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112TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPT. 112–480 Part 1

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2012

MAY 15, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4970]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4970) to reauthorize the Violence Against Women Act of 1994, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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19–006

The Amendment

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women Reauthorization Act of 2012".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. VAWA definitions and grant conditions.
Sec. 4. Accountability provisions.
Sec. 5. Effective date.

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

Sec. 101. STOP grants.
Sec. 102. Grants to encourage arrest policies and enforcement of protection orders.
Sec. 103. Legal assistance for victims.
Sec. 104. Consolidation of grants to support families in the justice system.
Sec. 105. Court-appointed special advocate program.
Sec. 106. Outreach and services to underserved populations grant.
Sec. 107. Culturally specific services grant.
Sec. 108. Reduction in rape kit backlog.

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

Sec. 201. Sexual assault services program.
Sec. 202. Rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance.
Sec. 203. Training and services to end violence against women with disabilities grants.
Sec. 204. Grant for training and services to end violence against women in later life.

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

Sec. 301. Rape prevention and education grant.
Sec. 302. Creating hope through outreach, options, services, and education for children and youth.
Sec. 303. Grants to combat violent crimes on campuses.
Sec. 304. National Center for Campus Public Safety.

TITLE IV—VIOLENCE REDUCTION PRACTICES

Sec. 401. Study conducted by the centers for disease control and prevention.
Sec. 402. Saving money and reducing tragedies through prevention grants.

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

Sec. 501. Consolidation of grants to strengthen the health care system's response to domestic violence, dating violence, sexual assault, and stalking.

TITLE VI—SAFE HOMES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 601. Housing protections for 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, and stalking.
Sec. 603. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.

TITLE VII—ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

Sec. 701. National Resource Center on Workplace Responses to assist victims of domestic and sexual violence.

TITLE VIII—IMMIGRATION PROVISIONS

Sec. 801. Fraud prevention initiatives.
Sec. 802. Clarification of the requirements applicable to U visas.
Sec. 803. Protections for a fiancée or fiancé of a citizen.
Sec. 804. Regulation of international marriage brokers.
Sec. 805. GAO report.
Sec. 806. Temporary Nature of U Visa Status.
Sec. 807. Annual report on immigration applications made by victims of abuse.
Sec. 808. Protection for children of VAWA self-petitioners.
Sec. 809. Public charge.
Sec. 810. Age-Out Protection for U Visa Applicants.
Sec. 811. Hardship waivers.
Sec. 812. Disclosure of Information for National Security Purpose.
Sec. 813. GAO report on requirements to cooperate with law enforcement officials.
Sec. 814. Consideration of other evidence.

TITLE IX—SAFETY FOR INDIAN WOMEN

Sec. 901. Grants to Indian tribal governments.
Sec. 902. Grants to Indian tribal coalitions.
Sec. 903. Consultation.

Sec. 904. Analysis and research on violence against Indian women.
Sec. 905. Assistant United States attorney domestic violence tribal liaisons.

TITLE X—CRIMINAL PROVISIONS

Sec. 1001. Criminal provisions relating to sexual abuse.
Sec. 1002. Sexual abuse in custodial settings.
Sec. 1003. Criminal provision relating to stalking, including cyberstalking.
Sec. 1004. Amendments to the Federal assault statute.
Sec. 1005. Mandatory minimum sentence.

SEC. 3. VAWA DEFINITIONS AND GRANT CONDITIONS.

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

(1) in paragraph (2), by inserting "to an unemancipated minor" after "serious harm";

(2) in paragraph (3), by striking "an organization" and inserting "a nonprofit, nongovernmental, or tribal organization that serves a specific geographic community";

(3) in paragraph (6) by inserting "or intimate partner" after "former spouse" and after "as a spouse";

(4) by amending paragraph (16) to read as follows:

"(16) LEGAL ASSISTANCE.—The term 'legal assistance'—

"(A) includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

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

"(ii) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy; and

"(B) may include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of severe forms of trafficking in persons as defined by section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102);

except that intake or referral, without other action, does not constitute legal assistance.".

(5) by amending paragraph (18) to read as follows:

"(18) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including—

"(A) a first and last name;

"(B) a home or other physical address;

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

"(D) a social security number, driver license number, passport number, or student identification number; and

"(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.";

(6) in paragraph (19), by striking "services" and inserting "assistance";

(7) in paragraph (21)—

(A) in subparagraph (A), by striking "or" after the semicolon;

(B) in subparagraph (B)(ii), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(C) any federally recognized Indian tribe.";

(8) in paragraph (22)—

(A) by striking "52" and inserting "57"; and

(B) by striking "150,000" and inserting "250,000";

(9) by amending paragraph (23) to read as follows:

"(23) SEXUAL ASSAULT.—The term 'sexual assault' means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.";

(10) by amending paragraph (33) to read as follows:

"(33) UNDERSERVED POPULATIONS.—The term 'underserved populations' means populations who face barriers to accessing and using victim services, and includes populations underserved because of geographic location or religion, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age),

and any other population determined to be underserved by the Attorney General or the Secretary of Health and Human Services, as appropriate.";

(11) by amending paragraph (37) to read as follows:

"(37) YOUTH.—The term 'youth' means a person who is 11 to 24 years of age.";

(12) by adding at the end the following new paragraphs:

"(38) ALASKA NATIVE VILLAGE.—The term 'Alaska Native village' has the same meaning given such term in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(39) CHILD.—The term 'child' means a person who is under 11 years of age.

"(40) CULTURALLY SPECIFIC.—The term 'culturally specific' (except when used as part of the term 'culturally specific services') means primarily composed of racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u–6(g))).

"(41) CULTURALLY SPECIFIC SERVICES.—The term 'culturally specific services' means community-based services and resources that are culturally relevant and linguistically specific to culturally specific communities.

"(42) HOMELESS, HOMELESS INDIVIDUAL, HOMELESS PERSON.—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.

"(43) POPULATION SPECIFIC ORGANIZATION.—The term 'population specific organization' means a nonprofit, nongovernmental organization that primarily serves members of a specific underserved population and has demonstrated experience and expertise providing targeted services to members of that specific underserved population.

"(44) POPULATION SPECIFIC SERVICES.—The term 'population specific services' means victim services that—

"(A) address the safety, health, economic, legal, housing, workplace, immigration, confidentiality, or other needs of victims of domestic violence, dating violence, sexual assault, or stalking; and

"(B) are designed primarily for, and are targeted to, a specific underserved population.

"(45) RAPE CRISIS CENTER.—The term 'rape crisis center' means—

"(A) a nonprofit, nongovernmental, or tribal organization that provides intervention and related assistance, as specified in section 41601(b)(2)(C), to victims of sexual assault without regard to the age of the victims; or

"(B) a governmental entity that—

"(i) is located in a State other than a Territory;

"(ii) provides intervention and related assistance, as specified in section 41601(b)(2)(C), to victims of sexual assault without regard to the age of the victims;

"(iii) is not a law enforcement agency or other entity that is part of the criminal justice system; and

"(iv) offers a level of confidentiality to victims that is comparable to a nonprofit entity that provides similar victim services.

"(46) SEX TRAFFICKING.—The term 'sex trafficking' means any conduct proscribed by section 1591 of title 18, United States Code, whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

"(47) TRIBAL COALITION.—The term 'tribal coalition' means an established nonprofit, nongovernmental Indian organization, Alaska Native organization, or a Native Hawaiian organization that—

"(A) provides education, support, and technical assistance to member Indian service providers in a manner that enables those member 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; and

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

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

"(ii) the tribal communities in which the services are being provided.

"(48) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

"(49) VICTIM SERVICES.—The term 'victim services'—

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

"(B) may include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of severe forms of trafficking in persons as defined by section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

"(50) VICTIM SERVICE PROVIDER.—The term 'victim service provider' means a nonprofit, nongovernmental or tribal organization or rape crisis center, including a State sexual assault coalition or tribal coalition, that—

"(A) assists domestic violence, dating violence, sexual assault, or stalking victims, including domestic violence shelters, faith-based organizations, and other organizations; and

"(B) has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking."; and

(13) by striking paragraphs (17), (29), and (36), and then reordering the remaining paragraphs of such subsection (including the paragraphs added by paragraph (12) of this subsection) in alphabetical order based on the headings of such paragraphs, and renumbering such paragraphs as so reordered.

(b) GRANTS CONDITIONS.—Subsection (b) of section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by amending clauses (i) and (ii) to read as follows:

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

"(ii) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that—

"(I) consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor; and

"(II) if a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, such minor or person with a guardian may release information without additional consent.";

(B) by amending subparagraph (D), to read as follows:

"(D) INFORMATION SHARING.—

"(i) IN GENERAL.—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-generated and prosecution-generated information necessary for law enforcement, intelligence, national security, or prosecution purposes.

"(ii) LIMITATIONS.—Grantees and subgrantees may not—

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

"(II) share any personally identifying information in order to comply with Federal reporting, evaluation, or data collection requirements, whether for this program or any other Federal grant program.";

(C) by redesignating subparagraph (E) as subparagraph (F);

(D) by inserting after subparagraph (D) the following:

"(E) STATUTORILY MANDATED REPORTS OF ABUSE OR NEGLECT.—Nothing in this paragraph prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined by law, when specifically mandated by the State or tribe involved."; and

(E) by adding at the end the following new subparagraph:

"(G) CONFIDENTIALITY ASSESSMENT AND ASSURANCES.—Grantees and subgrantees shall certify their compliance with the confidentiality and privacy provisions required under this section.";

(2) by striking paragraph (3) and inserting the following:

"(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, and develop and promote State, local, or tribal legislation or model codes, designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.";

(3) in paragraph (7), by inserting at the end the following:

"Final reports of such evaluations shall be made publically available on the website of the disbursing agency."; and

(4) by inserting after paragraph (11) the following:

"(12) DELIVERY OF LEGAL ASSISTANCE.—Any grantee or subgrantee providing legal assistance with funds awarded under this title shall comply with the eligibility requirements in section 1201(d) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6(d)).

"(13) CIVIL RIGHTS.—

"(A) NONDISCRIMINATION.—No person in any State shall on the basis of actual or perceived race, color, religion, national origin, sex, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2012, or any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

"(B) REASONABLE ACCOMMODATION.—Nothing in this paragraph shall prevent consideration of an individual's gender for purposes of a program or activity described in subparagraph (A) if the grantee involved determines that gender segregation or gender-specific programming is necessary to the essential operation of such program or activity. In such a case, alternative reasonable accommodations are sufficient to meet the requirements of this paragraph.

"(C) APPLICATION.—The provisions of paragraphs (2) through (4) of section 809(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d(c)) shall apply to violations of subparagraph (A).

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed, interpreted, or applied to supplant, displace, preempt, or otherwise diminish the responsibilities and liabilities of grantees under other Federal or State civil rights law, whether statutory or common.".

(c) CONFORMING AMENDMENT.—Section 41403(6) of the Violence Against Women Act of 1994 (14043e–2(6)) is amended to read as follows:

"(6) the terms 'homeless', 'homeless individual', and 'homeless person' have the meanings given such terms in section 40002(a);".

SEC. 4. ACCOUNTABILITY PROVISIONS.

(a) REQUIREMENT FOR DOJ GRANT APPLICANTS TO INCLUDE CERTAIN INFORMATION ABOUT FEDERAL GRANTS IN DOJ GRANT APPLICATIONS.—Each applicant for a grant from the Department of Justice shall submit, as part of the application for the grant, the following information:

(1) A list of each Federal grant the applicant applied for during the one-year period preceding the date of submission of the application.

(2) A list of each Federal grant the applicant received during the five-year period preceding the date of submission of the application.

(b) ENHANCING GRANT EFFICIENCY AND COORDINATION.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall, to the greatest extent practicable, take actions to further the coordination of the administration of grants within the Department of Justice to increase the efficiency of such administration.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the actions taken by the Attorney General under paragraph (1) and the progress of such actions in achieving coordination described in such paragraph.

(c) REQUIRING OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT FUNCTIONS TO APPLY TO VAWA GRANTS.—

(1) IN GENERAL.—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2), the following new paragraph:

"(3) Any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2012, or any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.".

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to grant periods beginning on or after the date of the enactment of this Act.

(d) VAWA GRANT ACCOUNTABILITY.—Section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925) is further amended by adding at the end the following:

"(c) ACCOUNTABILITY.—All grants awarded under this title shall be subject to the following accountability provisions:

"(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2013, and in each fiscal year thereafter, the Inspector General of the Department of Justice or the Inspector General of the Department of Health and Human Services, as applicable, shall conduct an audit of not fewer than 10 percent of all grantees under this title to prevent waste, fraud, and abuse of funds by such grantees.

"(2) MANDATORY EXCLUSION.—A grantee described in paragraph (1) that is found by the Inspector General of the Department of Justice or the Inspector General of the Department of Health and Human Services, as applicable, to have an unresolved audit finding (as defined in paragraph (5)) shall not be eligible to receive grant funds under this title during the 2 fiscal years beginning after the 12-month period described in such paragraph.

"(3) REIMBURSEMENT.—If an entity is awarded grant funds under this title during any period in which the entity is prohibited from receiving funds under paragraph (2), the head of the Federal agency administering a grant program under this title shall—

"(A) deposit into the General Fund of the Treasury an amount equal to the grant funds that were improperly awarded to the grantee; and

"(B) seek to recoup the costs of the repayment to the Fund from the entity that was erroneously awarded such grant funds.

"(4) UNRESOLVED AUDIT FINDING DEFINED.—In this subsection, the term 'unresolved audit finding' means, with respect to a grantee described in paragraph (1), an audit report finding, statement, or recommendation by the Inspector General of the Department of Justice or the Inspector General of the Department of Health and Human Service, as applicable, that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date of an initial notification of the finding, statement, or recommendation.

"(5) NONPROFIT ORGANIZATION REQUIREMENTS.—

"(A) DEFINITION.—For purposes of this paragraph, the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

"(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program under this title to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

"(6) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 5.0 percent of the amounts authorized to be appropriated under this title may be used by the Attorney General for salaries and administrative expenses of the Office on Violence Against Women.

"(7) CONFERENCE EXPENDITURES.—

"(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice or Department of Health and Human Services under this title may be used by the Attorney General, the Secretary of Health and Human Services, or by any individual or organization awarded funds under this title, to host or support any expenditure for conferences, unless in the case of the Department of Justice, the Deputy Attorney General or the appropriate Assistant Attorney General, or in the case of the Department of Health and Human Services the Deputy Secretary, provides prior written authorization that the funds may be expended to host or support any expenditure for such a conference.

"(B) WRITTEN APPROVAL.—Written authorization under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

"(C) REPORT.—The Deputy Attorney General and Deputy Secretary of Health and Human Services shall submit an annual report to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Energy and Commerce of the House of Representatives on all conference expenditures approved and denied during the fiscal year for which the report is submitted.

"(8) PROHIBITION ON LOBBYING ACTIVITY.—

"(A) IN GENERAL.—Amounts authorized to be appropriated under this title may not be utilized by any grantee or subgrantee to lobby any representative of the Federal Government (including the Department of Justice) or a State, local, or tribal government regarding the award of grant funding.

"(B) PENALTY.—If the Attorney General determines that any grantee or subgrantee receiving funds under this title has violated subparagraph (A), the Attorney General shall—

"(i) require the grantee or subgrantee to repay such funds in full; and

"(ii) prohibit the grantee or subgrantee from receiving any funds under this title for not less than 5 years.

"(9) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of the Violence Against Women Reauthorization Act of 2012, the Assistant Attorney General for the Office of Justice Programs, the Director of the Office on Violence Against Women, and the Deputy Secretary for Health and Human Services shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a certification for such year that—

"(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the Assistant Attorney General for the Office of Justice Programs;

"(B) all mandatory exclusions required under paragraph (2) have been issued;

"(C) all reimbursements required under paragraph (3) have been made; and

"(D) includes a list of any grantees and subgrantees excluded during the previous year under paragraph (2).".

SEC. 5. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, the provisions of titles I, II, III, IV, VII, and sections 3, 602, 901, and 902 of this Act shall not take effect until the first day of the fiscal year following the date of enactment of this Act.

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

SEC. 101. STOP GRANTS.

(a) STOP GRANTS.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 2001(b) (42 U.S.C. 3796gg(b)), as amended by paragraph (2)—

(A) in the matter preceding paragraph (1)—

(i) by striking "equipment" and inserting "resources"; and

(ii) by inserting "for the protection and safety of victims," before "and specifically,";

(B) in paragraph (1), by striking "sexual assault" and all that follows through "dating violence" and inserting "domestic violence, dating violence, sexual assault, and stalking";

(C) in paragraph (2), by striking "sexual assault and domestic violence" and inserting "domestic violence, dating violence, sexual assault, and stalking";

(D) in paragraph (3), by striking "sexual assault and domestic violence" and inserting "domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims";

(E) in paragraph (4)—

(i) by inserting ", classifying," after "identifying"; and

(ii) by striking "sexual assault and domestic violence" and inserting "domestic violence, dating violence, sexual assault, and stalking";

(F) in paragraph (5)—

(i) by inserting "and legal assistance" after "victim services";

(ii) by striking "sexual assault and domestic violence" and inserting "domestic violence, dating violence, sexual assault, and stalking"; and

(iii) by striking "including crimes" and all that follows and inserting "including crimes of domestic violence, dating violence, sexual assault, and stalking;";

(G) by striking paragraph (6) and redesignating paragraphs (7) through (14) as paragraphs (6) through (13), respectively;

(H) in paragraph (6), as so redesignated by subparagraph (G), by striking "sexual assault and domestic violence" and inserting "domestic violence, dating violence, sexual assault, and stalking";

(I) in paragraph (7), as so redesignated by subparagraph (G), by striking "and dating violence" and inserting "dating violence, and stalking";

(J) in paragraph (9), as so redesignated by subparagraph (G)—

(i) by striking "domestic violence or sexual assault" and inserting "domestic violence, dating violence, sexual assault, or stalking"; and

(ii) by striking "such violence or assault" and inserting "such violence, assault, or stalking";

(K) in paragraph (12), as so redesignated by subparagraph (G)—

(i) in subparagraph (A), by striking "triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized" and inserting "the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases"; and

(ii) in subparagraph (D), by striking "and" at the end;

(L) in paragraph (13), as so redesignated by subparagraph (G)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "to provide" and inserting "providing";

(II) by striking "nonprofit nongovernmental"; and

(III) by striking the comma after "local governments";

(ii) by inserting "and" after the semicolon in subparagraph (B); and

(iii) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(M) by inserting after paragraph (13), as so redesignated by subparagraph (G), the following:

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

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

"(16) developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims;

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

"(18) identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims; and

"(19) with not more than 5 percent of the total amount allocated to a State for this part, developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking."; and

(N) in the flush text at the end, by striking "paragraph (14)" and inserting "paragraph (13)";

(2) in section 2007 (42 U.S.C. 3796gg–1)—

(A) in subsection (a), by striking "nonprofit nongovernmental victim services programs" and inserting "victim service providers";

(B) in subsection (b)(6), by striking "(not including populations of Indian tribes)";

(C) in subsection (c)—

(i) by amending paragraph (2) to read as follows:

"(2) grantees and subgrantees shall develop a plan for implementation and may consult and coordinate with—

"(A) the State sexual assault coalition;

"(B) the State domestic violence coalition;

"(C) the law enforcement entities within the State;

"(D) prosecution offices;

"(E) State and local courts;

"(F) tribal governments or tribal coalitions in those States with State or federally recognized Indian tribes;

"(G) representatives from underserved populations;

"(H) victim service providers;

"(I) population specific organizations; and

"(J) other entities that the State or the Attorney General identifies as necessary for the planning process;";

(ii) by striking paragraph (4);

(iii) by redesignating paragraph (3) as paragraph (4);

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

"(3) grantees shall coordinate the State implementation plan described in paragraph (2) with the State plans described in section 307 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) and the plans described in the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and section 393A of the Public Health Service Act (42 U.S.C. 280b–1b); and"; and

(v) in paragraph (4), as so redesignated by clause (iii)—

(I) in subparagraph (A), by striking "and not less than 25 percent shall be allocated for prosecutors";

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E);

(III) by inserting after subparagraph (A), the following:

"(B) not less than 25 percent shall be allocated for prosecutors;

"(C) for each fiscal year beginning on or after the date that is 2 years after the date of enactment of the Violence Against Women Reauthorization Act of 2012, not less than 20 percent shall be allocated for programs or projects that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship;";

(IV) in subparagraph (D), as so redesignated by subclause (II), by striking "culturally specific community-based" and inserting "population specific"; and

(V) in subparagraph (E), as so redesignated by subclause (II), by striking "; and" and inserting a period;

(D) by amending subsection (d) to read as follows:

"(d) APPLICATION REQUIREMENTS.—An application for a grant under this part shall include—

"(1) the certifications of qualification required under subsection (c);

"(2) proof of compliance with the requirements for the payment of forensic medical exams and judicial notification, described in section 2010;

"(3) proof of compliance with the requirements for paying fees and costs relating to domestic violence and protection order cases described in section 2011;

"(4) proof of compliance with the requirements prohibiting polygraph examinations of victims of sexual assault described in section 2013;

"(5) an implementation plan required under subsection (i); and

"(6) any other documentation that the Attorney General may require.";

(E) in subsection (e)—

(i) in paragraph (2)—

(I) in subparagraph (A), by striking "domestic violence and sexual assault" and inserting "domestic violence, dating violence, sexual assault, and stalking"; and

(II) in subparagraph (D), by striking "linguistically and culturally" and inserting "population"; and

(ii) by adding at the end the following:

"(3) CONDITIONS.—In disbursing grants under this part, the Attorney General may impose reasonable conditions on grant awards disbursed after the date of enactment of the Violence Against Women Reauthorization Act of 2012 to ensure that the States meet statutory, regulatory, and other programs requirements.";

(F) in subsection (f), by striking the period at the end and inserting ", except that, for purposes of this subsection, the costs of the projects for victim services or tribes for which there is an exemption under section 40002(b)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(1)) shall not count toward the total costs of the projects."; and

(G) by adding at the end the following:

"(i) IMPLEMENTATION PLANS.—A State applying for a grant under this part shall—

"(1) develop an implementation plan in consultation with representatives of the entities listed in subsection (c)(2), that identifies how the State will use the funds awarded under this part; and

"(2) submit to the Attorney General as part of the application submitted in accordance with subsection (d)—

"(A) the implementation plan developed under paragraph (1);

"(B) documentation from each member of the planning committee with respect to the member's participation in the planning process;

"(C) documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, describing—

"(i) the need for the grant funds;

"(ii) the intended use of the grant funds;

"(iii) the expected result of the grant funds; and

"(iv) the demographic characteristics of the populations to be served, including age, disability, race, ethnicity, and language background;

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

"(E) demographic data on the distribution of underserved populations within the State and a description of how the State will meet the needs of underserved populations, including the minimum allocation for population specific services required under subsection (c)(4)(C);

"(F) a description of how the State plans to meet the requirements pursuant to regulations issued under subsection (e)(2);

"(G) goals and objectives for reducing domestic and dating violence-related homicides within the State; and

"(H) any other information requested by the Attorney General.

"(j) REALLOCATION OF FUNDS.—A State may use any returned or remaining funds for any authorized purpose under this part if—

"(1) funds from a subgrant awarded under this part are returned to the State; or

"(2) the State does not receive sufficient eligible applications to award the full funding within the allocations under subsection (c)(4).";

(3) in section 2010 (42 U.S.C. 3796gg–4)—

(A) in subsection (a), by amending paragraph (1) to read as follows:

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

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

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

(B) in subsection (b)—

(i) in paragraph (1), by inserting "or" after the semicolon;

(ii) in paragraph (2), by striking "; or" and inserting a period; and

(iii) by striking paragraph (3);

(C) in subsection (c), by striking ", except that such funds" and all that follows and inserting a period; and

(D) by amending subsection (d) to read as follows:

"(d) NONCOOPERATION.—

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

"(2) COMPLIANCE PERIOD.—States, territories, and Indian tribal governments shall have 3 years from the date of enactment of the Violence Against Women Reauthorization Act of 2012 to come into compliance with this subsection."; and

(4) in section 2011(a)(1) (42 U.S.C. 3796gg–5(a)(1))—

(A) by inserting "modification, enforcement, dismissal," after "registration," each place it appears; and

(B) by striking "domestic violence, stalking, or sexual assault" and inserting "domestic violence, dating violence, sexual assault, or stalking".

(b) 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 "$225,000,000 for each of fiscal years 2007 through 2011" and inserting "$222,000,000 for each of fiscal years 2013 through 2017".

SEC. 102. GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS.

(a) IN GENERAL.—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—

(1) in section 2101 (42 U.S.C. 3796hh)—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "States," and all that follows through "units of local government" and inserting "grantees";

(ii) in paragraph (1), by inserting "and enforcement of protection orders across State and tribal lines" before the period;

(iii) in paragraph (2), by striking "and training in police departments to improve tracking of cases" and inserting "data collection systems, and training in police departments to improve tracking of cases and classification of complaints";

(iv) in paragraph (4), by inserting "and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking" after "computer tracking systems";

(v) in paragraph (5), by inserting "and other victim services" after "legal advocacy service programs";

(vi) in paragraph (6), by striking "judges" and inserting "Federal, State, tribal, territorial, and local judges, and court-based and court-related personnel";

(vii) in paragraph (8), by striking "and sexual assault" and inserting ", dating violence, sexual assault, and stalking";

(viii) in paragraph (10), by striking "non-profit, non-governmental victim services organizations," and inserting "victim service providers, population specific organizations,"; and

(ix) by adding at the end the following:

"(14) To develop and implement training programs for prosecutors and other prosecution-related personnel regarding best practices to ensure offender ac-

countability, victim safety, and victim consultation in cases involving domestic violence, dating violence, sexual assault, and stalking.

"(15) To develop or strengthen policies, protocols, and training for law enforcement officers, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking.

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

"(17) To develop, implement, or enhance sexual assault nurse examiner programs or sexual assault forensic examiner programs, including the hiring and training of such examiners.

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

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

"(20) To provide the following human immunodeficiency virus services for victims of sexual assault:

"(A) Testing.

"(B) Counseling.

"(C) Prophylaxis.

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

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

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

"(B) identifying and managing high-risk offenders; and

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

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by inserting "except for a court," before "certify"; and

(II) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margin accordingly;

(ii) in paragraph (2), by inserting "except for a court," before "demonstrate";

(iii) in paragraph (4)—

(I) by inserting "modification, enforcement, dismissal," after "registration," each place it appears;

(II) by inserting "dating violence," after the second occurrence of "domestic violence,"; and

(III) by striking "and" at the end;

(iv) in paragraph (5)—

(I) in the matter preceding subparagraph (A), by striking ", not later than 3 years after the date of enactment of this section,";

(II) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margin accordingly;

(III) in clause (ii), as redesignated by subclause (II) of this clause, by striking "subparagraph (A)" and inserting "clause (i)"; and

(IV) by striking the period at the end and inserting "; and";

(v) by redesignating paragraphs (1) through (5), as amended by this subparagraph, as subparagraphs (A) through (E), respectively;

(vi) in the matter preceding subparagraph (A), as redesignated by clause (v) of this subparagraph—

(I) by striking the second comma; and

(II) by striking "grantees are States" and inserting the following: "grantees are—

"(1) States"; and

(vii) by adding at the end the following:

"(2) a State, tribal, or territorial domestic violence or sexual assault coalition or a victim service provider that partners with a State, Indian tribal government, or unit of local government that certifies that the State, Indian tribal gov-

ernment, or unit of local government meets the requirements under paragraph (1).";

(C) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by inserting ", policy," after "law"; and

(II) in subparagraph (A), by inserting "and the defendant is in custody or has been served with the information or indictment" before the semicolon; and

(ii) in paragraph (2), by striking "it" and inserting "its"; and

(D) by adding at the end the following:

"(f) ALLOCATION FOR TRIBAL COALITIONS.—Of the amounts appropriated for purposes of this part for each fiscal year, not less than 5 percent shall be available for grants under section 2001(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(d)).

"(g) ALLOCATION FOR SEXUAL ASSAULT.—Of the amounts appropriated for purposes of this part for each fiscal year, not less than 25 percent shall be available for projects that address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship."; and

(2) in section 2102(a) (42 U.S.C. 3796hh–1(a))—

(A) in paragraph (1), by inserting "court," after "tribal government,"; and

(B) in paragraph (4), by striking "nonprofit, private sexual assault and domestic violence programs" and inserting "victim service providers and, as appropriate, population specific organizations".

(b) 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—

(1) by striking "$75,000,000" and all that follows through "2011" and inserting "$73,000,000 for each of fiscal years 2013 through 2017"; and

(2) by striking the second period.

SEC. 103. LEGAL ASSISTANCE FOR VICTIMS.

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

(1) in subsection (a)—

(A) in the first sentence, by striking "arising as a consequence of" and inserting "relating to or arising out of"; and

(B) in the second sentence, by inserting "or arising out of" after "relating to";

(2) in subsection (b)—

(A) in the heading, by inserting "AND GRANT CONDITIONS" after "DEFINITIONS"; and

(B) by inserting "and grant conditions" after "definitions";

(3) in subsection (c)—

(A) in paragraph (1), by striking "victim services organizations" and inserting "victim service providers"; and

(B) by striking paragraph (3) and inserting the following:

"(3) to implement, expand, and establish efforts and projects to provide competent, supervised pro bono legal assistance for victims of domestic violence, dating violence, sexual assault, or stalking.";

(4) in subsection (d)—

(A) in paragraph (1), by striking "subsection (c) has completed" and all that follows and inserting the following: "this section—"

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

"(B)(i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and

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

(B) in paragraph (2), by striking "stalking organization" and inserting "stalking victim service provider"; and

(5) in subsection (f)—

(A) in paragraph (1), by striking "this section" and all that follows through the period at the end and inserting "this section $57,000,000 for each of fiscal years 2013 through 2017."; and

(B) in paragraph (2), by adding at the end the following new subparagraph:

"(D) Of the amount made available under this subsection in each fiscal year, not more than 10 percent may be used for purposes described in subsection (c)(3).".

SEC. 104. CONSOLIDATION OF GRANTS TO SUPPORT FAMILIES IN THE JUSTICE SYSTEM.

(a) IN GENERAL.—Title III of division B of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1509) is amended by striking the section preceding section 1302 (42 U.S.C. 10420), as amended by section 306 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 3016), and inserting the following:

"SEC. 1301. COURT TRAINING AND SUPERVISED VISITATION IMPROVEMENTS.

"(a) IN GENERAL.—The Attorney General may make grants to States, units of local government, courts (including juvenile courts), Indian tribal governments, nonprofit organizations, legal services providers, and victim services providers to improve the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, or stalking, or in cases involving allegations of child sexual abuse.

"(b) USE OF FUNDS.—A grant under this section may be used to—

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

"(2) develop and promote State, local, and tribal legislation, policies, and best practices for improving civil and criminal court functions, responses, practices, and procedures in cases involving a history of domestic violence or sexual assault, or in cases involving allegations of child sexual abuse, including cases in which the victim proceeds pro se;

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

"(4) provide adequate resources in juvenile court matters to respond to domestic violence, dating violence, sexual assault (including child sexual abuse), and stalking and ensure necessary services dealing with the physical health and mental health of victims are available;

"(5) enable courts or court-based or court-related programs to develop or enhance—

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

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

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

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

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

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

"(6) collect data and provide training and technical assistance, including developing State, local, and tribal model codes and policies, to improve the capacity of grantees and communities to address the civil justice needs of victims of domestic violence, dating violence, sexual assault, and stalking who have legal representation, who are proceeding pro se, or who are proceeding with the assistance of a legal advocate; and

"(7) improve training and education to assist judges, judicial personnel, attorneys, child welfare personnel, and legal advocates in the civil justice system regarding domestic violence, dating violence, sexual assault, stalking, or child abuse.

"(c) CONSIDERATIONS.—

"(1) IN GENERAL.—In making grants for purposes described in paragraphs (1) through (6) of subsection (b), the Attorney General shall consider—

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

"(B) the extent to which the proposed programs and services serve underserved populations;

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

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

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

"(d) APPLICANT REQUIREMENTS.—The Attorney General may make a grant under this section to an applicant that—

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

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

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

"(4) certifies that the organizational policies of the applicant do not require mediation or counseling involving offenders and victims being physically present in the same place, in cases where domestic violence, dating violence, sexual assault, or stalking is alleged;

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

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

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for each of the fiscal years 2013 through 2017. Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

"(f) ALLOTMENT FOR INDIAN TRIBES.—

"(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

"(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Subtitle J of the Violence Against Women Act of 1994 (42 U.S.C. 14043 et seq.) is repealed.

SEC. 105. COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

Subtitle B of title II of the Crime Control Act of 1990 (42 U.S.C. 13011 et seq.) is amended—

(1) in section 216 (42 U.S.C. 13012), by striking "January 1, 2010" and inserting "January 1, 2015";

(2) in section 217 (42 U.S.C. 13013)—

(A) in subsection (c)(2)(A), by striking "Code of Ethics" and inserting "Standards for Programs"; and

(B) by adding at the end the following new subsection:

"(e) REPORTING.—An organization that receives a grant under this section for a fiscal year shall submit to the Administrator a report regarding the use of the grant for the fiscal year, including a discussion of outcome performance measures (which shall be established by the Administrator) to determine the effectiveness of the programs of the organization in meeting the needs of children in the child welfare system."; and

(3) in section 219(a) (42 U.S.C. 13014(a)), by striking "fiscal years 2007 through 2011" and inserting "fiscal years 2013 through 2017".

SEC. 106. OUTREACH AND SERVICES TO UNDERSERVED POPULATIONS GRANT.

Section 120 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045) is amended to read as follows:

"SEC. 120. GRANTS FOR OUTREACH AND SERVICES TO UNDERSERVED POPULATIONS.

"(a) GRANTS AUTHORIZED.—

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

"(2) PROGRAMS COVERED.—The programs identified in this paragraph are the programs carried out under the following provisions:

"(A) Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (STOP grants).

"(B) Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Grants to encourage arrest policies).

"(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

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

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

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

"(c) PLANNING GRANTS.—The Attorney General may use up to 20 percent of funds available under this section to make one-time planning grants to eligible entities to support the planning and development of specially designed and targeted programs for adult and youth victims in one or more underserved populations, including—

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

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

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

"(4) developing a plan, with the input of the targeted underserved population or populations, for—

"(A) implementing prevention, outreach, and intervention strategies to address the barriers to accessing services;

"(B) promoting community engagement in the prevention of domestic violence, dating violence, sexual assault, and stalking within the targeted underserved populations; and

"(C) evaluating the program.

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

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

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

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

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

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

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

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

"(g) DEFINITIONS AND GRANT CONDITIONS.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925) shall apply.

"(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds identified in subsection (a)(1), there are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2013 through 2017.".

SEC. 107. CULTURALLY SPECIFIC SERVICES GRANT.

Section 121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045a) is amended—

(1) in the section heading, by striking "**AND LINGUISTICALLY**";

(2) by striking "and linguistically" each place it appears;

(3) by striking "and linguistic" each place it appears;

(4) by amending paragraph (2) of subsection (a) to read as follows:

"(2) PROGRAMS COVERED.—The programs identified in this paragraph are the programs carried out under the following provisions:

"(A) Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) (Grants to encourage arrest policies).

"(B) Section 1201 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg–6) (Legal assistance for victims).

"(C) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) (Rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance).

"(D) Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) (Enhanced training and services to end violence against women later in life).

"(E) Section 1402 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg–7) (Education, training, and enhanced services to end violence against and abuse of women with disabilities).";

and

(5) in subsection (g), by striking "linguistic and".

SEC. 108. REDUCTION IN RAPE KIT BACKLOG.

Section 2(c)(3) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(c)(3)), is amended—

(1) in subparagraph (B), by striking "2014" and inserting "2012"; and

(2) by adding at the end the following new subparagraph:

"(C) For each of the fiscal years 2013 and 2014, not less than 75 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).".

SEC. 109. ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT TRAINING PROGRAMS.

Section 40152(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13941(c)) is amended by striking "to carry out this section" and all that follows through the period at the end and inserting "to carry out this section $5,000,000 for each of fiscal years 2013 through 2017.".

SEC. 110. CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.

Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended by striking "$2,300,000" and all that follows through the period at the end and inserting "$2,300,000 for each of fiscal years 2013 through 2017.".

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

SEC. 201. SEXUAL ASSAULT SERVICES PROGRAM.

(a) GRANTS TO STATES AND TERRITORIES.—Section 41601(b) of the Violence Against Women Act of 1994 (42 U.S.C. 14043g(b)) is amended—

(1) in paragraph (1), by striking "other programs" and all that follows through the period at the end and inserting "other nongovernmental or tribal programs and projects to assist individuals who have been victimized by sexual assault, without regard to the age of the individual.";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "nonprofit, nongovernmental organizations for programs and activities" and inserting "nongovernmental or tribal programs and activities"; and

(B) in subparagraph (C)(v), by striking "linguistically and"; and

(3) in paragraph (4)—

(A) in the first sentence—

(i) by inserting "and territory" after "each State";

(ii) by striking "1.50 percent" and inserting "0.75 percent"; and

(iii) by striking ", except that" and all that follows through "of the total appropriations"; and

(B) in the last sentence, by striking "the preceding formula" and inserting "this paragraph".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 41601(f)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 14043g(f)(1)) is amended by striking "$50,000,000 to remain available until expended for each of the fiscal years 2007 through 2011" and inserting "$40,000,000 to remain available until expended for each of fiscal years 2013 through 2017".

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

Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) is amended—

(1) in subsection (a)(1)(H), by inserting ", including sexual assault forensic examiners" before the semicolon;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "victim advocacy groups" and inserting "victim service providers"; and

(ii) by inserting ", including developing multidisciplinary teams focusing on high-risk cases with the goal of preventing domestic and dating violence homicides" before the semicolon;

(B) in paragraph (2)—

(i) by striking "and other long- and short-term assistance" and inserting "legal assistance, and other long-term and short-term victim services and population specific services"; and

(ii) by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(4) to develop, expand, or strengthen programs addressing sexual assault, including sexual assault forensic examiner programs, Sexual Assault Response Teams, law enforcement training, and programs addressing rape kit backlogs."; and

(3) in subsection (e)(1), by striking "$55,000,000 for each of the fiscal years 2007 through 2011" and inserting "$50,000,000 for each of fiscal years 2013 through 2017".

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

Section 1402 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg–7) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "(including using evidence-based indicators to assess the risk of domestic and dating violence homicide)" after "risk reduction";

(B) in paragraph (4), by striking "victim service organizations" and inserting "victim service providers"; and

(C) in paragraph (5), by striking "victim services organizations" and inserting "victim service providers";

(2) in subsection (c)(1)(D), by striking "nonprofit and nongovernmental victim services organization, such as a State" and inserting "victim service provider, such as a State or tribal"; and

(3) in subsection (e), by striking "$10,000,000 for each of the fiscal years 2007 through 2011" and inserting "$9,000,000 for each of fiscal years 2013 through 2017".

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

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

"SEC. 40802. GRANT FOR TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

"(a) DEFINITIONS.—In this section:

"(1) The term 'eligible entity' means an entity that—

"(A) is—

"(i) a State;

"(ii) a unit of local government;

"(iii) a tribal government or tribal organization;

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

"(v) a victim service provider; or

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

"(B) is partnered with—

"(i) a law enforcement agency;

"(ii) an office of a prosecutor;

"(iii) a victim service provider; or

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

"(2) The term 'elder abuse' means domestic violence, dating violence, sexual assault, or stalking committed against individuals in later life.

"(3) The term 'individual in later life' means an individual who is 60 years of age or older.

"(b) GRANT PROGRAM.—

"(1) GRANTS AUTHORIZED.—The Attorney General may make grants to eligible entities to carry out the activities described in paragraph (2). In awarding such grants, the Attorney General shall consult with the Secretary of Health and Human Services to ensure that the activities funded under this section are not duplicative with the activities funded under the elder abuse prevention programs of the Department of Health and Human Services.

"(2) MANDATORY AND PERMISSIBLE ACTIVITIES.—

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

"(i) provide training programs to assist law enforcement agencies, prosecutors, agencies of States or units of local government, population specific organizations, victim service providers, victim advocates, and relevant officers in Federal, tribal, State, territorial, and local courts in recognizing and addressing instances of elder abuse;

"(ii) provide or enhance services for victims of elder abuse;

"(iii) establish or support multidisciplinary collaborative community responses to victims of elder abuse; and

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

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

"(i) provide training programs to assist attorneys, health care providers, faith-based leaders, or other community-based organizations in recognizing and addressing instances of elder abuse; or

"(ii) conduct outreach activities and awareness campaigns to ensure that victims of elder abuse receive appropriate assistance.

"(3) UNDERSERVED POPULATIONS.—In making grants under this section, the Attorney General shall give priority to proposals providing culturally specific or population specific services.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $9,000,000 for each of fiscal years 2013 through 2017.".

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

SEC. 301. RAPE PREVENTION AND EDUCATION GRANT.

Section 393A of the Public Health Service Act (42 U.S.C. 280b–1b) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ", territorial, or tribal" after "crisis centers, State"; and

(B) in paragraph (6), by inserting "and alcohol" after "about drugs";

(2) in subsection (c)(1), by striking "$80,000,000 for each of fiscal years 2007 through 2011" and inserting "$50,000,000 for each of fiscal years 2013 through 2017"; and

(3) in subsection (c), by adding at the end the following new paragraph:

"(3) FUNDING FORMULA.—Amounts provided under this section shall be allotted to each State, territory, and the District of Columbia based on population. If the amounts appropriated under paragraph (1) exceed $48,000,000 in any fiscal year, a minimum allocation of $150,000 shall be awarded to each State and territory and the District of Columbia. Any remaining funds shall be allotted to each State and territory and the District of Columbia based on population.".

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

(a) IN GENERAL.—Subtitle L of the Violence Against Women Act of 1994 (42 U.S.C. 14043c et seq.) is amended by striking sections 41201 through 41204 and inserting the following:

"SEC. 41201. CREATING HOPE THROUGH OUTREACH, OPTIONS, SERVICES, AND EDUCATION FOR CHILDREN AND YOUTH (CHOOSE CHILDREN AND YOUTH).

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

"(b) PROGRAM PURPOSES.—Funds provided under this section may be used for the following program purpose areas:

"(1) SERVICES TO ADVOCATE FOR AND RESPOND TO YOUTH.—To develop, expand, and strengthen victim interventions and services that target youth who are victims of domestic violence, dating violence, sexual assault, and stalking. Services may include victim services, counseling, advocacy, mentoring, educational support, transportation, legal assistance in civil, criminal and administrative matters, such as family law cases, housing cases, child welfare proceedings, campus administrative proceedings, and civil protection order proceedings, services to address sex trafficking, population specific services, and other activities that support youth in finding safety, stability, and justice and in addressing the emotional, cognitive, and physical effects of trauma on youth. Funds may be used to—

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

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

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

sexual assault, and stalking, as well as homeless youth, and to properly refer such children, youth, and their families to appropriate services.

"(2) SUPPORTING YOUTH THROUGH EDUCATION AND PROTECTION.—To enable secondary or elementary schools that serve students in any of grades five through twelve and institutions of higher education to—

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

"(B) develop and implement age-appropriate prevention and intervention policies in accordance with State law in secondary or elementary schools that serve students in any of grades five through twelve, including appropriate responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, and procedures for handling the requirements of court protective orders issued to or against students;

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

"(D) provide evidence-based educational programs for students regarding domestic violence, dating violence, sexual assault, and stalking; or

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

"(c) ELIGIBLE APPLICANTS.—

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

"(A) a victim service provider, tribal nonprofit organization, population specific organization, or community-based organization with a demonstrated history of effective work addressing the needs of youth, including runaway or homeless youth, who are victims of domestic violence, dating violence, sexual assault, or stalking; or

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

"(2) PARTNERSHIPS.—

"(A) EDUCATION.—To be eligible to receive a grant for the purposes described in subsection (b)(2), an entity described in paragraph (1) shall be partnered with an elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965), charter school (as defined in section 5210 of such Act), a school that is operated or supported by the Bureau of Indian Education, or a legally operating private school, a school administered by the Department of Defense under section 2164 of title 10, United States Code, or section 1402 of the Defense Dependents' Education Act of 1978, a group of such schools, a local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965), or an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965).

"(B) OTHER PARTNERSHIPS.—All applicants under this section are encouraged to work in partnership with organizations and agencies that work with the relevant youth population. Such entities may include—

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

"(ii) a population specific or community-based organization;

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

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

"(d) GRANTEE REQUIREMENTS.—Applicants for grants under this section shall establish and implement policies, practices, and procedures that—

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

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

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

"(4) ensure that parents are informed of the programs funded under this program that are being offered at their child's school.

"(e) PRIORITY.—The Attorney General shall prioritize grant applications under this section that coordinate with prevention programs in the community.

"(f) DEFINITIONS AND GRANT CONDITIONS.—In this section, the definitions and grant conditions provided for in section 40002 shall apply.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2013 through 2017.

"(h) ALLOTMENT.—

"(1) IN GENERAL.—Not less than 50 percent of the total amount appropriated under this section for each fiscal year shall be used for the purposes described in subsection (b)(1).

"(2) INDIAN TRIBES.—Not less than 10 percent of the total amount appropriated under this section for each fiscal year shall be made available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).".

(b) VAWA GRANT REQUIREMENTS.—Section 40002(b) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)), as amended by section 3(b)(4), is further amended by adding at the end the following:

"(14) REQUIREMENT FOR EVIDENCE-BASED PROGRAMS.—Any educational programming, training, or public awareness communications regarding domestic violence, dating violence, sexual assault, or stalking that are funded under this title must be evidence-based.".

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

Section 304 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "and" after "stalking on campuses,";

(ii) by striking "crimes against women on" and inserting "crimes on"; and

(iii) by inserting ", and to develop and strengthen prevention education and awareness programs" before the period; and

(B) in paragraph (2), by striking "$500,000" and inserting "$300,000";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting ", strengthen," after "To develop"; and

(ii) by striking "assault and stalking," and inserting "assault, and stalking, including the use of technology to commit these crimes,";

(B) in paragraph (4)—

(i) by inserting "and population specific services" after "strengthen victim services programs";

(ii) by striking "entities carrying out" and all that follows through "stalking victim services programs" and inserting "victim service providers"; and

(iii) by inserting ", regardless of whether the services provided by such program are provided by the institution or in coordination with community victim service providers" before the period at the end; and

(C) by adding at the end the following:

"(9) To provide evidence-based educational programming for students regarding domestic violence, dating violence, sexual assault, and stalking.

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

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking "any non-profit" and all that follows through "victim services programs" and inserting "victim service providers";

(ii) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(iii) by inserting after subparagraph (C), the following:

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

(B) in paragraph (3), by striking "2007 through 2011" and inserting "2013 through 2017";

(4) in subsection (d)—

(A) by striking paragraph (3); and

(B) by inserting after paragraph (2), the following:

"(3) GRANTEE MINIMUM REQUIREMENTS.—Each grantee shall comply with the following minimum requirements during the grant period:

"(A) The grantee shall create a coordinated community response including both organizations external to the institution and relevant divisions of the institution.

"(B) The grantee shall establish a mandatory prevention and education program on domestic violence, dating violence, sexual assault, and stalking for all incoming students.

"(C) The grantee shall train all campus law enforcement to respond effectively to domestic violence, dating violence, sexual assault, and stalking.

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

(5) in subsection (e), by striking "$12,000,000" and all that follows through the period and inserting "$12,000,000 for each of the fiscal years 2013 through 2017.".

SEC. 304. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.

(a) ESTABLISHMENT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

"PART LL—NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY

"SEC. 3021. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.

"(a) AUTHORITY TO ESTABLISH AND OPERATE CENTER.—

"(1) IN GENERAL.—The Director of the Office of Community Oriented Policing Services is authorized to establish and operate a National Center for Campus Public Safety (referred to in this section as the 'Center').

