence, dating violence, sexual assault, and stalking, and to properly refer such children, youth and their families to appropriate services.

(2) Supporting Youth through Education and Protection.— To enable middle schools, high schools and institutions of higher education to—

(A) provide training to school personnel, including healthcare providers and security personnel, on the needs of students who are victims of domestic violence, dating violence, sexual assault, or stalking;

(B) develop and implement prevention and intervention policies in middle and high schools, including appropriate responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, and procedures for handling the requirements of court protective orders issued to or against students;

(C) to provide support services for student victims of domestic violence, dating violence, sexual assault or stalking, such as a resource person who is either on-site or on-call;

(D) to implement developmentally appropriate educational programming for students regarding domestic violence, dating violence, sexual assault, and stalking and the impact of such violence on youth; or

(E) strategies to increase identification, support, referrals, and prevention programming for youth who are at high risk of domestic violence, dating violence, sexual assault, or stalking.

(c) Eligible applicants.

(1) To be eligible to receive a grant under this section, an entity shall be—

(A) A victim service provider, tribal nonprofit, or population-specific or community-based organization with a demonstrated history of effective work

addressing the needs of youth who are victims of domestic violence, dating violence, sexual assault, or stalking; or

(B) A victim service provider that is partnered with an entity that has a demonstrated history of effective work addressing the needs of youth.

(2) To be eligible to receive a grant for the purposes described under paragraph (b)(2), an entity described in paragraph (1) must be partnered with a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, a school district, or an institution of higher education.

(3) All applicants are encouraged to work in partnership with organizations and agencies that work with the relevant population. Such entities may include—

(A) a State, tribe, unit of local government, or territory;

(B) a population specific or community-based organization;

(C) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders; or

(D) any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and child victims served by the partnership.

(d) Grantee requirements.—Applicants shall establish and implement policies, practices, and procedures that—

(1) require and include appropriate referral systems for child and youth victims;

(2) protect the confidentiality and privacy of child and youth victim information, particularly in the context of parental or third party involvement and consent, mandatory reporting duties, and working with other service providers all with priority on victim safety and autonomy; and

(3) ensure that all persons providing intervention or prevention programming to children or youth through a program funded under this section has completed or will complete sufficient training in connection with domestic violence, dating violence, sexual assault and stalking.

(e) Definitions and grant conditions.— In this section, the definitions and grant conditions provided in section 13925 of this title shall apply.

(f) Authorization.— There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2012 through 2016.

(g) Allotment—

(1) In general.— Not less than 50 percent of the total funds appropriated under this section in a given year shall be used for the purposes described in paragraph (b)(1) of this section.

(2) Allotment for Indian tribes.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 3796gg-10 of this title.

(h) Priority.—The Attorney General shall prioritize those grant applications that coordinate with prevention programs in the community.

**SEC. 303. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.**

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**Amend 42 U.S.C. § 14045b (Grants to combat violent crimes on campuses) to read as follows:**

(a) Grants authorized.

(1) In general. The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, ~~and~~ to develop and strengthen victim services in cases involving such crimes ~~against women~~ on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies, and to develop and strengthen prevention education and awareness programs.

(2) Award basis. The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than ~~\$500,000~~ \$300,000 for individual institutions of higher education and not more than \$1,000,000 for consortia of such institutions.

(3) Equitable participation. The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) Use of grant funds. Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To develop, strengthen, and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault and stalking, including the use of technology to commit these crimes, and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services. Within

90 days after January 5, 2006, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault, and stalking.

(4) To develop, enlarge, or strengthen victim services programs and population specific services on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any ~~entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs~~ victim service providers in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph, regardless of whether the services are provided by the institution or in coordination with community victim service providers.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(9) To develop or adapt and provide developmentally, culturally appropriate, and linguistically accessible print or electronic materials to address both prevention and intervention in domestic violence, dating violence, sexual violence, and stalking.

(10) To develop or adapt population specific strategies and projects for victims of domestic violence, dating violence, sexual assault, and stalking from underserved populations on campus.

(c) Applications

(1) In general. In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) Contents. Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b) of this section;

(B) include proof that the institution of higher education collaborated with ~~any non-profit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs~~ victim service providers in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) describe how underserved populations in the campus community will be adequately served, including the provision of relevant population specific services;

~~(D)~~ E provide measurable goals and expected results from the use of the grant funds;

~~(E)~~ E provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b) of this section; and

~~(F)~~ G include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) Compliance with campus crime reporting required. No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 1092 (f) of title 20. Up to \$200,000 of the total amount of grant funds appropriated under this section for fiscal years 2007 through 2011 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 1092 (f) of title 20.

(d) General terms and conditions

(1) Nonmonetary assistance. In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) Grantee reporting

(A) Annual report. Each institution of higher education receiving a grant under this section shall submit a performance report to the Attorney General. The

Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) Final report. Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b) of this section.

(3) Grantee minimum requirements.— Each grantee must fulfill the following minimum requirements during the grant period:

(A) create a coordinated community response including both organizations external to the institution and relevant divisions of the institution;

(B) establish a mandatory prevention and education program on domestic violence, dating violence, sexual assault, and stalking for all incoming students;

(C) train all campus law enforcement to respond effectively to domestic violence, dating violence, sexual assault, and stalking; and

(D) train all members of campus disciplinary boards to respond effectively to situations involving domestic violence, dating violence, sexual assault, or stalking.

~~(3 4)~~ Report to Congress. Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

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

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

(e) Authorization of appropriations. For the purpose of carrying out this section, ~~there are authorized to be appropriated \$12,000,000 for fiscal year 2007 and \$15,000,000 for each of fiscal years 2008 through 2011~~ there is authorized to be appropriated \$12,000,000 for each of fiscal years 2012 through 2016.

(f) Omitted

(g) Definitions and grant conditions. In this section the definitions and grant conditions in section 13925 of this title shall apply.

**SEC. 304. CAMPUS SaVE ACT**

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**Amend 28 U.S.C. § 1092(f) (Institutional and financial assistance information for students) to read as follows:**

(f) Disclosure of campus security policy and campus crime statistics

(1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education, shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.

(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(C) A statement of current policies concerning campus law enforcement, including—

(i) the law enforcement authority of campus security personnel;

(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and

(iii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies; when the victim of such crime elects to make such a report.

(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

(F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available—

(i) of the following criminal offenses reported to campus security authorities or local police agencies:

- (I) murder;
- (II) sex offenses, forcible or nonforcible;
- (III) robbery;
- (IV) aggravated assault;
- (V) burglary;
- (VI) motor vehicle theft;
- (VII) manslaughter;
- (VIII) arson; ~~and~~
- (IX) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and
- (X) of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies; and

(ii) of the crimes described in subclauses (I) through (VIII) of clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, gender identity, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 1011i of this title.

(I) A statement advising the campus community where law enforcement agency information provided by a State under section 14071 (j) of title 42, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to—

(i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;

(ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

(iii) test emergency response and evacuation procedures on an annual basis.

(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

(3) Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education, shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

\* \* \*

(6)

(A) In this subsection:

(i) The term “campus” means—

(I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

(II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

(ii) The term “noncampus building or property” means—

(I) any building or property owned or controlled by a student organization recognized by the institution; and

(II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

(iii) The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.

(iv) The terms “domestic violence”, “dating violence”, and “stalking” have the meaning given the terms in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

(v) The term “sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in ~~paragraph (1)(F)~~ clauses (i) and (ii) of paragraph 1(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). Such statistics shall not identify victims of crimes or persons accused of crimes.

(8)

(A) Each institution of higher education participating in any program under this ~~subchapter and part C of subchapter I of chapter 34 of title 42 title~~, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding—

(i) such institution’s ~~campus sexual assault programs, which shall be aimed at prevention of sex offenses programs to prevent domestic violence, dating violence, sexual assault, and stalking;~~ and

(ii) the procedures followed once ~~a sex offense has occurred~~ an incident of domestic violence, dating violence, sexual assault, or stalking has been reported.

(B) The policy described in subparagraph (A) shall address the following areas:

(i) Education programs to promote the awareness of rape, acquaintance rape, ~~and other sex offenses, and~~ domestic violence, dating violence, sexual assault, and stalking, which shall include—

(I) primary prevention and awareness programs for all incoming students and new employees, which shall include—

(aa) a statement that the institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;

(bb) the definition of domestic violence, dating violence, sexual assault, and stalking in the jurisdiction in which such institution of higher education is located;

(cc) the definition of consent, in reference to sexual activity, in the jurisdiction in which such institution of higher education is located;

(dd) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against a person other than such individual;

(ee) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and

(ff) information from clause (ii) through (vii) of subparagraph (B); and

(II) ongoing prevention and awareness campaigns for students and faculty, including information described in items (aa) through (ff) of subclause (I).

(ii) possible sanctions or protective measures to be imposed following a final determination of an ~~on-campus~~ institutional disciplinary procedure, regarding rape, acquaintance rape, ~~or other sex offenses, forcible or nonforcible~~ domestic violence, dating violence, sexual assault, or stalking.

(iii) Procedures ~~students~~ victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including ~~who should be contacted~~ information in writing about —

(I) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order; and

(II) to whom the alleged offense should be reported;

(III)

(aa) ~~Informing students of their~~ options to notify proper law enforcement authorities, including on campus and local police;

(bb) ~~and~~ the option to be assisted by campus authorities in notifying such authorities if the victim so chooses; and

(cc) the option not to notify such authorities;

(IV) where applicable, the right of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;

(iv) Procedures for ~~on-campus~~ institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that—

(I) such proceedings shall—

(aa) provide a prompt and equitable investigation and resolution;

(bb) be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

(cc) apply the standard of proof recommended by the most recent Guidance issued by the Department of Education's Office for Civil Rights;

(II) the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice;

(III) both the accuser and the accused shall be simultaneously informed, in writing, of—

(aa) the ~~outcome~~ results of any ~~campus~~ institutional disciplinary proceeding ~~alleging a~~ that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;

(bb) the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;

(cc) any change to the results that occurs prior to the time that the results become final; and

(dd) when the results become final; and

(v) Information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

(vi) Notification of students of existing counseling, health, mental health, victim advocacy, legal assistance, or student and other services available for victims ~~of sexual assault~~ both on-campus and in the community; and

(vii) Notification of ~~students~~ victims of options for, and available assistance in, changing academic, living, transportation, and working situations ~~after an alleged sexual assault incident~~, if so requested by the victim and if such changes accommodations are reasonable available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

(C) A student or employee who reports to the institution that he or she has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether it occurred on or off-campus, shall be provided with a written explanation of their rights and options as described in clause (ii) through (vii) of subparagraph (B).

(9) The Secretary, in consultation with the Attorney General of the United States, shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(11) The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(12) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur—

(A) on campus;

(B) in or on a noncampus building or property;

(C) on public property; and

(D) in dormitories or other residential facilities for students on campus.

(13) Upon a determination pursuant to section 1094 (c)(3)(B) of this title that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 1094 (c)(3)(B) of this title.

(14)

(A) Nothing in this subsection may be construed to—

(i) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(ii) establish any standard of care.

(B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any

proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(15) The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

(16)

(A) The Secretary ~~may~~ shall seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

(B) The Secretary shall seek the advice and counsel of the Attorney General, and the Secretary of Health and Human Services, concerning the development, and dissemination to institutions of higher education, of best practices information about preventing and responding to incidents of domestic violence, dating violence, sexual assault, or stalking, including elements of institutional policies that have proven successful based on evidence-based outcome measurements.

