

protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1591

At the request of Mr. KIRK, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1627

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1627, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 1647

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCHE) was added as a cosponsor of S. 1647, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates.

S. 1651

At the request of Mr. SESSIONS, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1684

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1684, a bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes.

S. 1707

At the request of Mr. BURR, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1718

At the request of Mr. WYDEN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1727

At the request of Mr. HELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1727, a bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes.

S. 1734

At the request of Mr. BLUMENTHAL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1734, a bill to provide incentives for the development of qualified infectious disease products.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

S. RES. 297

At the request of Mr. MENENDEZ, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. REED) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 297, a resolution congratulating the Corporation for Supportive Housing on the 20th anniversary of its founding.

S. RES. 302

At the request of Ms. LANDRIEU, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Oregon (Mr. MERKLEY) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. Res. 302, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 873

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 873 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. FRANKEN, Mr. UDALL of New Mexico, Mr. INOUE, Mr.

BEGICH, Mrs. MURRAY, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, Mr. TESTER, and Mr. BAUCUS.

S. 1763. A bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Stand Against Violence and Empower Native Women—SAVE Native Women—Act. I would like to thank the cosponsors of my bill, my good friends Senators INOUE, MURRAY, UDALL of New Mexico, BEGICH, FRANKEN, JOHNSON of South Dakota, BAUCUS, TESTER, and BINGAMAN.

Native women across the country suffer from severe threats to their safety. According to a safety study by the Department of Justice, two in five girls and women in Native communities will suffer domestic violence and one in three will be sexually assaulted in their lifetime. Can you imagine looking through the loving eyes of your daughter, sister, or mother and knowing one of them will probably be abused in her lifetime? This is a terrible reality of life for Native women and their families across the country. It is an epidemic, it is unacceptable, and we must stand against it. This is why I am introducing the SAVE Native Women Act.

Most of those who commit these terrible crimes against Native women are not Native themselves. Yet, currently, tribes have no ability to prosecute non-Natives for domestic violence and sexual assault in their own communities. This has resulted in a sense of lawlessness and leaves Native women with few places to turn. My bill strengthens tribal jurisdiction over domestic violence and sexual assault so that all offenders, Native and non-Native, can be brought to justice.

My bill strengthens existing programs that support Native victims of domestic violence and sexual assault. In many communities, these programs offer the only safety and support available for Native women. Yet these programs are greatly strained. This bill provides programs with more flexibility and tools to address their most critical needs.

Finally, my bill addresses the disturbing trend of sex trafficking in many Native communities. I have included provisions that improve data gathering and strengthen programs that better understand and respond to sex trafficking of Native women.

I have worked closely with tribes, tribal organizations, and Federal agencies to develop this bill. We should not let the next generation of young Native

women grow up, as their mothers have, in unbearable situations that threaten their security, stability, and even their lives. I urge you to join me and my co-sponsors and stand against violence and support passage of the SAVE Native Women Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1763

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Stand Against Violence and Empower Native Women Act” or the “SAVE Native Women Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GRANT PROGRAMS

Sec. 101. Grants to Indian tribal governments.

Sec. 102. Tribal coalition grants.

Sec. 103. Consultation.

Sec. 104. Analysis and research on violence against women.

Sec. 105. Definitions.

TITLE II—TRIBAL JURISDICTION AND CRIMINAL OFFENSES

Sec. 201. Tribal jurisdiction over crimes of domestic violence.

Sec. 202. Tribal protection orders.

Sec. 203. Amendments to the Federal assault statute.

Sec. 204. Effective dates; pilot project.

Sec. 205. Other amendments.

TITLE III—INDIAN LAW AND ORDER COMMISSION

Sec. 301. Indian Law and Order Commission.