"(2) GRANT AUTHORITY.—The Director of the Office of Community Oriented Policing Services is authorized to award grants to institutions of higher education and other nonprofit organizations to assist in carrying out the functions of the Center required under subsection (b).

"(b) FUNCTIONS OF THE CENTER.—The center shall—

"(1) provide quality education and training for campus public safety agencies of institutions of higher education and the agencies' collaborative partners, including campus mental health agencies;

"(2) foster quality research to strengthen the safety and security of institutions of higher education;

"(3) serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property, and emergency response and evacuation procedures;

"(4) develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against, respond to, and recover from, natural and man-made emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;

"(5) promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;

"(6) coordinate campus safety information (including ways to increase off-campus housing safety) and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;

"(7) increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions serving institutions of higher education;

"(8) develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies; and

"(9) report annually to Congress and the Attorney General on activities performed by the Center during the previous 12 months.

"(c) COORDINATION WITH AVAILABLE RESOURCES.—In establishing the Center, the Director of the Office of Community Oriented Policing Services shall—

"(1) consult with the Secretary of Homeland Security, the Secretary of Education, and the Attorney General of each State; and

"(2) coordinate the establishment and operation of the Center with campus public safety resources that may be available within the Department of Homeland Security and the Department of Education.

"(d) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—In this section, the term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(b) JUSTICE PROGRAM CONSOLIDATIONS.—Effective 30 days after the date of enactment of this section, the Office of Dispute Resolution of the Department of Justice and the jurisdiction and employees of such office shall be—

(1) transferred to the Office of Legal Policy of the Department of Justice; and

(2) funded through the general administration appropriation of the Office of Legal Policy.

TITLE IV—VIOLENCE REDUCTION PRACTICES

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

Section 402(c) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 280b–4(c)) is amended by striking "$2,000,000 for each of the fiscal years 2007 through 2011" and inserting "$1,000,000 for each of the fiscal years 2013 through 2017".

SEC. 402. SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION GRANTS.

(a) SMART PREVENTION.—Section 41303 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–2) is amended to read as follows:

"SEC. 41303. SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION (SMART PREVENTION).

"(a) GRANTS AUTHORIZED.—The Attorney General, in consultation with the Secretary of Health and Human Services and the Secretary of Education, is authorized to award grants for the purpose of preventing domestic violence, dating violence, sexual assault, and stalking by taking a comprehensive approach that focuses on youth, children exposed to violence, and men as leaders and influencers of social norms.

"(b) USE OF FUNDS.—Funds provided under this section may be used for the following purposes:

"(1) TEEN DATING VIOLENCE AWARENESS AND PREVENTION.—To develop, maintain, or enhance programs that change attitudes and behaviors around the acceptability of domestic violence, dating violence, sexual assault, and stalking and provide education and skills training to young individuals and individuals who influence young individuals. The prevention program may use evidence-based, evidence-informed, or innovative strategies and practices focused on youth. Such a program should include—

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

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

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

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

"(2) CHILDREN EXPOSED TO VIOLENCE AND ABUSE.—To develop, maintain or enhance programs designed to prevent future incidents of domestic violence, dating violence, sexual assault, and stalking by preventing, reducing and responding to children's exposure to violence in the home. Such programs may include—

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

"(B) training and coordination for educational, after-school, and childcare programs on how to safely and confidentially identify children and families experiencing domestic violence, dating violence, sexual assault, or stalking

and properly refer children exposed and their families to services and violence prevention programs.

"(3) ENGAGING MEN AS LEADERS AND ROLE MODELS.—To develop, maintain or enhance programs that work with men to prevent domestic violence, dating violence, sexual assault, and stalking by helping men to serve as role models and social influencers of other men and youth at the individual, school, community or statewide levels.

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

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

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

"(A) A public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents' Education Act of 1978, a group of schools, or a school district.

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

"(C) A community-based organization, population-specific organization, university or health care clinic, faith-based organization, or other nonprofit, nongovernmental organization.

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

"(E) Health care entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of children and youth.

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

"(d) GRANTEE REQUIREMENTS.—

"(1) IN GENERAL.—Applicants for grants under this section shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require that demonstrates the capacity of the applicant and partnering organizations to undertake the project.

"(2) POLICIES AND PROCEDURES.—Applicants under this section shall establish and implement policies, practices, and procedures that are consistent with the best practices developed under section 402 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 280b–4) and—

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

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

"(C) ensure that all individuals providing prevention programming through a program funded under this section have completed or will complete sufficient training in connection with domestic violence, dating violence, sexual assault or stalking; and

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

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

"(A) include outcome-based evaluation; and

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

"(e) DEFINITIONS AND GRANT CONDITIONS.—In this section, the definitions and grant conditions provided for in section 40002 shall apply.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2013 through 2017.

"(g) ALLOTMENT.—

"(1) IN GENERAL.—Not less than 25 percent of the total amounts appropriated under this section in each fiscal year shall be used for each set of purposes described in paragraphs (1), (2), and (3) of subsection (b).

"(2) INDIAN TRIBES.—Not less than 10 percent of the total amounts appropriated under this section in each fiscal year shall be made available for grants to Indian tribes or tribal organizations.".

(b) REPEALS.—The following provisions are repealed:

(1) Sections 41304 and 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–3 and 14043d–4).

(2) Section 403 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045c).

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

SEC. 501. CONSOLIDATION OF GRANTS TO STRENGTHEN THE HEALTH CARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) GRANTS.—Section 399P of the Public Health Service Act (42 U.S.C. 280g–4) is amended to read as follows:

"SEC. 399P. GRANTS TO STRENGTHEN THE HEALTH CARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) IN GENERAL.—The Secretary shall award grants for—

"(1) the development or enhancement and implementation of interdisciplinary training for health professionals, public health staff, and allied health professionals;

"(2) the development or enhancement and implementation of education programs for medical, nursing, dental, and other health profession students and residents to prevent and respond to domestic violence, dating violence, sexual assault, and stalking; and

"(3) the development or enhancement and implementation of comprehensive statewide strategies to improve the response of clinics, public health facilities, hospitals, and other health settings (including behavioral and mental health programs) to domestic violence, dating violence, sexual assault, and stalking.

"(b) USE OF FUNDS.—

"(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

"(A) fund interdisciplinary training and education programs under paragraphs (1) and (2) of subsection (a) that—

"(i) are designed to train medical, psychology, dental, social work, nursing, and other health profession students, interns, residents, fellows, or current health care providers to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have been victims of domestic violence, dating violence, sexual assault, or stalking; and

"(ii) plan and develop clinical training components for integration into approved internship, residency, and fellowship training or continuing medical or other health education training that address physical, mental, and behavioral health issues, including protective factors, related to domestic violence, dating violence, sexual assault, stalking, and other forms of violence and abuse, focus on reducing health disparities and preventing violence and abuse, and include the primacy of victim safety and confidentiality; and

"(B) design and implement comprehensive strategies to improve the response of the health care system to domestic or sexual violence in clinical and public health settings, hospitals, clinics, and other health settings (including behavioral and mental health), under subsection (a)(3) through—

"(i) the implementation, dissemination, and evaluation of policies and procedures to guide health professionals and public health staff in identifying and responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety, and safely uses health information technology to improve documentation, identification, assessment, treatment, and follow-up care;

"(ii) the development of on-site access to services to address the safety, medical, and mental health needs of patients by increasing the capacity of existing health care professionals and public health staff to address domestic violence, dating violence, sexual assault, and stalking, or by contracting with or hiring domestic or sexual assault advocates to provide such services or to model other services appropriate to the geographic and cultural needs of a site;

"(iii) the development of measures and methods for the evaluation of the practice of identification, intervention, and documentation regarding victims of domestic violence, dating violence, sexual assault, and stalking, including the development and testing of quality improvement measurements; and

"(iv) the provision of training and followup technical assistance to health care professionals, and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual assault, or stalking, including using tools and training materials already developed.

"(2) PERMISSIBLE USES.—

"(A) CHILD AND ELDER ABUSE.—To the extent consistent with the purpose of this section, a grantee may use amounts received under this section to address, as part of a comprehensive programmatic approach implemented under the grant, issues relating to child or elder abuse.

"(B) RURAL AREAS.—Grants funded under paragraphs (1) and (2) of subsection (a) may be used to offer to rural areas community-based training opportunities (which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas) for medical, nursing, and other health profession students and residents on domestic violence, dating violence, sexual assault, stalking, and, as appropriate, other forms of violence and abuse.

"(C) OTHER USES.—Grants funded under subsection (a)(3) may be used for—

"(i) 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 and sexual violence;

"(ii) the development, expansion, and implementation of sexual assault forensic medical examination or sexual assault nurse examiner programs;

"(iii) the inclusion of the health effects of lifetime exposure to violence and abuse as well as related protective factors and behavioral risk factors in health professional training schools, including medical, dental, nursing, social work, and mental and behavioral health curricula, and allied health service training courses; or

"(iv) the integration of knowledge of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards, and where appropriate, other allied health exams.

"(c) REQUIREMENTS FOR GRANTEES.—

"(1) CONFIDENTIALITY AND SAFETY.—

"(A) IN GENERAL.—Grantees under this section shall ensure that all programs developed with grant funds address issues of confidentiality and patient safety and comply with applicable confidentiality and nondisclosure requirements under section 40002(b)(2) of the Violence Against Women Act of 1994 and the Family Violence Prevention and Services Act, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security and confidentiality of the patients, patient records, and staff. Such grantees shall consult entities with demonstrated expertise in the confidentiality and safety needs of victims of domestic violence, dating violence, sexual assault, and stalking on the development and adequacy of confidentially and security procedures, and provide documentation of such consultation.

"(B) ADVANCE NOTICE OF INFORMATION DISCLOSURE.—Grantees under this section shall provide to patients advance notice about any circumstances under which information may be disclosed, such as mandatory reporting laws, and shall give patients the option to receive information and referrals without affirmatively disclosing abuse.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall use not more than 10 percent of the amounts received under a grant under this section for administrative expenses.

"(3) PREFERENCE.—In selecting grant recipients under this section, the Secretary shall give preference to applicants based on the strength of their evaluation strategies, with priority given to outcome-based evaluations.

"(4) APPLICATION.—

"(A) SUBSECTION (a)(1) AND (2) GRANTEES.—An entity desiring a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including—

"(i) documentation that the applicant represents a team of entities working collaboratively to strengthen the response of the health care system to domestic violence, dating violence, sexual assault, or stalking, and which includes at least one of each of—

"(I) an accredited school of allopathic or osteopathic medicine, psychology, nursing, dentistry, social work, or other health field;

"(II) a health care facility or system; or

"(III) a government or nonprofit entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault, or stalking; and

"(ii) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant, if any, with other interested health professions schools and national resource repositories for materials on domestic violence, dating violence, sexual assault, and stalking.

"(B) SUBSECTION (a)(3) GRANTEES.—An entity desiring a grant under subsection (a)(3) shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including—

"(i) documentation that all training, education, screening, assessment, services, treatment, and any other approach to patient care will be informed by an understanding of violence and abuse victimization and trauma-specific approaches that will be integrated into prevention, intervention, and treatment activities;

"(ii) strategies for the development and implementation of policies to prevent and address domestic violence, dating violence, sexual assault, and stalking over the lifespan in health care settings;

"(iii) a plan for consulting with State and tribal domestic violence or sexual assault coalitions, national nonprofit victim advocacy organizations, State or tribal law enforcement task forces (where appropriate), and population-specific organizations with demonstrated expertise in addressing domestic violence, dating violence, sexual assault, or stalking;

"(iv) with respect to an application for a grant under which the grantee will have contact with patients, a plan, developed in collaboration with local victim service providers, to respond appropriately to and make correct referrals for individuals who disclose that they are victims of domestic violence, dating violence, sexual assault, stalking, or other types of violence, and documentation provided by the grantee of an ongoing collaborative relationship with a local victim service provider; and

"(v) with respect to an application for a grant proposing to fund a program described in subsection (b)(2)(C)(ii), a certification that any sexual assault forensic medical examination and sexual assault nurse examiner programs supported with such grant funds will adhere to the guidelines set forth by the Attorney General.

"(d) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—To be eligible to receive funding under paragraph (1) or (2) of subsection (a), an entity shall be—

"(A) a nonprofit organization with a history of effective work in the field of training health professionals with an understanding of, and clinical skills pertinent to, domestic violence, dating violence, sexual assault, or stalking, and lifetime exposure to violence and abuse;

"(B) an accredited school of allopathic or osteopathic medicine, psychology, nursing, dentistry, social work, or allied health;

"(C) a health care provider membership or professional organization, or a health care system; or

"(D) a State, tribal, territorial, or local entity.

"(2) SUBSECTION (a)(3) GRANTEES.—To be eligible to receive funding under subsection (a)(3), an entity shall be—

"(A) a State department (or other division) of health, a State, tribal, or territorial domestic violence or sexual assault coalition or victim service provider, or any other nonprofit, nongovernmental organization with a history of effective work in the fields of domestic violence, dating violence, sexual assault, or stalking, and health care, including physical or mental health care; or

"(B) a local victim service provider, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other community-based organization with a history of effective work in the field of domestic violence, dating violence, sexual assault, or stalking and health care, including physical or mental health care.

"(e) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—Of the funds made available to carry out this section for any fiscal year, the Secretary may make grants or enter into contracts to provide technical assistance with respect to the planning, development, and operation of any program, activity or service carried out pursuant to this section. Not more than 8 percent of the funds appropriated under this section in each fiscal year may be used to fund technical assistance under this subsection.

"(2) AVAILABILITY OF MATERIALS.—The Secretary shall make publicly available materials developed by grantees under this section, including materials on training, best practices, and research and evaluation.

"(3) REPORTING.—The Secretary shall publish a biennial report on—

"(A) the distribution of funds under this section; and

"(B) the programs and activities supported by such funds.

"(f) RESEARCH AND EVALUATION.—

"(1) IN GENERAL.—Of the funds made available to carry out this section for any fiscal year, the Secretary may use not more than 20 percent to make a grant or enter into a contract for research and evaluation of—

"(A) grants awarded under this section; and

"(B) other training for health professionals and effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan, prevent the health effects of such violence, and improve the safety and health of individuals who are currently being victimized.

"(2) RESEARCH.—Research authorized in paragraph (1) may include—

"(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic violence, dating violence, or sexual assault on health behaviors, health conditions, and health status of individuals, families, and populations, including underserved populations;

"(B) research to determine effective health care interventions to respond to and prevent domestic violence, dating violence, sexual assault, and stalking;

"(C) research on the impact of domestic, dating, and sexual violence, childhood exposure to such violence, and stalking on the health care system, health care utilization, health care costs, and health status; and

"(D) research on the impact of adverse childhood experiences on adult experience with domestic violence, dating violence, sexual assault, stalking, and adult health outcomes, including how to reduce or prevent the impact of adverse childhood experiences through the health care setting.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2013 through 2017.

"(h) DEFINITIONS.—Except as otherwise provided in this section, the definitions in section 40002 of the Violence Against Women Act of 1994 apply to this section.".

(b) REPEALS.—The following provisions are repealed:

(1) Chapter 11 of subtitle B of the Violence Against Women Act of 1994 (relating to research on effective interventions to address violence; 42 U.S.C. 13973; as added by section 505 of Public Law 109—162 (119 Stat. 3028)) .

(2) Section 758 of the Public Health Service Act (42 U.S.C. 294h).

TITLE VI—SAFE HOMES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 601. HOUSING PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) AMENDMENT.—Subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.) is amended—

(1) by inserting after the subtitle heading the following:

"CHAPTER 1—GRANT PROGRAMS";

(2) in section 41402 (42 U.S.C. 14043e–1), in the matter preceding paragraph (1), by striking "subtitle" and inserting "chapter";

(3) in section 41403 (42 U.S.C. 14043e–2), in the matter preceding paragraph (1), by striking "subtitle" and inserting "chapter"; and

(4) by adding at the end the following:

"CHAPTER 2—HOUSING RIGHTS

"SEC. 41411. HOUSING PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) DEFINITIONS.—In this chapter:

"(1) AFFILIATED INDIVIDUAL.—The term 'affiliated individual' means, with respect to an individual—

"(A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis; or

"(B) any individual, tenant, or lawful occupant living in the household of that individual.

"(2) APPROPRIATE AGENCY.—The term 'appropriate agency' means, with respect to a covered housing program, the Executive department (as defined in section 101 of title 5, United States Code) that carries out the covered housing program.

"(3) COVERED HOUSING PROGRAM.—The term 'covered housing program' means—

"(A) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

"(B) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

"(C) the program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

"(D) each of the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);

"(E) the program under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.);

"(F) the program under paragraph (3) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)) for insurance of mortgages that bear interest at a rate determined under the proviso under paragraph (5) of such section 221(d);

"(G) the program under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

"(H) the programs under sections 6 and 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f);

"(I) rural housing assistance provided under sections 514, 515, 516, 533, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, and 1490p–2); and

"(J) the low-income housing tax credit program under section 42 of the Internal Revenue Code of 1986.

"(b) PROHIBITED BASIS FOR DENIAL OR TERMINATION OF ASSISTANCE OR EVICTION.—

"(1) IN GENERAL.—An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing program or housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

"(2) CONSTRUCTION OF LEASE TERMS.—An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as—

"(A) a serious or repeated violation of a lease for housing assisted under a covered housing program by the victim or threatened victim of such incident; or

"(B) good cause for terminating the assistance, tenancy, or occupancy rights to housing assisted under a covered housing program of the victim or threatened victim of such incident.

"(3) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—

"(A) DENIAL OF ASSISTANCE, TENANCY, AND OCCUPANCY RIGHTS PROHIBITED.—No person may deny assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

"(B) BIFURCATION.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), a public housing agency or owner or manager of housing assisted under a covered housing program may bifurcate a lease for the housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

"(ii) EFFECT OF EVICTION ON OTHER TENANTS.—If a public housing agency or owner or manager of housing assisted under a covered housing program evicts, removes, or terminates assistance to an individual under clause (i), and the individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency or owner or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.

"(C) RULES OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed—

"(i) to limit the authority of a public housing agency or owner or manager of housing assisted under a covered housing program, when notified of a court order, to comply with a court order with respect to—

"(I) the rights of access to or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or

"(II) the distribution or possession of property among members of a household in a case;

"(ii) to limit any otherwise available authority of a public housing agency or owner or manager of housing assisted under a covered housing program to evict or terminate assistance to a tenant for any violation of a lease not premised on the act of violence in question against the tenant or an affiliated person of the tenant, if the public housing agency or owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate;

"(iii) to limit the authority to terminate assistance to a tenant or evict a tenant from housing assisted under a covered housing program if a public housing agency or owner or manager of the housing can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted; or

"(iv) to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

"(c) DOCUMENTATION.—

"(1) REQUEST FOR DOCUMENTATION.—If an applicant for, or tenant of, housing assisted under a covered housing program represents to a public housing agency or owner or manager of the housing that the individual is entitled to protection under subsection (b), the public housing agency or owner or manager may request, in writing, that the applicant or tenant submit to the public housing agency or owner or manager a form of documentation described in paragraph (3).

"(2) FAILURE TO PROVIDE CERTIFICATION.—

"(A) IN GENERAL.—If an applicant or tenant does not provide the documentation requested under paragraph (1) within 14 business days after the tenant receives a request in writing for such certification from a public housing agency or owner or manager of housing assisted under a covered housing program, nothing in this chapter may be construed to limit the authority of the public housing agency or owner or manager to—

"(i) deny admission by the applicant or tenant to the covered program;

"(ii) deny assistance under the covered program to the applicant or tenant;

"(iii) terminate the participation of the applicant or tenant in the covered program; or

"(iv) evict the applicant, the tenant, or a lawful occupant that commits violations of a lease.

"(B) EXTENSION.—A public housing agency or owner or manager of housing may extend the 14-day deadline under subparagraph (A) at its discretion.

"(3) FORM OF DOCUMENTATION.—A form of documentation described in this paragraph is—

"(A) a certification form approved by the appropriate agency that—

"(i) states that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;

"(ii) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and

"(iii) includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide;

"(B) a document that—

"(i) is signed by—

"(I) an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; and

"(II) the applicant or tenant; and

"(ii) states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b);

"(C) a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or

"(D) at the discretion of a public housing agency or owner or manager of housing assisted under a covered housing program, a statement or other evidence provided by an applicant or tenant.

"(4) CONFIDENTIALITY.—Any information submitted to a public housing agency or owner or manager under this subsection, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in confidence by the public housing agency or owner or manager and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is—

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

"(B) required for use in an eviction proceeding under subsection (b); or

"(C) otherwise required by applicable law.

"(5) DOCUMENTATION NOT REQUIRED.—Nothing in this subsection shall be construed to require a public housing agency or owner or manager of housing assisted under a covered housing program to request that an individual submit

documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

"(6) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with subsection (b) by a public housing agency or owner or manager of housing assisted under a covered housing program based on documentation received under this subsection, shall not be sufficient to constitute evidence of an unreasonable act or omission by the public housing agency or owner or manager or an employee or agent of the public housing agency or owner or manager. Nothing in this paragraph shall be construed to limit the liability of a public housing agency or owner or manager of housing assisted under a covered housing program for failure to comply with subsection (b).

"(7) RESPONSE TO CONFLICTING CERTIFICATION.—If a public housing agency or owner or manager of housing assisted under a covered housing program receives documentation under this subsection that contains conflicting information, the public housing agency or owner or manager may require an applicant or tenant to submit third-party documentation, as described in subparagraph (B), (C), or (D) of paragraph (3).

"(8) PREEMPTION.—Nothing in this subsection shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.

"(d) NOTIFICATION.—

"(1) DEVELOPMENT.—The Secretary of Housing and Urban Development shall develop a notice of the rights of individuals under this section, including the right to confidentiality and the limits thereof, and include such notice in documents required by law to be provided to tenants assisted under a covered housing program.

"(2) PROVISION.—The applicable public housing agency or owner or manager of housing assisted under a covered housing program shall provide the notice developed under paragraph (1) to an applicant for or tenant of housing assisted under a covered housing program—

"(A) at the time the applicant is denied residency in a dwelling unit assisted under the covered housing program;

"(B) at the time the individual is admitted to a dwelling unit assisted under the covered housing program; and

"(C) in multiple languages, consistent with guidance issued by the Secretary of Housing and Urban Development in accordance with Executive Order 13166 (42 U.S.C. 2000d–1 note; relating to access to services for persons with limited English proficiency).

"(e) EMERGENCY RELOCATION AND TRANSFERS.—Each appropriate agency shall develop a model emergency relocation and transfer plan for voluntary use by public housing agencies and owners or managers of housing assisted under a covered housing program that—

"(1) allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to relocate or transfer to another available and safe dwelling unit assisted under a covered housing program and retain their status as tenants under the covered housing program if—

"(A) the tenant expressly requests to move;

"(B)(i) the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit assisted under a covered housing program; or

"(ii) the sexual assault, domestic violence, dating violence, or stalking occurred on the premises during the 90-day period preceding the request to move; and

"(C) the tenant has provided documentation as described in subparagraph (A), (B), (C) or (D) of subsection (c)(3) if requested by a public housing agency or owner or manager;

"(2) incorporates reasonable confidentiality measures to ensure that the public housing agency or owner or manager does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant;

"(3) describes how the appropriate agency will coordinate relocations or transfers between dwelling units assisted under a covered housing program;

"(4) takes into consideration the existing rules and regulations of the covered housing program;

"(5) is tailored to the specific type of the covered housing program based on the volume and availability of dwelling units under the control or management of the public housing agency, owner, or manager; and

"(6) provides guidance for use in situations in which it is not feasible for an individual public housing agency, owner, or manager to effectuate a transfer.

"(f) POLICIES AND PROCEDURES FOR EMERGENCY TRANSFER.—The Secretary of Housing and Urban Development shall establish policies and procedures under which a victim requesting an emergency transfer under subsection (e) may receive, subject to the availability of tenant protection vouchers for assistance under section 8(o)(16) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(16)), assistance under such section.

"(g) IMPLEMENTATION.—The appropriate agency with respect to each covered housing program shall implement this section, as this section applies to the covered housing program.".

(b) CONFORMING AMENDMENTS.—

(1) SECTION 6.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(A) in subsection (c)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(B) in subsection (l)—

(i) in paragraph (5), by striking ", and that an incident" and all that follows through "victim of such violence"; and

(ii) in paragraph (6), by striking "; except that" and all that follows through "stalking."; and

(C) by striking subsection (u).

(2) SECTION 8.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(A) in subsection (c), by striking paragraph (9);

(B) in subsection (d)(1)—

(i) in subparagraph (A), by striking "and that an applicant" and all that follows through "assistance or admission"; and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking ", and that an incident" and all that follows through "victim of such violence"; and

(II) in clause (iii), by striking ", except that:" and all that follows through "stalking.";

(C) in subsection (f)—

(i) in paragraph (6), by adding "and" at the end;

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

(iii) by striking paragraphs (8), (9), (10), and (11);

(D) in subsection (o)—

(i) in paragraph (6)(B), by striking the last sentence;

(ii) in paragraph (7)—

(I) in subparagraph (C), by striking "and that an incident" and all that follows through "victim of such violence"; and

(II) in subparagraph (D), by striking "; except that" and all that follows through "stalking."; and

(iii) by striking paragraph (20); and

(E) by striking subsection (ee).

(3) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, shall be construed—

(A) to limit the rights or remedies available to any person under section 6 or 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f), as in effect on the day before the date of enactment of this Act;

(B) to limit any right, remedy, or procedure otherwise available under any provision of part 5, 91, 880, 882, 883, 884, 886, 891, 903, 960, 966, 982, or 983 of title 24, Code of Federal Regulations, that—

(i) was issued under the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960) or an amendment made by that Act; and

(ii) provides greater protection for victims of domestic violence, dating violence, sexual assault, and stalking than this Act or the amendments made by this Act; or

(C) to disqualify an owner, manager, or other individual from participating in or receiving the benefits of the low-income housing tax credit program under section 42 of the Internal Revenue Code of 1986 because of noncompliance with the provisions of this Act or the amendments made by this Act.

SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Chapter 11 of subtitle B of the Violence Against Women Act of 1994 (42 U.S.C. 13975; as added by section 611 of Public Law 108–21 (117 Stat. 693)) is amended—

(1) in the chapter heading, by striking "**CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT**" and inserting "**VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**"; and

(2) in section 40299 (42 U.S.C. 13975)—

(A) in the header, by striking "**CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT**" and inserting "**VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**";

(B) in subsection (a)(1), by striking "fleeing";

(C) by striking subsection (f); and

(D) in subsection (g)—

(i) in paragraph (1), by striking "$40,000,000 for each of the fiscal years 2007 through 2011" and inserting "$35,000,000 for each of fiscal years 2013 through 2017"; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by striking "eligible" and inserting "qualified"; and

(II) by adding at the end the following:

"(D) QUALIFIED APPLICATION DEFINED.—In this paragraph, the term 'qualified application' means an application that—

"(i) has been submitted by an eligible applicant;

"(ii) does not propose any significant activities that may compromise victim safety;

"(iii) reflects an understanding of the dynamics of domestic violence, dating violence, sexual assault, or stalking; and

"(iv) does not propose prohibited activities, including mandatory services for victims, background checks of victims, or clinical evaluations to determine eligibility for services.".

SEC. 603. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.) is amended—

(1) in section 41404(i) (42 U.S.C. 14043e–3(i)), by striking "$10,000,000 for each of fiscal years 2007 through 2011" and inserting "$4,000,000 for each of fiscal years 2013 through 2017"; and

(2) in section 41405(g) (42 U.S.C. 14043e–4(g)), by striking "$10,000,000 for each of fiscal years 2007 through 2011" and inserting "$4,000,000 for each of fiscal years 2013 through 2017".

TITLE VII—ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Section 41501(e) of the Violence Against Women Act of 1994 (42 U.S.C. 14043f(e)) is amended by striking "fiscal years 2007 through 2011" and inserting "fiscal years 2013 through 2017".

TITLE VIII—IMMIGRATION PROVISIONS

SEC. 801. FRAUD PREVENTION INITIATIVES.

(a) CREDIBLE EVIDENCE CONSIDERED.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b) is amended by striking subparagraph (D) and inserting the following:

"(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application, including credible evidence submitted by a national of the United States or an alien lawfully admitted for permanent residence accused of the conduct described in subparagraph (A)(i).".

(b) APPLICATION OF SPECIAL RULE FOR BATTERED SPOUSE, PARENT, OR CHILD.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(iii), by inserting after subclause (II) the following:

"(III)(aa) Upon filing, each petition under this clause shall be transferred to a local office of United States Citizenship and Immigration Services and assigned to an investigative officer for adjudication and final determination of eligibility.

"(bb) During the adjudication of each petition under this paragraph, an investigative officer from a local office of United States Citizenship and Immigration Services shall conduct an in-person interview of the alien who filed the petition. The investigative officer may also gather other evidence and interview other witnesses, including the accused United States citizen or lawful permanent resident, if they consent to be interviewed.

"(cc) All interviews under this clause shall be conducted under oath and subject to applicable penalties for perjury.

"(dd) Upon the conclusion of the adjudication process under this subparagraph, the investigative officer shall issue a final written determination to approve or deny the petition. The investigative officer shall not approve the petition unless the officer finds, in writing and with particularity, that all requirements under this paragraph, including proof that the alien is a victim of the conduct described in clause (iii)(I)(bb), have been proven by clear and convincing evidence.

"(IV) During the adjudication of a petition under this clause—

"(aa) the petition shall not be granted unless the petition is supported by clear and convincing evidence; and

"(bb) all credible evidence submitted by an accused national of the United States or alien lawfully admitted for permanent residence shall be considered.

"(V)(aa) During the adjudication of a petition under this paragraph, the investigative officer at the local office of United States Citizenship and Immigration Services shall determine whether any Federal, State, territorial, tribal, or local law enforcement agency has undertaken an investigation or prosecution of the abusive conduct alleged by the petitioning alien.

"(bb) If an investigation or prosecution was commenced, the investigative officer shall—

"(AA) obtain as much information as possible about the investigation or prosecution; and

"(BB) consider that information as part of the adjudication of the petition.

"(cc) If an investigation or prosecution is pending, the adjudication of the petition shall be stayed pending the conclusion of the investigation or prosecution. If no investigation has been undertaken or if a prosecutor's office has not commenced a prosecution after the matter was referred to it, that fact shall be considered by the investigative officer as part of the adjudication of the petition.

"(VI)(aa) If an investigative officer makes a written finding that the petitioning alien made a material misrepresentation on a petition, during an interview, or during any other aspect of the adjudication—

"(AA) the alien's petition shall be denied and the alien shall be removed from the country on an expedited basis;

"(BB) the alien shall be permanently ineligible for any lawful immigration status or benefits;

"(CC) any public assistance or other public benefits received by the alien or the alien's beneficiaries shall be immediately discontinued; and

"(DD) the alien and the alien's beneficiaries shall not be eligible for any programs or initiatives undertaken by the Department of Homeland Security or any other agency or department to delay or exempt removal, including deferred action.

"(bb) Upon receiving any evidence of any material misrepresentation on a petition, during an interview, or during any other aspect of the adjudication, the appropriate officer of United States Citizenship and Immigration Services and the Secretary of Homeland Security shall—

"(AA) deny the petition and process the alien for expedited removal, pursuant to item (aa)(AA); and

"(BB) refer the matter and all evidence to the Federal Bureau of Investigation for a criminal investigation.

"(VII) If a petition filed under this paragraph is denied, any obligations under an underlying affidavit of support previously filed by the accused national of the United States or alien lawfully admitted for permanent residence shall be terminated.";

(2) in subparagraph (A)(iv), by adding at the end the following: "The petition shall be adjudicated according to the procedures that apply to self-petitioners under clause (iii).";

(3) in subparagraph (A)(vii), by adding at the end the following: "The petition shall be adjudicated according to the procedures that apply to self-petitioners under clause (iii).";

(4) in subparagraph (B)(ii), by inserting after subclause (II) the following:

"(III)(aa) Upon filing, each petition under this clause shall be transferred to a local office of United States Citizenship and Immigration Services and assigned to an investigative officer for adjudication and final determination of eligibility.

"(bb) During the adjudication of each petition under this paragraph, an investigative officer from a local office of United States Citizenship and Immigration Services shall conduct an in-person interview of the alien who filed the petition. The investigative officer may also gather other evidence and interview other witnesses, including the accused United States citizen or lawful permanent resident, if they consent to be interviewed.

"(cc) All interviews under this clause shall be conducted under oath and subject to applicable penalties for perjury.

"(dd) Upon the conclusion of the adjudication process under this subparagraph, the investigative officer shall issue a final written determination to approve or deny the petition. The investigative officer shall not approve the petition unless the officer finds, in writing and with particularity, that all requirements under this paragraph, including proof that the alien is a victim of the conduct described in clause (ii)(I)(bb), have been proven by clear and convincing evidence.

"(IV) During the adjudication of a petition under this clause—

"(aa) the petition shall not be granted unless the petition is supported by clear and convincing evidence; and

"(bb) all credible evidence submitted by an accused national of the United States or alien lawfully admitted for permanent residence shall be considered.

"(V)(aa) During the adjudication of a petition under this clause, the investigative officer at the local office of United States Citizenship and Immigration Services shall determine whether any Federal, State, territorial, tribal, or local law enforcement agency has undertaken an investigation or prosecution of the abusive conduct alleged by the petitioning alien.

"(bb) If an investigation or prosecution was commenced, the investigative officer shall—

"(AA) obtain as much information as possible about the investigation or prosecution; and

"(BB) consider that information as part of the adjudication of the petition.

"(cc) If an investigation or prosecution is pending, the adjudication of the petition shall be stayed pending the conclusion of the investigation or prosecution. If no investigation has been undertaken or if a prosecutor's office has not commenced a prosecution after the matter was referred to it, that fact shall be considered by the investigative officer as part of the adjudication of the petition.

"(VI)(aa) If an investigative officer makes a written finding that the petitioning alien made a material misrepresentation on a petition, during an interview, or during any other aspect of the adjudication—

"(AA) the alien's petition shall be denied and the alien shall be removed from the country on an expedited basis;

"(BB) the alien shall be permanently ineligible for any lawful immigration status or benefits;

"(CC) any public assistance or other public benefits received by the alien or the alien's beneficiaries shall be immediately discontinued; and

"(DD) the alien and the alien's beneficiaries shall not be eligible for any programs or initiatives undertaken by the Department of Homeland Security or any other agency or department to delay or exempt removal, including deferred action.

"(bb) Upon receiving any evidence of any material misrepresentation on a petition, during an interview, or during any other aspect of the adjudication, the appropriate officer of United States Citizenship and Immigration Services and the Secretary of Homeland Security shall—

"(AA) deny the petition and process the alien for expedited removal, pursuant to subclause (VI)(aa)(AA); and

"(BB) refer the matter and all evidence to the Federal Bureau of Investigation for a criminal investigation.

"(VII) If a petition filed under this clause is denied, any obligations under an underlying affidavit of support previously filed by the accused national of the United States or alien lawfully admitted for permanent residence shall be terminated."; and

(5) in subparagraph (B)(iii), by adding at the end the following: "The petition shall be adjudicated according to the procedures that apply to self-petitioners under clause (ii).".

SEC. 802. CLARIFICATION OF THE REQUIREMENTS APPLICABLE TO U VISAS.

Section 214(p)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(p)(1)) is amended as follows:

(1) By striking "The petition" and inserting the following:

"(A) IN GENERAL.—The petition".

(2) By adding at the end the following:

"(B) CERTIFICATION REQUIREMENTS.—Each certification submitted under subparagraph (A) shall confirm under oath that—

"(i) the criminal activity is actively under investigation or a prosecution has been commenced; and

"(ii) the petitioner has provided to law enforcement information that will assist in identifying the perpetrator of the criminal activity or the perpetrator's identity is known.

"(C) REQUIREMENT FOR CERTIFICATION.—No application for a visa under section 101(a)(15)(U) may be granted unless accompanied by the certification as described in this paragraph.".

SEC. 803. PROTECTIONS FOR A FIANCÉE OR FIANCÉ OF A CITIZEN.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "crime." and inserting "crime described in paragraph (3)(B) and information on any permanent protection or restraining order issued against the petitioner related to any specified crime described in paragraph (3)(B)(i).."; and

(B) in paragraph (3)(B)(i), by striking "abuse, and stalking." and inserting "abuse, stalking, or an attempt to commit any such crime."; and

(2) in subsection (r)—

(A) in paragraph (1), by striking "crime." and inserting "crime described in paragraph (5)(B) and information on any permanent protection or restraining order issued against the petitioner related to any specified crime described in subsection (5)(B)(i).."; and

(B) in paragraph (5)(B)(i), by striking "abuse, and stalking." and inserting "abuse, stalking, or an attempt to commit any such crime.".

(b) PROVISION OF INFORMATION TO K NONIMMIGRANTS.—Section 833 of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a) is amended in subsection (b)(1)(A), by striking "or" after "orders" and inserting "and".

SEC. 804. REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) IMPLEMENTATION OF THE INTERNATIONAL MARRIAGE BROKER ACT OF 2005.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report that includes the name of the component of the Department of Justice responsible for prosecuting violations of the International Marriage Broker Act of 2005 (subtitle D of Public Law 109–162; 119 Stat. 3066) and the amendments made by this title.

(b) REGULATION OF INTERNATIONAL MARRIAGE BROKERS.—Section 833(d) of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a(d)) is amended as follows:

(1) By amending paragraph (1) to read as follows:

"(1) PROHIBITION ON MARKETING OF OR TO CHILDREN.—

"(A) IN GENERAL.—An international marriage broker shall not provide any individual or entity with personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

"(B) COMPLIANCE.—To comply with the requirements of subparagraph (A), an international marriage broker shall—

"(i) obtain a valid copy of each foreign national client's birth certificate or other proof of age document issued by an appropriate government entity;

"(ii) indicate on such certificate or document the date it was received by the international marriage broker;

"(iii) retain the original of such certificate or document for 5 years after such date of receipt; and

"(iv) produce such certificate or document upon request to an appropriate authority charged with the enforcement of this paragraph.".

(2) In paragraph (2)(B)(ii), by striking "or stalking." and inserting "stalking, or an attempt to commit any such crime.".

SEC. 805. GAO REPORT.

(a) REQUIREMENT FOR REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the adjudication of petitions and applications under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) and the self-petitioning process for VAWA self-petitioners (as that term is defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)).

(b) CONTENTS.—The report required by subsection (a) shall—

(1) assess the efficiency and reliability of the process for reviewing such petitions and applications, including whether the process includes adequate safeguards against fraud and abuse; and

(2) identify possible improvements to the adjudications of petitions and applications in order to reduce fraud and abuse.

SEC. 806. TEMPORARY NATURE OF U VISA STATUS.

(a) IN GENERAL.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by striking subsection (m).

(b) DURATION OF NONIMMIGRANT STATUS.—Section 214(p)(6) of such Act (8 U.S.C. 1184(p)(6)) is amended by striking "Such alien's nonimmigrant status shall be extended beyond the 4-year period authorized under this section if the alien is eligible for relief under section 245(m) and is unable to obtain such relief because regulations have not been issued to implement such section and shall be extended during the pendency of an application for adjustment of status under section 245(m).".

(c) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—Section 204(l)(2)(E) of such Act (8 U.S.C. 1154(l)(2)(E)) is amended by striking "or in 'U' nonimmigrant status as described in section 101(a)(15)(U)(ii);" and inserting a semicolon.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for adjustment of status submitted on or after the date of the enactment of this Act, and to previously filed applications that are pending on the date of enactment of this Act.

SEC. 807. ANNUAL REPORT ON IMMIGRATION APPLICATIONS MADE BY VICTIMS OF ABUSE.

Not later than December 1, 2012, and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes the following:

(1) The number of aliens who—

(A) submitted an application for nonimmigrant status under paragraph (15)(T)(i), (15)(U)(i), or (51) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) during the preceding fiscal year;

(B) were granted such nonimmigrant status during such fiscal year; or

(C) were denied such nonimmigrant status during such fiscal year.

(2) The mean amount of time and median amount of time to adjudicate an application for such nonimmigrant status during such fiscal year.

(3) The mean amount of time and median amount of time between the receipt of an application for such nonimmigrant status and the issuance of work authorization to an eligible applicant during the preceding fiscal year.

(4) The number of aliens granted continued presence in the United States under section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(3)) during the preceding fiscal year.

(5) A description of any actions being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing, of an application described in paragraph (1) or a request for continued presence referred to in paragraph (4).

(6) The actions being taken to combat fraud and to ensure program integrity.

(7) Each type of criminal activity by reason of which an alien received nonimmigrant status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(U)) during the preceding fiscal year and the number of occurrences of that criminal activity that resulted in such aliens receiving such status.

SEC. 808. PROTECTION FOR CHILDREN OF VAWA SELF-PETITIONERS.

Section 204(l)(2) of the Immigration and Nationality Act (8 U.S.C. 1154(l)(2)) is amended—

(1) in subparagraph (E), by striking "or" at the end;

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

(3) by inserting after subparagraph (E) the following:

"(F) a child of an alien who filed a pending or approved petition for classification or application for adjustment of status or other benefit specified in section 101(a)(51) as a VAWA self-petitioner; or".

SEC. 809. PUBLIC CHARGE.

Section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following:

"(E) SPECIAL RULE FOR QUALIFIED ALIEN VICTIMS.—Subparagraphs (A), (B), and (C) shall not apply to an alien who—

"(i) is a VAWA self-petitioner;

"(ii) is an applicant for, or is granted, nonimmigrant status under section 101(a)(15)(U); or

"(iii) is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)).".

SEC. 810. AGE-OUT PROTECTION FOR U VISA APPLICANTS.

Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

"(7) AGE DETERMINATIONS.—

"(A) CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(U)(i), and who was under 21 years of age on the date on which such parent petitioned for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(U)(ii), if the alien attains 21 years of age after such parent's petition was filed but while it was pending.

"(B) PRINCIPAL ALIENS.—An alien described in clause (i) of section 101(a)(15)(U) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien's application for status under such clause (i) is filed but while it is pending.".

SEC. 811. HARDSHIP WAIVERS.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended—

(1) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(2) in subparagraph (B), by striking "(1), or" and inserting "(1); or";

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon and "or"; and

(4) by inserting after subparagraph (C) the following:

"(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony was battered by or subject to extreme cruelty perpetrated by the alien's intended spouse and was not at fault in failing to meet the requirements of paragraph (1).".

(b) TECHNICAL CORRECTIONS.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)), as amended by subsection (a), is further amended—

(1) in the matter preceding subparagraph (A), by striking "The Attorney General, in the Attorney General's" and inserting "The Secretary of Homeland Security, in the Secretary's"; and

(2) in the undesignated paragraph at the end—

(A) in the first sentence, by striking "Attorney General" and inserting "Secretary of Homeland Security";

(B) in the second sentence, by striking "Attorney General" and inserting "Secretary";

(C) in the third sentence, by striking "Attorney General." and inserting "Secretary."; and

(D) in the fourth sentence, by striking "Attorney General" and inserting "Secretary".

SEC. 812. DISCLOSURE OF INFORMATION FOR NATIONAL SECURITY PURPOSE.

(a) INFORMATION SHARING.—Section 384(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(b)) is amended—

(1) in paragraph (1)—

(A) by inserting "Secretary of Homeland Security or the" before "Attorney General may"; and

(B) by inserting "Secretary's or the" before "Attorney General's discretion";

(2) in paragraph (2)—

(A) by inserting "Secretary of Homeland Security or the" before "Attorney General may";

(B) by inserting "Secretary or the" before "Attorney General for"; and

(C) by inserting "in a manner that protects the confidentiality of such information" after "law enforcement purpose";

(3) in paragraph (5), by striking "Attorney General is" and inserting "Secretary of Homeland Security and the Attorney General are"; and

(4) by adding at the end a new paragraph as follows:

"(8) Notwithstanding subsection (a)(2), the Secretary of Homeland Security, the Secretary of State, or the Attorney General may provide in the discretion of either such Secretary or the Attorney General for the disclosure of information to national security officials to be used solely for a national security purpose in a manner that protects the confidentiality of such information.".

(b) GUIDELINES.—Subsection (d) (as added by section 817(4) of the Violence Against Women and Department of Justice Reauthorization Act of 2005) of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(d)) is amended by inserting "and severe forms of trafficking in persons or criminal activity listed in section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(u))" after "domestic violence".

(c) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Attorney General and Secretary of Homeland Security shall provide the guidance required by section 384(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(d)), consistent with the amendments made by subsections (a) and (b).

(d) CLERICAL AMENDMENT.—Section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking "241(a)(2)" in the matter following subparagraph (F) and inserting "237(a)(2)".

SEC. 813. GAO REPORT ON REQUIREMENTS TO COOPERATE WITH LAW ENFORCEMENT OFFICIALS.

(a) REQUIREMENT FOR REPORT.—Not later than three years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the adjudication of petitions and applications under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).

(b) CONTENTS.—The report required by subsection (a) shall—

(1) assess the effectiveness of the requirements set out in Section 802 of this Act in ensuring that potential U visa recipients aid in the investigation, apprehension, and prosecution of criminals;

(2) determine the effect of the requirements set out in Section 802 of this Act, on the number of U visas issued annually; and

(3) determine the effect of the requirements set out in Section 802 of this Act, on the number of individuals seeking U visas.

SEC. 814. CONSIDERATION OF OTHER EVIDENCE.

Section 237(a)(2)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)(i)) is amended by adding at the end the following: "If the conviction

records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider any other evidence that the Attorney General determines to be reliable in making this determination, including sentencing reports and police reports.".

TITLE IX—SAFETY FOR INDIAN WOMEN

SEC. 901. 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 striking "and stalking" and all that follows and inserting "sexual assault, sex trafficking, and stalking;";

(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, or stalking, including support for the nonabusing 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. 902. GRANTS TO INDIAN TRIBAL COALITIONS.

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

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) developing and promoting State, local, or tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking."; and

(2) in paragraph (2)(B), by striking "individuals or".

SEC. 903. 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 Violence Against Women Reauthorization Act of 2012" before the period at the end;

(2) in subsection (b)—

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

(B) in paragraph (2), by striking "and stalking" and inserting "stalking, and sex trafficking"; and

(3) by adding at the end the following:

"(c) ANNUAL REPORT.—The Attorney General shall submit to Congress an annual report on the annual consultations required under subsection (a) that—

"(1) contains the recommendations made under subsection (b) by Indian tribes during the year covered by the report;

"(2) describes actions taken during the year covered by the report to respond to recommendations made under subsection (b) during the year or a previous year; and

"(3) describes how the Attorney General will work in coordination and collaboration with Indian tribes, the Secretary of Health and Human Services, and the Secretary of the Interior to address the recommendations made under subsection (b).

"(d) 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. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) IN GENERAL.—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 Violence Against Women Reauthorization Act of 2012, the National"; and

(B) by inserting "and in Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))" 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 Violence Against Women Reauthorization Act of 2012"; 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 2013 and 2014".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 905(b)(2) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note) is amended by striking "fiscal years 2007 through 2011" and inserting "fiscal years 2013 through 2017".

SEC. 905. ASSISTANT UNITED STATES ATTORNEY DOMESTIC VIOLENCE TRIBAL LIAISONS.

(a) APPOINTMENT.—The Attorney General is authorized and encouraged to appoint the Assistant United States Attorney Tribal Liaison appointed in each judicial district that includes Indian country to also serve as a domestic violence tribal liaison.

(b) DUTIES.—The duties of a domestic violence tribal liaison appointed under this section shall include the following:

(1) Encouraging and assisting in arrests and Federal prosecution for crimes, including misdemeanor crimes, of domestic violence, dating violence, sexual assault, and stalking that occur in Indian country.

(2) Conducting training sessions for tribal law enforcement officers and other individuals and entities responsible for responding to crimes in Indian country to ensure that such officers, individuals, and entities understand their arrest authority over non-Indian offenders.

(3) Developing multidisciplinary teams to combat domestic and sexual violence offenses against Indians by non-Indians.