~~(17) Nothing in this subsection shall be construed to permit an institution, or an officer, employee, or agent of an institution, participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this subsection. No officer, employee, or agent of an institution participating in any program under this title shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this subsection.~~

(18) This subsection may be cited as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act".

## TITLE IV

### VIOLENCE REDUCTION PRACTICES

#### **SEC. 401. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.**

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**Amend section 402 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 to read as follows:**

(a) Purposes.—The Secretary of Health and Human Services acting through the National Center for Injury Prevention and Control at the Centers for Disease Control Prevention shall make grants to entities, including domestic and sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

(b) Use of funds.—The research conducted under this section shall include evaluation and study of best practices for reducing and preventing violence against women and children addressed by the strategies included in Department of Health and Human Services-related provisions this title, including strategies addressing underserved communities.

(c) Authorization of appropriations.—There shall be authorized to be appropriated to carry out this title ~~\$2,000,000~~ \$1,000,000 for each of the fiscal years ~~2007 through 2011~~ 2012 through 2016.

#### **SEC. 402. SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION GRANT.**

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**REPEAL 42 U.S.C. § 14043d-3 (Development of curricula and pilot programs for home visitation projects).**

**REPEAL 42 U.S.C. § 14043d-4 (Engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking).**

**REPEAL 42 U.S.C. § 14045c (Public awareness campaign).**

**STRIKE existing 42 U.S.C. § 14043d-2 (Grants to assist children and youth exposed to violence) and replace it to read as follows:**

42 U.S.C. § 14043d-2. Saving Money and Reducing Tragedies through Prevention (SMART Prevention).

(a) Grants authorized.— In general the Attorney General in consultation with the Secretary of the Department of Health and Human Services and the Secretary of the Department of Education, is authorized to award grants for the purpose of preventing domestic violence, dating violence,

sexual assault, and stalking by taking a comprehensive approach that focuses on youth, children exposed to violence, and men as leaders and influencers of social norms.

(b) Use of Funds -- Funds may be used for the following purposes:

(1) Teen Dating Violence Awareness and Prevention.— To develop, maintain, or enhance programs that change attitudes and behaviors around the acceptability of domestic violence, dating violence, sexual assault, and stalking and provide education and skills training to young people and those who influence young people. The prevention program may use evidence-based, evidence-informed, or innovative strategies and practices focused on youth. Such a program should include:

(A) age and developmentally-appropriate education on domestic violence, dating violence, sexual assault, stalking, and sexual coercion, as well as healthy relationship skills, in school, in the community, or in health care settings;

(B) community-based collaboration and training for those with influence on youth, such as parents, teachers, coaches, health-care providers, faith-leaders, older teens, and mentors;

(C) education and outreach to change environmental factors contributing to domestic violence, dating violence, sexual assault, and stalking; and

(D) policy development targeted to prevention, including school-based policies and protocols.

(2) Children Exposed to Violence and Abuse.— To develop, maintain or enhance programs designed to prevent future incidents of domestic violence, dating violence, sexual assault, and stalking by preventing, reducing and responding to children’s exposure to violence in the home. Such programs may include:

(A) providing services for children exposed to domestic violence, dating violence, sexual assault or stalking, including direct counseling or advocacy, and support for the non-abusing parent; and

(B) Training and coordination for educational, after-school, and childcare programs on how to safely and confidentially identify children and families experiencing domestic violence, dating violence, sexual assault, or stalking and properly refer children exposed and their families to services and violence prevention programs.

(3) Engaging Men as Leaders and Role Models.— To develop, maintain or enhance programs that work with men to prevent domestic violence, dating violence, sexual assault, and stalking by helping men to serve as role models and social influencers of other men and youth at the individual, school, community or statewide levels.

(c) Eligible Entities.— To be an eligible to receive a grant under this section, an entity shall be—

(1) a victim service provider, community-based organization, tribe or tribal organization, or other non-profit, nongovernmental organization that has a history of effective work preventing domestic violence, dating violence, sexual assault, or stalking and expertise in the specific area for which they are applying for funds; or

(2) a partnership between a victim service provider, community-based organization, tribe or tribal organization, or other non-profit, nongovernmental organization that has a history of effective work preventing domestic violence, dating violence, sexual assault, or stalking and at least one of the following that has expertise in serving children exposed to domestic violence, dating violence, sexual assault, or stalking, youth domestic violence, dating violence, sexual assault, or stalking prevention, or engaging men to prevent domestic violence, dating violence, sexual assault, or stalking:

(A) a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

(B) a local community-based organization, population-specific organization, or faith-based organization that has established expertise in providing services to youth;

(C) a community-based organization, population-specific organization, university or health care clinic, faith-based organization, or other non-profit, nongovernmental organization with a demonstrated history of effective work addressing the needs of children exposed domestic violence, dating violence, sexual assault, or stalking;

(D) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic violence, dating violence, sexual assault, or stalking;

(E) healthcare entities eligible for reimbursement under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.], including providers that target the special needs of children and youth; or

(F) any other agencies, population-specific organizations, or nonprofit, nongovernmental organizations with the capacity to provide necessary expertise to meet the goals of the program.

(d) Grantee requirements

(1) Applicants shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require that demonstrates the capacity of the applicant and partnering organizations to undertake the project.

(2) Applicants shall establish and implement policies, practices, and procedures that—

(A) include appropriate referral systems to direct any victim identified during program activities to highly-qualified follow-up care; and

(B) protect the confidentiality and privacy of adult and youth victim information, particularly in the context of parental or third party involvement and consent, mandatory reporting duties, and working with other service providers; and

(C) ensure that all persons providing prevention programming through a program funded under this section has completed or will complete sufficient training in

connection with domestic violence, dating violence, sexual assault or stalking; and

(D) Document how prevention programs are coordinated with service programs in the community.

(3) Preference.— In selecting grant recipients under this section, the Attorney General shall give preference to applicants that—

(A) include outcome-based evaluation; and

(B) identify any other community, school, or state-based efforts that are working on domestic violence, dating violence, sexual assault, or stalking prevention and explain how the grantee or partnership will add value, coordinate with other programs, and not duplicate existing efforts.

(e) Definitions and grant conditions.— In this section, the definitions and grant conditions provided in section 40002 of this title shall apply.

(f) Authorization.— There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2012 through 2016. Amounts appropriated under this section may only be used for programs and activities described under this section.

(g) Allotment—

(1) In general – Not less than 25 percent of the total funds appropriated under this section in a given year shall be used for each set of purposes described in paragraph (a)(1), (a)(2), and (a)(3).

(2) Allotment for Indian tribes.— Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants to tribes or tribal organizations. If an insufficient number of applications are received from tribes or tribal organizations, other population-specific programs shall receive these funds.

## TITLE V

### STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

#### SEC. 501. CONSOLIDATION OF GRANTS TO STRENGTHEN THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

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REPEAL section 758 of the Public Health Service Act (42 U.S.C. § 294h).

REPEAL section 40297 of the Violence Against Women Act of 1994 (42 U.S.C. § 13973).

STRIKE existing section 399P of the Public Health Service Act (42 U.S.C. § 280g-4) and replace it to read as follows:

42 U.S.C. § 280g-4. Grants to strengthen the healthcare system's response to domestic violence, dating violence, sexual assault, and stalking.

(a) In general.—The Secretary shall award grants for—

(1) the development or enhancement and implementation of interdisciplinary training for health professionals, public health staff, and allied health professionals;

(2) the development or enhancement and implementation of education programs for medical, nursing, dental, and other health professions students and residents to prevent and respond to domestic violence, dating violence, sexual assault, and stalking; and

(3) the development or enhancement and implementation of comprehensive statewide strategies to improve the response of clinics, public health facilities, hospitals, and other health settings (including behavioral and mental health programs) to domestic violence, dating violence, sexual assault, and stalking.

(b) Use of funds.—

(1) Required uses.— Amounts provided shall be used to—

(A) fund interdisciplinary training and education programs under paragraphs

(a)(1) and (2) of this section that—

(i) are designed to train medical, psychology, dental, social work, nursing, and other health professions students, interns, residents, fellows, or current health care providers to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have been victims of domestic violence, dating violence, sexual assault, or stalking; and

(ii) plan and develop culturally competent clinical training components for integration into approved internship, residency, and fellowship training or continuing medical or other health education training that address

physical, mental, and behavioral health issues, including protective factors, related to domestic violence, dating violence, sexual assault, stalking, and other forms of violence and abuse, focus on reducing health disparities and preventing violence and abuse, and include the primacy of victim safety and confidentiality;

(B) design and implement comprehensive strategies to improve the response of the health care system to domestic or sexual violence in clinical and public health settings, hospitals, clinics, and other health settings (including behavioral and mental health), under paragraph (a)(3) of this section through—

(i) implementation, dissemination, and evaluation of policies and procedures to guide health professionals and public health staff in identifying and responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety, and safely uses health information technology to improve documentation, identification, assessment, treatment, and follow-up care;

(ii) development of on-site access to services to address the safety, medical, and mental health needs of patients by increasing the capacity of existing health care professionals and public health staff to address domestic violence, dating violence, sexual assault, and stalking, or by contracting with or hiring domestic or sexual assault advocates to provide such services or to model other services appropriate to the geographic and cultural needs of a site;

(iii) development of measures and methods for the evaluation of practice of identification, intervention, and documentation regarding victims of domestic violence, dating violence, sexual assault, and stalking, including the development and testing of quality improvement measurements; and

(iv) provision of training and follow-up technical assistance to health care professionals, and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual assault, or stalking, including using tools and training materials already developed.

(2) Permissible uses.—

(A) Child and elder abuse.—To the extent consistent with the purpose of this section, a grantee may address, as part of a comprehensive programmatic approach implemented under a grant under this section, issues relating to child or elder abuse.

(B) Amounts funded under paragraphs (a)(1) and (2) of this section may be used to offer to rural areas community-based training opportunities, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas, for medical, nursing, and other health professions students and residents on domestic violence, dating violence, sexual assault, stalking, and, as appropriate, other forms of violence and abuse.

(C) Amounts funded under paragraph (a)(3) of this section may be used for —

(i) development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse, as well as childhood exposure to domestic and sexual violence;

(ii) development, expansion, and implementation of sexual assault forensic medical examination or sexual assault nurse examiner programs;

(iii) inclusion of the health effects of lifetime exposure to violence and abuse as well as related protective factors and behavioral risk factors in health professional training schools including medical, dental, nursing, social work, and mental and behavioral health curricula, and allied health service training courses; or

(iv) integration of knowledge of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards, and where appropriate, other allied health exams.

(c) Requirements for grantees.—

(1) Confidentiality and safety.—

(A) In general.—Grantees shall ensure that all programs developed with grant funds under this section address issues of confidentiality and patient safety and comply with applicable confidentiality and nondisclosure requirements under section 40002(b)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(2)) and the Family Violence Prevention and Services Act (42 U.S.C. 10401, et. seq.), and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security and confidentiality of the patients, patient records, and staff. Such grantees shall consult entities with demonstrated expertise in the confidentiality and safety needs of victims of domestic violence, dating violence, sexual assault, and stalking on the development and adequacy of confidentially and security procedures, and provide documentation of such consultation.

(B) Advance notice of information disclosure.—Grantees under this section shall provide to patients advance notice about any circumstances under which information may be disclosed, such as mandatory reporting laws, and shall give patients the option to receive information and referrals without affirmatively disclosing abuse.

