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109TH CONGRESS
1ST SESSION

S. 1197

To reauthorize the Violence Against Women Act of 1994.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2005

Mr. BIDEN (for himself, Mr. HATCH, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KOHL, Mr. GRASSLEY, Mr. KENNEDY, Mrs. BOXER, Ms. STABENOW, Mr. SCHUMER, Mrs. MURRAY, Mr. CRAPO, Ms. CANTWELL, Mr. LAUTENBERG, Mr. BAYH, Mr. DODD, Mrs. CLINTON, Mr. INOUYE, Mr. BINGAMAN, Ms. MIKULSKI, Mr. CHAFEE, Mr. CORZINE, Mr. JOHNSON, Mr. KERRY, Mr. LIEBERMAN, Mr. DURBIN, Mr. BYRD, Mr. SALAZAR, Mr. DORGAN, Mrs. FEINSTEIN, Mr. LEVIN, Mr. ROCKEFELLER, Mr. COCHRAN, Mrs. HUTCHISON, Mr. NELSON of Nebraska, Mr. JEFFORDS, Ms. COLLINS, Ms. SNOWE, Mr. OBAMA, Mr. HARKIN, Mr. SARBANES, Mr. CARPER, Mr. REED, Mr. DAYTON, Ms. LANDRIEU, Mr. PRYOR, and Mr. STEVENS)

SEPTEMBER 12, 2005

Reported by Mr. SPECTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To reauthorize the Violence Against Women Act of 1994.

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

1 **~~SECTION 1. SHORT TITLE.~~**

2 ~~This Act may be cited as the "Violence Against~~

3 ~~Women Act of 2005".~~

4 **~~SEC. 2. TABLE OF CONTENTS.~~**

5 ~~The table of contents for this Act is as follows:~~

~~Sec. 1. Short title.~~
~~Sec. 2. Table of contents.~~
~~Sec. 3. Universal definitions and grant provisions.~~

~~TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN~~

~~Sec. 101. Stop grants improvements.~~
~~Sec. 102. Grants to encourage arrest and enforce protection orders improvements.~~
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~~Sec. 104. Ensuring crime victim access to legal services.~~
~~Sec. 105. The Violence Against Women Act court training and improvements.~~
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~~Sec. 109. Stalker database.~~
~~Sec. 110. Federal victim assistants reauthorization.~~
~~Sec. 111. Grants for law enforcement training programs.~~
~~Sec. 112. Reauthorization of the Court-Appointed Special Advocate Program.~~
~~Sec. 113. Preventing cyberstalking.~~
~~Sec. 114. Criminal provision relating to stalking.~~
~~Sec. 115. Repeat offender provision.~~
~~Sec. 116. Prohibiting dating violence.~~
~~Sec. 117. Prohibiting violence in special maritime and territorial jurisdiction.~~

~~TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING~~

~~Sec. 201. Findings.~~
~~Sec. 202. Sexual assault services program.~~
~~Sec. 203. Amendments to the rural domestic violence and child abuse enforcement assistance program.~~
~~Sec. 204. Training and services to end violence against women with disabilities.~~
~~Sec. 205. Training and services to end violence against women in later life.~~
~~Sec. 206. Strengthening the national domestic violence hotline.~~

~~TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE~~

~~Sec. 301. Findings.~~
~~Sec. 302. Rape prevention and education.~~
~~Sec. 303. Services, education, protection, and justice for young victims of violence.~~
~~Sec. 304. Grants to reduce violence against women on campus.~~

~~Sec. 305. Juvenile justice.~~
~~Sec. 306. Safe havens.~~

~~TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE~~

~~Sec. 401. Preventing violence against women and children.~~
~~Sec. 402. Study conducted by the Centers for Disease Control and Prevention.~~

~~TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING~~

~~Sec. 501. Findings.~~
~~Sec. 502. Purpose.~~
~~Sec. 503. Training and education of health professionals in domestic and sexual violence.~~
~~Sec. 504. Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking grants.~~
~~Sec. 505. Research on effective interventions in the healthcare setting.~~

~~TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN~~

~~Sec. 601. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.~~
~~Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.~~
~~Sec. 603. Public and Indian housing authority plans reporting requirement.~~
~~Sec. 604. Housing strategies.~~
~~Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.~~
~~Sec. 606. Amendments to the low-income housing assistance voucher program.~~
~~Sec. 607. Amendments to the public housing program.~~

~~TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE~~

~~Sec. 701. Emergency leave.~~
~~Sec. 702. Grant for national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence.~~

~~TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN~~

~~Subtitle A—Victims of Crime~~

~~Sec. 801. Treatment of spouse and children of victims.~~
~~Sec. 802. Presence of victims of a severe form of trafficking in persons.~~
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~~Subtitle B—VAWA Self-Petitioners~~

~~Sec. 811. Definition of VAWA self-petitioner.~~
~~Sec. 812. Application to fiancees who do not marry within 90-day period.~~
~~Sec. 813. Application in case of voluntary departure.~~

~~Sec. 814. Removal proceedings.~~
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~~Sec. 817. Self-petitioning parents.~~
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~~Subtitle C—Miscellaneous Amendments~~

~~Sec. 821. Duration of T and U visas.~~
~~Sec. 822. Technical correction to references in application of special physical presence and good moral character rules.~~
~~Sec. 823. Petitioning rights of certain former spouses under Cuban adjustment.~~
~~Sec. 824. Self-petitioning rights of HRIFA applicants.~~
~~Sec. 825. Deportation proceedings.~~
~~Sec. 826. Limitations on enforcement.~~
~~Sec. 827. Protecting abused juveniles.~~
~~Sec. 828. Rulemaking.~~

~~TITLE IX—SAFETY FOR INDIAN WOMEN~~

~~Sec. 901. Findings.~~
~~Sec. 902. Purposes.~~
~~Sec. 903. Consultation.~~
~~Sec. 904. Analysis and research on violence against Indian women.~~
~~Sec. 905. Tracking of violence against Indian women.~~
~~Sec. 906. Tribal deputy in the Office on Violence Against Women.~~
~~Sec. 907. Enhanced criminal law resources.~~
~~Sec. 908. Domestic assault by an habitual offender.~~

~~SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.~~

~~(a) IN GENERAL.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding after section 40001 the following:~~

~~"SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.~~

~~"(a) DEFINITIONS.—In this title:~~

~~"(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan 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 ju-~~

~~dicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.~~

~~"(2) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.~~

~~"(3) 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 au-~~

~~thority to address domestic violence, dating violence, sexual assault, or stalking in the court system.~~

~~"(4) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult, youth, or child victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.~~

~~"(5) 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 existence of such a relationship 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.~~

1 ~~"(6) DATING VIOLENCE.—The term 'dating vio-~~
2 ~~lence' means violence committed by a person—~~
3 ~~"(A) who is or has been in a social rela-~~
4 ~~tionship of a romantic or intimate nature with~~
5 ~~the victim; and~~
6 ~~"(B) where the existence of such a rela-~~
7 ~~tionship shall be determined based on a consid-~~
8 ~~eration of the following factors:~~
9 ~~"(i) The length of the relationship.~~
10 ~~"(ii) The type of relationship.~~
11 ~~"(iii) The frequency of interaction be-~~
12 ~~tween the persons involved in the relation-~~
13 ~~ship.~~
14 ~~"(7) ELDER ABUSE.—The term 'elder abuse'~~
15 ~~means any action against a person who is 60 years~~
16 ~~of age or older that constitutes the willful—~~
17 ~~"(A) infliction of injury, unreasonable con-~~
18 ~~finement, intimidation, or cruel punishment~~
19 ~~with resulting physical harm, pain, or mental~~
20 ~~anguish; or~~
21 ~~"(B) deprivation by a person, including a~~
22 ~~caregiver, of goods or services that are nec-~~
23 ~~essary to avoid physical harm, mental anguish,~~
24 ~~or mental illness.~~

~~"(8) INDIAN.—The term 'Indian' means a member of an Indian tribe.~~

~~"(9) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described in the Native American Assistance and Self-Determination Act of (25 U.S.C. 4101 et seq., as amended).~~

~~"(10) 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.~~

~~"(11) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.~~

~~"(12) 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 3 of~~

~~the Indian Enforcement Reform Act (25 U.S.C. 2802).~~

~~"(13) 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.~~

~~"(14) 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 racial and ethnic populations and other underserved communities.~~

~~"(15) 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, 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; 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.~~

~~"(16) 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 programs).~~

~~"(17) 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.~~

~~"(18) RURAL AREA AND RURAL COMMUNITY.—The term '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.~~

~~"(19) 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 people, based on the most recent decennial census.~~

~~"(20) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.~~

1 ~~"(21) STALKING.—The term 'stalking' means~~
2 ~~engaging in a course of conduct directed at a spe-~~
3 ~~cific person that would cause a reasonable person~~
4 ~~to—~~
5 ~~"(A) fear for his or her safety or the safety~~
6 ~~of others; or~~
7 ~~"(B) suffer substantial emotional distress.~~
8 ~~"(22) STATE.—The term 'State' means each of~~
9 ~~the several States, the District of Columbia, the~~
10 ~~Commonwealth of Puerto Rico, and except as other-~~
11 ~~wise provided, Guam, American Samoa, the Virgin~~
12 ~~Islands, and the Northern Mariana Islands.~~
13 ~~"(23) STATE DOMESTIC VIOLENCE COALI-~~
14 ~~TION.—The term 'State domestic violence coalition'~~
15 ~~means a program determined by the Administration~~
16 ~~for Children and Families under the Family Violence~~
17 ~~Prevention and Services Act (42 U.S.C. 10410(b)).~~
18 ~~"(24) STATE SEXUAL ASSAULT COALITION.—~~
19 ~~The term 'State sexual assault coalition' means a~~
20 ~~program determined by the Center for Injury Pre-~~
21 ~~vention and Control of the Centers for Disease Con-~~
22 ~~trol and Prevention under the Public Health Service~~
23 ~~Act (42 U.S.C. 280b et seq.).~~
24 ~~"(25) TERRITORIAL DOMESTIC VIOLENCE OR~~
25 ~~SEXUAL ASSAULT COALITION.—The term 'territorial~~

~~domestic violence or sexual assault coalition' means a program addressing domestic 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.~~

~~"(26) TRIBAL COALITION.—The term 'tribal coalition' means—~~

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

~~"(27) TRIBAL GOVERNMENT.—The term 'tribal government' means—~~

1 ~~"(A) the governing body of an Indian~~
2 ~~tribe; or~~
3 ~~"(B) a tribe, band, pueblo, nation, or other~~
4 ~~organized group or community of Indians, in-~~
5 ~~cluding any Alaska Native village or regional or~~
6 ~~village corporation (as defined in, or established~~
7 ~~pursuant to, the Alaska Native Claims Settle-~~
8 ~~ment Act (43 U.S.C. 1601 et seq.)), that is rec-~~
9 ~~ognized as eligible for the special programs and~~
10 ~~services provided by the United States to Indi-~~
11 ~~ans because of their status as Indians.~~
12 ~~"(28) TRIBAL ORGANIZATION.—The term 'trib-~~
13 ~~al organization' means—~~
14 ~~"(A) the governing body of any Indian~~
15 ~~tribe;~~
16 ~~"(B) any legally established organization~~
17 ~~of Indians which is controlled, sanctioned, or~~
18 ~~chartered by such governing body of a tribe or~~
19 ~~tribes to be served, or which is democratically~~
20 ~~elected by the adult members of the Indian~~
21 ~~community to be served by such organization~~
22 ~~and which includes the maximum participation~~
23 ~~of Indians in all phases of its activities; or~~
24 ~~"(C) any tribal nonprofit organization.~~

1 ~~"(29) UNDERSERVED POPULATIONS.—The~~
2 ~~term 'underserved populations' includes populations~~
3 ~~underserved because of geographic location, under-~~
4 ~~served racial and ethnic populations, populations un-~~
5 ~~derserved because of special needs (such as language~~
6 ~~barriers, disabilities, alienage status, or age), and~~
7 ~~any other population determined to be underserved~~
8 ~~by the Attorney General.~~

9 ~~"(30) VICTIM ADVOCATE.—The term 'victim~~
10 ~~advocate' means a person, whether paid or serving~~
11 ~~as a volunteer, who provides services to victims of~~
12 ~~domestic violence, sexual assault, stalking, or dating~~
13 ~~violence under the auspices or supervision of a vic-~~
14 ~~tim services program.~~

15 ~~"(31) VICTIM ASSISTANT.—The term 'victim~~
16 ~~assistant' means a person, whether paid or serving~~
17 ~~as a volunteer, who provides services to victims of~~
18 ~~domestic violence, sexual assault, stalking, or dating~~
19 ~~violence under the auspices or supervision of a court~~
20 ~~or a law enforcement or prosecution agency.~~

21 ~~"(32) VICTIM SERVICES OR VICTIM SERVICE~~
22 ~~PROVIDER.—The term 'victim services' or 'victim~~
23 ~~service provider' means a nonprofit, nongovern-~~
24 ~~mental organization that assists domestic violence,~~
25 ~~dating violence, sexual assault, or stalking victims,~~

~~including rape crisis centers, domestic violence women's shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.~~

~~"(33) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.~~

~~"(b) GRANT CONDITIONS.—~~

~~"(1) MATCH.—No matching funds shall be required for a grant or subgrant made under this title for any unit of local government, tribe, territory, or victim service provider.~~

~~"(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, grantee 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—~~

1 ~~"(i) disclose any personally identifying~~
2 ~~information or individual information col-~~
3 ~~lected in connection with services re-~~
4 ~~quested, utilized, or denied through grant-~~
5 ~~ees' and subgrantees' programs; or~~
6 ~~"(ii) reveal individual client informa-~~
7 ~~tion without the informed, written, reason-~~
8 ~~ably time-limited consent of the person (or~~
9 ~~in the case of an unemancipated minor, the~~
10 ~~minor and the parent or guardian or in the~~
11 ~~case of persons with disabilities, the guard-~~
12 ~~ian) about whom information is sought,~~
13 ~~whether for this program or any other~~
14 ~~Federal, State, tribal, or territorial grant~~
15 ~~program.~~
16 ~~"(C) RELEASE.—If release of information~~
17 ~~described in subparagraph (B) is compelled by~~
18 ~~statutory or court mandate—~~
19 ~~"(i) grantees and subgrantees shall~~
20 ~~make reasonable attempts to provide notice~~
21 ~~to victims affected by the disclosure of in-~~
22 ~~formation;~~
23 ~~"(ii) grantees and subgrantees shall~~
24 ~~take steps necessary to protect the privacy~~

~~and safety of the persons affected by the release of the information; and~~

~~"(iii) consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.~~

~~"(D) INFORMATION SHARING.—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.~~

~~"(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and sub-~~

~~grantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies 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.".~~

~~"(c) 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.~~

~~"(d) EVALUATION.—Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—~~

~~"(1) evaluations of specific programs or projects funded by the disbursing agency under this title or related research; or~~

~~"(2) 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.".~~

~~(b) DEFINITIONS IN CRIME CONTROL ACT.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting before section 2001 the following:~~

~~"SEC. 2000. DEFINITIONS.~~

~~"In this title the definitions in section 40002 of the Violence Against Women Act of 1994 shall apply.".~~

~~(c) DEFINITIONS IN 2000 ACT.—Section 1002 of the Violence Against Women Act of 2002 (42 U.S.C. 3796-gg note) is amended to read as follows:~~

~~"SEC. 1002. DEFINITIONS.~~

~~"In this division the definitions in section 40002 of the Violence Against Women Act of 1994 shall apply.".~~

~~TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN~~

~~SEC. 101. STOP GRANTS IMPROVEMENTS.~~

~~(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of title I of the Omnibus Crime Control and~~

~~Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended by striking "$185,000,000 for each of fiscal years 2001 through 2005" and inserting "$225,000,000 for each of fiscal years 2006 through 2010".~~

~~(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—~~

~~(1) in paragraph (10), by striking "and" after the semicolon;~~

~~(2) in paragraph (11), by striking the period and inserting "; and"; and~~

~~(3) by adding at the end the following:~~

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

~~(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—~~

~~(1) in subsection (c)(2), by inserting before the semicolon the following: "and describe how the State will address the needs of racial and ethnic populations and underserved populations"; and~~

~~(2) in subsection (c)(2), by striking subparagraph (D) and inserting the following:~~

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

~~(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—~~

~~(1) in subsection (b)—~~

~~(A) in paragraph (1), by striking "5 percent" and inserting "10 percent";~~

~~(B) in paragraph (2), striking by "1/54" and inserting "1/56";~~

~~(C) in paragraph (3), by striking "and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54" and inserting "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";~~

~~(D) in paragraph (4), by striking "1/54" and inserting "1/56";~~

~~(E) in paragraph (5), by striking "and" after the semicolon; and~~

~~(F) in paragraph (6), by striking the period and inserting "; and";~~

~~(2) in subsection (d)—~~

~~(A) in paragraph (2), by striking "and" after the semicolon;~~

~~(B) in paragraph (3), by striking the period and inserting "; and"; and~~

~~(C) by adding at the end the following:~~

~~"(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and court and victim service providers have consulted with tribal, territorial, State, or local victim services 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.".~~

~~(c) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Con-~~

~~trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended by adding at the end the following:~~

~~"(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—~~

~~"(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees, subgrantees and other entities.~~

~~"(2) INDIAN TRAINING.—The Director of the Office on Violence Against Women shall ensure that training or technical assistance regarding violence against Indian women will be developed and provided by entities having expertise in tribal law and culture.".~~

~~(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by adding at the end the following:~~

~~"(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part 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 or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.~~

~~"(d) RULE OF CONSTRUCTION.—Nothing 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.~~

~~"(e) JUDICIAL NOTIFICATION.—~~

~~"(1) IN GENERAL.—A State, Indian tribal government, or unit of local government shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government—~~

~~"(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws; or~~

~~"(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the re-~~

quirements of subparagraph (A) within the later of—

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

"(ii) 2 years.

"(2) REDISTRIBUTION.—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal governments, pro rata.".

(g) POLYGRAPH TESTING PROHIBITION.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

"SEC. 2012. POLYGRAPH TESTING PROHIBITION.

"(a) IN GENERAL.—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government must certify within 3 years of the date of enactment of this section that their laws, policies, or practices ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a poly-

~~graph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.~~

~~"(b) PROSECUTION.—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.".~~

~~SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.~~

~~(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking "$65,000,000 for each of fiscal years 2001 through 2005" and inserting "$75,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.".~~

~~(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—~~

~~(1) in subsection (a), by striking "to treat domestic violence as a serious violation" and inserting "to treat domestic violence, dating violence, sexual assault, and stalking as serious violations";~~

~~(2) in subsection (b)—~~

~~(A) in the matter before paragraph (1), by inserting after "State" the following: ", tribal, territorial,";~~

~~(B) in paragraph (1), by—~~

~~(i) striking "mandatory arrest or"; and~~

~~(ii) striking "mandatory arrest programs and";~~

~~(C) in paragraph (2), by—~~

~~(i) inserting after "educational programs," the following: "protection order registries,";~~

~~(ii) striking "domestic violence and dating violence" and inserting "domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking";~~

~~(D) in paragraph (3), by—~~

~~(i) striking "domestic violence cases" and inserting "domestic violence, dating vi-~~

~~olence, sexual assault, and stalking cases'';~~ ~~and~~

~~(ii) striking ''groups'' and inserting ''teams'';~~

~~(E) in paragraph (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';~~

~~(F) in paragraph (6), by—~~

~~(i) striking ''other'' and inserting ''civil''; and~~

~~(ii) inserting after ''domestic violence'' the following: '', dating violence, sexual assault, and stalking''; and~~

~~(G) by adding at the end the following:~~

~~''(9) To develop State, territorial, or local policies, procedures, and protocols, 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, law enforcement offi-~~

~~cers, 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.~~

~~"(11) To develop and implement policies and training for police, prosecutors, 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.";~~

~~(3) in subsection (c)—~~

~~(A) in paragraph (3), by striking "and" after the semicolon;~~

~~(B) in paragraph (4), by striking the period and inserting "; and"; and~~

~~(C) by adding at the end the following:~~

~~"(5) certify, not later than 3 years after the date of enactment of this section, that their laws, policies, or practices ensure that—~~

~~"(A) 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 of such an offense; and~~

~~"(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense."; and~~

~~(4) by striking subsections (d) and (e) and inserting the following:~~

~~"(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.".~~

~~(e) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after "involving domestic violence" the following: ", dating violence, sexual assault, or stalking".~~

~~(d) TRAINING, TECHNICAL ASSISTANCE, CONFIDENTIALITY.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:~~

~~"SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.~~

~~"Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees and other entities to offer services and assistance to victims of domestic violence and dating violence.".~~

~~SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.~~

~~Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—~~

~~(1) in subsection (a), by—~~

~~(A) inserting before "legal assistance" the following: "civil and criminal";~~

~~(B) inserting after "effective aid to" the following: "adult and youth"; and~~

~~(C) inserting at the end the following: "Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.";~~

~~(2) in subsection (c), by inserting "and tribal organizations, territorial organizations" after "Indian tribal governments";~~

~~(3) in subsection (d)—~~

~~(A) by striking paragraph (2) and inserting the following:~~

~~"(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 or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials; and~~

~~(B) in paragraph (4), by inserting "dating violence," after "domestic violence,";~~

~~(4) in subsection (e), by inserting "dating violence," after "domestic violence,"; and~~

~~(5) in subsection (f)—~~

~~(A) by striking paragraph (1) and inserting the following:~~

~~"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 2006 through 2010."; and~~

~~(B) in paragraph (2)(A), by—~~

~~(i) striking "5 percent" and inserting "10 percent"; and~~

~~(ii) inserting "adult and youth" after "that assist".~~

~~SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES.~~

~~(a) IN GENERAL.—Section 502 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2510) is amended—~~

~~(1) in subsection (a)(2)(C)—~~

~~(A) in the matter preceding clause (i), by striking "using funds derived from a source other than the Corporation to provide" and inserting "providing";~~

~~(B) in clause (i), by striking "in the United States" and all that follows and inserting "or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)), or"; and~~

~~(C) in clause (ii), by striking "has been battered" and all that follows and inserting ", without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immi-~~

~~gration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).”; and~~

~~(2) in subsection (b)(2), by striking “described in such subsection” and inserting “, sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii))”.~~

~~(b) SAVINGS PROVISION.—Nothing in this Act, or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).~~

~~SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.~~

~~(a) VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:~~

~~"Subtitle J—Violence Against Women Act Court Training and Improvements~~

~~"SEC. 41001. SHORT TITLE.~~

~~''This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.~~

~~"SEC. 41002. PURPOSE.~~

~~''The purpose of this subtitle is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—~~

~~''(1) improved internal civil and criminal court functions, responses, practices, and procedures;~~

~~''(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;~~

~~''(3) collaboration and training with Federal, State, and local public agencies and officials and nonprofit, nongovernmental organizations to improve~~

implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

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

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

"(B) community-based initiatives within the court system (such as court watch programs, victim assistants, 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 racial and ethnic communities and underserved populations; and

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

"(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to

~~improve their practices and procedures or to develop new programs.~~

~~"SEC. 41003. GRANT REQUIREMENTS.~~

~~"Grants awarded under this subtitle shall be subject to the following conditions:~~

~~"(1) ELIGIBLE GRANTEES.—Eligible grantees may include—~~

~~"(A) Federal, State, tribal, territorial, or local courts or court-based programs; and~~

~~"(B) national, State, tribal, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.~~

~~"(2) CONDITIONS OF ELIGIBILITY.—To be eligible for a grant under this section, applicants shall certify in writing that—~~

~~"(A) any courts or court-based personnel working directly with or making decisions about adult or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;~~

1 ~~"(B) any education program developed~~
2 ~~under section 41002 has been or will be devel-~~
3 ~~oped with significant input from and in collabo-~~
4 ~~ration with a national, tribal, State, territorial,~~
5 ~~or local victim services provider or coalition;~~
6 ~~and~~
7 ~~"(C) the grantee's internal organizational~~
8 ~~policies, procedures, or rules do not require me-~~
9 ~~diation or counseling between offenders and vic-~~
10 ~~tims physically together in cases where domestic~~
11 ~~violence, dating violence, sexual assault, or~~
12 ~~stalking is an issue.~~
13 **~~"SEC. 41004. NATIONAL EDUCATION CURRICULA.~~**
14 ~~"(a) IN GENERAL.—The Attorney General, through~~
15 ~~the Director of the Office on Violence Against Women,~~
16 ~~shall fund efforts to develop a national education cur-~~
17 ~~riculum for use by State and national judicial educators~~
18 ~~to ensure that all courts and court personnel have access~~
19 ~~to information about relevant Federal, State, territorial,~~
20 ~~or local law, promising practices, procedures, and policies~~
21 ~~regarding court responses to adult and youth domestic vio-~~
22 ~~lence, dating violence, sexual assault, and stalking.~~
23 ~~"(b) ELIGIBLE ENTITIES.—Any curricula developed~~
24 ~~under this section—~~

1 ~~"(1) shall be developed by an entity or entities~~
2 ~~having demonstrated expertise in developing judicial~~
3 ~~education curricula on issues relating to domestic vi-~~
4 ~~olence, dating violence, sexual assault, and stalking;~~
5 ~~or~~
6 ~~"(2) if the primary grantee does not have dem-~~
7 ~~onstrated expertise with such issues, shall be devel-~~
8 ~~oped by the primary grantee in partnership with an~~
9 ~~organization having such expertise.~~
10 ~~**"SEC. 41005. TRIBAL CURRICULA.**~~
11 ~~"(a) IN GENERAL.—The Attorney General, through~~
12 ~~the Office on Violence Against Women, shall fund efforts~~
13 ~~to develop education curricula for tribal court judges to~~
14 ~~ensure that all tribal courts have relevant information~~
15 ~~about promising practices, procedures, policies, and law~~
16 ~~regarding tribal court responses to adult and youth domes-~~
17 ~~tic violence, dating violence, sexual assault, and stalking.~~
18 ~~"(b) ELIGIBLE ENTITIES.—Any curricula developed~~
19 ~~under this section—~~
20 ~~"(1) shall be developed by a tribal organization~~
21 ~~having demonstrated expertise in developing judicial~~
22 ~~education curricula on issues relating to domestic vi-~~
23 ~~olence, dating violence, sexual assault, and stalking;~~
24 ~~and~~

1 ~~''(2) if the primary grantee does not have such~~
2 ~~expertise, the curricula shall be developed by the pri-~~
3 ~~mary grantee through partnership with organiza-~~
4 ~~tions having such expertise.~~

5 ~~**''SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.**~~

6 ~~''(a) IN GENERAL.—There is authorized to be appro-~~
7 ~~priated to carry out this subtitle $5,000,000 for each of~~
8 ~~fiscal years 2006 to 2010.~~

9 ~~''(b) AVAILABILITY.—Funds appropriated under this~~
10 ~~section shall remain available until expended and may only~~
11 ~~be used for the specific programs and activities described~~
12 ~~in this subtitle.~~

13 ~~''(c) SET ASIDE.—Of the amounts made available~~
14 ~~under this subsection in each fiscal year, not less than 10~~
15 ~~percent shall be used for grants to tribes.''.~~

16 ~~**SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.**~~

17 ~~(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED~~
18 ~~BY TERRITORIES.—Section 2265 of title 18, United~~
19 ~~States Code, is amended by—~~

20 ~~(1) striking ''or Indian tribe'' each place it ap-~~
21 ~~pears and inserting '', Indian tribe, or territory''; and~~

23 ~~(2) striking ''State or tribal'' each place it ap-~~
24 ~~pears and inserting ''State, tribal, or territorial''.~~

~~(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking "and enforced as if it were" and inserting "and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were".~~

~~(c) LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.—Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:~~

~~"(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—A State, Indian tribe, or territory shall not publish publicly on the Internet any information regarding the registration or filing of a protection order, 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.".~~

1 ~~(d) DEFINITIONS.—Section 2266 of title 18, United~~
2 ~~States Code, is amended—~~
3 ~~(1) by striking paragraph (5) and inserting the~~
4 ~~following:~~
5 ~~"(5) PROTECTION ORDER.—The term 'protec-~~
6 ~~tion order' includes—~~
7 ~~"(A) any injunction, restraining order, or~~
8 ~~any other order issued by a civil or criminal~~
9 ~~court for the purpose of preventing violent or~~
10 ~~threatening acts or harassment against, sexual~~
11 ~~violence, or contact or communication with or~~
12 ~~physical proximity to, another person, including~~
13 ~~any temporary or final order issued by a civil~~
14 ~~or criminal court whether obtained by filing an~~
15 ~~independent action or as a pendente lite order~~
16 ~~in another proceeding so long as any civil or~~
17 ~~criminal order was issued in response to a com-~~
18 ~~plaint, petition, or motion filed by or on behalf~~
19 ~~of a person seeking protection; and~~
20 ~~"(B) any support, child custody or visita-~~
21 ~~tion provisions, orders, remedies or relief issued~~
22 ~~as part of a protection order, restraining order,~~
23 ~~or injunction pursuant to State, tribal, terri-~~
24 ~~torial, or local law authorizing the issuance of~~
25 ~~protection orders, restraining orders, or injunc-~~

~~tions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.''; and~~

~~(2) in clauses (i) and (ii) of paragraph (7)(A), by striking ''2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser'' and inserting ''2261A—~~

~~''(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or~~

~~''(II) 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''.~~

SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

"SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this subtitle to States, tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

"SEC. 41102. PURPOSE AREAS.

''Grants made under this subtitle may be used—

''(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the

~~release of personally identifying information of victims (such as developing alternative identifiers);~~

~~"(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;~~

~~"(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or~~

~~"(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.~~

~~"SEC. 41103. ELIGIBLE ENTITIES.~~

~~"Entities eligible for grants under this subtitle include—~~

~~"(1) jurisdictions or agencies within jurisdictions having authority or responsibility for devel-~~

~~oping or maintaining public databases, registries or victim notification systems;~~

~~"(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;~~

~~"(3) States or State agencies;~~

~~"(4) local governments or agencies;~~

~~"(5) tribal governments, agencies, or organizations;~~

~~"(6) territorial governments, agencies, or organizations; or~~

~~"(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.~~

~~"SEC. 41104. GRANT CONDITIONS.~~

~~"Applicants described in paragraphs (3) through (7) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.~~

~~"SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.~~

~~"(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2006 through 2010.~~

~~"(b) TRIBAL ALLOCATION.—Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.~~

~~"(c) TECHNICAL ASSISTANCE AND TRAINING.—Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.".~~

~~SEC. 108. SEX OFFENDER MANAGEMENT.~~

~~Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:~~

~~"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2010.".~~

~~SEC. 109. STALKER DATABASE.~~

~~Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—~~

~~(1) by striking "2001" and inserting "2006"; and~~

~~(2) by striking "2006" and inserting "2010".~~

~~SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.~~

~~Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322) is amended to read as follows:~~

~~"SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.~~

~~"There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.".~~

~~SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PROGRAMS.~~

~~(a) DEFINITIONS.—In this section:~~

~~(1) ACT OF TRAFFICKING.—The term "act of trafficking" means an act or practice described in paragraph (8) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).~~

~~(2) ELIGIBLE ENTITY.—The term "eligible entity" means a State or a local government.~~

~~(3) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.~~

~~(4) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means a person subjected to an act of trafficking.~~

~~(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.~~

~~(c) USE OF FUNDS.—A grant awarded under this section shall be used to—~~

~~(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;~~

~~(2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking; or~~

~~(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.~~

~~(d) RESTRICTIONS.—~~

~~(1) ADMINISTRATIVE EXPENSES.—An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.~~

~~(2) NONEXCLUSIVITY.—Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).~~

~~(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2010 to carry out the provisions of this section.~~

~~SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.~~

~~(a) FINDINGS.—Section 215 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011) is amended by striking paragraphs (1) and (2) and inserting the following:~~

1 ~~"(1) Court Appointed Special Advocates, who~~
2 ~~may serve as guardians ad litem, are trained volun-~~
3 ~~teers appointed by courts to advocate for the best in-~~
4 ~~terests of children who are involved in the juvenile~~
5 ~~and family court system due to abuse or neglect;~~
6 ~~"(2) the National Court Appointed Special Ad-~~
7 ~~vocate Association maintains a system of account-~~
8 ~~ability, including standards, quality assurance, train-~~
9 ~~ing, and technical assistance for a network of 70,000~~
10 ~~volunteers in more than 850 programs operating in~~
11 ~~49 States, the District of Columbia, and the Virgin~~
12 ~~Islands; and~~
13 ~~"(3) in 2003, Court Appointed Special Advo-~~
14 ~~cate volunteers represented 288,000 children, more~~
15 ~~than 50 percent of the estimated 540,000 children~~
16 ~~in foster care because of substantiated cases of child~~
17 ~~abuse or neglect.".~~
18 ~~(b) IMPLEMENTATION DATE.—Section 216 of the~~
19 ~~Victims of Child Abuse Act of 1990 (42 U.S.C. 13012)~~
20 ~~is amended by striking "January 1, 1995" and inserting~~
21 ~~"January 1, 2010".~~
22 ~~(c) CLARIFICATION OF PROGRAM GOALS.—Section~~
23 ~~217 of the Victims of Child Abuse Act of 1990 (42 U.S.C.~~
24 ~~13013) is amended—~~

~~(1) in subsection (a), by striking "to expand" and inserting "to initiate, sustain, and expand";~~

~~(2) subsection (b)—~~

~~(A) in paragraph (1), by striking "to initiate or expand" and inserting "to initiate, sustain, and expand"; and~~

~~(B) in paragraph (2), by—~~

~~(i) striking "(1)(a)" and inserting "(1)(A)"; and~~

~~(ii) striking "to initiate and to expand" and inserting "to initiate, sustain, and expand"; and~~

~~(3) by adding at the end the following:~~

~~"(d) BACKGROUND CHECKS.—State and local Court Appointed Special Advocate programs are authorized to request criminal background checks from the Federal Bureau of Investigation National Crime Information Center for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.".~~

~~(d) REAUTHORIZATION.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:~~

1 ~~"(a) AUTHORIZATION.—There is authorized to be ap-~~
2 ~~propriated to carry out this subtitle $17,000,000 for each~~
3 ~~of fiscal years 2006 through 2010.".~~

4 ~~**SEC. 113. PREVENTING CYBERSTALKING.**~~

5 ~~(a) IN GENERAL.—Paragraph (1) of section 223(h)~~
6 ~~of the Communications Act of 1934 (47 U.S.C. 223(h)(1))~~
7 ~~is amended—~~

8 ~~(1) in subparagraph (A), by striking "and" at~~
9 ~~the end;~~

10 ~~(2) in subparagraph (B), by striking the period~~
11 ~~at the end and inserting "; and"; and~~

12 ~~(3) by adding at the end the following new sub-~~
13 ~~paragraph:~~

14 ~~"(C) in the case of subparagraph (C) of~~
15 ~~subsection (a)(1), includes any device or soft-~~
16 ~~ware that can be used to originate telecommuni-~~
17 ~~cations or other types of communications that~~
18 ~~are transmitted, in whole or in part, by the~~
19 ~~Internet (as such term is defined in section~~
20 ~~1104 of the Internet Tax Freedom Act (47~~
21 ~~U.S.C. 151 note)).".~~

22 ~~(b) RULE OF CONSTRUCTION.—This section and the~~
23 ~~amendment made by this section may not be construed~~
24 ~~to affect the meaning given the term "telecommunications~~
25 ~~device" in section 223(h)(1) of the Communications Act~~

of 1934, as in effect before the date of the enactment of this section.

SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.