(4) Consulting and coordinating with tribal justice officials and victims' advocates to address any backlog in the prosecution of crimes, including misdemeanor crimes, of domestic violence, dating violence, sexual assault, and stalking that occur in Indian country.

(5) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims' advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

(c) INDIAN COUNTRY.—In this section, the term "Indian country" has the meaning given such term in section 1151 of title 18.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE X—CRIMINAL PROVISIONS

SEC. 1001. CRIMINAL PROVISIONS RELATING TO SEXUAL ABUSE.

(a) SEXUAL ABUSE OF A MINOR OR WARD.—Section 2243(b) of title 18, United States Code, is amended to read as follows:

"(b) OF A WARD.—

"(1) OFFENSES.—It shall be unlawful for any person to knowingly engage, or knowingly attempt to engage, in a sexual act with another person who is—

"(A) in official detention or supervised by, or otherwise under the control of, the United States—

"(i) during arrest;

"(ii) during pretrial release;

"(iii) while in official detention or custody; or

"(iv) while on probation, supervised release, or parole;

"(B) under the professional custodial, supervisory, or disciplinary control or authority of the person engaging or attempting to engage in the sexual act; and

"(C) at the time of the sexual act—

"(i) in the special maritime and territorial jurisdiction of the United States;

"(ii) in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of, or pursuant to a contract or agreement with, the United States; or

"(iii) under supervision or other control by the United States, or by direction of, or pursuant to a contract or agreement with, the United States.

"(2) PENALTIES.—Whoever violates paragraph (1)(A) shall—

"(A) be fined under this title, imprisoned for not more than 15 years, or both; and

"(B) if, in the course of committing the violation of paragraph (1), the person engages in conduct that would constitute an offense under section 2241 or 2242 if committed in the special maritime and territorial jurisdiction of the United States, be subject to the penalties provided for under section 2241 or 2242, respectively.".

(b) PENALTIES FOR SEXUAL ABUSE.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 250. Penalties for sexual abuse

"(a) OFFENSE.—It shall be unlawful for any person, in the course of committing an offense under this chapter or under section 901 of the Fair Housing Act (42 U.S.C. 3631) to engage in conduct that would constitute an offense under chapter 109A if committed in the special maritime and territorial jurisdiction of the United States.

"(b) PENALTIES.—A person that violates subsection (a) shall be subject to the penalties under the provision of chapter 109A that would have been violated if the conduct was committed in the special maritime and territorial jurisdiction of the United States, unless a greater penalty is otherwise authorized by law.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"250. Penalties for sexual abuse.".

SEC. 1002. SEXUAL ABUSE IN CUSTODIAL SETTINGS.

(a) SUITS BY PRISONERS.—Section 7(e) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(e)) is amended by inserting before the period at the end the following: "or the commission of a sexual act (as defined in section 2246 of title 18, United States Code)".

(b) UNITED STATES AS DEFENDANT.—Section 1346(b)(2) of title 28, United States Code, is amended by inserting before the period at the end the following: "or the commission of a sexual act (as defined in section 2246 of title 18)".

(c) ADOPTION AND EFFECT OF NATIONAL STANDARDS.—Section 8 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c) APPLICABILITY TO DETENTION FACILITIES OPERATED BY THE DEPARTMENT OF HOMELAND SECURITY.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Reauthorization Act of 2012, the Secretary of Home-

land Security shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of aliens detained for a violation of the immigrations laws of the United States.

"(2) APPLICABILITY.—The standards adopted under paragraph (1) shall apply to detention facilities operated by the Department of Homeland Security and to detention facilities operated under contract with, or pursuant to an intergovernmental service agreement with, the Department.

"(3) COMPLIANCE.—The Secretary of Homeland Security shall—

"(A) assess compliance with the standards adopted under paragraph (1) on a regular basis; and

"(B) include the results of the assessments in performance evaluations of facilities completed by the Department of Homeland Security.

"(4) CONSIDERATIONS.—In adopting standards under paragraph (1), the Secretary of Homeland Security shall give due consideration to the recommended national standards provided by the Commission under section 7(e).

"(d) APPLICABILITY TO CUSTODIAL FACILITIES OPERATED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Reauthorization Act of 2012, the Secretary of Health and Human Services shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).

"(2) APPLICABILITY.—The standards adopted under paragraph (1) shall apply to facilities operated by the Department of Health and Human Services and to facilities operated under contract with the Department.

"(3) COMPLIANCE.—The Secretary of Health and Human Services shall—

"(A) assess compliance with the standards adopted under paragraph (1) on a regular basis; and

"(B) include the results of the assessments in performance evaluations of facilities completed by the Department of Health and Human Services.

"(4) CONSIDERATIONS.—In adopting standards under paragraph (1), the Secretary of Health and Human Services shall give due consideration to the recommended national standards provided by the Commission under section 7(e).".

SEC. 1003. CRIMINAL PROVISION RELATING TO STALKING, INCLUDING CYBERSTALKING.

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

"SEC. 2261A. STALKING.

"(a) Whoever uses the mail, any interactive computer service, or any facility of interstate or foreign commerce to engage in a course of conduct or 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, or intimidate another person, or place another person under surveillance with the intent to kill, injure, harass, or intimidate such person and in the course of, or as a result of, such travel or course of conduct—

"(1) places that person in reasonable fear of the death of, or serious bodily injury to such person, a member of their immediate family (as defined in section 115), or their spouse or intimate partner; or

"(2) causes or attempts to cause serious bodily injury or serious emotional distress to such person, a member of their immediate family (as defined in section 115), or their spouse or intimate partner;

shall be punished as provided in subsection (b).

"(b) The punishment for an offense under this section is the same as that for an offense under section 2261, except that if—

"(1) the offense involves conduct in violation of a protection order; or

"(2) the victim of the offense is under the age of 18 years or over the age of 65 years, the offender has reached the age of 18 years at the time the offense was committed, and the offender knew or should have known that the victim was under the age of 18 years or over the age of 65 years;

the maximum term of imprisonment that may be imposed is increased by 5 years over the term of imprisonment otherwise provided for that offense in section 2261".

(b) CLERICAL AMENDMENT.—The item relating to section 2261A in the table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

"2261A. Stalking.".

SEC. 1004. AMENDMENTS TO THE FEDERAL ASSAULT STATUTE.

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

(1) in subsection (a)—

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

"(1) Assault with intent to commit murder or a violation of section 2241 or 2242, by a fine under this title, imprisonment for not more than 20 years, or both.";

(B) in paragraph (2), by striking "felony under chapter 109A" and inserting "violation of section 2241 or 2242";

(C) in paragraph (3), by striking "and without just cause or excuse,";

(D) in paragraph (4), by striking "six months" and inserting "1 year";

(E) in paragraph (5), by striking "1 year" and inserting "5 years";

(F) in paragraph (7)—

(i) 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"; and

(ii) by striking "fine" and inserting "a fine"; and

(G) 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."; and

(2) in subsection (b)—

(A) by striking "(b) As used in this subsection—" and inserting the following:

"(b) In this section—";

(B) in paragraph (1)(B), by striking "and" at the end;

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

(D) 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 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 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.".

(b) 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. 1005. MANDATORY MINIMUM SENTENCE.

Section 2241 of title 18, United States Code, is amended—

(1) in subsection (a), in the undesignated matter following paragraph (2), by striking "any term of years or life" and inserting "not less than 10 years or imprisoned for life"; and

(2) in subsection (b), in the undesignated matter following paragraph (2), by striking "any term of years or life" and inserting "not less than 5 years or imprisoned for life".

Purpose and Summary

H.R. 4970 reauthorizes the Violence Against Women Act (VAWA) grant programs administered by the Department of Justice and the Department of Health and Human Services for fiscal years 2013 through 2017. VAWA established essential programs that support efforts to prevent and prosecute the crimes of domestic violence, dating violence, sexual assault and stalking, and to provide assistance and services to the victims of these crimes. Over the years, its reach has been expanded to help both the young and the elderly. VAWA's programs support the work of victim advocates, attorneys, counselors, law enforcement personnel, prosecutors, health care providers, and emergency shelters.

Background and Need for the Legislation

DOJ AND HHS GRANT PROGRAMS

VAWA was enacted as Title IV of the Violent Crime Control and Law Enforcement Act (P.L. 103–322) in 1994. VAWA addresses violence against women by establishing within the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) a number of grant programs for state, local and Indian tribal governments. Among other provisions, the Act encourages collaboration among law enforcement, judicial personnel, and public and private sector providers to victims of domestic and sexual violence. It also addresses the needs of victims of domestic and sexual violence who are elderly, disabled, children, youth, and individuals of ethnic and racial communities, including Native Americans. Congress has reauthorized the VAWA grant programs twice in 2000 and 2006. The VAWA grant programs authorized in 2006 expired at the end of FY 2011.

The Office on Violence Against Women (OVW) was created in 1995 to provide financial and technical assistance to communities in order to develop programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault, and stalking.

In 2002, Congress established OVW as a separate office within DOJ. The goals of OVW are to provide Federal leadership in developing the nation's capacity to reduce violence against women; and to administer justice for and strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking. Since its creation in 1995, OVW has awarded over $4.7 billion in grants and cooperative agreements. According to the OVW, in 2011, the office awarded 832 grants totaling over $453 million.

DOJ received $412.5 million in appropriations for Fiscal Year 2012 for its VAWA grant programs.[1] OVW administers three formula-based and 14 discretionary grant programs. The Services, Training, Officers, Prosecutors (STOP) Grant Program, the largest formula grant program authorized by VAWA, provides funds for effective law enforcement and prosecution strategies to address violent crimes against women, and the development and improvement of advocacy and services in cases involving violent crimes against women. The Sexual Assault Victims Services Program or SASP provides intervention and support services to victims of sexual assault. The State Coalitions Grant Program, a subset of the SASP program, provides support to rape crisis centers and other victim services.

VAWA includes a number of discretionary grant programs to support victims and hold perpetrators accountable through promoting a coordinated community response. Funding is provided to local, state and tribal governments, courts, non-profit organizations, community-based organizations, institutes of higher education, and state and tribal coalitions in support of direct services,

[1] In FY 2009, FY 2010, and FY 2011, OVW was allocated management and administration funding through a separate Department of Justice Salaries and Expense Appropriation. M&A expenses include staff salaries and benefits, travel and training expenses, space, telecommunications and other necessary expenses to support the mission of OVW. In FY 2012, OVW's management and administration (M&A) expenses are not expressly provided for in the Appropriations Act; the joint explanatory statement noted that M&A should be supported with program funding. As part of their 2013 Budget Justification, OVW reported that $18,186,000 were allocated for M&A in FY 2012.

crisis intervention, transitional housing, legal assistance to victims, court improvement, and training for law enforcement and courts. These entities also work with specific populations, such as elder victims, persons with disabilities, college students, teens, and culturally-specific populations.

HHS received $187.3 million for Fiscal Year 2012 for its grant programs established under VAWA, the majority of which are allocated for Domestic Violence Shelters and the Family Violence Prevention and Services Act (FVPSA).[2] HHS grants also provide support for the National Domestic Violence Hotline and a number of Centers for Disease Control programs to address domestic violence and rape prevention.

H.R. 4970 reauthorizes these important programs for 5 years. The funding levels mirror those contained in companion legislation, S. 1925, approved by the Senate on April 26, 2012. H.R. 4970 incorporates the vast majority of the program reforms and improvements contained in S. 1925 including consolidation of a number of court-training, youth-targeted, and health-related programs and streamlined grant application procedures.

H.R. 4970 provides additional resources for sexual assault investigations, prosecutions, and victim services to bring those resources in proportion with victimization rate. The bill provides a 20 percent set-aside for sexual assault programs funded under the STOP program and a 25 percent set-aside for sexual assault programs funded under the discretionary Arrest program. The bill increases sexual assault prevention and education funding for territories and the District of Columbia through improved formulas for the SASP and Rape Prevention and Education (RPE) programs. The bill also requires that 75% of funding under the DNA Analysis Backlog Elimination Act of 2000 is dedicated to testing rape kits to reduce the backlog. Under current law, only 40% of funding is used to actually test these kits.

H.R. 4970 improves emergency and transitional housing services for victims. In certain cases, it is important for victims of domestic violence to be transferred or relocated for their protection. VAWA housing provisions cover a wide variety of housing programs, administered by multiple agencies with widely different requirements. Properties owned by the private sector are generally separate legal entities (e.g. Section 8 project-based assisted housing and Low Income Housing Tax Credit properties). Even where the same person or business enterprise is a partner in two properties, they are considered separate properties.

Private owners and managers are not able to transfer residents between properties, and are not in a position to assist individuals in making alternative housing choices. Public Housing authorities, however, generally operate multiple properties and can move tenants fairly easily from one property to another. For Section 8 voucher recipients, the portability feature of the program already permits the voucher holder to move on their own.

S. 1925 requires the housing provider to assume responsibility for these transfers for victims of domestic violence. This is simply

[2] The Family Violence Prevention and Services Act (FVPSA), first authorized in 1984, is the only Federal funding source dedicated directly to domestic violence shelters and programs. FVPSA expired in 2008. In 2010, Congress passed a bill to reauthorize FVPSA as part of the Child Abuse Prevention and Treatment Act (CAPTA) reauthorization through fiscal year 2015.

not workable or realistic in all types of housing programs. It is burdensome for the owners, who may not even have the authority to assume this responsibility. H.R. 4970 makes this provision *voluntary* rather than mandatory.

Opponents of H.R. 4970 criticize its omission of specific language referencing the Lesbian, Gay, Bisexual and Transgender (LGBT) community. Adding "gender identity" and "sexual orientation" as a factor for VAWA grants is a significant change in focus from current law. There is nothing in current law or H.R. 4970 that prevents LGBT victims of domestic violence from receiving federally-funded resources. There is little data to support providing protected status to the LGBT community. The study relied upon by our colleagues in the Senate, admittedly the first of its kind, had less than a 7% response rate. Of those that did respond, their chief complaint was the lack of data collection on LGBT victims. If a study whose respondents' chief complaint is that more information is needed, then more research should be conducted before Congress legislates a solution in search of a problem. LGBT individuals experience domestic violence at the same rate as heterosexual individuals. If the rate of violence is the same, then the availability of funding for services to victims should be the same, and that's what this bill does.

GRANT ADMINISTRATION AND ACCOUNTABILITY

Audits of DOJ-administered VAWA grants in recent years identified instances of waste, abuse and fraudulent use of grant funds. The DOJ Inspector General (IG) has frequently questioned OVW grantees' use of sizeable portions of the grants they received.

Between 2005 and 2011, the DOJ IG conducted at least 26 audits of OVW grant recipients. The audit reports detail a series of violations of grant requirements ranging from very significant amounts of unsupported or unallowable expenditures, to sloppy or non-existent required record keeping and failure to file reports accurately and in a timely manner.

Some specific examples of the DOJ IG's more recent and significant findings touching upon many of OVW's grant programs include:

- An August 2011 audit of the Boston, Massachusetts-based Jane Doe, Inc., also known as the Massachusetts Coalition Against Sexual Assault and Domestic Violence, which received four OVW grants. The mission of Jane Doe is to bring together organizations and people committed to ending domestic violence and sexual assault. The goals of the four Federal grant-funded programs were to: develop and operate a computer system to track domestic violence and sexual assault incidents within Massachusetts; produce a newsletter and administer a website to increase Jane Doe's state-wide voice; conduct training via the Jane Doe Training Institute; coordinate training for police officers and prosecutors; and hire and retain staff to stimulate economic recovery. The IG audit concluded that Jane Doe had engaged in: unsupported and unallowable personnel expenditures; unallowable or unreasonable non-personnel grant expenditures; and ineffective contractor monitoring. The IG questioned as unallowable or

unsupportable $638,000 in grant expenditures, or about 47% of the $1,341,000 awarded.

- A July 2010 audit of the Wilmington, Delaware-based Community Legal Aid Society, Inc. (CLASI), which received a grant (and two supplements) pursuant to the Legal Assistance for Victims Grant Program. The purpose of the grant was to provide legal services to victims of domestic violence, sexual assault, and/or stalking. The IG found that nearly $830,000 of the $890,000 grant received by CLASI constituted either unsupported or unallowable expenditures.[3]
- A March 2009 audit of a grant awarded to Asotin County, Washington to fund the efforts of Asotin's Coordinated Community Response Task Force to review mandatory arrest policies and ensure best practices are utilized by law enforcement in the pro-active investigation of domestic violence occurrences and the violation of protective orders. The grant was administered by the Asotin County Sheriff's Office. The IG questioned as unsupportable or unallowable expenditures $477,000 of the $681,000 grant received by Asotin County.[4]
- An April 2010 audit of 16 DOJ grants and cooperative agreements[5] made to the National District Attorneys Association (NDAA). Of the 16 grants, totaling over $16.3 million, 13 were made by various offices within OJP, and three totaling over $4.75 million were made by OVW. The audit found that the NDAA did not meet important DOJ grant reporting, expenditure tracking and cost allocation requirements. The audit report also found that the NDAA submitted inaccurate financial status reports to OJP and OVW. Further, the NDAA did not follow standard accounting practices and did not maintain adequate internal controls to ensure compliance with grant requirements. With respect to the three OVW grants, the IG found over $998,000 in questionable or unallowable expenditures.[6]

Since 2005, the Government Accountability Office (GAO) has issued five reports related to DOJ grant program management and oversight, often recommending the need for improvements, accountability and simplification and streamlining of processes. A sixth GAO report will be available in June 2012. The GAO found in FY10 that DOJ offered 56 different grant programs in the area of victim assistance. OVW accounted for 15 of those grant programs while the rest were offered by OJP. Total victim assistance grants amounted to $872 million.[7] However, OVW and OJP do not share

[3] In a December 7, 2011 letter to Congressman Poe responding to his earlier inquiry about OVW's grant management capabilities, the Department attempted to explain why this grantee had not misspent any of the grant funds it had received. However, the Department made no effort to explain why OVW had not discovered the problems with the management of this grant before the IG in the course of its own grant oversight.

[4] *Id.*

[5] According to the DOJ IG, cooperative agreements are subject to the same rules and regulations as grants. Therefore, for purposes of its audit report, cooperative agreements and grants are used interchangeably.

[6] The IG also found over $3 million of questionable or unallowable changes to the 13 OJP grants.

[7] GOVERNMENT ACCOUNTABILITY OFFICE, *2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue,* GAO–12–342SP, at 112 (February 2012).

common oversight in the areas of assessment of internal control processes, oversight of monitoring activities, program assessments, grants management training and grants management reports.

"OVW officials stated they intended to require that applicants for all of OVW's programs identify other Federal funding they are receiving beginning in fiscal year 2012. While this is a positive step, there is no indication that this information would be shared with other granting agencies or whether other granting agencies are considering implementing a similar practice."[8]

Based on ongoing work, GAO anticipates recommending that the Attorney General conduct an assessment to better understand the extent to which its grant programs overlap with one another and determine if grant programs may be consolidated to mitigate the risk of unnecessary duplication.

H.R. 4970 brings greater accountability to VAWA grant administration and ensures that more taxpayer money is spent on victims of domestic violence, dating violence, sexual assault and stalking than on Washington bureaucrats. To achieve these goals, this bill requires that the Inspectors General of DOJ and HHS conduct an annual audit of at least 10 per cent of all VAWA grant recipients. The bill prohibits the use of grant funds to lobby Congress, the administration or state legislatures regarding the awarding of grant funds and limits the use of funds for OVW salaries and administrative expenses to 5 percent of the annual authorization.

The 2006 VAWA reauthorization created the Office of Audit, Assessment and Management or OAAM to improve and enhance programmatic oversight for grants administered by DOJ. But the 2006 bill did not expressly include VAWA grants within OAAM auditing. Section 4 of H.R. 4970 does just that, ensuring that VAWA grants are subjected to the same oversight as other grants within DOJ.

H.R. 4970 also requires the Attorney General, in consultation with the Secretary of Health and Human Services, to improve the coordination of grants within the Department. There are numerous grant programs in the various grant-making offices that are redundant, duplicative, or overlap with one another. The Government Accountability Office issued a report in February that found that DOJ should improve how it targets nearly $3.9 billion in spending to reduce the risk of potential, unnecessary duplication across the more than 11,000 grant awards it makes annually.[9] This provision is an important first step to reduce unnecessary waste of taxpayer dollars and improve the efficiency of grant administration.

IMMIGRATION REFORMS TO REDUCE FRAUD, PROTECT THE TRUE VICTIMS OF DOMESTIC VIOLENCE, AND ASSIST POLICE AND PROSECUTORS IN INVESTIGATING CRIMES AND PROSECUTING CRIMINALS

VAWA Self-Petitions

The Immigration and Nationality Act ("INA") allows U.S. citizens to petition for their alien spouses, minor sons and daughters and parents for permanent residence.[10] Permanent residents may petition for their alien spouses and minor children.[11] Such aliens who

[8] *Id.* at 114.
[9] *Id.* at 110.
[10] *See* sections 201(b)(2)(A)(i) and 204(a)(1)(A)(i) of the INA.
[11] *See* sections 203(a)(2) and 204(a)(1)(B)(i)(I) of the INA.

are victims of battery or extreme cruelty by their U.S. citizen spouses, parents or children, or permanent resident spouses or parents may apply on their own—"self-petition"—for classification as permanent residents.[12]

Unfortunately, U.S. Citizenship and Immigration Services ("USCIS") must deal with falsified claims of domestic abuse by self-petitioners, often after the initial petition filed by their sponsoring spouse has been denied for failure to demonstrate a valid marriage. The U.S. citizen or permanent resident spouse may have been a willing participant in the fraudulent marriage or may have entered into it under the illusion it was legitimate. Following the denial, the alien spouse then claims abuse and seeks to self-petition—confidentiality protections for domestic violence victims prevent the U.S. citizen or permanent resident spouse from presenting evidence that counters the alien's claims of abuse.[13]

Also, as soon as a self-petition is filed, the adjudication is moved to the domestic violence unit at USCIS's Vermont Service Center ("VSC").[14] The self-petitioner is never interviewed—the VSC is in a remote location and it bases its decision primarily on documents submitted by the self-petitioner. The U.S. citizen is never interviewed—the confidentiality protection prohibits this.

An example of fraud in the self-petition process involves a self-petition that the VSC approved in 2006. Regarding the alleged abuse, the Appellate Division of the Supreme Court of New York ruled in 2008 that:

> [T]he Supreme Court [of New York] found, with support in the record, that the mother, on at least one occasion, had filed false charges of physical abuse against the father. Indeed the record was clear that the mother made numerous false charges against the father. There were four incidents of physical abuse accusations by the mother against the father, in August 2004, December 2004, January 2005, and December 2005. All of the Family Court petitions, when filed, apparently were withdrawn or dismissed. All of the mother's reports to child protective authorities were investigated and determined to be "unfounded." Moreover, expert medical testimony in the record strongly suggests that, regarding the January 2005 alleged incident, the mother manufactured proof of physical injury to herself.[15]

American citizen Julie Poner has testified before the Senate Judiciary Committee about how she was victimized by the self-petition process:

> Facing deportation for marriage fraud . . . my [alien] husband, a former professional hockey player, at 6 feet, 2 inches tall and over 200 pounds, self-petitioned as a battered and abused spouse. It was at this point that all communication I'd had with the two [government] trial attorneys stopped, because once an immigrant files [a self petition] they are protected by the Federal Government. Immi-

[12] *See* section 204(a)(1)(A)(iii), (iv) and (vii) and section 204(a)(1)(B)(ii)-(iii) of the INA.
[13] *See* section 1367(a)(2) of the INA.
[14] *See* memo from the Office of Programs, Immigration and Naturalization Service, to Regional Directors, District Directors, Officers-in-Charge, and Service Center Directors, May 6, 1997.
[15] *Mohen v. Mohen,* 11 N.Y.3d 710; 900 N.E.2d 555; 872 N.Y.S.2d 72 (2008).

> gration officials are prohibited from entering into a discussion with the American named in the claim.
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> . . . .
>
> "Over the years I have talked with countless men and women who have similar stories to tell, American citizens who have lost access to their children, their homes, their jobs, and in some cases their freedom because of false allegations of abuse. Currently there are no safeguards in place to prevent fraud or to prevent an immigrant from fabricating tales of spousal abuse. . . . No one from a local USCIS Service Center investigates or conducts a face-to-face interview with the immigrant. The only evidence considered is what is submitted by the self-petitioning immigrant, and the entire process is handled via paperwork in the Vermont Service Center. . . . [C]laims of battery and abuse go unchallenged . . . . [T]he immigrant is presumed to be the victim. . . .[16]

In order to ensure that fraudulent self-petitions are identified, section 801 of the bill provides that 1) all credible evidence relevant to the petitions are to be considered by the adjudicator, including that provided by the alleged abusive U.S. citizens or permanent residents, 2) petitions are to be adjudicated by the local office of USCIS, which shall conduct in-person interviews of the aliens who filed the petitions and may conduct interviews of the alleged abusive U.S. citizens or permanent residents and of other persons, if they consent to be interviewed, and 3) in order to approve a petition, the local USCIS must find that all statutory requirements, including that the aliens were victims of abuse, have been proven by clear and convincing evidence. A self-petitioning alien's whereabouts will not be disclosed to the alleged abusive U.S. citizen or permanent resident. Finally, where the self-petitioning alien made material misrepresentations in the petition, interview, or elsewhere, the alien's application shall be denied, the alien shall be removed from the country and be permanently ineligible for any lawful immigration status and the FBI shall be notified.

The required interviews of self-petitioning aliens and the discretionary interviews of the alleged abusive U.S. citizens or permanent residents are absolutely essential to combat fraud. There is no substitute for an in-person interview in order to get to the truth.[17] There is no substitute to hearing both sides of a dispute to get at the truth—American courts and American juries could not effectively operate any other way. Julie Poner testified as to the necessity of interviews. "We respectfully ask that you please . . . require[] a local USCIS agent to conduct a proper and thorough investigation into these types of cases which would include access to interview both spouses in the process."[18] Any potential inconven-

[16] *The Violence against Women Act: Building on 17 Years of Accomplishments: Hearing Before the Senate Committee on the Judiciary,* 112th Cong. 13 (2011).

[17] While it is true that interviews of successful self-petitioners do occur at the later stage of applications for adjustment of status to permanent residence. However, the adjustment of status adjudicator does not revisit the VAWA self-petition to determine if it was fraudulent. They only determine whether the requirements for adjustment of status have been met.

[18] *The Violence against Women Act: Building on 17 Years of Accomplishments* at 14.

ience is abated by moving the adjudication process out of the VSC and into local USCIS offices.

USCIS' own model shows that dispersed adjudication officers can be trained effectively to handle sensitive applications and victims of trauma. Asylum officers stationed around the country are trained to make determinations as to whether aliens have suffered persecution or have reasonable fears that they will suffer persecution. Asylees have undergone traumatic experiences such as the murder of their friends and family, rape, torture and other violence. These issues are just as sensitive and complex as those found in domestic violence self-petition cases.

U Visas

U visas are temporary visas given to illegal immigrants who have been victims of crimes (or attempted crimes) in the U.S., including offenses such as murder, domestic violence, involuntary servitude, felonious assault, obstruction of justice and perjury.[19]

The annual limitation on the award of U visas is 10,000.[20] However, this limitation does not apply to the derivative family members of U visa recipients—the spouses and minor children of U visa recipients are themselves eligible for U visas, as are the minor siblings and parents of U visa recipients who are minors.[21] Since the issuance of the first U visa in fiscal year 2009, almost 50,000 illegal immigrants have received U visas.[22] The number of U visa petitions has been increasing dramatically year by year. In fiscal year 2009, U visa petitions were submitted for 10,937 illegal immigrants. In 2010, petitions were submitted for 17,160 illegal immigrants; in 2011, petitions were submitted for 26,801. So far in 2012, petitions have been filed for 12,192 illegal immigrants—at this rate, the total will approach 36,576 by the end of the fiscal year.[23]

The U visa program was created in order to allow illegal immigrant victims of crime to stay in the country in order to assist with the apprehension and prosecution of criminal perpetrators.[24] However, this primary rationale has been poorly served by the current U visa program because in order to receive U visas, illegal immigrants are not required to actually provide assistance to police and prosecutors, only to be "likely" to be helpful.[25] This has limited the ability of law enforcement officials and prosecutors to investigate and prosecute criminals.

Therefore, section 802 of the bill makes clear that in order for an illegal immigrant to be eligible for a U visa, a law enforcement official must certify that the criminal activity is actively under investigation or a prosecution has commenced, and the petitioner has provided law enforcement with information that will assist in identifying the perpetrator of the criminal activity (unless the perpetrator's identity is already known). These provisions will ensure that U visas remain the tools for which they were designed—to assist law enforcement in solving crimes and prosecuting criminals.

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[19] *See* sec. 101(a)(15)(U) of the INA.
[20] *See* sec. 214(p)(2)(A) of the INA.
[21] *See* sec. 214(p)(2)(B) of the INA.
[22] Information provided by USCIS.
[23] *Id.*
[24] *See* sec. 1513(a)(2) of title V of division B of Pub. L. No. 106–386 (2005).
[25] *See* sec. 101(a)(15)(U)(i)(III) of the INA.

As the primary justification for U visas is to make illegal immigrants available to assist law enforcement in the investigation and prosecution of crimes, temporary U visas are sufficient for this purpose. Aliens with U visas can stay in the U.S. as long as law enforcement considers necessary to assist in criminal investigations and prosecutions.[26]

However, current law allows U visa recipients to receive permanent residence after 3 years in U visa status in the U.S. if USCIS finds that the aliens' continued presence in the U.S. is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.[27] USCIS grants 97% of such requests for permanent residence.[28] This is not fair to the American people. Neither is the provision of a special pathway to citizenship fair to all those millions of immigrants and prospective immigrants who have played by the rules. And it makes a mockery of our generous legal immigration system. Thus, section 806 of the bill eliminates this special access to permanent residence.

Deportation for Aliens Convicted of Domestic Violence

In 1996, Congress made it a deportable offense for "[a]ny alien [to be] convicted of a crime of domestic violence. . . ."[29] The Immigration and Nationality Act defines the term "crime of domestic violence" to be any crime of violence (as defined in section 16 of title 18 of the U.S. Code) committed by a current or former spouse or certain other family members.[30]

Section 16 in turn defines a crime of violence as "an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another . . . or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."

As a result of a number of Supreme Court decisions, many aliens who such commit domestic violence can frustrate their deportations. In the 2010 decision of *Johnson v. U.S.,*[31] the Court ruled that the term "physical force" must mean "*violent* force—that is, force capable of causing physical pain or injury to another person."[32] The Court stated:

> [T]he government asserts that our interpretation will make it more difficult to remove . . . an alien convicted of a "crime of domestic violence." . . . The Government contends it will be harder to obtain removal based upon battery convictions that, like those in Florida, do not require the use of violent physical force. The dissent likewise anticipates that in the States it has identified . . . as having generic felony-battery statutes that cover both violent force and unwanted physical contact, our decision will render

[26] *See* sec. 214(p)(6) of the INA.
[27] *See* sec. 245(m)(1) of the INA.
[28] Information provided by the Congressional Research Service.
[29] *See* sec. 350 of division C of Pub. L. No. 104–208 (1996), *found at* sec. 237(a)(2)(E)(i) of the INA.
[30] *Id.*
[31] 130 S. Ct. 1265 (2010).
[32] *Id.* at 1271 (emphasis in original).

> convictions under those statutes . . . "outside the scope of [deportation]."[33]

As Justice Alito argued in dissent:

> Cases of spousal and child abuse are frequently prosecuted under generally applicable assault and battery statutes . . . and . . . the assault and battery statutes of almost half the States apply both to cases involving the use of violent force and cases involving offensive touching. . . . [I]f the Court's interpretation of the term "physical force" is applied to [the deportation for domestic violence statute], many convicted spousal and child abusers will escape removal. . . .[34]

This is exactly what has happened. The Board of Immigration Appeals has since ruled that aliens cannot be deported simply by virtue of convictions for domestic violence offenses that don't specify the level of physical violence used.[35]

The Supreme Court in *Johnson* did state that "a court [may] determine which statutory phrase was the basis for the conviction by consulting the trial record—including charging documents, plea agreements, transcripts of plea colloquies, findings of fact and conclusions of law from a bench trial, and jury instructions and verdict forms."[36]

However, as Justice Alito stated in dissent, it will "often be impossible" for the government to produce trial records showing that the offender's conduct involved the use of violent force, as "charging documents frequently simply track the language of the statute, and jury instructions often do not require juries to draw distinctions based on the type of force that the defendant employed."[37] And in the 2005 decision of *Shepard v. U.S.,* the Supreme Court interpreted a particular statute to not allow a judge to look to documents such as police reports or complaint applications in similar scenarios.[38]

In response, section 814 of the bill allows immigration judges to consider all evidence they find reliable in making a determination as to whether an alien batterer used sufficient violent force to justify deportation under the INA. They will be able to use documents like police reports and sentencing reports, which they cannot use currently.

RESOURCES TO ADDRESS VIOLENCE AGAINST INDIAN WOMEN

Title IX of H.R. 4970 reauthorizes two grant programs to Indian tribal governments and tribal coalitions specifically targeted at curbing domestic violence, sexual assault, dating violence, and stalking in Indian country. Title IX also includes a report to Congress from DOJ on its annual consultation with Indian tribal governments on the administration VAWA program in Indian country. This title also expands an ongoing study of violence committed

[33] *Id.* at 1273 (citation omitted).
[34] *Id.* at 1278 (Alito, J., dissenting).
[35] *See Matter of Velasquez,* 25 I&N Dec. 278 (BIA 2010).
[36] *See Johnson* at 1273.
[37] *Id.* at 1278 (Alito, J., dissenting).
[38] *See* 544 U.S. 13, 16 (2005).

against Indian women to include women in Alaska Native Villages and sex trafficking crimes.

Opponents of H.R. 4970 criticize the legislation for omitting two unconstitutional provisions approved by the Senate in S. 1925. Unfortunately, proponents of these provisions are willing to place election-year politics above the rule of law. S. 1925 grants Indian Tribal governments jurisdiction to issue civil protection orders against and prosecute non-Indians for domestic violence and dating violence offenses against Indians occurring within Indian Country.

Current law allows Indian tribes to issue civil protection orders against and prosecute crimes committed by any Indian (even if not a member of the prosecuting tribe) in the Indian Country of that tribe, but it does not allow the tribes to issue protection orders against or criminally prosecute non-Indians.

Indian tribes are not foreign nations but rather "domestic dependent nations" within the United States. Indian tribes are not parties to the U.S. Constitution and derive neither powers nor obligations from it. Tribes are therefore not subject to the government limitations enumerated in the Constitution, either directly via the Bill of Rights or through the Incorporation Clause of the 14th Amendment. The Supreme Court, in *Oliphant v. Suquamish Indian Tribe* (435 U.S. 191 (1978)), held the tribes do not have inherent sovereignty to try non-Indians.

It is an unsettled question of constitutional law whether Congress has the authority under the Indian Commerce Clause to recognize inherent tribal sovereignty over non-Indians. As the Congressional Research Service notes, Congress may "not have authority to subject citizens to inherent tribal criminal authority."[39] However, "it is possible that the courts would uphold tribal authority to try [non-Indian] defendants as a delegation of Federal authority."[40]

If Congress acts to delegate its authority to Indian tribes, then tribes would be required to provide defendants full constitutional rights. If, instead, Congress acts to recognize the tribes' "inherent" sovereign authority, then the Constitution does not apply. Criminal defendants would therefore have to rely upon statutory protections under the Indian Civil Rights Act (ICRA), enacted in 1968, and the Tribal Law and Order Act (TLOA), enacted in 2010. S. 1925 achieves its goal of tribal jurisdiction over non-Indian defendants by recognizing "inherent" sovereign authority rather than by delegating Federal authority. Therefore, only ICRA and TLOA apply.

ICRA and TLOA protections are similar to the Bill of Rights, but not identical. Moreover, the Supreme Court noted in *Nevada v. Hicks* (533 U.S. 353 (2001)), that "there is a definite trend by tribal courts toward the view that they have leeway in interpreting the ICRA's due process and equal protection clauses and need not follow the U.S. Supreme Court precedents jot-for-jot."

Therefore, tribes have discretion as to whether or how to implement the statutory rights in ICRA and TLOA. If signed into law, this would be the first time that Indian Tribal governments have civil and criminal jurisdiction over non-Indians and there are legitimate Constitutional concerns. Non-Indians tried within the Indian

[39] CONGRESSIONAL RESEARCH SERVICE, *Tribal Criminal Jurisdiction over Non-Indians in VAWA and the SAVE Act,* CRS R42488, at 7 (May 2012).
[40] *Id.*

Tribal government system would not be guaranteed their full constitutional rights, including their right to court-appointed counsel and their right to trial by an impartial trial by a jury of their peers. Even DOJ acknowledges that under this proposal, a defendant tried and punished in the tribal court would have "no direct right of appeal to a Federal court"[41] meaning they could not assert a denial of a right except through a habeas corpus petition.

Habeas relief is inadequate. Defendants would have no right to challenge a constitutional violation pre-trial, such as the sufficiency of probable cause to arrest and try the defendant, or the ability to exclude from trial evidence obtained in violation of the 4th amendment. Therefore, illegitimate prosecutions based on illegally-obtained evidence can proceed with only an "after-the-fact" remedy. Habeas relief would also require the non-Indian defendant to exhaust all tribal appeals before pursuing habeas relief in Federal court.

The civil jurisdiction provision of S. 1925 also raises due process concerns. The Supreme Court has held that due process requires that a defendant have "minimum contacts" with a jurisdiction "such that the maintenance of the suit [in the jurisdiction] does not offend traditional notions of fair play and substantial justice."

The justification for why these provisions are necessary is also questionable. Proponents of these provisions tout unverifiable statistics about the rate of non-Indian violence against Indian women on Indian land, claiming that 88 percent of the perpetrators of violence against Indians are non-Indians. The two principal reports relied on by proponents of the tribal jurisdictional changes in S. 1925 were prepared by the Bureau of Justice Statistics. A 1999 BJS study found that 70 percent of all crimes against Indians were committed by non-Indian offenders. A second BJS study, published in 2004, found that 66 percent of crimes against Indians were committed by a non-Indian.

But a published 2008 study by the South Dakota Attorney General (SDAG) demonstrates the inaccuracy of this data.[42] According to the SDAG study, these two reports suffered two design flaws. First, the researchers "ignored Federal case data . . . on American Indian crime."[43] The Attorney General noted this was a "serious error of omission."[44] Second, researchers relied primarily upon data from the National Crime Victim Survey rather than the Uniform Crime Report. When the SDAG recalculated South Dakota data using both state and Federal crime data for intentional homicide and forcible rape, the results were dramatically different than those of the BJS studies.

While the BJS studies claimed that the rate of Indian homicides by non-Indian offenders was 42 percent, the SDAG study found that the rate of Indian homicides by Indian offenders was 92 percent. The BJS studies claimed that the rate of Indian rape or sexual assault by non-Indian offenders ranged between 80 and 88 percent (1999 = 82 percent white offenders, 6 percent black offenders;

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[41] *Letter from Mr. Ronald Weich, Assistant Attorney General, U.S. Dept. of Justice, to the Honorable Joseph R. Biden, Jr., President, U.S. Senate,* Attachment 2 at 8 (July 2011).

[42] Larry Long et al., *Understanding Contextual Differences in American Indian Criminal Justice,* 32 AMER. INDIAN CULTURE & RESEARCH J. 4, 41 (2008).

[43] *Id.* at 45.

[44] *Id.*

2004 = 4 out of 5 offenders non-Indian). The SDAG data showed that 69 percent of these crimes were, in fact, intra-racial.

In 2011, the FBI's Indian Country Crimes Unit conducted a "snapshot" study of crimes reported within six FBI Safe Trails Task Force locations over a 60-day period on ten different reservations around the country. Over 30,000 calls were analyzed. Of these, 650 were domestic violence-related. Of those 650, four (4) calls involved an identified non-Indian offender.

Over the last year, the FBI and Bureau of Indian Affairs (BIA) have begun reviewing 20 years' worth of crime reports across 6 different reservations as part of the President's High Priority Performance Goal (HPPG) Initiative. Based on the review of tens of thousands of reports, the rate of non-Indian domestic violence against Indian victims is consistent with the FBI's "snapshot" study. It is the BIA's opinion that non-native domestic violence offenders represent a very small percentage of domestic violence-reported crimes in Indian Country.

In meetings with committee staff, both the Justice Department and Indian tribe representatives acknowledge that the non-Indian DV offender statistics previously relied upon as justification for granting tribes criminal jurisdiction of non-Indian defendants are flawed. But they "assume" that domestic violence is occurring within inter-racial relationships in Indian country.

The data demonstrates that the vast majority of domestic violence in Indian country is intra-racial. In an effort to target additional resources to combat violence against Indian women, we were pleased to work with the gentleman from Virginia, Mr. Scott, on an amendment unanimously approved in markup. This provision provides additional resources to investigate and prosecute domestic violence in Indian Country. The amendment expands the duties of the Assistant United States Attorney Tribal Liaisons to provide greater focus on domestic violence in Indian country. These domestic violence tribal liaisons are required to encourage and assist in arrests and prosecutions of domestic violence, dating violence, sexual assault, and stalking, including misdemeanor offenses, that occur in Indian country; provide training for tribal law enforcement officers; and work to address any backlog of these crimes that occur in Indian country.

ENHANCED CRIMINAL PENALTIES

Title X of H.R. 4970 enhances penalties for sexual abuse, stalking and sexual assault. The bill expands existing offense of sexual abuse of a minor or ward to prohibit a person who has supervisory or custodial authority over a person who is under arrest, on pretrial release, on probation, or otherwise under supervision pending further judicial proceedings from engaging in sexual activity with the person who is under his or her supervisory or custodial authority.

The penalties for criminal civil rights violations involving sexual abuse are made consistent with the penalties for sexual abuse in other Federal statutes. Currently, civil rights violations involving sexual abuse are punished only as misdemeanors, even though the same sexual misconduct would result in serious felony penalties under other Federal statutes if it occurred on Federal land or was within other Federal jurisdiction. The bill also provides that if in

the course of committing a civil rights violation enumerated in Chapter 13 of Title 18 of the United States Code (including section 901 of the Fair Housing Act (42 U.S.C. 3631)), a person engages in conduct that would constitute a sexual abuse offense under Chapter 109A of title 18 of the United States Code, will be subject to the applicable penalties under that chapter.

H.R. 4970 increases Federal assault penalties and rewrites the Federal stalking statute, 18 U.S.C. § 2261A, and adds additional penalties for stalking against vulnerable victims or in violation of a protection order. The bill also adds mandatory penalties under the Federal aggravated sexual abuse statute. The current penalty for this offense is "any term of years or life, or both." H.R. 4970 imposes a 10 year mandatory penalty for forcible rape and a 5 year mandatory penalty for rape committed by other means, i.e., rendering a person unconscious or inducing incapacitation by a drug or intoxicant.

Hearings

The Committee on the Judiciary's Subcommittee on Crime, Terrorism and National Security held a hearing on the Office on Violence Against Women on February 16, 2012. Testimony was received from Susan Carbon, Director of the Department of Justice's Office on Violence Against Women. The Committee on the Judiciary held no legislative hearings on H.R. 4970.

Committee Consideration

On May 8, 2012, the Committee met in open session and ordered the bill H.R. 4970 favorably reported with an amendment, by a rollcall vote of 17 to 15, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following rollcall votes occurred during the Committee's consideration of H.R. 4970.

1. An amendment offered by Mr. Poe to strike the provision requiring U visa applicants to have reported criminal activity they were victim of within 60 days of its occurrence and requiring that the statute of limitations for prosecuting an offense based on the criminal activity had not lapsed. Approved 30–0.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Smith, Chairman	X		
Mr. Sensenbrenner, Jr.			
Mr. Coble	X		
Mr. Gallegly	X		
Mr. Goodlatte	X		
Mr. Lungren	X		
Mr. Chabot	X		
Mr. Issa	X		
Mr. Pence			

ROLLCALL NO. 1—Continued

	Ayes	Nays	Present
Mr. Forbes	X		
Mr. King	X		
Mr. Franks	X		
Mr. Gohmert			
Mr. Jordan			
Mr. Poe	X		
Mr. Chaffetz	X		
Mr. Griffin	X		
Mr. Marino	X		
Mr. Gowdy	X		
Mr. Ross	X		
Ms. Adams	X		
Mr. Quayle			
Mr. Amodei	X		
Mr. Conyers, Jr., Ranking Member	X		
Mr. Berman	X		
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Cohen			
Mr. Johnson, Jr.			
Mr. Pierluisi	X		
Mr. Quigley	X		
Ms. Chu			
Mr. Deutch	X		
Ms. Sánchez	X		
Mr. Polis	X		
Total	30	0	

2. An amendment offered by Ms. Lofgren and Mr. Berman to replace the immigration title of the bill with language from the immigration title of S. 1925. Defeated 12–17.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Smith, Chairman		X	
Mr. Sensenbrenner, Jr.		X	
Mr. Coble		X	
Mr. Gallegly			
Mr. Goodlatte		X	
Mr. Lungren		X	
Mr. Chabot		X	
Mr. Issa		X	
Mr. Pence			

ROLLCALL NO. 2—Continued

	Ayes	Nays	Present
Mr. Forbes			
Mr. King		X	
Mr. Franks		X	
Mr. Gohmert			
Mr. Jordan		X	
Mr. Poe	X		
Mr. Chaffetz		X	
Mr. Griffin			
Mr. Marino		X	
Mr. Gowdy		X	
Mr. Ross		X	
Ms. Adams		X	
Mr. Quayle		X	
Mr. Amodei		X	
Mr. Conyers, Jr., Ranking Member	X		
Mr. Berman	X		
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee			
Ms. Waters	X		
Mr. Cohen			
Mr. Johnson, Jr.	X		
Mr. Pierluisi	X		
Mr. Quigley	X		
Ms. Chu	X		
Mr. Deutch			
Ms. Sánchez			
Mr. Polis			
Total	12	17	

3. An amendment offered by Mr. Nadler, Mr. Polis, and Mr. Quigley to add a purpose area to the STOP Grants authorized under Part T of Title I of the Omnibus Crime Control and Safe Streets Act of 1968. Defeated 12–15.

ROLLCALL NO. 3

	Ayes	Nays	Present
Mr. Smith, Chairman		X	
Mr. Sensenbrenner, Jr.		X	
Mr. Coble		X	
Mr. Gallegly			
Mr. Goodlatte			
Mr. Lungren		X	
Mr. Chabot		X	
Mr. Issa			

ROLLCALL NO. 3—Continued

	Ayes	Nays	Present
Mr. Pence			
Mr. Forbes		X	
Mr. King			
Mr. Franks		X	
Mr. Gohmert			
Mr. Jordan		X	
Mr. Poe		X	
Mr. Chaffetz			
Mr. Griffin		X	
Mr. Marino		X	
Mr. Gowdy		X	
Mr. Ross			
Ms. Adams		X	
Mr. Quayle		X	
Mr. Amodei		X	
Mr. Conyers, Jr., Ranking Member	X		
Mr. Berman			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Cohen	X		
Mr. Johnson, Jr.			
Mr. Pierluisi	X		
Mr. Quigley	X		
Ms. Chu			
Mr. Deutch	X		
Ms. Sánchez	X		
Mr. Polis			
Total	12	15	

4. An amendment offered by Mr. Quigley, Mr. Polis, and Mr. Nadler to amend the definition of "underserved populations" in Section 3. Defeated 13–16.