(2) Limitation on administrative expenses.— A grantee shall not use more than 10 percent of the amounts received under a grantee under this section for administrative expenses.

(3) Application.—

(A) Preference.— In selecting grant recipients under this section, the Secretary shall give preference to applicants based on the strength of their evaluation strategies, with outcome based evaluations prioritized.

(B) Applications under paragraphs (1) and (2) under subsection (a) of this section shall include—

(i) documentation that the applicant represents a team of entities working collaboratively to strengthen the response of the health care system to domestic violence, dating violence, sexual assault, or stalking, and which includes at least one of each of the following entities:

(I) an accredited school of allopathic or osteopathic medicine, psychology, nursing, dental, social work, or other health field;

(II) a health care facility or system; or

(III) a government or nonprofit entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault, or stalking; and

(ii) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant, if any, with other interested health professions schools and national resource repositories for materials on domestic violence, dating violence, sexual assault, and stalking;

(C) An entity desiring a grant under paragraph (a)(3) of this section shall submit an application to the Secretary at such time, in such a manner, and containing such information and assurances as the Secretary may require, including—

(i) documentation that all training, education, screening, assessment, services, treatment, and any other approach to patient care will be informed by an understanding of violence and abuse victimization and trauma-specific approaches and these approaches, will be integrated into prevention, intervention, and treatment activities;

(ii) strategies for the development and implementation of policies to prevent and address domestic violence, dating violence, sexual assault, and stalking over the lifespan in health care settings;

(iii) a plan for consulting with State and tribal domestic violence or sexual assault coalitions, national nonprofit victim advocacy organizations, State or tribal law enforcement task forces (where appropriate), and population specific organizations with demonstrated expertise in domestic violence, dating violence, sexual assault, or stalking; and

(iv) with respect to an application for a grant under which the grantee will have contact with patients, a plan, developed in collaboration with local victim service providers, to respond appropriately to and make correct referrals for individuals who disclose that they are victims of domestic violence, dating violence, sexual assault, stalking, or other types of violence. Such grantees shall provide documentation of an ongoing collaborative relationship with a local victim service provider.

(v) with respect to an application for a grant proposing to fund a program described in subsection (b)(2)(D)(2), a certification that any sexual assault

forensic medical examination and sexual assault nurse examiner programs supported with such grant funds will adhere to the guidelines set forth by the Attorney General.

(d) Eligible entities.—

(1) To receive funding under paragraph (a)(1) or (2) of this section, an entity shall be –

(A) a nonprofit organization with a history of effective work in the field of training health professionals with an understanding of, and clinical skills pertinent to, domestic violence, dating violence, sexual assault, or stalking, and lifetime exposure to violence and abuse;

(B) an accredited school of allopathic or osteopathic medicine, psychology, nursing, dental, social work, or allied health;

(C) a health care provider membership or professional organization, or a health care system; or

(D) a State, tribal, territorial, or local entity.

(2) To receive funding under paragraph (a)(3) of this section, an entity shall be—

(A) a State department (or other division) of health, a State, tribal, or territorial domestic violence or sexual assault coalition or victim service provider, or any other nonprofit, nongovernmental organization with a history of effective work in the fields of domestic violence, dating violence, sexual assault, or stalking, and health care, including physical or mental health care; or

(B) a local victim service provider, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other community-based organization with a history of effective work in the field of domestic violence, dating violence, sexual assault, or stalking and health care, including physical or mental health care.

(e) Technical Assistance.—

(1) In general.— Of the funds made available to carry out this section for any fiscal year, the Secretary may make grants or enter into contracts to provide technical assistance with respect to the planning, development, and operation of any program, activity or service carried out pursuant to this section. No more than 8 percent of the funds appropriated under this section may be used to fund technical assistance.

(2) Availability of materials.—The Secretary shall make publicly available materials developed by grantees under this section, including materials on training, best practices, and research and evaluation.

(3) Reporting. – The Secretary shall publish a biennial report on –

(A) the distribution of funds under this section; and

(B) the programs and activities supported by such funds.

(f) Research and evaluation.—

(1 ) In general.—Of the funds made available to carry out this section for any fiscal year, the Secretary may use not more than 20 percent to make a grant or enter into a contract for research and evaluation of—

(A) grants awarded under this section; and

(B) other training for health professionals and effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan, prevent the health effects of such violence, and improve the safety and health of individuals who are currently being victimized.

(2) Research.—Research authorized in paragraph (1) may include—

(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating or sexual violence on health behaviors, health conditions, and health status of individuals, families, and populations, including underserved populations;

(B) research to determine effective health care interventions to respond to and prevent domestic violence, dating violence, sexual assault, and stalking;

(C) research on the impact of domestic, dating and sexual violence, childhood exposure to such violence, and stalking on the health care system, health care utilization, health care costs, and health status;

(D) research on the impact of adverse childhood experiences on adult experience with domestic violence, dating violence, sexual assault, stalking and adult health outcomes, including how to reduce or prevent the impact of adverse childhood experiences through the health care setting.

(g) Authorization of appropriations.— There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2012 through 2016.

(h) Definitions.—Except as otherwise provided, the definitions in section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925) shall apply to this section.

## TITLE VI

### SAFE HOMES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

#### SEC. 601. HOUSING PROTECTIONS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

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Amend Subtitle N of the Violence 9 Against Women Act of 1994 (42 U.S.C. 14043e et seq.)  
by adding at the end the following:

42 U.S.C. § 41411. Housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.

(a) Definitions.—In this section:

(1) Covered housing program.—The term “covered housing program” means—

(A) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(B) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(C) the program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

(D) the program under subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);

(E) the program under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.);

(F) the program under paragraph (3) that bears interest at a rate determined under the proviso of paragraph (5) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d));

(G) the program under section 236 of the National Housing Act (12 U.S.C. 1715z-1);

(H) the programs under sections 6 and 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f);

(I) rural housing assistance provided under sections 514, 515, 516, 533, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, and 1490p-2);  
and

(J) the low income housing tax credit program under section 42 of the Internal Revenue Code of 1986.

(2) Immediate family member.—The term “immediate family member” means, with respect to an individual—

(A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom such individual stands in loco parentis;

(B) any individual living in the household of such individual who is related to such individual by blood or marriage; or

(C) any individual related to such individual by affinity whose close association or intimate relationship with such individual is the equivalent of a family relationship.

(b) Prohibited Basis for Denial or Termination of Assistance or Eviction.—

(1) In general.—An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

(2) Construction of lease terms.—An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as—

(A) a serious or repeated violation of a lease for housing assisted under a covered housing program by the victim or threatened victim of such incident; or

(B) good cause for terminating the assistance, tenancy, or occupancy rights to housing assisted under a covered housing program of the victim or threatened victim of such incident.

(3) Termination on the basis of criminal activity.—

(A) Denial of assistance, tenancy, and occupancy rights prohibited.—No person may deny assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or an immediate family member of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

(B) Bifurcation.—

(i) In general.—Notwithstanding subparagraph (A), an owner or manager of housing assisted under a covered housing program may bifurcate a lease for the housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an immediate family member or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

(ii) Effect of eviction on other tenants.—If an owner or manager of housing assisted under a covered housing program evicts, removes, or terminates assistance to an individual under clause (i), and the individual is the sole tenant eligible to receive assistance under a covered housing

program, the owner or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the owner or manager of the housing shall provide the tenant a reasonable time, as determined by the Secretary of Housing and Urban Development, to find new housing or to establish eligibility for housing under another covered housing program.

(C) Rules of construction.—Nothing in subparagraph (A) shall be construed—

(i) to limit the authority of an owner or manager of housing assisted under a covered housing program, when notified of a court order, to comply with a court order with respect to—

(I) the rights of access to or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or

(II) the distribution or possession of property among members of a household in a case;

(ii) to limit any otherwise available authority of an owner or manager of housing assisted under a covered housing program to evict or terminate assistance to a tenant for any violation of a lease not premised on the act of violence in question against the tenant or an immediate family member of the tenant, if the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate;

(iii) to limit the authority to terminate assistance to a tenant or evict a tenant from housing assisted under a covered housing program if the owner or manager of the housing can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted; or

(iv) to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

(c) Documentation.—

(1) Request for documentation.—If an applicant for or tenant of housing assisted under a covered housing program represents to the owner or manager of the housing that the individual is entitled to protection under subsection (b), the owner or manager may request, in writing, that the tenant submit to the owner or manager a form of documentation described in paragraph (3).

(2) Failure to provide certification.—If a tenant does not provide the documentation requested under paragraph (1) within 14 business days after the tenant receives a request

in writing for such certification from the owner or manager of the housing, nothing in this chapter may be construed to limit the authority of the owner or manager to evict any tenant or lawful occupant that commits violations of a lease. The owner or manager of the housing may extend the 14-day deadline at its discretion.

(3) Form of documentation.—A form of documentation described in this paragraph is—

(A) a certification form approved by the Secretary of Housing and Urban Development that—

(i) states that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;

(ii) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and

(iii) at the option of the applicant or tenant, includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking;

(B) a document that—

(i) is signed by—

(I) an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; and

(II) the applicant or tenant; and

(ii) states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b);

(C) a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or

(D) at the discretion of an owner or manager of housing assisted under a covered housing program, a statement or other evidence provided by an applicant or tenant.

(4) Confidentiality.—Any information submitted to an owner or manager under this subsection, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in confidence by the owner or manager and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is—

(A) requested or consented to by the individual in writing;

(B) required for use in an eviction proceeding under subsection (b); or

(C) otherwise required by applicable law.

(5) Documentation not required.—Nothing in this subsection shall be construed to require an owner or manager of housing assisted under a covered housing program to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

(6) Compliance not sufficient to constitute evidence of unreasonable act.—Compliance with subsection (b) by an owner or manager of housing assisted under a covered housing program based on documentation received under this subsection, shall not be sufficient to constitute evidence of an unreasonable act or omission by the owner or manager or an employee or agent of the owner or manager. Nothing in this paragraph shall be construed to limit the liability of an owner or manager of housing assisted under a covered housing program for failure to comply with subsection (b).

(7) Preemption.—Nothing in this subsection shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.

(d) Notification.—

(1) In general.—Each owner or manager of housing assisted under a covered housing program shall provide to each applicant for or tenant of such housing notice of the rights of individuals under this section, including the right to confidentiality and the limits thereof, together with the form described in subsection (c)(3)(A)—

(A) at the time the individual applies to live in a dwelling unit assisted under the covered housing program;

(B) at the time the individual is admitted to a dwelling unit assisted under the covered housing program;

(C) with any notification of eviction or notification of termination of assistance;

(D) in multiple languages, consistent with guidance issued by the Secretary of Housing and Urban Development in accordance with Executive Order 13166 (42 U.S.C. 2000d–1 note; relating to access to services for persons with limited English proficiency); and

(E) by posting the notification in a public area of such housing.