(a) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Stalking

"Whoever—

"(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, place under surveillance, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, or causes substantial emotional harm 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

"(2) with the intent—

"(A) to kill, injure, harass, place under surveillance, intimidate, or cause substantial emotional harm 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 or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional harm to that person or places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii) of subparagraph (B);~~

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

~~SEC. 115. REPEAT OFFENDER PROVISION.~~

~~Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:~~

~~"§ 2265A. Repeat offender provision~~

~~"The maximum term of imprisonment for a violation of this chapter after a prior interstate domestic violence offense (as defined in section 2261) or interstate violation of protection order (as defined in section 2262) or interstate stalking (as defined in sections 2261A(a) and 2261A(b)) may be twice the term otherwise provided for the violation.".~~

~~SEC. 116. PROHIBITING DATING VIOLENCE.~~

~~(a) IN GENERAL.—Section 2261(a) of title 18, United States Code, is amended—~~

~~(1) in paragraph (1), striking "or intimate partner" and inserting ", intimate partner, or dating partner"; and~~

~~(2) in paragraph (2), striking "or intimate partner" and inserting ", intimate partner, or dating partner".~~

~~(b) DEFINITION.—Section 2266 of title 18, United States Code, is amended by adding at the end the following:~~

~~"(10) DATING PARTNER.—The term 'dating partner' refers to person who is or has been in a social relationship of a romantic or intimate nature with the abuser and the existence of such a relationship based on a consideration of—~~

~~"(A) the length of the relationship; and~~

~~"(B) the type of relationship; and~~

~~"(C) the frequency of interaction between the persons involved in the relationship.".~~

~~SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.~~

~~(a) DOMESTIC VIOLENCE.—Section 2261(a)(1) of title 18, United States Code, is amended by inserting after "Indian country" the following: "or within the special maritime and territorial jurisdiction of the United States".~~

~~(b) PROTECTION ORDER.—Section 2262(a)(1) of title 18, United States Code, is amended by inserting after "Indian country" the following: "or within the special maritime and territorial jurisdiction of the United States".~~

~~TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING~~

~~SEC. 201. FINDINGS.~~

~~Congress finds the following:~~

~~(1) Nearly ⅓ of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.~~

~~(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.~~

~~(3) Rape and sexual assault in the United States is estimated to cost $127,000,000,000 per year, including—~~

~~(A) lost productivity;~~

~~(B) medical and mental health care;~~

~~(C) police and fire services;~~

~~(D) social services;~~

~~(E) loss of and damage to property; and~~

~~(F) reduced quality of life.~~

~~(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of nonstranger sexual assault.~~

~~(5) Geographic isolation often compound the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.~~

~~(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study found that the perpetrator was a family member in 90 percent of cases.~~

~~(7) Barriers for older victims leaving abusive relationships include—~~

~~(A) the inability to support themselves;~~

~~(B) poor health that increases their dependence on the abuser;~~

~~(C) fear of being placed in a nursing home; and~~

~~(D) ineffective responses by domestic abuse programs and law enforcement.~~

~~(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.~~

~~(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.~~

~~(10) Of the 598 battered women's programs surveyed—~~

~~(A) only 35 percent of these programs offered disability awareness training for their staff; and~~

~~(B) only 16 percent dedicated a staff member to provide services to women with disabilities.~~

~~(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.~~

~~(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a 9-1-1 operator, or even in acquiring information about their rights and the legal system.~~

~~(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.~~

~~(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.~~

~~(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.~~

~~(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.~~

~~(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.~~

~~(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline's ability to answer more calls quickly and effectively.~~

~~SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.~~

~~Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2012, as added by this Act, the following:~~

~~"SEC. 2013. SEXUAL ASSAULT SERVICES.~~

~~"(a) PURPOSES.—The purposes of this section are—~~

~~"(1) to assist States, 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;~~

~~"(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 rape crisis centers and other 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 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 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 so-~~

~~cial 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 racial and ethnic, and other 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.~~

1 ~~"(B) CONTENTS.—Each application sub-~~
2 ~~mitted under subparagraph (A) shall—~~
3 ~~"(i) set forth procedures designed to~~
4 ~~assure meaningful involvement of the State~~
5 ~~or territorial sexual assault coalition and~~
6 ~~representatives from racial and ethnic and~~
7 ~~other underserved communities in the de-~~
8 ~~velopment of the application and the imple-~~
9 ~~mentation of the plans;~~
10 ~~"(ii) set forth procedures designed to~~
11 ~~ensure an equitable distribution of grants~~
12 ~~and grant funds within the State or terri-~~
13 ~~tory and between urban and rural areas~~
14 ~~within such State or territory;~~
15 ~~"(iii) identify the State or territorial~~
16 ~~agency that is responsible for the admini-~~
17 ~~tration of programs and activities; and~~
18 ~~"(iv) meet other such requirements as~~
19 ~~the Attorney General reasonably deter-~~
20 ~~mines are necessary to carry out the pur-~~
21 ~~poses and provisions of this section.~~
22 ~~"(4) MINIMUM AMOUNT.—The Attorney Gen-~~
23 ~~eral shall allocate to each State not less than 0.50~~
24 ~~percent of the total amount appropriated in a fiscal~~
25 ~~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 percent of the total appropriations.~~

~~"(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 racial and ethnic 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 racial and ethnic commu-~~

~~nities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations; and~~

~~"(D) have an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic 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 section 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 racial and ethnic communities.~~

1 ~~"(5) TERM.—The Attorney General shall make~~
2 ~~grants under this section for a period of no less than~~
3 ~~2 fiscal years.~~
4 ~~"(6) REPORTING.—Each entity receiving a~~
5 ~~grant under this subsection shall submit a report to~~
6 ~~the Attorney General that describes the activities out~~
7 ~~with such grant funds.~~
8 ~~"(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL~~
9 ~~SEXUAL ASSAULT COALITIONS.—~~
10 ~~"(1) GRANTS AUTHORIZED.—~~
11 ~~"(A) IN GENERAL.—The Attorney General~~
12 ~~shall award grants to State, territorial, and~~
13 ~~tribal sexual assault coalitions to assist in sup-~~
14 ~~porting the establishment, maintenance, and ex-~~
15 ~~pansion of such coalitions.~~
16 ~~"(B) MINIMUM AMOUNT.—Not less than~~
17 ~~10 percent of the total amount appropriated to~~
18 ~~carry out this section shall be used for grants~~
19 ~~under subparagraph (A).~~
20 ~~"(C) ELIGIBLE APPLICANTS.—Each of the~~
21 ~~State, territorial, and tribal sexual assault coali-~~
22 ~~tions.~~
23 ~~"(2) USE OF FUNDS.—Grant funds received~~
24 ~~under this subsection may be used to—~~

1 ~~"(A) work with local sexual assault pro-~~
2 ~~grams and other providers of direct services to~~
3 ~~encourage appropriate responses to sexual as-~~
4 ~~sault within the State, territory, or tribe;~~
5 ~~"(B) work with judicial and law enforce-~~
6 ~~ment agencies to encourage appropriate re-~~
7 ~~sponses to sexual assault cases;~~
8 ~~"(C) work with courts, child protective~~
9 ~~services agencies, and children's advocates to~~
10 ~~develop appropriate responses to child custody~~
11 ~~and visitation issues when sexual assault has~~
12 ~~been determined to be a factor;~~
13 ~~"(D) design and conduct public education~~
14 ~~campaigns;~~
15 ~~"(E) plan and monitor the distribution of~~
16 ~~grants and grant funds to their State, territory,~~
17 ~~or tribe; or~~
18 ~~"(F) collaborate with and inform Federal,~~
19 ~~State, or local public officials and agencies to~~
20 ~~develop and implement policies to reduce or~~
21 ~~eliminate sexual assault.~~
22 ~~"(3) ALLOCATION AND USE OF FUNDS.—From~~
23 ~~amounts appropriated for grants under this sub-~~
24 ~~section for each fiscal year—~~

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

~~"(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 States 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 a sexual assault programs or projects in Indian country and Alaskan 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 for each of the fiscal years 2006 through 2010 to carry out the provisions of this section.~~

1 ~~"(2) ALLOCATIONS.—Of the total amounts ap-~~
2 ~~propriated for each fiscal year to carry out this sec-~~
3 ~~tion—~~
4 ~~"(A) not more than 2.5 percent shall be~~
5 ~~used by the Attorney General for evaluation,~~
6 ~~monitoring, and other administrative costs~~
7 ~~under this section;~~
8 ~~"(B) not more than 2.5 percent shall be~~
9 ~~used for the provision of technical assistance to~~
10 ~~grantees and subgrantees under this section;~~
11 ~~"(C) not less than 65 percent shall be used~~
12 ~~for grants to States and territories under sub-~~
13 ~~section (b);~~
14 ~~"(D) not less than 7 percent shall be used~~
15 ~~for making grants to State, territorial, and trib-~~
16 ~~al sexual assault coalitions under subsection~~
17 ~~(d);~~
18 ~~"(E) not less than 7 percent shall be used~~
19 ~~for grants to tribes under subsection (e); and~~
20 ~~"(F) not less than 7 percent shall be used~~
21 ~~for grants for culturally specific programs ad-~~
22 ~~dressing sexual assault under subsection (e).".~~

SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

"SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

"(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;

1 ~~"(2) to establish and expand nonprofit, non-~~
2 ~~governmental, State, tribal, territorial, and local gov-~~
3 ~~ernment victim services in rural communities to~~
4 ~~child, youth, and adult victims; and~~
5 ~~"(3) to increase the safety and well-being of~~
6 ~~women and children in rural communities, by—~~
7 ~~"(A) dealing directly and immediately with~~
8 ~~domestic violence, sexual assault, dating vio-~~
9 ~~lence, and stalking occurring in rural commu-~~
10 ~~nities; and~~
11 ~~"(B) creating and implementing strategies~~
12 ~~to increase awareness and prevent domestic vio-~~
13 ~~lence, sexual assault, dating violence, and stalk-~~
14 ~~ing.~~
15 ~~"(b) GRANTS AUTHORIZED.—The Attorney General,~~
16 ~~acting through the Director of the Office on Violence~~
17 ~~Against Women (referred to in this section as the 'Direc-~~
18 ~~tor'), may award grants to States, Indian tribes, local gov-~~
19 ~~ernments, and nonprofit, public or private entities, includ-~~
20 ~~ing tribal nonprofit organizations, to carry out programs~~
21 ~~serving rural areas or rural communities that address do-~~
22 ~~mestic violence, dating violence, sexual assault, and stalk-~~
23 ~~ing by—~~
24 ~~"(1) implementing, expanding, and establishing~~
25 ~~cooperative efforts and projects among law enforce-~~

~~ment officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;~~

~~"(2) providing treatment, counseling, advocacy, and other long- and short-term assistance to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities; and~~

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

~~"(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).~~

~~"(d) ALLOTMENTS AND PRIORITIES.—~~

~~"(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.~~

~~"(2) ALLOTMENT FOR SEXUAL ASSAULT SERVICES.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this~~

~~section shall be allocated for grants that meaningfully address sexual assault in rural communities.~~

~~"(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.~~

~~"(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to racial, ethnic, and other 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 for each of the fiscal years 2006 through 2010 to carry out this section.~~

~~"(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42~~

~~U.S.C. 3796dd et seq.) to accomplish the objectives of this section.''.~~

~~SEC. 204. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES.~~

~~(a) IN GENERAL.—Section 1402 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–7) is amended to read as follows:~~

~~''SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.~~

~~''(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 women and girls who are 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 and~~

~~prevention of domestic violence, dating violence, stalking, and sexual assault against disabled women and girls;~~

~~"(2) to conduct outreach activities to ensure that disabled women and girls 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 women and girls;~~

~~"(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 for disabled women and girls;~~

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

~~"(A) the Americans with Disabilities Act of 1990; and~~

1 ~~"(B) section 504 of the Rehabilitation Act~~
2 ~~of 1973;~~
3 ~~"(6) to rehabilitate facilities, purchase equip-~~
4 ~~ment, and provide personnel so that shelters and vic-~~
5 ~~tim service organizations can accommodate the~~
6 ~~needs of disabled women and girls;~~
7 ~~"(7) to provide advocacy and intervention serv-~~
8 ~~ices for disabled women and girls who are victims of~~
9 ~~domestic violence, dating violence, stalking, or sexual~~
10 ~~assault, or~~
11 ~~"(8) to develop model programs providing advo-~~
12 ~~cacy and intervention services within organizations~~
13 ~~serving disabled women and girls who are victims of~~
14 ~~domestic violence, dating violence, sexual assault, or~~
15 ~~stalking.~~
16 ~~"(c) ELIGIBLE ENTITIES.—~~
17 ~~"(1) IN GENERAL.—An entity shall be eligible~~
18 ~~to receive a grant under this section if the entity~~
19 ~~is—~~
20 ~~"(A) a State;~~
21 ~~"(B) a unit of local government;~~
22 ~~"(C) an Indian tribal government or tribal~~
23 ~~organization; or~~
24 ~~"(D) a nonprofit and nongovernmental vic-~~
25 ~~tim services organization, such as a State do-~~

~~mestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled women and girls.~~

~~"(2) LIMITATION.—A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5).~~

~~"(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 for each of the fiscal years 2006 through 2010 to carry out this section.".~~

~~SEC. 205. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.~~

~~(a) TRAINING PROGRAMS.—Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) is amended to read as follows:~~

~~"SEC. 40802. ENHANCED TRAINING AND SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN LATER IN LIFE.~~

~~"(a) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, may award grants, which may be used for—~~

~~"(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect and exploitation, including domestic violence or sexual assault, against victims who are 60 years of age or older;~~

~~"(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including domestic and sexual violence, who are 60 years of age or older;~~

~~"(3) increasing the physical accessibility of buildings in which services are or will be rendered for victims of elder abuse, neglect, and exploitation, including domestic and sexual violence, who are 60 years of age or older;~~

~~"(4) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic~~

~~and sexual violence, who are 60 years of age or older; and~~

~~"(5) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of domestic and sexual abuse who are 60 years of age or older.~~

~~"(b) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if the entity is—~~

~~"(1) a State;~~

~~"(2) a unit of local government;~~

~~"(3) an Indian tribal government or tribal organization; or~~

~~"(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence or sexual assault.".~~

~~(c) AUTHORIZATION OF APPROPRIATIONS.—Section 40803 of the Violence Against Women Act of 1994 (42 U.S.C. 14041b) is amended by striking "$5,000,000 for each of fiscal years 2001 through 2005" and inserting "$10,000,000 for each of the fiscal years 2006 through 2010".~~

SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in subsection (d), by adding at the end the following:

"(5) provide technology and telecommunication training and assistance for advocates, volunteers, staff, and others affiliated with the hotline so that such persons are able to effectively use improved equipment made available through the Connections Campaign."; and

(2) in subsection (g)—

(A) in paragraph (1), by striking "$3,500,000" and all that follows and inserting "$5,000,000 for each of fiscal years 2006 through 2010.";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 301. FINDINGS.

Congress finds the following:

~~(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.~~

~~(2) The Department of Justice consistently finds that young women between the ages of 16 and 24 experience the highest rate of non-fatal intimate partner violence.~~

~~(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.~~

~~(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.~~

~~(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.~~

~~(6) Only one State specifically allows for minors to petition the court for protection orders.~~

~~(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.~~

~~(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.~~

~~(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim's residence.~~

~~(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.~~

SEC. 302. RAPE PREVENTION AND EDUCATION.

Section 393B(c) of part J of title III of the Public Health Service Act (42 U.S.C. 280b–1c(c)) is amended to read as follows:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2006 through 2010.

"(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).".

SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 (Public Law 103–322, Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

"SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

"(a) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the 'Secretary'), acting through the

~~Family and Youth Services Bureau, in consultation with the Department of Justice, shall award grants to eligible entities to conduct programs to serve victims of domestic violence, dating violence, sexual assault, and stalking who are between the ages of 12 and 24. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).~~

~~"(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—~~

~~"(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking;~~

~~"(2) a community-based organization specializing in intervention or violence prevention services for youth;~~

~~"(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or~~

~~"(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.~~

~~"(c) USE OF FUNDS.—~~

1 ~~"(1) IN GENERAL.—An entity that receives a~~
2 ~~grant under this section shall use amounts provided~~
3 ~~under the grant to design or replicate, and imple-~~
4 ~~ment, programs and services, using domestic vio-~~
5 ~~lence, dating violence, sexual assault, and stalking~~
6 ~~intervention models to respond to the needs of youth~~
7 ~~who are victims of domestic violence, dating violence,~~
8 ~~sexual assault or stalking.~~
9 ~~"(2) TYPES OF PROGRAMS.—Such a program—~~
10 ~~"(A) shall provide direct counseling and~~
11 ~~advocacy for teens and young adults, who have~~
12 ~~experienced domestic violence, dating violence,~~
13 ~~sexual assault or stalking;~~
14 ~~"(B) shall include linguistically, culturally,~~
15 ~~and community relevant services for racial, eth-~~
16 ~~nic, and other underserved populations or link-~~
17 ~~ages to existing services in the community tai-~~
18 ~~lored to the needs of underserved populations;~~
19 ~~"(C) may include mental health services~~
20 ~~for teens and young adults who have experi-~~
21 ~~enced domestic violence, dating violence, sexual~~
22 ~~assault, or stalking;~~
23 ~~"(D) may include legal advocacy efforts on~~
24 ~~behalf of minors and young adults with respect~~

~~to domestic violence, dating violence, sexual assault or stalking;~~

~~"(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and~~

~~"(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.~~

~~"(d) AWARDS BASIS.—~~

~~"(1) GRANTS TO INDIAN TRIBES.—Not less than 7 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.~~

~~"(2) ADMINISTRATION.—The Secretary shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.~~

~~"(3) TECHINICAL ASSISTANCE.—Not less than 5 percent of funds appropriated under this section in~~

any year shall be available to provide technical assistance for programs funded under this section.

"(e) TERM.—The Secretary shall make the grants under this section for a period of 3 fiscal years.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2006 through 2010.

"SEC. 41202. ACCESS TO JUSTICE FOR TEENS.

"(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve young victims of dating violence, domestic violence, sexual assault, and stalking who are between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of domestic violence, dating violence, sexual assault, and stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions.

"(b) GRANT AUTHORITY.—

1 ~~"(1) IN GENERAL.—The Attorney General,~~
2 ~~through the Director of the Office on Violence~~
3 ~~Against Women (in this section referred to as the~~
4 ~~'Director'), shall make grants to eligible entities to~~
5 ~~carry out the purposes of this section.~~
6 ~~"(2) GRANT PERIODS.—Grants shall be award-~~
7 ~~ed under this section for a period of 2 fiscal years.~~
8 ~~"(3) ELIGIBLE ENTITIES.—To be eligible for a~~
9 ~~grant under this section, a grant applicant shall es-~~
10 ~~tablish a collaboration that—~~
11 ~~"(A) shall include a victim service provider~~
12 ~~that has a documented history of effective work~~
13 ~~concerning domestic violence, dating violence,~~
14 ~~sexual assault, or stalking and the effect that~~
15 ~~those forms of abuse have on young people;~~
16 ~~"(B) shall include a court; and~~
17 ~~"(C) may include—~~
18 ~~"(i) batterer intervention programs or~~
19 ~~sex offender treatment programs with spe-~~
20 ~~cialized knowledge and experience working~~
21 ~~with youth offenders;~~
22 ~~"(ii) community-based youth organiza-~~
23 ~~tions that deal specifically with the con-~~
24 ~~cerns and problems faced by youth, includ-~~
25 ~~ing programs that target teen parents and~~

1 ~~racial, ethnic, and other underserved com-~~
2 ~~munities;~~
3 ~~"(iii) schools or school-based pro-~~
4 ~~grams designed to provide prevention or~~
5 ~~intervention services to youth experiencing~~
6 ~~problems;~~
7 ~~"(iv) faith-based entities that deal~~
8 ~~with the concerns and problems faced by~~
9 ~~youth;~~
10 ~~"(v) healthcare entities eligible for re-~~
11 ~~imbursement under title XVIII of the So-~~
12 ~~cial Security Act, including providers that~~
13 ~~target the special needs of youth;~~
14 ~~"(vi) education programs on HIV and~~
15 ~~other sexually transmitted diseases that~~
16 ~~are designed to target teens; or~~
17 ~~"(vii) Indian Health Services, Indian~~
18 ~~Child Welfare, the Bureau of Indian Af-~~
19 ~~fairs, or the Federal Bureau of Investiga-~~
20 ~~tions.~~
21 ~~"(c) USES OF FUNDS.—An entity that receives a~~
22 ~~grant under this section shall use the funds made available~~
23 ~~through the grant for cross-training and collaborative ef-~~
24 ~~forts—~~

1 ~~"(1) addressing domestic violence, dating vio-~~
2 ~~lence, sexual assault, and stalking, assessing and~~
3 ~~analyzing currently available services for youth and~~
4 ~~young adult victims, determining relevant barriers to~~
5 ~~such services in a particular locality, and developing~~
6 ~~a community protocol to address such problems col-~~
7 ~~laboratively;~~
8 ~~"(2) to establish and enhance linkages and col-~~
9 ~~laboration between—~~
10 ~~"(A) domestic violence and sexual assault~~
11 ~~service providers; and~~
12 ~~"(B) where applicable, law enforcement~~
13 ~~agencies, courts, Federal agencies, and other~~
14 ~~entities addressing the safety, health, mental~~
15 ~~health, social service, housing, and economic~~
16 ~~needs of young victims of abuse, including com-~~
17 ~~munity-based supports such as schools, local~~
18 ~~health centers, community action groups, and~~
19 ~~neighborhood coalitions—~~
20 ~~"(i) to respond effectively and com-~~
21 ~~prehensively to the varying needs of young~~
22 ~~victims of abuse;~~
23 ~~"(ii) to include linguistically, cul-~~
24 ~~turally, and community relevant services~~
25 ~~for racial, ethnic, and other underserved~~

populations or linkages to existing services in the community tailored to the needs of underserved populations; and

"(iii) to include where appropriate legal assistance, referral services, and parental support;

"(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address minor victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

"(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual assault, or stalking against minors and young adults and meet the needs of young victims of violence; and

"(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

1 ~~"(d) GRANT APPLICATIONS.—To be eligible for a~~
2 ~~grant under this section, the entities that are members~~
3 ~~of the applicant collaboration described in subsection~~
4 ~~(b)(3) shall jointly submit an application to the Director~~
5 ~~at such time, in such manner, and containing such infor-~~
6 ~~mation as the Director may require.~~

7 ~~"(e) PRIORITY.—In awarding grants under this sec-~~
8 ~~tion, the Director shall give priority to entities that have~~
9 ~~submitted applications in partnership with community or-~~
10 ~~ganizations and service providers that work primarily with~~
11 ~~youth, especially teens, and who have demonstrated a com-~~
12 ~~mitment to coalition building and cooperative problem~~
13 ~~solving in dealing with problems of dating violence, domes-~~
14 ~~tic violence, sexual assault, and stalking in teen popu-~~
15 ~~lations.~~

16 ~~"(f) DISTRIBUTION.—In awarding grants under this~~
17 ~~section—~~

18 ~~"(1) not less than 7 percent of funds appro-~~
19 ~~priated under this section in any year shall be avail-~~
20 ~~able for grants to collaborations involving tribal~~
21 ~~courts, tribal coalitions, tribal organizations, or do-~~
22 ~~mestic violence or sexual assault service providers~~
23 ~~the primary purpose of which is to provide culturally~~
24 ~~relevant services to American Indian or Alaska Na-~~
25 ~~tive women or youth;~~

1 ~~"(2) the Director shall not use more than 2.5~~
2 ~~percent of funds appropriated under this section in~~
3 ~~any year for monitoring and evaluation of grants~~
4 ~~made available under this section;~~
5 ~~"(3) the Attorney General of the United States~~
6 ~~shall not use more than 2.5 percent of funds appro-~~
7 ~~priated under this section in any year for adminis-~~
8 ~~tration of grants made available under this section;~~
9 ~~and~~
10 ~~"(4) up to 8 percent of funds appropriated~~
11 ~~under this section in any year shall be available to~~
12 ~~provide technical assistance for programs funded~~
13 ~~under this section.~~
14 ~~"(g) DISSEMINATION OF INFORMATION.—Not later~~
15 ~~than 12 months after the end of the grant period under~~
16 ~~this section, the Director shall prepare, submit to Con-~~
17 ~~gress, and make widely available, including through elec-~~
18 ~~tronic means, summaries that contain information on—~~
19 ~~"(1) the activities implemented by the recipients~~
20 ~~of the grants awarded under this section; and~~
21 ~~"(2) related initiatives undertaken by the Direc-~~
22 ~~tor to promote attention to dating violence, domestic~~
23 ~~violence, sexual assault, and stalking and their im-~~
24 ~~pact on young victims by—~~
25 ~~"(A) the staffs of courts;~~

1 ~~"(B) domestic violence, dating violence,~~
2 ~~sexual assault, and stalking service providers;~~
3 ~~and~~
4 ~~"(C) law enforcement agencies and com-~~
5 ~~munity organizations.~~
6 ~~"(h) AUTHORIZATION OF APPROPRIATIONS.—There~~
7 ~~are authorized to be appropriated to carry out this section,~~
8 ~~$5,000,000 in each of fiscal years 2006 through 2010.~~
9 **~~"SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION~~**
10 **~~ON THE INTERSECTION BETWEEN DOMESTIC~~**
11 **~~VIOLENCE AND CHILD MALTREATMENT.~~**
12 ~~"(a) PURPOSE.—The purpose of this section is to~~
13 ~~support efforts by child welfare agencies, domestic violence~~
14 ~~or dating violence victim services providers, courts, law en-~~
15 ~~forcement, and other related professionals and community~~
16 ~~organizations to develop collaborative responses and serv-~~
17 ~~ices and provide cross-training to enhance community re-~~
18 ~~sponses to families where there is both child maltreatment~~
19 ~~and domestic violence.~~
20 ~~"(b) GRANTS AUTHORIZED.—The Secretary of the~~
21 ~~Department of Health and Human Services (in this sec-~~
22 ~~tion referred to as the 'Secretary'), through the Family~~
23 ~~and Youth Services Bureau, and in consultation with the~~
24 ~~Office on Violence Against Women, shall award grants on~~

~~a competitive basis to eligible entities for the purposes and in the manner described in this section.~~

~~"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Secretary shall—~~

~~"(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;~~

~~"(2) set aside not more than 7 percent for grants to programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and~~

~~"(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community re-~~

~~sponses to families in which children are exposed to child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.~~

~~"(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Secretary shall consider the needs of racial, ethnic, and other underserved populations.~~

~~"(e) GRANT AWARDS.—The Secretary shall award grants under this section for periods of not more than 2 fiscal years.~~

~~"(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).~~

~~"(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—~~

~~"(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order~~

~~to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—~~

~~"(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;~~

~~"(B) domestic violence or dating violence in child protection cases; and~~

~~"(C) the needs of both the child and non-abusing parent;~~

~~"(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers;~~

~~"(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;~~

1 ~~"(4) identify, assess, and respond appropriately~~
2 ~~to domestic violence or dating violence in child pro-~~
3 ~~tection cases and to child maltreatment when it co-~~
4 ~~occurs with domestic violence or dating violence;~~
5 ~~"(5) analyze and change policies, procedures,~~
6 ~~and protocols that contribute to overrepresentation~~
7 ~~of racial and ethnic minorities in the court and child~~
8 ~~welfare system; and~~
9 ~~"(6) provide appropriate referrals to commu-~~
10 ~~nity-based programs and resources, such as health~~
11 ~~and mental health services, shelter and housing as-~~
12 ~~sistance for adult and youth victims and their chil-~~
13 ~~dren, legal assistance and advocacy for adult and~~
14 ~~youth victims, assistance for parents to help their~~
15 ~~children cope with the impact of exposure to domes-~~
16 ~~tic violence or dating violence and child maltreat-~~
17 ~~ment, appropriate intervention and treatment for~~
18 ~~adult perpetrators of domestic violence or dating vio-~~
19 ~~lence whose children are the subjects of child protec-~~
20 ~~tion cases, programs providing support and assist-~~
21 ~~ance to racial and ethnic populations, and other nec-~~
22 ~~essary supportive services.~~
23 ~~"(i) GRANTEE REQUIREMENTS.—~~
24 ~~"(1) APPLICATIONS.—Under this section, an~~
25 ~~entity shall prepare and submit to the Secretary an~~

~~application at such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—~~

~~"(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;~~

~~"(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and~~

~~"(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.~~

1 ~~"(2) ELIGIBLE ENTITIES.—To be eligible for a~~
2 ~~grant under this section, an entity shall be a collabo-~~
3 ~~ration that—~~
4 ~~"(A) shall include a State or local child~~
5 ~~welfare agency or Indian Tribe;~~
6 ~~"(B) shall include a domestic violence or~~
7 ~~dating violence victim service provider;~~
8 ~~"(C) shall include a law enforcement agen-~~
9 ~~cy or Bureau of Indian Affairs providing tribal~~
10 ~~law enforcement;~~
11 ~~"(D) may include a court; and~~
12 ~~"(E) may include any other such agencies~~
13 ~~or private nonprofit organizations and faith-~~
14 ~~based organizations, including community-based~~
15 ~~organizations, with the capacity to provide ef-~~
16 ~~fective help to the child and adult victims~~
17 ~~served by the collaboration.".~~

18 **~~SEC. 304. GRANTS TO REDUCE VIOLENCE AGAINST WOMEN~~**
19 **~~ON CAMPUS.~~**

20 ~~Section 826 of the Higher Education Amendments of~~
21 ~~1998 (20 U.S.C. 1152) is amended—~~
22 ~~(1) in subsection (a)(2), by adding at the end~~
23 ~~the following: "The Attorney General, through the~~
24 ~~Director of the Office on Violence Against Women,~~
25 ~~shall award the grants in amounts of not more than~~

~~$500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.'';~~

~~(2) in subsection (b)—~~

~~(A) in paragraph (2)—~~

~~(i) by inserting ''develop and implement campus policies, protocols, and services that'' after ''boards to''; and~~

~~(ii) by adding at the end the following: ''Within 90 days after the date of enactment of the Violence Against Women Act of 2005, the Attorney General shall issue and make available minimum standards of training relating to violent crimes against women on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.'';~~

~~(B) in paragraph (4), by striking all that follows ''strengthen'' and inserting: ''victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, or sexual assault, 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 sexual assault, domestic violence, and dating violence victim services programs 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.'';~~

~~(C) by striking paragraphs (6) and (8);~~

~~(D) by redesignating paragraphs (7), (9), and (10) as paragraphs (6), (7), and (8), respectively;~~

~~(3) in subsection (c), by striking paragraph (2)(B) and inserting the following:~~

~~''(B) include proof that the institution of higher education collaborated with any non-~~

~~profit, nongovernmental entities carrying out other victim services programs, including sexual assault, domestic violence, and dating violence victim services programs in the community in which the institution is located;'';~~

~~(4) in subsection (d)—~~

~~(A) by striking paragraph (4);~~

~~(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and~~

~~(C) by inserting after paragraph (1) the following:~~

~~''(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, grantee and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.~~

~~''(B) NONDISCLOSURE.—Subject to subparagraph (C), grantees and subgrantees shall not—~~

~~''(i) disclose any personally identifying information or individual information col-~~

~~lected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or~~

~~"(ii) reveal 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) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program.~~

~~"(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.~~

1 ~~"(D) INFORMATION SHARING.—Grantees~~
2 ~~and subgrantees may share—~~
3 ~~"(i) nonpersonally identifying data in~~
4 ~~the aggregate regarding services to their~~
5 ~~clients and nonpersonally identifying demo-~~
6 ~~graphic information in order to comply~~
7 ~~with Federal, State, tribal, or territorial~~
8 ~~reporting, evaluation, or data collection re-~~
9 ~~quirements;~~
10 ~~"(ii) court-generated information and~~
11 ~~law-enforcement generated information~~
12 ~~contained in secure, governmental reg-~~
13 ~~istries for protection order enforcement~~
14 ~~purposes; and~~
15 ~~"(iii) law-enforcement and prosecu-~~
16 ~~tion-generated information for law enforce-~~
17 ~~ment and prosecution purposes.~~
18 ~~"(E) PERSONALLY IDENTIFYING INFORMA-~~
19 ~~TION OR PERSONAL INFORMATION.—The term~~
20 ~~'personally identifying information' or 'personal~~
21 ~~information' means individually identifying in-~~
22 ~~formation for or about an individual including~~
23 ~~information likely to disclose the location of a~~
24 ~~victim of domestic violence, dating violence, sex-~~
25 ~~ual assault, or stalking, including—~~

1 ~~"(i) a first and last name;~~

2 ~~"(ii) a home or other physical address;~~

3 ~~"(iii) contact information (including a~~

4 ~~postal, e-mail or Internet protocol address, or~~

5 ~~telephone or facsimile number);~~

6 ~~"(iv) a social security number; and~~

7 ~~"(v) any other information, including, date~~

8 ~~of birth, racial or ethnic background, or reli-~~

9 ~~gious affiliation, that, in combination with any~~

10 ~~of clauses (i) through (iv), would serve to iden-~~

11 ~~tify any individual."; and~~

12 ~~(5) in subsection (g), by—~~

13 ~~(A) striking "$10,000,000" and inserting~~

14 ~~"$15,000,000";~~

15 ~~(B) striking "2001" and inserting "2006";~~

16 ~~and~~

17 ~~(C) striking "2005" and inserting "2010".~~

18 **~~SEC. 305. JUVENILE JUSTICE.~~**

19 ~~(a) STATE PLANS.—Section 223(a) of the Juvenile~~

20 ~~Justice and Delinquency Prevention Act of 1974 (42~~

21 ~~U.S.C. 5633(a)) is amended—~~

22 ~~(1) in paragraph (7)(B)—~~

23 ~~(A) by redesignating clauses (i), (ii) and~~

24 ~~(iii), as clauses (ii), (iii), and (iv), respectively;~~

25 ~~and~~

~~(B) by inserting before clause (ii) the following:~~

~~"(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females;".~~

~~(b) USE OF FUNDS.—Section 223(a)(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(9)) is amended—~~

~~(1) in subparagraph (R), by striking "and" at the end;~~

~~(2) in subparagraph (S), by striking the period at the end and inserting "; and"; and~~

~~(3) by adding at the end the following:~~

~~"(T) developing and adopting policies to prohibit disparate treatment of female juveniles in placement and treatment, and establishing gender-specific services to ensure that female juveniles have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, education in parenting, education in general, and other training and vocational services.".~~

1 **~~SEC. 306. SAFE HAVENS.~~**

2 ~~Section 1301 of the Victims of Trafficking and Vio-~~
3 ~~lence Protection Act of 2000 (42 U.S.C. 10420) is amend-~~
4 ~~ed—~~

5 ~~(1) by striking the section heading and insert-~~
6 ~~ing the following:~~

7 **~~"SEC. 10402. SAFE HAVENS FOR CHILDREN.";~~**

8 ~~(2) in subsection (a)—~~

9 ~~(A) by inserting ", through the Director of~~
10 ~~the Office on Violence Against Women," after~~
11 ~~"Attorney General";~~

12 ~~(B) by inserting "dating violence," after~~
13 ~~"domestic violence,";~~

14 ~~(C) by striking "to provide" and inserting~~
15 ~~the following:~~

16 ~~"(1) to provide";~~

17 ~~(D) by striking the period at the end and~~
18 ~~inserting a semicolon; and~~

19 ~~(E) by adding at the end the following:~~

20 ~~"(2) to protect children from the trauma of wit-~~
21 ~~nessing domestic or dating violence or experiencing~~
22 ~~abduction, injury, or death during parent and child~~
23 ~~visitation exchanges;~~

24 ~~"(3) to protect parents or caretakers who are~~
25 ~~victims of domestic and dating violence from experi-~~

encing further violence, abuse, and threats during child visitation exchanges; and

"(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges."; and

(3) by striking subsection (c) and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.

"(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

"(A) set aside not less than 5 percent for grants to Indian tribal governments or tribal organizations;

"(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

"(C) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.".

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle M—Strengthening America's Families by Preventing Violence Against Women and Children

"SEC. 41301. FINDINGS.