ROLLCALL NO. 4

	Ayes	Nays	Present
Mr. Smith, Chairman		X	
Mr. Sensenbrenner, Jr.		X	
Mr. Coble		X	
Mr. Gallegly			
Mr. Goodlatte		X	
Mr. Lungren		X	
Mr. Chabot		X	
Mr. Issa			

ROLLCALL NO. 4—Continued

	Ayes	Nays	Present
Mr. Pence			
Mr. Forbes			
Mr. King		X	
Mr. Franks		X	
Mr. Gohmert			
Mr. Jordan		X	
Mr. Poe			
Mr. Chaffetz		X	
Mr. Griffin			
Mr. Marino		X	
Mr. Gowdy		X	
Mr. Ross		X	
Ms. Adams		X	
Mr. Quayle		X	
Mr. Amodei		X	
Mr. Conyers, Jr., Ranking Member	X		
Mr. Berman			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Cohen	X		
Mr. Johnson, Jr.	X		
Mr. Pierluisi	X		
Mr. Quigley	X		
Ms. Chu			
Mr. Deutch	X		
Ms. Sánchez	X		
Mr. Polis	X		
Total	13	16	

5. An amendment offered by Ms. Jackson-Lee to authorize audits of untested rape kits under the DNA Analysis Backlog Elimination Act of 2000. Defeated 12–16.

ROLLCALL NO. 5

	Ayes	Nays	Present
Mr. Smith, Chairman		X	
Mr. Sensenbrenner, Jr.		X	
Mr. Coble		X	
Mr. Gallegly			
Mr. Goodlatte		X	
Mr. Lungren		X	
Mr. Chabot			
Mr. Issa			

ROLLCALL NO. 5—Continued

	Ayes	Nays	Present
Mr. Pence		X	
Mr. Forbes		X	
Mr. King		X	
Mr. Franks		X	
Mr. Gohmert			
Mr. Jordan		X	
Mr. Poe			
Mr. Chaffetz		X	
Mr. Griffin		X	
Mr. Marino		X	
Mr. Gowdy		X	
Mr. Ross			
Ms. Adams		X	
Mr. Quayle			
Mr. Amodei		X	
Mr. Conyers, Jr., Ranking Member	X		
Mr. Berman			
Mr. Nadler			
Mr. Scott			
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Cohen	X		
Mr. Johnson, Jr.	X		
Mr. Pierluisi	X		
Mr. Quigley	X		
Ms. Chu			
Mr. Deutch	X		
Ms. Sánchez	X		
Mr. Polis	X		
Total	12	16	

6. An amendment offered by Mr. Deutch, Ms. Chu, and Mr. Polis to strike section 801, amending the self-petition process for permanent residence. Defeated 11–17.

ROLLCALL NO. 6

	Ayes	Nays	Present
Mr. Smith, Chairman		X	
Mr. Sensenbrenner, Jr.		X	
Mr. Coble		X	
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Lungren		X	
Mr. Chabot		X	
Mr. Issa		X	

ROLLCALL NO. 6—Continued

	Ayes	Nays	Present
Mr. Pence			
Mr. Forbes		X	
Mr. King		X	
Mr. Franks		X	
Mr. Gohmert		X	
Mr. Jordan			
Mr. Poe	X		
Mr. Chaffetz		X	
Mr. Griffin		X	
Mr. Marino		X	
Mr. Gowdy		X	
Mr. Ross			
Ms. Adams		X	
Mr. Quayle			
Mr. Amodei			
Mr. Conyers, Jr., Ranking Member	X		
Mr. Berman			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Cohen			
Mr. Johnson, Jr.	X		
Mr. Pierluisi	X		
Mr. Quigley			
Ms. Chu			
Mr. Deutch	X		
Ms. Sánchez	X		
Mr. Polis	X		
Total	11	17	

7. An amendment by Ms. Jackson Lee, Ms. Lofgren and Mr. Polis to strike section 801, amending the self-petition process for permanent residence, sections 802 and 806, amending the U visa program, and section 813, calling for a GAO report on the U visa program. Defeated 10–15.

ROLLCALL NO. 7

	Ayes	Nays	Present
Mr. Smith, Chairman		X	
Mr. Sensenbrenner, Jr.	X		
Mr. Coble		X	
Mr. Gallegly		X	
Mr. Goodlatte			
Mr. Lungren			

ROLLCALL NO. 7—Continued

	Ayes	Nays	Present
Mr. Chabot		X	
Mr. Issa		X	
Mr. Pence			
Mr. Forbes		X	
Mr. King		X	
Mr. Franks		X	
Mr. Gohmert		X	
Mr. Jordan		X	
Mr. Poe			
Mr. Chaffetz		X	
Mr. Griffin			
Mr. Marino		X	
Mr. Gowdy		X	
Mr. Ross		X	
Ms. Adams		X	
Mr. Quayle			
Mr. Amodei			
Mr. Conyers, Jr., Ranking Member	X		
Mr. Berman			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt			
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Cohen	X		
Mr. Johnson, Jr.			
Mr. Pierluisi	X		
Mr. Quigley			
Ms. Chu			
Mr. Deutch	X		
Ms. Sánchez	X		
Mr. Polis	X		
Total	10	15	

8. An amendment by Mr. Pierluisi and Ms. Jackson Lee to allocate additional U visas. Defeated 11–12.

ROLLCALL NO. 8

	Ayes	Nays	Present
Mr. Smith, Chairman		X	
Mr. Sensenbrenner, Jr.		X	
Mr. Coble			
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Lungren		X	
Mr. Chabot		X	

ROLLCALL NO. 8—Continued

	Ayes	Nays	Present
Mr. Issa			
Mr. Pence			
Mr. Forbes		X	
Mr. King		X	
Mr. Franks		X	
Mr. Gohmert			
Mr. Jordan			
Mr. Poe			
Mr. Chaffetz			
Mr. Griffin			
Mr. Marino		X	
Mr. Gowdy			
Mr. Ross		X	
Ms. Adams		X	
Mr. Quayle			
Mr. Amodei			
Mr. Conyers, Jr., Ranking Member	X		
Mr. Berman			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt			
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Cohen	X		
Mr. Johnson, Jr.	X		
Mr. Pierluisi	X		
Mr. Quigley	X		
Ms. Chu			
Mr. Deutch	X		
Ms. Sánchez	X		
Mr. Polis	X		
Total	11	12	

9. An amendment offered by Mr. Polis, Mr. Nadler, Mr. Quigley, Ms. Waters, and Ms. Chu to amend the nondiscrimination grant condition in Section 3. Defeated 14–18.

ROLLCALL NO. 9

	Ayes	Nays	Present
Mr. Smith, Chairman		X	
Mr. Sensenbrenner, Jr.		X	
Mr. Coble			
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Lungren		X	
Mr. Chabot		X	

ROLLCALL NO. 9—Continued

	Ayes	Nays	Present
Mr. Issa		X	
Mr. Pence			
Mr. Forbes		X	
Mr. King		X	
Mr. Franks		X	
Mr. Gohmert			
Mr. Jordan		X	
Mr. Poe		X	
Mr. Chaffetz			
Mr. Griffin		X	
Mr. Marino		X	
Mr. Gowdy		X	
Mr. Ross		X	
Ms. Adams		X	
Mr. Quayle			
Mr. Amodei		X	
Mr. Conyers, Jr., Ranking Member	X		
Mr. Berman	X		
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Cohen	X		
Mr. Johnson, Jr.	X		
Mr. Pierluisi	X		
Mr. Quigley	X		
Ms. Chu			
Mr. Deutch	X		
Ms. Sánchez	X		
Mr. Polis	X		
Total	14	18	

10. Motion to report H.R. 4970, as amended, favorably to the House. Motion agreed to, 17–15.

ROLLCALL NO. 10

	Ayes	Nays	Present
Mr. Smith, Chairman	X		
Mr. Sensenbrenner, Jr.	X		
Mr. Coble			
Mr. Gallegly	X		
Mr. Goodlatte	X		
Mr. Lungren	X		
Mr. Chabot	X		
Mr. Issa	X		

ROLLCALL NO. 10—Continued

	Ayes	Nays	Present
Mr. Pence			
Mr. Forbes	X		
Mr. King	X		
Mr. Franks	X		
Mr. Gohmert			
Mr. Jordan	X		
Mr. Poe		X	
Mr. Chaffetz			
Mr. Griffin	X		
Mr. Marino	X		
Mr. Gowdy	X		
Mr. Ross	X		
Ms. Adams	X		
Mr. Quayle			
Mr. Amodei	X		
Mr. Conyers, Jr., Ranking Member		X	
Mr. Berman		X	
Mr. Nadler			
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren		X	
Ms. Jackson Lee		X	
Ms. Waters		X	
Mr. Cohen		X	
Mr. Johnson, Jr.		X	
Mr. Pierluisi		X	
Mr. Quigley		X	
Ms. Chu			
Mr. Deutch		X	
Ms. Sánchez		X	
Mr. Polis		X	
Total	17	15	

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 4970, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 2012.

Hon. LAMAR SMITH, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4970, the "Violence Against Women Reauthorization Act of 2012."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

DOUGLAS W. ELMENDORF,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 4970—Violence Against Women Reauthorization Act of 2012.

As ordered reported by the House Committee on the Judiciary on May 8, 2012.

SUMMARY

H.R. 4970 would authorize the appropriation of close to $660 million annually over the 2013–2017 period for programs in the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) to combat violence against women. In addition, H.R. 4970 would establish new Federal crimes and broaden the coverage of existing crimes relating to violence against women. Finally, the bill would reduce the number of individuals with legal permanent resident (LPR) status, which would effectively decrease direct spending in a number of programs.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4970 would cost about $2.2 billion over the 2013–2017 period. Enacting the legislation would affect direct spending and revenues; therefore, pay-as-you-go procedures apply. CBO estimates that enacting the bill would reduce direct spending by $429 million (including $33 million that would be classified as off-budget savings) and increase revenues by $7 million over the 2013–2022 period.

CBO has not reviewed a provision in section 3 of H.R. 4970 for intergovernmental or private-sector mandates since that provision

prohibits discrimination on the basis of race, color, religion, national origin, sex, or disability. Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provision that establishes or enforces statutory rights prohibiting such discrimination.

Other provisions of H.R. 4970 would impose no intergovernmental mandates as defined in UMRA. The bill would, however, impose private-sector mandates as defined in UMRA on brokers of international marriage and certain supervisors over persons under official control of the United States. CBO estimates that the cost of those mandates would fall well below the annual threshold established in UMRA ($146 million in 2012, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 4970 is shown in the following table. The costs of this legislation fall within budget functions 500 (education, training, employment, and social services), 550 (health), 570 (Medicare), 600 (income security), 650 (social security), 750 (administration of justice), and 800 (general government).

By Fiscal Year, in Millions of Dollars

	2013	2014	2015	2016	2017	2013–2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
DOJ Programs						
Authorization Level	589	589	589	589	589	2,945
Estimated Outlays	130	306	424	512	589	1,961
HHS Program						
Authorization Level	65	65	65	65	65	325
Estimated Outlays	24	54	61	63	63	265
Other Programs						
Estimated Authorization Level	3	2	1	1	1	8
Estimated Outlays	3	2	1	1	1	8
Total Changes						
Estimated Authorization Level	657	656	655	655	655	3,278
Estimated Outlays	157	362	486	576	653	2,234
CHANGES IN DIRECT SPENDING[1]						
Estimated Budget Authority	0	–5	–9	–14	–19	–47
Estimated Outlays	0	–5	–9	–14	–19	–47

Note: DOJ = Department of Justice; HHS = Department of Health and Human Services.

1. CBO estimates that enacting H.R. 4970 would reduce direct spending by $429 million over the 2013–2022 period. Included in that estimated decrease in direct spending is $33 million that would be recorded as a change in off-budget spending. Enacting the bill also would increase revenues by $7 million over the 2013–2022 period.

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted in 2012, that the necessary amounts will be provided each year, and that spending will follow historical patterns for similar activities.

Spending Subject to Appropriation

H.R. 4970 would authorize the appropriation of $589 million annually over the 2013–2017 period for DOJ to make grants to State, local, and tribal governments and nonprofit organizations for programs to reduce violence against women. Activities authorized by the bill include legal assistance for victims, outreach services for victims of rural domestic violence, and training for investigators and prosecutors of sexual assault crimes. CBO estimates that implementing those programs would cost about $2 billion over the 2013–2017 period.

H.R. 4970 also would authorize the appropriation of $65 million annually over the 2013–2017 period for several grant programs administered by HHS. The legislation would authorize grants for rape prevention and education programs, programs to educate health professionals who address domestic violence and other crimes, and collaborative grants to assist homeless victims. CBO estimates that implementing those programs would cost $265 million over the 2013–2017 period.

In addition, H.R. 4970 would require DOJ, the Department of Homeland Security, and the Government Accountability Office to carry out certain studies concerning efforts to combat violence against women. Based on the cost of similar activities, CBO estimates that those studies would cost about $8 million to complete over the 2013–2017 period.

CBO projects that enacting the bill would reduce the number of students eligible for Pell grants, the bulk of which are funded through annual appropriations. Assuming appropriations are reduced by the estimated amounts and provide for a maximum discretionary award level of $4,860 (as in the most recently enacted appropriations act), CBO estimates the bill would reduce discretionary costs by a negligible amount over the 2013–2017 period and by $2 million over the 2013–2022 period. As discussed below under the heading, "Assistance for Higher Education," the bill also would affect direct spending for Pell grants.

Direct Spending

CBO estimates that enacting H.R. 4970 would decrease direct spending by $429 million and increase revenues by $7 million over the 2013–2022 period. Section 806 would eliminate the separate track to legal permanent resident status currently available to holders of U visas. CBO estimates that a total of 117,000 U visa holders that would have obtained LPR status under current law would no longer be able to obtain this status under this bill. (U visas are issued to people who were victims of specified crimes and who are assisting or are expected to assist law enforcement officials in the investigation and prosecution of those crimes.)

Medicaid. By eliminating the path by which individuals issued nonimmigrant U visas can adjust to LPR status and later naturalize, H.R. 4970 would decrease the number of adults and their dependent children who would be eligible to enroll in Medicaid and receive full Medicaid benefits after being in the country for five years. In addition, fewer people would receive emergency services from Medicaid under the bill. CBO estimates that decreasing the number of people eligible for Medicaid services under H.R. 4970

would reduce direct spending by $169 million over the 2013–2022 period.

Exchange Subsidies. Eliminating the path through which U visa holders can obtain LPR status would decrease the number of people eligible to receive subsidies for health insurance through the insurance "exchanges" created by the Affordable Care Act, starting in 2014. Legal permanent residents can be eligible for exchange subsidies if they meet income requirements and do not have access to certain other sources of health insurance coverage. H.R. 4970 would reduce the number of legal permanent residents relative to current law, and would therefore result in budgetary savings. CBO and the staff of the Joint Committee on Taxation (JCT) estimate that the outlay portion of the decrease in premium and cost-sharing subsidies for health insurance offered through exchanges under H.R. 4970 would be about $162 million over the 2013–2022 period.[1] (There is also an effect on revenues as discussed below under the heading, "Revenues.")

Nutrition. By reducing the number of people with LPR status, H.R. 4970 would reduce the number of people eligible for benefits under the Supplemental Nutrition Assistance Program (SNAP) and the child nutrition programs. Under current law, adults who obtain legal permanent resident status are eligible for SNAP after a five-year waiting period, assuming that they meet the program's eligibility requirements, though children born in the United States and LPRs under the age of 18 are eligible immediately. In addition, foreign-born children are eligible for child nutrition programs, such as school lunch and breakfast, regardless of their immigration status. CBO estimates that, under the bill, direct spending on those nutrition programs would decline by $52 million over the 2013–2022 period.

Social Security and Medicare. Few of the U visa holders affected by H.R. 4970 would have been able to work long enough to become eligible for Social Security retirement benefits or age-based Medicare during the 2013–2022 period, but many could have become eligible for Social Security Disability Insurance and, consequently, disability-based Medicare over that period. Based on information from the Current Population Survey (CPS), CBO projects that under the bill, about 600 fewer people would receive Social Security benefits (primarily for disability insurance) by 2022. CBO estimates that enacting H.R. 4970 would reduce (off-budget) Social Security outlays by $33 million and (on-budget) Medicare outlays by $11 million over the 2013–2022 period.

Supplemental Security Income (SSI). Based on information from the CPS, CBO projects that under current law fewer than 50 U visa holders affected by H.R. 4970 would have naturalized and received SSI benefits based on old age or disability during the 2013–2022 period. In addition, CBO expects that around 1 percent of the citizen-children who would have been born in the United States to those visa holders affected by H.R. 4970 would have qualified for SSI as the result of birth defects or other severe dis-

[1] Subsidies for health insurance premiums are structured as refundable tax credits; the portions of such credits that exceed taxpayers' liabilities are classified as outlays, while the portions that reduce tax payments are reflected in the budget as reductions in revenues.

abilities. In total, CBO estimates that enacting H.R. 4970 would reduce SSI outlays by $1 million over the 2013–2022 period.

Assistance for Higher Education. CBO also projects that the bill would reduce the number of students eligible for Pell grants. Though most Pell grant funding is discretionary, CBO estimates enacting the bill would decrease direct spending by $1 million over the 2013–2022 period for the mandatory portion of the Pell Grant program. (The bill would have an insignificant effect on direct spending for student loans.)

Revenues

CBO and JCT estimate that enacting H.R. 4970 would increase revenues by $7 million over the 2013–2022 period. That estimate is the revenue portion of the decrease in premium and cost-sharing subsidies for health insurance offered through exchanges that would occur by decreasing the number of LPRs under H.R. 4970, discussed above under the heading, "Exchange Subsidies."

H.R. 4970 also would establish new Federal crimes and broaden the coverage of existing crimes relating to violence against women. Enacting the bill could increase collections of criminal fines (which are recorded in the budget as revenues) for violations of the bill's provisions. CBO estimates that any additional collections would not be significant because of the relatively small number of additional cases likely to be affected. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and subsequently spent without further appropriation.

PAY-AS-YOU-GO CONSIDERATIONS

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting on-budget direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in the following table.

CBO Estimate of Pay-As-You-Go Effects for H.R. 4970 as ordered reported by the House Committee on the Judiciary on May 8, 2012

By Fiscal Year, in Millions of Dollars

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2013–2017	2013–2022
NET INCREASE OR DECREASE (–) IN THE ON-BUDGET DEFICIT												
Statutory Pay-As-You-Go Impact	0	–5	–9	–14	–17	–29	–50	–69	–93	–116	–45	–403
Memorandum:												
Changes in Outlays	0	–4	–9	–13	–17	–29	–49	–68	–91	–114	–44	–396
Changes in Revenues	0	0	0	0	1	1	1	1	1	2	1	7

Note: Components may not sum to totals because of rounding.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

CBO has not reviewed a provision in section 3 of H.R. 4970 for intergovernmental or private-sector mandates since that provision prohibits discrimination on the basis of race, color, religion, national origin, sex, or disability. Section 4 of UMRA excludes from

the application of that act any legislative provision that establishes or enforces statutory rights prohibiting such discrimination.

Other provisions of H.R. 4970 would impose no intergovernmental mandates as defined in UMRA. The proposed changes to the U visa program would reduce the number of individuals eligible for Medicaid assistance. Since a portion of Medicaid is paid for by State governments, CBO estimates that State spending on the program would decline by about $104 million over the 2013–2022 period. The bill would authorize the appropriation of about $3.3 billion over the 2013–2017 period for a variety of new and existing programs to assist law enforcement, public service providers, institutions of higher education, and housing agencies. Public and private entities would benefit from those programs. Any increased costs to those entities as a result of complying with grant requirements would be incurred voluntarily as conditions of receiving Federal assistance.

The bill would impose private-sector mandates as defined in UMRA by increasing reporting requirements for international marriage brokers and prohibiting certain activities for individuals that hold a supervisory role over persons under official control of the United States. Because the requirements would be small changes from existing requirements, CBO estimates that the incremental costs of those mandates on the private sector would fall well below the annual threshold established in UMRA ($146 million in 2012, adjusted annually for inflation).

PREVIOUS CBO ESTIMATE

On March 29, 2012, CBO transmitted a cost estimate for S. 1925, the Violence Against Women Reauthorization Act of 2011, as reported by the Senate Committee on the Judiciary on February 7, 2012. We estimated that implementing that legislation would cost about $2.2 billion over the 2012–2017 period, assuming appropriation of the necessary amounts. In addition, CBO estimated that enacting S. 1925 would increase direct spending by $108 million and decrease revenues by $3 million over the 2012–2022 period.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (DHS), Stephanie Cameron (HHS), Jonathan Morancy (visas), Kirstin Nelson (Medicaid), Sarah Anders (exchange subsidies), Justin Humphrey (higher education), Kathleen FitzGerald and Emily Holcombe (nutrition), David Rafferty (Medicare, Social Security, and Supplemental Security Income)

Impact on State, Local, and Tribal Governments: Melissa Merrell

Impact on the Private Sector: Marin Randall

ESTIMATE APPROVED BY:

Peter H. Fontaine
Assistant Director for Budget Analysis

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 4970 reauthorizes the Violence Against Women Act grants administered by De-

partment of Justice and the Department of Health and Human Services for Fiscal Years 2013 to 2017, amends certain sections of Title 18, United States Code, relating to protecting alien victims of domestic violence and assisting police and prosecutors in investigating crimes and prosecuting criminals.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 4970 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Section 1. Short Title.

This section cites the short title of the bill at the "Violence Against Women Act Reauthorization Act of 2012."

Section 2. Table of Contents.

This section provides the table of contents for the bill.

Section 3. Universal Definitions and Grant Conditions.

This section provides technical corrections to existing definitions and universal definitions for all VAWA programs, including: "Alaska native village," "child," "culturally specific services," "culturally specific," "homeless," "personally identifying information or personal information," "population specific organization," "population specific services," "rape crisis center," "sex trafficking," "sexual assault," "tribal coalition," "underserved populations," "unit of local government," "victim services," "victim service provider," and "youth."

This section also revises the grant conditions that apply to all VAWA programs, including: providers of legal assistance must be sufficiently trained or experienced in providing such assistance to victims consistent with the requirements in the Legal Assistance to Victims program; restrictions on disclosure of victims' confidential and personally identifying information; provides grantees with the ability to advocate for state, local or tribal model codes or legislation to better respond to the needs of victims; and updates the anti-discrimination provision for VAWA grantees.

Section 4. Accountability Provisions.

This section requires VAWA audits to be performed by the Office of Audit, Assessment, and Management (OAAM) in DOJ, requires grantees to identify other sources of Federal grant funding in their applications, and requires the Attorney General to improve the coordination between the grant-making offices to reduce duplication and overlap.

This section imposes new accountability requirements on DOJ, HHS and VAWA grantees, including: requires the DOJ and HHS IGs to conduct an annual audit of no fewer than 10 percent of all VAWA grant recipients; excludes the award of funds for 2 fiscal

years to grantees found to have an unresolved audit finding for 1 year; requires DOJ to deposit into the General Fund of the Treasury the equivalent of monies awarded to a grantee barred by an IG finding and seek to recoup the funds from the grantee; prohibits the use of grant funds to lobby DOJ, Congress or state or local governments regarding the award of grant funding, a grantee found to be in violation of this prohibition must repay the grant in full and is prohibited from receiving another grant under this Act for 5 years; prohibits the award of grant funds to nonprofit organizations that hold money in offshore accounts for the purposes of avoiding Federal taxes; limits the use of funds for salaries and administrative expenses to 5 percent of funds authorized under the Act; and prohibits the use of funds to host or support any expenditure for conferences unless such conference receives prior written approval by the Deputy Attorney General, appropriate Assistant Attorney General or the Deputy Secretary of Health and Human Services.

Section 5. Effective Date.

This section provides an effective date for Titles I, II, III, IV, VII, and sections 3, 602, 901, and 902 of the first day of the fiscal year following date of enactment unless otherwise specified in the Act.

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

Section 101. STOP Grants.

This section reauthorizes the STOP (Services -Training—Officers—Prosecutors) grant program for 5 years. The authorized funding for STOP is reduced from $225 million to $222 million. The STOP grant is the primary VAWA formula grant program to state and local governments to address the crimes of domestic violence, sexual assault, dating violence and stalking. Each state, U.S. territory, and the District of Columbia receives grants according to a statutory formula. Recipients can then subgrant these funds to state agencies, state and local courts, units of local government, tribal governments, and nonprofit, nongovernmental victim services providers. This section increases the emphasis on training and enforcement of crimes of sexual violence, adds the offense of stalking to grant purpose areas, promotes efforts to reduce rape kit backlogs, and includes a 20 percent set-aside for sexual assault programs. Although VAWA's focus on violence against women appropriately reflects the disproportionate number of women who experience severe forms of domestic and sexual violence, men are also the victims of these crimes.

This section streamlines the application process for the STOP program, which currently requires states to provide extensive documentation that is of little use to OVW in monitoring the use of funds, and instead requires the state to develop a comprehensive implementation plan addressing how it will spend the funds received.

Section 102. Grants to Encourage Arrest Policies and Enforce Protection Orders.

This section reauthorizes the Arrest program for 5 years. The authorized funding for Arrest is reduced from $75 million to $73 mil-

lion. The Arrest program is the primary discretionary grant to help state, local, and tribal governments and agencies investigate and prosecute instances of domestic violence, dating violence, sexual assault, and stalking. This section increases the emphasis on sexual assault offenses by promoting the implementation of Sexual Assault Nurse Examiner programs, Forensic Examiner programs, Sexual Assault Response Teams, and programs to reduce rape kit backlogs. This section sets aside 25 percent of the available amounts for sexual assault offenses.

This section modifies the requirement that state and local government grant recipients certify that they test sex offenders for HIV at the request of the victim within 48 hours of information or indictment and provide the results of the testing to the victim. Grantees that cannot certify in this manner lose 5 percent of the funding from their grant. Current law makes no allowance for jurisdictions that must exceed the 48-hour limit when offenders are not in custody or otherwise easily accessible. This section clarifies that the test be performed within 48 hours of the offender being in custody or served with the information or indictment.

This section clarifies the provision that requires grantees to certify that they do not charge victims for costs associated with the modification, enforcement or dismissal of a protection order.

Section 103. Legal Assistance for Victims.

This section reauthorizes the Legal Assistance for Victims program for 5 years. The authorized funding for LAV is reduced from $65 million to $57 million. This section expands the training requirements for eligible entities to ensure that they have the relevant expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking. Those without such expertise may provide assistance only if they complete appropriate training in this area of law and also practice while partnered with a legal assistance provider with demonstrated expertise. This section allows grantees to recruit, train, and mentor pro bono attorneys and law students.

Section 104. Consolidated Grants to Support Families in the Justice System.

This section consolidates two programs that train judges and court personnel regarding the intersection between domestic violence and family court proceedings and promotes safe supervised visitation for families in cases involving domestic violence and sexual assault. The single grant program created by this consolidation is authorized for 5 years. The authorization is reduced from $25 million to $22 million.

Section 105. Court-Appointed Special Advocate Program.

This section reauthorizes the Court-Appointed Special Advocate program for 5 years. The program provides assistance to child victims of abuse or neglect. A new annual reporting requirement is added. Authorized funding for this program remains at $12 million.

Section 106. Outreach and Services to Underserved Populations Grant.

This section removes the existing Outreach to Underserved Populations grant program, which focused exclusively on public information campaigns, and replaces it with a program offering services to adult and youth victims in underserved communities. Outreach, education, prevention, and intervention strategies remain an allowable purpose for the grant funding. The current $2,000,000 authorization levels for this program does not change, but is augmented with a 2-percent set-aside from funds appropriated to the STOP and Arrest programs.

Section 107. Culturally-Specific Services Grant.

This section removes the term "linguistically" which has caused confusion about the purpose of the program. Many entities that provide culturally specific programming but not linguistically specific programming mistakenly believed they would not be eligible. This change clarifies that the program is not limited to linguistically specific services. Funding for this program does not change and continues to be drawn from set-asides from the Arrest, LAV, Rural, Elder, and Disabilities programs.

Section 108. Reduction in Rape Kit Backlog.

This section amends the DNA Analysis Backlog Elimination Act of 2000 to require that not less than 75 percent of the grant amounts awarded be spent on analyzing untested DNA evidence from crime scenes, or enhancing the capacity of labs to do so.

Section 109. Assistance to Victims of Sexual Assault.

This section reauthorizes grants to assist probation and parole officers and other personnel who work with released sex offenders. Authorized funding for this program remains at $5 million.

Section 110. Child Abuse Training Programs for Judicial Personnel and Practitioners.

This section reauthorizes grants to provide judicial and legal professionals with training and technical assistance to address the unique challenges facing juvenile and family courts. Authorized funding for this program remains at $2.3 million.

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

Section 201. Sexual Assault Services Program.

The Sexual Assault Services Program provides assistance to victims of sexual assault. SASP provides grants to states and territories, tribes, state sexual assault coalitions, tribal coalitions, and culturally specific organizations, without regard to the age of the victim. This section implements a new funding formula whereby each State, territory and the District of Columbia receive a minimum allocation of .75% of funds appropriated. The authorized funding for SASP is reduced from $50 million to $40 million for each of the fiscal years 2013 through 2017.

Section 202. Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance.

The Rural Grant Program addresses the unique challenges faced by victims of domestic violence and dating violence in rural jurisdictions. It encourages cooperation among law enforcement and victim service providers, among others, to investigate criminal incidents and provide treatment, education, and prevention strategies. This section strengthens responses to sexual assault through the inclusion of additional purpose areas. It also incorporates the use of multidisciplinary teams to address and prevent domestic and dating violence homicide. This section also provides for legal assistance and other victim services as well as programs to address rape kit backlogs. The authorized funding for the Rural Grant Program is reduced from $55 million to $50 million for each of the fiscal years 2013 through 2017.

Section 203. Training and Services to End Violence Against Women with Disabilities Grant.

The Disability grant program addresses the gaps in abuse suffered by domestic violence, dating violence, sexual assault, and stalking victims with disabilities. This section reauthorizes the program and adds the use of evidence-based indicators to assess the risk of domestic and dating violence homicide. The authorized funding for the Disability grant program is reduced from $10 million to $9 million.

Section 204. Training and Services to End Violence Against Women in Later Life Grant.

This section strikes the existing Elder Abuse grant program and replaces it with a more comprehensive response to this problem. The program funds grantees to train law enforcement and prosecutors in recognizing and responding to elder abuse and provide services for victims of elder abuse. This section adds that entities may also educate and train health care providers, faith-based leaders, and conduct outreach activities to ensure that victims of elder abuse receive appropriate assistance. This section instructs the Attorney General to consult the Secretary of HHS to ensure that the Elder Abuse grants administered by DOJ do not duplicate those administered by HHS. The authorized funding for the Elder Abuse grant program is reduced from $10 million to $9 million.

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

Section 301. Rape Prevention Education Grant.

The RPE grant program supports the efforts of rape crisis centers, sexual assault coalitions, and other nonprofit organizations to educate and increase awareness on how to prevent sexual assaults. Funding is distributed to states based on population. The authorized funding for RPE is reduced from $80 million to $50 million for each of the fiscal years 2013 through 2017.

Section 302. Creating Hope through Outreach, Options, Services, and Education for Children and Youth.

This section, along with section 402, consolidates eight existing grants to provide services for children and youth victims, such as counseling, mentoring, and legal assistance, as well as training and assistance to personnel at middle and high schools who can help victims. Grantees may be victim service providers and community-based organizations that are encouraged to partner with state, tribal, and local governments, and other agencies that work with children and youth. This section also requires the grant funds made available be used to provide evidence-based programs and training. The authorized funding for this consolidated grant program is $15 million, a $15 million reduction from the $30 million authorized by the individual programs.

Section 303. Grants to Combat Violent Crimes on Campuses.

The Campus program encourages institutions of higher education to partner with community-based organizations to adopt comprehensive, coordinated responses to domestic violence, dating violence, sexual assault, and stalking. This section clarifies that a grantee must address the following four components to meet minimum requirements during the grant period: (1) implementing a coordinated community response both internal to and external to the campus; (2) providing prevention education for all incoming students; (3) providing training on domestic violence, dating violence, sexual assault and stalking for campus law enforcement; and (4) providing training on such crimes to members of the campus judicial board. The authorized funding for the Campus program is reduced from $15 million to $12 million.

Section 304. National Center for Campus Public Safety.

This section authorizes the Director of the Office of Community Oriented Policing Services to establish and operate a National Center for Campus Public Safety to (1) train IHE public safety agencies and their collaborative partners; (2) foster relevant research; (3) collect, coordinate, and disseminate information and best practices regarding campus safety; (4) develop protocols to prevent, protect against, respond to, and recover from natural and man-made emergencies that threaten the campus community; and (5) increase cooperation between IHEs and the law enforcement, mental health, and other agencies and jurisdictions that serve them. This section authorizes the Director to award grants to IHEs and other nonprofit organizations for activities that will assist the Center in performing its functions. In establishing the Center, the Director of the COPS Office shall coordinate with the Secretary of Homeland Security, the Secretary of Education, and the Attorney General of each state, and coordinate the establishment and operation of the Center with campus public safety resources that may be available within DHS and the Department of Education.

TITLE IV—VIOLENCE REDUCTION PRACTICES

Section 401. Study Conducted by the Centers for Disease Control and Prevention.

This section reauthorizes funding to the Centers for Disease Control and Prevention (CDC) to provide grants to academic institutions and organizations to conduct research that examine best practices for reducing and preventing domestic violence, dating violence, sexual assault, and stalking. The authorized funding for this research is reduced from $2 million to $1 million.

Section 402. Saving Money and Reducing Tragedies through Prevention Grant.

This section consolidates four programs into one grant aimed at prevention. The new SMART grant provides funds for three primary purposes: (1) raising awareness and changing attitudes about teen dating violence; (2) preventing, reducing, and responding to children's exposure to violence at home; and (3) helping men to serve as role models in preventing domestic violence, dating violence, sexual assault, and stalking. This section reduces the authorization from $37 million to $15 million.

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

Section 501. Consolidated Grants to Strengthen the Healthcare System's Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

This section consolidates three existing VAWA programs related to the healthcare system's response to domestic violence, dating violence, sexual assault, and stalking and creates a comprehensive updated program that focuses on grants for developing interdisciplinary training for health professionals and education programs for health students. It also encourages the development of comprehensive strategies to improve the response of hospitals, clinics, and other public health facilities to domestic violence, dating violence, sexual assault, and stalking. A grantee may be a nonprofit organization, a healthcare provider, an accredited healthcare school, or a state, local, or tribal governmental entity. Grantees are also required to comply with relevant confidentiality and nondisclosure requirements. The authorized funding for this consolidated program is $10 million, a $3 million reduction from the $13 million authorized for the individual programs.

TITLE VI—SAFE HOMES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Section 601. Housing protections of victims of domestic violence, dating violence, sexual assault, and stalking.

The 2005 reauthorization of VAWA added protections that prevented applicants from being evicted from or denied admission to certain housing programs because they were victims. This section modifies these protections to extend the housing protections to vic-

tims of sexual assault. The VAWA housing protections are extended to nine Federal programs that are not covered currently, including the McKinney-Vento Act, which provides housing for the homeless, the HOME Improvement Partnership Program, the Low Income Housing Tax Credit, and the Rural Housing Services program. There are no funds authorized for this section.

Section 602. Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

This section reauthorizes the Transitional Housing Assistance program for 5 years. The authorized funding for Transitional Housing is lowered from $40 million to $35 million. The program provides transitional housing services that move individuals into permanent housing and for victims for whom emergency shelter services are unavailable or insufficient. This section clarifies that a qualified applicant is one whose policies protect victim safety, reflect an understanding of the dynamics of the four covered crimes, and do not include prohibited activities such as background checks or clinical evaluations to determine eligibility for services.

Section 603. Addressing the Housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.

This section reauthorizes two VAWA housing programs for 5 years. The authorized funding for each program is reduced from $10 million to $4 million. The first program awards grant funds to entities that assist victims who are currently homeless or at risk of becoming homeless by designing and implementing new activities, services, and programs to increase their stability and self-sufficiency. The second program provides grants to promote full and equal access to housing by adult and youth victims.

TITLE VII—ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

Section 701. National Resource Center on Workplace Responses to assist victims of domestic and sexual violence.

This section reauthorizes funding for the operation of the National Resource Center on Workplace Responses, which provides information and assistance to employers to aid in efforts to develop and implement responses to domestic and sexual violence. The authorized funding for the National Resource Center is maintained at $1 million.

TITLE VIII—IMMIGRATION PROVISIONS

Section 801. Fraud Prevention Initiatives.

Under section 240A(b)(2)(A) of the INA, illegal immigrants can apply for "cancellation of removal" and to become permanent residents if they have been battered or subjected to extreme cruelty by a U.S. citizen or permanent resident spouse or parent, have lived in the U.S. for 3 years, have been of good moral character and if their removal would result in extreme hardship to the alien, the alien's child, or the alien's parent. Subsection (a) of section 801 of the bill clarifies that in acting on such a cancellation application,

an immigration judge shall consider any credible evidence, including that submitted by the U.S. citizen or permanent resident accused of the abuse. Section 801(a) supersedes section 1367(a)(2) of title 8 of the U.S. Code as after-enacted legislation, but only to the extent necessary carry out section 801(a).

Under section 204(a) of the INA, U.S. citizens and permanent residents can petition for alien spouses to receive permanent residence. In instances where the aliens (or the aliens' children) have been battered or subjected to extreme cruelty, the aliens can petition for permanent residence on their own—they can "self-petition". Abused children of citizens and permanent residents and abused parents of U.S. citizens can also self-petition for permanent residence. Subsection (b) of section 801 provides that such self-petitions are to be adjudicated by local U.S. Citizenship and Immigration Services ("USCIS") offices and that the offices shall interview in-person the self-petitioning aliens and may interview the U.S. citizens or permanent residents accused of abuse and other persons if they consent to be interviewed. All interviews shall be conducted under oath and or subject to applicable penalties for perjury. The offices can also gather other evidence. All credible evidence provided by the U.S. citizens or permanent residents accused of abuse shall be considered by the local office. Section 801(b) supersedes section 1367(a)(2) as after-enacted legislation, but only to the extent necessary carry out section 801(b).

Subsection (b) additionally provides that the local USCIS office shall not approve a self-petition unless it finds in writing and with particularity that all requirements of section 204(a)(1) of the INA have been proven by clear and convincing evidence (including that the self-petitioning alien was a victim of battery or extreme cruelty). It also provides that the local USCIS office shall determine whether any Federal, State, territorial, tribal, or local law enforcement agency has undertaken an investigation or prosecution of the abusive conduct alleged by the self-petitioning alien. If so, the local office shall obtain as much information as possible about the investigation or prosecution and shall consider that information in adjudicating the self-petition. Again, section 201(b) supersedes section 1367(a)(2) of title 8 of the U.S. Code as after-enacted legislation, but only to the extent necessary carry out section 801(b). If an investigation or prosecution is pending, adjudication of the self-petition shall be stayed pending the conclusion of the investigation or prosecution. If no investigation or prosecution has been undertaken, the local office shall take this into consideration in adjudicating the self-petition.

Subsection (b) also provides that if the local office makes a written finding that the self-petitioning alien has made a material misrepresentation on their petition, during an interview, or during any other aspect of the adjudication of the self-petition, the self-petition shall be denied and the alien shall be removed from the U.S. on an expedited basis (and not be eligible for any delay or exemption from removal), shall be permanently ineligible for any lawful immigration status or benefits, and shall have any public benefits terminated (along with those of the alien's beneficiaries). Also, if the local office has received any evidence of a material misrepresentation, the office shall refer the matter and all evidence to the Federal Bureau of Investigation.

Subsection (b) also provides that if a self-petition has been denied, any obligation under an affidavit of support previously filed by the U.S. citizen or permanent resident accused of abuse shall be terminated.

Section 802. Clarification of the Requirements Applicable to U Visas.

U visas are temporary visas available to illegal immigrants who are victims of certain specified criminal activity in the U.S. To be eligible, a Federal, State, or local law enforcement official, prosecutor, judge or other official investigating the crime, or certain Department of Homeland Security officials, must certify that the alien has been, is, or is likely to be helpful in the investigation or prosecution of the criminal activity. Section 802 of the bill requires the certification provided by an alien along with the U visa petition confirm under oath that such criminal activity is actively under investigation or a prosecution has commenced and that an alien seeking a U visa has actually provided law enforcement with information that will assist in identifying the responsible criminals (unless their identity is already known).

Section 803. Protections for a Fiancée or Fiancé of a Citizen.

Section 214(d) of the INA provides that before the State Department can issue a temporary visa to the fiancé ("K–1") or spouse ("K–2") of a U.S. citizen, the petition filed by the citizen must include information on any specified crimes for which the citizen has been convicted. Section 803 of the bill provides that the petition also must contain information on convictions for attempts to commit these crimes and on any permanent protection or restraining orders issued against the citizen.

Section 804. Regulation of International Marriage Brokers.

Section 1375a of title 8 of the U.S. Code, the "International Marriage Broker Act of 2005 ("IMBA")," prohibits international marriage brokers from providing anyone with the personal contact information, photographs, or general information about the background or interests of any persons under the age of 18 and more generally requires that certain information be provided to alien applicants for K–1 or K–2 visas.

Subsection (a) of section 804 of the bill requires the Attorney General to report to Congress on the name of the component of the Justice Department responsible for prosecuting violations of the IMBA.

Subsection (b) of section 804 amends IMBA to require that an international marriage broker obtain, retain for a specified period, and produce upon the request of the Department of Justice the birth certificate or other proof of age document of each foreign national client.

Under IMBA, international marriage brokers must collect certifications by their U.S. clients including information on any arrests or conviction in the U.S. for certain specified crimes. Section 804(b) also requires the provision of information on arrests or convictions for attempts to commit such crimes.

Section 805. GAO Report.

The Government Accountability Office shall prepare a report to Congress on the approval processes for U visa petitions and self-petitions for permanent residence filed by battered aliens in order to assess safeguards against fraud and abuse.

Section 806. Temporary Nature of U Visa Status.

Section 245(m) of the INA provides that the Department of Homeland Security can grant U visa recipients the status of permanent residents if they have had U visas for 3 years and their continued presence in the U.S. would be justified on humanitarian grounds, to ensure family unity, or was otherwise in the public interest. Section 806 of the bill rescinds this authority to grant permanent residence to U visa recipients, and applies to applications for adjustment of status submitted on or after the date of enactment of this bill and to previously filed applications that are pending on the date of enactment.

Section 807. Annual Report on Immigration Applications Made by Victims of Abuse.

The Department of Homeland Security shall report to Congress each year on the U visa program, the T visa program (for victims of trafficking) and the self-petition process for battered aliens, including information on processing times and efforts to reduce processing times while ensuring safe and competent processing and while combating fraud and ensuring program integrity, and information on each type of criminal activity by reason of which aliens received U visas.

Section 808. Protection for Children of VAWA Self-Petitioners.

Section 808 of the bill provides that if a self-petitioner dies, the minor children of the alien can still have their derivative petitions for permanent residence adjudicated.

Section 809. Public Charge.

Section 809 of the bill provides that the public charge ground of inadmissibility (section 212(a)(4) of the INA) shall not apply to self-petitioners, aliens who have applied for or been granted U visas, and certain other battered aliens.

Section 810. Age-Out Protection for U Visa Applicants.

The minor sons and daughters of U visa recipients are eligible for U visas on a derivative basis. Section 810 provides that if they turn 21 while their U visa petitions are being adjudicated shall retain their status as minors for purpose of eligibility.

Section 811. Hardship Waivers.

Pursuant to section 216 of the INA, 2 years after an alien spouse of a U.S. citizen or permanent resident receives conditional permanent residence, USCIS determines whether the marriage is ongoing and was not entered into fraudulently and if so removes the conditional status of the permanent residence. The two spouses must jointly file a petition to seek removal of the conditional status and appear for an interview. USCIS has the discretion to remove the conditional status without the necessity for a joint petition and

interview if extreme hardship would result should the alien be removed, the marriage ended in divorce or the alien was battered or subjected to extreme cruelty. Section 811 of the bill extends USCIS's discretion to cases of aliens who were battered or subject to extreme cruelty after unknowingly entering into bigamous marriages.

Section 812. Information Sharing for National Security Purpose.

Section 1367(a)(2) of title 8 of the U.S. Code provides that officials of the Departments of Justice, State and Homeland Security may not permit use by or disclosure to anyone (other than officials of these agencies for legitimate agency purposes) of any information which relates to aliens who are the beneficiaries of applications for U and T visas, self-petitions for permanent residence, applicants for cancellation of removal as battered aliens, and for certain other immigration benefits. Section 1367(b) of title 8 of the U.S. Code provides for certain exceptions to this prohibition, including for the provision of information to law enforcement officials for law enforcement purposes.

Subsection (a) of section 812 of the bill adds to the waivers in section 1367(b) by providing a waiver for the Departments of Justice, State and Homeland Security, allowing them to provide for the disclosure of information to national security officials to be used solely for a national security purpose in a manner that protects the confidentiality of such information.

Subsection (b) of section 812 requires that within 180 days of enactment, the Departments of Justice and Homeland Security to provide guidance to employees who have access to the information protected by section 1367(a) of title regarding the requirements of the section, including provisions to protect victims of domestic violence from harm that could result from inappropriate disclosure. Section 812(b) clarifies that guidance should also be provided regarding protecting victims of trafficking in persons and specified criminal activity from the harms of inappropriate disclosure.

Section 813. GAO Report on Requirements to Cooperate With Law Enforcement Officials.

Section 813 of the bill provides that the Government Accountability Office shall issue a report to Congress on the adjudication of U visa petitions in order to assess the effectiveness of the reforms made by section 802 in ensuring that potential U visa recipients aid in the investigation of crimes and apprehension and prosecution of criminals and the effect such reforms have on the number of persons seeking and receiving U visas.

Section 814. Consideration of other Evidence

Section 237(a)(2)(E) of the Immigration and Nationality Act provides a ground of deportation for any alien who has been convicted of a crime of domestic violence. A crime of domestic means any crime of violence as defined in section 16 of title 8 of the U.S. Code committed against certain family members.

Section 814 of the bill provides that in determining whether the domestic abuse an alien has been convicted of meets the definition of crime of violence in circumstances where the conviction records do not conclusively answer the question, the Department of Justice

may consider any other evidence that it determines to be reliable in making the determination, including sentencing reports and police reports.

TITLE IX—SAFETY FOR INDIAN WOMEN

Section 901. Grants to Indian Tribal Governments.

This section improves an existing grant program targeted at curbing domestic violence, sexual assault, dating violence, and stalking in Indian country, by extending its coverage to sex trafficking crimes. It also adds two purpose areas to the program. The first allows grant money to go toward developing and promoting best practices for responding to domestic violence, dating violence, sexual assault, sex trafficking, and stalking in Indian country. The second allows grant money to go toward providing services to address the needs of youth in Indian country 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, or stalking.

Section 902. Grants to Indian Tribal Coalitions.

This section improves the existing tribal coalition grant program, by incorporating a purpose area that would allow grant money to go toward developing and promoting policies that promote best practices for responding to domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

Section 903. Consultation.

Current law requires the Attorney General to consult annually with Indian tribal governments on the Federal administration of programs funded by VAWA. This section requires the Attorney General to report to Congress on the annual consultations, and on the administration's recommendations for administering tribal funds and programs, enhancing the safety of Indian women, and strengthening the Federal response to such violent crimes.

Section 904. Analysis and Research on Violence Against Indian Women.

This section expands a study of violence committed against Indian women to include women in Alaska Native Villages and sex trafficking crimes. Authorized funding for the study is maintained at $1 million. This section also maintains the $1 million authorization for tribal sex offender registries.

Section 905. Assistant United States Attorney Domestic Violence Tribal Liaisons.

This section authorizes the Attorney General to expand the duties of existing Assistant U.S. Attorney Tribal Liaisons to afford greater focus to domestic violence in Indian country.

TITLE X—CRIMINAL PROVISIONS

Section 1001. Criminal Provisions Relating to Sexual Abuse.

This section prohibits a person who has supervisory or custodial authority over a person who is under arrest, on pretrial release, on

probation, or otherwise under supervision pending further judicial proceedings from engaging in sexual activity with the person who is under his or her supervisory or custodial authority. Current law only prohibits such sexual activity with a person in official detention, yet the same imbalance of power and potential for abuse of authority exists in the supervised release context. This section would prohibit such conduct if it occurs in the special maritime and territorial jurisdiction of the United States or if the person engaging in the sexual activity was exercising Federal supervisory or custodial authority. This section also makes the penalties for criminal civil rights violations involving sexual abuse consistent with the penalties for sexual abuse in other Federal statutes. Currently, civil rights violations involving sexual abuse are punished only as misdemeanors, even though the same sexual misconduct would garner serious felony penalties under other Federal statutes if it occurred on Federal land or was within other Federal jurisdiction.