TITLE I—GRANT PROGRAMS

SEC. 101. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

Section 2015(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended—

(1) in paragraph (2), by inserting “sex trafficking,” after “sexual assault,”;

(2) in paragraph (4), by inserting “sex trafficking,” after “sexual assault,”;

(3) in paragraph (5), by inserting “sexual assault, sex trafficking,” after “dating violence,”;

(4) in paragraph (7)—

(A) by inserting “sex trafficking,” after “sexual assault,” each place it appears; and

(B) by striking “and” at the end;

(5) in paragraph (8)—

(A) by inserting “sex trafficking,” after “stalking,”; and

(B) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

“(9) provide services to address the needs of youth who are victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking and the needs of children exposed to domestic violence, dating violence, sexual assault, sex trafficking, or stalking, including support for the non-abusing parent or the caretaker of the child; and

“(10) develop and promote legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.”.

SEC. 102. TRIBAL COALITION GRANTS.

Section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by striking subsection (d) and inserting the following:

“(d) TRIBAL COALITION GRANTS.—

“(1) PURPOSE.—The Attorney General shall award a grant to each established tribal coalition for purposes of—

“(A) increasing awareness of domestic violence and sexual assault against Indian women;

“(B) enhancing the response to violence against Indian women at the Federal, State, and tribal levels;

“(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to Indian women victimized by domestic and sexual violence, including sex trafficking; and

“(D) assisting Indian tribes in developing and promoting legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

“(2) GRANTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Attorney General shall award grants on annual basis under paragraph (1) to—

“(i) each tribal coalition that—

“(I) meets the criteria of a tribal coalition under section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

“(II) is recognized by the Office on Violence Against Women; and

“(III) provides services to Indian tribes; and

“(ii) organizations that propose to incorporate and operate a tribal coalition in areas where Indian tribes are located but no tribal coalition exists.

“(B) RESTRICTION.—An organization described in subparagraph (A)(i) shall use a grant under this subsection to support the planning and development of a tribal coalition, subject to the condition that any amounts provided to the organization under this subsection that remain unobligated on September 30 of each fiscal year for which amounts are made available under paragraph (3) shall be redistributed in the subsequent fiscal year by the Attorney General to tribal coalitions described in subparagraph (A)(i).

“(3) USE OF AMOUNTS.—For each of fiscal years 2013 through 2017, of the amounts appropriated to carry out this subsection—

“(A) 10 percent shall be made available to organizations described in paragraph (2)(A)(ii); and

“(B) 90 percent shall be made available to tribal coalitions described in paragraph (2)(A)(i), which amounts shall be distributed equally among each eligible tribal coalition for the applicable fiscal year.

“(4) DURATION.—A grant under this subsection shall be awarded for a period of 1 year.

“(5) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by a tribal coalition shall not preclude the tribal coalition from receiving additional grants under this title to carry out the purposes described in paragraph (1).

“(6) MULTIPLE PURPOSE APPLICATIONS.—Nothing in this subsection prohibits any tribal coalition or organization described in paragraph (2)(A) from applying for funding to address sexual assault or domestic violence needs in the same application.”.

SEC. 103. CONSULTATION.

Section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d) is amended—

(1) in subsection (a)—

(A) by striking “and the Violence Against Women Act of 2000” and inserting “, the Violence Against Women Act of 2000”; and

(B) by inserting “, and the Stand Against Violence and Empower Native Women Act” before the period at the end;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “the Secretary of the Department of Health and Human Services and” and inserting “the Secretary of Health and Human Services, the Secretary of the Interior, and”; and

(B) in paragraph (2), by inserting “sex trafficking,” after “sexual assault,”; and

(3) by adding at the end the following:

“(c) NOTICE.—Not later than 120 days before the date of a consultation under subsection (a), the Attorney General shall notify tribal leaders of the date, time, and location of the consultation.”.

SEC. 104. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST WOMEN.