(e) Emergency Transfers.—Notwithstanding any other provision of law, each owner or manager of housing assisted under a covered program shall adopt an emergency transfer policy for tenants who are victims of domestic violence, dating violence, sexual assault, or stalking that—

(1) allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available and safe dwelling unit assisted under a covered housing program within the same public housing agency or entity if—

(A) the tenant expressly requests the transfer; and

(B)

(i) the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit assisted under a covered housing program; or

(ii) in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90 day period preceding the request for transfer;

(2) incorporates reasonable confidentiality measures to ensure that the public housing agency does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

(f) Rule of construction.— Nothing in this section, or the amendments made by this section, shall be construed—

(A) to limit the rights or remedies available to any person under section 6 or 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f), as in effect on the day before the date of enactment of this Act; or

(B) to limit any right, remedy, or procedure otherwise available under any provision of part 5, 91, 880, 882, 883, 884, 886, 891, 903, 960, 966, 982, or 983 of title 24, Code of Federal Regulations, that—

(i) was issued under the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960) or an amendment made by that Act; and

(ii) provides greater protection for victims of domestic violence, dating violence, sexual assault, and stalking than this Act.

**To conform with the provisions of this section, amend Section 6 of the United States Housing Act of 1937 (42 U.S.C. § 1437d) as follows:**

(a) in subsection (c)—

(1) by striking paragraph (3); and

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

(b) in subsection (l)—

(1) in paragraph (5), by striking “, and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence”; and

(2) in paragraph (6), by striking “; except that” and all that follows through “stalking.”; and

(c) by striking subsection (u).

**To conform with the provisions of this section, amend Section 8 of the United States Housing Act of 1937 (42 U.S.C. § 1437f) as follows:**

(a) in subsection (c), by striking paragraph (9);

(b) in subsection (d)(1)—

(1) in subparagraph (A), by striking “and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission”; and

(2) in subparagraph (B)—

(A) in clause (ii), by striking “, and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence”; and

(B) in clause (iii), by striking “, except that:” and all that follows through “stalking.”;

(c) in subsection (f)—

(1) in paragraph (6), by adding “and” at the end;

(2) in paragraph (7), by striking the semicolon at the end and inserting a period; and

(3) by striking paragraphs (8), (9), (10), and (11);

(d) in subsection (o)—

(1) in paragraph (6)(B), by striking the last sentence;

(2) in paragraph (7)—

(A) in subparagraph (C), by striking “and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence”; and

(B) in subparagraph (D), by striking “; except that” and all that follows through “stalking.”; and

(3) by striking paragraph (20);

(e) in subsection (r)(5), by striking “, except that a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit”; and

(f) by striking subsection (ee).

**SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

**Amend 42 U.S.C. § 13975 (Transitional housing assistance grants for child victims of domestic violence, stalking, or sexual assault) to read as follows:**

42 U.S.C. § 13975. Transitional housing assistance grants for ~~child~~ victims of domestic violence, ~~stalking, or sexual assault~~ dating violence, sexual assault, or stalking.

(a) In general.— The Attorney General, acting in consultation with the Director of the Violence Against Women Office of the Department of Justice, the Department of Housing and Urban Development, and the Department of Health and Human Services, shall award grants under this section to States, units of local government, Indian tribes, and other organizations, including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking (referred to in this section as the “recipient”) to carry out programs to provide assistance to minors, adults, and their dependents—

(1) who are homeless, or in need of transitional housing or other housing assistance, as a result of ~~fleeing~~ a situation of domestic violence, dating violence, sexual assault, or stalking; and

(2) for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

(b) Grants. Grants awarded under this section may be used for programs that provide—

(1) transitional housing, including funding for the operating expenses of newly developed or existing transitional housing.

(2) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses such as payment of security deposits and other costs incidental to relocation to transitional housing for persons described in subsection (a) of this section; and

(3) support services designed to enable a minor, an adult, or a dependent of such minor or adult, who is fleeing a situation of domestic violence, dating violence, sexual assault, or stalking to—

(A) locate and secure permanent housing; and

(B) integrate into a community by providing that minor, adult, or dependent with services, such as transportation, counseling, child care services, case management, employment counseling, and other assistance. Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.

\* \* \*

(g) Authorization of appropriations

(1) In general. There are authorized to be appropriated to carry out this section ~~\$40,000,000~~ \$35,000,000 for each of the fiscal years ~~2007 through 2011~~ 2012 through 2016.

(2) Limitations. Of the amount made available to carry out this section in any fiscal year, up to 5 percent may be used by the Attorney General for evaluation, monitoring, technical assistance, salaries and administrative expenses.

(3) Minimum amount

(A) In general. Except as provided in subparagraph (B), unless all **eligible qualified** applications submitted by any States, units of local government, Indian tribes, or organizations within a State for a grant under this section have been funded, that State, together with the grantees within the State (other than Indian tribes), shall be allocated in each fiscal year, not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

(B) Exception. The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

(C) Underserved populations

(i) Indian tribes.—

(I) In general.— Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 3796gg–10 of this title.

(II) Applicability of part.— The requirements of this section shall not apply to funds allocated for the program described in subclause (I).

(ii) Priority shall be given to projects developed under subsection (b) of this section that primarily serve underserved populations.

(D) Qualified defined.— “Qualified” means an application which is from an eligible applicant and meets all of the following:

(i) Does not propose any significant activities that may compromise victim safety;

(ii) Reflects an understanding of the dynamics of domestic violence, dating violence, sexual assault, or stalking; and

(iii) Does not propose prohibited activities, such as mandatory services for victims, background checks of victims, or clinical evaluations to determine eligibility for services.

**SEC. 603. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.**

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**Amend 42 U.S.C. § 14043e–3 (Collaborative grants to increase the long-term stability of victims) to read as follows:**

(a) Grants authorized

(1) In general.—The Secretary of Health and Human Services, acting through the Administration for Children and Families, in partnership with the Secretary of Housing and Urban Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term sustainability and self-sufficiency options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

\* \* \*

(i) Authorization of appropriations.— There are authorized to be appropriated ~~\$10,000,000~~ \$5,000,000 for each of fiscal years ~~2007 through 2011~~ 2012 through 2016 to carry out the provisions of this section.

**Amend 42 U.S.C. § 14043e–4 (Grants to combat violence against women in public and assisted housing) to read as follows:**

(a) Purpose.— It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

- (1) education and training of eligible entities;
- (2) development and implementation of appropriate housing policies and practices;
- (3) enhancement of collaboration with victim service providers and tenant organizations;  
and
- (4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

\* \* \*

(g) Authorization of appropriations.— There are authorized to be appropriated ~~\$10,000,000~~ \$5,000,000 for each of fiscal years ~~2007 through 2011~~ 2012 through 2016 to carry out the provisions of this section.

## TITLE VII

### PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

#### **SEC. 701. NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE**

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**Amend 42 U.S.C. § 14043f(e) (Grant for national resource center on workplace responses to assist victims of domestic and sexual violence) to read as follows:**

(e) Authorization of appropriations.— There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years ~~2007 through 2011~~ 2012 through 2016.

## TITLE VIII

### PROTECTION OF BATTERED IMMIGRANTS

#### **SEC. 801. DEFINITIONS; REPORTING REQUIREMENT.**

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**Amend 8 U.S.C. § 1101 (Definitions) to read as follows:**

(a) As used in this chapter—

(15)

(U)

(i) subject to section 1184(p) of this title, an alien who files a petition for status under this subparagraph, if the Secretary of Homeland Security determines that—

(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;

(ii) if accompanying, or following to join, the alien described in clause

(i)—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and

(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence;

sexual assault; abusive sexual contact; prostitution; sexual exploitation; dating violence; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes; or

\* \* \*

(j) Reporting requirement.— Not later than December 1, 2012, and annually thereafter, the Secretary shall submit a report to the Senate Committee on the Judiciary and the House Committee on the Judiciary a report stating the following —

(1) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under subparagraph (T)(i) or (U)(i) of section 101(a)(15) or section (a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) during the preceding fiscal year;

(2) the mean and median time in which it takes to adjudicate applications for visas submitted under subparagraph (T)(i) or (U)(i) of section 101(a)(15) or section (a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) during the preceding fiscal year;

(3) the mean and median time between the receipt of applications for visas submitted under subparagraph (T)(i) or (U)(i) of section 101(a)(15) or section (a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) and the issuance of work authorization to eligible applicants during the preceding fiscal year;

(4) the number of victims granted continued presence in the United States under section 107(c)(3) of the Trafficking Victims Protection Act of 2000 during the preceding fiscal year; and

(5) any efforts being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing of the applications described in subsections (a), (b), (c) and (d) of this section.

**SEC. 802. PUBLIC CHARGE.**

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**Amend 8 U.S.C. § 1182 (Inadmissible aliens) to read as follows:**

(a) Classes of aliens ineligible for visas or admission.— Except as otherwise provided in this chapter, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

\* \* \*

(4) Public charge

(A) In general.— Any alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge is inadmissible.

(B) Factors to be taken into account

(i) In determining whether an alien is inadmissible under this paragraph, the consular officer or the Attorney General shall at a minimum consider the alien's—

(I) age;

(II) health;

(III) family status;

(IV) assets, resources, and financial status; and

(V) education and skills.

(ii) In addition to the factors under clause (i), the consular officer or the Attorney General may also consider any affidavit of support under section 1183a of this title for purposes of exclusion under this paragraph.

(C) Family-sponsored immigrants.— Any alien who seeks admission or adjustment of status under a visa number issued under section 1151(b)(2) or 1153(a) of this title is inadmissible under this paragraph unless—

(i) the alien has obtained—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 1154(a)(1)(A) of this title;

(II) classification pursuant to clause (ii) or (iii) of section 1154(a)(1)(B) of this title; or

(III) classification or status as a VAWA self-petitioner; or

(ii) the person petitioning for the alien's admission (and any additional sponsor required under section 1183a(f) of this title or any alternative sponsor permitted under paragraph (5)(B) of such section) has executed an affidavit of support described in section 1183a of this title with respect to such alien; or

(iii) the alien is described in subparagraph (E).

(D) Certain employment-based immigrants.— Any alien who seeks admission or adjustment of status under a visa number issued under section 1153(b) of this title by virtue of a classification petition filed by a relative of the alien (or by an entity in which such relative has a significant ownership interest) is inadmissible under this paragraph unless such relative has executed an affidavit of support described in section 1183a of this title with respect to such alien.

(E) Special rule for qualified alien victims.— Subparagraphs (A) through (C) shall not apply to an alien who is a VAWA self-petitioner, is an applicant or has been granted status under section 101(a)(15)(U), or is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

### **SEC. 803. PROTECTIONS FOR CHILDREN OF VAWA SELF-PETITIONERS.**

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**Amend 8 U.S.C. § 1154(I)(2) (Procedure for granting immigrant status) to read as follows:**

(I) Surviving relative consideration for certain petitions and applications

(1) In general.— An alien described in paragraph (2) who resided in the United States at the time of the death of the qualifying relative and who continues to reside in the United States shall have such petition described in paragraph (2), or an application for adjustment of status to that of a person admitted for lawful permanent residence based upon the family relationship described in paragraph (2), and any related applications, adjudicated notwithstanding the death of the qualifying relative, unless the Secretary of Homeland Security determines, in the unreviewable discretion of the Secretary, that approval would not be in the public interest.

(2) Alien described.— An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

(A) the beneficiary of a pending or approved petition for classification as an immediate relative (as described in section 1151 (b)(2)(A)(i) of this title);

(B) the beneficiary of a pending or approved petition for classification under section 1153 (a) or (d) of this title;

(C) a derivative beneficiary of a pending or approved petition for classification under section 1153 (b) of this title (as described in section 1153 (d) of this title);

(D) the beneficiary of a pending or approved refugee/asylee relative petition under section 1157 or 1158 of this title;

(E) an alien admitted in “T” nonimmigrant status as described in section 1101 (a)(15)(T)(ii) of this title or in “U” nonimmigrant status as described in section 1101 (a)(15)(U)(ii) of this title; ~~or~~

(F) a derivative beneficiary of an alien who was a VAWA self-petitioner; or

(F-G) an asylee (as described in section 1158 (b)(3) of this title).