Section 1002. Sexual Abuse in Custodial Settings.

The Prison Rape Elimination Act of 2003 (PREA) required the Attorney General to adopt national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in Federal facilities. When PREA was introduced, all immigration detention facilities were under the authority of the Department of Justice. When the Homeland Security Act of 2002 was enacted, adult immigration authority was transferred to the Department of Homeland Security (DHS), and the authority for detaining unaccompanied minors was transferred to the Department of Health and Human Services (HHS). This section fulfills the congressional intent of PREA by extending its requirements for national standards to DHS and HHS.

Section 1003. Criminal Provision Relating to Stalking, including Cyberstalking.

This section updates the Federal anti-stalking statute to capture more modern forms of communication that perpetrators use to stalk their victims.

Section 1004. Amendments to the Federal Assault Statute.

This section amends the Federal Criminal Code to provide a 10-year offense for assaulting a spouse, intimate partner, or dating partner by strangling or suffocating; a 5-year offense for assaulting a spouse, intimate partner, or dating partner resulting in substantial bodily injury; and a 1-year offense for assaulting a person by striking, beating or wounding. These changes will enable Federal prosecutors to more effectively combat three types of assault frequently committed against women in Indian country and to appropriately address the gradual escalation of seriousness often associated with domestic violence offenses.

Section 1005. Mandatory Minimum Sentence.

This section amends section 2241 of title 18 regarding aggravated sexual abuse offenses to amend the penalty from "any term of years or life" to not less than 10 years for offenses committed by force or threat of force and not less than 5 years for offenses committed by other means.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

VIOLENCE AGAINST WOMEN ACT OF 1994

TITLE IV—VIOLENCE AGAINST WOMEN

* * * * * * *

SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.

(a) DEFINITIONS.—In this title:

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

(2) CHILD.—The term "child" means a person who is under 11 years of age.

[(2)] *(3)* CHILD ABUSE AND NEGLECT.—The term "child abuse and neglect" means any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm *to an unemancipated minor*. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.

(4) 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)] *(5)* COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means [an organization] *a nonprofit, nongovernmental, or tribal organization that serves a specific geographic community* that—

(A) * * *

* * * * * * *

[(1)] *(6)* COURTS.—The term "courts" means any civil or criminal, tribal, and Alaska Native Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

[(5)] *(7)* COURT-BASED AND COURT-RELATED PERSONNEL.—The term "court-based" and "court-related personnel" mean persons working in the court, whether paid or volunteer, including—

(A) * * *

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(8) CULTURALLY SPECIFIC.—The term "culturally specific" (except when used as part of the term "culturally specific services") means primarily composed of racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u–6(g))).

(9) CULTURALLY SPECIFIC SERVICES.—The term "culturally specific services" means community-based services and resources that are culturally relevant and linguistically specific to culturally specific communities.

[(7)**]** *(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 where the existence of such a relationship shall be determined based on a consideration of—

(A) * * *

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[(8)**]** *(11)* DATING VIOLENCE.—The term "dating violence" means violence committed by a person—

(A) * * *

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

[(9)**]** *(13)* ELDER ABUSE.—The term "elder abuse" means any action against a person who is 50 years of age or older that constitutes the willful—

(A) * * *

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(14) HOMELESS, HOMELESS INDIVIDUAL, HOMELESS PERSON.—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.

[(10)**]** *(15)* INDIAN.—The term "Indian" means a member of an Indian tribe.

[(11)**]** *(16)* INDIAN COUNTRY.—The term "Indian country" has the same meaning given such term in section 1151 of title 18, United States Code.

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

[(14)**]** *(18)* 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)**]** *(19)* 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.

[(15)**]** *(20)* LAW ENFORCEMENT.—The term "law enforcement" means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

[(16) 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.

[(17) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term "linguistically and culturally specific services" means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward underserved communities.

[(18) 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.]

(21) LEGAL ASSISTANCE.—The term "legal assistance"—

(A) includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

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

(ii) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy; and

(B) may include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of severe forms of trafficking in persons as defined by section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102);

except that intake or referral, without other action, does not constitute legal assistance.

(22) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term "personally identifying information" or "personal information" means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including—

(A) a first and last name;

(B) a home or other physical address;

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

(D) a social security number, driver license number, passport number, or student identification number; and

(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.

(23) POPULATION SPECIFIC ORGANIZATION.—The term "population specific organization" means a nonprofit, nongovernmental organization that primarily serves members of a specific underserved population and has demonstrated experience and expertise providing targeted services to members of that specific underserved population.

(24) POPULATION SPECIFIC SERVICES.—The term "population specific services" means victim services that—

(A) address the safety, health, economic, legal, housing, workplace, immigration, confidentiality, or other needs of victims of domestic violence, dating violence, sexual assault, or stalking; and

(B) are designed primarily for, and are targeted to, a specific underserved population.

[(19)**]** *(25)* PROSECUTION.—The term "prosecution" means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim **[**services**]** *assistance* programs).

[(20)**]** *(26)* PROTECTION ORDER OR RESTRAINING ORDER.—The term "protection order" or "restraining order" includes—

(A) * * *

* * * * * * *

(27) RAPE CRISIS CENTER.—The term "rape crisis center" means—

(A) a nonprofit, nongovernmental, or tribal organization that provides intervention and related assistance, as specified in section 41601(b)(2)(C), to victims of sexual assault without regard to the age of the victims; or

(B) a governmental entity that—

(i) is located in a State other than a Territory;

(ii) provides intervention and related assistance, as specified in section 41601(b)(2)(C), to victims of sexual assault without regard to the age of the victims;

(iii) is not a law enforcement agency or other entity that is part of the criminal justice system; and

(iv) offers a level of confidentiality to victims that is comparable to a nonprofit entity that provides similar victim services.

[(21)**]** *(28)* 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) * * *

(ii) located in a rural census tract**[**.**]***; or*

(C) any federally recognized Indian tribe.

[(22)**]** *(29)* RURAL STATE.—The term "rural State" means a State that has a population density of **[**52**]** *57* or fewer persons per square mile or a State in which the largest county has fewer than **[**150,000**]** *250,000* people, based on the most recent decennial census.

(30) SEX TRAFFICKING.—The term "sex trafficking" means any conduct proscribed by section 1591 of title 18, United States Code, whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

[(23) SEXUAL ASSAULT.—The term "sexual assault" means any conduct proscribed 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.]

(31) SEXUAL ASSAULT.—The term "sexual assault" means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

[(24)] *(32)* STALKING.—The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) * * *

* * * * * * *

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

[(26)] *(34)* STATE DOMESTIC VIOLENCE COALITION.—The term "State domestic violence coalition" means a program determined by the Administration for Children and Families under sections 302 and 311 of the Family Violence Prevention and Services Act.

[(27)] *(35)* STATE SEXUAL ASSAULT COALITION.—The term "State sexual assault coalition" means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

[(28)] *(36)* TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term "territorial domestic violence or sexual assault coalition" means a program addressing domestic or sexual violence that is—

(A) * * *

* * * * * * *

[(29) TRIBAL COALITION.—The term "tribal coalition" means—

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

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

(37) TRIBAL COALITION.—The term "tribal coalition" means an established nonprofit, nongovernmental Indian organization, Alaska Native organization, or a Native Hawaiian organization that—

(A) provides education, support, and technical assistance to member Indian service providers in a manner that enables those member providers to establish and maintain culturally appropriate services, including shelter and rape crisis services, designed to assist Indian women and the de-

pendents of those women who are victims of domestic violence, dating violence, sexual assault, and stalking; and

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

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

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

[(30)] *(38)* TRIBAL GOVERNMENT.—The term "tribal government" means—

(A) * * *

* * * * * * *

[(31)] *(39)* TRIBAL NONPROFIT ORGANIZATION.—The term "tribal nonprofit organization" means—

(A) * * *

* * * * * * *

[(32)] *(40)* TRIBAL ORGANIZATION.—The term "tribal organization" means—

(A) * * *

* * * * * * *

[(33) 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 or by the Secretary of Health and Human Services, as appropriate.]

(41) UNDERSERVED POPULATIONS.—The term "underserved populations" means populations who face barriers to accessing and using victim services, and includes populations underserved because of geographic location or religion, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or the Secretary of Health and Human Services, as appropriate.

(42) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

[(34)] *(43)* VICTIM ADVOCATE.—The term "victim advocate" means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

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

(45) VICTIM SERVICE PROVIDER.—The term "victim service provider" means a nonprofit, nongovernmental or tribal organi-

zation or rape crisis center, including a State sexual assault coalition or tribal coalition, that—

(A) assists domestic violence, dating violence, sexual assault, or stalking victims, including domestic violence shelters, faith-based organizations, and other organizations; and

(B) has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

[(36) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term "victim services" or "victim service provider" means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.]

(46) VICTIM SERVICES.—The term "victim services"—

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

(B) may include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of severe forms of trafficking in persons as defined by section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

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

(47) YOUTH.—The term "youth" means a person who is 11 to 24 years of age.

(b) GRANT CONDITIONS.—

(1) * * *

(2) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

(A) * * *

(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.]

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

(ii) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that—

(I) consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor; and

(II) if a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, such minor or person with a guardian may release information without additional consent.

* * * * * * *

[(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.]

(D) INFORMATION SHARING.—

(i) IN GENERAL.—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-generated and prosecution-generated information necessary for law enforcement, intelligence, national security, or prosecution purposes.

(ii) LIMITATIONS.—Grantees and subgrantees may not—

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

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

(E) STATUTORILY MANDATED REPORTS OF ABUSE OR NEGLECT.—Nothing in this paragraph prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined by law, when specifically mandated by the State or tribe involved.

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

(G) CONFIDENTIALITY ASSESSMENT AND ASSURANCES.—Grantees and subgrantees shall certify their compliance with the confidentiality and privacy provisions required under this section.

[(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and 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.**]**

(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, and develop and promote State, local, or tribal legislation or model codes, designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

* * * * * * *

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

(A) * * *

* * * * * * *

Final reports of such evaluations shall be made publically available on the website of the disbursing agency.

* * * * * * *

(12) DELIVERY OF LEGAL ASSISTANCE.—Any grantee or subgrantee providing legal assistance with funds awarded under this title shall comply with the eligibility requirements in section 1201(d) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6(d)).

(13) CIVIL RIGHTS.—

(A) NONDISCRIMINATION.—No person in any State shall on the basis of actual or perceived race, color, religion, national origin, sex, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2012, or any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

(B) REASONABLE ACCOMMODATION.—Nothing in this paragraph shall prevent consideration of an individual's gender for purposes of a program or activity described in subparagraph (A) if the grantee involved determines that gender segregation or gender-specific programming is necessary to the essential operation of such program or activity. In such a case, alternative reasonable accommodations are sufficient to meet the requirements of this paragraph.

(C) APPLICATION.—The provisions of paragraphs (2) through (4) of section 809(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d(c)) shall apply to violations of subparagraph (A).

(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed, interpreted, or applied to supplant, displace, preempt, or otherwise diminish the responsibilities and liabilities of grantees under other Federal or State civil rights law, whether statutory or common.

(14) REQUIREMENT FOR EVIDENCE-BASED PROGRAMS.—Any educational programming, training, or public awareness communications regarding domestic violence, dating violence, sexual assault, or stalking that are funded under this title must be evidence-based.

(c) ACCOUNTABILITY.—All grants awarded under this title shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2013, and in each fiscal year thereafter, the Inspector General of the Department of Justice or the Inspector General of the Department of Health and Human Services, as applicable, shall conduct an audit of not fewer than 10 percent of all grantees under

this title to prevent waste, fraud, and abuse of funds by such grantees.

(2) MANDATORY EXCLUSION.—A grantee described in paragraph (1) that is found by the Inspector General of the Department of Justice or the Inspector General of the Department of Health and Human Services, as applicable, to have an unresolved audit finding (as defined in paragraph (5)) shall not be eligible to receive grant funds under this title during the 2 fiscal years beginning after the 12-month period described in such paragraph.

(3) REIMBURSEMENT.—If an entity is awarded grant funds under this title during any period in which the entity is prohibited from receiving funds under paragraph (2), the head of the Federal agency administering a grant program under this title shall—

(A) deposit into the General Fund of the Treasury an amount equal to the grant funds that were improperly awarded to the grantee; and

(B) seek to recoup the costs of the repayment to the Fund from the entity that was erroneously awarded such grant funds.

(4) UNRESOLVED AUDIT FINDING DEFINED.—In this subsection, the term "unresolved audit finding" means, with respect to a grantee described in paragraph (1), an audit report finding, statement, or recommendation by the Inspector General of the Department of Justice or the Inspector General of the Department of Health and Human Service, as applicable, that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date of an initial notification of the finding, statement, or recommendation.

(5) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph, the term "nonprofit organization" means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program under this title to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(6) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 5.0 percent of the amounts authorized to be appropriated under this title may be used by the Attorney General for salaries and administrative expenses of the Office on Violence Against Women.

(7) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice or Department of Health and Human Services under this title may be used by the Attorney General, the Secretary of Health and Human Services, or by any individual or organization awarded funds under this title, to host or support any expenditure for conferences, unless in the case of the Depart-

ment of Justice, the Deputy Attorney General or the appropriate Assistant Attorney General, or in the case of the Department of Health and Human Services the Deputy Secretary, provides prior written authorization that the funds may be expended to host or support any expenditure for such a conference.

(B) WRITTEN APPROVAL.—Written authorization under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General and Deputy Secretary of Health and Human Services shall submit an annual report to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Energy and Commerce of the House of Representatives on all conference expenditures approved and denied during the fiscal year for which the report is submitted.

(8) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts authorized to be appropriated under this title may not be utilized by any grantee or subgrantee to lobby any representative of the Federal Government (including the Department of Justice) or a State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any grantee or subgrantee receiving funds under this title has violated subparagraph (A), the Attorney General shall—

(i) require the grantee or subgrantee to repay such funds in full; and

(ii) prohibit the grantee or subgrantee from receiving any funds under this title for not less than 5 years.

(9) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of the Violence Against Women Reauthorization Act of 2012, the Assistant Attorney General for the Office of Justice Programs, the Director of the Office on Violence Against Women, and the Deputy Secretary for Health and Human Services shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a certification for such year that—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the Assistant Attorney General for the Office of Justice Programs;

(B) all mandatory exclusions required under paragraph (2) have been issued;

(C) all reimbursements required under paragraph (3) have been made; and

(D) includes a list of any grantees and subgrantees excluded during the previous year under paragraph (2).

Subtitle A—Safe Streets for Women

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CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

* * * * * * *

SEC. 40152. TRAINING PROGRAMS.

(a) * * *

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated [to carry out this section $3,000,000 for each of fiscal years 2007 through 2011.] *to carry out this section $5,000,000 for each of fiscal years 2013 through 2017.*

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Subtitle B—Safe Homes for Women

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CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

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) * * *

* * * * * * *

(H) health care providers*, including sexual assault forensic examiners*;

* * * * * * *

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

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

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

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

(4) to develop, expand, or strengthen programs addressing sexual assault, including sexual assault forensic examiner programs, Sexual Assault Response Teams, law enforcement training, and programs addressing rape kit backlogs.

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated [$55,000,000 for each of the fiscal years 2007 through 2011] *$50,000,000 for each of fiscal years 2013 through 2017* to carry out this section.

* * * * * * *

CHAPTER 11—TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR [CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT] *VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING*

SEC. 40299. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR [CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT] *VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.*

(a) IN GENERAL.—The Attorney General, acting in consultation with the Director of the Violence Against Women Office of the Department of Justice, the Department of Housing and Urban Development, and the Department of Health and Human Services, shall award grants under this section to States, units of local government, Indian tribes, and other organizations, including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking (referred to in this section as the "recipient") to carry out programs to provide assistance to minors, adults, and their dependents—

(1) who are homeless, or in need of transitional housing or other housing assistance, as a result of [fleeing] a situation of domestic violence, dating violence, sexual assault, or stalking; and

* * * * * * *

[(f) REPORT TO CONGRESS.—

[(1) REPORTING REQUIREMENT.—The Attorney General, with the Director of the Violence Against Women Office, shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary

of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year.

[(2) AVAILABILITY OF REPORT.—In order to coordinate efforts to assist the victims of domestic violence, the Attorney General, in coordination with the Director of the Violence Against Women Office, shall transmit a copy of the report submitted under paragraph (1) to—

[(A) the Office of Community Planning and Development at the United States Department of Housing and Urban Development; and

[(B) the Office of Women's Health at the United States Department of Health and Human Services.]

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section [$40,000,000 for each of the fiscal years 2007 through 2011] *$35,000,000 for each of fiscal years 2013 through 2017.*

* * * * * * *

(3) MINIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), unless all [eligible] *qualified* applications submitted by any States, units of local government, Indian tribes, or organizations within a State for a grant under this section have been funded, that State, together with the grantees within the State (other than Indian tribes), shall be allocated in each fiscal year, not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

* * * * * * *

(D) QUALIFIED APPLICATION DEFINED.—In this paragraph, the term "qualified application" means an application that—

(i) has been submitted by an eligible applicant;

(ii) does not propose any significant activities that may compromise victim safety;

(iii) reflects an understanding of the dynamics of domestic violence, dating violence, sexual assault, or stalking; and

(iv) does not propose prohibited activities, including mandatory services for victims, background checks of victims, or clinical evaluations to determine eligibility for services.

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 vio-

lence, 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;

[(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

[(C) measure the comparative effectiveness and outcomes of efforts under this Act to reduce violence and increase women's safety.

[(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 2007 through 2011.]

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Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older or Disabled Individuals

* * * * * * *

[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 of-

ficers 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 domestic violence, dating violence, sexual assault, or stalking, who are 50 years of age or older;

[(3) 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

[(4) 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 underserved populations are being addressed.]

SEC. 40802. GRANT FOR TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

(a) DEFINITIONS.—In this section:

(1) The term "eligible entity" means an entity that—

(A) is—

(i) a State;

(ii) a unit of local government;

(iii) a tribal government or tribal organization;

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

(v) a victim service provider; or

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

(B) is partnered with—

(i) a law enforcement agency;

(ii) an office of a prosecutor;

(iii) a victim service provider; or

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

(2) The term "elder abuse" means domestic violence, dating violence, sexual assault, or stalking committed against individuals in later life.

(3) The term "individual in later life" means an individual who is 60 years of age or older.

(b) GRANT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Attorney General may make grants to eligible entities to carry out the activities described in paragraph (2). In awarding such grants, the Attorney General shall consult with the Secretary of Health and Human Services to ensure that the activities funded under this section are not duplicative with the activities funded under the elder abuse prevention programs of the Department of Health and Human Services.

(2) MANDATORY AND PERMISSIBLE ACTIVITIES.—

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

(i) provide training programs to assist law enforcement agencies, prosecutors, agencies of States or units of local government, population specific organizations, victim service providers, victim advocates, and relevant officers in Federal, tribal, State, territorial, and local courts in recognizing and addressing instances of elder abuse;

(ii) provide or enhance services for victims of elder abuse;

(iii) establish or support multidisciplinary collaborative community responses to victims of elder abuse; and

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

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

(i) provide training programs to assist attorneys, health care providers, faith-based leaders, or other community-based organizations in recognizing and addressing instances of elder abuse; or

(ii) conduct outreach activities and awareness campaigns to ensure that victims of elder abuse receive appropriate assistance.

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

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $9,000,000 for each of fiscal years 2013 through 2017.

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[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 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 de-

veloping 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 tribal 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; or

[(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 2007 to 2011.

[(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.—

[(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

[(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).]

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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 youth victims of domestic violence, dating violence, sexual assault, and stalking. 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 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 2007 through 2011.

[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 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 Service, tribal child protective services, 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 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 commitment 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 2007 through 2011.

[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 2007 through 2011. 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 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 nonabusing 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 certain populations 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 underserved populations, and other necessary supportive services.

[(h) 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 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.

[(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. 41204. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

[(a) SHORT TITLE.—This section may be cited as the "Supporting Teens through Education and Protection Act of 2005" or the "STEP Act".

[(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

[(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

[(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

[(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

[(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

[(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

[(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

[(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

[(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

[(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the

confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian, except that consent for release may not be given by the abuser of the minor or of the other parent of the minor) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

[(f) GRANT TERM AND ALLOCATION.—

[(1) TERM.—The Director shall make the grants under this section for a period of 3 fiscal years.

[(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4), (b)(5), and (b)(6).

[(g) DISTRIBUTION.—

[(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent Native American.

[(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

[(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

[(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

[(i) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

[(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered

by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

[(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

[(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

[(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

[(j) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

[(k) REPORTING AND DISSEMINATION OF INFORMATION.—

[(1) REPORTING.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

[(2) DISSEMINATION OF INFORMATION.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

[(l) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2007 through 2011.

[(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.]

SEC. 41201. CREATING HOPE THROUGH OUTREACH, OPTIONS, SERVICES, AND EDUCATION FOR CHILDREN AND YOUTH (CHOOSE CHILDREN AND YOUTH).

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

(b) PROGRAM PURPOSES.—Funds provided under this section may be used for the following program purpose areas:

(1) SERVICES TO ADVOCATE FOR AND RESPOND TO YOUTH.—To develop, expand, and strengthen victim interventions and services that target youth who are victims of domestic violence, dating violence, sexual assault, and stalking. Services may include victim services, counseling, advocacy, mentoring, educational support, transportation, legal assistance in civil, criminal and administrative matters, such as family law cases, housing cases, child welfare proceedings, campus administrative proceedings, and civil protection order proceedings, services to address sex trafficking, population specific services, and other activities that support youth in finding safety, stability, and justice and in addressing the emotional, cognitive, and physical effects of trauma on youth. Funds may be used to—

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

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

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

(2) SUPPORTING YOUTH THROUGH EDUCATION AND PROTECTION.—To enable secondary or elementary schools that serve students in any of grades five through twelve and institutions of higher education to—

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

(B) develop and implement age-appropriate prevention and intervention policies in accordance with State law in secondary or elementary schools that serve students in any of grades five through twelve, including appropriate responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, and procedures for handling the requirements of court protective orders issued to or against students;

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

(D) provide evidence-based educational programs for students regarding domestic violence, dating violence, sexual assault, and stalking; or

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

(c) ELIGIBLE APPLICANTS.—

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

(A) a victim service provider, tribal nonprofit organization, population specific organization, or community-based organization with a demonstrated history of effective work addressing the needs of youth, including runaway or homeless youth, who are victims of domestic violence, dating violence, sexual assault, or stalking; or

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

(2) PARTNERSHIPS.—

(A) EDUCATION.—To be eligible to receive a grant for the purposes described in subsection (b)(2), an entity described in paragraph (1) shall be partnered with an elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965), charter school (as defined in section 5210 of such Act), a school that is operated or supported by the Bureau of Indian Education, or a legally operating private school, a school administered by the Department of Defense under section 2164 of title 10, United States Code, or section 1402 of the Defense Dependents' Education Act of 1978, a group of such schools, a local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965), or an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965).

(B) OTHER PARTNERSHIPS.—All applicants under this section are encouraged to work in partnership with organizations and agencies that work with the relevant youth population. Such entities may include—

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

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

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

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

(d) GRANTEE REQUIREMENTS.—Applicants for grants under this section shall establish and implement policies, practices, and procedures that—

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

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

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

(4) ensure that parents are informed of the programs funded under this program that are being offered at their child's school.

(e) PRIORITY.—The Attorney General shall prioritize grant applications under this section that coordinate with prevention programs in the community.

(f) DEFINITIONS AND GRANT CONDITIONS.—In this section, the definitions and grant conditions provided for in section 40002 shall apply.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2013 through 2017.

(h) ALLOTMENT.—

(1) IN GENERAL.—Not less than 50 percent of the total amount appropriated under this section for each fiscal year shall be used for the purposes described in subsection (b)(1).

(2) INDIAN TRIBES.—Not less than 10 percent of the total amount appropriated under this section for each fiscal year shall be made available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

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

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[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 2007 through 2011.

[(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 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 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 2007 through 2011.

[(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 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 nonabusing 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 engaging 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 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 non-grantees 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 2007 through 2011.

[(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 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).

[(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 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. 41303. SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION (SMART PREVENTION).

(a) GRANTS AUTHORIZED.—The Attorney General, in consultation with the Secretary of Health and Human Services and the Secretary of Education, is authorized to award grants for the purpose of preventing domestic violence, dating violence, sexual assault, and stalking by taking a comprehensive approach that focuses on youth, children exposed to violence, and men as leaders and influencers of social norms.

(b) USE OF FUNDS.—Funds provided under this section may be used for the following purposes:

(1) TEEN DATING VIOLENCE AWARENESS AND PREVENTION.—To develop, maintain, or enhance programs that change attitudes and behaviors around the acceptability of domestic violence, dating violence, sexual assault, and stalking and provide education and skills training to young individuals and individuals who influence young individuals. The prevention program may use evidence-based, evidence-informed, or innovative strategies and practices focused on youth. Such a program should include—

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

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

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

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

(2) CHILDREN EXPOSED TO VIOLENCE AND ABUSE.—To develop, maintain or enhance programs designed to prevent future incidents of domestic violence, dating violence, sexual assault, and stalking by preventing, reducing and responding to children's exposure to violence in the home. Such programs may include—

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

(B) training and coordination for educational, after-school, and childcare programs on how to safely and confidentially identify children and families experiencing domestic violence, dating violence, sexual assault, or stalking

and properly refer children exposed and their families to services and violence prevention programs.

(3) ENGAGING MEN AS LEADERS AND ROLE MODELS.—To develop, maintain or enhance programs that work with men to prevent domestic violence, dating violence, sexual assault, and stalking by helping men to serve as role models and social influencers of other men and youth at the individual, school, community or statewide levels.

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

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

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

(A) A public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents' Education Act of 1978, a group of schools, or a school district.

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

(C) A community-based organization, population-specific organization, university or health care clinic, faith-based organization, or other nonprofit, nongovernmental organization.

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

(E) Health care entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of children and youth.

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

(d) GRANTEE REQUIREMENTS.—

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

(2) POLICIES AND PROCEDURES.—Applicants under this section shall establish and implement policies, practices, and procedures that are consistent with the best practices developed under section 402 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 280b–4) and—

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

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

(C) ensure that all individuals providing prevention programming through a program funded under this section have completed or will complete sufficient training in connection with domestic violence, dating violence, sexual assault or stalking; and

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

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

(A) include outcome-based evaluation; and

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

(e) DEFINITIONS AND GRANT CONDITIONS.—In this section, the definitions and grant conditions provided for in section 40002 shall apply.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2013 through 2017.

(g) ALLOTMENT.—

(1) IN GENERAL.—Not less than 25 percent of the total amounts appropriated under this section in each fiscal year shall be used for each set of purposes described in paragraphs (1), (2), and (3) of subsection (b).

(2) INDIAN TRIBES.—Not less than 10 percent of the total amounts appropriated under this section in each fiscal year shall be made available for grants to Indian tribes or tribal organizations.

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

CHAPTER 1—GRANT PROGRAMS

SEC. 41402. PURPOSE.

The purpose of this [subtitle] *chapter* is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

(1) * * *

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SEC. 41403. DEFINITIONS.

For purposes of this [subtitle] *chapter*—

(1) * * *

* * * * * * *

[(6) 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;]

(6) the terms "homeless", "homeless individual", and "homeless person" have the meanings given such terms in section 40002(a);

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SEC. 41404. COLLABORATIVE GRANTS TO INCREASE THE LONG-TERM STABILITY OF VICTIMS.

(a) * * *

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(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated [$10,000,000 for each of fiscal years 2007

through 2011] *$4,000,000 for each of fiscal years 2013 through 2017* to carry out the provisions of this section.

SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.

(a) * * *

* * * * * * *

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated [$10,000,000 for each of fiscal years 2007 through 2011] *$4,000,000 for each of fiscal years 2013 through 2017* to carry out the provisions of this section.

CHAPTER 2—HOUSING RIGHTS

SEC. 41411. HOUSING PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) DEFINITIONS.—In this chapter:

(1) AFFILIATED INDIVIDUAL.—The term "affiliated individual" means, with respect to an individual—

(A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis; or

(B) any individual, tenant, or lawful occupant living in the household of that individual.

(2) APPROPRIATE AGENCY.—The term "appropriate agency" means, with respect to a covered housing program, the Executive department (as defined in section 101 of title 5, United States Code) that carries out the covered housing program.

(3) COVERED HOUSING PROGRAM.—The term "covered housing program" means—

(A) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(B) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(C) the program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

(D) each of the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);

(E) the program under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.);

(F) the program under paragraph (3) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)) for insurance of mortgages that bear interest at a rate determined under the proviso under paragraph (5) of such section 221(d);

(G) the program under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

(H) the programs under sections 6 and 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f);

(I) rural housing assistance provided under sections 514, 515, 516, 533, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, and 1490p–2); and

(J) the low-income housing tax credit program under section 42 of the Internal Revenue Code of 1986.

(b) PROHIBITED BASIS FOR DENIAL OR TERMINATION OF ASSISTANCE OR EVICTION.—

(1) IN GENERAL.—An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing program or housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

(2) CONSTRUCTION OF LEASE TERMS.—An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as—

(A) a serious or repeated violation of a lease for housing assisted under a covered housing program by the victim or threatened victim of such incident; or

(B) good cause for terminating the assistance, tenancy, or occupancy rights to housing assisted under a covered housing program of the victim or threatened victim of such incident.

(3) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—

(A) DENIAL OF ASSISTANCE, TENANCY, AND OCCUPANCY RIGHTS PROHIBITED.—No person may deny assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

(B) BIFURCATION.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), a public housing agency or owner or manager of housing assisted under a covered housing program may bifurcate a lease for the housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

(ii) EFFECT OF EVICTION ON OTHER TENANTS.—If a public housing agency or owner or manager of housing assisted under a covered housing program evicts, removes, or terminates assistance to an individual under

clause (i), and the individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency or owner or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.

(C) RULES OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed—

(i) to limit the authority of a public housing agency or owner or manager of housing assisted under a covered housing program, when notified of a court order, to comply with a court order with respect to—

(I) the rights of access to or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or

(II) the distribution or possession of property among members of a household in a case;

(ii) to limit any otherwise available authority of a public housing agency or owner or manager of housing assisted under a covered housing program to evict or terminate assistance to a tenant for any violation of a lease not premised on the act of violence in question against the tenant or an affiliated person of the tenant, if the public housing agency or owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate;

(iii) to limit the authority to terminate assistance to a tenant or evict a tenant from housing assisted under a covered housing program if a public housing agency or owner or manager of the housing can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted; or

(iv) to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

(c) DOCUMENTATION.—

(1) REQUEST FOR DOCUMENTATION.—If an applicant for, or tenant of, housing assisted under a covered housing program represents to a public housing agency or owner or manager of the housing that the individual is entitled to protection under subsection (b), the public housing agency or owner or manager may request, in writing, that the applicant or tenant submit to

the public housing agency or owner or manager a form of documentation described in paragraph (3).

(2) FAILURE TO PROVIDE CERTIFICATION.—

(A) IN GENERAL.—If an applicant or tenant does not provide the documentation requested under paragraph (1) within 14 business days after the tenant receives a request in writing for such certification from a public housing agency or owner or manager of housing assisted under a covered housing program, nothing in this chapter may be construed to limit the authority of the public housing agency or owner or manager to—

(i) deny admission by the applicant or tenant to the covered program;

(ii) deny assistance under the covered program to the applicant or tenant;

(iii) terminate the participation of the applicant or tenant in the covered program; or

(iv) evict the applicant, the tenant, or a lawful occupant that commits violations of a lease.

(B) EXTENSION.—A public housing agency or owner or manager of housing may extend the 14-day deadline under subparagraph (A) at its discretion.

(3) FORM OF DOCUMENTATION.—A form of documentation described in this paragraph is—

(A) a certification form approved by the appropriate agency that—

(i) states that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;

(ii) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and

(iii) includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide;

(B) a document that—

(i) is signed by—

(I) an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; and

(II) the applicant or tenant; and

(ii) states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b);

(C) a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or

(D) at the discretion of a public housing agency or owner or manager of housing assisted under a covered housing program, a statement or other evidence provided by an applicant or tenant.

(4) CONFIDENTIALITY.—Any information submitted to a public housing agency or owner or manager under this subsection, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in confidence by the public housing agency or owner or manager and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is—

(A) requested or consented to by the individual in writing;

(B) required for use in an eviction proceeding under subsection (b); or

(C) otherwise required by applicable law.

(5) DOCUMENTATION NOT REQUIRED.—Nothing in this subsection shall be construed to require a public housing agency or owner or manager of housing assisted under a covered housing program to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

(6) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with subsection (b) by a public housing agency or owner or manager of housing assisted under a covered housing program based on documentation received under this subsection, shall not be sufficient to constitute evidence of an unreasonable act or omission by the public housing agency or owner or manager or an employee or agent of the public housing agency or owner or manager. Nothing in this paragraph shall be construed to limit the liability of a public housing agency or owner or manager of housing assisted under a covered housing program for failure to comply with subsection (b).

(7) RESPONSE TO CONFLICTING CERTIFICATION.—If a public housing agency or owner or manager of housing assisted under a covered housing program receives documentation under this subsection that contains conflicting information, the public housing agency or owner or manager may require an applicant or tenant to submit third-party documentation, as described in subparagraph (B), (C), or (D) of paragraph (3).

(8) PREEMPTION.—Nothing in this subsection shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.

(d) NOTIFICATION.—

(1) DEVELOPMENT.—The Secretary of Housing and Urban Development shall develop a notice of the rights of individuals under this section, including the right to confidentiality and the limits thereof, and include such notice in documents required by law to be provided to tenants assisted under a covered housing program.

(2) PROVISION.—The applicable public housing agency or owner or manager of housing assisted under a covered housing program shall provide the notice developed under paragraph (1) to an applicant for or tenant of housing assisted under a covered housing program—

(A) at the time the applicant is denied residency in a dwelling unit assisted under the covered housing program;

(B) at the time the individual is admitted to a dwelling unit assisted under the covered housing program; and

(C) in multiple languages, consistent with guidance issued by the Secretary of Housing and Urban Development in accordance with Executive Order 13166 (42 U.S.C. 2000d–1 note; relating to access to services for persons with limited English proficiency).

(e) EMERGENCY RELOCATION AND TRANSFERS.—Each appropriate agency shall develop a model emergency relocation and transfer plan for voluntary use by public housing agencies and owners or managers of housing assisted under a covered housing program that—

(1) allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to relocate or transfer to another available and safe dwelling unit assisted under a covered housing program and retain their status as tenants under the covered housing program if—

(A) the tenant expressly requests to move;

(B)(i) the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit assisted under a covered housing program; or

(ii) the sexual assault, domestic violence, dating violence, or stalking occurred on the premises during the 90-day period preceding the request to move; and

(C) the tenant has provided documentation as described in subparagraph (A), (B), (C) or (D) of subsection (c)(3) if requested by a public housing agency or owner or manager;

(2) incorporates reasonable confidentiality measures to ensure that the public housing agency or owner or manager does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant;

(3) describes how the appropriate agency will coordinate relocations or transfers between dwelling units assisted under a covered housing program;

(4) takes into consideration the existing rules and regulations of the covered housing program;

(5) is tailored to the specific type of the covered housing program based on the volume and availability of dwelling units under the control or management of the public housing agency, owner, or manager; and

(6) provides guidance for use in situations in which it is not feasible for an individual public housing agency, owner, or manager to effectuate a transfer.

(f) POLICIES AND PROCEDURES FOR EMERGENCY TRANSFER.—The Secretary of Housing and Urban Development shall establish

policies and procedures under which a victim requesting an emergency transfer under subsection (e) may receive, subject to the availability of tenant protection vouchers for assistance under section 8(o)(16) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(16)), assistance under such section.

(g) IMPLEMENTATION.—The appropriate agency with respect to each covered housing program shall implement this section, as this section applies to the covered housing program.

Subtitle O—National Resource Center

SEC. 41501. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

(a) * * *

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of [fiscal years 2007 through 2011] *fiscal years 2013 through 2017.*

* * * * * * *

Subtitle P—Sexual Assault Services

SEC. 41601. SEXUAL ASSAULT SERVICES PROGRAM.

(a) * * *

(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.] *other nongovernmental or tribal programs and projects to assist individuals who have been victimized by sexual assault, without regard to the age of the individual.*

(2) ALLOCATION AND USE OF FUNDS.—

(A) * * *

(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] *nongovernmental or tribal 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) * * *

* * * * * * *

(v) community-based, [linguistically and] culturally specific services and support mechanisms, in-

cluding outreach activities for underserved communities; and

* * * * * * *

(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State *and territory* not less than [1.50 percent] *0.75 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 all the States and the territories. The District of Columbia shall be treated as a territory for purposes of calculating its allocation under [the preceding formula] *this paragraph*.

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated [$50,000,000 to remain available until expended for each of the fiscal years 2007 through 2011] *$40,000,000 to remain available until expended for each of fiscal years 2013 through 2017* to carry out the provisions of this section.

* * * * * * *

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

* * * * * * *

TITLE I—JUSTICE SYSTEM IMPROVEMENT

PART A—OFFICE OF JUSTICE PROGRAMS

* * * * * * *

SEC. 109. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) * * *

(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) * * *

* * * * * * *

(3) Any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2012, or any other program or activity funded in whole or in part with funds appropriated for

grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

[(3)] *(4)* Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

* * * * * * *

PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) * * *

* * * * * * *

(18) There is authorized to be appropriated to carry out part T [$225,000,000 for each of fiscal years 2007 through 2011] *$222,000,000 for each of fiscal years 2013 through 2017.*

(19) There is authorized to be appropriated to carry out part U [$75,000,000 for each of fiscal years 2007 through 2011] *$73,000,000 for each of fiscal years 2013 through 2017.* Funds appropriated under this paragraph shall remain available until expended.[.]

* * * * * * *

PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.

(a) * * *

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide personnel, training, technical assistance, data collection and other [equipment] *resources* for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, *for the protection and safety of victims,* and specifically, for the purposes of—

(1) training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of [sexual assault, domestic violence, and dating violence] *domestic violence, dating violence, sexual assault, and stalking*;

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

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

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying*, classifying,* and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for vio-

lent crimes against women, including the crimes of [sexual assault and domestic violence] *domestic violence, dating violence, sexual assault, and stalking*;

(5) developing, enlarging, or strengthening victim services *and legal assistance* programs, including [sexual assault and domestic violence] *domestic violence, dating violence, sexual assault, and stalking* programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, [including crimes of sexual assault, domestic violence, and dating violence;] *including crimes of domestic violence, dating violence, sexual assault, and stalking;*

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

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

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

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

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

[(11)] *(10)* providing assistance to victims of domestic violence and sexual assault in immigration matters;

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

[(13)] *(12)* supporting the placement of special victim assistants (to be known as "Jessica Gonzales Victim Assistants") in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domes-

tic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

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

* * * * * * *

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

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

(A) * * *

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

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

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

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

(16) developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims;

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

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

(19) with not more than 5 percent of the total amount allocated to a State for this part, developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under [paragraph (14)] *paragraph (13)* shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol.

* * * * * * *

(d) TRIBAL COALITION GRANTS.—

(1) PURPOSE.—The Attorney General shall award grants to tribal domestic violence and sexual assault coalitions for purposes of—

(A) * * *

(B) enhancing the response to violence against American Indian and Alaska Native women at the tribal, Federal, and State levels; [and]

(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to American Indian women victimized by domestic and sexual violence[.]*; and*

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

(2) GRANTS TO TRIBAL COALITIONS.—The Attorney General shall award grants under paragraph (1) to—

(A) * * *

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

* * * * * * *

SEC. 2007. STATE GRANTS.

(a) GENERAL GRANTS.—The Attorney General may make grants to States, for use by States, State and local courts (including juvenile courts), units of local government, [nonprofit nongovernmental victim services programs] *victim service providers*, and Indian tribal governments for the purposes described in section 2001(b).

(b) AMOUNTS.—Of the amounts appropriated for the purposes of this part—

(1) * * *

* * * * * * *

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

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

(1) * * *

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

(2) grantees and subgrantees shall develop a plan for implementation and may consult and coordinate with—

(A) the State sexual assault coalition;

(B) the State domestic violence coalition;

(C) the law enforcement entities within the State;

(D) prosecution offices;

(E) State and local courts;

(F) tribal governments or tribal coalitions in those States with State or federally recognized Indian tribes;

(G) representatives from underserved populations;

(H) victim service providers;

(I) population specific organizations; and

(J) other entities that the State or the Attorney General identifies as necessary for the planning process;

(3) grantees shall coordinate the State implementation plan described in paragraph (2) with the State plans described in section 307 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) and the plans described in the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and section 393A of the Public Health Service Act (42 U.S.C. 280b–1b); and

[(3)] *(4)* of the amount granted—

(A) not less than 25 percent shall be allocated for law enforcement [and not less than 25 percent shall be allocated for prosecutors];

(B) not less than 25 percent shall be allocated for prosecutors;

(C) for each fiscal year beginning on or after the date that is 2 years after the date of enactment of the Violence Against Women Reauthorization Act of 2012, not less than 20 percent shall be allocated for programs or projects that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship;

[(B)] *(D)* not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to [culturally specific community-based] *population specific* organizations; and

[(C)] *(E)* not less than 5 percent shall be allocated for State and local courts (including juvenile courts)[; and].

[(4) any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle.]

[(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 shall apply to grants made under this part. In addition, each application submitted by a State shall include the certifications of qualification required by subsection (c), including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2). In addition, each application submitted by a State or tribal government shall include—

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

[(A) need for the grant funds;

[(B) intended use of the grant funds;

[(C) expected results from the use of grant funds; and

[(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background;

[(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 2010; and

[(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 2011; and

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

(d) APPLICATION REQUIREMENTS.—An application for a grant under this part shall include—

(1) the certifications of qualification required under subsection (c);

(2) proof of compliance with the requirements for the payment of forensic medical exams and judicial notification, described in section 2010;

(3) proof of compliance with the requirements for paying fees and costs relating to domestic violence and protection order cases described in section 2011;

(4) proof of compliance with the requirements prohibiting polygraph examinations of victims of sexual assault described in section 2013;

(5) an implementation plan required under subsection (i); and

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

(e) DISBURSEMENT.—

(1) * * *

(2) REGULATIONS.—In disbursing monies under this part, the Attorney General shall issue regulations to ensure that States will—

(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing [domestic violence and sexual assault] *domestic*

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

* * * * * * *

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

(3) CONDITIONS.—In disbursing grants under this part, the Attorney General may impose reasonable conditions on grant awards disbursed after the date of enactment of the Violence Against Women Reauthorization Act of 2012 to ensure that the States meet statutory, regulatory, and other programs requirements.

(f) FEDERAL SHARE.—The Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted[.]*, except that, for purposes of this subsection, the costs of the projects for victim services or tribes for which there is an exemption under section 40002(b)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(1)) shall not count toward the total costs of the projects.*

* * * * * * *

(i) IMPLEMENTATION PLANS.—A State applying for a grant under this part shall—

(1) develop an implementation plan in consultation with representatives of the entities listed in subsection (c)(2), that identifies how the State will use the funds awarded under this part; and

(2) submit to the Attorney General as part of the application submitted in accordance with subsection (d)—

(A) the implementation plan developed under paragraph (1);

(B) documentation from each member of the planning committee with respect to the member's participation in the planning process;

(C) documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, describing—

(i) the need for the grant funds;

(ii) the intended use of the grant funds;

(iii) the expected result of the grant funds; and

(iv) the demographic characteristics of the populations to be served, including age, disability, race, ethnicity, and language background;

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

(E) demographic data on the distribution of underserved populations within the State and a description of

how the State will meet the needs of underserved populations, including the minimum allocation for population specific services required under subsection (c)(4)(C);

(F) a description of how the State plans to meet the requirements pursuant to regulations issued under subsection (e)(2);

(G) goals and objectives for reducing domestic and dating violence-related homicides within the State; and

(H) any other information requested by the Attorney General.

(j) REALLOCATION OF FUNDS.—A State may use any returned or remaining funds for any authorized purpose under this part if—

(1) funds from a subgrant awarded under this part are returned to the State; or

(2) the State does not receive sufficient eligible applications to award the full funding within the allocations under subsection (c)(4).

* * * * * * *

SEC. 2010. RAPE EXAM PAYMENTS.

(a) RESTRICTION OF FUNDS.—

[(1) IN GENERAL.—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.**]**

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

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

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

* * * * * * *

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

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

(2) arranges for victims to obtain such exams free of charge to the victims**[**; or**]**.

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

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

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

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

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

(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this 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.—(1) IN GENERAL.—in this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

[(2) COMPLIANCE PERIOD.—States, territories, and Indian tribal governments shall have 3 years from the date of enactment of the Violence Against Women and Department of Justice Reauthorization Act of 2005 to come into compliance with this subsection.]

(d) NONCOOPERATION.—

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

(2) COMPLIANCE PERIOD.—States, territories, and Indian tribal governments shall have 3 years from the date of enactment of the Violence Against Women Reauthorization Act of 2012 to come into compliance with this subsection.

* * * * * * *

SEC. 2011. COSTS FOR CRIMINAL CHARGES AND PROTECTION ORDERS.

(a) 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—

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, *modification, enforcement, dismissal,* or service of a protection order, or a petition for a protection order, to protect a victim of [domestic violence, stalking, or sexual assault] *domestic violence, dating violence, sexual assault, or stalking*, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration,

modification, enforcement, dismissal, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or

* * * * * * *

SEC. 2015. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

(a) GRANTS.—The Attorney General may make grants to Indian tribal governments or authorized designees of Indian tribal governments to—

(1) * * *

(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, *sex trafficking,* and stalking crimes against Indian women;

* * * * * * *

(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, *sex trafficking,* and stalking;

(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, **[**and stalking programs and to address the needs of children exposed to domestic violence;**]** *sexual assault, sex trafficking, and stalking;*

* * * * * * *

(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, *sex trafficking,* or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, *sex trafficking,* or stalking to locate and secure permanent housing and integrate into a community; **[**and**]**

(8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, *sex trafficking,* or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims**[**.**]***;*

(9) provide services to address the needs of youth who are victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking and the needs of children exposed to domestic violence, dating violence, sexual assault, or stalking, including support for the nonabusing 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.

* * * * * * *

PART U—GRANTS TO ENCOURAGE ARREST POLICIES

SEC. 2101. GRANTS.

(a) * * *

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

(1) To implement proarrest programs and policies in police departments, including policies for protection order violations *and enforcement of protection orders across State and tribal lines*.

(2) To develop policies, educational programs, protection order registries, [and training in police departments to improve tracking of cases] *data collection systems, and training in police departments to improve tracking of cases and classification of complaints* involving domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.

* * * * * * *

(4) To coordinate computer tracking systems *and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking* to ensure communication between police, prosecutors, parole and probation officers, and both criminal and family courts.

(5) To strengthen legal advocacy service programs *and other victim services* for victims of domestic violence, dating violence, sexual assault, and stalking, including strengthening assistance to such victims in immigration matters.

(6) To educate [judges] *Federal, State, tribal, territorial, and local judges, and court-based and court-related personnel* in criminal and civil courts (including juvenile courts) about domestic violence, dating violence, sexual assault, and stalking and to improve judicial handling of such cases.

* * * * * * *

(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence [and sexual assault], *dating violence, sexual assault, and stalking* against older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) and individuals with disabilities (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).

* * * * * * *

(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from [non-profit, non-governmental victim services organizations,] *victim service providers, population specific organizations,* law enforcement

officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

* * * * * * *

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

(15) To develop or strengthen policies, protocols, and training for law enforcement officers, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking.

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

(17) To develop, implement, or enhance sexual assault nurse examiner programs or sexual assault forensic examiner programs, including the hiring and training of such examiners.