Section 904(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note) is amended—

(1) in paragraph (1)—

(A) by striking “The National” and inserting “Not later than 2 years after the date of enactment of the Stand Against Violence and Empower Native Women Act, the National”; and

(B) by inserting “and in Native villages” before the period at the end;

(2) in paragraph (2)(A)—

(A) in clause (iv), by striking “and” at the end;

(B) in clause (v), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vi) sex trafficking.”;

(3) in paragraph (4), by striking “this Act” and inserting “the Stand Against Violence and Empower Native Women Act”; and

(4) in paragraph (5), by striking “this section \$1,000,000 for each of fiscal years 2007 and 2008” and inserting “this subsection \$1,000,000 for each of fiscal years 2012 and 2013”.

SEC. 105. DEFINITIONS.

Section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)) is amended—

(1) by redesignating paragraphs (18) through (22) and (23) through (37) as paragraphs (19) through (23) and (25) through (39), respectively;

(2) by inserting after paragraph (17) the following:

“(18) NATIVE VILLAGE.—The term ‘Native village’ has the meaning given that term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).”;

(3) in paragraph (22) (as redesignated by paragraph (1))—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(C) an area or community under the jurisdiction of a federally recognized Indian tribe.”;

(4) by inserting after paragraph (23) (as redesignated by paragraph (1)) the following:

“(24) SEX TRAFFICKING.—The term ‘sex trafficking’ means any conduct proscribed by section 1591 of title 18, United States Code, regardless of whether the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.”; and

(5) by striking paragraph (31) (as redesignated by paragraph (1)) and inserting the following:

“(31) TRIBAL COALITION.—The term ‘tribal coalition’ means an established nonprofit,

nongovernmental Indian organization established to provide services on a statewide, regional, or customary territory basis that—

“(A) provides education, support, and technical assistance to Indian service providers in a manner that enables the providers to establish and maintain culturally appropriate services, including shelter and rape crisis services, designed to assist Indian women and the dependents of those women who are victims of domestic violence, dating violence, sexual assault, and stalking;

“(B) is comprised of board and general members that are representative of—

“(i) the service providers described in subparagraph (A); and

“(ii) the tribal communities in which the services are being provided;

“(C) serves as an information clearinghouse and resource center for Indian programs addressing domestic violence and sexual assault;

“(D) supports the development of legislation, policies, protocols, procedures, and guidance to enhance domestic violence and sexual assault intervention and prevention efforts in Indian tribes and communities to be served; and

“(E) has expertise in the development of Indian community-based, linguistically, and culturally specific outreach and intervention services for the Indian communities to be served.”.

TITLE II—TRIBAL JURISDICTION AND CRIMINAL OFFENSES

SEC. 201. TRIBAL JURISDICTION OVER CRIMES OF DOMESTIC VIOLENCE.

Title II of Public Law 90-284 (25 U.S.C. 1301 et seq.) (commonly known as the “Indian Civil Rights Act of 1968”) is amended by adding at the end the following:

“SEC. 204. TRIBAL JURISDICTION OVER CRIMES OF DOMESTIC VIOLENCE.

“(a) DEFINITIONS.—In this section:

“(1) DATING VIOLENCE.—The term ‘dating violence’ means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“(2) DOMESTIC VIOLENCE.—The term ‘domestic violence’ means violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Indian tribe that has jurisdiction over the Indian country where the violence occurs.

“(3) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given the term in section 1151 of title 18, United States Code.

“(4) PARTICIPATING TRIBE.—The term ‘participating tribe’ means an Indian tribe that elects to exercise special domestic violence criminal jurisdiction over the Indian country of that Indian tribe.

“(5) PROTECTION ORDER.—The term ‘protection order’ means any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court, whether obtained by filing an independent action or as a pendente lite order in another proceeding, so long as the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

“(6) SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION.—The term ‘special domestic

violence criminal jurisdiction’ means the criminal jurisdiction that a participating tribe may exercise under this section but could not otherwise exercise.