**SEC. 804. U-VISA.**

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**Amend 8 U.S.C. § 1184(p) (Admission of nonimmigrants) to read as follows:**

(p) Requirements applicable to section 1101(a)(15)(U) visas—

(1) Petitioning procedures for section 1101(a)(15)(U) visas. ~~==~~

(A) The petition filed by an alien under section 1101(a)(15)(U)(i) of this title shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 1101(a)(15)(U)(iii) of this title.

(B) Such certification shall be signed by an official with supervisory responsibilities, but is not required to be signed by the head of the certifying agency. This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations.

(C) This Such certification shall be primary evidence and shall state that the alien “has been helpful, is being helpful, or is likely to be helpful” in the investigation or prosecution of criminal activity described in section 1101(a)(15)(U)(iii) of this title.

(D) The Secretary may, after considering the totality of the circumstances and reviewing evidence related to the alien’s efforts to obtain the certification described in subparagraph (A), accept secondary evidence that the alien has been helpful, is being helpful, or is likely to be helpful to the investigation.

(2) Numerical limitations

(A) The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 1101(a)(15)(U) of this title in any fiscal year shall not exceed ~~10,000~~ 20,000.

(B) The numerical limitations in subparagraph (A) shall only apply to principal aliens described in section 1101(a)(15)(U)(i) of this title, and not to spouses, children, or, in the case of alien children, the alien parents of such children.

\* \* \*

(7) An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(U)(i), and who was under 21 years of age on the date on which such parent applied for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(U)(ii), if the alien attains 21 years of age after such parent’s application was filed but while it was pending.

(8) An alien described in clause (i) of section 101(a)(15)(U) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien’s application for status under such clause (i) is filed but while it is pending.

**SEC. 805. HARDSHIP.**

---

**Amend 8 U.S.C. § 1186a(c) (Conditional permanent resident status for certain alien spouses and sons and daughters) to read as follows:**

(c) Requirements of timely petition and interview for removal of condition

(4) Hardship waiver.— The Attorney General, in the Attorney General's discretion, may remove the conditional basis of the permanent resident status for an alien who fails to meet the requirements of paragraph (1) if the alien demonstrates that—

(A) extreme hardship would result if such alien is removed,

(B) the qualifying marriage was entered into in good faith by the alien spouse, but the qualifying marriage has been terminated (other than through the death of the spouse) and the alien was not at fault in failing to meet the requirements of paragraph (1), ~~or~~

(C) the qualifying marriage was entered into in good faith by the alien spouse and during the marriage the alien spouse or child was battered by or was the subject of extreme cruelty perpetrated by his or her spouse or citizen or permanent resident parent and the alien was not at fault in failing to meet the requirements of paragraph (1), or

(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony has been battered by or was subject to extreme cruelty perpetrated by his or her intended spouse and was not at fault in failing to meet the requirements of paragraph (1).

In determining extreme hardship, the Attorney General shall consider circumstances occurring only during the period that the alien was admitted for permanent residence on a conditional basis. In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General. The Attorney General shall, by regulation, establish measures to protect the confidentiality of information concerning any abused alien spouse or child, including information regarding the whereabouts of such spouse or child.

**SEC. 806. FILING DATE.**

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**Amend 8 U.S.C. § 1154 (Procedure for granting immigrant status) to read as follows:**

(a) Petitioning procedure

(1)

\* \* \*

(M) Age on Date of Filing Determines Immigrant Victim Eligibility. The date of filing shall determine the age of the alien or derivative associated with petitions

filed by a VAWA self-petitioner and an applicant for relief under sections 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), and 240A(b)(2).

**At the appropriate place, insert the following:**

In general.— A VAWA self-petitioner or an alien who files a petition under section 1101(a)(15)(U) who is not otherwise eligible for employment authorization may be granted employment authorization by the Secretary of Homeland Security at the earlier of the following dates—

(1) Upon the approval of the VAWA self-petition or the granting of the visa under section 1101(a)(15)(U); or

(2) 180 days after the date of filing of the VAWA self-petition or petition under section 1101(a)(15)(U).

## **SEC. 807. IMBRA; GAO REPORT.**

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**Amend 8 U.S.C. § 1184 (Admission of nonimmigrants) to read as follows:**

\* \* \*

(d) Issuance of visa to fiancée or fiancé of citizen

(1) A visa shall not be issued under the provisions of section 1101(a)(15)(K)(i) of this title until the consular officer has received a petition filed in the United States by the fiancée and fiancé of the applying alien and approved by the Secretary of Homeland Security. The petition shall be in such form and contain such information as the Secretary of Homeland Security shall, by regulation, prescribe. Such information shall include information on any criminal convictions of the petitioner for any specified crime. Such information shall also include information on any permanent protection or restraining orders issued against the petitioner related to any specified crime described in subsection 214(d)(3)(B)(i) [8 U.S.C. 1184(d)(3)(B)(i)]. It shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within 2 years before the date of filing the petition, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival, except that the Secretary of Homeland Security in his discretion may waive the requirement that the parties have previously met in person. In the event the marriage with the petitioner does not occur within three months after the admission of the said alien and minor children, they shall be required to depart from the United States and upon failure to do so shall be removed in accordance with sections 1229a and 1231 of this title.

(2)

(A) Subject to subparagraphs (B) and (C), a consular officer ~~the Secretary of Homeland Security~~ may not approve a petition under paragraph (1) unless the officer ~~Secretary~~ has verified that—

(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to two or more applying aliens; and

(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

(B) The Secretary of Homeland Security may, in the Secretary's discretion, waive the limitations in subparagraph (A) if justification exists for such a waiver. Except in extraordinary circumstances and subject to subparagraph (C), such a waiver shall not be granted if the petitioner has a record of violent criminal offenses against a person or persons.

(C)

(i) The Secretary of Homeland Security is not limited by the criminal court record and shall grant a waiver of the condition described in the second sentence of subparagraph (B) in the case of a petitioner described in clause (ii).

(ii) A petitioner described in this clause is a petitioner who has been battered or subjected to extreme cruelty and who is or was not the primary perpetrator of violence in the relationship upon a determination that—

(I) the petitioner was acting in self-defense;

(II) the petitioner was found to have violated a protection order intended to protect the petitioner; or

(III) the petitioner committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury and where there was a connection between the crime and the petitioner's having been battered or subjected to extreme cruelty.

(iii) In acting on applications under this subparagraph, the Secretary of Homeland Security shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary.

(3) In this subsection:

(A) The terms “domestic violence”, “sexual assault”, “child abuse and neglect”, “dating violence”, “elder abuse”, and “stalking” have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

(B) The term “specified crime” means the following:

(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking, or an attempt to commit any of the crimes described in this clause.

(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.

\* \* \*

(r) Visas of nonimmigrants described in section 1101(a)(15)(K)(ii)

(1) A visa shall not be issued under the provisions of section 1101(a)(15)(K)(ii) of this title until the consular officer has received a petition filed in the United States by the spouse of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe. Such information shall include information on any criminal convictions of the petitioner for any specified crime described in subsection 214(d)(3)(B)(i) [8 U.S.C. 1184(d)(3)(B)(i)]. Such information shall also include information on any permanent protection or restraining orders issued against the petitioner related to any specified crime described in subsection 214(d)(3)(B)(i) [8 U.S.C. 1184(d)(3)(B)(i)].

(2) In the case of an alien seeking admission under section 1101(a)(15)(K)(ii) of this title who concluded a marriage with a citizen of the United States outside the United States, the alien shall be considered inadmissible under section 1182(a)(7)(B) of this title if the alien is not at the time of application for admission in possession of a valid nonimmigrant visa issued by a consular officer in the foreign state in which the marriage was concluded.

(3) In the case of a nonimmigrant described in section 1101(a)(15)(K)(ii) of this title, and any child of such a nonimmigrant who was admitted as accompanying, or following to join, such a nonimmigrant, the period of authorized admission shall terminate 30 days after the date on which any of the following is denied:

(A) The petition filed under section 1154 of this title to accord the principal alien status under section 1151(b)(2)(A)(i) of this title.

(B) The principal alien's application for an immigrant visa pursuant to the approval of such petition.

(C) The principal alien's application for adjustment of status under section 1255 of this title pursuant to the approval of such petition.

(4)

(A) The Secretary of Homeland Security shall create a database for the purpose of tracking multiple visa petitions filed for fiance<sup>2</sup>AE1(e)s and spouses under clauses (i) and (ii) of section 1101(a)(15)(K) of this title. Upon approval of a second visa petition under section 1101(a)(15)(K) of this title for a fiance<sup>2</sup>AE1(e) or spouse filed by the same United States citizen petitioner, the petitioner shall be notified by the Secretary that information concerning the petitioner has been entered into the multiple visa petition tracking database. All subsequent

fiancé(e) or spouse nonimmigrant visa petitions filed by that petitioner under such section shall be entered in the database.

(B)

(i) Once a petitioner has had two fiancé(e) or spousal petitions approved under clause (i) or (ii) of section 1101(a)(15)(K) of this title, if a subsequent petition is filed under such section less than 10 years after the date the first visa petition was filed under such section, the Secretary of Homeland Security shall notify both the petitioner and beneficiary of any such subsequent petition about the number of previously approved fiancé(e) or spousal petitions listed in the database. To notify the beneficiary, the Secretary of Homeland Security shall provide the notification to the Secretary of State, for inclusion in the mailing to the beneficiary described in 8 U.S.C. 1375a(a)(5)(A)(i).

(ii) A copy of the information and resources pamphlet on domestic violence developed under section 1375a(a) of this title shall be mailed to the beneficiary ~~along with the notification required in clause (i) in~~ accordance with 8 U.S.C. 1375a(a)(5)(A)(i).

(5) In this subsection:

(A) The terms “domestic violence”, “sexual assault”, “child abuse and neglect”, “dating violence”, “elder abuse”, and “stalking” have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

(B) The term “specified crime” means the following:

(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking, or an attempt to commit any of the crimes described in this clause.

(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.

**Amend 8 U.S.C. § 1375a (Domestic violence information and resources for immigrants and regulation of international marriage brokers) to read as follows:**

(a) Information for K nonimmigrants on legal rights and resources for immigrant victims of domestic violence

(1) In general.— The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop an information pamphlet, as described in paragraph (2), on legal rights and resources for immigrant victims of domestic violence

and distribute and make such pamphlet available as described in paragraph (5). In preparing such materials, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault, and other crimes.

(2) Information pamphlet.— The information pamphlet developed under paragraph (1) shall include information on the following:

(A) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(B) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(C) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(D) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters, including access to protection orders.

(E) The obligations of parents to provide child support for children.

(F) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(G) A warning concerning the potential use of K nonimmigrant visas by United States citizens who have a history of committing domestic violence, sexual assault, child abuse, or other crimes and an explanation that such acts may not have resulted in a criminal record for such a citizen.

(H) Notification of the requirement under subsection (d)(3)(A) of this section that international marriage brokers provide foreign national clients with background information gathered on United States clients from searches of Federal and State sex offender public registries and collected from United States clients regarding their marital history and domestic violence or other violent criminal history, but that such information may not be complete or accurate because the United States client may not have a criminal record or may not have truthfully reported their marital or criminal record.