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

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

(20) To provide the following human immunodeficiency virus services for victims of sexual assault:

(A) Testing.

(B) Counseling.

(C) Prophylaxis.

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

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

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

(B) identifying and managing high-risk offenders; and

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

(c) ELIGIBILITY.—Eligible ⟦grantees are States⟧ *grantees are—*

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

[(1)] *(A) except for a court,* certify that their laws or official policies—

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

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

[(2)] *(B) except for a court,* demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

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

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

[(5)] *(E)* certify that[, not later than 3 years after the date of enactment of this section,] their laws, policies, or practices will ensure that—

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

[(B)] *(ii)* the refusal of a victim to submit to an examination described in [subparagraph (A)] *clause (i)* shall not prevent the investigation of the offense[.]*; and*

(2) a State, tribal, or territorial domestic violence or sexual assault coalition or a victim service provider that partners with a State, Indian tribal government, or unit of local government that certifies that the State, Indian tribal government, or unit of local government meets the requirements under paragraph (1).

(d) SPEEDY NOTICE TO VICTIMS.—A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this part unless the State or unit of local government—

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

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

* * * * * * *

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

(A) * * *

* * * * * * *

(f) ALLOCATION FOR TRIBAL COALITIONS.—Of the amounts appropriated for purposes of this part for each fiscal year, not less than 5 percent shall be available for grants under section 2001(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(d)).

(g) ALLOCATION FOR SEXUAL ASSAULT.—Of the amounts appropriated for purposes of this part for each fiscal year, not less than 25 percent shall be available for projects that address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.

SEC. 2102. APPLICATIONS.

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

(1) contains a certification by the chief executive officer of the State, Indian tribal government, *court,* or local government entity that the conditions of section 2101(c) are met or will be met within the later of—

(A) * * *

* * * * * * *

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

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PART LL—NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY

SEC. 3021. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.

(a) AUTHORITY TO ESTABLISH AND OPERATE CENTER.—

(1) IN GENERAL.—The Director of the Office of Community Oriented Policing Services is authorized to establish and oper-

ate a National Center for Campus Public Safety (referred to in this section as the "Center").

(2) GRANT AUTHORITY.—The Director of the Office of Community Oriented Policing Services is authorized to award grants to institutions of higher education and other nonprofit organizations to assist in carrying out the functions of the Center required under subsection (b).

(b) FUNCTIONS OF THE CENTER.—The center shall—

(1) provide quality education and training for campus public safety agencies of institutions of higher education and the agencies' collaborative partners, including campus mental health agencies;

(2) foster quality research to strengthen the safety and security of institutions of higher education;

(3) serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property, and emergency response and evacuation procedures;

(4) develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against, respond to, and recover from, natural and man-made emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;

(5) promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;

(6) coordinate campus safety information (including ways to increase off-campus housing safety) and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;

(7) increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions serving institutions of higher education;

(8) develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies; and

(9) report annually to Congress and the Attorney General on activities performed by the Center during the previous 12 months.

(c) COORDINATION WITH AVAILABLE RESOURCES.—In establishing the Center, the Director of the Office of Community Oriented Policing Services shall—

(1) consult with the Secretary of Homeland Security, the Secretary of Education, and the Attorney General of each State; and

(2) coordinate the establishment and operation of the Center with campus public safety resources that may be available

within the Department of Homeland Security and the Department of Education.

(d) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—In this section, the term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

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SECTION 1201 OF THE VIOLENCE AGAINST WOMEN ACT OF 2000

SEC. 1201. LEGAL ASSISTANCE FOR VICTIMS.

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

(b) DEFINITIONS *AND GRANT CONDITIONS*.—In this section, the definitions *and grant conditions* provided in section 40002 of the Violence Against Women Act of 1994 shall apply.

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

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

* * * * * * *

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

(3) to implement, expand, and establish efforts and projects to provide competent, supervised pro bono legal assistance for victims of domestic violence, dating violence, sexual assault, or stalking.

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

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

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

(B)(i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and

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

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

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out [this section $65,000,000 for each of fiscal years 2007 through 2011.] *this section $57,000,000 for each of fiscal years 2013 through 2017.*

(2) ALLOCATION OF FUNDS.—

(A) * * *

* * * * * * *

(D) Of the amount made available under this subsection in each fiscal year, not more than 10 percent may be used for purposes described in subsection (c)(3).

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VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

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DIVISION B—VIOLENCE AGAINST WOMEN ACT OF 2000

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TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

[SEC. 10402. SAFE HAVENS FOR CHILDREN.

[(a) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities

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

[(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.

[(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—

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

[(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2));

[(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State or tribal domestic violence coalition, State or tribal sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

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

[(c) APPLICANT REQUIREMENTS.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

[(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

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

[(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

[(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

[(d) REPORTING.—

[(1) IN GENERAL.—Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit to Congress a report that includes information concerning—

[(A) the number of—

[(i) individuals served and the number of individuals turned away from visitation programs and serv-

ices and safe visitation exchange (categorized by State);

[(ii) the number of individuals from underserved populations served and turned away from services; and

[(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

[(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

[(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

[(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

[(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

[(2) GUIDELINES.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

[(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 2007 through 2011. 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) 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

[(B) 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.

[(f) ALLOTMENT FOR INDIAN TRIBES.—

[(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

[(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).]

SEC. 1301. COURT TRAINING AND SUPERVISED VISITATION IMPROVEMENTS.

(a) IN GENERAL.—The Attorney General may make grants to States, units of local government, courts (including juvenile courts), Indian tribal governments, nonprofit organizations, legal services providers, and victim services providers to improve the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, or stalking, or in cases involving allegations of child sexual abuse.

(b) USE OF FUNDS.—A grant under this section may be used to—

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

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

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

(4) provide adequate resources in juvenile court matters to respond to domestic violence, dating violence, sexual assault (including child sexual abuse), and stalking and ensure necessary services dealing with the physical health and mental health of victims are available;

(5) enable courts or court-based or court-related programs to develop or enhance—

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

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

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

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

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

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

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

(7) improve training and education to assist judges, judicial personnel, attorneys, child welfare personnel, and legal advocates in the civil justice system regarding domestic violence, dating violence, sexual assault, stalking, or child abuse.

(c) CONSIDERATIONS.—

(1) IN GENERAL.—In making grants for purposes described in paragraphs (1) through (6) of subsection (b), the Attorney General shall consider—

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

(B) the extent to which the proposed programs and services serve underserved populations;

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

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

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

(d) APPLICANT REQUIREMENTS.—The Attorney General may make a grant under this section to an applicant that—

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

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

(3) if the applicant proposes to operate supervised visitation programs and services or safe visitation exchange, demonstrates that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, and adequate standards are, or will be, in place (including the development of protocols or policies to ensure that confidential in-

formation is not shared with courts, law enforcement agencies, or child welfare agencies unless necessary to ensure the safety of any child or adult using the services of a program funded under this section);

(4) certifies that the organizational policies of the applicant do not require mediation or counseling involving offenders and victims being physically present in the same place, in cases where domestic violence, dating violence, sexual assault, or stalking is alleged;

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

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

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for each of the fiscal years 2013 through 2017. Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

(f) ALLOTMENT FOR INDIAN TRIBES.—

(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).

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TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

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

(a) * * *

(b) USE OF FUNDS.—Grants awarded under this section shall be used—

(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction *(including using evidence-based indicators to assess the risk of domestic and dating vio-*

lence homicide) and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

* * * * * * *

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

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

(A) * * *

* * * * * * *

(c) ELIGIBLE ENTITIES.—

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

(A) * * *

* * * * * * *

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

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated [$10,000,000 for each of the fiscal years 2007 through 2011] *$9,000,000 for each of fiscal years 2013 through 2017* to carry out this section.

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CRIME CONTROL ACT OF 1990

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TITLE II—VICTIMS OF CHILD ABUSE ACT OF 1990

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Subtitle B—Court-Appointed Special Advocate Program

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SEC. 216. PURPOSE.

The purpose of this subtitle is to ensure that by [January 1, 2010] *January 1, 2015*, a court-appointed special advocate shall be

available to every victim of child abuse or neglect in the United States that needs such an advocate.

SEC. 217. STRENGTHENING OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) * * *

* * * * * * *

(c) GRANT CRITERIA.—(1) * * *

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

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

* * * * * * *

(e) REPORTING.—An organization that receives a grant under this section for a fiscal year shall submit to the Administrator a report regarding the use of the grant for the fiscal year, including a discussion of outcome performance measures (which shall be established by the Administrator) to determine the effectiveness of the programs of the organization in meeting the needs of children in the child welfare system.

SEC. 219. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle $12,000,000 for each of [fiscal years 2007 through 2011] *fiscal years 2013 through 2017*.

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VIOLENCE AGAINST WOMEN AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

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

* * * * * * *

[SEC. 120. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

[(a) GRANTS AUTHORIZED.—

[(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to carry out local, regional, or national public information campaigns fo-

cused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal and underserved populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

[(2) TERM.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

[(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

[(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal and underserved populations or immigrant community that—

[(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

[(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

[(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

[(c) ALLOCATION OF FUNDS.—Of the amounts appropriated for grants under this section—

[(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal and underserved populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

[(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

[(d) USE OF FUNDS.—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

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

[(f) CRITERIA.—In awarding grants under this section, the Attorney General shall ensure—

[(1) reasonable distribution among eligible grantees representing various underserved and immigrant communities;

[(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns; and

[(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

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

[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2007 through 2011.

[(i) DEFINITIONS AND GRANT CONDITIONS.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.]

SEC. 120. GRANTS FOR OUTREACH AND SERVICES TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

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

(2) PROGRAMS COVERED.—The programs identified in this paragraph are the programs carried out under the following provisions:

(A) Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (STOP grants).

(B) Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Grants to encourage arrest policies).

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

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

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

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

(c) PLANNING GRANTS.—The Attorney General may use up to 20 percent of funds available under this section to make one-time planning grants to eligible entities to support the planning and development of specially designed and targeted programs for adult and youth victims in one or more underserved populations, including—

(1) identifying, building, and strengthening partnerships with potential collaborators within underserved populations,

Federal, State, tribal, territorial or local government entities, and public and private organizations;

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

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

(4) developing a plan, with the input of the targeted underserved population or populations, for—

(A) implementing prevention, outreach, and intervention strategies to address the barriers to accessing services;

(B) promoting community engagement in the prevention of domestic violence, dating violence, sexual assault, and stalking within the targeted underserved populations; and

(C) evaluating the program.

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

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

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

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

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

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

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

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

(g) DEFINITIONS AND GRANT CONDITIONS.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925) shall apply.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds identified in subsection (a)(1), there are authorized to be ap-

propriated to carry out this section $2,000,000 for each of the fiscal years 2013 through 2017.

SEC. 121. ENHANCING CULTURALLY [AND LINGUISTICALLY] SPECIFIC SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

(a) ESTABLISHMENT.—

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

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

[(A) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

[(B) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6), Legal Assistance for Victims.

[(C) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

[(D) Section _____ of the Violence Against Women Act of 1994 (42 U.S.C. _____), Older Battered Women.

[(E) Section _____ of the Violence Against Women Act of 2000 (42 U.S.C. _____), Disabled Women Program.]

(2) PROGRAMS COVERED.—The programs identified in this paragraph are the programs carried out under the following provisions:

(A) Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) (Grants to encourage arrest policies).

(B) Section 1201 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg–6) (Legal assistance for victims).

(C) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) (Rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance).

(D) Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) (Enhanced training and services to end violence against women later in life).

(E) Section 1402 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg–7) (Education, training, and enhanced services to end violence against and abuse of women with disabilities).

(b) PURPOSE OF PROGRAM AND GRANTS.—

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

(A) The maintenance and replication of existing successful services in domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally [and linguistically] specific services and other resources.

(B) The development of innovative culturally [and linguistically] specific strategies and projects to enhance access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director shall make grants to community-based programs for the purpose of enhancing culturally [and linguistically] specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive cultural [and linguistic] responses to domestic violence, dating violence, sexual assault, and stalking, including—

(A) working with State and local governments and social service agencies to develop and enhance effective strategies to provide culturally [and linguistically] specific services to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) increasing communities' capacity to provide culturally [and linguistically] specific resources and support for victims of domestic violence, dating violence, sexual assault, and stalking crimes and their families;

(C) strengthening criminal justice interventions, by providing training for law enforcement, prosecution, courts, probation, and correctional facilities on culturally [and linguistically] specific responses to domestic violence, dating violence, sexual assault, and stalking;

(D) enhancing traditional services to victims of domestic violence, dating violence, sexual assault, and stalking through the leadership of culturally [and linguistically] specific programs offering services to victims of domestic violence, dating violence, sexual assault, and stalking;

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

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

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

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

(3) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall provide technical assistance and training to grantees of

this and other programs under this Act regarding the development and provision of effective culturally [and linguistically] specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of culturally [and linguistically] specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

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

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

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

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

* * * * * * *

(f) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural [and linguistic] access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

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

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

* * * * * * *

SEC. 304. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, stu-

dent organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, [and] to develop and strengthen victim services in cases involving such [crimes against women on] *crimes on* campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies*, and to develop and strengthen prevention education and awareness programs*.

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

* * * * * * *

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

(1) * * *

(2) To develop*, strengthen,* and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual [assault and stalking,] *assault, and stalking, including the use of technology to commit these crimes,* and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

* * * * * * *

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

ices provided by such program are provided by the institution or in coordination with community victim service providers.

* * * * * * *

(9) To provide evidence-based educational programming for students regarding domestic violence, dating violence, sexual assault, and stalking.

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

(c) APPLICATIONS.—

(1) * * *

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

(A) * * *

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

* * * * * * *

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

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

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

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

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to $200,000 of the total amount of grant funds appropriated under this section for fiscal years **[**2007 through 2011**]** *2013 through 2017* may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) * * *

* * * * * * *

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

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

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

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

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

(3) GRANTEE MINIMUM REQUIREMENTS.—Each grantee shall comply with the following minimum requirements during the grant period:

(A) The grantee shall create a coordinated community response including both organizations external to the institution and relevant divisions of the institution.

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

(C) The grantee shall train all campus law enforcement to respond effectively to domestic violence, dating violence, sexual assault, and stalking.

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

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated [$12,000,000 for fiscal year 2007 and $15,000,000 for each of fiscal years 2008 through 2011.] *$12,000,000 for each of the fiscal years 2013 through 2017.*

* * * * * * *

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

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SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) * * *

* * * * * * *

(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 2007 through 2011] *$1,000,000 for each of the fiscal years 2013 through 2017.*

[SEC. 403. PUBLIC AWARENESS CAMPAIGN.

[(a) IN GENERAL.—The Attorney General, acting through the Office on Violence Against Women], shall make grants to States for

carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

[(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.]

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TITLE IX—SAFETY FOR INDIAN WOMEN

* * * * * * *

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], *the Violence Against Women Act of 2000* (division B of Public Law 106-386; 114 Stat. 1491)*, and the Violence Against Women Reauthorization Act of 2012*.

(b) RECOMMENDATIONS.—During consultations under subsection (a), the [Secretary of the Department of Health and Human Services] *Secretary of Health and Human Services, the Secretary of the Interior,* and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) * * *

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, [and stalking] *stalking, and sex trafficking*; and

* * * * * * *

(c) ANNUAL REPORT.—The Attorney General shall submit to Congress an annual report on the annual consultations required under subsection (a) that—

(1) contains the recommendations made under subsection (b) by Indian tribes during the year covered by the report;

(2) describes actions taken during the year covered by the report to respond to recommendations made under subsection (b) during the year or a previous year; and

(3) describes how the Attorney General will work in coordination and collaboration with Indian tribes, the Secretary of Health and Human Services, and the Secretary of the Interior to address the recommendations made under subsection (b).

(d) 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. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) NATIONAL BASELINE STUDY.—

(1) IN GENERAL.—[The National] *Not later than 2 years after the date of enactment of the Violence Against Women Reauthorization Act of 2012, the National* Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against

Indian women in Indian country *and in Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))*.

(2) SCOPE.—

(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(i) * * *

* * * * * * *

(iv) stalking; [and]

(v) murder[.]*; and*

(vi) sex trafficking.

* * * * * * *

(4) REPORT.—Not later than 2 years after the date of enactment of [this Act] *the Violence Against Women Reauthorization Act of 2012*, 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 2007 and 2008] *this subsection $1,000,000 for each of fiscal years 2013 and 2014*, to remain available until expended.

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SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

(a) * * *

(b) TRIBAL REGISTRY.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of [fiscal years 2007 through 2011] *fiscal years 2013 through 2017*, to remain available until expended.

* * * * * * *

SECTION 2 OF THE DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

SEC. 2. AUTHORIZATION OF GRANTS.

(a) * * *

* * * * * * *

(c) FORMULA FOR DISTRIBUTION OF GRANTS.—

(1) * * *

* * * * * * *

(3) LIMITATION.—Grant amounts distributed under paragraph (1) shall be awarded to conduct DNA analyses of samples from casework or from victims of crime under subsection (a)(2) in accordance with the following limitations:

(A) * * *

(B) For each of the fiscal years 2010 through [2014] *2012*, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

(C) For each of the fiscal years 2013 and 2014, not less than 75 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

VICTIMS OF CHILD ABUSE ACT OF 1990

* * * * * * *

TITLE II—VICTIMS OF CHILD ABUSE ACT OF 1990

* * * * * * *

Subtitle C—Child Abuse Training Programs for Judicial Personnel and Practitioners

* * * * * * *

SEC. 224. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle [$2,300,000 for each of fiscal years 2001 through 2005.] *$2,300,000 for each of fiscal years 2013 through 2017.*

* * * * * * *

PUBLIC HEALTH SERVICE ACT

* * * * * * *

TITLE III—GENERAL POWERS AND DUTIES OF PUBLIC HEALTH SERVICE

* * * * * * *

PART J—PREVENTION AND CONTROL OF INJURIES

* * * * * * *

SEC. 393A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

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

(1) * * *

* * * * * * *

(6) education to increase awareness about drugs *and alcohol* used to facilitate rapes or sexual assaults; and

* * * * * * *

(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 2007 through 2011] *$50,000,000 for each of fiscal years 2013 through 2017*.

* * * * * * *

(3) FUNDING FORMULA.—Amounts provided under this section shall be allotted to each State, territory, and the District of Columbia based on population. If the amounts appropriated under paragraph (1) exceed $48,000,000 in any fiscal year, a minimum allocation of $150,000 shall be awarded to each State and territory and the District of Columbia. Any remaining funds shall be allotted to each State and territory and the District of Columbia based on population.

* * * * * * *

PART P—ADDITIONAL PROGRAMS

* * * * * * *

[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 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 2007 through 2011.]

SEC. 399P. GRANTS TO STRENGTHEN THE HEALTH CARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) IN GENERAL.—The Secretary shall award grants for—

(1) the development or enhancement and implementation of interdisciplinary training for health professionals, public health staff, and allied health professionals;

(2) the development or enhancement and implementation of education programs for medical, nursing, dental, and other health profession students and residents to prevent and respond to domestic violence, dating violence, sexual assault, and stalking; and

(3) the development or enhancement and implementation of comprehensive statewide strategies to improve the response of clinics, public health facilities, hospitals, and other health settings (including behavioral and mental health programs) to domestic violence, dating violence, sexual assault, and stalking.

(b) USE OF FUNDS.—

(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

(A) fund interdisciplinary training and education programs under paragraphs (1) and (2) of subsection (a) that—

(i) are designed to train medical, psychology, dental, social work, nursing, and other health profession students, interns, residents, fellows, or current health care providers to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have been victims of domestic violence, dating violence, sexual assault, or stalking; and

(ii) plan and develop clinical training components for integration into approved internship, residency, and fellowship training or continuing medical or other health education training that address physical, mental, and behavioral health issues, including protective factors, related to domestic violence, dating violence, sexual assault, stalking, and other forms of violence and abuse, focus on reducing health disparities and preventing violence and abuse, and include the primacy of victim safety and confidentiality; and

(B) design and implement comprehensive strategies to improve the response of the health care system to domestic or sexual violence in clinical and public health settings, hospitals, clinics, and other health settings (including behavioral and mental health), under subsection (a)(3) through—

(i) the implementation, dissemination, and evaluation of policies and procedures to guide health professionals and public health staff in identifying and responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety, and safely uses health information technology to improve documentation, identification, assessment, treatment, and follow-up care;

(ii) the development of on-site access to services to address the safety, medical, and mental health needs of patients by increasing the capacity of existing health care professionals and public health staff to address domestic violence, dating violence, sexual assault, and stalking, or by contracting with or hiring domestic or sexual assault advocates to provide such services or to model other services appropriate to the geographic and cultural needs of a site;

(iii) the development of measures and methods for the evaluation of the practice of identification, intervention, and documentation regarding victims of domestic violence, dating violence, sexual assault, and stalking, including the development and testing of quality improvement measurements; and

(iv) the provision of training and followup technical assistance to health care professionals, and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual assault, or stalking, including using tools and training materials already developed.

(2) PERMISSIBLE USES.—

(A) CHILD AND ELDER ABUSE.—To the extent consistent with the purpose of this section, a grantee may use amounts received under this section to address, as part of a comprehensive programmatic approach implemented under the grant, issues relating to child or elder abuse.

(B) RURAL AREAS.—Grants funded under paragraphs (1) and (2) of subsection (a) may be used to offer to rural areas community-based training opportunities (which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas) for medical, nursing, and other health profession students and residents on domestic violence, dating violence, sexual assault, stalking, and, as appropriate, other forms of violence and abuse.

(C) OTHER USES.—Grants funded under subsection (a)(3) may be used for—

(i) 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 and sexual violence;

(ii) the development, expansion, and implementation of sexual assault forensic medical examination or sexual assault nurse examiner programs;

(iii) the inclusion of the health effects of lifetime exposure to violence and abuse as well as related protective factors and behavioral risk factors in health professional training schools, including medical, dental, nursing, social work, and mental and behavioral health curricula, and allied health service training courses; or

(iv) the integration of knowledge of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards, and where appropriate, other allied health exams.

(c) REQUIREMENTS FOR GRANTEES.—

(1) CONFIDENTIALITY AND SAFETY.—

(A) IN GENERAL.—Grantees under this section shall ensure that all programs developed with grant funds address issues of confidentiality and patient safety and comply with applicable confidentiality and nondisclosure requirements under section 40002(b)(2) of the Violence Against Women Act of 1994 and the Family Violence Prevention and Services Act, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security and confidentiality of the patients, patient records, and staff. Such grantees shall consult entities with demonstrated expertise in the confidentiality and safety needs of victims of domestic violence, dating violence, sexual assault, and stalking on the development and adequacy of confidentially and security procedures, and provide documentation of such consultation.

(B) ADVANCE NOTICE OF INFORMATION DISCLOSURE.—Grantees under this section shall provide to patients advance notice about any circumstances under which information may be disclosed, such as mandatory reporting

laws, and shall give patients the option to receive information and referrals without affirmatively disclosing abuse.

(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall use not more than 10 percent of the amounts received under a grant under this section for administrative expenses.

(3) PREFERENCE.—In selecting grant recipients under this section, the Secretary shall give preference to applicants based on the strength of their evaluation strategies, with priority given to outcome-based evaluations.

(4) APPLICATION.—

(A) SUBSECTION (a) (1) AND (2) GRANTEES.—An entity desiring a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including—

(i) documentation that the applicant represents a team of entities working collaboratively to strengthen the response of the health care system to domestic violence, dating violence, sexual assault, or stalking, and which includes at least one of each of—

(I) an accredited school of allopathic or osteopathic medicine, psychology, nursing, dentistry, social work, or other health field;

(II) a health care facility or system; or

(III) a government or nonprofit entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault, or stalking; and

(ii) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant, if any, with other interested health professions schools and national resource repositories for materials on domestic violence, dating violence, sexual assault, and stalking.

(B) SUBSECTION (a)(3) GRANTEES.—An entity desiring a grant under subsection (a)(3) shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including—

(i) documentation that all training, education, screening, assessment, services, treatment, and any other approach to patient care will be informed by an understanding of violence and abuse victimization and trauma-specific approaches that will be integrated into prevention, intervention, and treatment activities;

(ii) strategies for the development and implementation of policies to prevent and address domestic violence, dating violence, sexual assault, and stalking over the lifespan in health care settings;

(iii) a plan for consulting with State and tribal domestic violence or sexual assault coalitions, national nonprofit victim advocacy organizations, State or tribal law enforcement task forces (where appropriate), and population-specific organizations with demonstrated

expertise in addressing domestic violence, dating violence, sexual assault, or stalking;

(iv) with respect to an application for a grant under which the grantee will have contact with patients, a plan, developed in collaboration with local victim service providers, to respond appropriately to and make correct referrals for individuals who disclose that they are victims of domestic violence, dating violence, sexual assault, stalking, or other types of violence, and documentation provided by the grantee of an ongoing collaborative relationship with a local victim service provider; and

(v) with respect to an application for a grant proposing to fund a program described in subsection (b)(2)(C)(ii), a certification that any sexual assault forensic medical examination and sexual assault nurse examiner programs supported with such grant funds will adhere to the guidelines set forth by the Attorney General.

(d) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—To be eligible to receive funding under paragraph (1) or (2) of subsection (a), an entity shall be—

(A) a nonprofit organization with a history of effective work in the field of training health professionals with an understanding of, and clinical skills pertinent to, domestic violence, dating violence, sexual assault, or stalking, and lifetime exposure to violence and abuse;

(B) an accredited school of allopathic or osteopathic medicine, psychology, nursing, dentistry, social work, or allied health;

(C) a health care provider membership or professional organization, or a health care system; or

(D) a State, tribal, territorial, or local entity.

(2) SUBSECTION (a)(3) GRANTEES.—To be eligible to receive funding under subsection (a)(3), an entity shall be—

(A) a State department (or other division) of health, a State, tribal, or territorial domestic violence or sexual assault coalition or victim service provider, or any other nonprofit, nongovernmental organization with a history of effective work in the fields of domestic violence, dating violence, sexual assault, or stalking, and health care, including physical or mental health care; or

(B) a local victim service provider, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other community-based organization with a history of effective work in the field of domestic violence, dating violence, sexual assault, or stalking and health care, including physical or mental health care.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Of the funds made available to carry out this section for any fiscal year, the Secretary may make grants or enter into contracts to provide technical assistance with respect to the planning, development, and operation of any program, activity or service carried out pursuant to this section. Not more than 8 percent of the funds appropriated under this

section in each fiscal year may be used to fund technical assistance under this subsection.

(2) AVAILABILITY OF MATERIALS.—The Secretary shall make publicly available materials developed by grantees under this section, including materials on training, best practices, and research and evaluation.

(3) REPORTING.—The Secretary shall publish a biennial report on—

(A) the distribution of funds under this section; and

(B) the programs and activities supported by such funds.

(f) RESEARCH AND EVALUATION.—

(1) IN GENERAL.—Of the funds made available to carry out this section for any fiscal year, the Secretary may use not more than 20 percent to make a grant or enter into a contract for research and evaluation of—

(A) grants awarded under this section; and

(B) other training for health professionals and effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan, prevent the health effects of such violence, and improve the safety and health of individuals who are currently being victimized.

(2) RESEARCH.—Research authorized in paragraph (1) may include—

(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic violence, dating violence, or sexual assault on health behaviors, health conditions, and health status of individuals, families, and populations, including underserved populations;

(B) research to determine effective health care interventions to respond to and prevent domestic violence, dating violence, sexual assault, and stalking;

(C) research on the impact of domestic, dating, and sexual violence, childhood exposure to such violence, and stalking on the health care system, health care utilization, health care costs, and health status; and

(D) research on the impact of adverse childhood experiences on adult experience with domestic violence, dating violence, sexual assault, stalking, and adult health outcomes, including how to reduce or prevent the impact of adverse childhood experiences through the health care setting.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2013 through 2017.

(h) DEFINITIONS.—Except as otherwise provided in this section, the definitions in section 40002 of the Violence Against Women Act of 1994 apply to this section.

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TITLE VII—HEALTH PROFESSIONS EDUCATION

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PART D—INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES

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[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, postgraduate 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 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 experiencing 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 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) 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 2007 through 2011. Amounts appropriated under this subsection shall remain available until expended.]

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UNITED STATES HOUSING ACT OF 1937

TITLE I—GENERAL PROGRAM OF ASSISTED HOUSING

* * * * * * *

CONTRACT PROVISIONS AND REQUIREMENTS

SEC. 6. (a) * * *

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(c) Every contract for contributions shall provide that—

(1) * * *

* * * * * * *

[(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 if the applicant otherwise qualifies for assistance or 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]

[(4)] *(3)* the public housing agency shall promptly notify (i) any applicant determined to be ineligible for admission to the project of the basis for such determination and provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination, and (ii) any applicant determined to be eligible for admission to the project of the approximate date of occupancy insofar as such date can be reasonably determined;

[(5)] *(4)* the public housing agency shall comply with such procedures and requirements as the Secretary may prescribe to assure that sound management practices will be followed in the operation of the project, including requirements pertaining to—

(A) * * *

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(l) Each public housing agency shall utilize leases which—

(1) * * *

* * * * * * *

(5) require that the public housing agency may not terminate the tenancy except for serious or repeated violation of the terms or conditions of the lease or for other good cause[, 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**]**;

(6) provide that any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants or any drug-related criminal activity on or off such premises, engaged in by a public housing tenant, any member of the tenant's household, or any guest or other person under the tenant's control, shall be cause for termination of tenancy**[**; 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) notwithstanding subparagraph (A) or any Federal, State, or local law to the contrary, a public housing agency may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, 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 and such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing; (C) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, 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 public housing agency 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.**]**;

* * * * * * *

[(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. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the individual receives a request for such certification from the public housing agency.

[(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the individual has received a request in writing for such certification from the public housing agency, nothing in this subsection, or in paragraph (5) or (6) of subsection (l), 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, or a medical 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 sec-

tion 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 a public housing agency 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 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;

[(ii) required for use in an eviction proceeding under subsection (l)(5) or (6); or

[(iii) otherwise required by applicable law.

[(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted under section 6 of the United States Housing Act of 1937 of their rights under this subsection and subsection (l)(5) and (6), including their right to confidentiality and the limits thereof.

[(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;

[(C) the term "stalking" means—

[(i)(I) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

[(II) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

[(ii) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

[(I) that person;

[(II) a member of the immediate family of that person; or

[(III) the spouse or intimate partner of that person; and

[(D) the term "immediate family member" means, with respect to a person—

[(i) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

[(ii) any other person living in the household of that person and related to that person by blood or marriage.]

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LOWER INCOME HOUSING ASSISTANCE

SEC. 8. (a) * * *

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(c)(1) * * *

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[(9)(A) That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

[(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 assistance, 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 assistance, 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) Notwithstanding clause (i) or any Federal, State, or local law to the contrary, an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, 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. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.

[(iii) Nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, 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 to terminate 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, manager, or public housing agency to evict or terminate from assistance any tenant or lawful occupant if the owner, manager or 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 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.]

(d)(1) Contracts to make assistance payments entered into by a public housing agency with an owner of existing housing units shall provide (with respect to any unit) that—

(A) the selection of tenants shall be the function of the owner, subject to the annual contributions contract between the Secretary and the agency, except that with respect to the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish local preferences, consistent with the public housing agency plan submitted under section 5A (42 U.S.C. 1437c–1) by the public housing agency [and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission];

(B)(i) * * *

(ii) during the term of the lease, the owner shall not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause[, 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];

(iii) during the term of the lease, any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants, any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises, or any drug-related criminal activity on or

near such premises, engaged in by a tenant of any unit, any member of the tenant's household, or any guest or other person under the tenant's control, shall be cause for termination of tenancy[, 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 or program assistance, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (II) Notwithstanding subclause (I) or any Federal, State, or local law to the contrary, a public housing agency may terminate assistance to, or an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, 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. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing. (III) nothing in subclause (I) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, 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 subclause (I) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate 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, manager, or public housing agency 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 to terminate assistance, to any tenant if the owner, manager, or 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 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.];

* * * * * * *

(f) As used in this section—

(1) * * *

* * * * * * *

(6) the term "project-based assistance" means rental assistance under subsection (b) that is attached to the structure pursuant to subsection (d)(2) or (o)(13); *and*

(7) the term "tenant-based assistance" means rental assistance under subsection (o) that is not project-based assistance and that provides for the eligible family to select suitable housing and to move to other suitable housing**[**;**]**.

[(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;

[(10) the term "stalking" means—

[(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or

[(ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

[(B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

[(i) that person;

[(ii) a member of the immediate family of that person; or

[(iii) the spouse or intimate partner of that person; and

[(11) the term "immediate family member" means, with respect to a person—

[(A) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

[(B) any other person living in the household of that person and related to that person by blood or marriage.**]**

* * * * * * *

(o) VOUCHER PROGRAM.—

(1) * * *

* * * * * * *

(6) SELECTION OF FAMILIES AND DISAPPROVAL OF OWNERS.—

(A) * * *

(B) SELECTION OF TENANTS.—Each housing assistance payment contract entered into by the public housing agency and the owner of a dwelling unit) shall provide that the screening and selection of families for those units shall be the function of the owner. In addition, the public housing agency may elect to screen applicants for the program in accordance with such requirements as the Secretary may establish. **[**That an applicant or participant is or has been

a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by or for denial of admission if the applicant otherwise qualifies for assistance for 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.]

* * * * * * *

(7) LEASES AND TENANCY.—Each housing assistance payment contract entered into by the public housing agency and the owner of a dwelling unit—

(A) * * *

* * * * * * *

(C) shall provide that during the term of the lease, the owner shall not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause, [and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence] and in the case of an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner—

(i) * * *

* * * * * * *

(D) shall provide that during the term of the lease, any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants, any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises, or any violent or drug-related criminal activity on or near such premises, engaged in by a tenant of any unit, any member of the tenant's household, or any guest or other person under the tenant's control, shall be cause for termination of tenancy[; 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) LIMITATION.—Notwithstanding clause (i) or any Federal, State, or local law to the contrary, a public housing agency may terminate assistance to, or an owner or manager may bifurcate a lease under

this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, 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. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing (iii) nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access or control of the property, 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 to terminate 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, manager, or public housing agency 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 to terminate assistance to any tenant if the owner, manager, or 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 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.]];

* * * * * * *

[(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 termination 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 subparagraph (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) COMPLIANCE WITH COURT ORDERS.—Nothing in subparagraph (A), (B), or (C) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, 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.

[(iii) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR LEASE VIOLATIONS.—Nothing in subparagraph (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 public housing agency 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 terminate.

[(iv) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR IMMINENT THREAT.—Nothing in subparagraph (A), (B), or (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.

[(v) 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.]

* * * * * * *

[(ee) CERTIFICATION AND CONFIDENTIALITY.—

[(1) CERTIFICATION.—

[(A) IN GENERAL.—An owner, manager, or public housing agency 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. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the individual receives a request for such certification from the owner, manager, or public housing agency.

[(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the individual has received a request in writing for such certification for the owner, manager, or public housing agency, nothing in this subsection or in subsection (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5) 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 or public housing agency 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, or public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical 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 an owner, manager, or 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 their discretion, the owner, manager, or public housing agency 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 or public housing agency based on the certification specified in paragraphs (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 employee thereof. Nothing in this subparagraph shall be construed

to limit liability for failure to comply with the requirements of subsection (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), 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, or 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 confidence by an owner, manager, or 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;

[(ii) required for use in an eviction proceeding under subsection (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), or (o)(20),; or

[(iii) otherwise required by applicable law.

[(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted under Section 8 of the United States Housing Act of 1937 of their rights under this subsection and subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5), including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this subsection and subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5).]

* * * * * * *

IMMIGRATION AND NATIONALITY ACT

* * * * * * *

TITLE II—IMMIGRATION

CHAPTER 1—SELECTION SYSTEM

* * * * * * *

PROCEDURE FOR GRANTING IMMIGRANT STATUS

SEC. 204. (a)(1)(A)(i) * * *

* * * * * * *

(iii)(I) * * *

* * * * * * *

(III)(aa) Upon filing, each petition under this clause shall be transferred to a local office of United States Citizenship and Immigration Serv-

ices and assigned to an investigative officer for adjudication and final determination of eligibility.

(bb) During the adjudication of each petition under this paragraph, an investigative officer from a local office of United States Citizenship and Immigration Services shall conduct an in-person interview of the alien who filed the petition. The investigative officer may also gather other evidence and interview other witnesses, including the accused United States citizen or lawful permanent resident, if they consent to be interviewed.

(cc) All interviews under this clause shall be conducted under oath and subject to applicable penalties for perjury.

(dd) Upon the conclusion of the adjudication process under this subparagraph, the investigative officer shall issue a final written determination to approve or deny the petition. The investigative officer shall not approve the petition unless the officer finds, in writing and with particularity, that all requirements under this paragraph, including proof that the alien is a victim of the conduct described in clause (iii)(I)(bb), have been proven by clear and convincing evidence.

(IV) During the adjudication of a petition under this clause—

(aa) the petition shall not be granted unless the petition is supported by clear and convincing evidence; and

(bb) all credible evidence submitted by an accused national of the United States or alien lawfully admitted for permanent residence shall be considered.

(V)(aa) During the adjudication of a petition under this paragraph, the investigative officer at the local office of United States Citizenship and Immigration Services shall determine whether any Federal, State, territorial, tribal, or local law enforcement agency has undertaken an investigation or prosecution of the abusive conduct alleged by the petitioning alien.

(bb) If an investigation or prosecution was commenced, the investigative officer shall—

(AA) obtain as much information as possible about the investigation or prosecution; and

(BB) consider that information as part of the adjudication of the petition.

(cc) If an investigation or prosecution is pending, the adjudication of the petition shall be stayed pending the conclusion of the investigation or prosecution. If no investigation has been undertaken or if a prosecutor's office has not commenced a prosecution after the matter was referred to it, that fact

shall be considered by the investigative officer as part of the adjudication of the petition.

(VI)(aa) If an investigative officer makes a written finding that the petitioning alien made a material misrepresentation on a petition, during an interview, or during any other aspect of the adjudication—

(AA) the alien's petition shall be denied and the alien shall be removed from the country on an expedited basis;

(BB) the alien shall be permanently ineligible for any lawful immigration status or benefits;

(CC) any public assistance or other public benefits received by the alien or the alien's beneficiaries shall be immediately discontinued; and

(DD) the alien and the alien's beneficiaries shall not be eligible for any programs or initiatives undertaken by the Department of Homeland Security or any other agency or department to delay or exempt removal, including deferred action.

(bb) Upon receiving any evidence of any material misrepresentation on a petition, during an interview, or during any other aspect of the adjudication, the appropriate officer of United States Citizenship and Immigration Services and the Secretary of Homeland Security shall—

(AA) deny the petition and process the alien for expedited removal, pursuant to item (aa)(AA); and

(BB) refer the matter and all evidence to the Federal Bureau of Investigation for a criminal investigation.

(VII) If a petition filed under this paragraph is denied, any obligations under an underlying affidavit of support previously filed by the accused national of the United States or alien lawfully admitted for permanent residence shall be terminated.

(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who within the past 2 years lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any pe-

riod of visitation. *The petition shall be adjudicated according to the procedures that apply to self-petitioners under clause (iii).*

* * * * * * *

(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) * * *

* * * * * * *

(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son. *The petition shall be adjudicated according to the procedures that apply to self-petitioners under clause (iii).*

* * * * * * *

(B)(i) * * *

(ii)(I) * * *

* * * * * * *

(III)(aa) Upon filing, each petition under this clause shall be transferred to a local office of United States Citizenship and Immigration Services and assigned to an investigative officer for adjudication and final determination of eligibility.

(bb) During the adjudication of each petition under this paragraph, an investigative officer from a local office of United States Citizenship and Immigration Services shall conduct an in-person interview of the alien who filed the petition. The investigative officer may also gather other evidence and interview other witnesses, including the accused United States citizen or lawful permanent resident, if they consent to be interviewed.

(cc) All interviews under this clause shall be conducted under oath and subject to applicable penalties for perjury.

(dd) Upon the conclusion of the adjudication process under this subparagraph, the investigative officer shall issue a final written determination to approve or deny the petition. The investigative officer shall not approve the petition unless the officer finds, in writing and with particularity, that all requirements under this paragraph, including proof that the alien is a victim of the conduct described in clause (ii)(I)(bb), have been proven by clear and convincing evidence.

(IV) During the adjudication of a petition under this clause—

(aa) the petition shall not be granted unless the petition is supported by clear and convincing evidence; and

(bb) all credible evidence submitted by an accused national of the United States or alien lawfully admitted for permanent residence shall be considered.

(V)(aa) During the adjudication of a petition under this clause, the investigative officer at the local office of United States Citizenship and Immigration Services shall determine whether any Federal, State, territorial, tribal, or local law enforcement agency has undertaken an investigation or prosecution of the abusive conduct alleged by the petitioning alien.

(bb) If an investigation or prosecution was commenced, the investigative officer shall—

(AA) obtain as much information as possible about the investigation or prosecution; and

(BB) consider that information as part of the adjudication of the petition.

(cc) If an investigation or prosecution is pending, the adjudication of the petition shall be stayed pending the conclusion of the investigation or prosecution. If no investigation has been undertaken or if a prosecutor's office has not commenced a prosecution after the matter was referred to it, that fact shall be considered by the investigative officer as part of the adjudication of the petition.

(VI)(aa) If an investigative officer makes a written finding that the petitioning alien made a material misrepresentation on a petition, during an interview, or during any other aspect of the adjudication—

(AA) the alien's petition shall be denied and the alien shall be removed from the country on an expedited basis;

(BB) the alien shall be permanently ineligible for any lawful immigration status or benefits;

(CC) any public assistance or other public benefits received by the alien or the alien's beneficiaries shall be immediately discontinued; and

(DD) the alien and the alien's beneficiaries shall not be eligible for any programs or initiatives undertaken by the Department of Homeland Security or any other agency or department to delay or exempt removal, including deferred action.

(bb) Upon receiving any evidence of any material misrepresentation on a petition, during an interview, or during any other aspect of the adjudication, the appropriate officer of United States Citizenship and Immigration Services and the Secretary of Homeland Security shall—

(AA) deny the petition and process the alien for expedited removal, pursuant to subclause (VI)(aa)(AA); and

(BB) refer the matter and all evidence to the Federal Bureau of Investigation for a criminal investigation.

(VII) If a petition filed under this clause is denied, any obligations under an underlying affidavit of support previously filed by the accused national of the United States or alien lawfully admitted for permanent residence shall be terminated.

(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who within the past 2 years lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent. *The petition shall be adjudicated according to the procedures that apply to self-petitioners under clause (ii).*

* * * * * * *

(l) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

(1) * * *

(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

(A) * * *

* * * * * * *

(E) an alien admitted in "T" nonimmigrant status as described in section 101(a)(15)(T)(ii) **[**or in "U" nonimmigrant status as described in section 101(a)(15)(U)(ii); or**]***;*

(F) a child of an alien who filed a pending or approved petition for classification or application for adjustment of status or other benefit specified in section 101(a)(51) as a VAWA self-petitioner; or

[(F)**]** *(G)* an asylee (as described in section 208(b)(3)).

* * * * * * *

CHAPTER 2—QUALIFICATIONS FOR ADMISSION OF ALIENS; TRAVEL CONTROL OF CITIZENS AND ALIENS

* * * * * * *

GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION; WAIVERS OF INADMISSIBILITY

SEC. 212. (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

(1) * * *

* * * * * * *

(4) PUBLIC CHARGE.—

(A) * * *

* * * * * * *

(E) SPECIAL RULE FOR QUALIFIED ALIEN VICTIMS.—Subparagraphs (A), (B), and (C) shall not apply to an alien who—

(i) is a VAWA self-petitioner;

(ii) is an applicant for, or is granted, nonimmigrant status under section 101(a)(15)(U); or

(iii) is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)).

* * * * * * *

ADMISSION OF NONIMMIGRANTS

SEC. 214. (a) * * *

* * * * * * *

(d)(1) A visa shall not be issued under the provisions of section 101(a)(15)(K)(i) until the consular officer has received a petition filed in the United States by the fiancée or fiancé of the applying alien and approved by the Secretary of Homeland Security. The petition shall be in such form and contain such information as the Secretary of Homeland Security shall, by regulation, prescribe. Such information shall include information on any criminal convictions of the petitioner for any specified [crime.] *crime described in paragraph (3)(B) and information on any permanent protection or restraining order issued against the petitioner related to any specified crime described in paragraph (3)(B)(i).* It shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within 2 years before the date of filing the petition, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival, except that the Secretary of Homeland Security in his discretion may waive the requirement that the parties have previously met in person. In the event the marriage with the petitioner does not occur within three months after the admission of the said alien and minor children, they shall be required to depart from the United States and upon failure to do so shall be removed in accordance with sections 240 and 241.

* * * * * * *

(3) In this subsection:

(A) * * *

(B) The term "specified crime" means the following:

(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder [abuse, and stalking.] *abuse, stalking, or an attempt to commit any such crime.*

* * * * * * *

(p) REQUIREMENTS APPLICABLE TO SECTION 101(a)(15)(U) VISAS.—

(1) PETITIONING PROCEDURES FOR SECTION 101(a)(15)(U) VISAS.—[The petition]

(A) IN GENERAL.—The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 101(a)(15)(U)(iii). This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations. This certification shall state that the alien "has been helpful, is being helpful, or is likely to be helpful" in the investigation or prosecution of criminal activity described in section 101(a)(15)(U)(iii).

(B) CERTIFICATION REQUIREMENTS.—Each certification submitted under subparagraph (A) shall confirm under oath that—

(i) the criminal activity is actively under investigation or a prosecution has been commenced; and

(ii) the petitioner has provided to law enforcement information that will assist in identifying the perpetrator of the criminal activity or the perpetrator's identity is known.

(C) REQUIREMENT FOR CERTIFICATION.—No application for a visa under section 101(a)(15)(U) may be granted unless accompanied by the certification as described in this paragraph.

* * * * * * *

(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be for a period of not more than 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. The Secretary of Homeland Security may extend, beyond the 4-year period authorized under this section, the authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) if the Secretary determines that an extension of such period is warranted due to exceptional circumstances. [Such alien's nonimmigrant status shall be extended beyond the 4-year period authorized under this section if the alien is eligible for relief under section 245(m) and is unable to obtain such relief because regulations have not been issued to implement such section and shall be extended during the pendency of an application for adjustment of status under section 245(m).] The Secretary may grant work authorization to any alien who has a pending, bona fide application for nonimmigrant status under section 101(a)(15)(U).

(7) AGE DETERMINATIONS.—

(A) CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(U)(i), and who was under 21 years of age

on the date on which such parent petitioned for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(U)(ii), if the alien attains 21 years of age after such parent's petition was filed but while it was pending.

(B) PRINCIPAL ALIENS.—An alien described in clause (i) of section 101(a)(15)(U) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien's application for status under such clause (i) is filed but while it is pending.

* * * * * * *

(r)(1) A visa shall not be issued under the provisions of section 101(a)(15)(K)(ii) until the consular officer has received a petition filed in the United States by the spouse of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe. Such information shall include information on any criminal convictions of the petitioner for any specified [crime.] *crime described in paragraph (5)(B) and information on any permanent protection or restraining order issued against the petitioner related to any specified crime described in subsection (5)(B)(i).*

* * * * * * *

(5) In this subsection:

(A) * * *

(B) The term "specified crime" means the following:

(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder [abuse, and stalking.] *abuse, stalking, or an attempt to commit any such crime.*

* * * * * * *

CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS

SEC. 216. (a) * * *

* * * * * * *

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

(1) * * *

* * * * * * *

(4) HARDSHIP WAIVER.—The Secretary of Homeland Security, in the Attorney General's discretion, may remove the conditional basis of the permanent resident status for an alien who fails to meet the requirements of paragraph (1) if the alien demonstrates that—

(A) extreme hardship would result if such alien is removed[,]*;*

(B) the qualifying marriage was entered into in good faith by the alien spouse, but the qualifying marriage has been terminated (other than through the death of the spouse) and the alien was not at fault in failing to meet the requirements of paragraph [(1), or] *(1); or*

(C) the qualifying marriage was entered into in good faith by the alien spouse and during the marriage the alien spouse or child was battered by or was the subject of extreme cruelty perpetrated by his or her spouse or citizen or permanent resident parent and the alien was not at fault in failing to meet the requirements of paragraph (1)**[.]** *; or*

(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony was battered by or subject to extreme cruelty perpetrated by the alien's intended spouse and was not at fault in failing to meet the requirements of paragraph (1).