“(7) SPOUSE OR INTIMATE PARTNER.—The term ‘spouse or intimate partner’ has the meaning given the term in section 2266 of title 18, United States Code.

“(b) NATURE OF THE CRIMINAL JURISDICTION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, in addition to all powers of self-government recognized and affirmed by this Act, the powers of self-government of a participating tribe include the inherent power of that tribe, which is hereby recognized and affirmed, to exercise special domestic violence criminal jurisdiction over all persons.

“(2) CONCURRENT JURISDICTION.—A participating tribe shall exercise special domestic violence criminal jurisdiction concurrently, not exclusively.

“(3) APPLICABILITY.—Nothing in this section—

“(A) creates or eliminates any Federal or State criminal jurisdiction over Indian country; or

“(B) affects the authority of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute a criminal violation in Indian country.

“(c) CRIMINAL CONDUCT.—A participating tribe may exercise special domestic violence criminal jurisdiction over a defendant for criminal conduct that falls into one or more of the following categories:

“(1) DOMESTIC VIOLENCE AND DATING VIOLENCE.—An act of domestic violence or dating violence that occurs in the Indian country of the participating tribe.

“(2) VIOLATIONS OF PROTECTION ORDERS.—An act that—

“(A) occurs in the Indian country of the participating tribe; and

“(B) violates the portion of a protection order that—

“(i) prohibits or provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; and

“(ii) (I) was issued against the defendant;

“(II) is enforceable by the participating tribe; and

“(III) is consistent with section 2265(b) of title 18, United States Code.

“(d) DISMISSAL OF CERTAIN CASES.—

“(1) DEFINITION OF VICTIM.—In this subsection and with respect to a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction based on a criminal violation of a protection order, the term ‘victim’ means a person specifically protected by a protection order that the defendant allegedly violated.

“(2) NON-INDIAN VICTIMS AND DEFENDANTS.—In a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction, the case shall be dismissed if—

“(A) the defendant files a pretrial motion to dismiss on the grounds that the alleged offense did not involve an Indian; and

“(B) the participating tribe fails to prove that the defendant or an alleged victim is an Indian.

“(3) TIES TO INDIAN TRIBE.—In a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction, the case shall be dismissed if—

“(A) the defendant files a pretrial motion to dismiss on the grounds that the defendant and the alleged victim lack sufficient ties to the Indian tribe; and

“(B) the prosecuting tribe fails to prove that the defendant or an alleged victim—

“(i) resides in the Indian country of the participating tribe;

“(ii) is employed in the Indian country of the participating tribe; or

“(iii) is a spouse or intimate partner of a member of the participating tribe.

“(4) WAIVER.—A knowing and voluntary failure of a defendant to file a pretrial motion described in paragraph (2) or (3) shall be considered a waiver of the right to seek a dismissal under this subsection.

“(e) RIGHTS OF DEFENDANTS.—In a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction, the participating tribe shall provide to the defendant—

“(1) all applicable rights under this Act;

“(2) if a term of imprisonment of any length is imposed, all rights described in section 202(c); and

“(3) all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise criminal jurisdiction over the defendant.

“(f) PETITIONS TO STAY DETENTION.—

“(1) IN GENERAL.—A person who has filed a petition for a writ of habeas corpus in a court of the United States under section 203 may petition that court to stay further detention of that person by the participating tribe.

“(2) GRANT OF STAY.—A court shall grant a stay described in paragraph (1) if the court—

“(A) finds that there is a substantial likelihood that the habeas corpus petition will be granted; and

“(B) after giving each alleged victim in the matter an opportunity to be heard, finds, by clear and convincing evidence that, under conditions imposed by the court, the petitioner is not likely to flee or pose a danger to any person or the community if released.