(3) Summaries.— The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under paragraph (1) that shall be used by Federal officials when reviewing the pamphlet in interviews under subsection (b) of this section.

(4) Translation

(A) In general.— In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet developed under paragraph (1) shall, subject to subparagraph (B), be translated by the Secretary of State into foreign languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese,

French, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify.

(B) Revision.— Every 2 years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine at least 14 specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(5) Availability and distribution.— The information pamphlet developed under paragraph (1) shall be made available and distributed as follows:

(A) Mailings to K nonimmigrant visa applicants

(i) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant or in English if no translation into the applicant's primary language is available.

(ii) The Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under clause (i), a copy of the petition submitted by the petitioner for such applicant under subsection (d) or (r) of section 1184 of this title.

(iii) The Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under clause (i), any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under subsection (d) or (r) of section 1184 of this title. The Secretary of State, in turn, shall share any such criminal background information that is in government records or databases with the K nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. ~~Nothing in this clause shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.—The Department of Homeland Security shall conduct a background check of the National Crime Information Center's Protection Order Database on all petitioners for visas under subsection (d) and (r) of section 1184 of this title. Background information obtained on such petitioners from the Protection Order Database shall accompany the criminal background information that is provided by the Secretary of Homeland Security to the Secretary of State and shared by the Secretary of State with the beneficiaries of such petitions, but shall not be used or disclosed for any other purpose unless expressly authorized by law.~~

(iv) The Secretary of Homeland Security shall create a cover sheet or other mechanism to accompany the information required under 8 U.S.C. 1184(r)(4)(B)(i)-(ii) and 8 U.S.C. 1375a(a)(5)(A)(i)-(iii) to be provided to all applicants for visas under subsection (d) or (r) of section 1184 of this title, that calls to the applicant's attention:

(I) whether the petitioner disclosed civil protection orders or restraining orders, or criminal history information, on the visa petition;

(II) the criminal background information and information about protection orders obtained by the Secretary of Homeland Security about the petitioner in the course of adjudicating the petition; and

(III) whether the information the petitioner disclosed on the visa petition regarding any previous petitions filed under subsection (d) or (r) of section 1184 of this title is consistent with the information in the multiple visa tracking database of the Department of Homeland Security, as described in Section 1184(r)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(r)(4)(A)).

(B) Consular access.— The pamphlet developed under paragraph (1) shall be made available to the public at all consular posts. The summaries described in paragraph (3) shall be made available to foreign service officers at all consular posts.

(C) Posting on Federal websites.— The pamphlet developed under paragraph (1) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all consular posts processing applications for K nonimmigrant visas.

(D) International marriage brokers and victim advocacy organizations.— The pamphlet developed under paragraph (1) shall be made available to any international marriage broker, government agency, or nongovernmental advocacy organization.

(6) Deadline for pamphlet development and distribution.— The pamphlet developed under paragraph (1) shall be distributed and made available (including in the languages specified under paragraph (4)) not later than 120 days after January 5, 2006.

(b) Visa and adjustment interviews

(1) Fiancé(e)s, spouses and their derivatives.— During an interview with an applicant for a K nonimmigrant visa, a consular officers shall—

(A) provide information, in the primary language of the visa applicant, on protection orders ~~or~~ and criminal convictions collected under subsection (a)(5)(A)(iii) of this section;

(B) provide a copy of the pamphlet developed under subsection (a)(1) of this section in English or another appropriate language and provide an oral summary, in the primary language of the visa applicant, of that pamphlet; and

(C) ask the applicant, in the primary language of the applicant, whether an international marriage broker has facilitated the relationship between the applicant and the United States petitioner, and, if so, obtain the identity of the international marriage broker from the applicant and confirm that the international marriage broker provided to the applicant the information and materials required under subsection (d)(3)(A)(iii) of this section.

(2) Family-based applicants.— The pamphlet developed under subsection (a)(1) of this section shall be distributed directly to applicants for family-based immigration petitions at all consular and adjustment interviews for such visas. The Department of State or Department of Homeland Security officer conducting the interview shall review the summary of the pamphlet with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English or another appropriate language.

(c) Confidentiality.— In fulfilling the requirements of this section, no official of the Department of State or the Department of Homeland Security shall disclose to a nonimmigrant visa applicant the name or contact information of any person who was granted a protection order or restraining order against the petitioner or who was a victim of a crime of violence perpetrated by the petitioner, but shall disclose the relationship of the person to the petitioner.

(d) Regulation of international marriage brokers

(1) Prohibition on marketing children.— An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18. To comply with this prohibition, an international marriage broker must obtain a valid copy of each foreign national client's birth certificate or other government-issued proof of age. An international marriage broker must date this birth date documentation upon receipt, keep it on file for 7 years after the date of receipt, and produce it on demand to authorities charged with the enforcement of this prohibition.

(2) Requirements of international marriage brokers with respect to mandatory collection of background information

(A) In general

(i) Search of sex offender public ~~registries website~~.— Each international marriage broker shall search the National Sex Offender Public ~~Registry Website or State sex offender public registry~~, as required under paragraph (3)(A)(i).

(ii) Collection of background information.— Each international marriage broker shall also collect the background information listed in subparagraph (B) about the United States client to whom the personal contact information of a foreign national client would be provided.

(B) Background information.— The international marriage broker shall collect a certification signed (in written, electronic, or other form) by the United States client accompanied by documentation or an attestation of the following background information about the United States client:

(i) Any temporary or permanent civil protection order or restraining order issued against the United States client.

(ii) Any Federal, State, or local arrest or conviction of the United States client for homicide, murder, manslaughter, assault, battery, domestic violence, rape, sexual assault, abusive sexual contact, sexual exploitation, incest, child abuse or neglect, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or stalking, or an attempt to commit any of the crimes described in this clause.

(iii) Any Federal, State, or local arrest or conviction of the United States client for—

(I) solely, principally, or incidentally engaging in prostitution;

(II) a direct or indirect attempt to procure prostitutes or persons for the purpose of prostitution; or

(III) receiving, in whole or in part, of the proceeds of prostitution.

(iv) Any Federal, State, or local arrest or conviction of the United States client for offenses related to controlled substances or alcohol.

(v) Marital history of the United States client, including whether the client is currently married, whether the client has previously been married and how many times, how previous marriages of the client were terminated and the date of termination, and whether the client has previously sponsored an alien to whom the client was engaged or married.

(vi) The ages of any of the United States client's children who are under the age of 18.

(vii) All States and countries in which the United States client has resided since the client was 18 years of age.

(3) Obligation of international marriage brokers with respect to informed consent

(A) Limitation on sharing information about foreign national clients.— An international marriage broker shall not provide any United States client or representative with the personal contact information of any foreign national client unless and until the international marriage broker has—

(i) performed a search of the National Sex Offender Public Registry Website, ~~or of the relevant State sex offender public registry for any State not yet participating in the National Sex Offender Public Registry in which the United States client has resided during the previous 20 years,~~ for information regarding the United States client;

(ii) collected background information about the United States client required under paragraph (2);

(iii) provided to the foreign national client—

(I) in the foreign national client's primary language, a copy of any records retrieved from the search required under paragraph (2)(A)(i) or documentation confirming that such search retrieved no records;

(II) in the foreign national client's primary language, a copy of the ~~background information collected by the international marriage broker under paragraph (2)(B); signed certification and accompanying documentation or attestations regarding the background information collected under paragraph (2)(B);~~ and

(III) in the foreign national client's primary language (or in English or other appropriate language if there is no translation available into the client's primary language), the pamphlet developed under subsection (a)(1) of this section; and

(iv) received from the foreign national client a signed, written consent, in the foreign national client's primary language, to release the foreign national client's personal contact information to the specific United States client.

(B) Confidentiality.— In fulfilling the requirements of this paragraph, an international marriage broker shall disclose the relationship of the United States client to individuals who were issued a protection order or restraining order as described in clause (i) of paragraph (2)(B), or of any other victims of crimes as described in clauses (ii) through (iv) of such paragraph, but shall not disclose the name or location information of such individuals.

~~(C) Penalty for misuse of information.— A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of the obligations imposed on it under paragraph (2) and this paragraph for any purpose other than the disclosures required under this paragraph shall be fined in accordance with title 18 or imprisoned not more than 1 year, or both. These penalties are in addition to any other civil or criminal liability under Federal or State law which a person may be subject to for the misuse of that information, including to threaten, intimidate, or harass any individual. Nothing in this section shall prevent the disclosure of such information to law enforcement or pursuant to a court order.~~

(4) Limitation on disclosure.— An international marriage broker shall not provide the personal contact information of any foreign national client to any person or entity other than a United States client. Such information shall not be disclosed to potential United States clients or individuals who are being recruited to be United States clients or representatives.

#### (5) Penalties

##### (A) Federal civil penalty

(i) Violation.— An international marriage broker that violates (or attempts to violate) paragraph (1), (2), (3), or (4) is subject to a civil penalty of not less than \$5,000 and not more than \$25,000 for each such violation.

(ii) Procedures for imposition of penalty.— ~~A penalty may be imposed under clause (i) by the Attorney General only after~~ At the discretion of the Attorney General, a penalty may be imposed under clause (i) either by a federal judge, or by the Attorney General after notice and an opportunity for an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5 (popularly known as the Administrative Procedure Act).

(B) Federal criminal penalty penalties.— ~~In circumstances in or affecting interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18 or imprisoned for not more than 5 years, or both.~~

(i) Failure of International Marriage Brokers to Comply with Obligations—Except as provided in clause (ii) below, an international marriage broker that, in circumstances in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, violates (or attempts to violate) paragraph (1), (2), (3), or (4) of 8 U.S.C. 1375a(d) shall be fined in accordance with title 18 or imprisoned for not more than 1 year, or both. If such violations or attempts to violate are knowing, an international marriage broker shall be fined in accordance with Title 18, or imprisoned for not more than 5 years, or both.

(ii) Misuse of information—A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of the obligations imposed on it under paragraphs (2) and (3) of 8 U.S.C. 1375a(d) for any purposes other than the disclosures required under paragraph (3) of 8 U.S.C. 1375a(d) shall be fined in accordance with Title 18, or imprisoned for not more than 1 year, or both.

(I) These penalties are in addition to any other civil or criminal liability under Federal or State law to which a person may be subject for the misuse of such information, including to threaten, intimidate, or harass any individual.

(II) Nothing in paragraphs (3), (4), or (5) of 8 U.S.C. 1375a(d) shall prevent the disclosure of such information to law enforcement or pursuant to a court order.

(C) Additional remedies.— The penalties and remedies under this subsection are in addition to any other penalties or remedies available under law, including equitable remedies.

(6) Enforcement authority.—The Attorney General shall be responsible for the enforcement of the provisions of this Act, including the prosecution of civil and criminal penalties provided for by this Act. The Attorney General shall consult with the Office on Violence Against Women on the development of policies and public education designed to promote enforcement of this Act.

~~(6-7)~~ Nonpreemption.— Nothing in this subsection shall preempt—

(A) any State law that provides additional protections for aliens who are utilizing the services of an international marriage broker; or

(B) any other or further right or remedy available under law to any party utilizing the services of an international marriage broker.

~~(7-8)~~ Effective date

(A) In general.— Except as provided in subparagraph (B), this subsection shall take effect on the date that is 60 days after January 5, 2006.

(B) Additional time allowed for information pamphlet.— The requirement for the distribution of the pamphlet developed under subsection (a)(1) of this section shall not apply until 30 days after the date of its development and initial distribution under subsection (a)(6) of this section.