"Congress finds that—

"(1) the former United States Advisory Board on Child Abuse suggests that domestic violence may

~~be the single major precursor to child abuse and neglect fatalities in this country;~~

~~"(2) studies suggest that as many as 10,000,000 children witness domestic violence every year;~~

~~"(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child's violent behavior;~~

~~"(4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;~~

~~"(5) a child's exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;~~

~~"(6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one's needs met and managing conflict in close relationships;~~

1 ~~"(7) children exposed to abusive parenting,~~
2 ~~harsh or erratic discipline, or domestic violence are~~
3 ~~at increased risk for juvenile crime; and~~
4 ~~"(8) in a national survey of more than 6,000~~
5 ~~American families, 50 percent of men who frequently~~
6 ~~assaulted their wives also frequently abused their~~
7 ~~children.~~
8 **~~"SEC. 41302. PURPOSE.~~**
9 ~~"The purpose of this subtitle is to—~~
10 ~~"(1) prevent crimes involving violence against~~
11 ~~women, children, and youth;~~
12 ~~"(2) increase the resources and services avail-~~
13 ~~able to prevent violence against women, children,~~
14 ~~and youth;~~
15 ~~"(3) reduce the impact of exposure to violence~~
16 ~~in the lives of children and youth so that the~~
17 ~~intergenerational cycle of violence is interrupted;~~
18 ~~"(4) develop and implement education and serv-~~
19 ~~ices programs to prevent children in vulnerable fami-~~
20 ~~lies from becoming victims or perpetrators of domes-~~
21 ~~tic violence, dating violence, sexual assault, or stalk-~~
22 ~~ing;~~
23 ~~"(5) promote programs to ensure that children~~
24 ~~and youth receive the assistance they need to end~~

~~the cycle of violence and develop mutually respectful, nonviolent relationships; and~~

~~"(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.~~

~~"SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.~~

~~"(a) GRANTS AUTHORIZED.—~~

~~"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Administration for Children, Youth, and Families of the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.~~

1 ~~"(2) TERM.—The Director shall make grants~~
2 ~~under this section for a period of 2 fiscal years.~~
3 ~~"(3) AWARD BASIS.—The Director shall award~~
4 ~~grants—~~
5 ~~"(A) considering the needs of underserved~~
6 ~~populations;~~
7 ~~"(B) awarding not less than 7 percent of~~
8 ~~such amounts for the funding of tribal projects~~
9 ~~from the amounts made available under this~~
10 ~~section for a fiscal year;~~
11 ~~"(C) awarding up to 8 percent for the~~
12 ~~funding of technical assistance programs from~~
13 ~~the amounts made available under this section~~
14 ~~for a fiscal year; and~~
15 ~~"(D) awarding not less than 66 percent to~~
16 ~~programs described in subsection (c)(1) from~~
17 ~~the amounts made available under this section~~
18 ~~for a fiscal year.~~
19 ~~"(b) AUTHORIZATION OF APPROPRIATIONS.—There~~
20 ~~is authorized to be appropriated to carry out this section~~
21 ~~$20,000,000 for each of fiscal years 2006 through 2010.~~
22 ~~"(c) USE OF FUNDS.—The funds appropriated under~~
23 ~~this section shall be used for—~~
24 ~~"(1) programs that provide services for children~~
25 ~~exposed to domestic violence, dating violence, sexual~~

~~assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker; or~~

~~"(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection.~~

~~"(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a—~~

~~"(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organiza-~~

~~tions, after school programs, and health and mental health providers; or~~

~~"(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).~~

~~"(c) GRANTEE REQUIREMENTS.—Under this section, an entity shall—~~

~~"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and~~

~~"(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—~~

~~"(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and~~

~~"(B) ensure linguistically, culturally, and community relevant services for racial, ethnic, and other underserved communities.~~

~~"SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.~~

~~"(a) GRANTS AUTHORIZED.—~~

~~"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Administration for Children, Youth, and Families of the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.~~

~~"(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.~~

~~"(3) AWARD BASIS.—The Director shall—~~

~~"(A) consider the needs of underserved populations;~~

1 ~~"(B) award not less than 7 percent of such~~
2 ~~amounts for the funding of tribal projects from~~
3 ~~the amounts made available under this section~~
4 ~~for a fiscal year; and~~
5 ~~"(C) award up to 8 percent for the funding~~
6 ~~of technical assistance programs from the~~
7 ~~amounts made available under this section for~~
8 ~~a fiscal year.~~
9 ~~"(b) AUTHORIZATION OF APPROPRIATIONS.—There~~
10 ~~is authorized to be appropriated to carry out this section~~
11 ~~$7,000,000 for each of fiscal years 2006 through 2010.~~
12 ~~"(c) ELIGIBLE ENTITIES.—To be eligible to receive~~
13 ~~a grant under this section, an entity shall be a national,~~
14 ~~Federal, State, local, territorial, or tribal—~~
15 ~~"(1) home visitation program that provides~~
16 ~~services to pregnant women and to young children~~
17 ~~and their parent or primary caregiver that are pro-~~
18 ~~vided in the permanent or temporary residence or in~~
19 ~~other familiar surroundings of the individual or fam-~~
20 ~~ily receiving such services; or~~
21 ~~"(2) victim services organization or agency in~~
22 ~~collaboration with an organization or organizations~~
23 ~~listed in paragraph (1).~~
24 ~~"(d) GRANTEE REQUIREMENTS.—Under this section,~~
25 ~~an entity shall—~~

1 ~~"(1) prepare and submit to the Director an ap-~~
2 ~~plication at such time, in such manner, and con-~~
3 ~~taining such information as the Director may re-~~
4 ~~quire; and~~
5 ~~"(2) describe in the application the policies and~~
6 ~~procedures that the entity has or will adopt to—~~
7 ~~"(A) enhance or ensure the safety and se-~~
8 ~~curity of children and their nonabusing parent~~
9 ~~in homes already experiencing domestic vio-~~
10 ~~lence, dating violence, sexual assault, or stalk-~~
11 ~~ing;~~
12 ~~"(B) ensure linguistically, culturally, and~~
13 ~~community relevant services for racial ethnic~~
14 ~~and other underserved communities;~~
15 ~~"(C) ensure the adequate training by do-~~
16 ~~mestic violence, dating violence, sexual assault~~
17 ~~or stalking victim service providers of home visi-~~
18 ~~tation grantee program staff to—~~
19 ~~"(i) safely screen for and/or recognize~~
20 ~~domestic violence, dating violence, sexual~~
21 ~~assault, and stalking;~~
22 ~~"(ii) understand the impact of domes-~~
23 ~~tic violence or sexual assault on children~~
24 ~~and protective actions taken by a non-~~
25 ~~abusing parent or caretaker in response to~~

~~violence against anyone in the household; and~~

~~"(iii) link new parents with existing community resources in communities where resources exist; and~~

~~"(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.~~

~~"SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.~~

~~"(a) GRANTS AUTHORIZED.—~~

~~"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Administration for Children, Youth, and Families of the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engaging men and youth in preventing domestic violence, dating violence, sexual as-~~

1 ~~sault, and stalking by helping them to develop mutu-~~
2 ~~ally respectful, nonviolent relationships.~~
3 ~~"(2) TERM.—The Director shall make grants~~
4 ~~under this section for a period of 2 fiscal years.~~
5 ~~"(3) AWARD BASIS.—The Director shall award~~
6 ~~grants—~~
7 ~~"(A) considering the needs of underserved~~
8 ~~populations;~~
9 ~~"(B) awarding not less than 7 percent of~~
10 ~~such amounts for the funding of tribal projects~~
11 ~~from the amounts made available under this~~
12 ~~section for a fiscal year; and~~
13 ~~"(C) awarding up to 8 percent for the~~
14 ~~funding of technical assistance for grantees and~~
15 ~~non-grantees working in this area from the~~
16 ~~amounts made available under this section for~~
17 ~~a fiscal year.~~
18 ~~"(b) AUTHORIZATION OF APPROPRIATIONS.—There~~
19 ~~is authorized to be appropriated to carry out this section~~
20 ~~$10,000,000 for each of fiscal years 2006 through 2010.~~
21 ~~"(c) USE OF FUNDS.—~~
22 ~~"(1) PROGRAMS.—The funds appropriated~~
23 ~~under this section shall be used by eligible entities~~
24 ~~for—~~

1 ~~"(A) to develop or enhance community-~~
2 ~~based programs, including gender-specific pro-~~
3 ~~grams in accordance with applicable laws~~
4 ~~that—~~
5 ~~"(i) encourage children and youth to~~
6 ~~pursue nonviolent relationships and reduce~~
7 ~~their risk of becoming victims or perpetra-~~
8 ~~tors of domestic violence, dating violence,~~
9 ~~sexual assault, or stalking; and~~
10 ~~"(ii) that include at a minimum—~~
11 ~~"(I) information on domestic vio-~~
12 ~~lence, dating violence, sexual assault,~~
13 ~~stalking, or child sexual abuse and~~
14 ~~how they affect children and youth;~~
15 ~~and~~
16 ~~"(II) strategies to help partici-~~
17 ~~pants be as safe as possible; or~~
18 ~~"(B) create public education campaigns~~
19 ~~and community organizing to encourage men~~
20 ~~and boys to work as allies with women and girls~~
21 ~~to prevent violence against women and girls~~
22 ~~conducted by entities that have experience in~~
23 ~~conducting public education campaigns that ad-~~
24 ~~dress domestic violence, dating violence, sexual~~
25 ~~assault, or stalking.~~

1 ~~"(2) MEDIA LIMITS.—No more than 40 percent~~
2 ~~of funds received by a grantee under this section~~
3 ~~may be used to create and distribute media mate-~~
4 ~~rials.~~
5 ~~"(d) ELIGIBLE ENTITIES.—~~
6 ~~"(1) RELATIONSHIPS.—Eligible entities under~~
7 ~~subsection (c)(1)(A) are—~~
8 ~~"(A) nonprofit, nongovernmental domestic~~
9 ~~violence, dating violence, sexual assault, or~~
10 ~~stalking victim service providers or coalitions;~~
11 ~~"(B) community-based child or youth serv-~~
12 ~~ices organizations with demonstrated experience~~
13 ~~and expertise in addressing the needs and con-~~
14 ~~cerns of young people;~~
15 ~~"(C) a State, territorial, tribal, or unit of~~
16 ~~local governmental entity that is partnered with~~
17 ~~an organization described in subparagraph (A)~~
18 ~~or (B); or~~
19 ~~"(D) a program that provides culturally~~
20 ~~specific services.~~
21 ~~"(2) AWARENESS CAMPAIGN.—Eligible entities~~
22 ~~under subsection (c)(1)(B) are—~~
23 ~~"(A) nonprofit, nongovernmental organiza-~~
24 ~~tions or coalitions that have a documented his-~~
25 ~~tory of creating and administering effective~~

public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

"(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

"(c) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

"(B) ensure linguistically, culturally, and community relevant services for racial, ethnic, and other underserved communities;

"(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

1 ~~"(D) ensure that State and local domestic~~
2 ~~violence, dating violence, sexual assault, and~~
3 ~~stalking victim service providers and coalitions~~
4 ~~are aware of the efforts of organizations receiv-~~
5 ~~ing grants under this section.".~~

6 **~~SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DIS-~~**
7 **~~EASE CONTROL AND PREVENTION.~~**

8 ~~(a) PURPOSES.—The Secretary of Health and~~
9 ~~Human Services acting through the National Center for~~
10 ~~Injury Prevention and Control at the Centers for Disease~~
11 ~~Control Prevention shall make grants to entities, including~~
12 ~~sexual assault coalitions and programs, research organiza-~~
13 ~~tions, tribal organizations, and academic institutions to~~
14 ~~support research to examine prevention and intervention~~
15 ~~programs to further the understanding of sexual and do-~~
16 ~~mestic violence by and against adults, youth, and children.~~
17 ~~(b) USE OF FUNDS.—The research conducted under~~
18 ~~this section shall include the following areas:~~
19 ~~(1) Evaluation and study of best practices for~~
20 ~~reducing and preventing violence against women and~~
21 ~~children addressed by the strategies included in this~~
22 ~~title, including strategies addressing racial, ethnic,~~
23 ~~and other underserved communities.~~
24 ~~(2) An evaluation of the efficacy and effective-~~
25 ~~ness of interventions and policies targeting offenders~~

~~and potential offenders to prevent perpetration of sexual and domestic violence.~~

~~(3) An examination of the social norms and family structure that support sexual and domestic violence and to evaluate strategies to change them.~~

~~(c) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated to carry out this title $2,000,000 for each of the fiscal years 2006 through 2010.~~

~~TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING~~

~~SEC. 501. FINDINGS.~~

~~Congress makes the following findings:~~

~~(1) The health-related costs of intimate partner violence in the United States exceed $5,800,000,000 annually.~~

~~(2) Thirty-seven percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend.~~

~~(3) In addition to injuries sustained during violent episodes, physical and psychological abuse is linked to a number of adverse physical and mental health effects. Women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse and sexually transmitted infections, including HIV/AIDS.~~

~~(4) Health plans spend an average of $1,775 more a year on abused women than on general enrollees.~~

~~(5) Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.~~

~~(6) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.~~

~~(7) Children who witness domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt~~

~~suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.~~

~~(8) Recent research suggests that women experiencing domestic violence significantly increase their safety-promoting behaviors over the short- and long-term when health care providers screen for, identify, and provide followup care and information to address the violence.~~

~~(9) Currently, only about 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits and 9 percent routinely screen for intimate partner abuse during periodic checkups.~~

~~(10) Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women. Additional longitudinal studies have tested a 10-minute intervention that was proven highly effective in increasing the safety of pregnant abused women. Comparable research does not yet exist to support the effectiveness of screening men.~~

~~(11) Seventy to 81 percent of the patients studied reported that they would like their healthcare~~

providers to ask them privately about intimate partner violence.

SEC. 502. PURPOSE.

It is the purpose of this title to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive public health responses to violence against women and children, increasing the number of women properly screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting.

SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFESSIONALS IN DOMESTIC AND SEXUAL VIOLENCE.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

"SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION ON DOMESTIC VIOLENCE AND OTHER TYPES OF VIOLENCE AND ABUSE.

"(a) GRANTS.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall award grants under this section to develop interdisciplinary training and education programs that

~~provide undergraduate, graduate, post-graduate medical, nursing (including advanced practice nursing students), and other health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, stalking, and dating violence.~~

~~"(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—~~

~~"(1) be an accredited school of allopathic or osteopathic medicine;~~

~~"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—~~

~~"(A) information to demonstrate that the applicant includes the meaningful participation of a school of nursing and at least one other school of health professions or graduate program in public health, dentistry, social work, midwifery, or behavioral and mental health;~~

~~"(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested medical and nursing schools and national resource repositories for materials on domestic violence and sexual assault; and~~

1 ~~"(C) a plan for consulting with, and com-~~
2 ~~pensating community-based coalitions or indi-~~
3 ~~viduals who have experience and expertise in~~
4 ~~issues related to domestic violence, sexual as-~~
5 ~~sault, dating violence, and stalking for services~~
6 ~~provided under the program carried out under~~
7 ~~the grant.~~
8 ~~"(e) USE OF FUNDS.—~~
9 ~~"(1) REQUIRED USES.—Amounts provided~~
10 ~~under a grant under this section shall be used to—~~
11 ~~"(A) fund interdisciplinary training and~~
12 ~~education projects that are designed to train~~
13 ~~medical, nursing, and other health professions~~
14 ~~students and residents to identify and provide~~
15 ~~health care services (including mental or behav-~~
16 ~~ioral health care services and referrals to appro-~~
17 ~~priate community services) to individuals who~~
18 ~~are or who have experienced domestic violence,~~
19 ~~sexual assault, and stalking or dating violence;~~
20 ~~and~~
21 ~~"(B) plan and develop culturally competent~~
22 ~~clinical components for integration into ap-~~
23 ~~proved residency training programs that ad-~~
24 ~~dress health issues related to domestic violence,~~
25 ~~sexual assault, dating violence, and stalking,~~

~~along with other forms of violence as appropriate, and include the primacy of victim safety and confidentiality.~~

~~"(2) PERMISSIVE USES.—Amounts provided under a grant under this section may be used to—~~

~~"(A) offer community-based training opportunities in rural areas for medical, nursing, and other students and residents on domestic violence, sexual assault, stalking, and dating violence, and other forms of violence and abuse, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas; or~~

~~"(B) provide stipends to students from racial and ethnic population groups who are underrepresented in the health professions as necessary to promote and enable their participation in clerkships, preceptorships, or other offsite training experiences that are designed to develop health care clinical skills related to domestic violence, sexual assault, dating violence, and stalking.~~

~~"(3) REQUIREMENTS.—~~

~~"(A) CONFIDENTIALITY AND SAFETY.—Grantees under this section shall ensure that all~~

educational programs developed with grant funds address issues of confidentiality and patient safety, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security of the patients, patient records, and staff. Advocacy-based coalitions or other expertise available in the community shall be consulted on the development and adequacy of confidentially and security procedures, and shall be fairly compensated by grantees for their services.

"(B) RURAL PROGRAMS.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

"(4) CHILD AND ELDER ABUSE.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

"(d) REQUIREMENTS OF GRANTEES.—

1 ~~"(1) LIMITATION ON ADMINISTRATIVE EX-~~
2 ~~PENSES.—A grantee shall not use more than 10 per-~~
3 ~~cent of the amounts received under a grant under~~
4 ~~this section for administrative expenses.~~
5 ~~"(2) CONTRIBUTION OF FUNDS.—A grantee~~
6 ~~under this section, and any entity receiving assist-~~
7 ~~ance under the grant for training and education,~~
8 ~~shall contribute non-Federal funds, either directly or~~
9 ~~through in-kind contributions, to the costs of the ac-~~
10 ~~tivities to be funded under the grant in an amount~~
11 ~~that is not less than 25 percent of the total cost of~~
12 ~~such activities.~~
13 ~~"(c) AUTHORIZATION OF APPROPRIATIONS.—There~~
14 ~~is authorized to be appropriated to carry out this section,~~
15 ~~$3,000,000 for each of fiscal years 2006 through 2010.~~
16 ~~Amounts appropriated under this subsection shall remain~~
17 ~~available until expended.".~~
18 **~~SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES~~**
19 **~~TO DOMESTIC VIOLENCE, DATING VIOLENCE,~~**
20 **~~SEXUAL ASSAULT, AND STALKING GRANTS.~~**
21 ~~Part P of title III of the Public Health Service Act~~
22 ~~(42 U.S.C. 280g et seq.) is amended by adding at the end~~
23 ~~the following:~~

~~"SEC. 399P. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.~~

~~"(a) AUTHORITY TO AWARD GRANTS.—~~

~~"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible State, tribal, territorial, or local entities to strengthen the response of State, tribal, territorial, or local health care systems to domestic violence, dating violence, sexual assault, and stalking.~~

~~"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—~~

~~"(A) be—~~

~~"(i) a State department (or other division) of health, a State domestic or sexual assault coalition or service-based program, State law enforcement task force, or any other nonprofit, nongovernmental, tribal, territorial, or State entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault or stalking, and health care; or~~

~~"(ii) a local, nonprofit domestic violence, dating violence, sexual assault, or stalking service-based program, a local de-~~

partment (or other division) of health, a local health clinic, hospital, or health system, or any other nonprofit, tribal, or local entity with a history of effective work in the field of domestic or sexual violence and health;

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the grant is to be made; and

"(C) demonstrate that the entity is representing a team of organizations and agencies working collaboratively to strengthen the response of the health care system involved to domestic violence, dating violence, sexual assault, or stalking and that such team includes domestic violence, dating violence, sexual assault or stalking and health care organizations.

"(3) DURATION.—A program conducted under a grant awarded under this section shall not exceed 2 years.

"(b) USE OF FUNDS.—

1 ~~"(1) IN GENERAL.—An entity shall use~~
2 ~~amounts received under a grant under this section to~~
3 ~~design and implement comprehensive strategies to~~
4 ~~improve the response of the health care system in-~~
5 ~~volved to domestic or sexual violence in clinical and~~
6 ~~public health settings, hospitals, clinics, managed~~
7 ~~care settings (including behavioral and mental~~
8 ~~health), and other health settings.~~
9 ~~"(2) MANDATORY STRATEGIES.—Strategies im-~~
10 ~~plemented under paragraph (1) shall include the fol-~~
11 ~~lowing:~~
12 ~~"(A) The implementation, dissemination,~~
13 ~~and evaluation of policies and procedures to~~
14 ~~guide health care professionals and behavioral~~
15 ~~and public health staff in responding to domes-~~
16 ~~tic violence, dating violence, sexual assault, and~~
17 ~~stalking, including strategies to ensure that~~
18 ~~health information is maintained in a manner~~
19 ~~that protects the patient's privacy and safety~~
20 ~~and prohibits insurance discrimination.~~
21 ~~"(B) The development of on-site access to~~
22 ~~services to address the safety, medical, mental~~
23 ~~health, and economic needs of patients either by~~
24 ~~increasing the capacity of existing health care~~
25 ~~professionals and behavioral and public health~~

~~staff to address domestic violence, dating violence, sexual assault, and stalking, by contracting with or hiring domestic or sexual assault advocates to provide the services, or to model other services appropriate to the geographic and cultural needs of a site.~~

~~"(C) The evaluation of practice and the institutionalization of identification, intervention, and documentation including quality improvement measurements.~~

~~"(D) The provision of training and followup technical assistance to health care professionals, behavioral and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual violence, or stalking.~~

~~"(3) PERMISSIVE STRATEGIES.—Strategies implemented under paragraph (1) may include the following:~~

~~"(A) Where appropriate, the 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 violence.~~

~~"(B) The creation, adaptation, and implementation of public education campaigns for patients concerning domestic violence, dating violence, sexual assault, and stalking prevention.~~

~~"(C) The development, adaptation, and dissemination of domestic violence, dating violence, sexual assault, and stalking education materials to patients and health care professionals and behavioral and public health staff.~~

~~"(D) The promotion of the inclusion of domestic violence, dating violence, sexual assault, and stalking into health professional training schools, including medical, dental, nursing school, social work, and mental health curriculum.~~

~~"(E) The integration 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.~~

~~"(c) ALLOCATION OF FUNDS.—Funds appropriated under this section shall be distributed equally between State and local programs.~~

1 ~~"(d) AUTHORIZATION OF APPROPRIATIONS.—There~~
2 ~~is authorized to be appropriated to award grants under~~
3 ~~this section, $5,000,000 for each of fiscal years 2006~~
4 ~~through 2010.".~~

5 **~~SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN~~**
6 **~~THE HEALTHCARE SETTING.~~**

7 ~~Subtitle B of the Violence Against Women Act of~~
8 ~~1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as~~
9 ~~amended by the Violence Against Women Act of 2000~~
10 ~~(114 Stat. 1491 et seq.), and as amended by this Act,~~
11 ~~is further amended by adding at the end the following:~~

12 **~~"CHAPTER 11—RESEARCH ON EFFECTIVE~~**
13 **~~INTERVENTIONS TO ADDRESS VIO-~~**
14 **~~LENCE AGAINST WOMEN~~**

15 **~~"SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN~~**
16 **~~THE HEALTH CARE SETTING.~~**

17 ~~"(a) PURPOSE.—The Secretary, acting through the~~
18 ~~Director of the Centers for Disease Control and Preven-~~
19 ~~tion and the Director of the Agency for Healthcare Re-~~
20 ~~search and Quality, shall award grants and contracts to~~
21 ~~fund research on effective interventions in the health care~~
22 ~~setting that prevent domestic violence, dating violence, and~~
23 ~~sexual assault across the lifespan and that prevent the~~
24 ~~health effects of such violence and improve the safety and~~
25 ~~health of individuals who are currently being victimized.~~

1 ~~"(b) USE OF FUNDS.—Research conducted with~~
2 ~~amounts received under a grant or contract under this sec-~~
3 ~~tion shall include the following:~~
4 ~~"(1) With respect to the authority of the Cen-~~
5 ~~ters for Disease Control and Prevention—~~
6 ~~"(A) research on the effects of domestic vi-~~
7 ~~olence, dating violence, sexual assault, and~~
8 ~~childhood exposure to domestic, dating, or sex-~~
9 ~~ual violence, on health behaviors, health condi-~~
10 ~~tions, and the health status of individuals, fami-~~
11 ~~lies, and populations; and~~
12 ~~"(B) research and testing of best messages~~
13 ~~and strategies to mobilize public and health~~
14 ~~care provider action concerning the prevention~~
15 ~~of domestic, dating, or sexual violence; and~~
16 ~~"(2) With respect to the authority of the Agen-~~
17 ~~cy for Healthcare Research and Quality—~~
18 ~~"(A) research on the impact on the health~~
19 ~~care system, health care utilization, health care~~
20 ~~costs, and health status of domestic and dating~~
21 ~~violence and childhood exposure to domestic~~
22 ~~and dating violence; and~~
23 ~~"(B) research on effective interventions~~
24 ~~within primary care and emergency health care~~
25 ~~settings and with health care settings that in-~~

clude clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.".

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

The Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

"Subtitle N—Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

"SEC. 41401. FINDINGS.

"Congress finds that:

"(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44

~~percent identified domestic violence as a primary cause of homelessness.~~

~~"(2) 92 percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.~~

~~"(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.~~

~~"(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.~~

~~"(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their~~

~~children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.~~

~~"(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.~~

~~"(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.~~

~~"(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.~~

~~"(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.~~

1 ~~"(10) Because abusers frequently manipulate fi-~~
2 ~~nances in an effort to control their partners, victims~~
3 ~~often lack steady income, credit history, landlord ref-~~
4 ~~erences, and a current address, all of which are nec-~~
5 ~~essary to obtain long-term permanent housing.~~
6 ~~"(11) Victims of domestic violence in rural~~
7 ~~areas face additional barriers, challenges, and~~
8 ~~unique circumstances, such as geographical isolation,~~
9 ~~poverty, lack of public transportation systems, short-~~
10 ~~ages of health care providers, under-insurance or~~
11 ~~lack of health insurance, difficulty ensuring con-~~
12 ~~fidentiality in small communities, and decreased ac-~~
13 ~~cess to many resources (such as advanced education,~~
14 ~~job opportunities, and adequate childcare).~~
15 ~~"(12) Congress and the Secretary of Housing~~
16 ~~and Urban Development have recognized in recent~~
17 ~~years that families experiencing domestic violence~~
18 ~~have unique needs that should be addressed by those~~
19 ~~administering the Federal housing programs.~~
20 **~~"SEC. 41402. PURPOSE.~~**
21 ~~"The purpose of this subtitle is to reduce domestic~~
22 ~~violence, dating violence, sexual assault, and stalking, and~~
23 ~~to prevent homelessness by—~~
24 ~~"(1) protecting the safety of victims of domestic~~
25 ~~violence, dating violence, sexual assault, and stalking~~

~~who reside in homeless shelters, public housing, assisted housing, Indian housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;~~

~~"(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;~~

~~"(3) building collaborations between victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and~~

~~"(4) enabling public and assisted housing agencies, Indian housing authorities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.~~

~~"SEC. 41403. DEFINITIONS.~~

~~"For purposes of this subtitle—~~

~~"(1) the term 'assisted housing' means housing assisted—~~

~~"(A) under section 221(d)(3), section 221(d)(4), or section 236 of the National Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);~~

~~"(B) under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); or~~

~~"(C) under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);~~

~~"(2) the term 'continuum of care' means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;~~

~~"(3) 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.);~~

~~"(4) the term 'low-income housing assistance voucher' means housing assistance described in section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);~~

1 ~~"(5) the term 'public housing' means housing~~
2 ~~described in section 3(b)(1) of the United States~~
3 ~~Housing Act of 1937 (42 U.S.C. 1437a(b)(1));~~
4 ~~"(6) the term 'public housing agency' means an~~
5 ~~agency described in section 3(b)(6) of the United~~
6 ~~States Housing Act of 1937 (42 U.S.C.~~
7 ~~1437a(b)(6));~~
8 ~~"(7) the terms 'homeless', 'homeless individual',~~
9 ~~and 'homeless person'—~~
10 ~~"(A) mean an individual who lacks a fixed,~~
11 ~~regular, and adequate nighttime residence; and~~
12 ~~"(B) includes—~~
13 ~~"(i) an individual who—~~
14 ~~"(I) is sharing the housing of~~
15 ~~other persons due to loss of housing,~~
16 ~~economic hardship, or a similar rea-~~
17 ~~son;~~
18 ~~"(II) is living in a motel, hotel,~~
19 ~~trailer park, or campground due to~~
20 ~~the lack of alternative adequate ac-~~
21 ~~commodations;~~
22 ~~"(III) is living in an emergency~~
23 ~~or transitional shelter;~~
24 ~~"(IV) is abandoned in a hospital;~~
25 ~~or~~

1 ~~"(V) is awaiting foster care~~
2 ~~placement;~~
3 ~~"(ii) an individual who has a primary~~
4 ~~nighttime residence that is a public or pri-~~
5 ~~vate place not designed for or ordinarily~~
6 ~~used as a regular sleeping accommodation~~
7 ~~for human beings; or~~
8 ~~"(iii) migratory children (as defined in~~
9 ~~section 1309 of the Elementary and Sec-~~
10 ~~ondary Education Act of 1965, 20 U.S.C.~~
11 ~~6399) who qualify as homeless under this~~
12 ~~section because the children are living in~~
13 ~~circumstances described in this paragraph;~~
14 ~~and~~
15 ~~"(8) the term 'homeless service provider' means~~
16 ~~a nonprofit, nongovernmental homeless service pro-~~
17 ~~vider, such as a homeless shelter, a homeless service~~
18 ~~or advocacy program, a tribal organization serving~~
19 ~~homeless individuals, or coalition or other nonprofit,~~
20 ~~nongovernmental organization carrying out a com-~~
21 ~~munity-based homeless or housing program that has~~
22 ~~a documented history of effective work concerning~~
23 ~~homelessness.~~

1 **~~"SEC. 41404. COLLABORATIVE GRANTS TO DEVELOP LONG-~~**
2 **~~TERM HOUSING FOR VICTIMS.~~**
3 ~~"(a) GRANTS AUTHORIZED.—~~
4 ~~"(1) IN GENERAL.—The Secretary of Health~~
5 ~~and Human Services, acting through the Adminis-~~
6 ~~tration on Children, Youth and Families ('ACYF'),~~
7 ~~and in consultation with the Secretary of Housing~~
8 ~~and Urban Development, shall award grants and~~
9 ~~contracts for a period of not less than 2 years to eli-~~
10 ~~gible entities to develop long-term housing options~~
11 ~~for adult and youth victims of domestic violence,~~
12 ~~dating violence, sexual assault, and stalking who are~~
13 ~~currently homeless or at risk for becoming homeless.~~
14 ~~"(2) AMOUNT.—The Secretary of Health and~~
15 ~~Human Services shall award—~~
16 ~~"(A) grants for projects that do not in-~~
17 ~~clude the cost of construction in amounts—~~
18 ~~"(i) not less than $25,000 per year;~~
19 ~~and~~
20 ~~"(ii) not more than $350,000 per~~
21 ~~year; and~~
22 ~~"(B) grants for projects that do include~~
23 ~~the cost of construction in amounts—~~
24 ~~"(i) not less than $75,000 per year;~~
25 ~~and~~

1 ~~"(ii) not more than $1,000,000 per~~
2 ~~year.~~
3 ~~"(b) ELIGIBLE ENTITIES.—To be eligible to receive~~
4 ~~a grant under this section, an entity shall demonstrate~~
5 ~~that it is a coalition or partnership, applying jointly,~~
6 ~~that—~~
7 ~~"(1) shall include a domestic violence victim~~
8 ~~service provider;~~
9 ~~"(2) shall include—~~
10 ~~"(A) a homeless service provider;~~
11 ~~"(B) a nonprofit, nongovernmental com-~~
12 ~~munity housing development organization or a~~
13 ~~Department of Agriculture rural housing service~~
14 ~~program; or~~
15 ~~"(C) in the absence of a homeless service~~
16 ~~provider on tribal lands or nonprofit, non-~~
17 ~~governmental community housing development~~
18 ~~organization on tribal lands, an Indian housing~~
19 ~~authority or tribal housing consortium;~~
20 ~~"(3) may include a dating violence, sexual as-~~
21 ~~sault, or stalking victim service provider;~~
22 ~~"(4) may include housing developers, housing~~
23 ~~corporations, State housing finance agencies, other~~
24 ~~housing agencies, and associations representing~~
25 ~~landlords;~~

1 ~~"(5) may include a public housing agency or In-~~
2 ~~dian housing authority;~~
3 ~~"(6) may include tenant organizations in public~~
4 ~~or Indian housing, as well as nonprofit, nongovern-~~
5 ~~mental tenant organizations;~~
6 ~~"(7) may include other nonprofit, nongovern-~~
7 ~~mental organizations participating in the Depart-~~
8 ~~ment of Housing and Urban Development's Con-~~
9 ~~tinuum of Care process;~~
10 ~~"(8) may include a State, tribal, territorial, or~~
11 ~~local government or government agency; and~~
12 ~~"(9) may include any other such agencies or~~
13 ~~nonprofit, nongovernmental organizations with the~~
14 ~~capacity to provide effective help to adult and youth~~
15 ~~victims of domestic violence, dating violence, sexual~~
16 ~~assault, or stalking.~~
17 ~~"(c) APPLICATION.—~~
18 ~~"(1) IN GENERAL.—Each eligible entity seeking~~
19 ~~a grant under this section shall submit an applica-~~
20 ~~tion to the Secretary of Health and Human Services~~
21 ~~at such time, in such manner, and containing such~~
22 ~~information as the Secretary of Health and Human~~
23 ~~Services may require.~~
24 ~~"(2) CONTENTS.—Each application shall be~~
25 ~~submitted to the Secretary at such time, in such~~

~~manner, and containing such information as the Secretary may require.~~

~~"(d) USE OF FUNDS.—Grants and contracts awarded to eligible entities pursuant to subsection (a) shall be used to design or replicate and implement new activities, services, and programs to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless. Such activities, services, or programs—~~

~~"(1) shall participate in the Department of Housing and Urban Development's Continuum of Care process, unless such a process does not exist in the community to be served;~~

~~"(2) shall develop sustainable long-term housing in the community by—~~

~~"(A) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;~~

~~"(B) placing individuals and families in long-term housing; and~~

~~"(C) providing services to help individuals or families find and maintain long-term housing, including financial and support assistance;~~

1 ~~"(3) may provide capital costs for the purchase,~~
2 ~~preconstruction, construction, renovation, repair, or~~
3 ~~conversion of affordable housing units;~~
4 ~~"(4) may use funds for the continuing oper-~~
5 ~~ation, upkeep, maintenance, and use of housing de-~~
6 ~~scribed in paragraph (3); and~~
7 ~~"(5) may provide to the community information~~
8 ~~about housing and housing programs, and the proc-~~
9 ~~ess to locate and obtain long-term housing.~~
10 ~~"(e) UNDERSERVED POPULATIONS AND PRIOR-~~
11 ~~ITIES.—In awarding grants under this section, the Sec-~~
12 ~~retary of Health and Human Services, acting through the~~
13 ~~ACYF, shall—~~
14 ~~"(1) give priority to linguistically and culturally~~
15 ~~specific services;~~
16 ~~"(2) give priority to applications from entities~~
17 ~~that include a sexual assault service provider as de-~~
18 ~~scribed in subsection (b)(3);~~
19 ~~"(3) award a minimum of 15 percent of the~~
20 ~~funds appropriated under this section in any fiscal~~
21 ~~year to tribal organizations; and~~
22 ~~"(4) ensure that at least 2 of the grants award-~~
23 ~~ed must fund projects that include construction con-~~
24 ~~sistent with the purposes in subsection (a)(i).~~
25 ~~"(f) DEFINITIONS.—For purposes of this section—~~

1 ~~"(1) the term 'long-term housing' means hous-~~
2 ~~ing that is sustainable, accessible, affordable, and~~
3 ~~safe for the foreseeable future and is—~~
4 ~~"(A) rented or owned by the individual;~~
5 ~~"(B) subsidized by a voucher or other pro-~~
6 ~~gram which is not time-limited and is available~~
7 ~~for as long as the individual meets the eligibility~~
8 ~~requirements for the voucher or program; or~~
9 ~~"(C) provided directly by a program, agen-~~
10 ~~cy, or organization and is not time-limited and~~
11 ~~is available for as long as the individual meets~~
12 ~~the eligibility requirements for the program,~~
13 ~~agency, or organization; and~~
14 ~~"(2) the term 'affordable housing' means hous-~~
15 ~~ing that complies with the conditions set forth in~~
16 ~~section 215 of the Cranston-Gonzalez National Af-~~
17 ~~fordable Housing Act (42 U.S.C. 12745).~~
18 ~~"(g) EVALUATION, MONITORING, ADMINISTRATION,~~
19 ~~AND TECHNICAL ASSISTANCE.—For purposes of this sec-~~
20 ~~tion—~~
21 ~~"(1) up to 3 percent of the funds appropriated~~
22 ~~under subsection (h) for each fiscal year may be~~
23 ~~used by the Secretary of Health and Human Serv-~~
24 ~~ices for evaluation, monitoring, and administration~~
25 ~~costs under this section; and~~