“(g) GRANTS TO TRIBAL GOVERNMENTS.—The Attorney General may award grants to the governments of Indian tribes (or to authorized designees of those governments)—

“(1) to strengthen tribal criminal justice systems to assist Indian tribes in exercising special domestic violence criminal jurisdiction, including—

“(A) law enforcement (including the capacity to enter information into and obtain information from national crime information databases);

“(B) prosecution;

“(C) trial and appellate courts;

“(D) probation systems;

“(E) detention and correctional facilities;

“(F) alternative rehabilitation centers;

“(G) culturally appropriate services and assistance for victims and their families; and

“(H) criminal codes and rules of criminal procedure, appellate procedure, and evidence;

“(2) to provide indigent criminal defendants with the effective assistance of licensed defense counsel, at no cost to the defendant, in criminal proceedings in which a participating tribe prosecutes a crime of domestic violence or dating violence or a criminal violation of a protection order;

“(3) to ensure that, in criminal proceedings in which a participating tribe exercises special domestic violence criminal jurisdiction, jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements; and

“(4) to accord victims of domestic violence, dating violence, and violations of protection orders rights that are similar to the rights of a crime victim described in section 3771(a) of title 18, United States Code, consistent with tribal law and custom.

“(h) SUPPLEMENT, NOT SUPPLANT.—Amounts made available under this section shall supplement and not supplant any other

Federal, State, tribal, or local government amounts made available to carry out activities described in this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (g) and to provide training, technical assistance, data collection, and evaluation of the criminal justice systems of participating tribes such sums as are necessary.”

SEC. 202. TRIBAL PROTECTION ORDERS.

Section 2265 of title 18, United States Code, is amended by striking subsection (e) and inserting the following:

“(e) TRIBAL COURT JURISDICTION.—For purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, the exclusion of violators from Indian land, and other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151) or otherwise within the authority of the Indian tribe.”

SEC. 203. AMENDMENTS TO THE FEDERAL ASSAULT STATUTE.

(a) ASSAULTS BY STRIKING, BEATING, OR WOUNDING.—Section 113(a)(4) of title 18, United States Code, is amended by striking “six months” and inserting “1 year”.

(b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY INJURY.—Section 113(a)(7) of title 18, United States Code, is amended by striking “substantial bodily injury to an individual who has not attained the age of 16 years” and inserting “substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years”.

(c) ASSAULTS BY STRANGLING OR SUFFOCATING.—Section 113(a) of title 18, United States Code, is amended by adding at the end the following:

“(8) Assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate, by a fine under this title, imprisonment for not more than 10 years, or both.”

(d) DEFINITIONS.—Section 113(b) of title 18, United States Code, is amended—

(1) by striking “(b) As used in this subsection—” and inserting the following:

“(b) DEFINITIONS.—In this section—”;

(2) in paragraph (1)(B), by striking “and” at the end;

(3) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(3) the terms ‘dating partner’ and ‘spouse or intimate partner’ have the meanings given those terms in section 2266;

“(4) the term ‘strangling’ means intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim; and

“(5) the term ‘suffocating’ means intentionally, knowingly, or recklessly impeding the normal breathing of a person by covering the mouth of the person, the nose of the person, or both, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim.”

(e) INDIAN MAJOR CRIMES.—Section 1153(a) of title 18, United States Code, is amended by striking “assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title)” and inserting “a felony assault under section 113”.

SEC. 204. EFFECTIVE DATES; PILOT PROJECT.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), the amendments

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

(b) EFFECTIVE DATE FOR SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (b) through (e) of section 204 of Public Law 90-284 (as added by section 201) shall take effect on the date that is 2 years after the date of enactment of this Act.

(2) PILOT PROJECT.—

(A) IN GENERAL.—At any time during the 2-year period beginning on the date of enactment of this Act, an Indian tribe may ask the Attorney General to designate the tribe as a participating tribe under section 204(a) of Public Law 90-284 on an accelerated basis.