In determining extreme hardship, the Secretary of Homeland Security shall consider circumstances occurring only during the period that the alien was admitted for permanent residence on a conditional basis. In acting on applications under this paragraph, the Secretary of Homeland Security shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary of Homeland Security. The Secretary of Homeland Security shall, by regulation, establish measures to protect the confidentiality of information concerning any abused alien spouse or child, including information regarding the whereabouts of such spouse or child.

* * * * * * *

CHAPTER 4—INSPECTION, APPREHENSION, EXAMINATION, EXCLUSION, AND REMOVAL

* * * * * * *

GENERAL CLASSES OF DEPORTABLE ALIENS

SEC. 237. (a) CLASSES OF DEPORTABLE ALIENS.—Any alien (including an alien crewman) in and admitted to the United States shall, upon the order of the Attorney General, be removed if the alien is within one or more of the following classes of deportable aliens:

(1) * * *

(2) CRIMINAL OFFENSES.—

(A) * * *

* * * * * * *

(E) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND.—

(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time after admission is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is deportable. For purposes of this clause, the term "crime of domestic violence" means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an in-

dividual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government. *If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider any other evidence that the Attorney General determines to be reliable in making this determination, including sentencing reports and police reports.*

* * * * * * *

CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS

SEC. 240A. (a) * * *

(b) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—

(1) * * *

(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

(A) * * *

* * * * * * *

[(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.]

(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application, including credible evidence submitted by a national of the United States or an alien lawfully admitted for permanent residence accused of the conduct described in subparagraph (A)(i).

* * * * * * *

CHAPTER 5—ADJUSTMENT AND CHANGE OF STATUS

ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

SEC. 245. (a) * * *

* * * * * * *

[(m)(1) Secretary of Homeland Security may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(U) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E), unless the Secretary determines

based on affirmative evidence that the alien unreasonably refused to provide assistance in a criminal investigation or prosecution, if—

[(A) the alien has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under clause (i) or (ii) of section 101(a)(15)(U); and

[(B) in the opinion of the Secretary of Homeland Security, the alien's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.

[(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days unless the absence is in order to assist in the investigation or prosecution or unless an official involved in the investigation or prosecution certifies that the absence was otherwise justified.

[(3) Upon approval of adjustment of status under paragraph (1) of an alien described in section 101(a)(15)(U)(i) the Secretary of Homeland Security may adjust the status of or issue an immigrant visa to a spouse, a child, or, in the case of an alien child, a parent who did not receive a nonimmigrant visa under section 101(a)(15)(U)(ii) if the Secretary considers the grant of such status or visa necessary to avoid extreme hardship.

[(4) Upon the approval of adjustment of status under paragraph (1) or (3), the Secretary of Homeland Security shall record the alien's lawful admission for permanent residence as of the date of such approval.

[(5)(A) The Secretary of Homeland Security shall consult with the Attorney General, as appropriate, in making a determination under paragraph (1) whether affirmative evidence demonstrates that the alien unreasonably refused to provide assistance to a Federal law enforcement official, Federal prosecutor, Federal judge, or other Federal authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii).

[(B) Nothing in paragraph (1)(B) may be construed to prevent the Secretary from consulting with the Attorney General in making a determination whether affirmative evidence demonstrates that the alien unreasonably refused to provide assistance to a State or local law enforcement official, State or local prosecutor, State or local judge, or other State or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii).]

* * * * * * *

INTERNATIONAL MARRIAGE BROKER REGULATION ACT OF 2005

* * * * * * *

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS

* * * * * * *

Subtitle D—International Marriage Broker Regulation

* * * * * * *

SEC. 833. DOMESTIC VIOLENCE INFORMATION AND RESOURCES FOR IMMIGRANTS AND REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) * * *

(b) VISA AND ADJUSTMENT INTERVIEWS.—

(1) FIANCÉ(E)S, SPOUSES AND THEIR DERIVATIVES.—During an interview with an applicant for a K nonimmigrant visa, a consular officers shall—

(A) provide information, in the primary language of the visa applicant, on protection orders [or] *and* criminal convictions collected under subsection (a)(5)(A)(iii);

* * * * * * *

(d) REGULATION OF INTERNATIONAL MARRIAGE BROKERS.—

[(1) PROHIBITION ON MARKETING CHILDREN.—An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.]

(1) PROHIBITION ON MARKETING OF OR TO CHILDREN.—

(A) IN GENERAL.—An international marriage broker shall not provide any individual or entity with personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

(B) COMPLIANCE.—To comply with the requirements of subparagraph (A), an international marriage broker shall—

(i) obtain a valid copy of each foreign national client's birth certificate or other proof of age document issued by an appropriate government entity;

(ii) indicate on such certificate or document the date it was received by the international marriage broker;

(iii) retain the original of such certificate or document for 5 years after such date of receipt; and

(iv) produce such certificate or document upon request to an appropriate authority charged with the enforcement of this paragraph.

(2) REQUIREMENTS OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO MANDATORY COLLECTION OF BACKGROUND INFORMATION.—

(A) * * *

(B) BACKGROUND INFORMATION.—The international marriage broker shall collect a certification signed (in writ-

ten, electronic, or other form) by the United States client accompanied by documentation or an attestation of the following background information about the United States client:

(i) * * *

(ii) Any Federal, State, or local arrest or conviction of the United States client for homicide, murder, manslaughter, assault, battery, domestic violence, rape, sexual assault, abusive sexual contact, sexual exploitation, incest, child abuse or neglect, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, [or stalking.] *stalking, or an attempt to commit any such crime.*

* * * * * * *

SECTION 384 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

SEC. 384. PENALTIES FOR DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice, 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)—

(1) * * *

* * * * * * *

unless the alien has been convicted of a crime or crimes listed in section [241(a)(2)] *237(a)(2)* of the Immigration and Nationality Act; or

* * * * * * *

(b) EXCEPTIONS.—

(1) The *Secretary of Homeland Security or the* Attorney General may provide, in the *Secretary's or the* Attorney General's discretion, for the disclosure of information in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) The *Secretary of Homeland Security or the* Attorney General may provide in the discretion of the *Secretary or the* Attorney General for the disclosure of information to law enforcement officials to be used solely for a legitimate law enforcement purpose *in a manner that protects the confidentiality of such information*.

* * * * * * *

(5) The [Attorney General is] *Secretary of Homeland Security and the Attorney General are* authorized to disclose information, to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to section 431(c) of the Per-

sonal Responsibility and Work Opportunity Reconciliation Act of 1996.

* * * * * * *

(8) Notwithstanding subsection (a)(2), the Secretary of Homeland Security, the Secretary of State, or the Attorney General may provide in the discretion of either such Secretary or the Attorney General for the disclosure of information to national security officials to be used solely for a national security purpose in a manner that protects the confidentiality of such information.

* * * * * * *

(d) GUIDANCE.—The Attorney General and the Secretary of Homeland Security shall provide guidance to officers and employees of the Department of Justice or the Department of Homeland Security who have access to information covered by this section regarding the provisions of this section, including the provisions to protect victims of domestic violence *and severe forms of trafficking in persons or criminal activity listed in section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(u))* from harm that could result from the inappropriate disclosure of covered information.

TITLE 18, UNITED STATES CODE

PART I—CRIMES

* * * * * * *

CHAPTER 7—ASSAULT

* * * * * * *

§ 113. Assaults within maritime and territorial jurisdiction

(a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:

[(1) Assault with intent to commit murder, by imprisonment for not more than twenty years.]

(1) Assault with intent to commit murder or a violation of section 2241 or 2242, by a fine under this title, imprisonment for not more than 20 years, or both.

(2) Assault with intent to commit any felony, except murder or a [felony under chapter 109A] *violation of section 2241 or 2242*, by fine under this title or imprisonment for not more than ten years, or both.

(3) Assault with a dangerous weapon, with intent to do bodily harm, [and without just cause or excuse,] by fine under this title or imprisonment for not more than ten years, or both.

(4) Assault by striking, beating, or wounding, by fine under this title or imprisonment for not more than [six months] *1 year*, or both.

(5) Simple assault, by fine under this title or imprisonment for not more than six months, or both, or if the victim of the

assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than [1 year] *5 years*, or both.

* * * * * * *

(7) Assault resulting in [substantial bodily injury to an individual who has not attained the age of 16 years] *substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years*, by [fine] *a fine* under this title or imprisonment for not more than 5 years, or both.

(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.

[(b) As used in this subsection—] *(b) In this section—*

(1) the term "substantial bodily injury" means bodily injury which involves—

(A) * * *

(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; [and]

(2) the term "serious bodily injury" has the meaning given that term in section 1365 of this title[.]*;*

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

(4) the term "strangling" means 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 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.

* * * * * * *

CHAPTER 13—CIVIL RIGHTS

Sec.
241. Conspiracy against rights.

* * * * * * *

250. Penalties for sexual abuse.

* * * * * * *

§ 250. Penalties for sexual abuse

(a) OFFENSE.—It shall be unlawful for any person, in the course of committing an offense under this chapter or under section 901 of the Fair Housing Act (42 U.S.C. 3631) to engage in conduct that would constitute an offense under chapter 109A if committed in the special maritime and territorial jurisdiction of the United States.

(b) PENALTIES.—A person that violates subsection (a) shall be subject to the penalties under the provision of chapter 109A that would have been violated if the conduct was committed in the spe-

cial maritime and territorial jurisdiction of the United States, unless a greater penalty is otherwise authorized by law.

* * * * * * *

CHAPTER 53—INDIANS

* * * * * * *

§ 1153. Offenses committed within Indian country

(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, [assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title)] *a felony assault under section 113*, an assault against an individual who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

* * * * * * *

CHAPTER 109A—SEXUAL ABUSE

§ 2241. Aggravated sexual abuse

(a) BY FORCE OR THREAT.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly causes another person to engage in a sexual act—

(1) * * *

* * * * * * *

or attempts to do so, shall be fined under this title, imprisoned for [any term of years or life] *not less than 10 years or imprisoned for life*, or both.

(b) BY OTHER MEANS.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly—

(1) * * *

* * * * * * *

or attempts to do so, shall be fined under this title, imprisoned for [any term of years or life] *not less than 5 years or imprisoned for life*, or both.

* * * * * * *

§ 2243. Sexual abuse of a minor or ward

(a) * * *

[(b) OF A WARD.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or

in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who is—

[(1) in official detention; and

[(2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.]

(b) OF A WARD.—

(1) OFFENSES.—It shall be unlawful for any person to knowingly engage, or knowingly attempt to engage, in a sexual act with another person who is—

(A) in official detention or supervised by, or otherwise under the control of, the United States—

(i) during arrest;

(ii) during pretrial release;

(iii) while in official detention or custody; or

(iv) while on probation, supervised release, or parole;

(B) under the professional custodial, supervisory, or disciplinary control or authority of the person engaging or attempting to engage in the sexual act; and

(C) at the time of the sexual act—

(i) in the special maritime and territorial jurisdiction of the United States;

(ii) in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of, or pursuant to a contract or agreement with, the United States; or

(iii) under supervision or other control by the United States, or by direction of, or pursuant to a contract or agreement with, the United States.

(2) PENALTIES.—Whoever violates paragraph (1)(A) shall—

(A) be fined under this title, imprisoned for not more than 15 years, or both; and

(B) if, in the course of committing the violation of paragraph (1), the person engages in conduct that would constitute an offense under section 2241 or 2242 if committed in the special maritime and territorial jurisdiction of the United States, be subject to the penalties provided for under section 2241 or 2242, respectively.

* * * * * * *

CHAPTER 110A—DOMESTIC VIOLENCE AND STALKING

Sec.
2261. Interstate domestic violence.
[2261A. Interstate stalking.]
2261A. Stalking.

* * * * * * *

[§ 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, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel 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, or place under surveillance with intent to kill, injure, harass, or 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, any interactive computer service, 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.]

SEC. 2261A. STALKING.

(a) Whoever uses the mail, any interactive computer service, or any facility of interstate or foreign commerce to engage in a course of conduct or 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, or intimidate another person, or place another person under surveillance with the intent to kill, injure, harass, or intimidate such person and in the course of, or as a result of, such travel or course of conduct—

(1) places that person in reasonable fear of the death of, or serious bodily injury to such person, a member of their immediate family (as defined in section 115), or their spouse or intimate partner; or

(2) causes or attempts to cause serious bodily injury or serious emotional distress to such person, a member of their immediate family (as defined in section 115), or their spouse or intimate partner;

shall be punished as provided in subsection (b).

(b) The punishment for an offense under this section is the same as that for an offense under section 2261, except that if—

(1) the offense involves conduct in violation of a protection order; or

(2) the victim of the offense is under the age of 18 years or over the age of 65 years, the offender has reached the age of 18 years at the time the offense was committed, and the offender knew or should have known that the victim was under the age of 18 years or over the age of 65 years;

the maximum term of imprisonment that may be imposed is increased by 5 years over the term of imprisonment otherwise provided for that offense in section 2261

* * * * * * *

CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT

* * * * * * *

SEC. 7. SUITS BY PRISONERS.

(a) * * *

* * * * * * *

(e) LIMITATION ON RECOVERY.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury *or the commission of a sexual act (as defined in section 2246 of title 18, United States Code)*.

* * * * * * *

SECTION 1346 OF TITLE 28, UNITED STATES CODE

§ 1346. United States as defendant

(a) * * *

(b)(1) * * *

(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury *or the commission of a sexual act (as defined in section 2246 of title 18)*.

* * * * * * *

PRISON RAPE ELIMINATION ACT OF 2003

* * * * * * *

SEC. 8. ADOPTION AND EFFECT OF NATIONAL STANDARDS.

(a) * * *

* * * * * * *

(c) APPLICABILITY TO DETENTION FACILITIES OPERATED BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Reauthorization Act

of 2012, the Secretary of Homeland Security shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of aliens detained for a violation of the immigrations laws of the United States.

(2) APPLICABILITY.—The standards adopted under paragraph (1) shall apply to detention facilities operated by the Department of Homeland Security and to detention facilities operated under contract with, or pursuant to an intergovernmental service agreement with, the Department.

(3) COMPLIANCE.—The Secretary of Homeland Security shall—

(A) assess compliance with the standards adopted under paragraph (1) on a regular basis; and

(B) include the results of the assessments in performance evaluations of facilities completed by the Department of Homeland Security.

(4) CONSIDERATIONS.—In adopting standards under paragraph (1), the Secretary of Homeland Security shall give due consideration to the recommended national standards provided by the Commission under section 7(e).

(d) APPLICABILITY TO CUSTODIAL FACILITIES OPERATED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Reauthorization Act of 2012, the Secretary of Health and Human Services shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).

(2) APPLICABILITY.—The standards adopted under paragraph (1) shall apply to facilities operated by the Department of Health and Human Services and to facilities operated under contract with the Department.

(3) COMPLIANCE.—The Secretary of Health and Human Services shall—

(A) assess compliance with the standards adopted under paragraph (1) on a regular basis; and

(B) include the results of the assessments in performance evaluations of facilities completed by the Department of Health and Human Services.

(4) CONSIDERATIONS.—In adopting standards under paragraph (1), the Secretary of Health and Human Services shall give due consideration to the recommended national standards provided by the Commission under section 7(e).

[(c)**]** *(e)* ELIGIBILITY FOR FEDERAL FUNDS.—

(1) * * *

* * * * * * *

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LINDA T. SANCHEZ, California
(Vacancy)

May 10, 2012

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton,

Thank you for your letter of even date herewith regarding H.R. 4970, the "Violence Against Women Reauthorization Act of 2012," which the Judiciary Committee ordered reported favorably to the House, as amended, on May 8, 2012.

I am most appreciative of your decision to forego consideration of H.R. 4970, as amended, so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Energy and Commerce is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include this letter and your letter in the Judiciary Committee's report and/or the *Congressional Record* during floor consideration of H.R. 4970.

Sincerely,

Lamar Smith

Lamar Smith
Chairman

cc: The Honorable John Boehner
The Honorable John Conyers, Jr.
The Honorable Henry Waxman
Mr. Tom Wickham, Jr., Parliamentarian

FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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Majority (202) 225-2927
Minority (202) 225-3641

May 10, 2012

The Honorable Lamar Smith
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Smith:

I am writing concerning H.R. 4970, the "Violence Against Women Act," which was ordered reported by the Committee on the Judiciary on May 8, 2012.

As our staffs have discussed, Title IV, concerning studies by the Centers for Disease Control and Prevention and grants for the purpose of preventing domestic violence, and Title V of H.R. 4970, concerning grants for health professionals and facilities to address patients affected by domestic violence, fall within the Rule X jurisdiction of the Energy and Commerce Committee. Despite that, the Committee will forgo action on H.R. 4970 with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction and will not be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter confirming these understandings, and ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during consideration of H.R. 4970 on the House floor.

Sincerely,

Fred Upton
Chairman

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CHAIRMAN

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ONE HUNDRED TWELFTH CONGRESS

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LINDA T. SANCHEZ, California
(Vacancy)

May 10, 2012

The Honorable John Kline
Chairman
Committee on Education and the Workforce
2181 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Kline,

Thank you for your letter of even date herewith regarding H.R. 4970, the "Violence Against Women Reauthorization Act of 2012," which the Judiciary Committee ordered reported favorably to the House, as amended, on May 8, 2012.

I am most appreciative of your decision to forego consideration of H.R. 4970, as amended, so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Education and the Workforce is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include this letter and your letter in the Judiciary Committee's report and/or the *Congressional Record* during floor consideration of H.R. 4970.

Sincerely,

Lamar Smith

Lamar Smith
Chairman

cc: The Honorable John Boehner
The Honorable John Conyers, Jr.
The Honorable George Miller
Mr. Tom Wickham, Jr., Parliamentarian

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COMMITTEE ON EDUCATION
AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
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May 10, 2012

The Honorable Lamar Smith
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to confirm our mutual understanding with respect to the consideration of H.R. 4970, the Violence Against Women Reauthorization Act of 2012. Thank you for consulting with the Committee on Education and the Workforce with regard to H.R. 4970 on those matters within the committee's jurisdiction.

In the interest of expediting the House's consideration of H.R. 4970, the Committee on Education and the Workforce will forgo further consideration on this bill. However, I do so only with the understanding that this procedural route will not be construed to prejudice the committee's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Education and the Workforce should this bill or a similar bill be considered in a conference with the Senate. I also request that you include our exchange of letters on this matter in the Committee Report on H.R. 4970 and in the *Congressional Record* during consideration of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

John Kline
Chairman

CC: The Honorable John Boehner
The Honorable George Miller
The Honorable John Conyers
Mr. Tom Wickham

LAMAR S. SMITH, Texas
CHAIRMAN

F. JAMES SENSENBRENNER, JR., Wisconsin
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ONE HUNDRED TWELFTH CONGRESS

Congress of the United States
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COMMITTEE ON THE JUDICIARY

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JUDY CHU, California
TED DEUTCH, Florida
LINDA T. SANCHEZ, California
(Vacancy)

May 10, 2012

The Honorable Spencer Bachus
Chairman
Committee on Financial Services
2129 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Bachus,

Thank you for your letter of even date herewith regarding H.R. 4970, the "Violence Against Women Reauthorization Act of 2012," which the Judiciary Committee ordered reported favorably to the House, as amended, on May 8, 2012.

I am most appreciative of your decision to forego consideration of H.R. 4970, as amended, so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Financial Services is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include this letter and your letter in the Judiciary Committee's report and/or the *Congressional Record* during floor consideration of H.R. 4970.

Sincerely,

Lamar Smith

Lamar Smith
Chairman

cc: The Honorable John Boehner
The Honorable John Conyers, Jr.
The Honorable Barney Frank
Mr. Tom Wickham, Jr., Parliamentarian

SPENCER BACHUS, AL, CHAIRMAN

United States House of Representatives
Committee on Financial Services
Washington, D.C. 20515

BARNEY FRANK, MA, RANKING MEMBER

May 10, 2011

The Honorable Lamar Smith
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith:

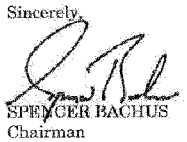
I am writing to you concerning the jurisdictional interest of the Committee on Financial Services in H.R. 4970, the Violence Against Women Reauthorization Act of 2012. The bill contains provisions that fall within the jurisdiction of the Committee on Financial Services under rule X of the Rules of the House of Representatives.

Based on discussions that the staff of our two committees have had regarding this bill and in the interest of permitting your Committee to proceed expeditiously to floor consideration of this bill, I am willing to waive consideration of the bill at this time. I make this commitment with the mutual understanding that this will not prejudice the Committee on Financial Services with respect to its prerogatives on this or similar legislation. Further, it is our mutual understanding that the Committee on Financial Services be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support of any such request.

Further, I appreciate your agreement to include this letter and a copy of your response acknowledging our jurisdictional interest on this matter in your committee report and in the *Congressional Record* during floor consideration of H.R. 4970.

Thank you for your attention to these matters.

Sincerely,



SPENCER BACHUS
Chairman

cc: The Honorable John A. Boehner, Speaker
The Honorable Judy Biggert
The Honorable Barney Frank
The Honorable Luis Gutierrez
The Honorable John Conyers, Jr.
The Honorable Thomas Wickham, Parliamentarian

Dissenting Views

For nearly 20 years, Democrats have firmly supported the Violence Against Women Act (VAWA or the Act) and the critical life-saving assistance it has provided for women, men, and children. On two occasions since its enactment, we have joined with our colleagues from across the aisle and the other Chamber to extend VAWA's protections to make necessary improvements. H.R. 4970, however, constitutes a drastic departure from this bipartisan history and declares that only certain victims of violence are now deserving of protection.

Under the veil of reauthorizing certain grant programs, H.R. 4970 undermines the safety of some of our Nation's most vulnerable victims of violence. The bill rolls back important protections for immigrant victims, putting them in a worse position than under current law, and it fails to adequately protect other vulnerable populations such as tribal women, and lesbian, gay, bisexual, and transgender (LGBT) individuals. In short, any small improvements made by this bill to victim protection are outweighed by the overwhelming harm it will cause.

For these reasons, more than 170 organizations that have steadfastly supported VAWA in the past now vociferously oppose H.R. 4970 or key provisions in the bill.[1] These organizations represent the interests of millions of victims of domestic violence, dating violence, sexual assault and stalking, and the professionals who serve and protect them throughout the United States and its territories. Other important stakeholders have also expressed strong concerns, including faith groups, civil rights organizations, tribal coalitions, and law enforcement agencies.

Democrats attempted to offer an amendment in the nature of a substitute to H.R. 4970 at the Committee's markup. Offered by Ranking Member John Conyers, Jr. (D-MI), the amendment was nearly identical to S. 1925, a bipartisan measure that the Senate passed by a vote of 68 to 31. The Democratic substitute was a distillation of the best programs and recommended improvements based on months of consultation with our colleagues in the Senate, law enforcement officers, survivors, advocates, and other experts. The Majority blocked consideration of our alternative and instead advanced a regressive bill that amounts to an assault on women.

For these reasons, and those described below, we respectfully dissent and urge our colleagues to reject this dangerously flawed legislation.

[1] A list of these organizations appears as an Appendix to our dissenting views.

BACKGROUND

A. General Background

Since 1994, VAWA has provided life-saving assistance to hundreds of thousands of women, men, and children. Originally passed as part of the Violent Crime Control and Law Enforcement Act of 1994, this landmark bipartisan legislation was enacted in response to the prevalence of domestic and sexual violence and the significant impact that such violence has on the lives of women. The legislation's comprehensive approach to domestic violence combined tough new penalties to prosecute offenders with programs to provide services for the victims of such violence.

Championed by then-Senator Joseph Biden and Representative John Conyers, Jr., the original Act was supported by a broad coalition of experts and advocates including law enforcement officers, prosecutors, judges, victim service providers, faith leaders, health care professionals, and survivors. VAWA has since been reauthorized two times—in 2000 and 2005—with strong bipartisan approval in Congress and with overwhelming support from states and local communities.

With each reauthorization, VAWA improved in meaningful ways to reflect a growing understanding of how best to meet the varied and changing needs of survivors. Among other significant changes, the reauthorization of VAWA in 2000 improved the law with respect to the needs of battered immigrants, older victims, and victims with disabilities. In 2005, the reauthorization included a new title to address the epidemic of violence experienced by Native American and Alaska Native women. Both reauthorizations created new programs and extended protections to additional victims. They also strengthened victim services and enhanced judicial and law enforcement tools to combat domestic violence, dating violence, sexual assault, and stalking.

The impact of VAWA has been remarkable. The law's emphasis on a coordinated community response—which brings together law enforcement, the courts, and victim services—resulted in a paradigm shift in the way communities address violence against women. The Act improved the criminal justice system's ability to keep victims safe and hold perpetrators accountable. It has provided victims with critical services such as transitional housing, legal assistance, and supervised visitation services. As a result of this historic legislation, every state now has enacted laws to make stalking a crime and to strengthen criminal rape statutes. Most importantly, the annual incidence of domestic violence has decreased by 53 percent.[2]

Even with this progress, however, domestic and sexual violence remain significant, widespread problems. According to a recent National Intimate Partner and Sexual Violence Survey conducted by the Centers for Disease Control and Prevention, 24 people become victims of rape, physical violence, or stalking by an intimate part-

[2] Shannan Catalano, *et al., Female Victims of Violence*, U.S. Department of Justice, Bureau of Justice Statistics (Sep. 2009), *available at* http://www.ojp.usdoj.gov/bjs/intimate/ipv.htm (decrease is based on data collected between 1993 and 2008).

ner in the United States every minute.[3] Over the course of a year, that adds up to more than 12 million women and men. Approximately one in five women and one in 71 men have been raped in their lifetime.[4] In addition, approximately one in four women and one in seven men report experiencing severe physical violence by an intimate partner.[5] And 45 percent of the women killed in the United States die at the hands of an intimate partner.[6]

Certain racial and ethnic minority communities experience much higher rates of violence than the general population, particularly women who identify as multiracial non-Hispanic or American Indian/Alaska Native. Approximately half of all women who identified as multiracial or Native American have been victims of domestic violence, compared to one-third of white women. One in three Native American and multiracial women has been raped, compared to one in four white women.[7] In 2007, black women were four times more likely than white women to be murdered by an intimate partner and twice as likely to be killed by a spouse.[8]

Authorized funding for VAWA ended as of September 30, 2011. Although its programs have continued to be funded through appropriations, it is imperative that VAWA be reauthorized, and that such reauthorization expand on the progress made in the fight against domestic violence.

B. VAWA Protections for Immigrant Victims

Since it was first enacted in 1994, VAWA has incorporated provisions to protect battered immigrants whose noncitizen status can make them particularly vulnerable to crimes of domestic and sexual violence. The abusers of such immigrants often exploit the victims' lack of permanent immigration status, which causes them to not report abuse to law enforcement and to refuse to assist with the investigation and prosecution of associated crimes.

As originally enacted in 1994, VAWA created a self-petition process to allow individuals subjected to battery and extreme cruelty to obtain immigration status without having to rely on their abusive family member as a sponsor. In the first reauthorization of VAWA in 2000, Congress created a new "U" visa for crime victims who agree to cooperate with law enforcement in investigating and prosecuting serious crimes. These protections were expanded in the 2005 reauthorization of the bill. All of these provisions were adopted with strong bipartisan support and are widely credited with having protected victims of domestic and sexual violence and supported law enforcement in getting dangerous criminals off of our streets.

Against this noble backdrop, H.R. 4970 eliminates protections for noncitizen victims of domestic and sexual abuse, leaving them less protected and more vulnerable to further abuse than they are

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[3] National Intimate Partner and Sexual Violence Survey, Centers for Disease Control and Prevention (Dec. 2011), *at* http://www.cdc.gov/ViolencePrevention/pdf/NISVSl Report2010-a.pdf [hereinafter NISVS survey].

[4] *Id.*

[5] *Id.*

[6] Catalano, *et al, Female Victims of Violence.*

[7] NISVS survey.

[8] Catalano, *et al., Female Victims of Violence.*

under current law. H.R. 4970 represents a giant step backward and, accordingly, we must oppose it.

1. VAWA Self-Petition

In 1994, Congress created the "self-petition" process to protect, among others, the battered spouses of citizens and lawful permanent residents (LPRs). Such spouses are eligible for permanent residency under existing law, but they are typically dependent on their spouses to sponsor them by filing an "immigrant petition" on their behalf. The VAWA self-petition essentially allows a victim of battery or extreme cruelty to file that petition herself, rather than rely on the abuser (who often uses the victim's lack of permanent status to control her). By providing such victims with the ability to gain independence, leave their abusers if they are still living with them, provide for their children, and assist law enforcement, VAWA has for more than 18 years helped to remove a key tool of control for abusers.

In 1996, Congress created strong confidentiality provisions pertaining to the VAWA self-petition process. Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), legislation sponsored by Chairman Lamar Smith (R-TX), prohibits, with certain exceptions, government officials from disclosing any information about a request for VAWA relief—including the very existence of the request—to anyone.[9] This provision bars immigration personnel from initiating contact with abusers or calling abusers as witnesses. Section 384 also prohibits immigration officials from relying upon information furnished solely by abusers.

In the 2000 and 2005 reauthorizations of VAWA, Congress extended these confidentiality protections to cover victims of trafficking and other crime victims eligible for immigration relief under VAWA. In reporting the 2005 reauthorization of VAWA, the House Judiciary Committee, which was at the time chaired by Rep. James Sensenbrenner (R-WI), stated:

> This Committee wants to ensure that immigration agents and government officials covered by this section do not initiate contact with abusers, call abusers as witnesses or relying (sic) upon information furnished by or derived from abusers to apprehend, detain and attempt to remove victims of domestic violence, sexual assault and trafficking, as prohibited by section 384 of IIRIRA.[10]

The confidentiality provisions are designed to ensure that abusers and criminals cannot use the immigration system against their victims. According to the 2005 Committee Report:

> Examples include abusers using DHS to obtain information about their victims, including the existence of a VAWA immigration petition, interfering with or undermining their victims' immigration cases, and encouraging

[9] Illegal Immigration Reform and Immigrant Responsibility Act of 1996, § 384 (enacted as Division C of Omnibus Consolidated Appropriations Act, 1997, Pub. L. No. 104–208, 110 Stat. 3009).

[10] H. Rep. No. 109–233, at 120 (2005).

immigration enforcement officers to pursue removal actions against their victims.[11]

Without these confidentiality provisions, immigrant victims would be far less likely to report domestic violence crimes and those who choose to report would be placed at significantly heightened risk of further abuse. As Rep. Trey Gowdy (R-SC) recognized at the Committee markup, for women who are subject to domestic abuse, "the most dangerous time . . . is when they leave and when they seek an order of protection or when they seek a restraining order."[12] This claim is supported by domestic violence and sexual assault researchers, who wrote to the Committee in opposition to H.R. 4970 and explained that "violence, abuse, and homicide increases when victims take steps to leave their abusers or get help from the criminal or civil justice systems."[13]

2. U Visas

In the 2000 reauthorization of VAWA, Congress created the U visa to "strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes . . . committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States."[14] By a vote in the U.S. House of Representatives of 371–1, including 187 Republicans, Congress created the U visa to "facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized and abused aliens who are not in lawful immigration status."[15]

To obtain a U visa, a victim of a serious crime must first report the crime to law enforcement and obtain a certification from law enforcement attesting to the fact that the victim has been, is being, or is expected to be helpful in investigating and/or prosecuting that crime.[16] After 3 years, a U visa recipient who remains in the country may be permitted to adjust his or her status to that of an LPR if the immigrant did not unreasonably refuse to assist law enforcement and if doing so "is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.[17] The prospect of obtaining permanent immigration relief, rather than temporary relief, provides additional incentive for immigrant crime victims to cooperate fully with law enforcement personnel throughout criminal proceedings.

Since 2000, immigration law has capped the number of U visas at 10,000 per year. However, as a result of the George W. Bush Ad-

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[11] *Id.*

[12] *Unofficial Tr. of Markup of H.R. 4970, to Reauthorize the Violence Against Women Act of 1997, Before the House Comm. on Judiciary,* 112th Cong. 175 (2012) [hereinafter Markup Transcript] (statement of Rep. Gowdy), available at http://judiciary.house.gov/hearings/Markups%202012/PDF/HR%204970/5%208%2012%20HR%204970%20HR%204377%20HR%205512.pdf.

[13] Letter from Nawal Ammar, PhD, Professor and Dean of the Faculty of Social Science and Humanities at the University of Ontario Institute of Technology, and twelve others experts, to Rep. Lamar Smith and Rep. John Conyers, Jr., at 2 (May 8, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[14] Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106–386, § 1513(a)(2)(A) (2000) [hereinafter VAWA 2000].

[15] *Id.* at § 1513(a)(2)(B).

[16] Immigration and Nationality Act (INA) § 101(a)(15)(U); 8 U.S.C. § 1101(a)(15)(U).

[17] INA § 245(m); 8 U.S.C. § 1255(m).

ministration's failure to timely issue regulations, U visas were not made available until fiscal year 2009. The annual cap has now been met in each of the past two fiscal years, and law enforcement strongly urges Congress to increase the number of U visas available. In support of an increase to the cap, the Federal Law Enforcement Officers Association writes that: "[b]y limiting the number of U Visas law enforcement can request, Congress is effectively amputating the long arm of the law."[18] Similarly, the National Fraternal Order of Police, writing on behalf of its 330,000 members, explains that:

> U visas are an invaluable tool that allow law enforcement to do its job more effectively and makes it easier to pursue prosecution of criminals. Furthermore, the expansion of the U visa will provide incalculable benefits to our citizens and our communities at a negligible cost.[19]

Perhaps most clearly, David Thomas, a 15-year veteran of the Montgomery County Police Department in Maryland and the founder of that Department's Domestic Violence Unit, states that "10,000 more visas translates into getting 10,000 more violent criminals out of our neighborhoods. Victims who are safe, away from their perpetrator, and self-sustaining make excellent witnesses."[20]

CONCERNS WITH H.R. 4970

I. H.R. 4970 WOULD WEAKEN CURRENT LAW WITH RESPECT TO IMMIGRANT VICTIMS OF CRIMES, INCLUDING DOMESTIC AND SEXUAL VIOLENCE

A. Section 801 of the Bill Undermines the VAWA Self-Petition Process that Has Offered Victims of Domestic and Sexual Abuse Protection Since the Original Violence Against Women Act of 1994.

Section 801 of the bill would, for the first time since its creation in 1994, weaken and eliminate critical protections in the VAWA self-petition process. Individually, each of the several measures discussed below is a severe impediment to victims seeking protection. Together, they form an almost insurmountable barricade, delaying and denying protection to victims and significantly increasing the risk of violence and death. Rolling back these longstanding protections will leave immigrant women at further risk of violence.

1. H.R. 4970 Eviscerates VAWA Confidentiality Requirements and Endangers the Lives of Domestic Violence Victims.

In 1996, a Republican-controlled Congress enacted strong confidentiality provisions designed to protect victims of domestic vio-

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[18] Letter from Jon Adler, National President, Federal Law Enforcement Officers Association, to Sen. Patrick Leahy and Sen. Charles Grassley, at 1 (Jan. 31, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[19] Letter from Chuck Canterbury, National President, National Fraternal Order of Police, to Sen. Patrick Leahy, at 1 (Feb. 1, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[20] Letter from David R. Thomas, Johns Hopkins University School of Professional Studies in Business and Education, Division of Public Safety Leadership, to Sen. Patrick Leahy and Sen. Charles Grassley, at 2 (Jan. 27, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

lence from further abuse and to encourage them to seek safety. In the 2000 and 2005 reauthorizations of VAWA, again under Republican-controlled Congresses, we extended and reaffirmed those confidentiality provisions with nearly unanimous support in both Chambers. In connection with the 2005 VAWA reauthorization bill, our Committee wrote without dissent in its report accompanying that bill that the Committee wanted "to ensure that immigration agents and government officials covered by this section do not initiate contact with abusers."[21]

Rather than keep those protections in law, section 801 of H.R. 4970 would essentially eliminate them by authorizing immigration agents to contact abusers, potentially tipping them off to the fact that their victims are taking steps to extricate themselves from the abusive relationship. This erosion of confidentiality would make victims who seek government protection more vulnerable to serious and escalating violence. Incredibly, even certain Members of the Majority acknowledged this fact during the markup. Rep. Gowdy affirmed that "[m]ost women, when they make the decision to leave and they act on it, that is when they are most vulnerable and they are going to get killed."[22] He further added that he knew of "12 women whose murderers . . . killed them in South Carolina because they decided to leave."[23] Despite his seeming understanding that eliminating existing confidentiality provisions may directly lead to violence and death, Rep. Gowdy opposed an amendment to retain current law in this area.

The Majority's newfound animus against VAWA's confidentiality provisions may stem from their fundamental misunderstanding of the VAWA self-petition process and the unique vulnerability of immigrant victims of domestic violence. In the section describing the provision in section 801 that would have government officials notify abusers of pending VAWA self-petitions, the Majority's Committee memorandum states: "Of course, the alien's whereabouts are protected."[24] This assurance, however, is meaningless if, as is frequently the case, the victim is still living with her abuser when she files the VAWA self-petition. As Rep. Zoe Lofgren (D-CA) explained during the markup:

> If you are an American being abused by an American spouse, you can escape and you can decide whether or not to call the police, whether or not to seek a restraining order, whether or not to prosecute. If you are an immigrant woman whose . . . American husband refuses to petition for you, you don't have a choice. You are under his thumb. And you can't escape because you can't get a job. You can't support yourself. You are in limbo. You came here marrying an American thinking you were going to be part of the American dream, and you are not. You are part of the nightmare.[25]

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[21] H. Rep. No. 109–233, at 120 (2005).
[22] Markup Transcript at 176 (statement of Rep. Gowdy).
[23] *Id.* at 175–76.
[24] Memorandum from Lamar Smith, Chairman, to Members, Committee on the Judiciary, 7 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).
[25] Markup Transcript at 178 (statement of Rep. Lofgren).

The end result of this provision, of course, is that fewer victims of domestic violence will actually seek protection. The very tool that their abusive spouses are already using to facilitate abuse—namely, control over their immigration status and the threat of deportation and permanent separation from the United States and any children they may have here—will be reinforced as a result of section 801 of this bill.

2. H.R. 4970 Limits Protection for Victims by Requiring the Consideration of Uncorroborated Abuser Statements and Raising the Standard of Proof for Battered Spouses in a Nearly Unprecedented Manner.

In 1996, at the same time that Congress adopted strong VAWA confidentiality protections in Section 384 of Chairman Smith's IIRIRA, Congress also adopted a provision prohibiting reliance on information obtained solely from an abuser. This provision requires that any evidence provided by an abuser be corroborated before it can be used to make a decision in the victim's case. As with the confidentiality provisions, the corroboration requirement was extended and reaffirmed in the 2000 and 2005 reauthorizations of VAWA.

In 2005, Members of this Committee appreciated the importance of this longstanding corroboration requirement, as evidenced by the Committee Report to the 2005 VAWA reauthorization. That report stated, without dissenting view, that these provisions "are designed to ensure that abusers and criminals cannot use the immigration system against their victims."[26] The report further observed that abusers are known for "interfering with or undermining their victims' immigration cases, and encouraging immigration enforcement officers to pursue removal actions against their victims."[27] The Committee understood that abuser-provided assertions are inherently unreliable, as abusers will say and do almost anything to prevent a victim from seeking protection or collaborating with law enforcement.

H.R. 4970 effectively eliminates the longstanding corroboration requirement by mandating in section 801 that "any credible evidence" be considered by an adjudicator, with no prohibition on uncorroborated evidence obtained from an abuser. The pernicious nature of this provision is made clearer when viewed together with the bill's language raising the standard of proof for domestic violence victims to "clear and convincing evidence." This new standard for battered spouses is nearly unprecedented in immigration law, where almost all immigration law matters are governed by the same "preponderance of the evidence" standard that governs most civil matters in the United States.

As a result, H.R. 4970 simultaneously raises the evidentiary burden for persons who have been subjected to battery and extreme cruelty by their spouses, while eliminating the existing provision preventing uncorroborated evidence presented by abusers from "interfering with or undermining their victims' immigration cases."[28] The combination of these two provisions will serve to un-

[26] H. Rep. No. 109–233, at 120 (2005).
[27] *Id.*
[28] *Id.*

duly delay, if not outright deny, protection to bona fide victims of domestic violence. As noted above, abusive spouses often stop at nothing to prevent a victim from seeking protection or collaborating with law enforcement. They are well-known to make statements or manufacture seemingly-credible evidence to cast doubt on their victim's cases. Considering the inability of victims to test evidence or cross-examine abusers in immigration proceedings, the consideration of such uncorroborated evidence will make it almost impossible for many actual victims to meet the heightened standard of proof created under H.R. 4970.

3. H.R. 4970 Forces Victims of Domestic and Sexual Abuse to Remain in Abusive Relationships Without Protection by Staying Adjudication of VAWA Self-Petitions During the Pendency of Investigations or Prosecutions.

Even though victims have no control over decisions by law enforcement agencies and prosecutors, H.R. 4970 would prevent the adjudication of VAWA self-petitions during a pending investigation or prosecution. This will delay protection to vulnerable victims, forcing them to remain in abusive relationships and thereby endure further violence and extreme cruelty. As long as victims prove they are in a valid marriage and were subject to battery or extreme cruelty, it should not matter what law enforcement agents do.

H.R. 4970 also directs adjudicators to take into consideration whether law enforcement declined to investigate a crime reported by the petitioner or whether prosecutors failed to pursue charges. Decisions about whether to investigate or prosecute particular offenses are based upon numerous factors, such as available resources, priorities, and departmental interest. Requiring adjudicators to essentially draw negative inferences based upon law enforcement decisions that are outside the control of victims will likely result in further harm to such victims. This will especially be the case in jurisdictions where domestic violence crimes are typically under-investigated and under-prosecuted.

B. Sections 802 and 806 of the Bill Eliminate Key Provisions of Current Law and Strip Crime Victims of Protection and Law Enforcement of an Important Crime-Fighting Tool.

H.R. 4970 weakens and eliminates longstanding protections for victims of serious crimes who may receive U visas if they cooperate with law enforcement. The bill also ignores the demands of law enforcement personnel who are calling for an increase in the number of U visas made available each year. Individually and together, the measures in the bill will result in fewer victims coming forward, more perpetrators on the street, and greater violence against women.

1. H.R. 4970 Will Reduce Cooperation with Law Enforcement and Increase Unreported Violent Crime by Eliminating the Ability for U Visa Holders to Apply for Permanent Residency.

Since the creation of the U visa in the 2000 reauthorization of VAWA, U visa holders have been authorized to seek permanent protection by applying for green cards if they continue to cooperate

with law enforcement.[29] In that law, Congress explained that one purpose behind the creation of the U visa was to "give[] the Attorney General discretion to convert the status of such nonimmigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest."[30] While this provision originally won the overwhelming support of nearly all Members of the House and Senate, including many current Members of this Committee's Majority, H.R. 4970 would eliminate this protection. As such, the bill makes a radical retreat from current law.

The Majority's explanation for striking this provision in current law appears to be based, in part, on several fundamental misunderstandings about the U visa process and immigration law more generally. During the markup, Chairman Smith stated that:

> The U visa was created in order to allow illegal immigrant victims of crime to stay temporarily in the U.S. in order to assist with the apprehension, investigation and prosecution of their perpetrators. . . . For this purpose temporary U visas allow aliens to remain in the United States for 4 years or longer to assist law enforcement officials, which should be more than enough.[31]

But this account is incomplete. Although Congress did note, in section 1513(a)(2)(B) of the 2000 VAWA reauthorization bill, that one purpose behind the U visa was to assist law enforcement and provide "temporary legal status to aliens who have been severely victimized by criminal activity," Congress also wrote that another purpose was to grant the government discretion to "convert the status of such nonimmigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest."[32]

The Majority also argued for the elimination of U visa holders' ability to obtain permanent residency by drawing a comparison to persons awarded so-called "S" visas for serving as informants or witnesses in criminal or terrorism cases:

> The temporary S visa program has long been available to immigrants who possess critical information needed by law enforcement officials to investigate crimes or prosecute criminals. There is no provision of permanent residence for S visa recipients. Neither should there be for U visa recipients.[33]

But this also is incorrect. Section 245(j) of the INA actually permits S visa recipients to adjust their status to that of a permanent resident if they contribute to criminal or terrorism investigations or prosecutions.[34]

The Majority also attempted to argue that the ability to obtain permanent residency somehow reduces the incentive of immigrants

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[29] VAWA 2000 § 1513(f).
[30] *Id.* at § 1513(a)(2)(C).
[31] Markup Transcript at 201–02 (statement of Rep. Smith).
[32] VAWA § 1513(a)(2)(C).
[33] Markup Transcript at 202 (statement of Rep. Smith).
[34] INA § 245(j); 8 U.S.C. § 1255(j).

to provide an actual benefit to law enforcement officials.[35] But the ability to obtain permanent residency actually increases the likelihood of cooperation. While the victim of a serious crime may receive a U visa based upon a law enforcement officer's certification that the victim is being or is likely to be helpful, the victim cannot subsequently apply for permanent residency if she unreasonably failed to assist law enforcement upon receiving the U visa.[36] Eliminating the ability of a U visa holder to obtain permanent status therefore eliminates the principal incentive that law enforcement maintains to ensure further cooperation.

Moreover, preventing U visa recipients from applying for permanent residency would significantly reduce the number of immigrants agreeing to cooperate in the first place. By eliminating the possibility of permanent status, this bill essentially turns the act of seeking protection into an act of self-deportation. Without the possibility of a permanent solution, we can expect to see a large reduction in the number of victims coming forward, seeking protection, and cooperating with law enforcement. This, in turn, will result in fewer prosecutions and more criminal conduct that endangers women and public safety.

2. H.R. 4970 Will Take Away a Critical Tool for Enhancing Public Safety by Tying the Hands of Law Enforcement in Issuing U Visa Certifications.

Although victims have no control over the actions of law enforcement officials or prosecutors, section 802 of the bill would condition the issuance of a U visa on the existence of an active investigation or the commencement of a prosecution. The section additionally requires that the victim assist law enforcement in identifying the perpetrator of the crime, even if the nature of the crime renders the victim unable to assist in this manner. The Majority claims these changes are necessary to obtain the cooperation of victims. According to the Majority, the "lack of an actual assistance requirement [in the U visa process] has significantly limited the ability of law enforcement officials and prosecutors to solve crimes and prosecute criminals."[37]

But law enforcement officials paint an entirely different picture of the U visa process and how it is functioning in practice. Eleven law enforcement officers wrote to the Committee to explain that "[c]urrent VAWA self-petitioning and U-visa protections work to protect immigrant victims, save police officers lives and reduce crimes in communities across the country by making arrests, criminal investigations, and prosecuting perpetrators for crimes against immigrant victims."[38] In contrast, the officers noted that section 802 of H.R. 4970 "makes no sense from a criminal justice perspective. It undermines our work and robs us of the tools we need to do our jobs."[39]

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[35] Markup Transcript at 201–02 (statement of Rep. Smith).
[36] *Compare* INA § 101(a)(15)(U)(i)(III) *with* INA § 245(m)(1).
[37] Markup Transcript at 202 (statement of Rep. Smith).
[38] Letter from Pete Helein, Chief, Appleton Wisconsin Police Department, *et al.,* to Rep. Lamar Smith and Rep. John Conyers, Jr., at 6 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).
[39] *Id.* at 3.