1 ~~"(2) up to 8 percent of the funds appropriated~~
2 ~~under subsection (h) for each fiscal year may be~~
3 ~~used to provide technical assistance to grantees~~
4 ~~under this section.~~
5 ~~"(h) AUTHORIZATION OF APPROPRIATIONS.—There~~
6 ~~are authorized to be appropriated $10,000,000 for each~~
7 ~~of fiscal years 2006 through 2010 to carry out the provi-~~
8 ~~sions of this section.~~
9 ~~**"SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST**~~
10 ~~**WOMEN IN PUBLIC AND ASSISTED HOUSING.**~~
11 ~~"(a) PURPOSE.—It is the purpose of this section to~~
12 ~~assist eligible grantees in responding appropriately to do-~~
13 ~~mestic violence, dating violence, sexual assault, and stalk-~~
14 ~~ing so that the status of being a victim of such a crime~~
15 ~~is not a reason for the denial or loss of housing. Such~~
16 ~~assistance shall be accomplished through—~~
17 ~~"(1) education and training of eligible entities;~~
18 ~~"(2) development and implementation of appro-~~
19 ~~priate housing policies and practices;~~
20 ~~"(3) enhancement of collaboration with victim~~
21 ~~service providers and tenant organizations; and~~
22 ~~"(4) reduction of the number of victims of such~~
23 ~~crimes who are evicted or denied housing because of~~
24 ~~crimes and lease violations committed or directly~~
25 ~~caused by the perpetrators of such crimes.~~

1 ~~"(b) GRANTS AUTHORIZED.—~~

2 ~~"(1) IN GENERAL.—The Attorney General, act-~~
3 ~~ing through the Director of the Violence Against~~
4 ~~Women Office of the Department of Justice ('Direc-~~
5 ~~tor'), and in consultation with the Secretary of~~
6 ~~Housing and Urban Development ('Secretary'), and~~
7 ~~the Secretary of Health and Human Services, acting~~
8 ~~through the Administration for Children, Youth and~~
9 ~~Families ('ACYF'), shall award grants and contracts~~
10 ~~for not less than 2 years to eligible grantees to pro-~~
11 ~~mote the full and equal access to and use of housing~~
12 ~~by adult and youth victims of domestic violence, dat-~~
13 ~~ing violence, sexual assault, and stalking.~~

14 ~~"(2) AMOUNTS.—Not less than 15 percent of~~
15 ~~the funds appropriated to carry out this section shall~~
16 ~~be available for grants to Indian housing authorities.~~

17 ~~"(3) AWARD BASIS.—The Attorney General~~
18 ~~shall award grants and contracts under this section~~
19 ~~on a competitive basis.~~

20 ~~"(4) LIMITATION.—Appropriated funds may~~
21 ~~only be used for the purposes described in sub-~~
22 ~~sections (f) and (i).~~

23 ~~"(c) ELIGIBLE GRANTEES.—~~

24 ~~"(1) IN GENERAL.—Eligible grantees are—~~

25 ~~"(A) public housing agencies;~~

1 ~~"(B) principally managed public housing~~
2 ~~resident management corporations, as deter-~~
3 ~~mined by the Secretary;~~
4 ~~"(C) public housing projects owned by~~
5 ~~public housing agencies;~~
6 ~~"(D) agencies and authorities receiving as-~~
7 ~~sistance under the Native American Housing~~
8 ~~Assistance and Self-Determination Act of 1996~~
9 ~~(25 U.S.C. 4101 et seq.); and~~
10 ~~"(E) private, for-profit, and nonprofit own-~~
11 ~~ers or managers of assisted housing.~~
12 ~~"(2) SUBMISSION REQUIRED FOR ALL GRANT-~~
13 ~~EES.—To receive assistance under this section, an~~
14 ~~eligible grantee shall certify that—~~
15 ~~"(A) its policies and practices do not pro-~~
16 ~~hibit or limit a resident's right to summon po-~~
17 ~~lice or other emergency assistance in response~~
18 ~~to domestic violence, dating violence, sexual as-~~
19 ~~sault, or stalking;~~
20 ~~"(B) programs and services are developed~~
21 ~~that give a preference in admission to adult and~~
22 ~~youth victims of such violence, consistent with~~
23 ~~local housing needs, and applicable law and the~~
24 ~~Secretary's instructions;~~

1 ~~"(C) it does not discriminate against any~~
2 ~~person—~~
3 ~~"(i) because that person is or is per-~~
4 ~~ceived to be, or has a family or household~~
5 ~~member who is or is perceived to be, a vic-~~
6 ~~tim of such violence; or~~
7 ~~"(ii) because of the actions or threat-~~
8 ~~ened actions of the individual who the vic-~~
9 ~~tim, as certified in subsection (c), states~~
10 ~~has committed or threatened to commit~~
11 ~~acts of such violence against the victim, or~~
12 ~~against the victim's family or household~~
13 ~~member;~~
14 ~~"(D) plans are developed that establish~~
15 ~~meaningful consultation and coordination with~~
16 ~~local victim service providers, tenant organiza-~~
17 ~~tions, linguistically and culturally specific serv-~~
18 ~~ice providers, State domestic violence and sex-~~
19 ~~ual assault coalitions, and, where they exist,~~
20 ~~tribal domestic violence and sexual assault coa-~~
21 ~~litions; and~~
22 ~~"(E) its policies and practices will be in~~
23 ~~compliance with those described in this para-~~
24 ~~graph within the later of 1 year or a period se-~~

~~lected by the Attorney General in consultation with the Secretary and ACYF.~~

~~"(d) APPLICATION.—Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.~~

~~"(e) CERTIFICATION.—~~

~~"(1) IN GENERAL.—A public housing agency, Indian housing authority, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, Indian housing authority, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.~~

~~"(2) CONTENTS.—An individual may satisfy the certification requirement of paragraph (1) by—~~

~~"(A) providing the public housing agency, Indian housing authority, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service~~

provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

"(B) producing a Federal, State, tribal, territorial, or local police or court record.

"(3) LIMITATION.—Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, Indian housing authority, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing authority may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

"(4) CONFIDENTIALITY.—

"(A) IN GENERAL.—All information provided to any housing agency, assisted housing provider, Indian housing authority, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domes-

~~tic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by such housing authority, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, Indian housing authority, owner, or manager, except to the extent that disclosure is—~~

~~"(i) requested or consented to by the individual in writing; or~~

~~"(ii) otherwise required by applicable law.~~

~~"(B) NOTIFICATION.—An individual shall be notified of the limits of such confidentiality and informed in advance about circumstances in which the housing agency, assisted housing provider, Indian housing authority, owner, or manager will be compelled to disclose the individual's information.~~

~~"(f) USE OF FUNDS.—Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—~~

1 ~~"(1) enabling victims of domestic violence, dat-~~
2 ~~ing violence, sexual assault, and stalking with other-~~
3 ~~wise disqualifying rental, credit, or criminal histories~~
4 ~~to be eligible to obtain housing or housing assist-~~
5 ~~ance, if such victims would otherwise qualify for~~
6 ~~housing or housing assistance and can provide docu-~~
7 ~~mented evidence that demonstrates the causal con-~~
8 ~~nection between such violence or abuse and the vic-~~
9 ~~tims' negative histories;~~
10 ~~"(2) permitting applicants for housing or hous-~~
11 ~~ing assistance to provide incomplete rental and em-~~
12 ~~ployment histories, otherwise required as a condition~~
13 ~~of admission or assistance, if the victim believes that~~
14 ~~providing such rental and employment history would~~
15 ~~endanger the victim's or the victim children's safety;~~
16 ~~"(3) protecting victims' confidentiality, includ-~~
17 ~~ing protection of victims' personally identifying in-~~
18 ~~formation, address, or rental history;~~
19 ~~"(4) assisting victims who need to leave a pub-~~
20 ~~lic housing, Indian housing, or assisted housing unit~~
21 ~~quickly to protect their safety, including those who~~
22 ~~are seeking transfer to a new public housing unit,~~
23 ~~Indian housing unit, or assisted housing unit, wheth-~~
24 ~~er in the same or a different neighborhood or juris-~~
25 ~~diction;~~

1 ~~"(5) enabling the public housing agency, Indian~~
2 ~~housing authority, or assisted housing provider, or~~
3 ~~the victim, to remove, consistent with applicable~~
4 ~~State law, the perpetrator of domestic violence, dat-~~
5 ~~ing violence, sexual assault, or stalking without~~
6 ~~evicting, removing, or otherwise penalizing the vic-~~
7 ~~tim;~~

8 ~~"(6) enabling the public housing agency, Indian~~
9 ~~housing authority, or assisted housing provider to~~
10 ~~comply with court orders, including civil protection~~
11 ~~orders issued to protect the victim, when notified~~
12 ~~and issued to address the distribution or possession~~
13 ~~of property among the household members in cases~~
14 ~~where a family breaks up;~~

15 ~~"(7) developing and implementing more effec-~~
16 ~~tive security policies, protocols, and services;~~

17 ~~"(8) allotting not more than 15 percent of~~
18 ~~funds awarded under the grant to make physical im-~~
19 ~~provements;~~

20 ~~"(9) training all personnel to more effectively~~
21 ~~identify and respond to victims of domestic violence,~~
22 ~~dating violence, sexual assault, and stalking; and~~

23 ~~"(10) effectively providing notice to applicants~~
24 ~~and residents of the above housing policies, prac-~~
25 ~~tices, and procedures.~~

1 ~~"(g) AUTHORIZATION OF APPROPRIATIONS.—There~~
2 ~~are authorized to be appropriated $10,000,000 for each~~
3 ~~of fiscal years 2006 through 2010 to carry out the provi-~~
4 ~~sions of this section.~~
5 ~~"(h) TECHNICAL ASSISTANCE.—Up to 12 percent of~~
6 ~~the amount appropriated under subsection (g) for each fis-~~
7 ~~cal year shall be used by the Attorney General for tech-~~
8 ~~nical assistance costs under this section.".~~
9 **~~SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS~~**
10 **~~FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-~~**
11 **~~ING VIOLENCE, SEXUAL ASSAULT, OR STALK-~~**
12 **~~ING.~~**
13 ~~(a) IN GENERAL.—Section 40299 of the Violence~~
14 ~~Against Women Act of 1994 (42 U.S.C. 13975) is amend-~~
15 ~~ed—~~
16 ~~(1) in subsection (a)—~~
17 ~~(A) by inserting "the Department of Hous-~~
18 ~~ing and Urban Development, and the Depart-~~
19 ~~ment of Health and Human Services," after~~
20 ~~"Department of Justice,";~~
21 ~~(B) by inserting ", including domestic vio-~~
22 ~~lence victim service providers, domestic violence~~
23 ~~coalitions, other nonprofit, nongovernmental or-~~
24 ~~ganizations, or community-based and culturally~~
25 ~~specific organizations, that have a documented~~

~~history of effective work concerning domestic violence, dating violence, sexual assault, or stalking'' after ''other organizations''; and~~

~~(C) in paragraph (1), by inserting '', dating violence, sexual assault, or stalking'' after ''domestic violence'';~~

~~(2) in subsection (b)—~~

~~(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;~~

~~(B) in paragraph (3), as redesignated, by inserting '', dating violence, sexual assault, or stalking'' after ''violence'';~~

~~(C) by inserting before paragraph (2), as redesignated, the following:~~

~~''(1) transitional housing, or acquire land or buildings, or rehabilitate or construct buildings for the purpose of providing transitional housing to persons described in subsection (a), including funding for—~~

~~''(A) the predevelopment cost and capital expenses involved in the development of transitional housing; and~~

~~''(B) the operating expenses of newly developed or existing transitional housing.''; and~~

~~(D) in paragraph (3)(B) as redesignated, by inserting "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." after "assistance.";~~

~~(3) in paragraph (1) of subsection (e), by striking "18 months" and inserting "24 months";~~

~~(4) in subsection (d)(2)—~~

~~(A) by striking "and" at the end of subparagraph (A);~~

~~(B) by redesignating subparagraph (B) as subparagraph (C); and~~

~~(C) by inserting after subparagraph (A) the following:~~

~~"(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and";~~

~~(5) in subsection (e)(2)—~~

~~(A) in subparagraph (A), by inserting "purpose and" before "amount";~~

~~(B) in clause (ii) of subparagraph (C), by striking "and";~~

~~(C) in subparagraph (D), by striking the period and inserting "; and"; and~~

~~(D) by adding at the end the following new subparagraph:~~

~~"(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources."; and~~

~~(6) in subsection (g)—~~

~~(A) in paragraph (1), by striking "$30,000,000" and inserting "$40,000,000";~~

~~(B) in paragraph (1), by striking "2004" and inserting "2006";~~

~~(C) in paragraph (1), by striking "2008." and inserting "2010";~~

~~(D) in paragraph (2), by striking "not more than 3 percent" and inserting "up to 5 percent";~~

~~(E) in paragraph (2), by inserting "evaluation, monitoring, technical assistance," before "salaries"; and~~

~~(F) in paragraph (3), by adding at the end the following new subparagraphs:~~

~~"(C) UNDERSERVED POPULATIONS.—~~

~~"(i) A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.~~

~~"(ii) Priority shall be given to projects developed under subsection (b) that primarily serve racial, ethnic, or other underserved populations.".~~

~~SEC. 603. PUBLIC AND INDIAN HOUSING AUTHORITY PLANS REPORTING REQUIREMENT.~~

~~Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—~~

~~(1) in subsection (a)—~~

~~(A) in paragraph (1), by striking "paragraph (2)" and inserting "paragraph (3)";~~

~~(B) by redesignating paragraph (2) as paragraph (3); and~~

~~(C) by inserting after paragraph (1) the following:~~

1 ~~"(2) STATEMENT OF GOALS.—The 5-year plan~~
2 ~~shall include a statement by any public housing~~
3 ~~agency or Indian housing authority of the goals, ob-~~
4 ~~jectives, policies, or programs that will enable the~~
5 ~~housing authority to serve the needs of child and~~
6 ~~adult victims of domestic violence, dating violence,~~
7 ~~sexual assault, or stalking.";~~
8 ~~(2) in subsection (d), by redesignating para-~~
9 ~~graphs (13), (14), (15), (16), (17), and (18), as~~
10 ~~paragraphs (14), (15), (16), (17), (18), and (19), re-~~
11 ~~spectively; and~~
12 ~~(3) by inserting after paragraph (12) the fol-~~
13 ~~lowing:~~
14 ~~"(13) DOMESTIC VIOLENCE, DATING VIOLENCE,~~
15 ~~SEXUAL ASSAULT, OR STALKING PROGRAMS.—A de-~~
16 ~~scription of—~~
17 ~~"(A) any activities, services, or programs~~
18 ~~provided or offered by an agency, either directly~~
19 ~~or in partnership with other service providers,~~
20 ~~to child or adult victims of domestic violence,~~
21 ~~dating violence, sexual assault, or stalking;~~
22 ~~"(B) any activities, services, or programs~~
23 ~~provided or offered by a public housing agency~~
24 ~~or Indian housing authority that helps child~~
25 ~~and adult victims of domestic violence, dating~~

~~violence, sexual assault, or stalking, to obtain or maintain housing; and~~

~~"(C) any activities, services, or programs provided or offered by a public housing agency or Indian housing authority to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.".~~

~~SEC. 604. HOUSING STRATEGIES.~~

~~Section 105(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(1)) is amended by inserting after "immunodeficiency syndrome," the following: "victims of domestic violence, dating violence, sexual assault, and stalking".~~

~~SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.~~

~~Section 423 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383) is amended—~~

~~(1) by adding at the end of subsection (a) the following:~~

~~"(8) CONFIDENTIALITY.—~~

~~"(A) IN GENERAL.—In the course of awarding grants or implementing programs under this subsection, the Secretary shall instruct any recipient or subgrantee not to dis-~~

~~close to any person, agency, or entity any personally identifying information about any client where the Secretary, recipient, or subgrantee believes based upon reasonable evidence that the client is either a child or an adult victim of domestic violence, dating violence, sexual assault, or stalking, or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking. The Secretary shall not require or ask a recipient or subgrantee of any other Federal or State program to disclose personally identifying information about any clients where the persons, agencies, or entities implementing those programs believe, based upon reasonable evidence, that those clients either are child or adult victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. The Secretary shall instruct any recipient or subgrantee under this subsection or any recipient or subgrantee of any other Federal or State program participating in the Homeless Management Information System that personally identifying in-~~

~~formation about any client may only be disclosed if the program seeking to disclose such information has obtained informed, reasonably time-limited, written consent from the client to whom the information relates. The Secretary may require or ask any recipient or subgrantee to share nonpersonally identifying data in the aggregate regarding services to clients and nonpersonally identifying demographic information in order to comply with the data collection requirements of the Homeless Management Information System.~~

~~"(B) 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, including—~~

~~"(i) a first and last name;~~

~~"(ii) a home or other physical address;~~

~~"(iii) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);~~

1 ~~"(iv) a social security number; and~~

2 ~~"(v) any other information, including~~

3 ~~date of birth, racial or ethnic background,~~

4 ~~or religious affiliation, that, in combination~~

5 ~~with any of clauses (i) through (iv), would~~

6 ~~serve to identify any individual.".~~

7 **~~SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING AS-~~**

8 **~~SISTANCE VOUCHER PROGRAM.~~**

9 ~~Section 8 of the United States Housing Act of 1937~~

10 ~~(42 U.S.C. 1437f) is amended—~~

11 ~~(1) in subsection (d)—~~

12 ~~(A) in paragraph (1)(B)(ii), by inserting~~

13 ~~after "other good cause" the following: ", and~~

14 ~~that an incident or incidents of actual or~~

15 ~~threatened domestic violence, dating violence, or~~

16 ~~stalking will not be construed as a serious or~~

17 ~~repeated violation of the lease by the victim or~~

18 ~~threatened victim of that violence and will not~~

19 ~~be good cause for terminating a lease held by~~

20 ~~the victim of such violence"; and~~

21 ~~(B) in paragraph (1)(B)(iii), by inserting~~

22 ~~after "termination of tenancy" the following: ",~~

23 ~~except that (I) criminal activity directly relating~~

24 ~~to domestic violence, dating violence, or stalk-~~

25 ~~ing, engaged in by a member of a tenant's~~

~~household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy, if the tenant or immediate member of the tenant's family is a victim of domestic violence, dating violence, or stalking and, as a result, could not control or prevent the criminal activity; (II) nothing in subclause (I) may be construed to limit the authority of an owner or manager consistent with applicable State law to evict or the public housing agency or assisted housing provider to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others; and (III) nothing in subclause (I) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate, voucher assistance to any tenant if the owner, manager, public housing agency, or assisted housing provider can demonstrate an actual and imminent threat to the larger community if that tenant is not evicted or terminated from assistance.'';~~

~~(2) in subsection (f)—~~

~~(A) in paragraph (6), by striking ''and'';~~

~~(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and~~

~~(C) by adding at the end the following new paragraphs:~~

~~"(8) the term 'domestic violence' has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);~~

~~"(9) the term 'dating violence' has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and~~

~~"(10) 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 significant emotional or physical distress; and~~

~~"(11) the term 'sexual assault' has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).";~~

~~(3) in subsection (o)—~~

~~(A) by inserting at the end of paragraph (6)(B) the following new sentence: "That an applicant is or is perceived to be, or has been or has been perceived to be, a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by a public housing authority.";~~

~~(B) in paragraph (7)(C), by inserting after "other good cause" the following: ", 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 a lease held by the victim of such violence"; and~~

~~(C) in paragraph (7)(D), by inserting after "termination of tenancy" the following: ", except that (i) criminal activity relating directly to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy, if the tenant or immediate member of the tenant's family is a victim~~

~~of domestic violence, dating violence, or stalking and, as a result, could not control or prevent the criminal activity; (ii) nothing in clause (i) may be construed to limit the authority of an owner or manager consistent with applicable State law to evict or the public housing agency or assisted housing provider to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others; and (iii) nothing in clause (i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate, voucher assistance to any tenant if the owner, manager, public housing agency, or assisted housing provider can demonstrate an actual and imminent threat to the larger community if that tenant is not evicted or terminated from assistance.'';~~

~~(4) in subsection (r)(5), by inserting after ''violation of a lease'' the following: '', 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 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~~

~~(5) by adding at the end the following new subsection:~~

~~''(ee) CERTIFICATION AND CONFIDENTIALITY.—~~

~~''(1) CERTIFICATION.—~~

~~''(A) IN GENERAL.—An owner, manager, public housing agency, or assisted housing provider responding to subsections (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), and (r)(5) may request that an individual certify that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. The individual shall provide a copy of such certification within a reasonable period of time after the owner, manager, public housing agency, or assisted housing provider requests such certification.~~

1 ~~"(B) CONTENTS.—An individual may sat-~~
2 ~~isfy the certification requirement of subpara-~~
3 ~~graph (A) by—~~
4 ~~"(i) providing the requesting owner,~~
5 ~~manager, public housing agency, or as-~~
6 ~~sisted housing provider with documentation~~
7 ~~signed by an employee, agent, or volunteer~~
8 ~~of a victim service provider, an attorney, a~~
9 ~~member of the clergy, a medical profes-~~
10 ~~sional, or any other professional, from~~
11 ~~whom the victim has sought assistance in~~
12 ~~addressing domestic violence, dating vio-~~
13 ~~lence, sexual assault, or stalking, or the ef-~~
14 ~~fects of the abuse; or~~
15 ~~"(ii) producing a Federal, State, trib-~~
16 ~~al, territorial, or local police or court~~
17 ~~record.~~
18 ~~"(C) LIMITATION.—Nothing in this sub-~~
19 ~~section shall be construed to require an owner,~~
20 ~~manager, public housing agency, or assisted~~
21 ~~housing provider to demand that an individual~~
22 ~~produce official documentation or physical proof~~
23 ~~of the individual's status as a victim of domes-~~
24 ~~tic violence, dating violence, sexual assault, or~~
25 ~~stalking in order to receive any of the benefits~~

~~provided in this section. At their discretion, the owner, manager, public housing agency, or assisted housing provider may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.~~

~~"(2) CONFIDENTIALITY.—~~

~~"(A) IN GENERAL.—All information provided to an owner, manager, public housing agency, or assisted housing provider pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by an owner, manager, public housing agency, or assisted housing provider, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—~~

~~"(i) requested or consented to by the individual in writing; or~~

~~"(ii) otherwise required by applicable law.~~

~~"(B) NOTIFICATION.—An individual must be notified of the limits of such confidentiality and informed in advance about circumstances~~

~~in which the person or entity will be compelled to disclose the individual's information.''.~~

~~SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PROGRAM.~~

~~Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—~~

~~(1) in subsection (c), by redesignating paragraph (3) and (4), as paragraphs (4) and (5), respectively;~~

~~(2) by inserting after paragraph (2) the following:~~

~~''(3) the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or is perceived to be, or has been or has been perceived to be, a victim of domestic violence, dating violence, or stalking'';~~

~~(3) in subsection (l)(5), by inserting after ''other good cause'' the following: '', 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 a lease held by the victim of such violence'';~~

~~(4) in subsection (l)(6), by inserting after "termination of tenancy" the following: "; except that (A) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy, if the tenant or immediate member of the tenant's family is a victim of domestic violence, dating violence, or stalking and, as a result, could not control or prevent the criminal activity; (B) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency consistent with applicable State law to evict, or the public housing agency or assisted housing provider to terminate, voucher assistance to individuals who engage in criminal acts of physical violence against family members or others; and (C) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to the larger community if that tenant's tenancy is not terminated."; and~~

~~(5) by inserting at the end of subsection (t) the following new subsection:~~

1 ~~"(u) CERTIFICATION AND CONFIDENTIALITY.—~~

2 ~~"(1) CERTIFICATION.—~~

3 ~~"(A) IN GENERAL.—A public housing~~

4 ~~agency responding to subsection (l) (5) and (6)~~

5 ~~may request that an individual certify that the~~

6 ~~individual is a victim of domestic violence, dat-~~

7 ~~ing violence, or stalking, and that the incident~~

8 ~~or incidents in question are bona fide incidents~~

9 ~~of such actual or threatened abuse and meet~~

10 ~~the requirements set forth in the aforemen-~~

11 ~~tioned paragraphs. The individual shall provide~~

12 ~~a copy of such certification within a reasonable~~

13 ~~period of time after the public housing agency~~

14 ~~requests such certification.~~

15 ~~"(B) CONTENTS.—An individual may sat-~~

16 ~~isfy the certification requirement of subpara-~~

17 ~~graph (A) by—~~

18 ~~"(i) providing the requesting public~~

19 ~~housing agency with documentation signed~~

20 ~~by an employee, agent, or volunteer of a~~

21 ~~victim service provider, an attorney, a~~

22 ~~member of the clergy, a medical profes-~~

23 ~~sional, or any other professional from~~

24 ~~whom the victim has sought assistance in~~

25 ~~addressing domestic violence, dating vio-~~

~~lence, or stalking, or the effects of the abuse; or~~

~~"(ii) producing a Federal, State, tribal, territorial, or local police or court record.~~

~~"(C) LIMITATION.—Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency's discretion, a public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.~~

~~"(2) CONFIDENTIALITY.—~~

~~"(A) IN GENERAL.—All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in the strictest confidence by such public housing agency, and shall neither be entered into any~~

1 ~~shared database nor provided to any related en-~~
2 ~~tity, except to the extent that disclosure is—~~
3 ~~"(i) requested or consented to by the~~
4 ~~individual in writing; or~~
5 ~~"(ii) otherwise required by applicable~~
6 ~~law.~~
7 ~~"(B) NOTIFICATION.—An individual must~~
8 ~~be notified of the limits of such confidentiality~~
9 ~~and informed in advance about circumstances~~
10 ~~in which the person or entity will be compelled~~
11 ~~to disclose the individual's information.~~
12 ~~"(3) DEFINITIONS.—For purposes of this sub-~~
13 ~~section and subsection (l) (5) and (6)—~~
14 ~~"(A) the term 'domestic violence' has the~~
15 ~~same meaning given the term in section 2003~~
16 ~~of title I of the Omnibus Crime Control and~~
17 ~~Safe Streets Act of 1968 (42 U.S.C. 3796gg-~~
18 ~~2);~~
19 ~~"(B) the term 'dating violence' has the~~
20 ~~same meaning given the term in section 2003~~
21 ~~of title I of the Omnibus Crime Control and~~
22 ~~Safe Streets Act of 1968 (42 U.S.C. 3796gg-~~
23 ~~2); and~~

"(C) the term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

"(ii) suffer significant emotional distress.".

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. EMERGENCY LEAVE.

(a) IN GENERAL.—The Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902) is amended by adding after subtitle N the following:

"Subtitle O—Assistance for Individuals Experiencing Domestic or Sexual Violence

"CHAPTER 1—EMERGENCY LEAVE

"SEC. 41501. FINDINGS.

"Congress makes the following findings:

"(1) Violence against women is a leading cause of physical injury to women. Such violence has a devastating impact on women's physical and emotional health, financial security, and ability to main-

~~tain their jobs, and thus impacts interstate commerce.~~

~~"(2) Studies indicate that one of the best predictors of whether a victim of such violence will be able to stay away from her abuser is her degree of economic independence. However, domestic violence, dating violence, sexual assault, and stalking (referred to in this subtitle as 'domestic or sexual violence') often negatively impact victims' ability to maintain employment.~~

~~"(3) The Bureau of National Affairs has estimated that domestic violence costs United States employers between $3,000,000,000 and $5,000,000,000 annually in lost time and productivity. Other reports have estimated that domestic violence costs United States employers between $5,800,000,000 and $13,000,000,000 annually.~~

~~"(4) Ninety-four percent of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern.~~

~~"(5) Abusers frequently seek to exert financial control over their partners by actively interfering with the ability of their partners to work, including preventing their partners from going to work, harassing their partners at work, limiting the access~~

~~of their partners to cash or transportation, and sabotaging the child care arrangements of their partners.~~

~~"(6) Studies indicate that between 35 and 56 percent of employed battered women surveyed were harassed at work by their abusers.~~

~~"(7) Victims of domestic violence also frequently miss work due to injuries, court proceedings, and safety concerns requiring legal protections. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of over 32,000 full-time jobs and 5,600,000 days of household productivity.~~

~~"(8) According to a 1998 report of the Government Accountability Office, between 25 percent and 50 percent of victims of domestic violence surveyed reported that the victims lost a job due, at least in part, to domestic violence.~~

~~"(9) Women who have experienced domestic violence or dating violence are more likely than other women to be unemployed, to suffer from health problems that can affect employability and job performance, to report lower personal income, and to rely on welfare.~~

1 ~~"(10) Domestic violence also affects abusers'~~
2 ~~ability to work. A recent study found that 48 per-~~
3 ~~cent of abusers reported having difficulty concen-~~
4 ~~trating at work and 42 percent reported being late~~
5 ~~to work. 78 percent reported using their own com-~~
6 ~~pany's resources in connection with the abusive rela-~~
7 ~~tionship.~~

8 ~~"(11) About 36,500 individuals, 80 percent of~~
9 ~~whom are women, were raped or sexually assaulted~~
10 ~~in the workplace each year from 1993 through 1999.~~
11 ~~Half of all female victims of violent workplace crimes~~
12 ~~know their abusers. Nearly 1 out of 10 violent work-~~
13 ~~place incidents are committed by spouses or other~~
14 ~~partners.~~

15 ~~"(12) Sexual assault, whether occurring in or~~
16 ~~out of the workplace, can impair an employee's work~~
17 ~~performance, require time away from work, and un-~~
18 ~~dermine the employee's ability to maintain a job. Al-~~
19 ~~most 50 percent of sexual assault victims lose their~~
20 ~~jobs or are forced to quit in the aftermath of the as-~~
21 ~~saults.~~

22 ~~"(13) More than 35 percent of stalking victims~~
23 ~~report losing time from work due to the stalking and~~
24 ~~7 percent never return to work.~~

1 ~~"(14) Five States provide victims of domestic or~~
2 ~~sexual violence with leave from work to attend court~~
3 ~~proceedings, to go to the doctor, or to take other~~
4 ~~steps to address the violence in their lives, and sev-~~
5 ~~eral other States provide time off to victims of~~
6 ~~crimes, which can include victims of domestic or sex-~~
7 ~~ual violence, to attend court proceedings.~~

8 **~~"SEC. 41502. PURPOSES.~~**

9 ~~"The purposes of this chapter are, pursuant to the~~
10 ~~affirmative power of Congress to enact legislation under~~
11 ~~the portions of section 8 of article I of the Constitution~~
12 ~~relating to providing for the general welfare and to regula-~~
13 ~~tion of commerce among the several States, and under sec-~~
14 ~~tion 5 of the 14th amendment to the Constitution—~~

15 ~~"(1) to promote the national interest in reduc-~~
16 ~~ing domestic or sexual violence by enabling victims~~
17 ~~of domestic or sexual violence to maintain the finan-~~
18 ~~cial independence necessary to leave abusive situa-~~
19 ~~tions, achieve safety, and minimize the physical and~~
20 ~~emotional injuries from domestic or sexual violence,~~
21 ~~and to reduce the devastating economic con-~~
22 ~~sequences of domestic or sexual violence to employ-~~
23 ~~ers and employees;~~

24 ~~"(2) to promote the national interest in ensur-~~
25 ~~ing that victims of domestic or sexual violence can~~

1 recover from and cope with the effects of such vio-
2 lence, and participate in criminal and civil justice
3 processes, without fear of adverse economic con-
4 sequences;
5 "(3) to reduce the negative impact on interstate
6 commerce produced by dislocations of employees and
7 harmful effects on productivity, employment, health
8 care costs, and employer costs, caused by domestic
9 or sexual violence, including related intentional ef-
10 forts to frustrate women's ability to participate in
11 employment and interstate commerce; and
12 "(4) to enforce the 14th amendment's guar-
13 antee of equal protection of the laws by—
14 "(A) preventing and remedying sex-based
15 discrimination and discrimination against vic-
16 tims of domestic and sexual violence in employ-
17 ment leave by addressing the failure of existing
18 laws to protect the employment rights of women
19 and such victims; and
20 "(B) thus furthering the equal opportunity
21 of women for economic self-sufficiency and em-
22 ployment free from discrimination.
23 **"SEC. 41503. DEFINITIONS.**
24 "In this title, except as otherwise expressly provided:

1 ~~"(1) COMMERCE.—The terms 'commerce' and~~
2 ~~'industry or activity affecting commerce' have the~~
3 ~~meanings given the terms in section 101 of the~~
4 ~~Family and Medical Leave Act of 1993 (29 U.S.C.~~
5 ~~2611).~~
6 ~~"(2) ELECTRONIC COMMUNICATIONS.—The~~
7 ~~term 'electronic communications' includes commu-~~
8 ~~nications via telephone (including mobile phone),~~
9 ~~computer, e-mail, video recorder, fax machine, telex,~~
10 ~~or pager.~~
11 ~~"(3) EMPLOY; STATE.—The terms 'employ' and~~
12 ~~'State' have the meanings given the terms in section~~
13 ~~3 of the Fair Labor Standards Act of 1938 (29~~
14 ~~U.S.C. 203).~~
15 ~~"(4) EMPLOYEE.—~~
16 ~~"(A) IN GENERAL.—The term 'employee'~~
17 ~~means any person employed by an employer. In~~
18 ~~the case of an individual employed by a public~~
19 ~~agency, such term means an individual em-~~
20 ~~ployed as described in section 3(e)(2) of the~~
21 ~~Fair Labor Standards Act of 1938 (29 U.S.C.~~
22 ~~203(e)(2)).~~
23 ~~"(B) BASIS.—The term includes a person~~
24 ~~employed as described in subparagraph (A)—~~
25 ~~"(i) on a full- or part-time basis; or~~

1 ~~"(ii) as a participant in a work as-~~
2 ~~signment as a condition of receipt of Fed-~~
3 ~~eral or State income-based public assist-~~
4 ~~ance.~~
5 ~~"(5) EMPLOYER.—The term 'employer'—~~
6 ~~"(A) means any person engaged in com-~~
7 ~~merce or in any industry or activity affecting~~
8 ~~commerce who employs 50 or more individuals~~
9 ~~for each working day during each of the 20 or~~
10 ~~more calendar weeks in the current or pre-~~
11 ~~ceding calendar year; and~~
12 ~~"(B) includes any person acting directly or~~
13 ~~indirectly in the interest of an employer in rela-~~
14 ~~tion to an employee, and includes a public agen-~~
15 ~~cy that employs individuals as described in sec-~~
16 ~~tion 3(e)(2) of the Fair Labor Standards Act of~~
17 ~~1938, but does not include any labor organiza-~~
18 ~~tion (other than when acting as an employer) or~~
19 ~~anyone acting in the capacity of officer or agent~~
20 ~~of such labor organization.~~
21 ~~"(6) EMPLOYMENT BENEFITS.—The term 'em-~~
22 ~~ployment benefits' means all benefits provided or~~
23 ~~made available to employees by an employer (includ-~~
24 ~~ing group life insurance, health insurance, disability~~
25 ~~insurance, sick leave, annual leave, educational bene-~~

~~fits, and pensions), regardless of whether such benefits are provided or made available by a practice or written policy of an employer or through an 'employee benefit plan', as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).~~

~~"(7) FAMILY OR HOUSEHOLD MEMBER.—The term 'family or household member', used with respect to an individual, means a nonabusive spouse, former spouse, parent, son or daughter, or person residing or formerly residing in the same dwelling unit as the individual.~~

~~"(8) PARENT; SON OR DAUGHTER.—The terms 'parent' and 'son or daughter' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).~~

~~"(9) PERSON.—The term 'person' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).~~

~~"(10) PUBLIC AGENCY.—The term 'public agency' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).~~

~~"(11) PUBLIC ASSISTANCE.—The term 'public assistance' includes cash, food stamps, medical as-~~

~~sistance, housing assistance, and other benefits provided on the basis of income by a public agency.~~

~~"(12) REDUCED LEAVE SCHEDULE.—The term 'reduced leave schedule' means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.~~

~~"(13) SECRETARY.—The term 'Secretary' means the Secretary of Labor.~~

~~"SEC. 41504. ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.~~

~~"(a) LEAVE REQUIREMENT.—~~

~~"(1) BASIS.—An employee who is a victim of domestic or sexual violence may take leave from work to address domestic or sexual violence, by—~~

~~"(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;~~

~~"(B) obtaining emergency housing, temporary or permanent, or taking other actions to increase the safety of the employee or the employee's family or household member; or~~

~~"(C) seeking legal or law enforcement assistance or remedies to ensure the health and~~