(B) PROCEDURE.—The Attorney General (or a designee of the Attorney General) may grant a request under subparagraph (A) after coordinating with the Secretary of the Interior (or a designee of the Secretary), consulting with affected Indian tribes, and concluding that the criminal justice system of the requesting tribe has adequate safeguards in place to protect defendants’ rights, consistent with section 204 of Public Law 90-284.

(C) EFFECTIVE DATES FOR PILOT PROJECTS.—An Indian tribe designated as a participating tribe under this paragraph may commence exercising special domestic violence criminal jurisdiction pursuant to subsections (b) through (e) of section 204 of Public Law 90-284 on a date established by the Attorney General, after consultation with that Indian tribe, but in no event later than the date that is 2 years after the date of enactment of this Act.

SEC. 205. OTHER AMENDMENTS.

(a) ASSAULTS.—Section 113(a) of title 18, United States Code, is amended—

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

“(1) Assault with intent to commit murder or a felony under chapter 109A, by a fine under this title, imprisonment for not more than 20 years, or both.”

(2) in paragraph (3) by striking “and without just cause or excuse,”; and

(3) in paragraph (7), by striking “fine” and inserting “a fine”.

(b) REPEAT OFFENDERS.—Section 2265A(b)(1)(B) of title 18, United States Code, is amended by inserting “or tribal” after “State”.

TITLE III—INDIAN LAW AND ORDER COMMISSION

SEC. 301. INDIAN LAW AND ORDER COMMISSION.

Section 15(f) of the Indian Law Enforcement Reform Act (25 U.S.C. 2812(f)) is amended by striking “2 years” and inserting “3 years”.

By Mrs. HAGAN:

S. 1765. A bill to amend the Public Health Service Act to provide grants to strengthen the healthcare system’s response to domestic violence, dating violence, sexual assault, and stalking; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, today I am proud to introduce the Violence Against Women Health Initiative. October is Domestic Violence Awareness month, and this bill will raise awareness of domestic violence among health care providers and allow them to better assess and treat survivors of domestic violence.

The rates of violence and abuse in this country are astounding. Nearly one in four women in the U.S. has reported experiencing domestic violence at some point in her life. In 2007, there

were 248,300 reported incidents of sexual assault in the U.S. Young women experience the highest rates of sexual assault and stalking. Sadly, 15.5 million children in the U.S. live in families in which partner violence has occurred in the past year, and 7 million children live in families in which severe partner violence has occurred.

Domestic violence has a significant impact on our country’s health. According to the Centers for Disease Control and Prevention, CDC, intimate partner violence costs the health care system over \$8.3 billion annually.

In addition to injuries sustained during violent episodes, survivors suffer lifelong health complications. Research published in the journal of Women’s Health in 2007 found that women who are victimized by violence have 17 percent more primary care doctor visits, 14 percent more specialist visits, and 27 percent more prescription refills than non-abused women.

Physical and psychological abuse are linked to a number of adverse physical health effects. A study released in 2010 that compared victims with never-abused women found abuse victims had an approximately six-fold increase in clinically-identified substance abuse, a more than three-fold increase in depression diagnoses, a three-fold increase in sexually transmitted diseases, and a two-fold increase in lacerations.

But it is not just the spouse who suffers these lifelong consequences. It is their children, too. 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. Fifty percent of men who frequently assault their wives also frequently assault their children, and the U.S. Advisory Board on Child Abuse and Neglect suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country.

Without question, we must tackle the underlying causes of domestic violence and abuse in this country. At the same time, we must strengthen our health care response to this abuse.

Despite the commitment of health care providers to help domestic violence victims, a critical gap remains in the delivery of health care to victims. Health care providers often only address immediate injuries, without tackling the underlying cause of those injuries. For example, each year, about 324,000 pregnant women in this country are battered by their intimate partners. However, few physicians screen pregnant patients for abuse. This highlights the need to ensure that health care providers have the necessary training and support in order to assess, refer, and support victims of domestic and sexual violence.