\* \* \*

(g) Follow-up GAO study and report

(1) Study.— The Comptroller General of the United States shall conduct a study on the impact of 8 U.S.C. 1184 and 8 U.S.C. 1375a. In conducting the study, the Comptroller General shall fulfill the requirements of the study required by 8 U.S.C. 1375a(f) and completed by the Comptroller General on August 8, 2008.

(2) Report.— Not later than 2 years after the date of enactment, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under paragraph (1).

(3) Data collection.— The Attorney General, the Secretary of Homeland Security, and the Secretary of State shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the study required by paragraph (1).

(h) Sense of the Congress.— It is the sense of the Congress that the International Marriage Broker Act of 2005 has not been fully implemented with regard to investigating and prosecuting violations of the law, and for other purposes. Whereas, six years after Congress enacted the International Marriage Broker Act of 2005 (Subtitle D of the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162) to regulate the activities of the hundreds of for-profit international marriage brokers operating in the United States, the Attorney General has not determined which component of the Department of Justice will investigate and prosecute violations of the Act; Now, therefore, be it resolved by the Senate (the House of Representatives concurring), that Congress—

(1) Directs the Attorney General to report to Congress within 90 days of enactment of this Act on which component of the Department will be responsible for investigating prosecuting violations of the International Marriage Broker Act of 2005; and

(2) Requires that such report include policies and procedures for consultation with the Department of Homeland Security and the Department of State in investigating and prosecuting such violations.

## TITLE IX

### SAFETY FOR INDIAN WOMEN

#### **SEC. 901. GRANTS TO INDIAN TRIBAL GOVERNMENTS.**

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**Amend 42 U.S.C. § 3796gg–10 (Grants to Indian tribal governments) to read as follows:**

(a) Grants. The Attorney General may make grants to Indian tribal governments or authorized designees of Indian tribal governments to—

- (1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;
- (2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, sex trafficking, and stalking crimes against Indian women;
- (3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;
- (4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, sex trafficking, and stalking;
- (5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, sexual assault, sex trafficking, and stalking ~~programs and to address the needs of children exposed to domestic violence~~;
- (6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children;
- (7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, sex trafficking, or stalking to locate and secure permanent housing and integrate into a community; ~~and~~
- (8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, sex trafficking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims;
- (9) provide services to address the needs of youth who are victims of domestic violence, dating violence, sexual assault, sex trafficking, and stalking and for children exposed to domestic violence, dating violence, sexual assault, or stalking, including support for the nonabusing parent or the child's caretaker; and

(10) develop and promote State, local, or tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

(b) Collaboration. All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.

## **SEC. 902. GRANTS TO INDIAN TRIBAL COALITIONS.**

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**Amend 42 U.S.C. § 3796gg(d) (Tribal coalition grants) to read as follows:**

(d) Tribal coalition grants

(1) Purpose. The Attorney General shall award grants to tribal domestic violence and sexual assault coalitions for purposes of—

(A) increasing awareness of domestic violence and sexual assault against American Indian and Alaska Native women;

(B) enhancing the response to violence against American Indian and Alaska Native women at the tribal, Federal, and State levels; ~~and~~

(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to American Indian women victimized by domestic and sexual violence, including sex trafficking; ~~and~~

(D) developing and promoting State, local, or tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking.

(2) Grants to tribal coalitions. The Attorney General shall award grants under paragraph (1) to—

(A) established nonprofit, nongovernmental tribal coalitions addressing domestic violence and sexual assault against American Indian and Alaska Native women; and

(B) ~~individuals or~~ organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaska Native women.

(3) Eligibility for other grants. Receipt of an award under this subsection by tribal domestic violence and sexual assault coalitions shall not preclude the coalition from receiving additional grants under this chapter to carry out the purposes described in subsection (b) of this section.

## **SEC. 903. CONSULTATION.**

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**Amend section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 to read as follows:**

(a) In general.—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under ~~this Act~~, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), ~~and~~ the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (titles I through IX of Public Law 109-162; 119 Stat. 3080), and the Violence Against Women Reauthorization Act of 2011.

(b) Recommendations.—During consultations under subsection (a), the Secretary of the Department of Health and Human Services, the Secretary of the Department of the Interior, and the Attorney General shall solicit recommendations from Indian tribes concerning—

- (1) administering tribal funds and programs;
- (2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, ~~and~~ stalking, and sex trafficking; and
- (3) strengthening the Federal response to such violent crimes.

(c) The Attorney General shall submit an annual report to Congress on the annual consultations mandated by subsection (a) that contains —

- (1) the recommendations made under subsection (b) by Indian tribes;
- (2) actions taken within the past year to respond to current or prior recommendations made under subsection (b); and
- (3) plans to continue working in coordination and collaboration with Indian tribes and the Departments of Health and Human Services and Interior to address the recommendations made under subsection (b).

(e d) Notice.— The Attorney General shall notify tribal leaders of the date, time, and location of the consultation mandated by subsection (a) no less than 120 days prior to the consultation.

## **SEC. 904. TRIBAL JURISDICTION OVER CRIMES OF DOMESTIC VIOLENCE.**

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**Amend subchapter I of chapter 15 of title 25, United States Code (25 U.S.C. § 1301 et seq.) by adding at the end the following new section:**

25 U.S.C. § 1304. Tribal jurisdiction over crimes of domestic violence

(a) Definitions.— In this section, the term—

- (1) “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;

(2) “domestic violence” means violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, or by a person similarly situated to a spouse of the victim under the domestic- or family- violence laws of an Indian tribe that has jurisdiction where the violence occurs;

(3) “Indian Civil Rights Act” means sections 1301 to 1303, as amended;

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

(5) “participating tribe” means an Indian tribe that elects to exercise special domestic-violence criminal jurisdiction over the Indian country of such tribe;

(6) “protection order” means any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection;

(7) “special domestic-violence criminal jurisdiction” means the criminal jurisdiction that a participating tribe can exercise pursuant to this section but could not otherwise exercise; and

(8) “spouse or intimate partner” has the meaning given that term in section 2266(7) of title 18, United States Code.

(b) Nature of the criminal jurisdiction.—

(1) Notwithstanding any other provision of law, in addition to all powers of self-government recognized and affirmed by the Indian Civil Rights Act, the powers of self-government of participating tribes include the inherent power of those tribes, hereby recognized and affirmed, to exercise special domestic-violence criminal jurisdiction over all persons.

(2) A participating tribe shall exercise special domestic-violence criminal jurisdiction concurrently, not exclusively.

(3) Nothing in this section creates or eliminates any Federal or State criminal jurisdiction or affects the authority of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.

(c) Criminal conduct.—A participating tribe may exercise special domestic-violence criminal jurisdiction over a defendant only for criminal conduct that falls into one or both of the following categories:

(1) Domestic violence and dating violence.—Any act of domestic violence or dating violence that is occurring or has occurred in the Indian country of the participating tribe.

(2) Violations of protection orders.—Any act that is occurring or has occurred in the Indian country of the participating tribe and that violates or violated the relevant portion

of a protection order that was issued against the defendant, is enforceable by the participating tribe, and is consistent with section 2265(b) of title 18, United States Code. In this paragraph, the term “relevant portion of a protection order” means the portion of such order that prohibits or provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person.

(d) Dismissal of certain cases.—

(1) In a criminal proceeding in which a participating tribe exercises special domestic-violence criminal jurisdiction, if the defendant files a pretrial motion to dismiss on the ground that the crime did not involve any Indian, the case shall be dismissed if the prosecuting tribe fails to prove that the defendant or an alleged victim, or both, is an Indian.

(2) In a criminal proceeding in which a participating tribe exercises special domestic-violence criminal jurisdiction, if the defendant files a pretrial motion to dismiss on the ground that the defendant and the alleged victim lack sufficient ties to the tribe, the case shall be dismissed if the prosecuting tribe fails to prove that the defendant or an alleged victim, or both, resides in the Indian country of the prosecuting tribe, is employed in the Indian country of the prosecuting tribe, or is a spouse or intimate partner of a member of the prosecuting tribe.

(3) A knowing and voluntary failure to file a pretrial motion under paragraph (1) or paragraph (2) shall be deemed a waiver.

(4) In any criminal proceeding in which a participating tribe exercises special domestic-violence criminal jurisdiction based on a criminal violation of a protection order, the “victim” shall be deemed to be the person or persons specifically protected by the provision of the order that the defendant allegedly violated.

(e) Rights of defendants.—In a criminal proceeding in which a participating tribe exercises special domestic-violence criminal jurisdiction, the tribe shall provide to the defendant—

(1) all rights protected by the Indian Civil Rights Act;

(2) if a term of imprisonment of any length is imposed, all rights described in paragraphs (1) through (5) of section 1302(c); and

(3) all other rights whose protection is necessary under the United States Constitution in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise criminal jurisdiction over the defendant.

(f) Petitions to stay detention.—Any person who has filed a petition for a writ of habeas corpus in a court of the United States under section 1303 may petition that court to stay further execution of his tribal detention. The court shall grant the stay if it finds that there is a substantial likelihood that the habeas corpus petition will be granted and, after giving the alleged victim or victims of the petitioner an opportunity to be heard, also finds by clear and convincing evidence that, under conditions imposed by the court, the petitioner is not likely to flee or pose a danger to any person or to the community if released.

(g) Grants to tribal governments.—The Attorney General may award grants to the governments of Indian tribes (or to authorized designees of those governments) to—

(1) strengthen tribal criminal-justice systems, including law enforcement (including the capacity to enter information into and obtain information from national crime information databases), prosecution, trial and appellate courts, probation, detention and correctional facilities, alternative rehabilitation centers, culturally appropriate services and assistance for victims and their families, criminal codes, and rules of criminal procedure, appellate procedure, and evidence, to assist tribes in exercising special domestic-violence criminal jurisdiction;

(2) provide indigent criminal defendants with the effective assistance of licensed defense counsel, at no cost to those defendants, in criminal proceedings in which a tribe is prosecuting a crime of domestic or dating violence or a criminal violation of a protection order;

(3) ensure that, in criminal proceedings in which a participating tribe exercises special domestic-violence criminal jurisdiction, jurors are summoned, selected, and instructed in a manner consistent with all legal requirements; and

(4) accord victims of domestic violence, dating violence, and protection-order violations a set of crime victims' rights similar to those described in section 3771(a) of title 18, United States Code, consistent with tribal law and custom.

(h) Authorization of appropriations.—There are authorized to be appropriated \$5,000,000 for each of fiscal years 2012 through 2016 for the grants described in subsection (g) and to provide training, technical assistance, data collection, and evaluation to improve the criminal-justice systems of participating tribes.

(i) Nonsupplantation.—Amounts made available under this subchapter shall be used to supplement and not supplant other Federal, State, tribal, and local funds expended to further the purposes of this subchapter.

(j) General effective date.—Except as provided in subsection (k), this new section shall take effect on the date of enactment of this Act.

(k) Effective date for special domestic-violence criminal jurisdiction.—

(1) In general.—Except as provided in paragraph (2), subsections (b), (c), (d), and (e) of section 1304 of title 25, United States Code, as added by subsection (e), shall take effect on the date 2 years after the date of enactment of this Act.

(2) Pilot project.—

(A) In general.—At any time within 2 years after the date of enactment of this Act, an Indian tribe may ask the Attorney General to designate the tribe as a participating tribe on an accelerated basis. The Attorney General (or his designee) may grant such a request after coordinating with the Secretary of the Interior (or his designee), consulting with Indian tribes, and concluding that the criminal-justice system of the requesting tribe has adequate safeguards in place to protect defendants' rights, consistent with section 1304(e) of title 25, United States Code, as added by this section.