~~safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.~~

~~"(2) PERIOD.—An employee may take not more than 10 days of leave, as described in paragraph (1), in any 12-month period.~~

~~"(3) SCHEDULE.—Leave described in paragraph (1) may be taken intermittently or on a reduced leave schedule.~~

~~"(b) NOTICE.—The employee shall provide the employer with reasonable notice of the employee's intention to take the leave, unless providing such notice is not practicable.~~

~~"(c) CERTIFICATION.—~~

~~"(1) IN GENERAL.—The employer may require the employee to provide certification to the employer, within a reasonable period after the employer requires the certification, that—~~

~~"(A) the employee or the employee's family or household member is a victim of domestic or sexual violence; and~~

~~"(B) the leave is for 1 of the purposes described in subsection (a)(1).~~

1 ~~"(2) CONTENTS.—An employee may satisfy the~~
2 ~~certification requirement of paragraph (1) by pro-~~
3 ~~viding to the employer—~~
4 ~~"(A) documentation from an employee,~~
5 ~~agent, or volunteer of a victim service provider,~~
6 ~~an attorney, a member of the clergy, or a med-~~
7 ~~ical or other professional, from whom the em-~~
8 ~~ployee or the employee's family or household~~
9 ~~member has sought assistance in addressing do-~~
10 ~~mestic or sexual violence and the effects of the~~
11 ~~violence;~~
12 ~~"(B) a police or court record; or~~
13 ~~"(C) other corroborating evidence.~~
14 ~~"(d) CONFIDENTIALITY.—All information provided to~~
15 ~~the employer pursuant to subsection (b) or (c), and the~~
16 ~~fact that the employee has requested or obtained leave~~
17 ~~pursuant to this section, shall be retained in the strictest~~
18 ~~confidence by the employer, except to the extent that dis-~~
19 ~~closure is—~~
20 ~~"(1) requested or consented to by the employee~~
21 ~~in writing; or~~
22 ~~"(2) otherwise required by applicable Federal or~~
23 ~~State law.~~
24 ~~"(e) EMPLOYMENT AND BENEFITS.—~~
25 ~~"(1) RESTORATION TO POSITION.—~~

1 ~~"(A) IN GENERAL.—Except as provided in~~
2 ~~paragraph (2), any employee who takes leave~~
3 ~~under this section for the intended purpose of~~
4 ~~the leave shall be entitled, on return from such~~
5 ~~leave—~~
6 ~~"(i) to be restored by the employer to~~
7 ~~the position of employment held by the em-~~
8 ~~ployee when the leave commenced; or~~
9 ~~"(ii) to be restored to an equivalent~~
10 ~~position with equivalent employment bene-~~
11 ~~fits, pay, and other terms and conditions of~~
12 ~~employment.~~
13 ~~"(B) LOSS OF BENEFITS.—The taking of~~
14 ~~leave under this section shall not result in the~~
15 ~~loss of any employment benefit accrued prior to~~
16 ~~the date on which the leave commenced.~~
17 ~~"(C) LIMITATIONS.—Nothing in this sub-~~
18 ~~section shall be construed to entitle any re-~~
19 ~~stored employee to—~~
20 ~~"(i) the accrual of any seniority or~~
21 ~~employment benefits during any period of~~
22 ~~leave; or~~
23 ~~"(ii) any right, benefit, or position of~~
24 ~~employment other than any right, benefit,~~
25 ~~or position to which the employee would~~

~~have been entitled had the employee not taken the leave.~~

~~"(D) CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this section to report periodically to the employer on the status and intention of the employee to return to work.~~

~~"(2) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—~~

~~"(A) DENIAL OF RESTORATION.—An employer may deny restoration under paragraph (1) to any employee described in subparagraph (B) if—~~

~~"(i) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;~~

~~"(ii) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and~~

~~"(iii) in any case in which the leave has commenced, the employee elects not to~~

~~return to employment after receiving such notice.~~

~~"(B) AFFECTED EMPLOYEES.—An employee referred to in subparagraph (A) is a salaried employee who is among the highest paid 25 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.~~

~~"(3) MAINTENANCE OF HEALTH BENEFITS.—~~

~~"(A) COVERAGE.—Except as provided in subparagraph (B), during any period that an employee takes leave under this section, the employer shall maintain coverage under any group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.~~

~~"(B) FAILURE TO RETURN FROM LEAVE.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of leave under this section if—~~

~~"(i) the employee fails to return from leave under this section after the period of leave to which the employee is entitled for the domestic or sexual violence involved has expired; and~~

~~"(ii) the employee fails to return to work for a reason other than the continuation or recurrence of domestic or sexual violence, that entitles the employee to leave pursuant to this section.~~

~~"(C) CERTIFICATION.—An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason.~~

~~"(D) CONFIDENTIALITY.—All information provided to the employer pursuant to subparagraph (C), and the fact that the employee is not returning to work because of a reason described in subparagraph (B)(ii), shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—~~

1 ~~"(i) requested or consented to by the~~
2 ~~employee in writing; or~~
3 ~~"(ii) otherwise required by applicable~~
4 ~~Federal or State law.~~
5 ~~"(f) PROHIBITED ACTS.—~~
6 ~~"(1) INTERFERENCE WITH RIGHTS.—~~
7 ~~"(A) EXERCISE OF RIGHTS.—It shall be~~
8 ~~unlawful for any employer to interfere with, re-~~
9 ~~strain, or deny the exercise of or the attempt to~~
10 ~~exercise, any right provided under this section.~~
11 ~~"(B) EMPLOYER DISCRIMINATION.—It~~
12 ~~shall be unlawful for any employer to discharge~~
13 ~~or harass any individual, or otherwise discrimi-~~
14 ~~nate against any individual with respect to com-~~
15 ~~pensation, terms, conditions, or privileges of~~
16 ~~employment of the individual (including retalia-~~
17 ~~tion in any form or manner) because the indi-~~
18 ~~vidual—~~
19 ~~"(i) exercised any right provided~~
20 ~~under this section; or~~
21 ~~"(ii) opposed any practice made un-~~
22 ~~lawful by this section.~~
23 ~~"(2) INTERFERENCE WITH PROCEEDINGS OR~~
24 ~~INQUIRIES.—It shall be unlawful for any person to~~
25 ~~discharge or in any other manner discriminate (as~~

~~described in paragraph (1)(B)) against any individual because such individual—~~

~~"(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this section;~~

~~"(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or~~

~~"(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.~~

~~"(g) ENFORCEMENT.—~~

~~"(1) CIVIL ACTION BY AFFECTED INDIVIDUALS.—~~

~~"(A) LIABILITY.—Any employer that violates subsection (f) shall be liable to any individual affected—~~

~~"(i) for damages equal to—~~

~~"(I) the amount of—~~

~~"(aa) any wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation; or~~

1 ~~"(bb) in a case in which~~
2 ~~wages, salary, employment bene-~~
3 ~~fits, public assistance, or other~~
4 ~~compensation has not been de-~~
5 ~~nied or lost to the individual, any~~
6 ~~actual monetary losses sustained~~
7 ~~by the individual as a direct re-~~
8 ~~sult of the violation;~~
9 ~~"(II) the interest on the amount~~
10 ~~described in subclause (I) calculated~~
11 ~~at the prevailing rate; and~~
12 ~~"(III) an additional amount as~~
13 ~~liquidated damages equal to the sum~~
14 ~~of the amount described in subclause~~
15 ~~(I) and the interest described in sub-~~
16 ~~clause (II), except that if an employer~~
17 ~~that has violated subsection (f) proves~~
18 ~~to the satisfaction of the court that~~
19 ~~the act or omission that violated sub-~~
20 ~~section (f) was in good faith and that~~
21 ~~the employer had reasonable grounds~~
22 ~~for believing that the act or omission~~
23 ~~was not a violation of subsection (f),~~
24 ~~such court may, in the discretion of~~
25 ~~the court, reduce the amount of the li-~~

~~ability to the amount and interest determined under subclauses (I) and (II), respectively; and~~

~~"(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.~~

~~"(B) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (A) may be maintained against any employer in any Federal or State court of competent jurisdiction by any 1 or more affected individuals for and on behalf of—~~

~~"(i) the individuals; or~~

~~"(ii) the individuals and other individuals similarly situated.~~

~~"(C) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.~~

~~"(D) LIMITATIONS.—The right provided by subparagraph (B) to bring an action by or on behalf of any affected individual shall terminate—~~

~~"(i) on the filing of a complaint by the Secretary in an action under paragraph (4) in which restraint is sought of any further delay in the payment of the amount described in subparagraph (A)(i) to such individual by an employer responsible under subparagraph (A) for the payment; or~~

~~"(ii) on the filing of a complaint by the Secretary in an action under paragraph (2) in which a recovery is sought of the damages described in subparagraph (A)(i) owing to an affected individual by an employer liable under subparagraph (A),~~

~~unless the action described in clause (i) or (ii) is dismissed without prejudice on motion of the Secretary.~~

~~"(2) ACTION BY THE SECRETARY.—~~

~~"(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of subsection (f) in the same manner as the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair~~

~~Labor Standards Act of 1938 (29 U.S.C. 206 and 207).~~

~~"(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (1)(A)(i).~~

~~"(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each individual affected. Any such sums not paid to such an individual because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.~~

~~"(3) LIMITATION.—~~

~~"(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under this subsection not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.~~

~~"(B) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of subsection (f), such action may be brought within 3 years after the date of the last event~~

~~constituting the alleged violation for which such action is brought.~~

~~"(C) COMMENCEMENT.—In determining when an action is commenced by the Secretary under this subsection for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.~~

~~"(4) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—~~

~~"(A) to restrain violations of subsection (f), including the restraint of any withholding of payment of wages, salary, employment benefits, public assistance, or other compensation, plus interest, found by the court to be due to affected individuals; or~~

~~"(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.~~

~~"(5) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this subsection.~~

~~"(6) EMPLOYER LIABILITY UNDER OTHER LAWS.—Nothing in this section shall be construed to~~

limit the liability of an employer to an individual, for harm suffered relating to the individual's experience of domestic or sexual violence, pursuant to any other Federal or State law, including a law providing for a legal remedy.

"(7) LIBRARY OF CONGRESS.—Notwithstanding any other provision of this subsection, in the case of the Library of Congress, the authority of the Secretary under this subsection shall be exercised by the Librarian of Congress.

"(8) CERTAIN PUBLIC AGENCIES.—

"(A) AGENCIES.—Notwithstanding any other provision of this subsection, in the case of a public agency that employs individuals as described in subparagraph (A) or (B) of section 3(e)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)) (other than an entity of the legislative branch of the Federal Government), subparagraph (B) shall apply.

"(B) AUTHORITY.—In the case described in subparagraph (A), the powers, remedies, and procedures provided in title 5, United States Code, to an employing agency, provided in chapter 12 of that title to the Merit Systems Protection Board, or provided in that title to

any person, alleging a violation of chapter 63 of that title, shall be the powers, remedies, and procedures this chapter provides to that agency, that Board, or any person, respectively, alleging a violation of subsection (f) against an employee who is such an individual.

"SEC. 41505. EXISTING LEAVE USABLE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.

"An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to Federal, State, or local law, a collective bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of such leave for an equivalent period of leave provided under section 41504.

"SEC. 41506. EMERGENCY BENEFITS.

"(a) IN GENERAL.—A State may use funds provided to the State under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-term emergency benefits to an individual for any period of leave the individual takes pursuant to section 41504.

"(b) ELIGIBILITY.—In calculating the eligibility of an individual for such emergency benefits, the State shall count only the cash available or accessible to the individual.

1 ~~"(c) TIMING.—~~

2 ~~"(1) APPLICATIONS.—An individual seeking~~
3 ~~emergency benefits under subsection (a) from a~~
4 ~~State shall submit an application to the State.~~

5 ~~"(2) BENEFITS.—The State shall provide bene-~~
6 ~~fits to an eligible applicant under paragraph (1) on~~
7 ~~an expedited basis, and not later than 7 days after~~
8 ~~the applicant submits an application under para-~~
9 ~~graph (1).~~

10 **~~"SEC. 41507. EFFECT ON OTHER LAWS AND EMPLOYMENT~~**
11 **~~BENEFITS.~~**

12 ~~"(a) MORE PROTECTIVE LAWS, AGREEMENTS, PRO-~~
13 ~~GRAMS, AND PLANS.—Nothing in this chapter shall be~~
14 ~~construed to supersede any provision of any Federal,~~
15 ~~State, or local law, collective bargaining agreement, or em-~~
16 ~~ployment benefits program or plan that provides—~~

17 ~~"(1) greater leave benefits for victims of domes-~~
18 ~~tic or sexual violence than the rights established~~
19 ~~under this chapter; or~~

20 ~~"(2) leave benefits for a larger population of~~
21 ~~victims of domestic or sexual violence (as defined in~~
22 ~~such law, agreement, program, or plan) than the vic-~~
23 ~~tims of domestic or sexual violence covered under~~
24 ~~this chapter.~~

1 ~~"(b) LESS PROTECTIVE LAWS, AGREEMENTS, PRO-~~
2 ~~GRAMS, AND PLANS.—The rights established for victims~~
3 ~~of domestic or sexual violence under this chapter shall not~~
4 ~~be diminished by any State or local law, collective bar-~~
5 ~~gaining agreement, or employment benefits program or~~
6 ~~plan.~~

7 ~~**"SEC. 41508. REGULATIONS AND NOTIFICATION.**~~

8 ~~"(a) IN GENERAL.—Except as provided in sub-~~
9 ~~sections (b) and (c), the Secretary shall issue regulations~~
10 ~~to carry out this chapter. The regulations shall include~~
11 ~~regulations requiring every employer to post and keep~~
12 ~~posted, in conspicuous places on the premises of the em-~~
13 ~~ployer where notices to employees are customarily posted,~~
14 ~~a notice, to be prepared or approved by the Secretary,~~
15 ~~summarizing the provisions of this chapter and providing~~
16 ~~information on procedures for filing complaints of viola-~~
17 ~~tions. The Secretary shall develop such a notice and pro-~~
18 ~~vide copies of such notice to employers upon request with-~~
19 ~~out charge.~~

20 ~~"(b) LIBRARY OF CONGRESS.—The Librarian of~~
21 ~~Congress shall prescribe the regulations described in sub-~~
22 ~~section (a) with respect to employees of the Library of~~
23 ~~Congress.~~

24 ~~"(c) CERTAIN PUBLIC AGENCIES.—The head of a~~
25 ~~public agency that employs individuals as described in sub-~~

~~paragraph (A) or (B) of section 3(e)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)) (other than an entity of the legislative branch of the Federal Government) shall prescribe the regulations described in subsection (a) with respect to those individuals.''.~~

~~(b) CONFORMING AMENDMENTS.—~~

~~(1) SOCIAL SECURITY ACT.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following:~~

~~''(l) AUTHORITY TO PROVIDE EMERGENCY BENEFITS.—A State that receives a grant under section 403 may use the grant to provide nonrecurrent short-term emergency benefits, in accordance with section 41506 of the Violence Against Women Act of 1994, to individuals who take leave pursuant to section 40404 of that Act, without regard to whether the individuals receive assistance under the State program funded under this part.''.~~

~~(2) REHABILITATION ACT AMENDMENTS OF 1986.—Section 1003(a)(1) of the Rehabilitation Act Amendments of 1986 (42 U.S.C. 2000d–7(a)(1)) is amended by inserting ''chapter 1 of subtitle O of the Violence Against Women Act of 1994,'' before ''or the provisions''.~~

(c) EFFECTIVE DATE.—The amendments made by this section take effect 180 days after the date of enactment of this Act.

SEC. 702. GRANT FOR NATIONAL CLEARINGHOUSE AND RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Subtitle O of the Violence Against Women Act of 1994 (as added by section 701) is amended by adding at the end the following:

"CHAPTER 2—NATIONAL CLEARINGHOUSE AND RESOURCE CENTER

"SEC. 41511. GRANT FOR NATIONAL CLEARINGHOUSE AND RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

"(a) AUTHORITY.—The Attorney General, acting through the Director of the Violence Against Women Office, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence. The clearinghouse and resource center shall provide information and assistance to employers, labor organizations, and

1 ~~advocates on behalf of victims of domestic or sexual vio-~~
2 ~~lence, to aid in their efforts to develop and implement ap-~~
3 ~~propriate responses to such violence in order to assist~~
4 ~~those victims.~~

5 ~~"(b) APPLICATIONS.—To be eligible to receive a~~
6 ~~grant under this section, an entity or organization shall~~
7 ~~submit an application to the Attorney General at such~~
8 ~~time, in such manner, and containing such information as~~
9 ~~the Attorney General may require, including—~~

10 ~~"(1) information that demonstrates that the en-~~
11 ~~tity or organization has nationally recognized exper-~~
12 ~~tise in the area of domestic or sexual violence, and~~
13 ~~a record of commitment to reducing domestic or sex-~~
14 ~~ual violence;~~

15 ~~"(2) a plan to maximize, to the extent prac-~~
16 ~~ticable, outreach to employers (including private~~
17 ~~companies and public entities such as public institu-~~
18 ~~tions of higher education and State and local govern-~~
19 ~~ments), labor organizations, and advocates described~~
20 ~~in subsection (a) concerning developing and imple-~~
21 ~~menting appropriate workplace responses to assist~~
22 ~~victims of domestic or sexual violence; and~~

23 ~~"(3) a plan for developing materials and train-~~
24 ~~ing for materials for employers that address the~~
25 ~~needs of employees in cases of domestic violence,~~

~~dating violence, sexual assault, and stalking impacting the workplace, including the needs of racial and ethnic and other underserved communities.~~

~~"(c) USE OF GRANT AMOUNT.—~~

~~"(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information and assistance concerning appropriate workplace responses to assist victims of domestic or sexual violence.~~

~~"(2) RESPONSES.—Responses referred to in paragraph (1) may include—~~

~~"(A) providing training to promote a better understanding of appropriate workplace assistance to victims of domestic or sexual violence;~~

~~"(B) providing conferences and other educational opportunities;~~

~~"(C) developing protocols and model workplace policies;~~

~~"(D) providing employer-sponsored and labor organization-sponsored victim assistance and outreach counseling; and~~

~~"(E) conducting assessments of the workplace costs of domestic or sexual violence.~~

~~"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010.~~

~~"(e) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.".~~

~~TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN~~

~~Subtitle A—Victims of Crime~~

~~SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS.~~

~~(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—~~

~~(1) in clause (i)—~~

~~(A) in the matter preceding subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and~~

~~(B) by amending subclause (III) to read as follows:~~

~~"(III)(aa) complied with any reasonable request for assistance in the Federal, State, or local investigation or prosecution of acts of trafficking or crimes related to trafficking; or~~

~~"(bb) has provided credible evidence (as defined in section 204(a)(1)(J)) that physical or psychological abuse, injury, or trauma prohibits such alien from meeting the requirements of item (aa); or~~

~~"(cc) has not attained 18 years of age; and"; and~~

~~(2) by amending clause (ii) to read as follows:~~

~~"(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; and~~

~~"(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;".~~

~~(b) TREATMENT OF SPOUSES AND CHILDREN OF VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—~~

~~(1) in clause (i)—~~

~~(A) in the matter preceding subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and~~

~~(B) in subclause (I), by inserting "or injury" after "physical or mental abuse";~~

~~(2) by amending clause (ii) to read as follows:~~

~~"(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; and~~

~~"(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"; and~~

~~(3) in clause (iii), by inserting "child abuse, stalking (including physical or electronic stalking);" after "false imprisonment;".~~

~~(c) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—~~

~~(A) in subparagraphs (F) and (G), by striking "at least one year" each place it appears and inserting "is more than 1 year";~~

~~(B) in subparagraph (J), by striking "one year imprisonment or more" and inserting "more than 1 year imprisonment";~~

~~(C) in subparagraph (P)(ii), by striking "at least 12 months" and inserting "more than 1 year"; and~~

~~(D) in subparagraphs (R) and (S), by striking "at least one year" each place it appears and inserting "more than 1 year".~~

~~(d) TECHNICAL AMENDMENTS.—Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—~~

~~(1) in paragraph (1), by striking "Attorney General" and inserting "Secretary of Homeland Security, the Attorney General,"; and~~

~~(2) in paragraph (2), by striking "Attorney General" and inserting "Secretary of Homeland Security".~~

~~SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.~~

~~(a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:~~

~~"(V) VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Clause (i) shall not apply to an alien who demonstrates that there was a connection between the alien being a victim of a severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) and the alien's unlawful presence in the United States.".~~

~~(b) TECHNICAL AMENDMENT.—Paragraphs (13) and (14) of section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) are amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".~~

~~SEC. 803. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.~~

~~Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—~~

~~(1) in paragraph (1)—~~

~~(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and~~

~~(B) in subparagraph (A), by striking "for a continuous period of at least 3 years";~~

~~(2) in paragraph (2), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and~~

~~(3) in paragraph (5), by striking "Attorney General" and inserting "Secretary of Homeland Security".~~

~~SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.~~

~~(a) CERTIFICATION PROCESS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended—~~

~~(1) in clause (i)—~~

~~(A) in the matter preceding subclause (I), by striking "Attorney General, that the person referred to in subparagraph (C)(ii)(II)—" and inserting "Attorney General or the Secretary of~~

~~Homeland Security, as appropriate, that the person referred to in subparagraph (C)(ii)(II) has not attained 18 years of age or—"~~;

~~(B) in subclause (I), by striking "investigation and prosecution" and inserting "investigation or prosecution, by the United States or a State or local government,"~~; ~~and~~

~~(C) in subclause (II)(bb), by inserting "or the Secretary of Homeland Security" after "Attorney General"~~;

~~(2) in clause (ii), by striking "Attorney General" and inserting "Secretary of Homeland Security"~~;

~~(3) in clause (iii)—~~

~~(A) in subclause (II), by striking "and" at the end~~;

~~(B) in subclause (III), by striking the period at the end and inserting "; or"~~; ~~and~~

~~(C) by adding at the end the following:~~

~~"(IV) responding to and cooperating with requests for evidence and information.~~; ~~and~~

~~(4) by striking "investigation and prosecution" each place it appears and inserting "investigation or prosecution".~~

1 ~~(b) TRAFFICKING VICTIM REGULATIONS.—Section~~
2 ~~107(c) of the Trafficking Victims Protection Act of 2000~~
3 ~~(22 U.S.C. 7105(c)) is amended—~~
4 ~~(1) in the matter preceding paragraph (1), by~~
5 ~~inserting ", the Secretary of Homeland Security,"~~
6 ~~after "Attorney General"; and~~
7 ~~(2) in paragraph (3)—~~
8 ~~(A) by striking "Federal law enforcement~~
9 ~~officials" and inserting "The Department of~~
10 ~~Homeland Security"; and~~
11 ~~(B) by adding at the end the following:~~
12 ~~"State or local law enforcement officials may~~
13 ~~petition the Department of Homeland Security~~
14 ~~for the continued presence for trafficking vic-~~
15 ~~tims. If such a petition contains a certification~~
16 ~~that a trafficking victim is a victim of a severe~~
17 ~~form of trafficking, the presence of the traf-~~
18 ~~ficking victim may be permitted in accordance~~
19 ~~with this paragraph.".~~
20 ~~(c) PROTECTION FROM REMOVAL FOR CERTAIN~~
21 ~~CRIME VICTIMS.—Section 107(c)(5) of the Trafficking~~
22 ~~Victims Protection Act of 2000 (22 U.S.C. 7105(c)(5))~~
23 ~~is amended by striking "Attorney General" each place it~~
24 ~~occurs and inserting "Secretary of Homeland Security".~~

~~(d) ANNUAL REPORT.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by inserting "or the Secretary of Homeland Security" after "Attorney General".~~

~~SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.~~

~~(a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended—~~

~~(1) in clause (i)—~~

~~(A) in subclause (I), by inserting "or section 204(a)(1)(B)(iii)" after "204(a)(1)(A)" each place it appears; and~~

~~(B) in subclause (III), by striking "a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable," and inserting "a VAWA self-petitioner"; and~~

~~(2) by adding at the end the following:~~

~~"(iv) Any alien who benefits from this subparagraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii).".~~

~~(b) APPLICATION OF CSPA PROTECTIONS.—~~

~~(1) IMMEDIATE RELATIVE RULES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:~~

~~"(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.".~~

~~(2) CHILDREN RULES.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:~~

~~"(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.".~~

~~(c) LATE PETITION PERMITTED FOR IMMIGRANT SONS AND DAUGHTERS BATTERED AS CHILDREN.—~~

~~(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (a), is further amended by adding at the end the following:~~

~~"(v) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under subparagraph (A)(iv) as of the day before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such subpara-~~

graph as of such day if a petition is filed for the status described in such subparagraph before the individual attains 25 years of age. Clauses (i) through (iv) of this subparagraph shall apply to an individual described in this clause in the same manner as an individual filing a petition under subparagraph (A)(iv).''.

(d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting before the colon the following: ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

Subtitle B—VAWA Self-Petitioners

SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(51) The term 'VAWA self-petitioner' means an alien, or a child of the alien, who qualifies for relief under—

''(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);

~~"(B) clause (ii) or (iii) of section 204(a)(1)(B);~~

~~"(C) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;~~

~~"(D) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);~~

~~"(E) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or~~

~~"(F) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).".~~

~~SEC. 812. APPLICATION TO FIANCEES WHO DO NOT MARRY WITHIN 90 DAY PERIOD.~~

~~(a) IN GENERAL.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by inserting before the period at the end the following: ", unless the alien is eligible for status as a VAWA self-petitioner, for relief under section 240A(b)(2), or for relief under section 244(a)(3) (as in effect prior to March 31,~~

1997), and the alien married the United States citizen who filed the petition under section 101(a)(15)(K)(i)''.

(b) EXEMPTION FOR BATTERED IMMIGRANT WOMEN WHO ENTERED THE UNITED STATES ON FINANCE VISAS FROM CONDITIONAL RESIDENCY STATUS REQUIREMENT.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following:

''(2) The failure of a nonimmigrant described in section 101(a)(15)(K) to marry within 3 months of being admitted in such status does not restrict the Secretary of Homeland Security's or the Attorney General's authority to adjust the status of the nonimmigrant, or grant relief under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), provided that—

''(A) the alien married the United States citizen who filed the petition under section 101(a)(15)(K)(i); and

''(B) the United States citizen petitioner subjected a VAWA self-petitioner to battery or extreme cruelty.''.

~~SEC. 813. APPLICATION IN CASE OF VOLUNTARY DEPARTURE.~~

~~Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended to read as follows:~~

~~"(d) CIVIL PENALTY FOR FAILURE TO DEPART.—~~

~~"(1) IN GENERAL.—Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien—~~

~~"(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and~~

~~"(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.~~

~~"(2) APPLICATION OF VAWA PROTECTIONS.—The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997),if the extreme cruelty or battering occurred before the alien overstayed the grant of voluntary departure.~~

1 ~~"(3) NOTICE OF PENALTIES.—The order per-~~
2 ~~mitting an alien to depart voluntarily shall inform~~
3 ~~the alien of the penalties under this subsection.".~~
4 **~~SEC. 814. REMOVAL PROCEEDINGS.~~**
5 ~~(a) EXCEPTIONAL CIRCUMSTANCES.—~~
6 ~~(1) IN GENERAL.—Section 240(e)(1) of the Im-~~
7 ~~migration and Nationality Act (8 U.S.C.~~
8 ~~1229a(e)(1)) is amended by striking "serious illness~~
9 ~~of the alien" and inserting "battery or extreme cru-~~
10 ~~elty to the alien or any child or parent of the alien,~~
11 ~~serious illness of the alien,".~~
12 ~~(2) EFFECTIVE DATE.—The amendment made~~
13 ~~by paragraph (1) shall apply to a failure to appear~~
14 ~~that occurs before, on, or after the date of the enact-~~
15 ~~ment of this Act.~~
16 ~~(b) NONAPPLICATION OF REINSTATEMENT OF RE-~~
17 ~~MOVAL.—~~
18 ~~(1) IN GENERAL.—Section 241(a)(5) of the Im-~~
19 ~~migration and Nationality Act (8 U.S.C. 1231(a)(5))~~
20 ~~is amended—~~
21 ~~(A) by striking "If the Attorney General"~~
22 ~~and inserting the following:~~
23 ~~"(A) IN GENERAL.—If the Secretary of~~
24 ~~Homeland Security"; and~~
25 ~~(B) by adding at the end the following:~~

1 ~~"(B) EXEMPTION.—The provisions of sub-~~
2 ~~paragraph (A) shall not apply to an alien who~~
3 ~~has been battered or subjected to extreme cru-~~
4 ~~elty or who is a crime victim whom the Attor-~~
5 ~~ney General or Secretary of Homeland Security~~
6 ~~determines may be statutorily eligible for classi-~~
7 ~~fication under subparagraph (T) or (U) of sec-~~
8 ~~tion 101(a)(15), for classification under sub-~~
9 ~~paragraph (A)(1)(iii), (A)(1)(iv), (B)(ii),~~
10 ~~(B)(iii), or (B)(iv) of section 204(a)(1), for~~
11 ~~classification as a VAWA self-petitioner, or for~~
12 ~~relief under section 240A(b)(2) or section~~
13 ~~244(a)(3) (as in effect prior to March 31,~~
14 ~~1997).".~~
15 ~~(2) EFFECTIVE DATE.—The amendments made~~
16 ~~by paragraph (1) and the exemption in paragraph~~
17 ~~(2) shall apply to those eligible relief before, on, or~~
18 ~~after the date of enactment of this Act.~~
19 ~~(c) RESTRICTION ON REMOVAL WHILE VAWA PETI-~~
20 ~~TION PENDING.—~~
21 ~~(1) IN GENERAL.—Section 240 of the Immigra-~~
22 ~~tion and Nationality Act (8 U.S.C. 1229a) is amend-~~
23 ~~ed by adding at the end the following:~~
24 ~~"(f) RESTRICTION ON REMOVAL WHILE PETITION~~
25 ~~PENDING.—An alien who is a VAWA self-petitioner, the~~

~~beneficiary under subparagraph (T) or (U) of section 101(a)(15) who meets the requirement of section 240A(b)(2) or subparagraphs (A) through (C) of section 216(c)(4), or who qualifies for relief under section 244(a)(3) (as in effect on March 31, 1997)—~~

~~"(1) shall not be removed or deported unless the petition is denied and all opportunities for appeal of the denial have been exhausted; and~~

~~"(2) shall not be detained while in removal proceedings, unless mandatory detention is required under section 236A or 236(c).".~~

~~(2) WAIVERS AND EXCEPTIONS.—Section 236(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—~~

~~(A) in paragraph (2) by inserting "(A)" before "The Attorney General may release an alien described in paragraph (1) only"; and~~

~~(B) adding at the end the following:~~

~~"(B) The Secretary of Homeland Security or the Attorney General may release on their own recognizance an alien described in paragraph (1) if the Secretary or the Attorney General determines that the alien may qualify for—~~

1 ~~"(i) a waiver under section~~
2 ~~212(d)(13), 212(d)(14), 212(h),~~
3 ~~237(a)(2)(A)(v), or 237(a)(7); or~~
4 ~~"(ii) an exception under section~~
5 ~~204(a)(1)(C); or~~
6 ~~"(iii) relief under section 240A(a).".~~
7 ~~(d) CLARIFYING APPLICATION OF DOMESTIC VIO-~~
8 ~~LENCE WAIVER AUTHORITY IN CANCELLATION OF RE-~~
9 ~~MOVAL.—~~
10 ~~(1) IN GENERAL.—Section 240A(b) of the Im-~~
11 ~~migration and Nationality Act (8 U.S.C. 1229b(b))~~
12 ~~is amended—~~
13 ~~(A) in paragraph (1)(C), by striking "(ex-~~
14 ~~cept in a case described in section 237(a)(7)~~
15 ~~where the Attorney General exercises discretion~~
16 ~~to grant a waiver)" and inserting ", subject to~~
17 ~~paragraph (5)";~~
18 ~~(B) in paragraph (2)(A)(iv), by striking~~
19 ~~"(except in a case described in section~~
20 ~~237(a)(7) where the Attorney General exercises~~
21 ~~discretion to grant a waiver)" and inserting ",~~
22 ~~subject to paragraph (5)"; and~~
23 ~~(C) by adding at the end the following:~~
24 ~~"(5) APPLICATION OF DOMESTIC VIOLENCE~~
25 ~~WAIVER AUTHORITY.—The authority provided under~~

~~section 237(a)(7) shall apply under paragraphs (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of removal and adjustment of status proceeding.''.~~

~~SEC. 815. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS FOR ADJUSTMENTS OF STATUS.~~

~~(a) APPLICATION OF VAWA DEPORTATION PROTECTIONS TO ALIENS ELIGIBLE FOR RELIEF UNDER CUBAN ADJUSTMENT AND HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note; division B of Public Law 106–386) is amended—~~

~~(1) in subparagraph (A)—~~

~~(A) by amending clause (i) to read as follows:~~

~~''(i) if the basis of the motion is to apply for relief under—~~

~~''(I) clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A));~~

~~''(II) clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B));~~

~~''(III) section 244(a)(3) of such Act (8 U.S.C. 8 U.S.C. 1254(a)(3));~~

1 ~~"(IV) the first section of Public~~
2 ~~Law 89–732 (8 U.S.C. 1255 note)~~
3 ~~(commonly known as the Cuban Ad-~~
4 ~~justment Act) as a child or spouse~~
5 ~~who has been battered or subjected to~~
6 ~~extreme cruelty; or~~
7 ~~"(V) section 902(d)(1)(B) of the~~
8 ~~Haitian Refugee Immigration Fair-~~
9 ~~ness Act of 1998 (8 U.S.C. 1255~~
10 ~~note); and"; and~~
11 ~~(B) in clause (ii), by inserting "or adjust-~~
12 ~~ment of status" after "suspension of deporta-~~
13 ~~tion"; and~~
14 ~~(2) in subparagraph (B)(ii), by striking "for re-~~
15 ~~lief" and all that follows through "1101 note))" and~~
16 ~~inserting "for relief described in subparagraph~~
17 ~~(A)(i)".~~
18 ~~(b) EMPLOYMENT AUTHORIZATION FOR VAWA~~
19 ~~SELF-PETITIONERS.—Section 204(a)(1) of the Immigra-~~
20 ~~tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-~~
21 ~~ed by adding at the end the following:~~
22 ~~"(l) An alien who is in the United States and has~~
23 ~~a petition, pending or approved as a VAWA self-petitioner,~~
24 ~~that sets forth a prima facie case for status or classifica-~~

~~tion under such clause shall be eligible for employment authorization.''.~~

~~SEC. 816. APPLICATION FOR VAWA-RELATED RELIEF.~~

~~(a) IN GENERAL.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—~~

~~(1) in subparagraph (B)(ii), by inserting '', or was eligible for adjustment,'' after ''whose status is adjusted''; and~~

~~(2) in subparagraph (E), by inserting '', or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005'' after ''April 1, 2000''.~~

~~(b) TECHNICAL AMENDMENT.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105–100) is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.~~

~~(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).~~

~~SEC. 817. SELF-PETITIONING PARENTS.~~

~~Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:~~

~~"(vii) An alien may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under section 201(b)(2)(A)(i) if the alien—~~

~~"(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;~~

~~"(II) is a person of good moral character;~~

~~"(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i);~~

~~"(IV) resides, or has resided, with the citizen daughter or son; and~~

~~"(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.".~~

~~SEC. 818. VAWA CONFIDENTIALITY NON-DISCLOSURE.~~

~~Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)) is amended—~~

~~(1) in subsection (a)—~~

~~(A) in the matter preceding paragraph (1), by striking "(including any bureau or agency of such Department)" and inserting ", the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)"; and~~

~~(B) in paragraph (1)—~~

~~(i) in subparagraph (D), by striking "or" at the end;~~

~~(ii) in subparagraph (E), by adding "or" at the end; and~~

~~(iii) by inserting after subparagraph (E) the following:~~

~~"(F) in the case of an alien applying for status under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51)~~

of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator,''.

(2) in subsection (b)(2), by inserting ''or his other designee'' after ''the discretion of the Attorney General.''.

Subtitle C—Miscellaneous Amendments

SEC. 821. DURATION OF T AND U VISAS.

(a) T VISAS.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

''(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

''(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if a Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking or certifies that the presence of the alien in the United States is necessary to assist in the investigation or prosecution of such activity.''.