Victims know and trust their health care providers. Almost 3/4 of survivors say that they would like their health care providers to ask them about violence and abuse.

Multiple clinical studies have shown that short interventions in the medical environment protect the health and safety of women. These interventions are short between 2 and 10 minutes, and effective. In repeated clinical trials, violence decreased and health status improved following simple assessment and referral protocols. Integrating these effective protocols into our health care system will save lives.

This is why routine assessments for intimate partner violence have been recommended for health care settings by the American Medical Association, American Psychological Association, American Nurses Association, American College of Obstetricians and Gynecologists, American Academy of Pediatrics, and the Joint Commission on the Accreditation of Health Care Organizations.

Since its passage in 1994, the Violence Against Women Act, VAWA, has transformed our criminal justice system and social service system, helping to prevent and respond to domestic violence. The last reauthorization of VAWA, set to expire this year, included a new title authorizing three programs that support the health system's efforts to help victims, preventing further abuse and improving the health status of women. The bill I am introducing today will continue those important efforts.

This bill would consolidate the three existing health programs into one program, while increasing evaluation and accountability. Specifically, this bill would foster public health responses to intimate partner violence and sexual violence; provide training and education of health professionals to respond to violence and abuse; and support research on effective public health approaches to end violence against women.

I urge my colleagues to join us in supporting this important bill.

By Mr. BEGICH (for himself, Mr. CASEY, Mr. GRAHAM, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. LEAHY, Ms. MURKOWSKI, Mr. PRYOR, Ms. SNOWE and Mr. TESTER):

S. 1768. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, today I am pleased to introduce an amended version of S. 542, the National Guard, Reserve, "Gray Area" Retiree, and Surviving Spouse Space-available Travel Equity Act.

The original legislation, S. 542, has been modified slightly. The modification will ensure the Department of Defense retains the authority to issue regulations to implement the bill.

The underlying intent of the legislation has not changed. The bill will provide reserve component members and retired reserve component members the ability to travel overseas and travel with their dependents when there is space-available on a military aircraft. Additionally, the bill will ensure surviving spouses of retired members or members killed in the line of duty to retain space-available travel privileges after the death of their loved one.

Members and retirees of the National Guard and Reserve, their families, and surviving military spouses make great sacrifices for our Nation. However, too often these individuals do not receive the benefits they have earned for their service.

I urge my colleagues to join me in giving parity to our reserve component members, reserve component retirees and surviving military spouses. The no-cost legislation is endorsed by the National Guard Association of the United States.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1768

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard, Reserve, 'Gray Area' Retiree, and Surviving Spouses Space-available Travel Equity Act of 2011".

SEC. 2. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

"§ 2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents

"(a) RESERVE MEMBERS.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis.

"(b) RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis.

"(c) WIDOWS AND WIDOWERS OF RETIRED MEMBERS.—

"(1) IN GENERAL.—An unmarried widow or widower of a member of the armed forces described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis.

"(2) MEMBERS COVERED.—A member of the armed forces referred to in paragraph (1) is a member who—

"(A) is entitled to retired pay;

"(B) is described in subsection (b);

"(C) dies in the line of duty while on active duty and is not eligible for retired pay; or

"(D) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

"(d) DEPENDENTS.—A dependent of a member or former member described in subsection (a) or (b) or of an unmarried widow or widower described in subsection (c) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member.

"(e) SCOPE.—Space-available travel required by this section includes travel to and from locations within and outside the continental United States.

"(f) DEFINITION OF DEPENDENT.—In this section, the term 'dependent' has the meaning given that term in section 1072 of this title."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

"2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents."

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement section 2641c of title 10, United States Code, as added by subsection (a).

AMENDMENTS SUBMITTED AND PROPOSED

SA 919. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 872, to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; which was ordered to lie on the table.

SA 920. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 919. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 872, to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DELAY OF PERMIT IMPLEMENTATION.

During the 2-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency, or a State in the case of a permit