(B) Effective dates for pilot-project tribes.—An Indian tribe whose request is granted may commence exercising special domestic-violence criminal jurisdiction pursuant to subsections (b), (c), (d), and (e), as added by this section, on a date

established by the Attorney General, after consultation with such tribe, but in no event later than the date 2 years after the date of enactment of this Act. The tribe may continue exercising such jurisdiction thereafter.

**SEC. 905. TRIBAL PROTECTION ORDERS.**

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**Amend 18 U.S.C. § 2265 (Full faith and credit given to protection orders) to read as follows:**

(a) Full Faith and Credit.— Any protection order issued that is consistent with subsection (b) of this section by the court of one State, Indian tribe, or territory (the issuing State, Indian tribe, or territory) shall be accorded full faith and credit by the court of another State, Indian tribe, or territory (the enforcing State, Indian tribe, or territory) and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were the order of the enforcing State or tribe.

(b) Protection Order.— A protection order issued by a State, tribal, or territorial court is consistent with this subsection if—

(1) such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; 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, tribal, or territorial 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, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

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

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

(d) Notification and Registration.—

(1) Notification.— A State, Indian tribe, or territory according full faith and credit to an order by a court of another State, Indian tribe, or territory shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State, tribal, or territorial jurisdiction unless requested to do so by the party protected under such order.

(2) No prior registration or filing as prerequisite for enforcement.— Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State, tribal, or territorial jurisdiction.

(3) Limits on internet publication of registration information.— A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, restraining order or injunction, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.

~~(e) Tribal Court Jurisdiction.— For purposes of this section, a tribal court shall have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe.~~

(e) For purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any persons, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151 of title 18) or otherwise within the authority of the Indian tribe.

## **SEC. 906. AMENDMENTS TO THE FEDERAL ASSAULT STATUTE.**

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**Amend 18 U.S.C. § 113 (Assaults with maritime and territorial jurisdiction) to read as follows:**

(a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:

- (1) Assault with intent to commit murder or a felony under chapter 109A, by a fine under this title or imprisonment for not more than twenty years, or both.
- (2) Assault with intent to commit any felony, except murder or a felony under chapter 109A, by a fine under this title or imprisonment for not more than ten years, or both.
- (3) Assault with a dangerous weapon, with intent to do bodily harm, ~~and without just cause or excuse~~, by a fine under this title or imprisonment for not more than ten years, or both.
- (4) Assault by striking, beating, or wounding, by a fine under this title or imprisonment for not more than ~~six months~~ 1 year, or both.
- (5) Simple assault, by a fine under this title or imprisonment for not more than six months, or both, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both.
- (6) Assault resulting in serious bodily injury, by a fine under this title or imprisonment for not more than ten years, or both.

(7) Assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, by a fine under this title or imprisonment for not more than 5 years, or both.

(8) Assault upon a spouse or intimate partner or dating partner by strangling, suffocating, or attempting to strangle or suffocate, by a fine under this title or imprisonment for not more than ten years, or both.

(b) As used in this ~~subsection~~ section—

(1) the term “substantial bodily injury” means bodily injury which involves—

(A) a temporary but substantial disfigurement; or

(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; ~~and~~

(2) the term “serious bodily injury” has the meaning given that term in section 1365 of this title;

(3) the term “dating partner” has the meaning given that term in section 2266(10);

(4) the term “spouse or intimate partner” has the meaning given that term in section 2266(7);

(5) the term “strangling” means intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck, regardless of whether such conduct results in any visible injury and regardless of whether there is any intent to kill or protractedly injure the victim; and

(6) the term “suffocating” means intentionally, knowingly, or recklessly impeding the normal breathing of a person by covering the mouth of the person, the nose of the person, or both, regardless of whether such conduct results in any visible injury and regardless of whether there is any intent to kill or protractedly injure the victim.

**Amend 18 U.S.C. § 1153(a) (Offenses committed within Indian country) to read as follows:**

(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, ~~assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title)~~ a felony assault under section 113, an assault against an individual who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

(b) Any offense referred to in subsection (a) of this section that is not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.

**Amend 18 U.S.C. § 2265A (Repeat offenders) to read as follows:**

(a) Maximum Term of Imprisonment.— The maximum term of imprisonment for a violation of this chapter after a prior domestic violence or stalking offense shall be twice the term otherwise provided under this chapter.

(b) Definition.— For purposes of this section—

(1) the term “prior domestic violence or stalking offense” means a conviction for an offense—

(A) under section 2261, 2261A, or 2262 of this chapter; or

(B) under State or tribal law for an offense consisting of conduct that would have been an offense under a section referred to in subparagraph (A) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States, or in interstate or foreign commerce; and

(2) the term “State” means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

**SEC. 907. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.**

**Amend section 904 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. § 3796gg-10 note) to read as follows:**

(a) National baseline study.—

(1) In general.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country and Alaska Native Villages.

(2) Scope.—

(A) In general.—The study shall examine violence committed against Indian women, including—

(i) domestic violence;

(ii) dating violence;

(iii) sexual assault;

(iv) stalking; ~~and~~

(v) murder; and

(vi) sex trafficking.

(B) Evaluation.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) Recommendations.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) Task force.—

\* \* \*

(4) Report.—Not later than 2 years after the date of enactment of this Act [Jan. 5, 2006], the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(5) Authorization of appropriations.—There is authorized to be appropriated to carry out this section [sic; probably should be ‘this subsection’, meaning this note] \$1,000,000 for each of fiscal years ~~2007 and 2008~~ 2012 and 2013, to remain available until expended.

**Amend section 905(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 to read as follows:**

Sec. 905. Tracking of violence against Indian women.

(b) Tribal registry.—

(1) Establishment.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years ~~2007 through 2011~~ 2012 through 2016, to remain available until expended.

## TITLE X

### OTHER MATTERS

#### SEC. 1001. CRIMINAL PROVISIONS RELATING TO SEXUAL ABUSE.

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**Amend 18 U.S.C. § 2243 (Sexual abuse of a minor or ward) to read as follows:**

(a) Of a Minor.— Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who—

- (1) has attained the age of 12 years but has not attained the age of 16 years; and
- (2) is at least four years younger than the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) Of a Ward.— Whoever, ~~in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency,~~ knowingly engages in a sexual act with another person who is—

(1) ~~in official detention~~ or under official supervision or other official control during or after arrest, or after release pretrial or while on bail, probation, supervised release, or parole, or after release following a finding of juvenile delinquency, or after release pending any further judicial proceedings; and

(2) ~~under the custodial, supervisory, or disciplinary authority of the person so engaging under the professional custodial, supervisory, or disciplinary control or authority of the person so engaging; and~~

(3) ~~at the time of the sexual act,~~

(A) in the special maritime and territorial jurisdiction of the United States;

(B) in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of, or pursuant to a contract or agreement with, the head of any Federal department or agency; or

(C) under supervision or other control by Federal authorities, or by direction of, or pursuant to a contract or agreement with, Federal authorities;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both; but whoever, in the course of committing an offense under subsection (b) of this section, engages in conduct that would constitute an offense under sections 2241 or 2242 of this chapter if committed in the special maritime and territorial jurisdiction of the United States, shall be subject to the penalties for that other offense.

(c) Defenses.—

(1) In a prosecution under subsection (a) of this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.

(2) In a prosecution under this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the persons engaging in the sexual act were at that time married to each other.

(d) State of Mind Proof Requirement.— In a prosecution under subsection (a) of this section, the Government need not prove that the defendant knew—

(1) the age of the other person engaging in the sexual act; or

(2) that the requisite age difference existed between the persons so engaging.

**Add the following new section at the end of Chapter 13 of Title 18, United States Code, and amend the table of contents accordingly:**

**18 U.S.C. § 250. Penalties for sexual abuse**

A person who, in the course of committing an offense under this chapter or under section 901 of Public Law 90-248 (42 U.S.C. 3631), engages in conduct that would constitute an offense under chapter 109A of this title if committed in the special maritime and territorial jurisdiction of the United States, shall be subject to the penalties for such an offense under chapter 109A, unless greater penalties are otherwise authorized by law.

**SEC. 1002. SEXUAL ABUSE IN CUSTODIAL SETTINGS.**

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**Amend 42 U.S.C. § 1997e (Suits by prisoners) to read as follows:**

(a) Applicability of administrative remedies.— No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

(b) Failure of State to adopt or adhere to administrative grievance procedure.— The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 1997a or 1997c of this title.

\* \* \*

(e) Limitation on recovery.— No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury or a sexual act. The term “sexual act” shall have the meaning given such term in section 2246 or title 18, United States Code.

**Amend 28 U.S.C. § 1346(b) (United States as defendant) to read as follows:**

(b)

(1) Subject to the provisions of chapter 171 of this title, the district courts, together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury or a sexual act. The term “sexual act” shall have the meaning given such term in section 2246 or title 18, United States Code.

**Amend 42 U.S.C. § 15607 (Adoption and effect of national standards) to read as follows:**

(a) Publication of proposed standards

(1) Final rule.— Not later than 1 year after receiving the report specified in section 15606(d)(3) of this title, the Attorney General shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape.

(2) Independent judgment.— The standards referred to in paragraph (1) shall be based upon the independent judgment of the Attorney General, after giving due consideration to the recommended national standards provided by the Commission under section 15606(e) of this title, and being informed by such data, opinions, and proposals that the Attorney General determines to be appropriate to consider.

(3) Limitation.— The Attorney General shall not establish a national standard under this section that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities. The Attorney General may, however, provide a list of improvements for consideration by correctional facilities.

(4) Transmission to States.— Within 90 days of publishing the final rule under paragraph (1), the Attorney General shall transmit the national standards adopted under such paragraph to the chief executive of each State, the head of the department of corrections of each State, and to the appropriate authorities in those units of local government who oversee operations in one or more prisons.

(b) Applicability to Federal Bureau of Prisons.— The national standards referred to in subsection (a) shall apply to the Federal Bureau of Prisons immediately upon adoption of the final rule under subsection (a)(4).

(c) Applicability to detention facilities operated by the Department of Homeland Security.— Not later than 180 days after the date of enactment of the Violence Against Women

Reauthorization Act of 2011, the Secretary of Homeland Security shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of civil immigration detainees. Such standards shall apply to detention facilities operated by the Department of Homeland Security and to detention facilities operated under contract with the Department. Compliance with such standards shall be assessed on a regular basis, and the results of such assessments shall be included in performance evaluations of facilities completed by the Department. In promulgating the final rule, the Secretary shall give due consideration to the recommended national standards provided by the Commission under 42 U.S.C. § 15606(e).

(d) Applicability to custodial facilities operated by the Department of Health and Human Services.— Not later than 180 days after the date of enactment of the Violence Against Women Reauthorization Act of 2011, the Secretary of Health and Human Services shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of unaccompanied alien children. Such standards shall apply to facilities operated by the Department of Health and Human Services and to facilities operated under contract with the Department. Compliance with such standards shall be assessed on a regular basis, and the results of such assessments shall be included in performance evaluations of facilities completed by the Department. In promulgating the final rule, the Secretary shall give due consideration to the recommended national standards provided by the Commission under 42 U.S.C. § 15606(e).

(e e) Eligibility for Federal funds.

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