~~(b) U VISAS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:~~

~~"(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's continued presence in the United States is required to assist in the investigation or prosecution of such criminal activity.".~~

~~(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO T AND U NONIMMIGRANT STATUS.—~~

~~(1) IN GENERAL.—Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended—~~

~~(A) by striking "The Attorney General" and inserting "(a) The Secretary of Homeland Security";~~

~~(B) by inserting "(subject to subsection (b))" after "except"; and~~

~~(C) by adding at the end the following:~~

~~"(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15).".~~

~~(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking "248(2)" and inserting "248(a)(2)".~~

~~SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.~~

~~(a) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—~~

~~(1) in the first sentence, by striking "(A)(i)(II)" and inserting "(A)(ii)"; and~~

~~(2) in the fourth sentence, by striking "subsection (b)(2)(B) of this section" and inserting "this subparagraph, subparagraph (A)(ii),".~~

~~(b) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking "(A)(i)(III)" and inserting "(A)(iii)".~~

~~(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—~~

~~(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking "(9)(A)" and inserting "(10)(A)".~~

~~(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5082).~~

~~SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.~~

~~(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) is amended—~~

~~(1) in the last sentence, by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)"; and~~

~~(2) by adding at the end the following: "An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if there is~~

1 demonstrated a connection between the termination
2 of the marriage and the battering or extreme cruelty
3 by the Cuban alien.''.
4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a)(1) shall take effect as if included in the en-
6 actment of the Violence Against Women Act of 2000 (divi-
7 sion B of Public Law 106–386; 114 Stat. 1491).
8 **SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLI-**
9 **CANTS.**
10 (a) IN GENERAL.—Section 902(d)(1)(B) of the Hai-
11 tian Refugee Immigration Fairness Act of 1998 (8 U.S.C.
12 1255 note) is amended—
13 (1) in clause (i), by striking ''whose status is
14 adjusted to that of an alien lawfully admitted for
15 permanent residence'' and inserting ''who is or was
16 eligible for classification'';
17 (2) in clause (ii), by striking ''whose status is
18 adjusted to that of an alien lawfully admitted for
19 permanent residence'' and inserting ''who is or was
20 eligible for classification''; and
21 (3) in clause (iii), by striking ''204(a)(1)(H)''
22 and inserting ''204(a)(1)(J)''.
23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a)(3) shall take effect as if included in the en-

~~actment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).~~

~~SEC. 825. DEPORTATION PROCEEDINGS.~~

~~(a) DEPORTATION OR REMOVAL PROCEEDINGS.—~~

~~(1) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended—~~

~~(A) in clause (iv), by striking "The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply—" and inserting "No limitation on number of motions or on deadlines for filing motions under other provisions of this section shall apply—"; and~~

~~(B) by adding at the end the following:~~

~~"(v) STAY OF REMOVAL.—The filing of the motion described in clause (iv) shall stay the removal of the alien pending a final disposition of the motion, including the exhaustion of all appeals. Only 1 special motion under clause (iv) is permitted.".~~

~~(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 442(a) of the Antiterrorism~~

~~and Effective Death Penalty Act of 1996 (Public Law 104–132, 110 Stat. 1279).~~

~~(b) MOTIONS TO REOPEN DEPORTATION PROCEEDINGS.—Section 1506(c)(2)(A) of the Violence Against Women Act of 2000 (division B of Public Law 106–386, 8 U.S.C. 1229a note) is amended—~~

~~(1) by inserting "on number of motions or deadlines for filing motions" after "Notwithstanding any limitation";~~

~~(2) by inserting ", deadline, or limit on number of motions" after "there is no time limit"; and~~

~~(3) by striking ", and the" and inserting ". The filing of a motion described in clauses (i) and (ii) shall stay the removal of the aliens pending a final disposition of the motion, including the exhaustion of all appeals. Only 1 motion under clauses (i) and (ii) is permitted. The".~~

~~(c) CONFORMING AMENDMENTS.—Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—~~

~~(1) in paragraph (6)(A)(ii)(III), by striking "substantial"; and~~

~~(2) in paragraph (9)(B)(iii)(IV), by striking "who would be described in paragraph (6)(A)(ii)" and inserting "who demonstrates that the alien is~~

~~described in subclauses (I) and (II) of paragraph (b)(A)(ii)''.~~

~~SEC. 826. LIMITATIONS ON ENFORCEMENT.~~

~~Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:~~

~~''(h) Immigration officers and employees shall not undertake any civil immigration enforcement action—~~

~~''(1) at a domestic violence shelter, a victims services organization or program, a rape crisis center, a family justice center, or a supervised visitation center; or~~

~~''(2) at, or in connection with the appearance at, a courthouse of an alien who is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or who is described in subparagraph (T) or (U) of section 101(a)(15).''.~~

~~SEC. 827. PROTECTING ABUSED JUVENILES.~~

~~Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 726, is further amended by adding at the end the following—~~

1 ~~"(i) An alien described in section 101(a)(27)(J) of~~
2 ~~the Immigration and Nationality Act who has been bat-~~
3 ~~tered, abused, neglected, or abandoned, shall not be com-~~
4 ~~pelled to contact the alleged abuser (or family member of~~
5 ~~the alleged abuser) at any stage of applying for special~~
6 ~~immigrant juvenile status, including after a request for~~
7 ~~the consent of the Secretary of Homeland Security under~~
8 ~~section 101(a)(27)(J)(iii)(I) of such Act.".~~

9 **~~SEC. 828. RULEMAKING.~~**

10 ~~Not later than 180 days after the date of enactment~~
11 ~~of this Act, the Attorney General, the Secretary of Home-~~
12 ~~land Security, and the Secretary of State shall promulgate~~
13 ~~regulations to implement the provisions contained in the~~
14 ~~Battered Immigrant Women Protection Act of 2000 (title~~
15 ~~v of Public Law 106–386), this Act, and the amendments~~
16 ~~made by this Act.~~

17 **~~TITLE IX—SAFETY FOR INDIAN~~**
18 **~~WOMEN~~**

19 **~~SEC. 901. FINDINGS.~~**

20 ~~Congress finds that—~~
21 ~~(1) 1 out of every 3 Indian (including Alaska~~
22 ~~Native) women are raped in their lifetimes;~~
23 ~~(2) Indian women experience 7 sexual assaults~~
24 ~~per 1,000, compared with 4 per 1,000 among Black~~
25 ~~Americans, 3 per 1,000 among Caucasians, 2 per~~

~~1,000 among Hispanic women, and 1 per 1,000 among Asian women;~~

~~(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;~~

~~(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;~~

~~(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and~~

~~(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.~~

~~SEC. 902. PURPOSES.~~

~~The purposes of this title are—~~

~~(1) to decrease the incidence of violent crimes against Indian women;~~

~~(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and~~

(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 903. CONSULTATION.

(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).

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary 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

(3) strengthening the Federal response to such violent crimes.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(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.~~

~~(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.~~

~~(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.—~~

~~(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).~~

~~(B) MEMBERS.—The Director shall appoint to the task force representatives from—~~

~~(i) national tribal domestic violence and sexual assault nonprofit organizations;~~

~~(ii) tribal governments; and~~

~~(iii) representatives from the national tribal organizations.~~

~~(4) REPORT.—Not later than 2 years after the date of enactment of this Act, 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 $1,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.~~

~~(b) INJURY STUDY.—~~

~~(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Injury Control Division of the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—~~

~~(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and~~

~~(B) the cost of providing health care for the injuries described in subparagraph (A).~~

~~(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services 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 findings made in the study and recommends for health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).~~

~~(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out~~

~~this section $500,000 for each of fiscal years 2006 and 2007, to remain available until expended.~~

~~SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.~~

~~(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—~~

~~(1) by redesignating subsection (d) as subsection (e); and~~

~~(2) by inserting after subsection (c) the following:~~

~~"(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.".~~

~~(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 2006 through 2010, to remain available until expended.

SEC. 906. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

"SEC. 2007. TRIBAL DEPUTY.

"(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

"(b) DUTIES.—

"(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

"(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

1 ~~"(B) ensure that, if a grant under this Act~~
2 ~~or a contract pursuant to such a grant is made~~
3 ~~to an organization to perform services that ben-~~
4 ~~efit more than 1 Indian tribe, the approval of~~
5 ~~each Indian tribe to be benefited shall be a pre-~~
6 ~~requisite to the making of the grant or letting~~
7 ~~of the contract;~~
8 ~~"(C) coordinate development of Federal~~
9 ~~policy, protocols, and guidelines on matters re-~~
10 ~~lating to violence against Indian women;~~
11 ~~"(D) advise the Director of the Office on~~
12 ~~Violence Against Women concerning policies,~~
13 ~~legislation, implementation of laws, and other~~
14 ~~issues relating to violence against Indian~~
15 ~~women;~~
16 ~~"(E) represent the Office on Violence~~
17 ~~Against Women in the annual consultations~~
18 ~~under section 903;~~
19 ~~"(F) provide technical assistance, coordina-~~
20 ~~tion, and support to other offices and bureaus~~
21 ~~in the Department of Justice to develop policy~~
22 ~~and to enforce Federal laws relating to violence~~
23 ~~against Indian women, including through litiga-~~
24 ~~tion of civil and criminal actions relating to~~
25 ~~those laws;~~

1 ~~"(G) maintain a liaison with the judicial~~
2 ~~branches of Federal, State, and tribal govern-~~
3 ~~ments on matters relating to violence against~~
4 ~~Indian women;~~
5 ~~"(H) support enforcement of tribal protec-~~
6 ~~tion orders and implementation of full faith and~~
7 ~~credit educational projects and comity agree-~~
8 ~~ments between Indian tribes and States; and~~
9 ~~"(I) ensure that adequate tribal technical~~
10 ~~assistance is made available to Indian tribes,~~
11 ~~tribal courts, tribal organizations, and tribal~~
12 ~~nonprofit organizations for all programs relat-~~
13 ~~ing to violence against Indian women.~~
14 ~~"(c) AUTHORITY.—~~
15 ~~"(1) IN GENERAL.—The Deputy Director shall~~
16 ~~ensure that a portion of the tribal set-aside funds~~
17 ~~from any grant awarded under this Act, the Violence~~
18 ~~Against Women Act of 1994 (title IV of Public Law~~
19 ~~103–322; 108 Stat. 1902), or the Violence Against~~
20 ~~Women Act of 2000 (division B of Public Law 106–~~
21 ~~386; 114 Stat. 1491) is used to enhance the capac-~~
22 ~~ity of Indian tribes to address the safety of Indian~~
23 ~~women.~~
24 ~~"(2) ACCOUNTABILITY.—The Deputy Director~~
25 ~~shall ensure that some portion of the tribal set-aside~~

~~funds from any grant made under this part is used to hold offenders accountable through—~~

~~"(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;~~

~~"(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;~~

~~"(C) development of tribal educational awareness programs and materials;~~

~~"(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and~~

~~"(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.".~~

~~SEC. 907. ENHANCED CRIMINAL LAW RESOURCES.~~

~~(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended~~

~~to read: "(i) is a misdemeanor under Federal, State, or Tribal law; and".~~

~~(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803(3) is amended—~~

~~(1) in subparagraph (A), by striking "or";~~

~~(2) in subparagraph (B), by striking the semicolon and inserting ", or"; and~~

~~(3) by adding at the end the following:~~

~~"(C) the offense is a misdemeanor crime of domestic violence and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime;".~~

~~SEC. 908. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.~~

~~Chapter 7 of title 18, United States Code, is amended by adding at the end the following:~~

~~"§ 117. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.~~

~~"Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—~~

~~"(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or~~

~~"(2) an offense under chapter 110A,~~

~~shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.".~~

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women Act of 2005".

SEC. 2. TABLE OF CONTENTS.

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Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.
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TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

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Subtitle D—International Marriage Broker Regulation

Sec. 831. Short title.
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TITLE IX—SAFETY FOR INDIAN WOMEN

Sec. 901. Findings.
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TITLE X—DNA FINGERPRINTING

Sec. 1001. Short title.
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Sec. 1004. Authorization to conduct DNA sample collection from persons arrested or detained under Federal authority.
Sec. 1005. Tolling of statute of limitations for sexual-abuse offenses.

1 ***SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.***

2 *(a) IN GENERAL.—The Violence Against Women Act*
3 *of 1994 (108 Stat. 1902 et seq.) is amended by adding after*
4 *section 40001 the following:*

5 ***"SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.***

6 *"(a) DEFINITIONS.—In this title:*

7 *"(1) COURTS.—The term 'courts' means any*
8 *civil or criminal, tribal, and Alaskan Village, Fed-*
9 *eral, State, local or territorial court having jurisdic-*
10 *tion to address domestic violence, dating violence, sex-*
11 *ual assault or stalking, including immigration, fam-*
12 *ily, 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 decisionmaking authority.

"(2) 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 which results in 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.

"(3) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

"(4) 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.

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

"(6) 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 relation-

ship 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.

"(7) 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.

"(8) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 60 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 that are necessary to avoid physical harm, mental anguish, or mental illness.

"(9) INDIAN.—The term 'Indian' means a member of an Indian tribe.

"(10) 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).

"(11) 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.

"(12) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

"(13) 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 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

"(14) 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.

"(15) 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 di-

rected toward racial and ethnic populations and other underserved communities.

"(16) 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, 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; 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.

"(17) 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 programs).

"(18) 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 do-

mestic violence, dating violence, sexual assault, or stalking.

"(19) RURAL AREA AND RURAL COMMUNITY.—The term '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.

"(20) 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 people, based on the most recent decennial census.

"(21) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal pris-

on 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.

"(22) 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.

"(23) 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.

"(24) 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)).

"(25) 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 Pre-

vention under the Public Health Service Act (42 U.S.C. 280b et seq.).

"(26) 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.

"(27) 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 vio-

lence and sexual assault against American Indian or Alaskan Native women.

"(28) 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.

"(29) 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 in-

cludes the maximum participation of Indians in all phases of its activities; or

"(C) any tribal nonprofit organization.

"(30) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, 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.

"(31) 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.

"(32) 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.

"(33) 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.

"(34) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

"(b) GRANT CONDITIONS.—

"(1) MATCH.—No matching funds shall be required for a grant or subgrant made under this title for any unit of local government, tribe, territory, or victim service provider.

"(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 any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

"(ii) reveal 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) 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, or the abuser of the other parent of the minor.

"(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.—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.

"(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies 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.

"(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.".

(b) DEFINITIONS AND GRANT CONDITIONS IN CRIME CONTROL ACT.—

(1) PART T.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by striking section 2008 and inserting the following:

"SEC. 2008. DEFINITIONS AND GRANT CONDITIONS.

"In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

(2) PART U.—Section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 2105. DEFINITIONS AND GRANT CONDITIONS.

"In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

(c) DEFINITIONS AND GRANT CONDITIONS IN 2000 ACT.—Section 1002 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–2 note) is amended to read as follows:

"SEC. 1002. DEFINITIONS AND GRANT CONDITIONS.

"In this division the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 101. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended by striking "$185,000,000 for each of fiscal years 2001

through 2005" and inserting "$225,000,000 for each of fiscal years 2006 through 2010".

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families.".

(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: "and describe how the State will address the needs of racial and ethnic populations and underserved populations"; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

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

(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "5 percent" and inserting "10 percent";

(B) in paragraph (2), striking by "1/54" and inserting "1/56";

(C) in paragraph (3), by striking "and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54" and inserting "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"; and

(D) in paragraph (4), by striking "1/54" and inserting "1/56"; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and court and victim service providers 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.".

(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended by adding at the end the following:

"(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

"(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose

areas of this part to improve the capacity of grantees, subgrantees and other entities.

"(2) INDIAN TRAINING.—The Director of the Office on Violence Against Women shall ensure that training or technical assistance regarding violence against Indian women will be developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law.".

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by adding at the end the following:

"(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part 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.—Nothing 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.

"(e) JUDICIAL NOTIFICATION.—

"(1) IN GENERAL.—A State, Indian tribal government, or unit of local government shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government—

"(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws; or

"(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

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

"(ii) 2 years.

"(2) REDISTRIBUTION.—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to

other States, units of local government, and Indian tribal governments, pro rata.".

(g) POLYGRAPH TESTING PROHIBITION.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

"SEC. 2013. POLYGRAPH TESTING PROHIBITION.

"(a) IN GENERAL.—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged 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 of such an offense.

"(b) PROSECUTION.—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.".

SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking "$65,000,000 for each of fiscal years 2001 through 2005" and inserting "$75,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.".

(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking "to treat domestic violence as a serious violation" and inserting "to treat domestic violence, dating violence, sexual assault, and stalking as serious violations";

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after "State" the following: ", tribal, territorial,";

(B) in paragraph (1), by—

(i) striking "mandatory arrest or"; and

(ii) striking "mandatory arrest programs and";

(C) in paragraph (2), by—

(i) inserting after "educational programs," the following: "protection order registries,";

(ii) striking "domestic violence and dating violence" and inserting "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";

(D) in paragraph (3), by—

(i) striking "domestic violence cases" and inserting "domestic violence, dating violence, sexual assault, and stalking cases"; and

(ii) striking "groups" and inserting "teams";

(E) in paragraph (5), by striking "domestic violence and dating violence" and inserting "domestic violence, dating violence, sexual assault, and stalking";

(F) in paragraph (6), by—

(i) striking "other" and inserting "civil"; and

(ii) inserting after "domestic violence" the following: ", dating violence, sexual assault, and stalking"; and

(G) by adding at the end the following:

"(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, 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.";

(3) in subsection (c)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that—

"(A) 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 of such an offense; and

"(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense."; and

(4) by striking subsections (d) and (e) and inserting the following:

"(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.".

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after "involving domestic violence" the following: ", dating violence, sexual assault, or stalking".

(d) TRAINING, TECHNICAL ASSISTANCE, CONFIDENTIALITY.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

"SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.

"Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be avail-

able for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees and other entities.''.

SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by—

(A) inserting before ''legal assistance'' the following: ''civil and criminal'';

(B) inserting after ''effective aid to'' the following: ''adult and youth''; and

(C) inserting at the end the following: ''Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.'';

(2) in subsection (c), by inserting ''and tribal organizations, territorial organizations'' after ''Indian tribal governments'';

(3) in subsection (d) by striking paragraph (2) and inserting the following:

''(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collabo-

ration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

(4) in subsection (e), by inserting "dating violence," after "domestic violence,"; and

(5) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 2006 through 2010."; and

(B) in paragraph (2)(A), by—

(i) striking "5 percent" and inserting "10 percent"; and

(ii) inserting "adult and youth" after "that assist".

SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES.

(a) IN GENERAL.—Section 502 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by striking "using funds derived from a source other than the Corporation to provide" and inserting "providing";

(B) in clause (i), by striking "in the United States" and all that follows and inserting "or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or"; and

(C) in clause (ii), by striking "has been battered" and all that follows and inserting ", without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).";

and

(2) in subsection (b)(2), by striking "described in such subsection" and inserting ", sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii))".

(b) SAVINGS PROVISION.—Nothing in this Act, or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).

SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.

(a) VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle J—Violence Against Women Act Court Training and Improvements

"SEC. 41001. SHORT TITLE.

"This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

"SEC. 41002. PURPOSE.

"The purpose of this subtitle is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—

"(1) improved internal civil and criminal court functions, responses, practices, and procedures;

"(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

"(3) collaboration and training with Federal, State, tribal, territorial, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

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

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

"(B) community-based initiatives within the court system (such as court watch programs, victim assistants, 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 racial and ethnic communities and underserved populations; and

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

"(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to improve their practices and procedures or to develop new programs.

"SEC. 41003. GRANT REQUIREMENTS.

"Grants awarded under this subtitle shall be subject to the following conditions:

"(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

"(A) Federal, State, tribal, territorial, or local courts or court-based programs; and

"(B) national, State, tribal, territorial, or local private, nonprofit organizations with demonstrated expertise in developing and providing

judicial education about domestic violence, dating violence, sexual assault, or stalking.

"(2) CONDITIONS OF ELIGIBILITY.—To be eligible for a grant under this section, applicants shall certify in writing that—

"(A) any courts or court-based personnel working directly with or making decisions about adult or youth parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

"(B) any education program developed under section 41002 has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

"(C) the grantee's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.

"SEC. 41004. NATIONAL EDUCATION CURRICULA.

"(a) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

"(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

"(1) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

"(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

"SEC. 41005. TRIBAL CURRICULA.

"(a) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding trib-

al court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

"(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

"(1) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

"(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

"SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2006 to 2010.

"(b) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

"(c) SET ASIDE.—Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants for tribal courts, tribal court-related programs, and tribal nonprofits.".

SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended by—

(1) striking "or Indian tribe" each place it appears and inserting ", Indian tribe, or territory"; and

(2) striking "State or tribal" each place it appears and inserting "State, tribal, or territorial".

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking "and enforced as if it were" and inserting "and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were".

(c) LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.—Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:

"(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—A State, Indian tribe, or territory shall not publish publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be like-

ly 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.".

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) PROTECTION ORDER.—The term 'protection 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 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; and

"(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or 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, sexual assault, dating violence, or stalking."; and

(2) in clauses (i) and (ii) of paragraph (7)(A), by striking "2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser" and inserting "2261A—

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

"(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and

the frequency of interaction between the persons involved in the relationship".

SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

"SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this subtitle to States, Indian tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

"SEC. 41102. PURPOSE AREAS.

"Grants made under this subtitle may be used—

"(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);

"(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;

"(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or

"(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

"SEC. 41103. ELIGIBLE ENTITIES.

"Entities eligible for grants under this subtitle include—

"(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

"(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

"(3) States or State agencies;

"(4) local governments or agencies;

"(5) Indian tribal governments or tribal organizations;

"(6) territorial governments, agencies, or organizations; or

"(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

"SEC. 41104. GRANT CONDITIONS.

"Applicants described in paragraph (1) and paragraphs (3) through (6) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

"SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2006 through 2010.

"(b) TRIBAL ALLOCATION.—Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants to Indian tribes for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault.

"(c) TECHNICAL ASSISTANCE AND TRAINING.—Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.".

SEC. 108. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2010.".

SEC. 109. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking "2001" and inserting "2006"; and

(2) by striking "2006" and inserting "2010".

SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.

Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322) is amended to read as follows:

"SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

"There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.".

SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ACT OF TRAFFICKING.—The term "act of trafficking" means an act or practice described in paragraph (8) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a State or a local government.

(3) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

(4) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means a person subjected to an act of trafficking.

(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.

(c) USE OF FUNDS.—A grant awarded under this section shall be used to—

(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;

(2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking; or

(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.

(d) RESTRICTIONS.—

(1) ADMINISTRATIVE EXPENSES.—An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2) NONEXCLUSIVITY.—Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2010 to carry out the provisions of this section.

SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) FINDINGS.—Section 215 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volun-

teers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect;

"(2) the National Court Appointed Special Advocate Association maintains a system of accountability, including standards, quality assurance, training, and technical assistance for a network of 70,000 volunteers in more than 850 programs operating in 49 States, the District of Columbia, and the Virgin Islands; and

"(3) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.".

(b) IMPLEMENTATION DATE.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking "January 1, 1995" and inserting "January 1, 2010".

(c) CLARIFICATION OF PROGRAM GOALS.—Section 217 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013) is amended—

(1) in subsection (a), by striking "to expand" and inserting "to initiate, sustain, and expand";

(2) subsection (b)—

(A) in paragraph (1), by striking "to initiate or expand" and inserting "to initiate, sustain, and expand"; and

(B) in paragraph (2), by—

(i) striking "(1)(a)" and inserting "(1)(A)"; and

(ii) striking "to initiate and to expand" and inserting "to initiate, sustain, and expand"; and

(3) by adding at the end the following:

"(d) BACKGROUND CHECKS.—State and local Court Appointed Special Advocate programs are authorized to request criminal background checks from the Federal Bureau of Investigation National Crime Information Center for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.".

(d) REAUTHORIZATION.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

"(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle $17,000,000 for each of fiscal years 2006 through 2010.".

SEC. 113. PREVENTING CYBERSTALKING.

(a) IN GENERAL.—Paragraph (1) of section 223(h) of the Communications Act of 1934 (47 U.S.C. 223(h)(1)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) in the case of subparagraph (C) of subsection (a)(1), includes any device or software that can be used to originate telecommunications or other types of communications that are transmitted, in whole or in part, by the Internet (as such term is defined in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note)).".

(b) RULE OF CONSTRUCTION.—This section and the amendment made by this section may not be construed to affect the meaning given the term "telecommunications device" in section 223(h)(1) of the Communications Act of 1934, as in effect before the date of the enactment of this section.

SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.

(a) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Stalking

"Whoever—

"(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, place under surveillance, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, or 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

"(2) with the intent—

"(A) to kill, injure, harass, place under surveillance, intimidate, 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 or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional distress to that person or places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii) of subparagraph (B);

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

(b) ENHANCED PENALTIES FOR STALKING.—Section 2231(b) of title 18, United States Code, is amended by adding at the end the following:

"(6) Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.".

SEC. 115. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

"§ 2265A. Repeat offenders

"(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 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. 116. PROHIBITING DATING VIOLENCE.

(a) IN GENERAL.—Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), striking "or intimate partner" and inserting ", intimate partner, or dating partner"; and

(2) in paragraph (2), striking "or intimate partner" and inserting ", intimate partner, or dating partner".

(b) DEFINITION.—Section 2266 of title 18, United States Code, is amended by adding at the end the following:

"(10) 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 the existence of such a relationship based on a consideration of—

"(A) the length of the relationship; and

"(B) the type of relationship; and

"(C) the frequency of interaction between the persons involved in the relationship.".

SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

(a) DOMESTIC VIOLENCE.—Section 2261(a)(1) of title 18, United States Code, is amended by inserting after "Indian country" the following: "or within the special maritime and territorial jurisdiction of the United States".

(b) PROTECTION ORDER.—Section 2262(a)(1) of title 18, United States Code, is amended by inserting after "Indian country" the following: "or within the special maritime and territorial jurisdiction of the United States".

SEC. 118. UPDATING PROTECTION ORDER DEFINITION.

Section 9534 of title 28, United States Code, is amended by striking subsection (e)(3)(B) and inserting the following:

"(B) the term 'protection order' includes—

"(i) 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

"(ii) 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 injunc-

tions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.".

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 201. FINDINGS.

Congress finds the following:

(1) Nearly 1/3 of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.

(3) Rape and sexual assault in the United States is estimated to cost $127,000,000,000 per year, including—

(A) lost productivity;

(B) medical and mental health care;

(C) police and fire services;

(D) social services;

(E) loss of and damage to property; and

(F) reduced quality of life.

(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of nonstranger sexual assault.

(5) Geographic isolation often compounds the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study found that the perpetrator was a family member in 90 percent of cases.

(7) Barriers for older victims leaving abusive relationships include—

(A) the inability to support themselves;

(B) poor health that increases their dependence on the abuser;

(C) fear of being placed in a nursing home; and

(D) ineffective responses by domestic abuse programs and law enforcement.

(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of

their increased physical, economic, social, or psychological dependence on others.

(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.

(10) Of the 598 battered women's programs surveyed—

(A) only 35 percent of these programs offered disability awareness training for their staff; and

(B) only 16 percent dedicated a staff member to provide services to women with disabilities.

(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face re-

strictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a 9-1-1 operator, or even in acquiring information about their rights and the legal system.

(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.

(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.

(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.

(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.

(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline's ability to answer more calls quickly and effectively.

SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2012, as added by this Act, the following:

"SEC. 2014. SEXUAL ASSAULT SERVICES.

"(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;

"(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 rape crisis centers and other 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 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 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 racial and ethnic, and other 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 racial and ethnic and other underserved communities in the devel-

opment 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 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 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 the combined States or the population of the combined territories.

"(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 racial and ethnic 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 racial and ethnic communities to whom assistance would be provided or have the capacity to link to existing services in

the community tailored to the needs of racial and ethnic populations; and

"(D) have an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic 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 racial and ethnic communities.

"(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;

"(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 country and Alaskan 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 for each of the fiscal years 2006 through 2010 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); and

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

SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

"SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

"(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;

"(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, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

"(2) providing treatment, counseling, advocacy, and other long- and short-term assistance 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.

"(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

"(d) ALLOTMENTS AND PRIORITIES.—

"(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

"(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 ap-

propriated 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 section, 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 racial, ethnic, and other 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 for each of the fiscal years 2006 through 2010 to carry out this section.

"(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.".

SEC. 204. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES.

(a) IN GENERAL.—Section 1402 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–7) is amended to read as follows:

"SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

"(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 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 for disabled individuals;

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

"(A) the Americans with Disabilities Act of 1990; and

"(B) section 504 of the Rehabilitation Act of 1973;

"(6) to rehabilitate 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 do-

mestic 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, such as a State 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) shall only be awarded to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5).

"(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that the needs of racial and ethnic and other underserved populations are being addressed.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.".

SEC. 205. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

(a) TRAINING PROGRAMS.—Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) is amended to read as follows:

"SEC. 40802. ENHANCED TRAINING AND SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN LATER IN LIFE.

"(a) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, may award grants, which may be used for—

"(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking against victims who are 50 years of age or older;

"(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including do-

mestic violence, dating violence, sexual assault, or stalking, who are 50 years of age or older;

"(3) increasing the physical accessibility of buildings in which services are or will be rendered for victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older;

"(4) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older; and

"(5) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older.

"(b) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if the entity is—

"(1) a State;

"(2) a unit of local government;

"(3) an Indian tribal government or tribal organization; or

"(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking.

"(c) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that services are culturally and linguistically relevant and that the needs of racial, ethnic, and other underserved populations are being addressed.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 40803 of the Violence Against Women Act of 1994 (42 U.S.C. 14041b) is amended by striking "$5,000,000 for each of fiscal years 2001 through 2005" and inserting "$10,000,000 for each of the fiscal years 2006 through 2010".

SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in subsection (d), by adding at the end the following:

"(5) provide technology and telecommunication training and assistance for advocates, volunteers, staff, and others affiliated with the hotline so that

such persons are able to effectively use improved equipment made available through the Connections Campaign.";

(2) in subsection (g)—

(A) in paragraph (1), by striking "$3,500,000" and all that follows and inserting "$5,000,000 for each of fiscal years 2006 through 2010.";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2); and

(3) by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 301. FINDINGS.

Congress finds the following:

(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.

(2) The Department of Justice consistently finds that young women between the ages of 16 and 24 ex-

perience the highest rate of non-fatal intimate partner violence.

(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.

(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.

(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.

(6) Only one State specifically allows for minors to petition the court for protection orders.

(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.

(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.

(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim's residence.

(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.

SEC. 302. RAPE PREVENTION AND EDUCATION.

Section 393B(c) of part J of title III of the Public Health Service Act (42 U.S.C. 280b–1c(c)) is amended to read as follows:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2006 through 2010.

"(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).".

SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 (Public Law 103–322, Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

"SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND TO YOUTH.

"(a) GRANTS AUTHORIZED.—The Attorney General, in consultation with the Department of Health and Human Services, shall award grants to eligible entities to conduct programs to serve victims of domestic violence, dating violence, sexual assault, and stalking who are between the ages of 12 and 24. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

"(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

"(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking;

"(2) a community-based organization specializing in intervention or violence prevention services for youth;

"(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

"(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

"(2) TYPES OF PROGRAMS.—Such a program—

"(A) shall provide direct counseling and advocacy for youth and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

"(B) shall include linguistically, culturally, and community relevant services for racial, ethnic, and other underserved populations or linkages to existing services in the community tailored to the needs of underserved populations;

"(C) may include mental health services for youth and young adults who have experienced domestic violence, dating violence, sexual assault, or stalking;

"(D) may include legal advocacy efforts on behalf of youth and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

"(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

"(F) may use not more than 25 percent of the grant funds to provide additional services

and resources for youth, including childcare, transportation, educational support, and respite care.

"(d) AWARDS BASIS.—

"(1) GRANTS TO INDIAN TRIBES.—Not less than 7 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

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

"(3) TECHNICAL ASSISTANCE.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

"(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2006 through 2010.

"SEC. 41202. ACCESS TO JUSTICE FOR YOUTH.

"(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts,

domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve young victims of dating violence, domestic violence, sexual assault, and stalking who are between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of domestic violence, dating violence, sexual assault, and stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions.

"(b) GRANT AUTHORITY.—

"(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the 'Director'), shall make grants to eligible entities to carry out the purposes of this section.

"(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 2 fiscal years.

"(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that—

"(A) shall include a victim service provider that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people;

"(B) shall include a court or law enforcement agency partner; and

"(C) may include—

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

"(ii) community-based youth organizations that deal specifically with the concerns and problems faced by youth, including programs that target teen parents and racial, ethnic, and other underserved communities;

"(iii) schools or school-based programs designed to provide prevention or intervention services to youth experiencing problems;

"(iv) faith-based entities that deal with the concerns and problems faced by youth;

"(v) healthcare entities eligible for reimbursement under title XVIII of the Social

Security Act, including providers that target the special needs of youth;

"(vi) education programs on HIV and other sexually transmitted diseases that are designed to target teens;

"(vii) Indian Health Services, Indian Child Welfare, the Bureau of Indian Affairs, or the Federal Bureau of Investigations; or

"(viii) law enforcement agencies of the Bureau of Indian Affairs providing tribal law enforcement.

"(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts—

"(1) addressing domestic violence, dating violence, sexual assault, and stalking, assessing and analyzing currently available services for youth and young adult victims, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

"(2) to establish and enhance linkages and collaboration between—

"(A) domestic violence and sexual assault service providers; and

"(B) where applicable, law enforcement agencies, courts, Federal agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of abuse, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions—

"(i) to respond effectively and comprehensively to the varying needs of young victims of abuse;

"(ii) to include linguistically, culturally, and community relevant services for racial, ethnic, and other underserved populations or linkages to existing services in the community tailored to the needs of underserved populations; and

"(iii) to include where appropriate legal assistance, referral services, and parental support;

"(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian

child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

"(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual assault, or stalking against teens and young adults and meet the needs of young victims of violence; and

"(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

"(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a com-

mitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

"(f) DISTRIBUTION.—In awarding grants under this section—

"(1) not less than 10 percent of funds appropriated under this section in any year shall be available to Indian tribal governments to establish and maintain collaborations involving the appropriate tribal justice and social services departments or domestic violence or sexual assault service providers, the purpose of which is to provide culturally appropriate services to American Indian women or youth;

"(2) the Director shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

"(3) the Attorney General of the United States shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

"(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide

technical assistance for programs funded under this section.

"(g) DISSEMINATION OF INFORMATION.—Not later than 12 months after the end of the grant period under this section, the Director shall prepare, submit to Congress, and make widely available, including through electronic means, summaries that contain information on—

"(1) the activities implemented by the recipients of the grants awarded under this section; and

"(2) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

"(A) the staffs of courts;

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

"(C) law enforcement agencies and community organizations.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 in each of fiscal years 2006 through 2010.

"SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

"(a) PURPOSE.—The purpose of this section is to support efforts by child welfare agencies, domestic violence or dating violence victim services providers, courts, law enforcement, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

"(b) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the 'Secretary'), through the Family and Youth Services Bureau, and in consultation with the Office on Violence Against Women, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Secretary shall—

"(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other

administrative costs associated with conducting activities under this section;

"(2) set aside not more than 7 percent for grants to Indian tribes to develop programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

"(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community responses to families in which children are exposed to child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

"(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Secretary shall consider the needs of racial, ethnic, and other underserved populations.

"(e) GRANT AWARDS.—The Secretary shall award grants under this section for periods of not more than 2 fiscal years.

"(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

"(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

"(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

"(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

"(B) domestic violence or dating violence in child protection cases; and

"(C) the needs of both the child and non-abusing parent;

"(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers;

"(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;

"(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

"(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of racial and ethnic minorities in the court and child welfare system; and

"(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult and youth victims and their children, legal assistance and advocacy for adult and youth victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

"(i) GRANTEE REQUIREMENTS.—

"(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—

"(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be under-

taken, and that they have a significant role in evaluating the success of the project;

"(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

"(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

"(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

"(A) shall include a State or local child welfare agency or Indian Tribe;

"(B) shall include a domestic violence or dating violence victim service provider;

"(C) shall include a law enforcement agency or Bureau of Indian Affairs providing tribal law enforcement;

"(D) may include a court; and

"(E) may include any other such agencies or private nonprofit organizations and faith-based organizations, including community-based organizations, with the capacity to provide effective help to the child and adult victims served by the collaboration.".