Law enforcement officials solidly support the U visa as a critically important tool for gaining the trust and confidence of immigrant communities and helping to get serious criminals off the streets. The following are statements entered into the record demonstrating law enforcement support for the U visa:

- "For law enforcement agencies across the country, U visas are an invaluable tool that allow law enforcement to do its job more effectively and makes it easier to pursue prosecution of criminals." *Chuck Canterbury, National President, National Fraternal Order of Police.* [40]
- "According to the Centers for Disease Control and Prevention, one in four women will experience domestic violence in their lifetime. In our proud Land of the Free and Home of the Brave, this is unacceptable. . . . U Visas are an essential tool carefully used by law enforcement and tempered with great scrutiny. . . . [O]ur unwavering priority is to do everything within our means to protect women who are victimized by violent criminals." *Jon Adler, National President, Federal Law Enforcement Officers Association.* [41]
- "The U-Visa must be seen as yet another avenue to helping us address some of the most violent criminals in our communities. We aren't talking petty crimes here like shoplifting or vandalism. We are talking about rape, murder and torture to name a few. . . . What must be understood is that when we don't address criminal behavior in our communities we enable criminal behavior to grow in those same communities." *David Thomas, 15-year veteran of the Montgomery County Police Department and founder of the Department's Domestic Violence Unit.* [42]
- "In 2000, the reauthorization of the Violence Against Women Act provided protection to immigrant victims of domestic violence, sexual assault, human trafficking and other dangerous crimes. VAWA 2000 strengthened law enforcement's ability to detect, investigate and prosecute violent crimes perpetrated against immigrants. Those of us working the front lines know this legislation as a powerful tool that gives us the opportunity to keep victims safe and hold violent offenders accountable." *Michael LaRiviere, 22-year veteran of the Salem (MA) Police Department, 6 years as its Domestic Violence Liaison Officer.* [43]
- "I believe in holding perpetrators accountable. The U-visa . . . and VAWA self-petitions are excellent crime-fighting

[40] Letter from Chuck Canterbury, National President, National Fraternal Order of Police, to Sen. Patrick Leahy, at 1 (Feb. 1, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[41] Letter from Jon Adler, National President, Federal Law Enforcement Officers Association, to Sen. Patrick Leahy and Sen. Charles Grassley, at 1–2 (Jan. 31, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[42] Letter from David R. Thomas, Johns Hopkins University School of Professional Studies in Business and Education, Division of Public Safety Leadership, to Sen. Patrick Leahy and Sen. Charles Grassley, at 2 (Jan. 27, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[43] Letter from Officer Michael P. LaRiviere, to Rep. Lamar Smith and Rep. John Conyers, Jr., at 1 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

tools and resources that help to hold perpetrators accountable and assist victims and the community at large." *Sergeant Inspector Antonio Flores, 29-year veteran of San Francisco Police Department, 11 years in the Domestic Violence Response Unit.* [44]

- "Here is just one example of how we have used the U visa as a crime-fighting tool in our community. One night, officers were called to a report of a domestic assault within our city. A male subject had returned home in an intoxicated state. He soon became engaged in an argument with his wife and subsequently attacked her by grabbing her by the hair and dragging her across the bedroom. He then repeatedly slammed her head into the headboard of the bed causing injuries to her face and head area.

  "Responding officers found evidence of an assault and learned that like many cases of domestic violence, this was not the first time that the man attacked the woman. Such violence had occurred, before but the woman had never called the police. She was afraid that if she called that she might be arrested and deported. The only reason the police went to the home that night was because a third party had called. Officers on the scene arrested the suspect for domestic assault and removed him from the house.

  "Weeks later, I happened to be in the courtroom waiting to testify in a case when I saw the perpetrator strutting down the hallways laughing and grinning. It was evident; this man knew that his wife would not likely testify against him. The victim was clearly afraid. She was reluctant to testify against him. The prosecutor was familiar with the U-visa process and had built a relationship with the victim. Through this relationship came trust. That trust ultimately convinced the victim to take the stand and testify against her attacker. Use of the U-visa in this case allowed us to identify, arrest, and prosecute a violent offender that may otherwise have 'flown under the radar' of law enforcement." *Lieutenant Chris Cole, 17-year veteran of Storm Lake Iowa Police Department.* [45]

3. H.R. 4970 Ignores the Requests of Law Enforcement to Increase the Number of U Visas Available Annually to Help Investigate and Prosecute Dangerous Criminals.

When Congress created the U visa in the 2000 VAWA reauthorization bill, it capped the number of visas made available each year at 10,000.[46] But because of a delay in promulgating regulations implementing the statute, not a single visa was issued until fiscal year 2009. In each of the past two fiscal years, the 10,000 visa cap has been met prior to the end of the fiscal year. State, local, and

[44] Letter from Sergeant Inspector Antonio Florez, to Rep. Lamar Smith and Rep. John Conyers, Jr., at 1 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).
[45] Letter from Lieutenant Chris Cole, to Rep. Lamar Smith and Rep. John Conyers, Jr., at 2 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).
[46] VAWA 2000 § 1513(c).

national law enforcement organizations have asked Congress to increase the cap.

S. 1925, the bipartisan Senate-passed bill, contains a provision that "recaptures" U visas that were authorized by law in 2000 but never issued. Those recaptured visas are made available to victims who need protection but who cannot get it because the cap is currently being reached. The Senate proposal is a very modest change to current law and does not increase the overall visa numbers previously authorized by Congress. In fact, because the Senate proposes only to recapture visas dating back to fiscal year 2006, it would still leave unused tens of thousands of visas that were originally authorized in October 2000, but were not issued due to bureaucratic delay.

During the Committee's consideration of H.R. 4970, Rep. Pedro Pierluisi (D-PR) offered an amendment to insert the Senate's provision to recapture unused U visas into H.R. 4970. Reviewing the substantial law enforcement support for the provision, Rep. Pierluisi asked the Majority "whether they have any letters from law enforcement officials that oppose this recapture provision, and, if not, whether this gives them any pause about whether they are doing the right thing here."[47] Rep. Lofgren read into the record a portion of a letter from 11 law enforcement officials, who explained that:

> The U visa cap of 10,000 was reached in September of 2011. When the number of requests for certifications exceeds the cap of 10,000, immigrant crime victims are forced to wait. Waiting can be dangerous. The delay provides violent criminal offenders, and the friends and families of violent criminal offenders, with the opportunity to use physical violence and death threats to convince crime victims not to testify. When criminals have additional time to terrorize crime victims and convince them not to participate in a criminal investigation or prosecution, more and more violent offenders go free. We strongly urge an increase in the number of U-visa's (sic) granted on an annual basis so that more violent criminal offenders can be arrested and held accountable.[48]

In opposition to Mr. Pierluisi's amendment, the Majority proffered two arguments. First, Chairman Smith cited a Congressional Budget Office estimate concluding that the recapture provision could cost taxpayers over $100,000,000 in public benefits and other expenses.[49] As Rep. Lofgren noted at the markup, the Senate paid for the estimated cost of recapturing U visas by imposing a small fee on diversity visa applications.[50] As a result, the Senate bill would cost taxpayers nothing but would provide law enforcement with additional U visas to help get dangerous criminals off our streets.

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[47] Markup Transcript at 225 (statement of Rep. Pierluisi).

[48] Letter from Pete Helein, Chief, Appleton Wisconsin Police Department, *et al.*, to Rep. Lamar Smith and Rep. John Conyers, Jr. 1–2 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[49] Markup Transcript at 79, 225 (statements of Rep. Smith).

[50] *Id.* at 228–28 (statement of Rep. Lofgren).

Second, Chairman Smith argued that the "anti-fraud" provisions in H.R. 4970 "will actually reduce the demand for these types of visas," thus easing pressure on the 10,000 cap.[51] But the Majority provided no evidence of fraud in the U visa program. The Majority cited no studies, reports, or even anecdotal evidence of fraud during the markup, and a recent Congressional Research Service (CRS) report states that "Members of USCIS' Fraud Detection and National Security (FDNS) Directorate . . . had not seen cases of benefit fraud using the U visa."[52]

The changes in H.R. 4970 may well lead to a reduction in the demand for U visas each year, but not for the reasons suggested by the Chairman. Rather, any reduction will likely result from a decrease in the willingness of immigrant crime victims to assist law enforcement in the investigation and prosecution of serious offenses. Viewed in this light, the dissenting Members agree with the comments of Rep. Pierluisi at the markup that:

> It is difficult to avoid the conclusion that my colleagues on the other side of the aisle are so blinded by their anti-immigrant animus that they are willing to abandon what I know to be genuine commitment on their part to aiding victims of serious crimes and to giving law enforcement the tools they need to investigate and prosecute those crimes.[53]

C. The Majority's Claim that its Efforts to Weaken and Eliminate Existing VAWA Protections are Needed to Combat Fraud is Baseless.

According to the Majority, H.R. 4970's changes to the VAWA self-petition and U visa programs are necessary to combat "fraud and abuse."[54] But both programs already have robust anti-fraud protections, and there are no credible studies or reports indicating a significant fraud problem with either program. This should come as little surprise, as these immigration programs are among the most difficult to defraud. Moreover, despite the draconian changes to current VAWA protections made in this bill, the Committee has held no oversight hearings on VAWA programs, the existence of fraud in those programs, or the need for the measures proposed in H.R. 4970.

1. There is No Evidence of Fraud or Abuse in the U Visa Program.

The Majority's suggestion that immigrants are gaming the U visa program lacks any evidentiary basis. As noted above, the Majority has held no hearings on the U visa program, and it has not presented us with any evidence of fraud in this program. Moreover, in September 2011, the CRS conducted a wide-ranging search of press reports and legal proceedings and was able to locate only one

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[51] *Id.* at 225–26 (statement of Rep. Smith).
[52] William A. Kandel, *Immigration Provisions of the Violence Against Women Act (VAWA),* Congressional Research Service, Apr. 10, 2012 (R42477), at 11 n.66.
[53] Markup Transcript at 225 (statement of Rep. Pierluisi).
[54] *Id.* at 79 (statement of Rep. Smith).

press story of potential benefit fraud related to the U visa.[55] The CRS report also noted that "Members of USCIS' Fraud Detection and National Security (FDNS) Directorate . . . had not seen cases of benefit fraud using the U visa."[56]

That fraud is rare in the U visa program is due to the requirement for a law enforcement certification. This requirement serves as a significant deterrent to fraud as it necessitates contact with police officers who must vouch for the veracity of the victim and the need for the victim's cooperation. To obtain a U visa, a crime victim must:

- contact a law enforcement agency;
- cooperate with the agency in the investigation or prosecution of the offense;
- receive a written certification from a supervisor of the law enforcement agency stating that the petitioner has been the victim of a serious crime enumerated in statute and has been, is being, or is likely to be helpful to the agency; and
- file a U visa petition with DHS.

As Rep. Lofgren explained at the markup, "The protection in the system is the certification by the law enforcement officials that [the victim] is helpful to the prosecution of crime. If the person is not helpful, the certification will not be made, and the U visa will not be issued."[57]

To believe that the U visa program is fraught with fraud and abuse, one would have to believe that either law enforcement personnel are involved in the fraud or that they lack the competence to discern whether a serious crime has been committed and whether the victim is of value in the investigation or prosecution of that crime. On behalf of its 26,000 members, the Federal Law Enforcement Officers Association observes: "Law enforcement officers and prosecutors don't hand out U visas like cotton candy. U visas are an essential tool carefully used by law enforcement and tempered with great scrutiny."[58] In the absence of any oversight hearings to explore the issue of fraud, Rep. Pierluisi was justified in asking at the markup whether the Majority believes law enforcement officers are incapable of handling the U visa certification process.[59]

2. Evidence of Fraud in the VAWA Self-Petition Program is Scant and Comes from Questionable Sources.

The Majority similarly has no evidence supporting its allegations that the VAWA self-petition process is rife with fraud. As with the U visa, this Committee held no hearings on the VAWA self-petition process and heard from no experts or other witnesses on the subject of fraud. There are no DHS, Government Accountability Office (GAO), or other government or credible third-party reports finding

[55] William A. Kandel, *Immigration Provisions of the Violence Against Women Act (VAWA),* Congressional Research Service, Apr. 10, 2012 (R42477), at 11 n.66.
[56] *Id.*
[57] Markup Transcript at 53 (statement of Rep. Lofgren).
[58] Letter from Jon Adler, National President, Federal Law Enforcement Officers Association, to Sen. Patrick Leahy and Sen. Charles Grassley, at 1 (Jan. 31, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).
[59] Markup Transcript at 228 (statement of Rep. Pierluisi).

fraud in the VAWA self-petition process. The only accounts of fraud presented by the Majority were anecdotes based largely on statements made by advocates who represent the interests of persons found by the government to have abused their spouses.

Despite the absence of any reliable evidence of fraud in the VAWA self-petition process, section 801 of H.R. 4970 would dismantle the highly specialized VAWA Unit at the Vermont Service Center. Since 1997, this entity has handled all VAWA self-petitions filed nationwide. In lieu of adjudicating self-petitions at a single, centralized facility staffed by specially trained personnel, H.R. 4970 would have such petitions adjudicated at local offices scattered throughout the country. Ironically, such a proposal would likely lead more fraud, not less.

The VAWA Unit and members of their specialized Fraud Team work to reduce fraud and ensure consistency in the adjudication of VAWA self-petitions. Unit adjudicators receive specialized training and develop significant expertise in evaluating these cases. Because all VAWA self-petitions nationwide are handled by adjudicators at a single center, the VAWA Unit is able to identify evidence and patterns of fraud and abuse that would go unnoticed if the adjudication process was decentralized.

The Unit has its own Fraud Team, which works closely with FDNS fraud detection officers and ICE fraud investigators. Whenever fraud concerns arise, the Unit refers cases to FDNS and ICE officers for further investigation. The Unit already reviews and considers all available credible evidence—including the petitioner's immigration file and any previously filed petitions—and officers can and do review information provided directly or indirectly from alleged abusers, though such information must be corroborated if it is to be relied upon. The Unit is additionally barred from granting benefits if a previous petition was found to have involved marriage fraud.

The current VAWA self-petition process is exceptionally rigorous, rendering it more difficult to defraud than most other immigration benefit programs. In fiscal year 2011, VAWA Unit adjudicators issued Requests for Evidence (RFEs) in 114 percent of cases on average.[60] In other words, Unit adjudicators issued at least one RFE for every VAWA self-petition reviewed. During the same fiscal year, USCIS adjudicators processing regular marriage-based petitions issued RFEs only 17 percent of the time.[61]

The extra scrutiny paid to the statutory eligibility grounds for a VAWA self-petition—which far exceed the statutory eligibility grounds for a regular marriage-based petition—is also evident in the approval and denial rate for such petitions. Whereas VAWA Unit adjudicators deny, on average, 32 percent of all VAWA self-petitions filed nationwide, only 9 percent of regular marriage-based petitions are denied by USCIS adjudicators.[62] The suggestion that persons who seek to defraud the system choose to do so through the VAWA self-petition process is belied by basic facts.

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[60] Information provided by USCIS (Jan. 31, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[61] *Id.*

[62] Information provided by USCIS (Jan. 6, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

D. The Changes to Section 802 Made During the Markup are Extremely Insignificant When Compared to the Remaining Problems with the Immigration Provisions in the Bill.

During the mark-up, Rep. Ted Poe (R-TX) offered to strike language in the bill that conditioned eligibility for U visa protections on a victim notifying law enforcement of the crime within 60 days. Rep. Poe's amendment would have replaced the 60-day requirement with a provision requiring victims to notify law enforcement prior to the expiration of the relevant statute of limitations. Rep. Melvin Watt (D-NC) offered a second degree amendment that would strike both time limitations and restore current law in this area. Members from both sides of the aisle joined together to accept the amendments and strike both provisions from the original bill.

The removal of those two provisions from the bill marked a small step in the right direction. Sections 801, 802, and 806 of H.R. 4970, however, still contain significant provisions that eviscerate longstanding protections for victims of domestic or sexual assault and other serious crimes. It is deeply troubling to the undersigned Members—many of whom served in Congress when VAWA protections were created and extended with strong bipartisan support—that one of the only improvements made to H.R. 4970 during an 8-hour markup was the removal of two small paragraphs that were themselves rollbacks of existing law.

II. H.R. 4970 FAILS TO ENSURE THAT VAWA PROTECTS VULNERABLE GROUPS

In addition to rolling back protections for immigrant victims, H.R. 4970 fails to protect tribal women and LGBT individuals. Protections for these groups were included in the Senate-passed bill, S. 1925, at the request of law enforcement agencies, domestic violence advocates, survivors, and service providers. Rep. Gwen Moore (D-WI) included similar provisions in her bill, H.R. 4271. H.R. 4970, however, fails to contain these protections, leaving gaps in service to many deserving victims.

A. H.R. 4970 excludes provisions that would make Indian women safer.

H.R. 4970 omits key tribal jurisdictional provisions, passed with overwhelming support as part of S. 1925, that would ensure equal access to justice for Indian women. In particular, H.R. 4970 strips sections 904, 905, and 906 of the Senate-passed bill, as well as critical changes to the Tribal Coalition Program that were contained in section 902. These provisions were the result of years of government consultations between the U.S. Department of Justice and tribal leaders, as well as meetings and coordination with federal prosecutors, FBI agents, tribal justice personnel, victim advocates, and other key stakeholders.

The crisis of violence against Native American women is well-documented.[63] Thirty four percent of Native women are raped during their lifetime and 39 percent suffer domestic violence. Addition-

[63] *See, e.g.,* Amnesty International, *Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA* (2007) *available at* http://www.amnesty.org/en/library/asset/AMR51/035/2007/en/cbd28fa9-d3ad-11dd-a329-2146302a8cc6/amr510352007en.pdf.

ally, while violence against white and African American victims is primarily intra-racial, nearly four in five American Indian victims of rape and sexual assault described their offender as white.[64] Current law forces tribes to rely exclusively on distant federal or state government officials to investigate and prosecute misdemeanor crimes of domestic violence committed by non-Indians against Native women. As a result, many cases go uninvestigated and criminals go unpunished.

Responding to the crisis of violence against all victims, including Native women, has been a core principle of VAWA from its inception. While H.R. 4970 fails to address this issue, the Senate-passed bill and Rep. Moore's bill would bolster existing efforts by expanding Federal law enforcement tools and recognizing limited concurrent tribal jurisdiction to investigate, prosecute, convict, and sentence non-Indian persons who assault Indian spouses, intimate partners, or dating partners, or who violate protection orders, in Indian country. These new provisions further the community-coordinated response model which has been critical to VAWA's success by recognizing that tribal nations may be best able to address violence in their own communities. Neither the United States nor any State would lose any criminal jurisdiction as a result.

Section 904 of both the Senate-passed bill and the Moore bill builds on the groundwork laid by Congress in passing the Tribal Law and Order Act.[65] This Act is based on the premise that tribal nations with sufficient resources and authority will best be able to address violence in their own communities, and they should be allowed to do so when the necessary procedural protections are established. Extending this jurisdiction in a very narrow set of cases over non-Indians who voluntarily and knowingly established significant ties to the tribe is consistent with that approach, responsive to the epidemic of violence experienced by Native women, and within the authority of Congress to do.

Another important tool in reducing violence on tribal land is the use of protection orders. Section 905 of the Senate-passed bill and the Moore bill clarifies Congress' intent to recognize that tribal courts have full civil jurisdiction to issue and enforce protection orders involving any person, Indian or non-Indian. At least one Federal district court has misinterpreted 18 U.S.C. § 2265(e) and held that tribes lack civil jurisdiction to issue and enforce protection orders against certain non-Indians who reside within the reservation.[66] That decision erroneously undercuts tribal courts' ability to protect victims and maintain public safety within their communities. Section 905 of the Senate-passed bill and the Moore bill corrects this error and does not alter, diminish, or expand tribal criminal jurisdiction or existing tribal authority to exclude individuals from Indian land.

Despite the acknowledged core principle and purpose of VAWA, the Majority refused to include even limited authorization of tribal jurisdiction over non-Indian perpetrators of domestic violence. Dur-

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[64] Department of Justice, Bureau of Justice Statistics, a BJS Statistical Profile, 1992–2002, American Indians and Crime, 9 (2004), *available at* http://bjs.ojp.usdoj.gov/content/pub/pdf/aic02.pdf. This same study found that, on some reservations, Native American women are murdered at a rate more than ten times the national average.

[65] Tribal Law and Order Act of 2010, Pub. L. No. 111–211, 124 Stat. 2261 (2010).

[66] *Oliphant vs. Suquamish Indian Tribe,* 415 U.S. 191 (1978).

ing the markup of H.R. 4970, the Chairman refused to allow consideration of a substitute amendment offered by Ranking Member Conyers, which contained the same tribal provisions as the bipartisan Senate-passed bill. Rather than allow the Committee to work its will on this important issue, the Chairman ruled the amendment out of order because some of these provisions were in the jurisdiction of the Natural Resources Committee. While the Chair was within his authority under the House rules, he could have exercised his discretion to allow the amendment to proceed. Indeed, just moments before the Conyers substitute was considered, the Chairman allowed the managers amendment to proceed notwithstanding significant portions that were outside the Judiciary Committee's jurisdiction. The Chairman's discretion would have been particularly appropriate in this instance because the omission of the tribal provisions meant the Natural Resources Committee would not have an opportunity to take up the measure, effectively foreclosing any opportunity to consider these provisions at any point in the process.

Rep. Darrell Issa (R-CA) also attempted to offer an amendment that would have granted limited tribal criminal domestic violence jurisdiction over non-Indians, noting that "there is an important issue here about tribal sovereignty and perhaps what one might call race discrimination."[67] Again, the Chairman refused to exercise his discretion to allow consideration of the provisions. Before withdrawing his amendment, Rep. Issa took issue with the Chair's decision and asked:

> So when we are trying to create better opportunity to deal with domestic violence, greater sovereignty by Native Americans, we are also dealing with the most fundamental point, which I believe is well within this committee's jurisdiction, if we have protection against discrimination based on race, isn't the current law a clear discrimination between two residents of a reservation simply based on their race?[68]

The Chairman did not answer Rep. Issa's question, but instead acknowledged the "legitimate concern" and offered that the issues would be considered at "the appropriate time."[69]

In the meantime, the rate of domestic and dating violence perpetrated against Native women by non-Indians will go unabated despite the acknowledgment by tribal leaders, police officers and prosecutors that "violence that goes unaddressed with beating after beating, each more severe than the last—all too often leads to death or severe physical injury."[70]

B. H.R. 4970 Does Not Ensure VAWA Protections for LGBT Victims

While there have been significant advances in the fight to extend protections against discrimination and violence to LGBT Americans, there is still much work that needs to be done. Despite efforts by Democratic Members of the Committee to include express pro-

[67] Markup Transcript at 88 (statement of Rep. Issa).
[68] *Id.* at 90.
[69] *Id.* (statement of Rep. Smith).
[70] Letter from the Alaska Federation of Natives and the Leadership Conference on Civil and Human Rights to Rep. Don Young (D-AK) (May 7, 2012).

tections for this vulnerable and underserved population in this VAWA reauthorization, Republicans on the Committee consistently voted those improvements down. Their primary argument for refusing to ensure protection for the LGBT community is that everyone is equally protected under VAWA. This ignores the reality that victims have been denied services based on sexual orientation or gender identity and overlooks the reality that the LGBT community is an "underserved population" and should be expressly recognized as such under VAWA.

The National Task Force Coalition took great care to ensure that every weakness in past iterations of the VAWA were addressed in this year's reauthorization and their recommendations were adopted on a bipartisan basis by the Senate in S. 1925. Committee Republicans ignored the bipartisan agreements in the Senate. Thus, unlike the Senate bill, H.R. 4970 does not include clarifying language that would ensure that service providers, law enforcement officials, court personnel and others better serve and support victims who have had difficulty accessing traditional services because of their sexual orientation or gender identity. Just as they removed language to help minority women of linguistic and culturally specific populations, Committee Republicans similarly omitted Senate language protecting victims based on "sexual orientation or gender identity."

We know that discrimination and unequal treatment still abound, including with respect to issues of domestic violence and sexual assault. We know that LGBT Americans suffer from these crimes just like everyone else,[71] and recent studies show that LGBT victims face unjust discrimination when accessing services. For example, 45% of LGBT victims were turned away when they sought help from a domestic violence shelter, according to a 2010 survey, and nearly 55% were denied orders of protection.[72] Service providers have gathered numerous stories of LGBT victims who were denied assistance or services because of their sexual orientation or gender identity. Despite the clear evidence of the need for education, outreach, and basic services for the LGBT community with regard to domestic violence, Republicans chose to ignore all of these realities, instead suggesting more data is required, rather than acting to protect lives through inclusive clarifying language.[73]

There is evidence that victim assistant providers do not have adequate cultural competency to respond to LGBT victimization, and that LGBT-specific anti-violence programs are overburdened. Ensuring that law enforcement, victims' services, and anti-violence programs include and adequately address the needs of LGBT victims is drastically needed. Clarifying protection under VAWA for this underserved community is not affording inappropriate or special treatment to this community. The inclusive language passed on a bipartisan vote in the Senate would provide nothing more than education and focused outreach, the sorts of programs in place for

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[71] *Why It Matters: Rethinking Victim Assistance for Lesbian, Gay, Bisexual, Transgender, and Queer Victims of Hate Violence & Intimate Partner Violence, at* http://www.avp.org/documents/WhyItMatters.pdf.

[72] *Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Intimate Partner Violence,* National Coalition of Anti-Violence Programs (2010), *at* http://www.avp.org/documents/IPVReportfull-web.pdf, pp. 27–28.

[73] Markup Transcript at 117 (statement of Rep. Smith); at 256 (statement of Rep. King).

many other subgroups of Americans. For this reason, Democratic members filed several amendments in attempt to correct H.R. 4970's failure to include language to ensure the services and protections are extended to the LGBT community. All of these amendments failed on party-line votes.

First, because H.R. 4970 excludes language from S. 1925 that would include "sexual orientation and gender" identity to the services, training, officers, prosecutors, or STOP formula grant program under VAWA, Representatives Nadler, Polis, and Quigley offered an amendment to add this language. As Rep. Nadler (D-NY) recognized, "Targeting minority populations who may be being left out of traditional services, like LGBT Americans, makes a great deal of logical sense. No one should be left behind simply because of how they identify themselves or who they love."[74] Rep. Sandy Adams (R-FL), the bill's lead sponsor, questioned why Rep. Nadler felt the need to change the STOP grant program to ensure inclusion of LGBT-specific services, given the high number of women who are the victims of violence. The express inclusion of sexual orientation and gender identity would not remove or reduce protections for women. It would simply ensure that education and training are broadened to ensure that service providers have the background needed to serve the specific needs of LGBT victims as well as women and other underserved populations.

Second, Republicans excluded "sexual orientation and gender identity" in the definition of "underserved populations" that was included in S. 1925, claiming that if the number of groups identified as "underserved" continues to grow, then soon every American will be covered, defeating the purpose of identifying vulnerable populations. But extension of protections to a community with a proven history of exclusion from the services and protections of VAWA will not lead to the inclusion of other communities that have not been so excluded. Research and anecdotal evidence show that the LGBT community faces hurdles in accessing domestic and sexual violence services. The Senate recognized this in adding this community to VAWA's definition of "underserved populations." In recognition of the fact that the LGBT community has been underserved with regard to services and protections from discrimination and violence, Representatives Quigley, Polis, and Nadler offered an amendment to add them to this definition.

Committee Republicans objected, claiming that there is no need to include this language because there is nothing in current law that prevents lesbian, gay, or transgender victims from seeking and receiving federally-funded resources and services. This claim is not consistent with the evidence, which indicates that there is insufficient outreach to this community and services have been denied based on a victim's sexual orientation or gender identity. A 2-year nationwide assessment of providers, law enforcement, court personnel, and victims consistently revealed the need for more training and targeted services to effectively address the needs of the LGBT community.[75]

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[74] Markup Transcript at 95 (statement of Rep. Nadler).

[75] Letter from Sharon Stapel, Executive Director, New York City Anti-Violence Project, and Terra Slavin, Esq., DV Lead Staff, L.A. Gay & Lesbian Center, Attorney National Coalition of

Yet Committee Republicans consistently argued that expressly including sexual orientation and gender identity language is not necessary because the LGBT community is already fully served and protected under VAWA. In addition to the evidence showing that this is not the case, Rep. Watt also noted that it is:

> Better to be redundant so you repeat something that is unnecessary . . . we would rather be redundant if there is any doubt about it than not to have a clear statement in our law that all citizens should be treated appropriately by police, by prosecutors, by judges, regardless whoever in the criminal justice system.[76]

Democrats offered a third amendment to restore language that over two-thirds of the Senate had included in the nondiscrimination provision of S. 1925. H.R. 4970 prohibits discrimination against individuals based on a number of protected characteristics but not sexual orientation or gender identity. This leaves lesbian, gay, bisexual and transgender victims without the same assurance that they will be protected from discrimination in the provision of services under VAWA. Representatives Polis, Nadler, Quigley, Waters, and Chu offered an amendment that would have added sexual orientation and gender identity to the list of protected characteristics, which includes race, color, religion, national original, sex, and disability.

In the simplest of senses, the amendment was a reminder that programs funded under VAWA must be provided in a non-discriminatory fashion. Rep. Steve King (R-IA) spoke against the amendment on the ground that "sexual orientation and gender identity" should not be within the list of groups protected through the Civil Rights Act because "sexual orientation and gender identity . . . are self-professed qualifications . . . and the inclusion under the Civil Rights Act is supposed to be a compact way, because they want to avoid self-professed claim to whatever the particular benefits or protection might have been."[77] This objection appears to be grounded in a concern that some individuals might falsely claim ("self-profess") to be gay, lesbian, bisexual, or transgender in order to bring themselves within the protection from discrimination. It is not apparent why this concern should extend only to sexual orientation or gender identity, as other protected grounds also may not be known to others until an individual self-identifies. Moreover, the protection extends to "actual *or perceived*" race, color, religion, national origin, and disability, with the proposal to amend and add sexual orientation and gender identity. By protecting individuals from discrimination based on someone else's perception of their race, sex, disability, or other protected characteristic, the law focuses on the reason why the service was denied. If the reason was an unlawful one, it is prohibited. There simply is no need for anyone to pass some objective (or not "self-professed") test as to their race, color, religion, national origin, sex, or disability. The same would be true for sexual orientation or gender identity.

Anti-Violence Programs, to Rep. Lamar Smith and Rep. John Conyers, Jr. (May 3, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[76] Markup Transcript at 123–24 (statement of Rep. Watt).

[77] *Id.* at 255 (statement of Rep. King).

Throughout the history of the Violence Against Women Act, the LGBT community has been told they must wait for the right time before they can be assured inclusion in the protections afforded through this Act. While Republicans insist VAWA's protections are available to them, the language in H.R. 4970 fails to ensure that existing barriers and unjust discrimination based on sexual orientation and gender identity are addressed.

III. H.R. 4970 CREATES NEW CRIMINAL PENALTIES IMPOSING MANDATORY MINIMUMS AND FEDERAL DEATH PENALTIES WITHOUT ANY CONSIDERATION OF THE SERIOUSNESS OF THE OFFENSE

Section 1005 of the bill creates two new mandatory minimums: 1) a new 10-year mandatory minimum for aggravated sexual abuse "by force or threat" under 18 U.S.C. § 2241(a), and 2) a new 5-year mandatory minimum for sexual abuse "by other means" under 18 U.S.C. § 2241(b). Section 1001 also creates new mandatory minimums. Section 1001 provides that a person convicted of violating 18 U.S.C. § 2243 (sexual abuse of a minor or ward) would be subject to the penalties under section 2241 if the offense "would constitute" a violation of section 2241 "if committed in the special maritime and territorial jurisdiction of the United States." These penalties would include the new 5- and 10-year mandatory minimums under section 2241(a) and (b), the 30-year mandatory minimum under section 2241(c), and the "life" mandatory minimum for a repeat offender under section 2241(c).

Section 1001 also makes it unlawful, in the course of committing an offense under 18 U.S.C. §§ 241–249 (Civil Rights) or 42 U.S.C. § 3631 (Fair Housing Act), to engage in conduct that "would constitute" an offense under Chapter 109A if it had been "committed in the special maritime and territorial jurisdiction of the United States," subject to the penalties under the provision of Chapter 109A that "would have been violated." Again, these would include the new 5- and 10-year mandatory minimums under section 2241(a) and (b), the 30-year mandatory minimum under § 2241(c), and the "life" mandatory minimum for a repeat offender under § 2241(c).

Rep. Bobby Scott (D-VA) offered an amendment that would have removed the 5- and 10-year mandatory minimums for aggravated sexual abuse under section 1005 and the 30-year and life mandatory minimums for sexual abuse under section 1001 of the bill. Mandatory minimums transfer sentencing authority from judges to prosecutors and prevent appropriate individualized sentences.[78] As Rep. Scott stated at the markup, "Mandatory minimums are based solely on the code section violated, without any consideration for the seriousness of the offense, and they remove the sentencing discretion from the Sentencing Commission and the judge. Regardless of the role of the offender, the particular crime, the offender's record or lack thereof, or the facts and circumstances in the case,

[78] *See* Letter from ACLU, FAMM, *et al.,* to Rep. Lamar Smith & Rep. John Conyers, Jr. (May 7, 2012); Letter from National Association of Criminal Defense Lawyers and National Association of Federal Defenders to Reps. Smith, Conyers, Sensenbrenner, and Scott (May 3, 2012) (on file with H. Comm. on the Judiciary, Democratic Staff).

the judge has no discretion but to impose mandatory minimums set by legislators long before the crime was committed."[79]

In addition, Section 1001 of H.R. 4970 creates a new federal death penalty provision. As discussed above, Section 1001 would make it unlawful, in the course of committing an offense under 18 U.S.C. §§ 241–249 (Civil Rights) or 42 U.S.C. § 3631 (Fair Housing Act), to engage in conduct that "would constitute" an offense under Chapter 109A if it had been "committed in the special maritime and territorial jurisdiction of the United States," subject to the penalties under the provision of Chapter 109A that "would have been violated", which includes the death penalty under section 2245. H.R. 4970 therefore includes a new federal death penalty for committing a sexual abuse crime in the course of committing a civil rights or fair housing act offense.

The death penalty system in the United States is applied in an unfair and unjust manner. Whether or not a defendant gets the death penalty is largely dependent upon whether he or she is poor, the skill of his or her attorneys, the race of the victim, and the region of the country in which the crime took place.[80] Minorities are much more likely to be executed than white people, especially if the victim is white.[81] The death penalty is also exorbitantly expensive—far more expensive than alternative sentences—and has no public safety benefit.[82] Finally, innocent people are too often sentenced to death. Since 1973, 140 people have been released from death rows in the United States because of innocence.[83]

Rep. Scott offered an amendment that would have stricken the death penalty provision from the bill. This amendment, however, was defeated.

IV. THE MODEST ENHANCEMENTS IN H.R. 4970 HAVE LITTLE PRACTICAL EFFECT AND ARE SUBSTANTIALLY OUTWEIGHED BY THE BILL'S MANY HARMS

The Majority argues that H.R. 4970 makes important changes to VAWA that are not found in the Senate-passed bill or Rep. Moore's bill, H.R. 4271. As examples, they specifically cite the bill's provision increasing grant funding for DNA analysis of backlogged rape kits and certain other provisions intended to improve accountability. However, further scrutiny reveals that these modest changes do little to actually address any real or perceived problems.

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[79] Markup Transcript at 17–18 (statement of Rep. Scott).

[80] *See, e.g.,* http://www.deathpenaltyinfo.org/documents/FactSheet.pdf; http://takeaction.amnestyusa.org/atf/cf/%7B4abebe75-41bd-4160-91dd-a9e121f0eb0b%7D/DEATHPENALTY FACTS-FEBRUARY%202012.PDF; http://www.amnestyusa.org/our-work/issues/death-penalty/us-death-penalty-facts/death-penalty-and-arbitrariness.

[81] *See* Government Accountability Office, *Death Penalty Sentencing: Research Indicates Pattern of Racial Disparities,* GGD-90-57, Feb. 26, 1990.

[82] http://www.amnestyusa.org/our-work/issues/death-penalty/us-death-penalty-facts/death-penalty-cost; *see* Richard C. Dieter, *On the Front Line: Law Enforcement Views on the Death Penalty,* February 1995, available at http://www.deathpenaltyinfo.org/front-line-law-enforcement-views-death-penalty (surveying police chiefs nationwide and finding that fewer than two percent viewed the death penalty as an effective way to reduce violent crime).

[83] http://www.deathpenaltyinfo.org/innocence-list-those-freed-death-row.

A. Changes to Rape Kit Grant Funding Will Do Little To Address the Backlog

Although H.R. 4970 directs a greater percentage of funds provided by the Debbie Smith Grant program to be used for analyses of DNA rape kits, this reallocation will have very limited practical effect. The Debbie Smith Grant program (42 U.S.C. § 14135) currently authorizes grants to eligible states and units of local government to conduct DNA analyses of crime scene samples, including samples from rape kits. It also authorizes (among other things) grants to carry out (for inclusion in CODIS) DNA analyses of database samples, such as samples from convicted offenders, and grants to increase the capacity of state and local government laboratories to carry out DNA analyses. All three of these activities are important to DNA backlog reduction.

The relative priority of these three activities varies with the particular needs of a state or local government. If funds were to be appropriated for the Debbie Smith Grant program, the greater the percentage of funds required to be directed to carry out DNA analyses of crime scene samples, the smaller the percentage that could be awarded to enhance laboratory capacity to analyze DNA database samples or to fulfill certain other purposes of the program. This well could reduce the flexibility of States and local governments to develop solutions to jurisdiction-specific issues and direct resources where they may be needed most. Thus, the bill offers little to effectively address the burgeoning DNA backlog.

B. The Accountability Provisions Are a Solution in Search of Problem.

The Majority also claims that the bill's accountability provisions are significant improvements to current law. These provisions, however, are based on false assumptions. First, the requirement that the Justice Department's Office of Inspector General (OIG) audit ten percent of grantees assumes that the OIG has the capacity to handle such a caseload and ignores the likely variations of grantee cases and audit issues, some of which can be very time consuming. Instead, the OIG should be permitted to continue to identify grantees for audit based on a risk assessment rather than a flat percentage of total grants.

Second, the Majority makes certain unsubstantiated assumptions about the actual need for increased audit requirements. Since its enactment, VAWA has included important reporting and oversight requirements both for grantees and for the Justice Department. In separate letters addressed to Rep. Poe and Sen. Patrick Leahy (D-VT), the Justice Department reported that "VAWA grants are being used effectively for their intended purpose," that "grant management and grantee record keeping are generally sound," and that, when auditing problems arise, they are "not about waste, fraud or abuse, but rather about inadequate accounting and insufficient documentation" and are quickly resolved. In addition, where there is room for improvement, the Office on Violence Against Women has already taken several significant steps by improving training for grantees in accounting practices and creating a grant, and providing financial management assistance to grant recipients.

The accountability provisions contained in H.R. 4970 are not improvements to current law and practice. Rather, they are largely a solution in search of a problem. The resources required to implement this substantial new audit requirement would be better spent on technical assistance and financial training for the hundreds of small police departments, courts, and non-profits that are VAWA grantees. Instead of criticizing these highly skilled victim service providers who may lack sophisticated accounting practices, the Majority should provide them with the means by which they can better serve those whom they assist.

CONCLUSION

In a departure from nearly 20 years of bipartisan cooperation, the Majority has put forward a bill that rolls back important protections for immigrant victims and fails to ensure protection for other vulnerable populations such as tribal women and LGBT individuals. While we strongly support reauthorizing the Violence Against Women Act, this legislation holds reauthorization hostage by including divisive, dangerous, and short-cited provisions that will make women less safe.

We urge our colleagues to join us in standing up for all victims of violence and to oppose H.R. 4970.

JOHN CONYERS, JR.
HOWARD L. BERMAN.
JERROLD NADLER.
ROBERT C. "BOBBY" SCOTT.
MELVIN L. WATT.
ZOE LOFGREN.
SHEILA JACKSON LEE.
MAXINE WATERS.
STEVE COHEN.
HENRY C. "HANK" JOHNSON, JR.
PEDRO R. PIERLUISI.
MIKE QUIGLEY.
JUDY CHU.
TED DEUTCH.
LINDA T. SÁNCHEZ.
JARED POLIS.

APPENDIX

ORGANIZATIONS AND INDIVIDUALS OPPOSED TO KEY PROVISIONS OF H.R. 4970

Advocates for Basic Legal Equality, Inc.
Advocates for Human Rights
African Services Committee
Alachua County Victim Services and Rape Crisis Center
Alaska Federation of Natives
American Bar Association
American Civil Liberties Union
American Federation of Labor
American Immigration Lawyers Association
American Jewish Committee
Americans for Immigrant Justice
America's Voice Education Fund
Anindita Dasgupta, MA. Doctoral Candidate at the University of California, San Diego
Anita Raj, Ph.D. Professor of Medicine and Global Public Health at the University of California, San Diego
Artemis Justice Center
ASHA for Women
Asian American Legal Defense and Education Fund
Asian & Pacific Islander Institute on Domestic Violence
Boston University Civil Litigation Program
Break the Cycle
Campaign for Community Change
Canal Alliance
Captain Maria Alvarenga Watkins, (Retired) Metropolitan Police Department, Washington, D.C.
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Casa Esperanza
Central American Resource Center
Chief Brian Kyes, Chelsea Police Department, Massachusetts
Chief Pete Helein, Appleton Wisconsin Police Department
Christian Community Development Association
Church World Service
Clergy and Laity United for Economic Justice
Colorado Coalition Against Sexual Assault
Community Action and Human Services Department
Community Immigration Law Center
Connecticut Legal Services Inc.
Cris M. Sullivan, Ph.D., Professor, Ecological/Community Psychology, Associate Chair, Psychology Department

Detective Sergeant Robert Mahoney, Peabody Police Department, Massachusetts

Detective Shelli Sonnenberg, Boise Police Department, Idaho

Detective Stacey Ivie, Alexandria Police Department, Virginia

Domestic Violence in the African American Community

DREAM Activist Virginia

Education Not Deportation Project of the United We Dream Network

El Rescate Legal Services, Inc.

Empire Justice Center

Enlace Comunitario

Esperanza

Evangelical Lutheran Church in America

Evan Stark, Ph.D., MA, MSW, Professor and Director of Public Health, School of Public Affairs and Administration, Rutgers University-Newark & Chair, Department of Urban Health Administration, UMDNJ–School of Public Health

FaithAction International House

Families for Freedom

Families Against Mandatory Minimums

Feminist Majority

Florida Coastal Immigrant Rights Clinic

Franciscan Action Network

Fuerza Latina

Futures Without Violence

Georgia Latino Alliance for Human Rights

Giselle Hass, PsyD, Adjunct Professor of Law at Georgetown University Law Center, Center for Applied Legal Studies

Hebrew Immigrant Aid Society

Helene Berman, RN, Ph.D., President of the Nursing Network on Violence Against Women International

Human Rights Campaign

Human Rights Initiative of North Texas

Human Rights Watch

Immigrant Defense Project

Immigrant Law Center of Minnesota

Immigration Equality

inMotion, Inc.

InterCultural Advocacy Institute

Inter Tribal Council of Arizona

International Institute of the Bay Area

Intimate Partner Violence Assistance Clinic University of Florida, Levin College of Law

Jacquelyn Campbell, Ph.D., RN, FAAN, Anna D. Wolf Chair, The Johns Hopkins University School of Nursing and National Director, Robert Wood Johnson Foundation Nurse Faculty Scholars

Jay G. Silverman, Ph.D. Professor of Medicine and Global Health Division of Global Public Health Senior Fellow, Center on Global Justice University of California at San Diego, School of Medicine Adjunct Associate Professor of Society, Human Development and Health Harvard School of Public Health

Jewish Women International

Just Neighbors

Justice For Our Neighbors-Southeastern Michigan

Kentucky Coalition for Immigrant and Refugee Rights

La Fe Multi-Ethnic Ministries, Intervarsity Christian Fellowship/USA

La Jolla Band of Luiseno Indians

Latin American Coalition

LatinoJustice PRLDEF

Leadership Conference of Women Religious

Legal Aid Society of the Orange County Bar Association, Inc.

Legal Momentum

Leslye E. Orloff, J.D. Director, National Immigrant Women's Advocacy Project, American University Washington College of Law

Lieutenant Carole Germano, Danvers Police Department, Massachusetts

Lutheran Immigration and Refugee Service

Massachusetts Immigrant and Refugee Advocacy Coalition

Mary Ann Dutton, Ph.D., Professor, Department of Psychiatry, Georgetown University Medical Center

Mennonite Central Committee U.S.

Minnesota Coalition for Battered Women

Mountain Crisis Services

Muslim Public Affairs Council

Nassau County Coalition Against Domestic Violence

NAACP Legal Defense and Educational Fund, Inc.

National Advocacy Center of the Sisters of the Good Shepherd

National Alliance to End Sexual Violence

National Asian Pacific American Women's Forum

National Association of Criminal Defense Lawyers

National Association of Evangelicals

National Association of Federal Defenders

National Center for Transgender Equality

National Coalition Against Domestic Violence

National Coalition of Anti-Violence Programs

National Coalition on Black Civic Participation

National Congress of American Indians

National Congress of American Indians Task Force on Violence Against Women

National Council of Jewish Women

National Council of Juvenile and Family Court Judges

National Council of La Raza

National Council of Negro Women, Inc.
National Employment Law Project
National Hispanic Christian Leadership Conference
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Latina Institute for Reproductive Health
National Latino Evangelical Coalition
National Legal Aid & Defender Association
National Network to End Domestic Violence
National Organization for Women Foundation
National Organization of Sisters of Color Ending Sexual Assault
National Resource Center on Domestic Violence and the Women of Color Network
National Task Force to End Sexual and Domestic Violence Against Women
Nawal Ammar, PhD, Professor and Dean of the Faculty of Social Science and Humanities at the University of Ontario Institute of Technology
NETWORK, A National Catholic Social Justice Lobby
New Sanctuary Coalition of NYC
NewBridges Immigrant Resource Center
Northwest Immigrant Rights Project
Officer Michael LaRiviere, Salem Police Department, Massachusetts
Paso del Norte Civil Rights Project
Pennsylvania Immigration Resource Center
Political Asylum Immigration Representation Project
Public Justice Center
Rachael Rodriguez, Ph.D., Associate Professor in the School of Nursing at Edgewood College
Rainbow Services, Ltd.
Refugio del Rio Grande
Rhonda Giger, Prosecutor–City of Bothell, WA
Rocky Mountain Immigrant Advocacy Network
Ross Silverman LLP
Rural Women's Health Project
Sargent Shriver National Center on Poverty Law
Sergeant Inspector Antonio Flores, San Francisco Police Department, California
Service Employees International Union
Sisters of Mercy of the Americas
Sisters of St. Francis of Philadelphia
Sojourners
South Asian Americans Leading Together

Stephanie J. Nawyn, Ph.D., Department of Sociology, Michigan State University
Supervising Deputy Sheriff Marcus Bruning, St. Louis County Sheriff's Office, Missouri
Tahirih Justice Center
Tapestri, Inc
The Bridge to Hope
The Episcopal Church
The Immigrant Legal Resource Center
The Kansas/Missouri Dream Alliance
The Leadership Conference for Civil and Human Rights
The Sentencing Project
The Violence Intervention Program
The William Kellibrew Foundation
TN Coalition to End Domestic and Sexual Violence
UC Davis Immigration Law Clinic
Unitarian Universalist Association of Congregations
United Methodist Church
United Migrant Opportunity Services
UnitedWomen.org
U.S. Conference of Catholic Bishops
VIDA Legal Assistance, Inc.
Virginia Organizing
Virginia Sexual & Domestic Violence Action Alliance
Voces Unidas for Justice
Voices of Men
Washington Immigration Defense Group
Washington State Coalition Against
Willow Creek Community Church
Women of Color Network
Women's Refugee Commission
Worker Justice Center of New York
World Evangelical Alliance
World Relief
YWCA USA

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