SEC. 304. GRANTS TO REDUCE VIOLENCE AGAINST WOMEN ON CAMPUS.

Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in subsection (a)(2), by adding at the end the following: "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 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting "develop and implement campus policies, protocols, and services that" after "boards to"; and

(ii) by adding at the end the following: "Within 90 days after the date of enactment

of the Violence Against Women Act of 2005, the Attorney General shall issue and make available minimum standards of training relating to violent crimes against women on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.";

(B) in paragraph (4), by striking all that follows "strengthen" and inserting: "victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, stalking, dating violence, or sexual assault, 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 sexual assault, domestic violence, stalking, and dating violence victim services programs 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.";

(C) by striking paragraphs (6) and (8);

(D) by redesignating paragraphs (7), (9), and (10) as paragraphs (6), (7), and (8), respectively;

(3) in subsection (c), by striking paragraph (2)(B) and inserting the following:

"(B) include proof that the institution of higher education collaborated with a nonprofit, nongovernmental entities carrying out other victim services programs, including sexual assault, domestic violence, stalking, and dating violence victim services programs in the community in which the institution is located;";

(4) in subsection (f), by striking the text and inserting the following: "In this section, the definitions and grant conditions provided in section 40002 of the Violence Against Women Act of 1994 shall apply."; and

(5) in subsection (g), by—

(A) striking "$10,000,000" and inserting "$15,000,000";

(B) striking "2001" and inserting "2006"; and

(C) striking "2005" and inserting "2010".

SEC. 305. JUVENILE JUSTICE.

(a) STATE PLANS.—Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (7)(B)—

(A) by redesignating clauses (i), (ii) and (iii), as clauses (ii), (iii), and (iv), respectively; and

(B) by inserting before clause (ii) the following:

"(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females;".

(b) USE OF FUNDS.—Section 223(a)(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(9)) is amended—

(1) in subparagraph (R), by striking "and" at the end;

(2) in subparagraph (S), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(T) developing and adopting policies to prohibit disparate treatment of female juveniles in placement and treatment, and establishing gender-specific services to ensure that female juveniles have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, education in parenting, education in general, and other training and vocational services.".

SEC. 306. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 10402. SAFE HAVENS FOR CHILDREN.";

(2) in subsection (a)—

(A) by inserting ", through the Director of the Office on Violence Against Women," after "Attorney General";

(B) by inserting "dating violence," after "domestic violence,";

(C) by striking "to provide" and inserting the following:

"(1) to provide";

(D) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

"(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

"(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges."; and

(3) by striking subsection (e) and inserting the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appro-

priated under this section shall remain available until expended.

"(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

"(A) set aside not less than 7 percent for grants to Indian tribal governments or tribal organizations;

"(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

"(C) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.".

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle M—Strengthening America's Families by Preventing Violence Against Women and Children

"SEC. 41301. FINDINGS.

"Congress finds that—

"(1) the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country;

"(2) studies suggest that as many as 10,000,000 children witness domestic violence every year;

"(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child's violent behavior;

"(4) a study by the Nurse-Family Partnership found that children whose parents did not participate

in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;

"(5) a child's exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;

"(6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one's needs met and managing conflict in close relationships;

"(7) children exposed to abusive parenting, harsh or erratic discipline, or domestic violence are at increased risk for juvenile crime; and

"(8) in a national survey of more than 6,000 American families, 50 percent of men who frequently assaulted their wives also frequently abused their children.

"SEC. 41302. PURPOSE.

"The purpose of this subtitle is to—

"(1) prevent crimes involving violence against women, children, and youth;

"(2) increase the resources and services available to prevent violence against women, children, and youth;

"(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

"(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

"(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

"(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

"SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, is authorized to award

grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

"(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall award grants—

"(A) considering the needs of underserved populations;

"(B) awarding not less than 10 percent of such amounts to Indian tribes for the funding of tribal projects from the amounts made available under this section for a fiscal year;

"(C) awarding up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

"(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

"(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

"(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker; or

"(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection.

"(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a—

"(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

"(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

"(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of chil-

dren and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

"(B) ensure linguistically, culturally, and community relevant services for racial and ethnic, and other underserved communities.

"SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

"(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall—

"(A) consider the needs of underserved populations;

"(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

"(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2006 through 2010.

"(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

"(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

"(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

"(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

"(B) ensure linguistically, culturally, and community relevant services for racial and ethnic and other underserved communities;

"(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

"(i) safely screen for and/or recognize domestic violence, dating violence, sexual assault, and stalking;

"(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a non-abusing parent or caretaker in response to violence against anyone in the household; and

"(iii) link new parents with existing community resources in communities where resources exist; and

"(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.

"SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engag-

ing men and youth in preventing domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

"(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall award grants—

"(A) considering the needs of racial and ethnic and other underserved populations;

"(B) awarding not less than 10 percent of such amounts for the funding of Indian tribes from the amounts made available under this section for a fiscal year; and

"(C) awarding up to 8 percent for the funding of technical assistance for grantees and nongrantees working in this area from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

"(c) USE OF FUNDS.—

"(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities—

"(A) to develop or enhance community-based programs, including gender-specific programs in accordance with applicable laws that—

"(i) encourage children and youth to pursue nonviolent relationships and reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

"(ii) that include at a minimum—

"(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

"(II) strategies to help participants be as safe as possible; or

"(B) to create public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent violence against women and girls conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

"(2) MEDIA LIMITS.—No more than 40 percent of funds received by a grantee under this section may be used to create and distribute media materials.

"(d) ELIGIBLE ENTITIES.—

"(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

"(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

"(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

"(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

"(D) a program that provides culturally specific services.

"(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

"(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the preven-

tion of domestic violence, dating violence, sexual assault or stalking; or

"(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

"(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) eligible entities pursuant to subsection (c)(1)(A) shall describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

"(B) ensure linguistically, culturally, and community relevant services for racial and ethnic, and other underserved communities;

"(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

"(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.".

SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(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 racial, ethnic, and other underserved communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated to carry out this title $2,000,000 for each of the fiscal years 2006 through 2010.

TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The health-related costs of intimate partner violence in the United States exceed $5,800,000,000 annually.

(2) Thirty-seven percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend.

(3) In addition to injuries sustained during violent episodes, physical and psychological abuse is linked to a number of adverse physical and mental health effects. Women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse

and sexually transmitted infections, including HIV/AIDS.

(4) Health plans spend an average of $1,775 more a year on abused women than on general enrollees.

(5) Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.

(6) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(7) Children who witness domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

(8) Recent research suggests that women experiencing domestic violence significantly increase their safety-promoting behaviors over the short- and long-

term when health care providers screen for, identify, and provide followup care and information to address the violence.

(9) Currently, only about 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits and 9 percent routinely screen for intimate partner abuse during periodic checkups.

(10) Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women. Additional longitudinal studies have tested a 10-minute intervention that was proven highly effective in increasing the safety of pregnant abused women. Comparable research does not yet exist to support the effectiveness of screening men.

(11) Seventy to 81 percent of the patients studied reported that they would like their healthcare providers to ask them privately about intimate partner violence.

SEC. 502. PURPOSE.

It is the purpose of this title to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive

public health responses to violence against women and children, increasing the number of women properly screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting.

SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFESSIONALS IN DOMESTIC AND SEXUAL VIOLENCE.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

"SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION ON DOMESTIC VIOLENCE AND OTHER TYPES OF VIOLENCE AND ABUSE.

"(a) GRANTS.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall award grants under this section to develop interdisciplinary training and education programs that provide undergraduate, graduate, post-graduate medical, nursing (including advanced practice nursing students), and other health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, stalking, and dating violence.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

"(1) be an accredited school of allopathic or osteopathic medicine;

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) information to demonstrate that the applicant includes the meaningful participation of a school of nursing and at least one other school of health professions or graduate program in public health, dentistry, social work, midwifery, or behavioral and mental health;

"(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested medical and nursing schools and national resource repositories for materials on domestic violence and sexual assault; and

"(C) a plan for consulting with, and compensating community-based coalitions or individuals who have experience and expertise in issues related to domestic violence, sexual assault, dating violence, and stalking for services provided under the program carried out under the grant.

"(c) USE OF FUNDS.—

"(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

"(A) fund interdisciplinary training and education projects that are designed to train medical, nursing, and other health professions students and residents 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 experienced domestic violence, sexual assault, and stalking or dating violence; and

"(B) plan and develop culturally competent clinical components for integration into approved residency training programs that address health issues related to domestic violence, sexual assault, dating violence, and stalking, along with other forms of violence as appropriate, and include the primacy of victim safety and confidentiality.

"(2) PERMISSIVE USES.—Amounts provided under a grant under this section may be used to—

"(A) offer community-based training opportunities in rural areas for medical, nursing, and

other students and residents on domestic violence, sexual assault, stalking, and dating violence, and other forms of violence and abuse, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas; or

"(B) provide stipends to students from racial and ethnic population groups who are underrepresented in the health professions as necessary to promote and enable their participation in clerkships, preceptorships, or other offsite training experiences that are designed to develop health care clinical skills related to domestic violence, sexual assault, dating violence, and stalking.

"(3) REQUIREMENTS.—

"(A) CONFIDENTIALITY AND SAFETY.—Grantees under this section shall ensure that all educational programs developed with grant funds address issues of confidentiality and patient safety, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security of the patients, patient records, and staff. Advocacy-based coali-

tions or other expertise available in the community shall be consulted on the development and adequacy of confidentially and security procedures, and shall be fairly compensated by grantees for their services.

"(B) RURAL PROGRAMS.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

"(4) CHILD AND ELDER ABUSE.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

"(d) REQUIREMENTS OF GRANTEES.—

"(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

"(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education,

shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 25 percent of the total cost of such activities.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $3,000,000 for each of fiscal years 2006 through 2010. Amounts appropriated under this subsection shall remain available until expended.".

SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING GRANTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) AUTHORITY TO AWARD GRANTS.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible State, tribal, territorial, or local entities to strengthen the response of State, tribal, territorial, or local health

care systems to domestic violence, dating violence, sexual assault, and stalking.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(A) be—

"(i) a State department (or other division) of health, a State domestic or sexual assault coalition or service-based program, State law enforcement task force, or any other nonprofit, nongovernmental, tribal, territorial, or State entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault or stalking, and health care; or

"(ii) a local, nonprofit domestic violence, dating violence, sexual assault, or stalking service-based program, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other nonprofit, tribal, or local entity with a history of effective work in the field of domestic or sexual violence and health;

"(B) prepare and submit to the Secretary an application at such time, in such manner,

and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the grant is to be made; and

"(C) demonstrate that the entity is representing a team of organizations and agencies working collaboratively to strengthen the response of the health care system involved to domestic violence, dating violence, sexual assault, or stalking and that such team includes domestic violence, dating violence, sexual assault or stalking and health care organizations.

"(3) DURATION.—A program conducted under a grant awarded under this section shall not exceed 2 years.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—An entity shall use amounts received under a grant under this section to design and implement comprehensive strategies to improve the response of the health care system involved to domestic or sexual violence in clinical and public health settings, hospitals, clinics, managed care settings (including behavioral and mental health), and other health settings.

"(2) MANDATORY STRATEGIES.—Strategies implemented under paragraph (1) shall include the following:

"(A) The implementation, dissemination, and evaluation of policies and procedures to guide health care professionals and behavioral and public health staff in 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 prohibits insurance discrimination.

"(B) The development of on-site access to services to address the safety, medical, mental health, and economic needs of patients either by increasing the capacity of existing health care professionals and behavioral and public health staff to address domestic violence, dating violence, sexual assault, and stalking, by contracting with or hiring domestic or sexual assault advocates to provide the services, or to model other services appropriate to the geographic and cultural needs of a site.

"(C) The evaluation of practice and the institutionalization of identification, intervention,

and documentation including quality improvement measurements.

"(D) The provision of training and followup technical assistance to health care professionals, behavioral and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual violence, or stalking.

"(3) PERMISSIVE STRATEGIES.—Strategies implemented under paragraph (1) may include the following:

"(A) Where appropriate, the 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 violence.

"(B) The creation, adaptation, and implementation of public education campaigns for patients concerning domestic violence, dating violence, sexual assault, and stalking prevention.

"(C) The development, adaptation, and dissemination of domestic violence, dating violence, sexual assault, and stalking education materials

to patients and health care professionals and behavioral and public health staff.

"(D) The promotion of the inclusion of domestic violence, dating violence, sexual assault, and stalking into health professional training schools, including medical, dental, nursing school, social work, and mental health curriculum.

"(E) The integration 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.

"(c) ALLOCATION OF FUNDS.—Funds appropriated under this section shall be distributed equally between State and local programs.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to award grants under this section, $5,000,000 for each of fiscal years 2006 through 2010.".

SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTHCARE SETTING.

Subtitle B of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as amended by the Violence Against Women Act of 2000 (114 Stat. 1491

et seq.), and as amended by this Act, is further amended by adding at the end the following:

"CHAPTER 11—RESEARCH ON EFFECTIVE INTERVENTIONS TO ADDRESS VIOLENCE AGAINST WOMEN

"SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTH CARE SETTING.

"(a) PURPOSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Healthcare Research and Quality, shall award grants and contracts to fund research on effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan and that prevent the health effects of such violence and improve the safety and health of individuals who are currently being victimized.

"(b) USE OF FUNDS.—Research conducted with amounts received under a grant or contract under this section shall include the following:

"(1) With respect to the authority of the Centers for Disease Control and Prevention—

"(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

the health status of individuals, families, and populations; and

"(B) research and testing of best messages and strategies to mobilize public and health care provider action concerning the prevention of domestic, dating, or sexual violence; and

"(2) With respect to the authority of the Agency for Healthcare Research and Quality—

"(A) research on the impact on the health care system, health care utilization, health care costs, and health status of domestic violence, dating violence, and childhood exposure to domestic and dating violence, sexual violence and stalking and childhood exposure; and

"(B) research on effective interventions within primary care and emergency health care settings and with health care settings that include clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

"(c) USE OF DATA.—Research funded under this section shall be utilized by eligible entities under section 399O of the Public Health Service Act.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.".

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

The Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

"Subtitle N—Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

"SEC. 41401. FINDINGS.

"Congress finds that:

"(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

"(2) 92 percent of homeless women have experienced severe physical or sexual abuse at some point

in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

"(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

"(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

"(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless

families went unmet due to the lack of available emergency shelter beds.

"(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

"(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

"(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

"(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

"(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

"(11) Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

"(12) Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

"SEC. 41402. PURPOSE.

"The purpose of this subtitle is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

"(1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, Indian housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to

the criminal justice system without jeopardizing such housing;

"(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

"(3) building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and

"(4) enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

"SEC. 41403. DEFINITIONS.

"For purposes of this subtitle—

"(1) the term 'assisted housing' means housing assisted—

"(A) under sections 213, 220, 221(d)(3), 221(d)(4), 223(e), 231, or 236 of the National

Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

"(B) under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

"(C) under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

"(D) under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013);

"(E) under title II of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12701 et seq.);

"(F) under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

"(G) under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

"(H) under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

"(2) the term 'continuum of care' means a community plan developed to organize and deliver housing and services to meet the specific needs of people

who are homeless as they move to stable housing and achieve maximum self-sufficiency;

"(3) 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.);

"(4) the term 'low-income housing assistance voucher' means housing assistance described in section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

"(5) the term 'public housing' means housing described in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

"(6) the term 'public housing agency' means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

"(7) the terms 'homeless', 'homeless individual', and 'homeless person'—

"(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

"(B) includes—

"(i) an individual who—

"(I) is sharing the housing of other persons due to loss of housing,

economic hardship, or a similar reason;

"(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

"(III) is living in an emergency or transitional shelter;

"(IV) is abandoned in a hospital; or

"(V) is awaiting foster care placement;

"(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

"(iii) migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph; and

"(8) the term 'homeless service provider' means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness.

"SEC. 41404. COLLABORATIVE GRANTS TO DEVELOP LONG-TERM HOUSING FOR VICTIMS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Housing and Urban Development, shall award grants and contracts for a period of not less than 2 years to eligible entities to develop long-term housing 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.

"(2) AMOUNT.—The Secretary of Health and Human Services shall award—

"(A) grants for projects that do not include the cost of construction in amounts—

"(i) not less than $25,000 per year; and

"(ii) not more than $350,000 per year; and

"(B) grants for projects that do include the cost of construction in amounts—

"(i) not less than $75,000 per year; and

"(ii) not more than $1,000,000 per year.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

"(1) shall include a domestic violence victim service provider;

"(2) shall include—

"(A) a homeless service provider;

"(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

"(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organi-

zation on tribal lands, a tribally designated housing entity or tribal housing consortium;

"(3) may include a dating violence, sexual assault, or stalking victim service provider;

"(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

"(5) may include a public housing agency or tribally designated housing entity;

"(6) may include tenant organizations in public or Tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

"(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

"(8) may include a State, tribal, territorial, or local government or government agency; and

"(9) may include any other such agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity seeking a grant under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

"(2) CONTENTS.—Each application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) USE OF FUNDS.—Grants and contracts awarded to eligible entities pursuant to subsection (a) shall be used to design or replicate and implement new activities, services, and programs to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless. Such activities, services, or programs—

"(1) shall participate in the Department of Housing and Urban Development's Continuum of Care process, unless such a process does not exist in the community to be served;

"(2) shall develop sustainable long-term housing in the community by—

"(A) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

"(B) placing individuals and families in long-term housing; and

"(C) providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

"(3) may provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

"(4) may use funds for the continuing operation, upkeep, maintenance, and use of housing described in paragraph (3); and

"(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

"(e) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services shall—

"(1) give priority to linguistically and culturally specific services;

"(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

"(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'long-term housing' means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

"(A) rented or owned by the individual;

"(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

"(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization; and

"(2) the term 'affordable housing' means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

"(g) EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.—For purposes of this section—

"(1) up to 3 percent of the funds appropriated under subsection (h) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

"(2) up to 8 percent of the funds appropriated under subsection (h) for each fiscal year may be used to provide technical assistance to grantees under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this section.

"SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.

"(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.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Violence Against Women Office of the Department of Justice ('Director'), and in consultation with the Secretary of Housing and Urban Development ('Secretary'), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families ('ACYF'), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

"(2) AMOUNTS.—Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

"(3) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis.

"(4) LIMITATION.—Appropriated funds may only be used for the purposes described in subsection (f).

"(c) ELIGIBLE GRANTEES.—

"(1) IN GENERAL.—Eligible grantees are—

"(A) public housing agencies;

"(B) principally managed public housing resident management corporations, as determined by the Secretary;

"(C) public housing projects owned by public housing agencies;

"(D) agencies and authorities receiving assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

"(E) private, for-profit, and nonprofit owners or managers of assisted housing.

"(2) SUBMISSION REQUIRED FOR ALL GRANTEES.—To receive assistance under this section, an eligible grantee shall certify that—

"(A) its policies and practices do not prohibit or limit a resident's right to summon police

or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

"(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary's instructions;

"(C) it does not discriminate against any person—

"(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

"(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim's family or household member;

"(D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, State domestic violence and sexual

assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

"(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

"(d) APPLICATION.—Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.

"(e) CERTIFICATION.—

"(1) IN GENERAL.—A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

"(2) CONTENTS.—An individual may satisfy the certification requirement of paragraph (1) by—

"(A) providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

"(B) producing a Federal, State, tribal, territorial, or local police or court record.

"(3) LIMITATION.—Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing authority may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

"(4) CONFIDENTIALITY.—

"(A) IN GENERAL.—All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by such housing authority, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing; or

"(ii) otherwise required by applicable law.

"(B) NOTIFICATION.—An individual shall be notified of the limits of such confidentiality and informed in advance about circumstances in which the housing agency, assisted housing provider, tribally designated housing entity, owner, or manager will be compelled to disclose the individual's information.

"(f) USE OF FUNDS.—Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

"(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

"(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

"(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

"(4) assisting victims who need to leave a public housing, Indian housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, Indian housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

"(5) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

"(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider to comply with court orders, including civil protection orders issued to protect the victim, when notified and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

"(7) developing and implementing more effective security policies, protocols, and services;

"(8) allotting not more than 15 percent of funds awarded under the grant to make physical improvements;

"(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

"(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this section.

"(h) TECHNICAL ASSISTANCE.—Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.".

SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

(a) IN GENERAL.—Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13975) is amended—

(1) in subsection (a)—

(A) by inserting "the Department of Housing and Urban Development, and the Depart-

ment of Health and Human Services," after "Department of Justice,";

(B) by inserting ", 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" after "other organizations"; and

(C) in paragraph (1), by inserting ", dating violence, sexual assault, or stalking" after "domestic violence";

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) in paragraph (3), as redesignated, by inserting ", dating violence, sexual assault, or stalking" after "violence";

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

"(1) transitional housing, or acquire land or buildings, or rehabilitate or construct buildings for the purpose of providing transitional housing to per-

sons described in subsection (a), including funding for—

"(A) the predevelopment cost and capital expenses involved in the development of transitional housing; and

"(B) the operating expenses of newly developed or existing transitional housing."; and

(D) in paragraph (3)(B) as redesignated, by inserting "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." after "assistance.";

(3) in paragraph (1) of subsection (c), by striking "18 months" and inserting "24 months";

(4) in subsection (d)(2)—

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

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and";

(5) in subsection (e)(2)—

(A) in subparagraph (A), by inserting "purpose and" before "amount";

(B) in clause (ii) of subparagraph (C), by striking "and";

(C) in subparagraph (D), by striking the period and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources."; and

(6) in subsection (g)—

(A) in paragraph (1), by striking "$30,000,000" and inserting "$40,000,000";

(B) in paragraph (1), by striking "2004" and inserting "2006";

(C) in paragraph (1), by striking "2008." and inserting "2010";

(D) in paragraph (2), by striking "not more than 3 percent" and inserting "up to 5 percent";

(E) in paragraph (2), by inserting "evaluation, monitoring, technical assistance," before "salaries"; and

(F) in paragraph (3), by adding at the end the following new subparagraphs:

"(C) UNDERSERVED POPULATIONS.—

"(i) A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.

"(ii) Priority shall be given to projects developed under subsection (b) that primarily serve racial, ethnic, or other underserved populations.".

SEC. 603. PUBLIC HOUSING AUTHORITY PLANS REPORTING REQUIREMENT.

Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "paragraph (2)" and inserting "paragraph (3)";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) STATEMENT OF GOALS.—The 5-year plan shall include a statement by any public housing agency of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.";

(2) in subsection (d), by redesignating paragraphs (13), (14), (15), (16), (17), and (18), as paragraphs (14), (15), (16), (17), (18), and (19), respectively; and

(3) by inserting after paragraph (12) the following:

"(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—A description of—

"(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to

child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

"(B) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and

"(C) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.".

SEC. 604. HOUSING STRATEGIES.

Section 105(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(1)) is amended by inserting after "immunodeficiency syndrome," the following: "victims of domestic violence, dating violence, sexual assault, and stalking".

SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 423 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383) is amended—

(1) by adding at the end of subsection (a) the following:

"(8) CONFIDENTIALITY.—

"(A) IN GENERAL.—In the course of awarding grants or implementing programs under this subsection, the Secretary shall instruct any recipient or subgrantee not to disclose to any person, agency, or entity any personally identifying information about any client where the Secretary, recipient, or subgrantee believes based upon reasonable evidence that the client is either a child or an adult victim of domestic violence, dating violence, sexual assault, or stalking, and has immediate safety concerns, or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking, and has immediate safety concerns. The Secretary shall not require or ask a recipient or subgrantee of any other Federal or State program to disclose personally identifying information about any clients where the persons, agencies, or entities implementing those programs believe, based upon reasonable evidence, that those clients either are child or adult victims of domestic violence, dating violence, sexual assault, or stalking, and has immediate safety concerns or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault,

or stalking, and has immediate safety concerns. The Secretary shall instruct any recipient or subgrantee under this subsection or any recipient or subgrantee of any other Federal or State program participating in the Homeless Management Information System that personally identifying information about any client may only be disclosed if the program seeking to disclose such information has obtained informed, reasonably time-limited, written consent from the client to whom the information relates. The Secretary may require or ask any recipient or subgrantee to share nonpersonally identifying data in the aggregate regarding services to clients and nonpersonally identifying demographic information in order to comply with the data collection requirements of the Homeless Management Information System.

"(B) 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, including—

"(i) a first and last name;

"(ii) a home or other physical address;

"(iii) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

"(iv) a social security number; and

"(v) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of clauses (i) through (iv), would serve to identify any individual.".

SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING ASSISTANCE VOUCHER PROGRAM.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (c)—

(A) in the first sentence by inserting "; miscellaneous provisions" after "monthly assistance payments"; and

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

"(9)(A) That an applicant or participant is or has been a victim of domestic violence, dating vio-

lence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission.

"(B) 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 shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence.

"(C)(i) Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of tenancy or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

"(ii) A public housing agency or an owner or manager under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to,

or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

"(iii) Nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to comply with court orders, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.

"(iv) Nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency or assisted housing provider to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that 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.

"(v) Nothing in clause (i) may be construed to limit the authority of an owner or manager to evict any tenant or lawful occupant if the owner or manager can demonstrate an actual and imminent threat

to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

"(vi) Nothing in this section shall be construed 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, or stalking.".

(2) in subsection (d)—

(A) in paragraph (1)(A), by inserting after "public housing agency" the following: "and that an applicant 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";

(B) in paragraph (1)(B)(ii), by inserting after "other good cause" the following: ", 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

(C) in paragraph (1)(B)(iii), by inserting after "termination of tenancy" the following: ", except that (I) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (II) a public housing agency or an owner or manager under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (III) nothing in subclause (I) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to comply with court orders, including civil protection orders issued to protect the victim and issued to address the dis-

tribution or possession of property among the household members in cases where a family breaks up; (IV) nothing in subclause (I) limits any otherwise available authority of an owner or manager to evict or the public housing agency or assisted housing provider to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that 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; (V) nothing in subclause (I) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance, to any tenant if the owner, manager, public housing agency, or assisted housing provider can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (VI) nothing in this section shall be

construed 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, or stalking.";

(3) in subsection (f)—

(A) in paragraph (6), by striking "and";

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(8) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

"(9) the term 'dating violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994; and

"(10) 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 significant emotional or physical distress; and

"(11) the term 'sexual assault' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994.";

(4) in subsection (o)—

(A) by inserting at the end of paragraph (6)(B) the following new sentence: "That an applicant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by or for denial of admission, and that nothing in this section shall be construed 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, or stalking.";

(B) in paragraph (7)(C), by inserting after "other good cause" the following: ", 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";

(C) in paragraph (7)(D), by inserting after "termination of tenancy" the following: "; except that (i) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (ii) a public housing agency or an owner or manager under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (iii) nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to comply with court orders, including civil protection orders issued to protect the victim and issued to address the dis-

tribution or possession of property among the household member sin cases where a family breaks up; (iv) nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency or assisted housing provider to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that 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; (v) nothing in clause (i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate, voucher assistance to any tenant if the owner, manager, public housing agency, or assisted housing provider can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (vi) nothing in this section shall be

construed 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, or stalking."; and

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

"(20) PROHIBITED BASIS FOR TERMINATION OF ASSISTANCE.—

"(A) IN GENERAL.—A public housing agency may not terminate assistance to a participant in the voucher program on the basis of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking against that participant.

"(B) CONSTRUAL OF LEASE PROVISIONS.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim.

"(C) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termi-

nation of assistance for any participant or immediate member of a participant's family who is a victim of the domestic violence, dating violence, or stalking.

"(D) EXCEPTIONS.—

"(i) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE FOR CRIMINAL ACTS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others.

"(ii) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE ASSISTANCE FOR IMMINENT THREAT.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of a public housing agency to terminate assistance to any individual who has been evicted from housing assisted under the program based on a showing that he or she presented an actual and imminent threat to other tenants or to staff of the owner or public housing agency.

"(iii) COMPLIANCE WITH COURT ORDERS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of a public housing agency, when notified, to comply with court orders, including civil protection orders issued to protect the victim and issued to address the distribution possession of property among the household members in cases where a family breaks up.

"(iv) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR ACTS OF VIOLENCE.—Nothing in subparagraphs (A), (B), or (C) limit any otherwise available authority of the public housing agency to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that 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.

"(v) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR IMMINENT THREAT.—Nothing in subparagraphs (A), (B), (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.

"(vi) PREEMPTION.—Nothing in this section shall be construed 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, or stalking.";

(5) in subsection (r)(5), by inserting after "violation of a lease" the following: ", 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 in-

dividual 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

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

"(ee) CERTIFICATION AND CONFIDENTIALITY.—

"(1) CERTIFICATION.—

"(A) IN GENERAL.—An owner, manager, public housing agency, or assisted housing provider responding to subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. The individual shall provide such certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider requests such certification.

"(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing, nothing in this subsection may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance for, any tenant or lawful occupant that commits violations of a lease. The owner, manager, public housing agency, or assisted housing provider may extend the 14-day deadline at their discretion.

"(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

"(i) providing the requesting owner, manager, public housing agency, or assisted housing provider with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional, from whom the victim has sought assistance in addressing domes-

tic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

"(ii) producing a Federal, State, tribal, territorial, or local police or court record.

"(D) LIMITATION.—Nothing in this subsection shall be construed to require an owner, manager, public housing agency, or assisted housing provider to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive any of the benefits provided in this section. At their discretion, the owner, manager, public housing agency, or assisted housing provider may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

"(E) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by an owner, manager, public housing agency, or assisted housing provider based on the certification specified in paragraph (1)(A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by paragraph (1)(C) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by an owner, manger, public housing agency, or assisted housing provider, or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(9), or (r)(5).

"(F) PREEMPTION.—Nothing in this section shall be construed 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, or stalking.

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—All information provided to an owner, manager, public housing

agency, or assisted housing provider pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by an owner, manager, public housing agency, or assisted housing provider, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing; or

"(ii) otherwise required by applicable law.

"(B) NOTIFICATION.—An individual must be notified of the limits of such confidentiality and informed in advance about circumstances in which the person or entity will be compelled to disclose the individual's information.".

SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PROGRAM.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (c), by redesignating paragraph (3) and (4), as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) the following:

"(3) the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking and that nothing in this section shall be construed 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, or stalking";

(3) in subsection (l)(5), by inserting after "other good cause" the following: ", 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";

(4) in subsection (l)(6), by inserting after "termination of tenancy" the following: "; except that (A) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if

the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (B) a public housing agency under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (C) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency, when notified, to comply with court orders, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (D) nothing in subparagraph (A) limits any otherwise available authority of a public housing agency to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that 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; (E) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated; and (F) nothing in this section shall be construed 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, or stalking."; and

(5) by inserting at the end of subsection (t) the following new subsection:

"(u) CERTIFICATION AND CONFIDENTIALITY.—

"(1) CERTIFICATION.—

"(A) IN GENERAL.—A public housing agency responding to subsection (l) (5) and (6) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set

forth in the aforementioned paragraphs. The individual shall provide such certification within 14 business days after the public housing agency requests such certification.

"(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the public housing agency has requested such certification in writing, nothing in this subsection may be construed to limit the authority of the public housing agency to evict any tenant or lawful occupant that commits violations of a lease. The public housing agency may extend the 14-day deadline at its discretion.

"(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

"(i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the

effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

"(ii) producing a Federal, State, tribal, territorial, or local police or court record.

"(D) LIMITATION.—Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency's discretion, a public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

"(E) PREEMPTION.—Nothing in this section shall be construed 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, or stalking.

"(F) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by a public housing agency, or assisted housing provider based on the certification specified in subparagraphs (A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by subparagraph (D) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by an owner, manager, public housing agency, or assisted housing provider, or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsection l(5) and (6).

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in the strictest confidence by such public housing agency, and shall neither be entered into any shared

database nor provided to any related entity, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing; or

"(ii) otherwise required by applicable law.

"(B) NOTIFICATION.—An individual must be notified of the limits of such confidentiality and informed in advance about circumstances in which the person or entity will be compelled to disclose the individual's information.

"(3) DEFINITIONS.—For purposes of this subsection, subsection (c)(3), and subsection (l)(5) and (6)—

"(A) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

"(B) the term 'dating violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994; and

"(C) the term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

"(ii) suffer significant emotional distress.".

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. GRANT FOR NATIONAL CLEARINGHOUSE AND RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Subtitle N of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902) is amended by adding at the end the following:

"Subtitle O—National Clearinghouse and Resource Center

"SEC. 41501. GRANT FOR NATIONAL CLEARINGHOUSE AND RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

"(a) AUTHORITY.—The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence. The clearing-

house and resource center shall provide information and assistance to employers, labor organizations, and advocates on behalf of victims of domestic or sexual violence, to aid in their efforts to develop and implement appropriate responses to such violence in order to assist those victims.

"(b) APPLICATIONS.—To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

"(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence, and a record of commitment to reducing domestic or sexual violence;

"(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments), labor organizations, and advocates described in subsection (a) concerning developing and implementing appropriate workplace responses to assist victims of domestic or sexual violence; and

"(3) a plan for developing materials and training for materials for employers that address the needs

of employees in cases of domestic violence, dating violence, sexual assault, and stalking impacting the workplace, including the needs of racial and ethnic and other underserved communities.

"(c) USE OF GRANT AMOUNT.—

"(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information and assistance concerning appropriate workplace responses to assist victims of domestic or sexual violence.

"(2) RESPONSES.—Responses referred to in paragraph (1) may include—

"(A) providing training to promote a better understanding of appropriate workplace assistance to victims of domestic or sexual violence;

"(B) providing conferences and other educational opportunities;

"(C) developing protocols and model workplace policies;

"(D) providing employer-sponsored and labor organization-sponsored victim assistance and outreach counseling; and

"(E) conducting assessments of the workplace costs of domestic or sexual violence.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010.

"(e) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.".

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN

Subtitle A—Victims of Crime

SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(B) in subclause (III)(aa)—

(i) by inserting "Federal, State, or local" before "investigation"; and

(ii) by striking ", or" and inserting "or crimes related to trafficking; or"; and

(C) in subclause (IV), by striking "and" at the end;

(2) by amending clause (ii) to read as follows:

"(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; and

"(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"; and

(3) by inserting after clause (ii) the following:

"(iii) if a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is not reasonable.

(b) TREATMENT OF SPOUSES AND CHILDREN OF VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) in subclause (I), by inserting "or injury" after "physical or mental abuse";

(2) by amending clause (ii) to read as follows:

"(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; and

"(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"; and

(3) in clause (iii), by inserting "child abuse; stalking (including physical or electronic stalking);" after "false imprisonment;".

(c) TECHNICAL AMENDMENTS.—Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(1) in paragraph (1), by striking "Attorney General" and inserting "Secretary of Homeland Security, the Attorney General,"; and

(2) in paragraph (2), by striking "Attorney General" and inserting "Secretary of Homeland Security".

SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

"(V) VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Clause (i) shall not apply to an alien who demonstrates that there was a connection between the alien being a victim of a severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) and the alien's unlawful presence in the United States.".

(b) TECHNICAL AMENDMENT.—Paragraphs (13) and (14) of section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) are amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 803. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subparagraph (A), by striking "3 years" and inserting "1 year";

(2) in paragraph (2), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(3) in paragraph (5), by striking "Attorney General" and inserting "Secretary of Homeland Security".

SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) CLARIFICATION OF DEPARTMENT OF JUSTICE AND DEPARTMENT OF HOMELAND SECURITY ROLES.—

(1) TRAFFICKING VICTIMS.—Section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended—

(A) in subsections (b)(1)(E), (e)(5), and (g), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (c), by inserting ", the Secretary of Homeland Security" after "Attorney General".

(2) NONIMMIGRANT ALIENS.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended—

(A) in subsection (a)(15)(T), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security; and

(B) in subsection (i)—

(i) in paragraph (1), by striking "Attorney General" and inserting "Secretary of Homeland Security, the Attorney General,"; and

(ii) in paragraph (2), by striking "Attorney General" and inserting "Secretary of Homeland Security".

(3) INADMISSIBLE ALIENS.—Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)) is amended—

(A) in subparagraph (A), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(B) in subparagraph (B)—

(i) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(ii) by striking ", in the Attorney General's discretion,".

(4) ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(A) in paragraphs (1), (2), and (4), by striking "Attorney General" the first place it appears in each such paragraph and inserting "Secretary of Homeland Security";

(B) in paragraphs (1) and (2), by striking "Attorney General" the second place it appears in each such paragraph and inserting "Secretary"; and

(C) in paragraph (2), by striking ", in the Attorney General's discretion,".

(b) CERTIFICATION PROCESS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "Attorney General, that the person referred to in subparagraph (C)(ii)(II)—" and inserting "Attorney General or the Secretary of Homeland Security, as appropriate, that the person referred to in subparagraph (C)(ii)(II)—

"(I) has not attained 18 years of age; or—";

(B) in subclause (I)—

(i) by striking "(I)" and inserting "(II)"; and

(ii) by striking "investigation and prosecution" and inserting "investigation or prosecution, by the United States or a State or local government,"; and

(C) in subclause (II)—

(i) by striking "(II)" and inserting "(III)"; and

(ii) in item (bb), by inserting "or the Secretary of Homeland Security" after "Attorney General";

(2) in clause (ii), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(3) in clause (iii)—

(A) in subclause (II), by striking "and" at the end;

(B) in subclause (III), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(IV) responding to and cooperating with requests for evidence and information.; and

(4) by striking "investigation and prosecution" each place it appears and inserting "investigation or prosecution".

(b) TRAFFICKING VICTIM REGULATIONS.—Section 107(c) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)) is amended—

(1) in the matter preceding paragraph (1), by inserting ", the Secretary of Homeland Security," after "Attorney General"; and

(2) in paragraph (3)—

(A) by striking "Federal law enforcement officials" and inserting "The Department of Homeland Security"; and

(B) by adding at the end the following: "State or local law enforcement officials may petition the Department of Homeland Security for the continued presence for trafficking victims. If such a petition contains a certification that a trafficking victim is a victim of a severe form of trafficking, the presence of the trafficking victim may be permitted in accordance with this paragraph.".

(c) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 107(e)(5) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)(5)) is amended by striking "Attorney General" each place it occurs and inserting "Secretary of Homeland Security".

(d) ANNUAL REPORT.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by inserting "or the Secretary of Homeland Security" after "Attorney General".

SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.

(a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting "or section 204(a)(1)(B)(iii)" after "204(a)(1)(A)" each place it appears; and

(B) in subclause (III), by striking "a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable," and inserting "a VAWA self-petitioner"; and

(2) by adding at the end the following:

"(iv) Any alien who benefits from this subparagraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii).".

(b) APPLICATION OF CSPA PROTECTIONS.—

(1) IMMEDIATE RELATIVE RULES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:

"(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.".

(2) CHILDREN RULES.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

"(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.".

(c) LATE PETITION PERMITTED FOR IMMIGRANT SONS AND DAUGHTERS BATTERED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (a), is further amended by adding at the end the following:

"(v) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under subparagraph (A)(iv) as of the day before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such subparagraph as of such day if a petition is filed for the status described in such subparagraph before the individual attains 25 years of age and the individual shows a connection between the abuse and the filing delay. Clauses (i) through (iv) of this subparagraph shall apply to an individual described in this clause in the same manner as an individual filing a petition under subparagraph (A)(iv).".

(d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—Section 101(b)(1)(E)(i) of the Immigration and Nationality

Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting before the colon the following: "or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household".

Subtitle B—VAWA Self-Petitioners

SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(51) The term 'VAWA self-petitioner' means an alien, or a child of the alien, who qualifies for relief under—

"(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);

"(B) clause (ii) or (iii) of section 204(a)(1)(B);

"(C) section 216(c)(4)(C);

"(D) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

"(E) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

"(F) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

"(G) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).".

SEC. 812. APPLICATION TO FIANCEES WHO DO NOT MARRY WITHIN 90 DAY PERIOD.

(a) IN GENERAL.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by inserting before the period at the end the following: ", unless the alien is eligible for status as a VAWA self-petitioner, for relief under section 240A(b)(2), or for relief under section 244(a)(3) (as in effect prior to March 31, 1997), and the alien married the United States citizen who filed the petition under section 101(a)(15)(K)(i)".

(b) EXEMPTION FOR BATTERED IMMIGRANT WOMEN WHO ENTERED THE UNITED STATES ON FINANCE VISAS FROM CONDITIONAL RESIDENCY STATUS REQUIREMENT.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) The failure of a nonimmigrant described in section 101(a)(15)(K) to marry within 3 months of being admitted in such status does not restrict the Secretary of

Homeland Security's or the Attorney General's authority to adjust the status of the nonimmigrant, or grant relief under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), provided that—

"(A) the alien married the United States citizen who filed the petition under section 101(a)(15)(K)(i);

"(B) the United States citizen petitioner subjected a VAWA self-petitioner to battery or extreme cruelty; and

"(C) the alien shows a connection between the battery or extreme cruelty and the failure to marry within the 90-day period.".

SEC. 813. APPLICATION IN CASE OF VOLUNTARY DEPARTURE.

Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended to read as follows:

"(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

"(1) IN GENERAL.—Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien—

"(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

"(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.

"(2) APPLICATION OF VAWA PROTECTIONS.—The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997),if the extreme cruelty or battering occurred before the alien overstayed the grant of voluntary departure.

"(3) NOTICE OF PENALTIES.—The order permitting an alien to depart voluntarily shall inform the alien of the penalties under this subsection.".

SEC. 814. REMOVAL PROCEEDINGS.

(a) EXCEPTIONAL CIRCUMSTANCES.—

(1) IN GENERAL.—Section 240(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)(1)) is amended by striking "serious illness of the alien" and inserting "battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to a failure to appear that

occurs before, on, or after the date of the enactment of this Act.

(b) DISCRETION TO CONSENT TO AN ALIEN'S REAPPLICATION FOR ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Attorney General, and the Secretary of State shall continue to have discretion to consent to an alien's reapplication for admission after a previous order of removal, deportation, or exclusion.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the officials described in paragraph (1) should particularly consider exercising this authority in cases under the Violence Against Women Act of 1994, cases involving nonimmigrants described in subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), and relief under section 240A(b)(2) or 244(a)(3) of such Act (as in effect on March 31, 1997) pursuant to regulations under section 212.2 of title 8, Code of Federal Regulations.

(c) RESTRICTION ON REMOVAL WHILE VAWA PETITION PENDING.—

(1) IN GENERAL.—Section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) is amended by adding at the end the following:

"(f) RESTRICTION ON REMOVAL WHILE PETITION PENDING.—An alien who is a VAWA self-petitioner, the beneficiary under subparagraph (T) or (U) of section 101(a)(15) who meets the requirement of section 240A(b)(2) or subparagraphs (A) through (C) of section 216(c)(4), or who qualifies for relief under section 244(a)(3) (as in effect on March 31, 1997)—

"(1) shall not be removed or deported until the Bureau of Immigration and Customs Enforcement has consulted with the Bureau of Citizenship and Immigration Services to determine whether the alien is entitled to any form of relief; and

"(2) shall not be detained while in removal proceedings, unless mandatory detention is required under section 236A or 236(c).".

(2) WAIVERS AND EXCEPTIONS.—Section 236(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) in paragraph (2) by inserting "(A)" before "The Attorney General may release an alien described in paragraph (1) only"; and

(B) adding at the end the following:

"(B) The Secretary of Homeland Security or the Attorney General may release on their own recognizance an alien described in para-

graph (1) if the Secretary or the Attorney General determines that the alien may qualify for—

"(i) a waiver under section 212(d)(13), 212(d)(14), 212(h), 237(a)(2)(A)(v), or 237(a)(7); or

"(ii) an exception under section 204(a)(1)(C); or

"(iii) relief under section 240A(a).".

(d) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C), by striking "(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)" and inserting ", subject to paragraph (5)";

(B) in paragraph (2)(A)(iv), by striking "(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)" and inserting ", subject to paragraph (5)"; and

(C) by adding at the end the following:

"(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The authority provided under section 237(a)(7) may apply under paragraphs (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of removal and adjustment of status proceeding.".

SEC. 815. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS FOR ADJUSTMENTS OF STATUS.

(a) APPLICATION OF VAWA DEPORTATION PROTECTIONS TO ALIENS ELIGIBLE FOR RELIEF UNDER CUBAN ADJUSTMENT AND HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note; division B of Public Law 106–386) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

"(i) if the basis of the motion is to apply for relief under—

"(I) clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A));

"(II) clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B));

"(III) section 244(a)(3) of such Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

"(IV) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty; or

"(V) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note); and"; and

(B) in clause (ii), by inserting "or adjustment of status" after "suspension of deportation"; and

(2) in subparagraph (B)(ii), by striking "for relief" and all that follows through "1101 note))" and inserting "for relief described in subparagraph (A)(i)".

(b) EMPLOYMENT AUTHORIZATION FOR VAWA SELF-PETITIONERS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

"(l) Upon the approval of a petition as a VAWA self-petitioner, the alien—

"(i) is eligible for work authorization; and

"(ii) shall be provided an 'employment authorized' endorsement or appopriate work permit incidental to such approval.".

SEC. 816. APPLICATION FOR VAWA-RELATED RELIEF.

(a) IN GENERAL.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting ", or was eligible for adjustment," after "whose status is adjusted"; and

(2) in subparagraph (E), by inserting ", or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005" after "April 1, 2000".

(b) TECHNICAL AMENDMENT.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105–100) is amended by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)".

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 817. SELF-PETITIONING PARENTS.

Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

"(vii) An alien may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under section 201(b)(2)(A)(i) if the alien—

"(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;

"(II) is a person of good moral character;

"(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i);

"(IV) resides, or has resided, with the citizen daughter or son; and

"(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.".

SEC. 818. VAWA CONFIDENTIALITY NON-DISCLOSURE.

Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "(including any bureau or agency of such Department)" and inserting ", the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)"; and

(B) in paragraph (1)—

(i) in subparagraph (D), by striking "or" at the end;

(ii) in subparagraph (E), by adding "or" at the end; and

(iii) by inserting after subparagraph (E) the following:

"(F) in the case of an alien applying for status under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51) of the

Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator,".

(2) in subsection (b)(2), by inserting "or his other designee" after "the discretion of the Attorney General.".

Subtitle C—Miscellaneous Amendments

SEC. 821. DURATION OF T AND U VISAS.

(a) T VISAS.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

"(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

"(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if a Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking or certifies that the presence of the alien in the United States is necessary to assist in the investigation or prosecution of such activity.".

(b) U VISAS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

"(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's presence in the United States is required to assist in the investigation or prosecution of such criminal activity.".

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO T AND U NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended—

(A) by striking "The Attorney General" and inserting "(a) The Secretary of Homeland Security";

(B) by inserting "(subject to subsection (b))" after "except"; and

(C) by adding at the end the following:

"(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15).".

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking "248(2)" and inserting "248(a)(2)".

SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.

(a) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(1) in the first sentence, by striking "(A)(i)(II)" and inserting "(A)(ii)"; and

(2) in the fourth sentence, by striking "subsection (b)(2)(B) of this section" and inserting "this subparagraph, subparagraph (A)(ii),".

(b) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking "(A)(i)(III)" and inserting "(A)(iii)".

(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking "(9)(A)" and inserting "(10)(A)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5082).

SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) is amended—

(1) in the last sentence, by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)"; and

(2) by adding at the end the following: "An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if there is demonstrated a con-

nection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended—

(1) in clause (i), by striking "whose status is adjusted to that of an alien lawfully admitted for permanent residence" and inserting "who is or was eligible for classification";

(2) in clause (ii), by striking "whose status is adjusted to that of an alien lawfully admitted for permanent residence" and inserting "who is or was eligible for classification"; and

(3) in clause (iii), by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 825. DEPORTATION PROCEEDINGS.

(a) DEPORTATION OR REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended—

(A) in clause (iv), by striking "The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply—" and inserting "No limitation on number of motions or on deadlines for filing motions under other provisions of this section shall apply—"; and

(B) by adding at the end the following:

"(v) STAY OF REMOVAL.—The filing of the motion described in clause (iv) shall stay the removal of the alien pending a final disposition of the motion, including the exhaustion of all appeals. Only 1 special motion under clause (iv) is permitted.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 442(a) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1279).

(b) MOTIONS TO REOPEN DEPORTATION PROCEEDINGS.—Section 1506(c)(2)(A) of the Violence Against

Women Act of 2000 (division B of Public Law 106–386; 8 U.S.C. 1229a note) is amended—

(1) by inserting "on number of motions or deadlines for filing motions" after "Notwithstanding any limitation";

(2) by inserting ", deadline, or limit on number of motions" after "there is no time limit"; and

(3) by striking ", and the" and inserting ". The filing of a motion described in clauses (i) and (ii) shall stay the removal of the aliens pending a final disposition of the motion, including the exhaustion of all appeals. Only 1 motion under clauses (i) and (ii) is permitted. The".

(c) CONFORMING AMENDMENTS.—Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (6)(A)(ii)(III), by striking "substantial"; and

(2) in paragraph (9)(B)(iii)(IV), by striking "who would be described in paragraph (6)(A)(ii)" and inserting "who demonstrates that the alien is described in subclauses (I) and (II) of paragraph (b)(A)(ii)".

SEC. 826. PROTECTING ABUSED JUVENILES.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 726, is further amended by adding at the end the following—

"(i) An alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been battered, abused, neglected, or abandoned, shall not be compelled to contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under section 101(a)(27)(J)(iii)(I) of such Act.".

SEC. 827. EXCEPTION FOR THE PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS.

(a) Section 202 of the Real ID Act of 2005 (49 U.S.C. 30301 note; 119 Stat. 312) is amended by adding at the end the following:

"(e) EXCEPTION FOR THE PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE AND CRIME.—

"(1) ALTERNATIVE VALID ADDRESS AUTHORIZED FOR VICTIM PROTECTION AND CONFIDENTIALITY.—Victims who have been subjected to battery, extreme cruelty, domestic violence, dating violence, sexual assault or stalking may be exempt from the requirements of section 202(b)(6) and permitted to use an al-

ternate address on their driver's license or identification card if the applicant—

"(A) is enrolled in a State address confidentiality program;

"(B) has been permitted by a Federal, State, tribal, territorial, or local court (as defined in section 2266 of title 18, United States Code) to keep the applicant's address or location confidential as part of a protection order (as defined in such section 2266) or other injunctive relief to protect the applicant from domestic violence, dating violence, sexual assault, or stalking;

"(C) is determined by the Center for Security and Integrity of the Social Security Administration, which is responsible for requests for changes of information in social security accounts as of May 1, 2005, to have been a victim of battery, extreme cruelty, domestic violence, dating violence, sexual assault or stalking under section 422.110 of title 20, Code of Federal Regulations; or

"(D) has received a prima facie determination or an approved petition as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act);

"(E) has received a bona fide determination or an approved application under subparagraph (T) of section 101(a)(15);

"(F) has received interim relief or an approved application under subparagraph (U) of section 101(a)(15);

"(G) has received continued presence or certification under section 107 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105);

"(H) meets the requirements of section 240A(b)(2) of the Immigration and Nationality Act; or

"(I) qualifies for relief under section 244(a)(3) of such Act (as in effect on March 31, 1997).

"(2) ALTERNATIVE ADDRESS.—To meet the requirements of this section, a State may issue drivers' licenses by—

"(A) accepting any documentation from the entities described in paragraph (1) that distinguishes the alternative address as a substitute to the principal residential address;

"(B) printing the alternative address on the applicant's driver's license or identification card; and

"(C) entering the alternative address into the state's driver license database.

"(3) FILING AND APPROVAL OF APPLICATIONS.—

"(A) FILING.—Victims shall file applications requesting permission to use an alternative address with the Center for Security and Integrity of the Social Security Administration.

"(B) APPROVAL.—The Social Security Administration shall issue an approval notice containing the alternative address authorized.

"(4) CONFIDENTIALITY OF INFORMATION.—The Secretary of Health and Human Services and any other official or employee of the Department of Health and Human Services, or administration or bureau thereof, may not—

"(A) use the information furnished by the applicant pursuant to an application for alternative address filed under this section for any purpose other than to make a determination on the application;

"(B) make any publication whereby the information furnished by any particular individual can be identified; or

"(C) permit any person other than the sworn officers and employees of the Department or administration or bureau to access such information.

"(5) DEFINITIONS.—For the purposes of this section—

"(A) the term 'State address confidentiality program' means any State-authorized or State-administered program that—

"(i) allows victims of domestic violence, dating violence, sexual assault, stalking, or a severe form of trafficking to keep, obtain and use alternative addresses; or

"(ii) that provides confidential recordkeeping regarding the addresses of such victims;

"(B) the term 'battering or extreme cruelty' has the meanings given the term in sections 204, 216, and 240 of the Immigration and Nationality Act (8 U.S.C. 1154, 1186a, and 1229a); and

"(C) the terms 'domestic violence', 'dating violence', 'sexual assault', and 'stalking' have the meanings given the terms in section 2008 of the Violence Against Women Act.".

SEC. 828. RULEMAKING.

Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of Public Law 106–386), this Act, and the amendments made by this Act.

Subtitle D—International Marriage Broker Regulation

SEC. 831. SHORT TITLE.

This subtitle may be cited as the "International Marriage Broker Regulation Act of 2005".

SEC. 832. DEFINITIONS.

In this subtitle:

(a) CRIME OF VIOLENCE.—The term "crime of violence" has the meaning given such term in section 16 of title 18, United States Code.

(b) DOMESTIC VIOLENCE.—The term "domestic violence" means any crime of violence, or other act forming the basis for a past or outstanding protective order, re-

straining order, no-contact order, conviction, arrest, or police report, committed against a person by—

(1) a current or former spouse of the person;

(2) an individual with whom the person shares a child in common;

(3) an individual with whom the person is cohabiting or has cohabited;

(4) an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction in which the offense occurs; or

(5) any other individual if the person is protected from that individual's acts pursuant to a court order issued under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

(c) FOREIGN NATIONAL CLIENT.—The term "foreign national client" means an individual who is not a United States citizen, a national of the United States, or an alien lawfully admitted to the United States for permanent residence and who utilizes the services of an international marriage broker, and includes an alien residing in the United States who is in the United States as a result of utilizing the services of an international marriage broker.

(d) INTERNATIONAL MARRIAGE BROKER.—

(1) IN GENERAL.—The term "international marriage broker" means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States clients and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals from these respective groups.

(2) EXCEPTIONS.—Such term does not include—

(A) a traditional matchmaking organization of a cultural or religious nature that operates on a nonprofit basis and in compliance with the laws of the countries in which it operates, including the laws of the United States; or

(B) an entity that provides dating services between United States citizens or residents and other individuals who may be aliens, but does not do so as its principal business, and charges comparable rates to all individuals it serves regardless of the gender, country of citizenship, or residence of the individual.

(e) K NONIMMIGRANT VISA.—The term "K nonimmigrant visa" means a nonimmigrant visa issued pursu-

ant to clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

(f) PERSONAL CONTACT INFORMATION.—

(1) IN GENERAL.—The term "personal contact information" means information or a forum that would permit individuals to contact each other and includes—

(A) the name, telephone number, postal address, electronic mail address, and voice message mailbox of an individual; and

(B) the provision of an opportunity for an in-person meeting.

(2) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

(g) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(h) UNITED STATES CLIENT.—The term "United States client" means a United States citizen or other individual who resides in the United States and who makes a payment or incurs a debt in order to utilize the services of an international marriage broker.

SEC. 833. REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) PROHIBITION ON MARKETING CHILDREN.—An international marriage broker shall not provide any United States client or other person with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

(b) LIMITATIONS ON SHARING INFORMATION REGARDING FOREIGN NATIONAL CLIENTS.—

(1) IN GENERAL.—An international marriage broker shall not provide any United States client or other person with the personal contact information of any foreign national client or other individual 18 years of age or older unless and until the international marriage broker has—

(A) collected certain background information from the United States client or other person to whom the personal contact information would be provided, as specified in subsection (c);

(B) provided a copy of that background information to the foreign national client or other individual in the primary language of that client or individual;

(C) provided to the foreign national client or other individual in such primary language the information about legal rights and resources

available to immigrant victims of domestic violence and other crimes in the United States developed under section 834;

(D) received from the foreign national client or other individual in such primary language a written consent that is signed (including using an electronic signature) to release such personal contact information to the specific United States client or other person to whom the personal contact information would be provided; and

(E) informed the United States client or other person from whom background information has been collected that, after filing a petition for a K nonimmigrant visa, the United States client or other person will be subject to a criminal background check.

(2) CONFIDENTIALITY AFTER ORDER OF PROTECTION OR CRIME.—

(A) NONDISCLOSURE OF INFORMATION REGARDING INDIVIDUALS WITH PROTECTION ORDERS AND VICTIMS OF CRIMES.—In fulfilling its obligations under this subsection, an international marriage broker shall not disclose the name or location of an individual who obtained a restraining or protection order as described in

subsection (c)(2)(A), or of any other victim of a crime as described in subparagraphs (B) through (D) of subsection (c)(2).

(B) DISCLOSURE OF INFORMATION REGARDING UNITED STATES CLIENTS.—An international marriage broker shall disclose the relationship of the United States client or other person to an individual or victim described in paragraph (A).

(c) OBLIGATIONS OF INTERNATIONAL MARRIAGE BROKER WITH RESPECT TO MANDATORY COLLECTION OF INFORMATION.—

(1) IN GENERAL.—Each international marriage broker shall collect the background information listed in paragraph (2) from each United States client or other person to whom the personal contact information of a foreign national client or any other individual would be provided. The background information must be in writing and signed (including using an electronic signature) by the United States client or other person to whom the personal contact information of a foreign national client or any other individual would be provided.

(2) REQUIRED BACKGROUND INFORMATION.—An international marriage broker shall collect from a United States client or other person under paragraph

(1) background information about each of the following:

(A) Any court order restricting the client's or person's physical contact or communication with or behavior towards another person, including any temporary or permanent civil restraining order or protection order.

(B) Any arrest or conviction of the client or person 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, stalking, or any similar activity in violation of Federal, State or local criminal law.

(C) Any arrest or conviction of the client or person for—

(i) solely or principally engaging in, or facilitating, prostitution;

(ii) any direct or indirect attempts to procure prostitutes or persons for the purpose of prostitution; or

(iii) any receipt, in whole or in part, of the proceeds of prostitution.

(D) Any arrest or conviction of the client or person for offenses related to controlled substances or alcohol.

(E) Marital history of the client or person, including—

(i) whether the client or individual is currently married;

(ii) whether the client or person has previously been married and how many times;

(iii) how previous marriages of the client or person were terminated and the date of termination; and

(iv) whether the client or person has previously sponsored the immigration of an alien to whom the client or person was engaged or married.

(F) The ages of any children of the client or person under the age of 18.

(G) All States in which the client or person has resided since the age of 18.

(d) PENALTIES.—

(1) FEDERAL CIVIL PENALTY.—

(A) VIOLATION.—An international marriage broker that violates subsection (a), (b), or (c) is subject to a civil penalty of not less than $20,000 for each such violation.

(B) PROCEDURES FOR IMPOSITION OF PENALTY.—The Secretary of Homeland Security may impose a penalty under paragraph (A) only after notice and an opportunity for an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5, United States Code.

(2) FEDERAL CRIMINAL PENALTY.—An international marriage broker that violates subsection (a), (b), or (c) within the special maritime and territorial jurisdiction of the United States shall be fined in accordance with subchapter B of chapter 229 of title 18, United States Code, or imprisoned for not less than 1 year and not more than 5 years, or both.

(3) STATE ENFORCEMENT.—In any case in which the Attorney General of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of subsection (a), (b), or (c) by an international marriage broker, the State, as parens patriae, may bring a civil action on behalf of the resi-

dents of the State in a district court of the United States with appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this section; or

(C) obtain damages.

(4) ADDITIONAL REMEDIES.—The penalties and remedies under this subsection are in addition to any other penalties or remedies available under law.

(e) NONPREEMPTION.—Nothing in this section shall preempt—

(1) any State law that provides additional protections for aliens who are utilizing the services of an international marriage broker or other international matchmaking organization; or

(2) any other or further right or remedy available under law to any party utilizing the services of an international marriage broker or other international matchmaking organization.

(f) REPEAL OF MAIL-ORDER BRIDE PROVISION.—Section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1375) is hereby repealed.

SEC. 834. INFORMATION ABOUT LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.

(a) DEVELOPMENT OF INFORMATION PAMPHLET.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop an information pamphlet to ensure the consistency and accuracy of information disseminated to—

(A) foreign national clients or other individuals by international marriage brokers pursuant to section 833(b)(1)(C); and

(B) beneficiaries of petitions filed by United States citizens for K nonimmigrant visas.

(2) CONSULTATION WITH EXPERT ORGANIZATIONS.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop such information pamphlet by working in consultation with non-profit, non-governmental immigrant victim advocacy organizations.

(b) CONTENTS OF INFORMATION PAMPHLET.—The information pamphlet required under subsection (a) shall include information on the following:

(1) The K nonimmigrant visa application process and the marriage-based immigration process, in-

cluding conditional residence and adjustment of status.

(2) The requirement that international marriage brokers provide foreign national clients with background information 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.

(3) The illegality of domestic violence, sexual assault, and child abuse in the United States.

(4) Information on the dynamics of domestic violence.

(5) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline, a project of the Texas Council on Family Violence, a nonprofit organization dedicated to fighting domestic violence, and the National Sexual Assault Hotline, operated by the Rape, Abuse and Incest National Network, and independent anti-sexual assault organization.

(6) A description of immigration relief available to an immigrant victim of domestic violence, sexual assault, trafficking, and other crimes under the Violence Against Women Act, including the amendments made by that Act, section 101(a)(15)(U) of the Immi-

gration and Nationality Act (8 U.S.C. 1101(a)(15)(U)), and section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)).

(7) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters.

(8) The obligations of parents to provide child support for children.

(9) The illegality of and penalties for knowingly entering into marriage for the purpose of evading the immigration laws of the United States.

(c) TRANSLATION.—

(1) LANGUAGES.—In order to best serve the language groups most recruited by international marriage brokers and having the greatest concentration of K nonimmigrant visa applicants, the Secretary of Homeland Security, in consultation with the Secretary of State, shall translate the information pamphlet developed under this section, subject to paragraph (2), into the following languages:

(A) Arabic.

(B) Chinese.

(C) French.

(D) Hindi.

(E) Japanese.

(F) Korean.

(G) Polish.

(H) Portuguese.

(I) Russian.

(J) Spanish.

(K) Tagalog.

(L) Thai.

(M) Ukrainian.

(N) Vietnamese.

(2) MODIFICATION OF LANGUAGE.—The Secretary of Homeland Security may modify the translation requirements of paragraph (1) if the report submitted under section 836(b) includes recommendations for such modification.

(d) AVAILABILITY AND DISTRIBUTION.—The information pamphlet under this subsection shall be made available and distributed as follows:

(1) INTERNATIONAL MARRIAGE BROKERS AND VICTIM ADVOCACY ORGANIZATIONS.—The information pamphlet shall be made available to each international marriage broker and to each governmental or non-governmental victim advocacy organization.

(2) K NONIMMIGRANT VISA APPLICANTS.—

(A) MAILING WITH IMMIGRATION FORMS.—The information pamphlet shall be mailed by the National Visa Center, of the Secretary of State, to each applicant for a K nonimmigrant visa at the same time that Form DS–3032 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.

(B) POSTING ON NVC WEB SITE.—The Secretary of State shall post the content of the pamphlet on the web site of the National Visa Center, as well as on the web sites of all consular posts processing K nonimmigrant visa applications.

(C) CONSULAR INTERVIEWS.—The Secretary of State shall require that the pamphlet be distributed directly to such applicants at all consular interviews for K nonimmigrant visas. If no written translation into the applicant's primary language is available, the consular officer conducting the visa interview shall review the pamphlet with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English.

SEC. 835. CHANGES IN PROCESSING K NONIMMIGRANT VISAS; CONSULAR CONFIDENTIALITY.

(a) K NONIMMIGRANT VISA PROCESSING.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears;

(2) by inserting "(1)" before "A visa"; and

(3) by adding at the end the following:

"(2) A United States citizen may not file a petition under paragraph (1) if such a petition filed by that petitioner for another alien fiancée or fiancé is pending or has been approved and is still valid.

"(3) The Secretary of Homeland Security shall provide to the Secretary of State the criminal background information on a petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) to which it has access under existing authority in the course of adjudicating the petition.

"(4) Each petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) shall provide, as part of the petition, in writing and signed under penalty of perjury, information described in section 833(c)(2) of the International Marriage Broker Regulation Act of 2005.

"(5) The Secretary of State shall ensure that an applicant for a visa under clause (i) or (ii) of section 101(a)(15)(K)—

"(A) shall be provided, by mail or electronically—

"(i) a copy of the petition for such visa submitted by the United States citizen petitioner; and

"(ii) any information that is contained in the background check described in paragraph (3) relating to any court orders, arrests, or convictions described in subparagraphs (A) through (D) of section 833(c)(2) of the International Marriage Broker Regulation Act of 2005;

"(B) shall be informed that petitioner information described in subparagraph (A) is based on available records and may not be complete; and

"(C) shall be asked in the primary language of the visa applicant whether an international marriage broker has facilitated the relationship between the visa applicant and the United States petitioner and whether that international marriage broker complied with the requirements of section 833 of such Act.

"(6) The Secretary shall provide for the disclosure of information described in paragraph (5) to the visa appli-

cant at the consular interview in the primary language of the visa applicant.

"(7) The fact that an alien described in clause (i) or (ii) of section 101(a)(15)(K) is aware of any information disclosed under paragraph (5) shall not be used against the alien in any determination of eligibility for relief under this Act or the Violence Against Women Act (Public Law 103–322; 108 Stat. 1902), and the amendments made by that Act.

"(8) In fulfilling the requirements of paragraph (5)(A)(ii), a consular officer shall not disclose the name or location of any person who obtained a restraining or protective order against the petitioner, but shall disclose the relationship of the person to the petitioner.".

(b) SHARING OF CERTAIN INFORMATION.—Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) shall not be construed to prevent the sharing of information under section 214(d) of such Act (8 U.S.C. 1184(d)).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed after the date of enactment of this Act.

SEC. 836. STUDY AND REPORT.

(a) STUDY.—The Secretary of Homeland Security, through the Director of the Bureau of Citizenship and Im-

migration Services, shall conduct a study of the international marriage broker industry in the United States that—

(1) estimates, for the years 1995 through 2005, the number of international marriage brokers doing business in the United States, the number of marriages resulting from the services provided by such brokers, and the extent of compliance with the applicable requirements of this subtitle;

(2) assess the information gathered under this subtitle from clients by international marriage brokers and from petitioners by the Bureau of Citizenship and Immigration Services;

(3) examine, based on the information gathered, the extent to which persons with a history of violence are using the services of international marriage brokers and the extent to which such persons are providing accurate information to international marriage brokers in accordance with section 833;

(4) assess the accuracy of the criminal background check at identifying past instances of domestic violence; and

(5) assess the extent to which the languages of translation required under section 834(c)(1) continue to accurately reflect the highest markets for recruit-

ment by international marriage brokers and the greatest concentrations of K nonimmigrant visa applicants.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth the results of the study conducted under subsection (a).

SEC. 837. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), section 834, and the amendments made by section 835, this subtitle shall take effect on the date which is 60 days after the date of enactment of this Act.

(b) ADDITIONAL TIME ALLOWED FOR INFORMATION PAMPHLET.—Section 834(b) shall take effect on the date which is 120 days after the date of enactment of this Act.

TITLE IX—SAFETY FOR INDIAN WOMEN

SEC. 901. FINDINGS.

Congress finds that—

(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black

Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;

(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

SEC. 902. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of violent crimes against Indian women;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and

(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 903. CONSULTATION.

(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).

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary 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

(3) strengthening the Federal response to such violent crimes.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(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.

(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.

(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.—

(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Vio-

lence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) MEMBERS.—The Director shall appoint to the task force representatives from—

(i) national tribal domestic violence and sexual assault nonprofit organizations;

(ii) tribal governments; and

(iii) representatives from the national tribal organizations.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, 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 $1,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.

(b) INJURY STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

(B) the cost of providing health care for the injuries described in subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services 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 findings made in the study and recommends for health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out

this section $500,000 for each of fiscal years 2006 and 2007, to remain available until expended.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.".

(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 2006 through 2010, to remain available until expended.

SEC. 906. SAFETY FOR INDIAN WOMEN FORMULA GRANTS PROGRAM.

(a) ESTABLISHMENT OF THE SAFETY FOR INDIAN WOMEN GRANTS PROGRAM.—

(1) IN GENERAL.—Of the amounts set aside for Indian tribes and tribal organizations in this Act the Attorney General, through the Director of the Office of Violence Against Women (referred to in this section as the "Director"), shall take such set asides and combine them to establish the Safety for Indian Women Formula Grants Program.

(2) SINGLE FORMULA GRANTS.—The Director shall combine the monies appropriated under the Grants To Combat Violent Crimes Against Women (42 U.S.C. 3796gg–1(b)(1)), Grants To Encourage Arrest Policies and Enforce Protection Orders (42 U.S.C. 3796hh sec. 2101(e)), Legal Assistance for Vic-

tims (42 U.S.C. 3796gg–6 sec. 1201(f)(2)(A)), Court Training and Improvements, Sexual Assault Services Program, Safe Haven for Children Pilot Program (42 U.S.C. 10420(f)), Rural Domestic Violence and Child Abuse Enforcement Assistance (42 U.S.C. 1397(c)(3)), to create a single formula grant program to enhance the response of Indian tribal governments to address the safety of American Indian and Alaska Native Women.

(3) ADMINISTRATION.—Grants made under the program established under this section shall be administered by the Tribal Division of the Office on Violence Against Women.

(b) GRANTS.—The purpose of the program authorized by this section is to assist 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, and stalking crimes against Indian women;

(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities; and

(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking.

SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

"SEC. 2007. TRIBAL DEPUTY.

"(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

"(b) DUTIES.—

"(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

"(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

"(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefited shall be a pre-

requisite to the making of the grant or letting of the contract;

"(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

"(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

"(E) represent the Office on Violence Against Women in the annual consultations under section 903;

"(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

"(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

"(H) support enforcement of tribal protection orders and implementation of full faith and

credit educational projects and comity agreements between Indian tribes and States; and

"(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

"(c) AUTHORITY.—

"(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

"(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

"(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against In-

dian women, including legal services for victims and Indian-specific offender programs;

"(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

"(C) development of tribal educational awareness programs and materials;

"(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

"(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.".

SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.

(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended to read: "(i) is a misdemeanor under Federal, State, or Tribal law; and".

(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803(3) is amended—

(1) in subparagraph (A), by striking "or";

(2) in subparagraph (B), by striking the semicolon and inserting ", or"; and

(3) by adding at the end the following:

"(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime;".

SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

"Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the

United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

"(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

"(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.".

TITLE X—DNA FINGERPRINTING

SEC. 1001. SHORT TITLE.

This title may be cited as the "DNA Fingerprint Act of 2005".

SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAMPLES FROM NATIONAL DNA INDEX.

Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking ", provided" and all that follows through "System";

(2) in subsection (d)(2)(A)(ii), by striking "all charges for" and all that follows, and inserting the following: "the responsible agency or official of that State receives, for each charge against the person on

the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or resulted in an acquittal."; and

(3) by striking subsection (e).

SEC. 1003. EXPANDED USE OF CODIS GRANTS.

Section 2(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(1)) is amended by striking "taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3))" and inserting "collected under applicable legal authority".

SEC. 1004. AUTHORIZATION TO CONDUCT DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.

(a) IN GENERAL.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "The Director" and inserting the following:

"(A) The Attorney General may, as prescribed by the Attorney General in regulation, collect DNA samples from individuals who are arrested or detained under the authority of the United States. The Attorney General may dele-

gate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

"(B) The Director"; and

(B) in paragraphs (3) and (4), by striking "Director of the Bureau of Prisons" each place it appears and inserting "Attorney General, the Director of the Bureau of Prisons,"; and

(2) in subsection (b), by striking "Director of the Bureau of Prisons" and inserting "Attorney General, the Director of the Bureau of Prisons,".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting "and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)" after "period of release".

SEC. 1005. TOLLING OF STATUTE OF LIMITATIONS FOR SEXUAL-ABUSE OFFENSES.

Section 3297 of title 18, United States Code, is amended by striking "except for a felony offense under chapter 109A,".

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109TH CONGRESS
1ST SESSION

S. 1197

A BILL

To reauthorize the Violence Against Women Act of 1994.

SEPTEMBER 12, 2005

Reported with an amendment